

CONTENTS
MINUTES OF A REGULAR MEETING
THE UNIVERSITY OF OKLAHOMA BOARD OF REGENTS
JULY 17, 1995

Minutes (24506)

CAMERON UNIVERSITY

II. ACTION ITEMS	<u>Page</u>
Agreement for the Purchase of Natural Gas.	24503
Board of Regents' Resolution Concerning Management of the University's Classified Defense Information Program.	24503
 III. FOR INFORMATION	
Internal Auditing Activities, Cameron University	24505
 IV. PERSONNEL AND/OR LITIGATION	
Academic Personnel Actions	24505
Litigation.	24506

THE UNIVERSITY OF OKLAHOMA

Report of the President of the University (24506)

II. OFFICER ITEMS	
 <u>PROVOST - Health Sciences Center Agenda</u>	
Funding for Endowed Positions - HSC	24507
Professional Service Agreements - HSC.	24507
College of Medicine Graduation Requirements	24508
 <u>VICE PRESIDENT FOR ADMINISTRATIVE AFFAIRS - HSC Agenda</u>	
Biomedical Research Center Construction Contract - HSC.	24509
Student Center Revenue Bonds, Series 1995 - HSC.	24509
Student Center Construction Contract - HSC	24511
 <u>PROVOST - Norman Campus Agenda</u>	
Revision of the College of Law Code of Academic Responsibility	24512
Proposals, Contracts, and Grants	24538

II.	OFFICER ITEMS (continued)	<u>Page</u>
	<u>VICE PRESIDENT FOR ADMINISTRATIVE AFFAIRS - Norman Campus Agenda</u>	
	Purchase of Four DNA Sequencers for Department of Chemistry and Biochemistry/NC and Department of Microbiology and Immunology/HSC	24539
	Third Party Workers' Compensation Administrative Services and Insurance Coverage -NC & HSC	24540
	Resolution - Revenue Pledge for Bonds	24541
	Revenue Bonds for Elm Avenue Parking Facility.	24542
	Refunding of Utility System Revenue Bonds	24543
	CONOCO Pipeline Easement at University Research Park	24544
	Catlett Music Center, Phase II	24545
	Oklahoma Memorial Union Renovation.	24546
	<u>EXECUTIVE AFFAIRS</u>	
	Regents' Alumni Awards	24548
	George Lynn Cross Botany-Microbiology Building.	24549
	Internal Auditing Activities, The University of Oklahoma (For Information). .	24550
IV.	PERSONNEL AND/OR LITIGATION	
	Academic Personnel Actions	
	Norman Campus.	24551
	Health Sciences Center	24555
	Dean, College of Education.	24557
	Administrative and Professional Personnel Actions	24559
	Athletic Achievement Awards	24559
	Litigation	24561

**MINUTES OF A REGULAR MEETING
THE UNIVERSITY OF OKLAHOMA BOARD OF REGENTS
JULY 17, 1995**

A regular meeting of the Board of Regents governing The University of Oklahoma and Cameron University was called to order in the Noble Conference Center Pavilion in Ardmore, Oklahoma, beginning at 1:36 p.m. on Monday, July 17, 1995.

The following Regents were present: Regent G. T. Blankenship, Chairman of the Board, presiding; Regents Stephen F. Bentley, J. Cooper West, Melvin C. Hall, Donald B. Halverstadt, M.D., C. S. Lewis III, and Robin Siegfried.

Others attending all or a part of the meeting included Mr. David L. Boren, President of The University of Oklahoma, Interim Provost Nancy L. Mergler, Vice Presidents Jerry B. Farley, Richard E. Hall, Mark E. Lemons, David L. Maloney, and Eddie C. Smith, Mr. Fred Gipson, Chief Legal Counsel, and Dr. Chris Purcell, Executive Secretary of the Board of Regents.

Those attending the meeting from Cameron University were Dr. Don Davis, President of the University, Provost Terral McKellips and Vice Presidents Louise Brown and Don Sullivan.

Notice of the time, date, and place of this meeting was submitted to the Secretary of State, and the agenda was posted in the Office of the Board of Regents on or before 1:00 p.m. on July 14, 1995, both as required by 25 O.S. 1981, Section 301-314.

CAMERON UNIVERSITY

AGREEMENT FOR THE PURCHASE OF NATURAL GAS

After receiving bids, Cameron University has contracted with the lowest and best bidder, Vesta Energy Company, a private company, for the purchase of natural gas from July 1, 1995, through June 30, 1996, at a cost of \$1.5725 per MMBTU for a total estimated cost of \$150,000.00.

President Davis recommended the Board of Regents approve the new agreement with Vesta Energy Company for the purchase of natural gas for the period July 1, 1995, through June 30, 1996, and further recommended that a purchase order be issued for the purchase of the monthly acquisitions during this period.

Regent Lewis moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

BOARD OF REGENTS' RESOLUTION CONCERNING MANAGEMENT OF THE UNIVERSITY'S CLASSIFIED DEFENSE INFORMATION PROGRAM

Cameron University has a Secret Facility security clearance to allow University personnel to work with Fort Sill and other governmental agencies on security-sensitive projects. To maintain this clearance, the National Industrial Security Program Operating Manual

(NISPOM) requires that as the membership of the Board of Regents or the managerial group changes, the Board must enact the resolution and report the enactment to the Cognizant Security Agency.

This is a routine action which is normally done annually after appointment of a new Regent or Regents. The Managerial Group consists of the President, the Vice President for Development, the Comptroller, and the Facility Security Officer. Therefore, it is necessary to submit the following resolution to the Board of Regents:

That the following named persons shall constitute the "Managerial Group" for Cameron University as described in the National Industrial Security Program Operating Manual (NISPOM):

Davis, Don Clarence - President
Sullivan, B. Don - Vice President for Development
McClary, James F. - Director of Fire Support Institute, Facility Security Officer
Sterling, John W. - Controller

The President and other members of the Managerial Group have been processed for personnel clearances for access to classified information, to the level of the facility clearance granted to Cameron University as provided for in the NISPOM.

That the Managerial Group is hereby delegated all of the Board's duties and responsibilities pertaining to the protection of classified information under classified contracts between Cameron University and the Department of Defense or User Agencies of its National Industrial Security Program.

That the following named members of the Board of Regents of The University of Oklahoma (unless they apply and are approved for security clearance) shall not have, and will be effectively excluded from, access to all classified information in the possession of Cameron University and shall not affect adversely the policies and practices of Cameron University in the use of classified information in the performance of classified contracts awarded to the Cameron University by the Department of Defense or User Agencies of its National Industrial Security Program:

G. T. Blankenship, Chairman, Board of Regents
Stephen F. Bentley, Vice Chairman, Board of Regents
J. Cooper West, Regent
Melvin C. Hall, Regent
Donald B. Halverstadt, Regent
C. S. Lewis, III, Regent
Robin Siegfried, Regent

The authority and responsibility of any individual named herein shall cease immediately upon cessation of his or her appointment to and service in the position designated herein.

President Davis recommended that the Board of Regents approve the "Resolution by The University of Oklahoma Board of Regents" which identifies the current membership of the Board, establishes the membership of a Managerial Group to oversee the University's operations in safeguarding defense information, and delegates to the Managerial Group all the Board's duties and responsibilities pertaining to the protection of classified information under classified contracts awarded to the University.

July 17, 1995

24505

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

INTERNAL AUDITING ACTIVITIES, CAMERON UNIVERSITY

During the previous quarter, one new audit was completed for Cameron University, the University Library audit. A copy of the audit report was filed with the department responsible for the activity audited, the President's Office, and the Regents' Office.

No issues of significant concern were revealed in this audit. No post-audit reviews were conducted during this quarter.

The remaining audits for the fiscal year 1995 audit plan are in report draft status or are nearing completion. These include:

- Academic Departments
- Student Service Functions
- Procurement
- Sponsored Programs

This report was presented for information and discussion.

ACADEMIC PERSONNEL ACTIONS

Leave of Absence:

Thomas Labe, Assistant Professor, Department of Music, leave of absence without pay, August 14, 1995 through May 13, 1996.

Appointments or Reappointments:

Dragan Jankovi, Ph.D., Associate Professor, Department of Mathematical Sciences, annual rate of \$37,000 for 9/10 months, August 15, 1995 through May 14, 1996. Paid from 11516, Department of Mathematical Sciences, pos. F120.

Mattison Jenkins, Ed.D., Assistant Professor, Department of Communications, annual rate of \$30,000 for 9/10 months, August 15, 1995 through May 14, 1996. Paid from 11336, Department of Communications, pos. F014.

J. D. Wallace, M.A., Assistant Professor, Department of Communications, annual rate of \$29,500 for 9/10 months, August 15, 1995 through May 14, 1996, if all requirements for the doctorate degree are completed by August 15; otherwise the annual rate will be \$28,750. Paid from 11336, Department of Communications, pos. F224.

Changes:

Sally Soelle, Assistant Professor, Department of History and Humanities, promote to Associate Professor and grant tenure, effective July 1, 1995.

July 17, 1995

24506

Mark Stegmaier, Professor, title of Chair, Department of History and Humanities, deleted, June 30, 1995. Change in FY 1995-96 salary from \$40,291 to \$39,291 was included in Personnel Listing provided to the Board at the June 1995 meeting.

Charles Smith, Professor, given title of Chair, Department of History and Humanities, August 14, 1995. Change in FY 1995-96 salary from \$51,409 to \$52,409 was included in Personnel Listing provided to the Board at the June 1995 meeting.

Resignation:

Jessica Miller, Assistant Professor, Department of Psychology and Human Ecology, August 1, 1995.

President Davis recommended approval of the academic personnel actions shown above.

Regent Lewis moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

LITIGATION

There was no report given.

THE UNIVERSITY OF OKLAHOMA

MINUTES

Regent Halverstadt moved approval of the minutes of the regular meeting held on June 27, 1995 as printed and distributed prior to the meeting. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

REPORT OF THE PRESIDENT OF THE UNIVERSITY

President Boren said he is pleased to report the University will have a record 245 freshman national scholars this fall. This represents a 29% increase over last year's enrollment of national scholars and it is expected that OU will be ranked first per capita of all public universities in the country. The Noble Foundation is funding 10 of these freshman scholars for a total of 40 in the student body. Three merit scholars entering OU this fall are from the Ardmore area. The University has this year enrolled the largest number of National Hispanic and National Achievement Scholars in our history and will have over 700 national scholars in the student body. This is a powerful message in terms of the quality of The University of Oklahoma and is a magnet in attracting faculty and other students. Because of the numbers of scholars declaring engineering as their major, OU will rank in the top three in terms of colleges of engineering. The University of Oklahoma's goal is to not only be a flagship institution in this region but to have national standing and this is being achieved through the quality of our students.

FUNDING FOR ENDOWED POSITIONS

The College of Dentistry requests authorization to transfer \$100,000 of independent operation funds to the Regents' Fund to upgrade the Brown Professorship to a Chair. At the November 1994 meeting, the Regents approved the establishment of the professorship with the initial transfer of \$125,000 of independent operation funds. To augment the above \$225,000, the College of Dentistry has on deposit at the University of Oklahoma Foundation, Inc. in Account #60168 an additional \$39,000 to meet the \$250,000 requirement to request State Regents' matching funds to total \$500,000. The remaining funds will be raised by the College of Dentistry over the next three years.

The Department of Otorhinolaryngology requests authorization to transfer \$125,000 of independent operation funds to the Regents' Fund to upgrade the Gore Professorship to a Chair. At the July 1993 meeting, the Regents approved the establishment of the professorship with the initial transfer of \$125,000 of independent operation funds. With the addition of the requested \$125,000, the endowed position will qualify for \$500,000 in State Regents' matching funds at the Chair level.

President Boren recommended the Board of Regents approve: (1) the upgrade of the William E. Brown Professorship to the William E. Brown Chair in Dentistry; (2) the upgrade of the Gore Professorship in Otorhinolaryngology to the Gore Chair in Otorhinolaryngology; (3) the transfer of Independent Operation Funds (Professional Practice Plan) to the Regents' Fund for the upgrade of these two endowed positions; and (4) request an additional \$250,000 for each of the two chairs from the State Regents' Endowed Matching Fund.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

PROFESSIONAL SERVICE AGREEMENTS

Renewal of the following professional service agreements are proposed for the period July 1, 1995 through June 30, 1996:

College of Medicine, Department of Surgery and VA Medical Center	\$439,868
College of Medicine, Department of Pediatrics and The University Hospital-APNEA Monitoring	\$170,000
College of Medicine, Department of Pediatrics and The University Hospital-Physician Service to Children's	\$325,000
College of Medicine, Department of Surgery and The University Hospital-Emergency Medicine & Trauma Center Coverage	\$300,000

President Boren recommended the Board of Regents approve the professional service agreements for the Health Sciences Center as set forth above.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

COLLEGE OF MEDICINE GRADUATION REQUIREMENTS

The United States Medical Licensing Examination (USMLE) Step 1 and Step 2 examinations are constructed by the National Board of Medical Examiners and are administered to medical students nationwide on specific test dates during the calendar year. State licensing boards in all 56 licensing jurisdictions require that applicants for a permanent license must have passed these examinations. As of June 1992, there are no other examinations that can be substituted for USMLE Step 1 and Step 2.

Prior to June 1992 there were two separate series of nationally administered examinations that medical students and first year residents could take and pass to fulfill a portion of the requirements to obtain an unrestricted license to practice in any of the 56 licensing jurisdictions in the United States and its territories. These two were Part 1, 2, and 3 examinations of the National Board of Medical Examiners (NBME) and the FLEX I and FLEX II examinations of the Federation of State Medical Boards (FSMB). By joint agreement in June 1992, a new sequence of examinations was instituted under the joint sponsorship of the NBME and the FSMB. The new USMLE Step 1, Step 2, and Step 3 examination sequence is the only one that will now be accepted as a portion of the licensing requirements in the United States and its territories. The previous examination sequences have been discontinued.

The proposed College of Medicine change to require medical students to pass the USMLE Step 1 examination in June prior to being promoted to the third year is recommended in order to ensure that students enrolled in the College maximize their opportunity to pass the examination. Students who fail the examination in June have the opportunity to retake it in September. Currently those students who fail in June begin their clinical rotations in July and have limited opportunity to study adequately for the September testing. The Faculty of the College of Medicine voted to amend the current practice such that students who fail the examination in June would not be permitted to continue with clinical rotations in order to provide an adequate amount of study time prior to the September administration.

The proposal to require students to take the USMLE Step 2 examination and report their scores to the College of Medicine will benefit the students in that it will provide them with an opportunity to evaluate and compare their level of knowledge against a national standard. During the fourth year they will be competing with students from all other medical schools for residency positions and an objective evaluation of their academic achievement will be essential at this point in their training.

The requirement for medical students to take and pass the USMLE Step 1 examination would be instituted with the class to be admitted in Fall 1995. The requirement for medical students to take the USMLE Step 2 examination and report their scores to the College of Medicine would be implemented beginning with the Class of 1996 when they become fourth year students in Fall 1995.

President Boren recommended the Board of Regents approve changes in graduation requirements for the Doctor of Medicine Degree to require (1) medical students to take and pass the United States Medical Licensing Examination (USMLE) Step 1 examination prior to being promoted to the third year of the curriculum; and (2) medical students to take the USMLE Step 2 examination prior to graduation and report their scores to the College of Medicine, but will not be required to pass this examination as a requirement for graduation.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

BIOMEDICAL RESEARCH CENTER CONSTRUCTION CONTRACT

At the April 1995 meeting, the Board of Regents approved completion of the construction documents phase of the Biomedical Research Center and authorized the administration to release the project for bids. The base bid consists of a four-story research laboratory building of 105,273 gross square feet, with the fourth floor unfinished. Alternate One will finish-out the fourth floor as another laboratory neighborhood. Alternate Two will construct 20,088 gross square feet as an addition to the Biomedical Sciences Building.

A value engineering session was held in April, during which a total of \$500,000 in cost savings was identified and implemented. A final quality control review was conducted during May. Construction documents were released for bids on June 2 and bids were received on July 11. The results of the bidding were furnished to the Board of Regents at the meeting, including a complete bidder's list and a summary of all bids with alternates.

Four of the eight bids were within the budget. The low bid of Flintco, Inc. for the base bid and alternates was \$10,000 less than the next bidder. Flintco's references were all positive and included projects at Oklahoma State University, Cameron University and work on the Norman Campus of the University.

State law allows the expenditure of up to 10% of the construction contract amount in change orders during construction without requiring further bids. The administration requests approval to execute change orders within the legal limits based on availability of project funds.

The approved project cost for the base bid and Alternate One is \$24 million. Funding consists of \$17.9 million in proceeds from the 1992 State Bond Issue and \$6.1 million in private funds. Private fund-raising efforts are underway and the funds available for the project will be discussed at the meeting. Current project funds of \$17.9 million will allow the base bid laboratory building to be built, including construction, fees and a contingency of 5%. It is anticipated that additional private gifts will be donated this fall, at which time the alternates could be executed with approval of the Board. The construction contract will include a provision to allow the University to accept the alternates when funds become available.

Groundbreaking is scheduled for August 23, 1995 at 9:00 a.m. Construction will start the following day and is expected to take 18 to 24 months.

President Boren recommended that the Board of Regents (1) award the construction contract for the Biomedical Research Center to Flintco, Inc. as the lowest and best bid, including the base bid of \$14,600,000, Alternate One in the amount of \$2,030,000 and Alternate Two in the amount of \$3,280,000, and (2) authorize the administration to execute the contract with the provision that work proceed on the base bid only, but including an option to add the alternates to the scope of work as funding allows.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

STUDENT CENTER REVENUE BONDS, SERIES 1995 - HSC

The development of facilities at the Health Sciences Center to meet the recreational, social, and academic support needs of students has been a high priority for over a decade. On June 12, 1986, the House of Representatives and Senate of the 40th Oklahoma Legislature

adopted House Concurrent Resolution No. 1050, authorizing the Board of Regents to issue revenue bonds in a sum not to exceed \$2,000,000 for the construction of a Student Center. In December 1993, the Health Sciences Center Program Committee, with broad-based student representation, was reconstituted to verify space allocations and site location for the Student Center. The Student Center will consist of 26,000 gross square feet, located on a two-acre site near the Library on Stonewall Avenue between the Pharmacy and Nursing buildings.

At the June 21-22, 1994 meeting, the Regents authorized the Health Sciences Center administration to (1) contract with JHBR/Quinn & Associates Joint Venture to provide professional design services for the Student Center and (2) select a Bond Financial Advisor and a Bond Counsel for this bond issue.

At the November 9-10, 1994 meeting, the Regents approved an increase in the Health Sciences Center Student Facility Fee to \$40 per semester. The fee increase reflects the funds needed for the debt service requirement of these bonds. This increase was endorsed by the Health Sciences Center Student Association in April 1994.

On June 27, 1995, the Regents approved a Resolution authorizing these bonds, approved the preliminary official statement, and authorized the staff to proceed with the sale of these bonds. The Oklahoma State Regents for Higher Education at the June 28, 1995 meeting reviewed the Preliminary Official Statement and certified to the Attorney General that the essential facts were substantially accurate. On June 29, 1995, the Executive and Legislative Bond Oversight Commissions approved the University's applications to issue these revenue bonds.

The Notice of Sale was published on July 6 and July 13, 1995, with the bid closing set for 10:00 a.m. today, July 17, 1995. The bids were reviewed by the bond financial advisor, bond counsel, Purchasing Department, and Controller's Office. It is recommended that the Board of Regents authorize the issuance of the Student Center Revenue Bonds, Series 1995, in the principal amount of \$2,000,000.

President Boren recommended the Board of Regents (1) receive bids and award the sale of the \$2,000,000 Board of Regents of The University of Oklahoma Health Sciences Center Student Center Revenue Bonds, Series 1995 to the lowest and best bidder, The Boatmen's National Bank of St. Louis, at an average interest rate of 5.199722%, and (2) approve a Bond Resolution authorizing the issuance of these bonds for the purpose of constructing and equipping a Student Center Building at the Health Sciences Center in Oklahoma City, funding a reserve fund, capitalizing interest and paying certain costs of issuance, confirming the sale of said bonds, providing for the payment of principal thereof and interest thereon, and approving certain other documents including but not limited to the Trust Agreement, Official Statement and related documents.

In response to a question, Vice President Lemons said he is very pleased with the interest rate.

Regent Halverstadt moved approval of the recommendation. Regent Lewis seconded the motion. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

STUDENT CENTER CONSTRUCTION CONTRACT - HSC

At the June 1995 meeting, the Board of Regents approved construction documents for the Student Center and authorized the administration to accept bids for the project. The plans and specifications were released for bids and bids were received on July 13, 1995.

The Student Center is a two story building consisting of 26,000 gross square feet. The current estimated project cost of the Center is \$4,368,000. The funding plan includes \$2,000,000 in revenue bonds, financed by a student facility fee, \$2,000,000 in funds financed by Section 13 and New College Funds, and \$368,000 in private or other funds.

The construction documents were completed and a quality control and value engineering review has been completed between the University Architectural and Engineering staff and consultants. The value engineering identified \$100,000 in potential savings. These items have been incorporated in the plans or issued as deduct alternates to the base bid.

The results of the bidding were furnished to the Board at the meeting, including a complete bidder's list, a summary of all bids with alternates and the administration's recommendation for award of the contract.

A total of 10 General Contractors submitted bids. All bids were valid bids and seven of the bids were below estimates. The administration has reviewed the bids and recommends that the Regents accept the bid of Smith & Pickel Construction, Inc. in the amount of \$2,896,027 as the lowest and best bid. The low bid of Smith & Pickel Construction, Inc. was \$29,500 less than the next bidder. All references were positive.

A summary of the proposed award is as follows:

<u>Item</u>	<u>Amount</u>
Base Bid:	\$2,857,000
Alternate One: add for liquidated damages	0
Alternate Four-B: Deduct for modified bitumen roof	(4,739)
Alternate Seven: Add for elevator #2	43,766
Contract Amount	<u>\$2,896,027</u>

Construction is expected to start in August and take 11 months. The groundbreaking ceremony is scheduled for August 30, 1995 at 12:00 noon.

President Boren recommended the Board of Regents (1) award a contract for the construction of the Student Center to Smith & Pickel Construction, Inc. as the lowest and best bidder in the amount of \$2,896,027 and (2) authorize execution of the construction contract.

Regent Halverstadt moved approval of the recommendation. Following a brief discussion, Regent Lewis moved the recommendation be clarified by inclusion of the alternates in the contract amount. The following voted yes on the motion as clarified: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

REVISION OF THE COLLEGE OF LAW CODE OF ACADEMIC RESPONSIBILITY

For the past three academic years, a committee made up of College of Law faculty and students has reviewed the College's *Code of Academic Responsibility*, which has not been revised since its adoption in 1986. Based on its comprehensive review of the current *Code* and previous proceedings under the *Code*, the Committee submitted a draft of the revised *Code* to the College of Law faculty. The most significant revisions proposed in the revised *Code of Academic Responsibility*, which was approved by the Law faculty in April 1995, are:

- Section 201 has been revised to clarify the required burden of proof that must be met in cases brought under the *Code*. Specifically, the evidence presented must demonstrate the accused student's conscious disregard of accepted principles of honesty. Specific intent is not required.
- Section 301 creates a preliminary inquiry that is designed to enable complaints to be resolved more quickly. It also recognizes the creation of an informal sanction—a letter of admonition—that may resolve the matter short of a formal investigation and hearing.
- Section 410 has been revised to eliminate the accused student's right to remain silent during proceedings before the Hearing Tribunal. This change would bring the *Code* in line with standard practice in attorney discipline proceedings, which are analogous with disciplinary proceedings at the College of Law.
- Revisions to Sections 501 and 502 distinguish between the sanctions of admonition, which is issued by the Council of Academic Responsibility without a formal hearing, and reprimand, which is issued as a penalty by the Hearing Tribunal after a finding of guilt. Admonition is not reported to the bar association, while reprimand is. This two-level penalty scheme is consistent with that employed in the disciplinary code of the University, and it encourages early resolution of disputes through more informal procedures. In addition, a new provision allows the Hearing Tribunal the authority to impose alternative sanctions appropriate to a particular case, such as restitution or community service.
- Revisions to Section 601 eliminate appeals of the Hearing Tribunal's finding to the full faculty and then to the dean and replace them with a single appeal to a newly created Appeals Board, which will include faculty and student representation. Following an appeal to the Appeals Board, the student's right of appeal to the University President remains unchanged. In addition, the revisions give the Council of Academic Responsibility the right to appeal the penalty imposed by the Hearing Tribunal.
- Section 703 has been revised to clarify the rights and obligations of faculty members to assign an appropriate grade when a student is involved in a *Code* violation. Specifically, a faculty member may impose a grade penalty for a *Code* violation only if the student is found guilty by the Hearing Tribunal, fails to respond to the charges against him/her, or admits the charges.

- Section 704 has been added to require the Dean's Office to publish or post a list of *Code* violation cases for the previous five years with names and identifying references removed. The list is intended to serve as a deterrent to students and to educate the College of Law community regarding issues arising under the *Code*.

Revisions to the current *Code of Academic Responsibility*, Section 7.24 of the Regents' Policy Manual, are as follows. Additions are underlined and deletions are lined through.

Title I The Purpose and Scope of the Code

Sec. 101. Purpose of Code.

The purpose of this Code of Academic Responsibility is to define academic misconduct and other ethical violations, to prescribe penalties and procedures for enforcement of academic discipline, ~~to provide for faculty review of the judgments of the Hearing Tribunal, and to provide for appeal to the dean of the College of Law and the president of The University of Oklahoma~~ and to provide for appellate review.

Sec. 102. Scope of Code.

(a) The Code of Academic Responsibility applies to all students of the College of Law of The University of Oklahoma.

(b) Each student shall sign a pledge to comply with this Code at the time of enrolling in the College of Law. The pledge shall notify students that the College may be required to notify bar associations when a student is found guilty of violating this Code.

Title II Principles of Academic Responsibility

Sec. 201. Accepted Principles of Honesty.

(a) It shall be a violation of this Code for a student ~~consciously to act contrary to~~ in conscious disregard of accepted principles of honesty in any academic pursuit or prize competition.

~~(b) Accepted principles of honesty include but are not limited to the following:~~

~~(i) No student shall give, secure or exchange any information about the contents of or answers to an examination, in advance of or during such examination, except as authorized by the instructor;~~

~~(ii) No student shall consult books, papers or notes of any kind during an examination except as authorized by the instructor;~~

~~(iii) A student who has taken an examination and a student who will take that same examination may not discuss its contents with each other;~~

~~(iv) A student may not retain a copy of any examination for the purpose of preserving questions for use by another student, except as expressly authorized by the instructor; nor may a student take notes during an examination on the contents of an essay or objective examination for the purpose of preserving questions for use by another student, except as expressly authorized by the instructor.~~

- ~~(v) — No student shall knowingly fail to stop writing an examination when the time allotted for writing the examination has elapsed;~~
- ~~(vi) — No student shall hide, steal or mutilate any materials belonging to the library, the University, another student, a faculty member or other member of the law school community;~~
- ~~(vii) — No student shall submit plagiarized work in an academic pursuit or prize competition (plagiarism being the incorporation of written work, either word for word or in substance from any work of another, unless the student writer credits the original author and identifies the original author's work with quotation marks, notes or other appropriate written designation);~~
- ~~(viii) — No student shall make any material misrepresentation to faculty or administration respecting law school matters;~~
- ~~(ix) — A student shall not with knowledge, falsely accuse another student of committing acts that are violations of this code;~~
- ~~(x) — A student may not offer for credit any work prepared by another;~~
- ~~(xi) — A student may not offer for credit work that has been previously offered for credit except as authorized by the instructor;~~
- ~~(xii) — A student may not offer for credit work prepared in collaboration with another, except as authorized by the instructor;~~
- ~~(xiii) — A student may not take an examination for another student; nor may a student knowingly permit his or her own examination to be taken by another;~~
- ~~(xiv) — A student may not invade the administrative security maintained for the preparation and storage of examinations;~~
- ~~(xv) — A student who learns that he or she has come in contact with an examination subject to administrative security must immediately inform the dean or associate dean or the instructor;~~
- ~~(xvi) — A student shall not falsify attendance sheets;~~
- ~~(xvii) — A student shall not use Lexis, Westlaw or other library services for unauthorized work or activities.~~

(b) Conscious disregard. To establish a violation of this section, the Council must present proof of a student's conscious disregard of accepted principles of honesty. Conscious disregard is a mental state embracing either (i) intent to deceive, manipulate or defraud; (ii) guilty knowledge; or (iii) moral awareness that the alleged conduct violated known or accepted principles of honesty.

(c) Specific intent. Nothing in this Code shall be construed to require proof of specific intent in addition to proof of conscious disregard. Specific intent is the offender's active and conscious desire to achieve certain prohibited consequences by acting or failing to act.

(d) Proof of conscious disregard. Nothing in this Code shall be construed to require a confession by the accused or any other direct evidence of conscious disregard, which may be inferred from the conduct of the accused and other circumstantial evidence.

Commentary to § 201

Definition of principles of honesty

Fraud and dishonest conduct appear in many forms. Legislatures and courts have avoided attempts to provide fixed and comprehensive definitions of fraudulent conduct, in part because the term "fraud" is not definable except in the most general terms and usually by reference to the state of mind of the person accused of dishonesty. In the words of the Supreme Court of Oklahoma, Singleton v. LePak, 425 P.2d 974 (Okla. 1967):

Fraud is a generic term, which embraces all the multifarious means which human ingenuity can devise and all resorted to by one individual to get an advantage over another. No definite and invariable rule can be laid down as a general proposition defining fraud, as it includes all surprise, trick, cunning, dissembling and unfair ways by which another is cheated....

Id. at 978 (quoting Bigpond v. Mutaloke, 105 P.2d 408 {Okla. 1940}). See also, e.g., Commonwealth v. Monumental Properties, 329 A.2d 812 (Pa. 1974); Barquis v. Merchants Collection Ass'n, 496 P.2d 817, 830 (1972) (sweeping legislative ban on fraud and deception is designed "to enable judicial tribunals to deal with the innumerable 'new schemes which the fertility of man's invention would contrive'")(quoting American Philatelic Soc'y v. Claibourne, 46 P.2d 135, 140 {1935}); Kugler v. Romain, 279 A.2d 640 (N.J. 1971).

As a result, no comprehensive list of such principles is possible. The following examples are designed to provide fair notice to the students of the College of Law of the breadth and scope of the Code's prohibitions against dishonesty. A student is presumed to have guilty knowledge or moral awareness by engaging in the conduct listed below:

1. No student shall give, secure or exchange any information about the contents of or answers to an examination, in advance of or during such examination, except as authorized by the instructor.
2. No student shall consult books, papers, computer files, other electronic data or notes of any kind during an examination, except as authorized by the instructor.
3. A student who has taken an examination and a student who will take that same examination may not discuss its contents with each other.
4. A student may not retain a copy of any examination for the purpose of preserving questions for use by another student, except as expressly authorized by the instructor; nor may a student take notes during an examination on the contents of an essay or objective examination for the purpose of preserving questions for use by another student, except as expressly authorized by the instructor.
5. No student shall fail to stop writing an examination with knowledge that the time allotted for writing the examination has elapsed.
6. No student shall hide, steal or mutilate any materials belonging to the library, the University, another student, a faculty member or other member of the law school or University community.
7. No student shall submit plagiarized work in an academic pursuit or prize competition (plagiarism being the incorporation of written work, either word for word or in substance from any work of another, unless the student writer credits the original author and identifies the original author's work with quotation marks, notes or other appropriate written designation).

8. No student shall make any material misrepresentation to faculty or administration respecting law school matters.
9. A student shall not falsely accuse another student of violating this Code, either with knowledge that the accusation is false or in reckless disregard of the accusation's truth.
10. A student may not offer for credit any work prepared by another.
11. A student may not offer for credit work that has been previously offered for credit, except as authorized by the instructor.
12. A student may not offer for credit work prepared in collaboration with another, except as authorized by the instructor.
13. A student may not take an examination for another student; nor may a student permit his or her own examination to be taken by another.
14. A student may not invade the security maintained for the preparation and storage of examinations.
15. A student who learns that he or she has come in contact with an examination subject to security must immediately inform the Dean or Associate Dean or the instructor.
16. A student shall not falsify attendance sheets.
17. A student shall not sign an attendance sheet for another student.
18. A student shall not use Lexis, Westlaw or other library services for unauthorized work or activities.

Conscious disregard & scienter

The requirement of conscious disregard is intended to be identical to the legal requirement of scienter as commonly defined. See, e.g., DAVID WALKER, OXFORD COMPANION TO THE LAW 1107 (1980) (defining scienter as "knowingly"); Aaron v. Securities and Exchange Comm'n, 446 U.S. 680, 686 n.5 (1980) (scienter means "a mental state embracing intent to deceive, manipulate, or defraud"). The term "conscious" often has a similar meaning. RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (1968) defines "conscious" to mean "2. fully aware of or sensitive to something....4. known to oneself; felt; conscious guilt. 5. aware of what one is doing; a conscious liar.... 8. Obs. inwardly sensible of wrong doing." In notes at the end of this definition, the authors of the RANDOM HOUSE DICTIONARY added that "knowing" was a synonym, along with the following commentary: "Conscious, aware, cognizant refer to an individual sense of recognition of something within or without oneself. CONSCIOUS implies to be awake or awakened to an inner realization of a fact, a truth, a condition, etc."

Sec. 202. Accepted Principles of Good Faith.

- (a) It shall be a violation of this Code for a student ~~consciously to act contrary to~~ in conscious disregard of accepted principles of good faith.
- (b) Accepted principles of good faith include but are not limited to the following:
 - (i) No student shall harass any other member of the law school community on account of the member's race, color, religion, creed, gender, national origin, sexual preference or ~~handicap~~ disability.
 - (ii) ~~For purpose of this subsection, harassment is: (A) extreme and outrageous conduct that unreasonably interferes with the work performance of another member of the law school community; or (B) extreme and outrageous conduct that creates an intimidating, hostile or offensive environment for any other member of the law school community.~~

(ii) No student shall harass or retaliate or threaten to harass or retaliate against any other member of the law school community because the community member made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this Code.

(iii) For purposes of this subsection, harassment is:

(A) Personal insults or "fighting words" addressed to a specific individual or individuals, which are designed to and likely to provoke an immediate breach of the peace; or

(B) Severe and pervasive verbal or physical conduct which is directed at a specific member or members of the law school community and which is designed to inflict and is likely to inflict emotional or psychological distress on the targeted individual or individuals; or

(C) Severe and pervasive verbal or physical conduct directed at a specific member or members of the law school community that unreasonably interferes with the work or educational performance of the targeted individual or individuals; or

(D) Severe and pervasive verbal or physical conduct directed at a specific member or members of the law school community that creates an intimidating, hostile, or offensive environment for the targeted individual or individuals.

(c) It is the intent of this section to ensure that each member of the law school community shall have the fair and equal opportunity to enjoy the benefits of association with the College without being hindered by invidious discrimination or prejudice.

(d) Expressive liberty. This section does not prohibit: (i) any person's expression of views and opinions on matters of public interest unless it is proved that the expressive conduct is a sham or mere pretext for inflicting the harms or injuries identified by subsection (b); or (ii) expressive conduct protected from severe sanctions, punishment or other undue burdens by the Constitution of the United States or the Constitution of Oklahoma. The College reserves its rights to express views, including the right to post or publish reprimands, critical of expressive conduct believed to be unreasonable and discriminatory in character even if such conduct is otherwise protected by the Constitutions of the United States or of Oklahoma from severe sanctions, punishment and other undue burdens.

Sec. 203. Misconduct Obstructing Administration of Examinations.

~~A student taking an examination must comply with all reasonable instructions and regulations of an examination and must not obstruct the administration of an examination. A student must comply with all reasonable instructions and regulations of the professor and the College respecting an examination. A student shall not violate any rules or regulations established by the college pursuant to Section 701 of this Code. Compliance with these principles includes, but is not limited to the following.~~

~~(i) A student shall not fail to turn in examination materials at the appointed time;~~

~~(ii) A student shall not use a computer during the course of an examination; however, memory typewriters with limited memory capacity may be permitted with the express prior approval of the dean or associate dean;~~

~~(iii) A student shall not talk in any room during an examination except to, or at the direction of, a faculty member or other individuals administering an examination;~~

~~(iv) A student shall not deliberately create an unreasonable distraction during an examination;~~

~~(v) A student shall not eat or smoke during an examination, except in rooms or areas designated;~~

~~(vi) A student shall not remove an examination or examination answers from the College of Law, except with the prior approval of the instructor;~~

~~(vii) A student shall not violate the rules designed to ensure that all grading of examinations is anonymous.~~

Commentary to § 203

It is impossible to list all possible applications of the principles stated in Seq. 203. Each regulation or rule shall provide notice to the student of prohibited conduct. If a student is guilty of conscious disregard of a rule or regulation, the student may have violated § 201 of this Code. This section is designed to authorize sanctions in the absence of scienter or conscious disregard.

Compliance with the principles of § 203 includes but is not limited to the following:

1. A student shall not fail to turn in examination materials at the appointed time.

2. A student shall not talk in any room during an examination except to, or at the direction of, a faculty member or other individuals administering an examination.

3. A student shall not deliberately create an unreasonable distraction during an examination.

4. A student shall not eat or smoke during an examination, except in rooms or areas designated.

5. A student shall not remove an examination or examination answers from the College of Law, except with prior approval of the instructor.

6. A student shall not violate the rules designed to ensure that all grading of examinations is anonymous.

7. A student shall not bring into any examination room any materials, including books, papers or notes, or any other aid of any kind, except that expressly permitted by the instructor.

8. A student shall not violate the rules established by the administration and the faculty of the College of Law regarding the use of computers or memory typewriters during an examination.

Sec. 204. Misconduct Obstructing Enforcement of the Code.

(a) Each student has an ethical responsibility to report any known or suspected violation of this Code to a member of the Council of Academic Responsibility or to another appropriate faculty member or administrator of the College of Law. Failure on the part of any student to satisfy this responsibility for enforcement of the Code is a violation of the Code.

(b) No student shall improperly obstruct enforcement of this Code. Compliance with this principle includes but is not limited to the following:

(i) All students shall cooperate with the preliminary inquiry of the Associate Dean.

(ii) A summoned student other than a defendant may not, without a reasonable excuse, fail to appear and give testimony before the Council of Academic Responsibility or the Hearing Tribunal ~~or faculty~~.

(iii) A student may not knowingly misrepresent material facts to the Associate Dean during a preliminary inquiry, or before the Council of Academic Responsibility or the Hearing Tribunal. ~~or faculty~~.

(iv) A student may not fail to comply with a final order of the Hearing Tribunal.

(v) No student shall request a person to refrain from voluntarily giving relevant testimony in an investigation, proceeding or hearing under this Code unless: (a) the student is acting as representative of an accused student pursuant to § 304(d)(ii), etc.; (b) the person is a relative or an employee or other agent of the accused student; and (c) the representative reasonably believes that person's interests will not be adversely affected by refraining from giving such information.

(vi) No student, whether or not acting as representative of an accused student pursuant to § 304(d)(ii) or § 410(d), shall improperly obstruct access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value or counsel or assist another person to do any such act.

Sec. 205. Misconduct in Pursuit of Employment.

(a) A student may not seek to obtain unfair advantage in pursuit of employment by means of misrepresentations respecting the student's academic or professional record.

(b) Conscious disregard. To establish a violation of this section, the Council must present proof of conscious disregard of accepted principles of honesty. Conscious disregard is a mental state embracing either (i) intent to deceive, manipulate or defraud; (ii) guilty knowledge; or (iii) moral awareness that the alleged conduct violated known or accepted principles of honesty.

(c) Specific intent. To establish a violation of this section, the Council must present proof that the offender actively and consciously desired to obtain unfair advantage.

(d) Proof of conscious disregard and specific intent. Nothing in this Code shall be construed to require a confession by the accused or any other direct evidence of conscious disregard or specific intent. Conscious disregard and specific intent may be inferred from the proven conduct of the accused and other facts and circumstances.

Sec. 206. Attendance Records.

A student shall sign the attendance roll in a class only if present for the entire class period, except with the express permission of the professor. A student shall not sign the attendance roll for another student.

Sec. 207. Miscellaneous Principles.

(a) A student may not possess, transfer or duplicate keys to the College of Law or to any office in the College of Law, including the law library, without proper authorization.

(b) A student violates ~~the honor~~ this Code when he or she attempts or conspires to violate the Code.

Sec. 208. Library.

No other violations of library rules shall be covered by this Code, but each student shall remain subject to the rule-making authority of the law librarian, the Dean, or such other authority at the University created or empowered to deal with violations of library rules.

~~Sec. 208. Violations of Law.~~

~~Title 16 of the Student Code of Conduct and Responsibility of The University of Oklahoma (Norman Campus) is hereby incorporated in this Code, as follow:~~

~~"1. — If a student is charged with, or convicted of, an off campus violation of law, the matter is of no disciplinary concern to the institution unless the student is incarcerated and unable to comply with academic requirements, except:~~

~~"1 — The institution may impose sanctions for grave misconduct demonstrating flagrant disregard for the rights of others. In such cases, expulsion is not permitted until the student has been adjudged guilty by final judgment in a court of law.~~

~~"2 — Once a student is adjudged guilty in a court of law, the institution may impose, upon proper hearing, sanctions if it considers the conduct to be so grave as to demonstrate flagrant disregard for the rights of others.~~

~~"3 — Nothing in this section shall be construed to prevent the University from implementing disciplinary proceedings pending final adjudication in a competent court of law.~~

~~"2. — Under the authority of this Code, if the student is acquitted or the charges withdrawn, the institution shall review any previous action against the student, and may, after fair hearing in the judicial system of the University, impose further sanctions if the student is considered to have so shown a flagrant disregard for the rights of others that the safety and well being of individuals in the University community may be threatened.~~

~~"3. — The institution may institute its own proceedings against a student who violates a law which is also a violation of a published institution regulation."~~

Title III
The Council of Academic Responsibility

Sec. 301. Preliminary Inquiry.

(a) Upon receipt of an allegation of a Code violation or for other good cause, the Associate Dean may elect to conduct a preliminary inquiry. During the preliminary inquiry, the Associate Dean may proceed informally to gather information and to seek possible ways to resolve allegations prior to and in lieu of formal investigation.

(b) The Associate Dean may also elect to present allegations to the Council of Academic Responsibility without preliminary inquiry.

(c) The Associate Dean shall report any preliminary inquiry as well as the results of such inquiry to the Council of Academic Responsibility.

(d) After receiving the report of the Associate Dean respecting a preliminary inquiry, the Council of Academic Responsibility may (i) issue a letter of admonition, (ii) decide to conduct a formal investigation, or (iii) dismiss the allegation without further action.

Sec. 302. Duties of the Council of Academic Responsibility.

The Council of Academic Responsibility shall take care that this Code is fully enforced. The Council's enforcement duties are to:

(a) decide whether to issue a letter of admonition after preliminary inquiry of the Associate Dean;

(b) ~~investigate~~ conduct a formal investigation of alleged violations of this Code;

(c) decide whether an allegation of a Code violation shall be presented to the Hearing Tribunal;

(d) appoint a representative of the Council to prosecute a case before the Hearing Tribunal; and

(e) offer such recommendations as the Council believes appropriate to the Hearing Tribunal or to the faculty respecting the matters covered by this Code;

(f) notify any faculty member who has reported an alleged violation of (i) the results of the Council's investigation, (ii) the Council's decision whether to present an allegation to the Hearing Tribunal, (iii) the Council's recommendations to the Hearing Tribunal, and (iv) any compromise or settlement proposed by or approved by the Council pursuant to § 309 of this Code; and

(g) notify the appropriate faculty member (i) of any allegation of a Code violation in the faculty member's course, and (ii) of all other information required by subsection (f) of this section.

~~Sec. 303. Reports of Code Violations.~~

~~Any member of the University community—Faculty, student or staff—may report alleged violations of the Code. Any member of the University community who has made such a report may forward the report to the Council of Academic Responsibility.~~

Sec. 303. Membership of the Council of Academic Responsibility.

(a) The Council shall consist of three members. The members are:

(i) the Associate Dean of the College of Law or other faculty member to represent ~~representative of~~ the Dean's office, except for the Dean;

(ii) a tenured or tenure-track member of the faculty elected by the faculty;

(iii) one upper class second-year law student appointed by the Dean selected by from among three nominees of the Student Bar Association to serve for one year from January of the student's second year through December of the student's third year.

(b) The Associate Dean or other faculty member representative of the Dean's office shall serve as chair of the Council, unless the Dean elects to designate the faculty representative as chair.

(c) Notwithstanding the expiration of his or her term, a member of the Council may continue to serve until final judgment is rendered in any proceeding in which that member has actively participated.

(d) An alternate for each member of the Council shall be selected in the same manner as prescribed in § 303(a). If the Associate Dean cannot serve with the Council in a particular case, the Dean may appoint another faculty member to represent the Dean's office.

Sec. 304. Formal investigation. Procedures of the Council.

(a) The Council shall meet in closed session. The members shall keep in confidence the content and nature of the meetings, except to the extent the Hearing Tribunal or another adjudicative body compels disclosure.

(b) When the Dean, Associate Dean, faculty member or Council member receives an allegation of a Code violation, he or she has the ministerial duty to notify the chair of the Council on Academic Responsibility.

(c) The chair has the ministerial duty to present any report of alleged violations to the Council. ~~All decisions respecting whether an allegation should be investigated and whether an accusation should be prosecuted before the Hearing Tribunal shall be made by majority vote of the Council.~~ The Council shall decide by majority vote whether to conduct a formal investigation of allegations. The Council shall notify the accused student of its decision to conduct a formal investigation.

(d) During the Council's formal investigation, an accused student has no right to appear in person or by representative at any meetings of the Council unless the Council determines that such appearance is useful to its deliberations. ~~decide whether or not to take a case to the Tribunal. If such an appearance is deemed useful by a majority of the Council, the accused student shall not, at this stage, have the right to remain silent, unless the alleged violation of the code is also a felony or other crime for which the student might be imprisoned.~~ If the Council determines that the response of the student is useful or appropriate to complete a formal investigation, and upon the request of the Council, the accused student shall make a written response which contains a full and fair disclosure of all facts and circumstances pertaining to the respondent student's alleged misconduct unless the respondent's refusal to do so is predicated upon expressed constitutional grounds. Deliberate misrepresentation in such response shall be grounds for discipline. The failure of an accused student to answer within twenty (20) days after service of the Council's notice or inquiries, or such further time as may be granted by the chair of the Council, shall be grounds for discipline. The Council shall make such further investigation as the Council may deem appropriate before taking any action. If such an appearance is deemed useful by the Council and only if the Council orders a response or appearance, the accused student shall have the following rights:

- (i) the right to a ~~clear, concise~~ statement of the allegations.
- ~~(ii) the right to reasonably adequate time to prepare a defense;~~
- (ii) if the Council decides to permit an appearance, the right to be represented by counsel or some other representative, though not the right to have counsel or a representative supplied by the College of Law;
- (iii) the right to present ~~oral, documentary or real~~ evidence.

(e) The Council, after formal investigation, ~~investigating an allegation and assessing the results of the investigation~~, shall either (i) dismiss the case, ~~or~~ (ii) decide to prosecute the case before the Hearing Tribunal; (iii) issue a letter of admonition; or (iv) after negotiations, enter into a settlement or compromise agreement. This decision shall be made at a formal meeting closed to the public with all members required to be present. A majority vote is required to prosecute an alleged violation before the Hearing Tribunal.

(f) The Council must decide to prosecute, if at all, and give notice as hereinafter prescribed, within ~~two months~~ ninety days of receiving an allegation of a Code violation or specific information that identifies a specific student as an alleged violator, unless the student consents to an extension of time.

~~(g) In addition to the limitations period established by § 304(f), the Council must decide to prosecute, if at all, and give notice as hereinafter prescribed, within one year of the date of the alleged violation of the code.~~

(g) The Council, if it decides to prosecute, shall give actual notice by delivering formal complaint in writing to the alleged offender. This complaint shall include ~~be a clear, concise~~ statement of the allegations, but need not be in any particular form. A copy of this complaint shall also be forwarded to the chair of the Hearing Tribunal.

(h) If the Council decides not to prosecute and to dismiss a case, the Council may post a notice of its decision, but shall not disclose the identity of any accused student or witness.

~~(j) The Council shall have the power to approve or reject proposed compromises of settlements of complaints negotiated by the Council's representative and the representatives of accused students pursuant of § 413 of this Code.~~

- (i) The Council may adopt rules of procedure to supplement this section.

Sec. 305. Duties of the Chair.

- (a) The chair shall call and preside over all meetings of the Council.
- (b) The chair shall also:
 - ~~(i) receive reports of alleged violations of the code;~~
 - (i) present all reports of alleged violations to the Council;
 - ~~(iii) appoint a member or members to investigate alleged violations and to report findings to the Council;~~

- (ii) serve written notice to alleged offenders of the time and place of appropriate hearings and of the alleged offenders' rights during a formal investigation and during proceedings before the Council and Hearing Tribunal;
 - (iii) have the power to summon witnesses from among the University community and to subpoena documents from members of the University community, subject to other applicable laws and policies governing the University;
 - (iv) do such other things as may, in his or her judgment, be needed to enforce this Code and to effectuate the spirit and intent of this Code; and
 - (v) notify the Council of all actions taken by the chair.
- (c) All orders, decisions and actions by the Chair shall be subject to review by the Council.

Sec. 306. Disqualifications.

No member of the Council shall participate in any case if that member is disqualified because of a conflict of interest or any other appropriate reason.

Sec. 307. Vacancies.

Vacancies on the Council shall be filled in the manner prescribed for the position which is vacant under the terms of Sections 303(a) and 303(d).

Sec. 308. Representative of the Council of Academic Responsibility.

- (a) The Council of Academic Responsibility shall select an individual to represent the Council and to prosecute the case alleging Code violations before the Hearing Tribunal.
- (b) The Council's representative may or may not be a member of the Council.

~~(c) If the accused student is to be represented before the Tribunal by an attorney at law, the Council's representative shall be a member of the faculty or an attorney at law secured by the College of Law for the purpose of prosecuting the Council's complaint.~~

~~(d) If the accused student will not be represented before the Tribunal by an attorney at law, the Council's representative shall be selected from among the senior class of the College of Law.~~

Sec. 309. Compromise or Settlement of a Complaint.

(a) Nothing in this Code shall be construed to prohibit compromise or settlement of complaints alleging violations of this Code.

(b) The Council shall have the power to approve or reject proposed compromises or settlements negotiated by the Council's representative and the representative of an accused student. If the Council's representative and the representative of an accused student agree to such a compromise or settlement, the agreement must be approved by a majority of the Council of Academic Responsibility. The Council's settlement authority exists at all stages of a case, but is subject to the following limitations: (i) after the Hearing Tribunal has rendered a judgment

and prior to a decision by the Appeals Board, any compromise or settlement must be approved by the Hearing Tribunal; (ii) after the Appeals Board had rendered a judgment, any compromise or settlement must be approved by the Appeals Board.

(c) Evidence of offering to compromise or settle a complaint is not admissible to prove or disprove a violation of this Code. Evidence of conduct or statements made in compromise or settlement negotiations is likewise not admissible.

Title IV
The Hearing Tribunal

Sec. 401. Jurisdiction.

The Hearing Tribunal shall have jurisdiction over all cases involving allegations of Code violations. Pursuant to this jurisdiction, the Hearing Tribunal shall hold a hearing to determine whether or not this Code has been violated and to prescribe penalties or remedies of any violations.

Sec. 402. Membership.

(a) The Hearing Tribunal shall have six members. The members are:

(i) one member of the faculty appointed by the Dean to serve as chair for ~~one~~ two academic years or until a replacement is appointed by the Dean;

(ii) two members of the faculty elected by the faculty to serve for ~~one~~ two academic years or until a replacement are ~~is~~ elected by the faculty;

(iii) three students appointed by the Dean from ~~the panel of~~ among six second-year law students named nominated by the Student Bar Association to serve for one ~~academic~~ year from January 1 of the student's second year until January 1 for the student's third year, or until replacements are appointed by the Dean.

(b) The Dean shall arrange appointments and terms of service for the faculty members other than the chair so that one member is appointed for a full-two year term each academic year.

(c) An alternate for each member of the Hearing Tribunal shall be selected in the manner prescribed by § 402(a).

(d) Under no circumstances shall a member or alternate of the Hearing Tribunal also be a member or alternate of the Council or the Appeals Board.

(e) Notwithstanding the expiration of his or her term, a member of the Hearing Tribunal may continue to serve until final judgment is rendered in any proceeding in which that member has actively participated.

(f) Vacancies on the Hearing Tribunal shall be filled in the manner prescribed for the position which is vacant under the terms of this section.

Sec. 403. Disqualifications

(a) No member of the Hearing Tribunal shall review any case if that member is disqualified because of conflicts of interest or other appropriate reasons.

(b) Either the representative of the Council or the accused student may request disqualification of a member of the Hearing Tribunal.

(c) Each member of the Hearing Tribunal must decide whether he or she can judge the case with fairness and objectivity.

(d) The Hearing Tribunal may, by majority vote of all members of the Hearing Tribunal other than the challenged member, disqualify a member of the Hearing Tribunal for appropriate reasons.

~~Sec. 404. Vacancies.~~

~~Vacancies on the Hearing Tribunal shall be filled in the manner prescribed for the position which is vacant under the terms of Section 402.~~

Sec. 404. Confidentiality of Tribunal Proceedings.

The Hearing Tribunal shall meet in closed session unless the student charged with violating the Code requests an open hearing. The members shall keep in confidence the contents and nature of the meetings unless the Appeals Board or other adjudicative body compels disclosure.

Sec. 405. Scheduling of Hearing.

The Hearing Tribunal shall hold its initial hearing on any formal written complaint within thirty calendar days of its receipt by the chairman unless reasonable cause for delay is shown by the accused student or the Council's representative.

Sec. 406. Hearing Procedures.

In conducting a hearing the Hearing Tribunal:

(a) shall proceed informally and provide reasonable opportunities for witnesses to be heard;

(b) shall receive all probative oral, documentary, and real evidence without regard to the legal rules of evidence, except that the Hearing Tribunal may exclude irrelevant, immaterial, and unduly repetitious evidence, and shall give effect to the rules of privilege recognized by law;

(c) shall, on request of either the accused student or the Council's representative, exclude witnesses from the hearing when not testifying;

(d) shall engage a court reporter to make a record of its hearings so as to enable review of its proceedings in the event of appeal;

(e) shall presume an accused student innocent of the alleged violation until the Hearing Tribunal, four members concurring, is convinced ~~of guilt~~ that the student violated the Code by clear and convincing evidence;

(f) shall decide the issue of guilt or innocence and an appropriate penalty solely on the basis of admitted evidence;

(g) shall decide the issue of guilt before determining an appropriate penalty, and shall offer the student adjudged to be guilty, at a separate hearing after a decision on the issue of guilt, an opportunity to offer evidence or argument regarding an appropriate penalty;

(h) shall not be bound to follow penalty recommendations made by the Council, and may impose any penalty authorized by this Code upon majority vote, taking into consideration the Council's recommendation, the facts of the case, and the gravity of the offense, and any prior misconduct;

(i) shall state in writing, signed by each concurring member of the Hearing Tribunal, each finding of guilt or innocence and the penalty determined, if any; ~~and~~

(j) may write an opinion giving reasons for its decision in cases warranting an opinion; and

(k) shall deliver a copy of the findings and opinions, if any, to the Dean, to the chair of the Council and to the accused student.

Sec. 407. Clear and Convincing Evidence.

To prove a fact by clear and convincing evidence means to demonstrate that the existence of a disputed fact is highly probable and free from serious doubt.

Commentary to § 407

The adoption of the clear and convincing evidence standard by the College of Law is recognition of the importance that is placed on high ethical standards by the legal profession. A law student's interest in maintaining a reputation of honesty and integrity and, therefore, not being found to have violated this Code of Academic Responsibility is an important and substantial interest. Therefore, the Council bears the burden of proving by "clear and convincing evidence" sufficient facts to persuade the Hearing Tribunal that a violation of this Code occurred.

The definition of clear and convincing evidence is taken from Oklahoma Uniform Jury Instruction (OUJI)-Civil (2d) No. 3.2. clear and convincing evidence is more demanding than proof by the typical civil standard of preponderance of the evidence, which is proof that a fact is more probable than not. It is less demanding than proof by the standard of "beyond a reasonable doubt," which is the standard in criminal cases. See Addington v. Texas, 441 U.S. 418 (1979). When determining whether the Council has presented clear and convincing evidence of guilt, the Hearing Tribunal must have a greater degree of confidence in the correctness of its factual conclusions than under the preponderance of evidence standard, but the Hearing Tribunal may have less confidence than that confidence required for decision under the beyond reasonable doubt standard.

Under Oklahoma law, clear and convincing evidence "is that measure or degree of proof which will produce in the mind of the trier of fact the firm belief or conviction as to the truth of the allegations sought to be established." In re C.G., 637 P. 2d 66, 71 n.12 (Okla. 1981). This standard requires proof not only that the existence of a disputed fact is probable, but that it is highly probable. See also LEO H. WHINERY, 2 OKLAHOMA EVIDENCE: COMMENTARY ON LAW OF EVIDENCE, §§ 8.20, 8.23 (West 1994).

Sec. 408. Finality of Tribunal Decisions.

The Hearing Tribunal's decision is final in any case not appealed.

Sec. 409. Default Judgments.

The Hearing Tribunal may proceed with a hearing and render a default judgment in any case where a student defendant fails to appear after receiving reasonable notice of a hearing of ~~charges~~ allegations. Such a default judgment may be appealed as this Code provides, but is final if no appeal is taken.

Sec. 410. Rights of the Student Before the Hearing Tribunal.

A student accused of violating the Code has the following rights in all proceedings before the Hearing Tribunal:

- (a) the right to a ~~clear, concise~~ statement of ~~charges~~ allegations;
- ~~(b) the right to reasonably adequate time to prepare any defense;~~
- (b) the right to a fair hearing;
- (c) the right to appear personally before the Hearing Tribunal;
- (d) the right to counsel or a representative of the accused's choice (although not the right to be supplied with an attorney-at-law at the expense of the College of Law), or a representative chosen by the Hearing Tribunal from among the student body;
- (e) the right to present oral, documentary or real evidence;
- ~~(g) the right to obtain, upon request, the names of all witnesses to be called by the Council's Representative, and to obtain also, upon request, a clear and concise summary of the essence of each witness's anticipated testimony;~~
- (f) the right to ~~confront accusers, including the right to examine and cross-examine witnesses;~~
- ~~(i) the right to require the Hearing Tribunal to issue summonses for witnesses within the university community, and for relevant documents in the possession of members of the university community;~~
- ~~(j) the right to remain silent during Tribunal proceedings without such silence being construed against the accused;~~
- (g) the right to choose whether the hearing shall be open to the public, or closed and confidential;
- (h) the right to be presumed innocent until the Hearing Tribunal has considered all evidence and is convinced of ~~guilt~~ that the student violated the Code by clear and convincing evidence;
- (i) the right to a copy of the Hearing Tribunal's written decision ~~in writing, and opinion, if any,~~ to be delivered or mailed as soon as practicable;

(j) the right to waive any of these rights by notice of such waiver in writing to the Hearing Tribunal, or by failure to appear after being duly served.

Sec. 411. Duties of the Chair.

The chair of the Hearing Tribunal shall:

- (a) receive written complaints from the Council alleging violations of the Code;
- (b) set the date, time and place for hearings of the Hearing Tribunal;
- (c) notify the members of the Hearing Tribunal, the Council, the accused student and other appropriate individuals, such as witnesses known to the chair, of the date, time and place of hearings;
- (d) notify the accused student of all rights before the Hearing Tribunal as provided by Section 410;
- (e) appoint a representative from among the student body at the request of the accused student, if the accused student is not otherwise represented, as provided in Section 410(d);
- (f) have the power to summon witnesses from within the University community, and to subpoena relevant documents in the possession of members of the University community, subject to other applicable laws and policies governing the University;
- (g) have the power to order a prehearing conference, to be scheduled no later than five days prior to a scheduled hearing, at which the parties may be required to exchange a list of witnesses;
- (h) preside over Tribunal hearings;
- (i) direct the course of hearings ~~and the preparation of the hearing record;~~
- (j) instruct the members of the Hearing Tribunal on the principles of law to be applied to a particular case;
- (k) take care that a court reporter is employed to develop a written record of tribunal proceedings;
- (l) rule on challenges, motions, pleas, and the admissibility of evidence and testimony;
- (m) assign the duty of preparing decisions and opinions and approve the final product;
- (n) notify the proper persons, including the Dean, ~~and~~ the Associate Dean and the tenured and tenure-track faculty of the Hearing Tribunal's decisions and of any penalties imposed; and
- (o) take care that the final orders and decisions of the Hearing Tribunal are executed, including but not limited to directing the change of official records of a student adjudged to be guilty of a violation where such change is required by a final decision and penalty.

Sec. 412. Ex Parte Communications.

Ex parte communications with the members of the Hearing Tribunal by any party, by any member of the Council or alternate, by any student, by any witness or by any faculty member or administrative officer of the college concerning matters relevant to a case before the Hearing Tribunal are strictly prohibited. All such communications shall be disclosed by the Hearing Tribunal to the parties. Every pleading, motion or other paper filed with the Hearing Tribunal shall be served on all other parties.

~~Sec. 413. Compromise or Settlement of a Complaint.~~

~~Nothing in this code shall be construed to prohibit compromise or settlement of complaints alleging violations of this code. If the Council's representative and the representative of accused students agree to such a compromise or settlement, the agreement must be approved by a majority of the Council of Academic Responsibility. Evidence of offering to compromise or settle a complaint is not admissible to prove or disprove a violation of this code. Evidence of conduct or statements made in compromise or settlements negotiations is likewise not admissible.~~

Title V
Penalties

Sec. 501. Penalties.

The Hearing Tribunal may impose any of the following penalties in light of the facts, the severity of the offense, mitigating circumstances and the dictates of fairness:

- (a) ~~admonition;~~ a reprimand;
- (b) probation;
- (c) a monetary penalty not to exceed \$250 over and above the value of any property damage or value of any property destroyed or taken and not returned;
- (d) temporary or permanent suspension of rights or privileges deriving in whole or in part from the University;
- (e) temporary or permanent suspension of eligibility for official extracurricular activities;
- (f) temporary or permanent suspension of eligibility for any student office or honor;
- (g) cancellation of credit for scholastic work done;
- (h) reduction of the grade assigned in a course, unless the professor or instructor has exercised the right to specify a grade penalty pursuant to § 703;
- (i) suspension from the College of Law or the University;
- (j) prevention of an individual adjudged to be guilty of a violation from resuming student status in appropriate cases;
- (k) expulsion;

(l) recommendation that the Regents withdraw recognition of the student's degree, and that the Dean and the President take all actions appropriate upon official withdrawal of recognition;

~~(l) notification to bar associations and other appropriate similar entities of action taken with respect to a student found to have violated §201 or §202, as permitted by law;~~

(m) such alternative penalties or remedies as are appropriate to a particular case, including but not limited to restitution and community service;

(n) any combination of the foregoing penalties which, in the judgment of the Hearing Tribunal, is deemed appropriate to punish the student for the offense or offenses committed.

Sec. 502. Penalties: Definitions and Miscellaneous Provisions.

(a) An admonition consists of a formal written warning by the Council of Academic Responsibility Dean to be included in the student's file ~~for time to be determined pursuant to §503.~~ The letter of admonition is a warning to the student. It is not a finding of probable cause, a finding of guilt, a penalty, or any other form of disciplinary action. Letters of admonition are not reported to bar associations or other similar entities.

(b) A reprimand is a formal written censure to be included in the student's file. The reprimand is a penalty or remedy for a violation of this Code. A reprimand is reported to bar associations or other similar entities.

(c) The College recognizes its legal duty to notify bar associations and other appropriate similar entities when a student has been found to have violated any provision of this Code.

(d) Disciplinary probation is for a definite period and indicates that further violations may result in suspension or expulsion.

(e) Cancellation of credit for scholastic work done and reduction of a grade assigned in a course are imposed only for courses in which the defendant was found guilty of academic dishonesty.

(f) A money penalty is assessed in cases such as those involving misappropriation of University property, use of University property without authorization, or abuse of or destruction of University property or of the property of a member of the law school community.

(g) Suspension from the University means that a suspended student may not receive credit at the University for work done at either this or any other educational institution during the period of suspension, except when allowed by the Hearing Tribunal.

(h) Preventing an individual adjudged to be guilty of a violation of the Code from resuming student status is the minimum penalty that shall be imposed on a person subject to this Code who is not a student at the time disciplinary proceedings are instituted and who fails to appear before the Hearing Tribunal for the hearing of a complaint against that person. This penalty is the same as the penalty of suspension from the University except that the period of the penalty continues until the affected individual submits to the jurisdiction of the Hearing

Tribunal. Submission to this jurisdiction involves either accepting the adjudication of violation made earlier or requesting a new hearing by the Hearing Tribunal for the purpose of contesting that adjudication of violation.

- (i) Expulsion from the University means permanent severance from the University.

Sec. 503. Removing Records of Minor Infractions from Student's File.

The Hearing Tribunal may specify that records of penalties imposed for infractions adjudged to be minor shall be removed from student's file after a time specified by the Hearing Tribunal.

Title VI Appeals Board

Sec. 601. Right of Appeal.

(a) A student adjudged to be guilty of violation of the Code has the right to appeal to the Appeals Board ~~faculty~~ of the College of Law ~~in any case in which any penalty has been imposed.~~ The Appeals Board ~~faculty~~ may affirm, modify or set aside the judgment of the Hearing Tribunal, ~~or it may reduce the penalty imposed by the Tribunal, but the faculty may not increase the penalty.~~

(b) If a student is found guilty of violating the Code, the Council of Academic Responsibility may appeal or cross-appeal the judgment of the Hearing Tribunal regarding remedies ordered or penalties imposed.

Sec. 602. Membership of Appeals Board.

(a) The Appeals Board shall consist of five members.

(b) The Dean shall appoint four members of the Appeals Board from the faculty of the College of Law. Each faculty member shall serve three years. The Dean shall arrange appointments and terms of service so that one or two members are appointed each academic year for full three-year terms. The Dean shall appoint replacements for additional vacancies for either the remainder of unexpired terms or for a particular case if faculty members are unable to serve or are recused.

(c) The Student Bar Association shall designate fifteen second-year law students to serve as potential members of the Appeals Board for one year running from January 1 of the student's second year to January 1 of the student's third year. The Dean shall appoint the student representative on the Appeals Board for a particular case by random selection from among the potential members designated by the Student Bar Association.

(d) The Dean shall appoint one person to serve as chair from among those faculty members who served on the Appeals Board during the immediately preceding academic year. The chair shall serve for one academic year or until a replacement is appointed by the Dean.

(e) Notwithstanding the expiration of his or her term, a member of the Appeals Board may continue to serve in any case in which that member has actively participated until final judgment is rendered.

Sec. 603. Disqualifications on Appeal,

(a) No person who is serving on the Council or the Hearing Tribunal shall be a member of the Appeals Board.

(b) No person who participated in the proceedings of the Council or the Hearing Tribunal in a particular case may be a member or potential member of the Appeals Board in the same case.

(c) No member of the Appeals Board shall review any case if that member is disqualified because of conflicts of interest or other appropriate reasons.

(d) Either the representative of the Council or the accused student may request disqualification of a member of the Appeals Board.

(e) Each member of the Appeals Board must decide whether he or she can judge the case with fairness and objectivity.

(f) The Appeals Board may, by majority vote of all members of the Appeals Board, disqualify a member of the Appeals Board for appropriate reasons.

Sec. 604. Notice of Appeal

Appeal is taken by giving written notice to ~~the dean, the chair of the Appeals Board, the chair of the Hearing Tribunal and the chair of the Council~~ within ten school days ~~after the date of the final decision of the Tribunal~~ after the date on which the Hearing Tribunal issues its written decision under § 406(i). The written notice need not be in any particular form, but must identify the student's name and the grounds for appeal.

Sec. 605. Effect of Timely Appeal.

(a) Notice of appeal timely given does not suspend the imposition of penalty until the appeal is finally decided, except as follows:

(i) A student may not be suspended or expelled while an appeal is pending;

(ii) A student may not be required to complete community service while an appeal is pending;

(iii) A student may not be prevented from continuing studies or assigned work while an appeal is pending.

(b) The College shall delay graduation and other recognition of work of a student adjudged to be guilty of violating the Code despite a pending appeal, if the Hearing Tribunal has assessed a penalty delaying graduation or other recognition of work completed.

Sec. 606. Preparation of Record on Appeal.

If notice of appeal is timely, the chair of the Hearing Tribunal, ~~on or before the school day after the day the notice of appeal is given,~~ shall prepare the record of Tribunal proceedings and deliver copies of the record to the Dean, the student appellant, ~~and~~ the chair of the Council

of Academic Responsibility and the chair of the Appeals Board. If the decision is affirmed, the appellant shall pay the cost of preparing a transcript, unless the chair of the Appeals Board determines that the student is unable to pay.

Sec. 607. Contents of Record on Appeal.

The record on appeal is the record of all proceedings before the Hearing Tribunal. This record is confidential and consists of:

- (a) a copy of all notices to the accused student and to the Council's representative;
- (b) ~~any recording of the hearing, if one is made,~~ any transcription of the hearing record, and all documentary and other evidence offered and admitted in evidence;
- (c) written motions, pleas, and any other materials considered by the Hearing Tribunal;
- (d) the Hearing Tribunal's written decision; and
- (e) the Hearing Tribunal's opinion, if any.

~~Sec. 606. Trial de novo.~~

~~The student appellant may request a trial de novo or an additional evidentiary hearing on a particular issue. The faculty may, in its discretion, order a trial de novo or an additional evidentiary hearing on a particular issue. The faculty may, in its discretion, establish an ad hoc faculty review committee to conduct such a trial de novo or additional evidentiary hearing. Unless the faculty orders a trial de novo or additional evidentiary hearing on a particular issue, the faculty shall consider an appeal on the basis of the Record on Appeal.~~

Sec. 608. Standard of Review.

(a) The Appeals Board shall consider an appeal on the basis of the record on appeal.

(b) Factual issues. The Appeals Board shall sustain the Hearing Tribunal's findings regarding disputed factual issues, unless the Appeals Board concludes that the findings were clearly erroneous. When reviewing factual determinations on the basis of the record on appeal, the Appeals Board shall consider all evidence in the light most favorable to the prevailing party and it shall not disturb the factual findings, unless the Appeals Board reaches the definite and firm conviction that a mistake has been committed. The Appeals Board may not conduct a trial de novo regarding factual issues in any case.

(c) Review of sufficiency of evidence. When the Appeals Board reviews the sufficiency of evidence supporting the Hearing Tribunal's judgment that a student violated this Code, the Appeals Board shall determine whether it was clearly erroneous for the Hearing Tribunal to conclude that all essential allegations were proven by clear and convincing evidence. The critical inquiry required by this subsection is whether a reasonable trier of fact could have found that the facts constituting the essential elements of the offense were highly probable.

(d) Legal issues. The Appeals Board shall consider all issues of law, including interpretation of the Code, de novo.

(e) Remedies or penalties. The decision of the Hearing Tribunal regarding penalties or remedies shall be affirmed, unless the Appeals Board concludes that the penalties and remedies constituted an abuse of discretion.

(f) Mixed questions of law and fact. If the Appeals Board reviews a mixed question of law and fact, the clearly erroneous standards of subsection (b) is appropriate, if the Appeals Board concludes that the question involves primarily a factual inquiry. If, however, the Appeals Board concludes the mixed question primarily involves the consideration of legal issues, then de novo review is appropriate.

Sec. 609. Hearing Oral Argument on Appeal.

Hearings on approval before the faculty shall be scheduled no more than twenty school days following a timely notice of appeal. The student appellant and the Council's representative shall have the right may request in writing an opportunity to appear and present argument before the faculty Appeals Board. Oral argument on appeal before the Appeals Board shall be scheduled no more than twenty school days following a timely notice of appeal, unless the chair of the Appeals Board grants an extension of time for good cause. The student appellant may appear by a representative consistent with §410(d). Ordinarily, oral argument for a party appearing before the Appeals Board should last no longer than one-half hour.

~~Sec. 608. Disqualification on Appeal.~~

~~No member of the faculty who has served on the Council or the Tribunal shall participate in the deliberations on the appeal.~~

~~Sec. 609. Appeal to the Dean.~~

~~(a) A decision of the faculty may be appealed to the dean, if the faculty's decision either affirms or approves any penalty under §501.~~

~~(b) Appeal is taken by giving written notice to the dean within five school days after the final decision of the faculty. The written notice need not be in any particular form, but must identify the student's name and the grounds for appeal.~~

~~(c) Pending appeal to the dean, the decision of the Tribunal and faculty is stayed.~~

~~(d) The dean may rule on the appeal, with or without a hearing.~~

~~(e) The dean may either affirm the judgment of the faculty, reduce penalties to be imposed as a result of the faculty's judgment, or reverse the judgments of the faculty and Tribunal, but the Dean may not increase penalties beyond those approved by the judgment of the faculty.~~

Sec. 610. Finality.

The decision of the Appeals Board shall be final within the College of Law. There is no appeal to the faculty of the College of Law or to the Dean of the College of Law.

Sec. 611. Appeal to the President.

A decision of the dean Appeals Board may be appealed to the President of The University of Oklahoma, if the dean's Appeal Board's decision affirms or approves any penalty or remedy under §501 other than an admonition reprimand. The President's decision shall be final. Pending appeal to the President, the decision of the dean Appeals Board may be stayed in whole or in part by the Dean ~~or by the faculty of the College of Law~~.

Sec. 612. Confidentiality of Appeals Board Proceedings.

The Appeals Board shall meet in closed session unless the student charged with violating the Code requests an open hearing. The members shall keep in confidence the contents and nature of the meetings unless the President or other adjudicative body compels disclosure.

Title VII
Powers and Duties of the College of Law

Sec. 701. Jurisdiction.

(a) The Associate Dean, the Council of Academic Responsibility, the Hearing Tribunal and the Appeals Board shall have subject matter and personal jurisdiction to investigate and resolve any and all allegations of Code violations brought against students and former students according to the provisions of this Code.

(b) A student who is discovered to have made misrepresentations to law school officials during the process of applying for admission to law school shall not be subject to the provisions of this Code, but shall be subject to expulsion or other appropriate discipline by the Dean and Admissions Committee of the College of Law.

Sec. 702. Academic Regulations.

Nothing in this Code shall be construed to restrict the powers and duties of the faculty, the administration and the College of Law to adopt reasonable rules and regulations to protect the integrity and fairness of all examinations, academic programs, academic evaluations and competitions.

~~Sec. 702. Faculty Duties.~~

~~Nothing in this code shall be construed to restrict the right of an instructor to take appropriate and immediate action in response to the instructor's observation of a violation of this code, provided that;~~

~~(a) The instructor notifies the Council of Academic Responsibility of such action and the reasons for such actions; and~~

~~(b) The instructor's actions shall be reviewed under the procedures of this code, if appropriate, under other academic or administrative processes of the college or university; and~~

~~(c) The instructor's action shall in no way alter any responsibilities for proceeding in a timely fashion or any burdens of proof as otherwise established by this code.~~

Sec. 703. Faculty Duties.

(a) A professor or instructor who observes or is notified of an alleged violation of this Code in a particular course shall have the academic freedom to specify a grade penalty to be imposed after and only if the student involved is found guilty by the Hearing Tribunal, defaults in the responsibility to respond to allegations, or admits the allegations. The professor or instructor may specify a grade penalty by notifying the Associate Dean in writing at any appropriate time prior to the final decision of the Hearing Tribunal.

(b) A professor or instructor shall assign a grade, to be effective after an accused student has been found not guilty of violating this Code, on the basis of legitimate and adequate academic grounds independent of any allegation or belief that a student violated the Code. Ordinarily and to the extent feasible, while a case involving allegations of Code violations is pending, a professor or instructor should complete grading of an accused student's examination or other academic work. Also, to the extent feasible, the College and professor should take care to attempt to preserve the anonymity of the student's examination in compliance with the College's grading policy. It is understood that the discovery of an alleged violation may compromise the anonymity of grading. The professor or instructor should assign a grade other than a specified grade penalty governed by subsection (a) of this section according to the College's schedule for reporting grades.

(c) The College may implement any reasonable procedures for reporting and recording a grade for a student accused of violating this Code while proceedings are pending.

Sec. 704. Notice to the Law School Community.

Each academic year, the office of the Dean shall publish or post a list of cases occurring in the previous five academic years. The list shall include cases in which students were found guilty of violations of this Code, cases in which students were found not guilty of violations, and cases which were settled by negotiated agreement. This list shall include a summary description of penalties imposed or remedies ordered for violations. The office of the Dean shall take care to redact any information that would identify students accused or adjudged guilty, but the College assumes no responsibility for unintended identification of students beyond that imposed by law.

Title VIII
Miscellaneous Definitions

Sec. 801. "Dean" means the Dean of the College of Law or the Dean's delegate or representative.

Sec. 802. "Associate Dean" means the associate dean, or the associate dean's delegate or representative.

Sec. 803. "Student" means a person enrolled at the College of Law of The University of Oklahoma, or a person who was enrolled at the College of Law, or a person accepted for readmission at the College of Law of The University of Oklahoma at the time he or she is alleged to have violated this Code.

Sec. 804. "School days" are days Monday through Friday in which the College of Law is in session during the fall and spring semesters.

Sec. 805. "Prize Competition" includes any competition for an extracurricular award, honor or prize, including but not limited to competition for scholarships, intra-school moot court and trial competitions, competition for financial aid and competition in relation to law review.

President Boren recommended that the Board of Regents approve the revisions to the College of Law *Code of Academic Responsibility*.

Regent Lewis moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

PROPOSALS, CONTRACTS, AND GRANTS

A list of awards and/or modifications in excess of \$100,000 or that establish or make policy for the University, or that otherwise involve a substantial or significant service to be performed by the University was included in the agenda. Comparative data for fiscal years 1994 and 1995, current month and year-to-date, was also included.

The Provisions of Goods and Services policy (amended December 4, 1992) provides that new contracts and grants in excess of \$100,000 must be referred to the Board of Regents for ratification. In addition, in those cases where a contract, grant, document, or arrangement involved would establish or make policy for the University, or otherwise involve a substantial or significant service to be performed by the University, that contract, arrangement, or document shall be referred to the Board of Regents for approval.

MAY 1995 SUMMARY:

Norman Campus and Health Sciences Center Combined Data

- Research expenditures are up 12% from last year (\$51.4 million vs. \$46.1 million), awards are up 7% (\$59.6 million vs. \$55.8 million), and proposal activity is up 11% (\$183.9 million vs. \$165.1 million).
- Total expenditures are up 11% from last year at \$92.5 million and awards are up 4% at \$87.6 million. Expenditures for the first eleven months of this year equaled last year's total expenditures.

Norman Campus

- Research expenditures are up 8% from last year (\$26.9 million vs. \$24.8 million), awards are down 2% (\$29.2 million vs. \$29.8 million) but proposal activity is up 12% (\$129.2 million vs. \$115.3 million).
- College of Continuing Education expenditures are up 18% from last year at \$15.8 million, but awards are down 15% (\$10.8 million vs. \$12.7 million) and proposal activity is down 92% (\$19.1 million vs. \$249.3 million*).

* November 1993 included an unusually large proposal (\$203 million) for National Air Traffic Instructional Services Contract

Health Sciences Center

- Research expenditures are up 15% over last year (\$24.5 million vs. \$21.2 million), awards are up 17% (\$30.4 million vs. \$25.9 million), and proposal activity is up 10% (\$54.7 million vs. \$49.7 million).
- Total expenditures are up 12% over last year (\$47.3 million vs. \$42.2 million), awards are up 18% (\$46.1 million vs. \$39.0 million), and proposal activity is up 7% (\$63.7 million vs. \$59.7 million).

President Boren recommended the Board of Regents ratify the awards and/or modifications for May 1995 as submitted.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

PURCHASE OF FOUR DNA SEQUENCERS FOR DEPARTMENT OF CHEMISTRY AND BIOCHEMISTRY - NC, AND DEPARTMENT OF MICROBIOLOGY AND IMMUNOLOGY - HSC

As part of an NIH research contract the Department of Chemistry and Biochemistry/NC and Department of Microbiology and Immunology/HSC are authorized to purchase four Automated Fluorescent DNA Sequencers. The Department of Chemistry and Biochemistry currently has four similar instruments which were purchased from Applied Biosystems which is now a division of Perkin Elmer. The departments desire to purchase the instruments on a sole source basis from Perkin Elmer with the following justification:

1. All the students and doctoral students involved in DNA research are trained in rapid DNA sequencing techniques which have been developed on the ABD equipment over the years. A whole new learning process would have to be developed.
2. This instrument is the only system which can load 36 samples in a single run which is 50% more than any other instrument. NIH is funding ABD to increase this amount to 48 samples per run.
3. Chemistry has written computer software specific to the data format of the ABD instruments. No funding exists to convert this software to the instruments of other manufacturers.
4. Perkin Elmer ABD is also providing sequencing software valued at \$20,000 on a no-cost basis.
5. The University has a volume discount contract for parts and supplies to support the operation of ABD sequencers.
6. ABD pricing has been competitive in previous bid situations.

The cost of the four sequencers plus 18 spacer kits is \$479,340. The purchase will be funded by NIH research account 135-4478 and a joint NIH grant being awarded to the two campuses.

President Boren recommended the Board of Regents approve the award of a purchase order in the amount of \$479,340 to Perkin Elmer Applied Biosystems Division (ABD).

Regent Bentley moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

THIRD PARTY WORKERS' COMPENSATION ADMINISTRATIVE SERVICES AND INSURANCE COVERAGE - NC & HSC

The Oklahoma Legislature recently passed legislation to allow Oklahoma State University and The University of Oklahoma to obtain third party workers' compensation administrative services and insurance coverage outside of the State Insurance Fund. The purpose of the legislation was to allow competitive bidding in an attempt to improve workers' compensation services being provided to employees and reduce costs associated with the program.

Requests for Proposals were circulated to 40 firms who might be able to provide the services and insurance coverages. Detailed responses were received from nine firms with three additional proposals for a total of 12 responses. The 12 responses were reviewed by a joint Norman/HSC Committee consisting of Personnel, Legal, Environmental Safety, and Purchasing representatives in accordance with the below factors:

- Experience
- Responses to specifications
- Responses to contract terms
- Commitment
- Fees

Because there were a number of high quality proposals, the selection process was more difficult for the committee. Six of the 12 proposals were selected for further consideration. Reference checking was then accomplished on the six proposals and the number was reduced to four for further evaluation. The evaluation committee visited the four finalists to hear presentations on their proposals, ask questions and become more familiar with the personnel who would be designated to work on the OU contract. All four of these firms received excellent references during the reference checking phase. The firms visited were:

1. Lagere and Walkingstick
Chandler, Oklahoma
2. The Beckman Company w/RISCORP
Oklahoma City
3. The Beckman Company w/Insurers Loss Management
Oklahoma City
4. Bryce Insurance w/Gallagher Bassett Services, Inc.
Oklahoma City

All four of these firms are considered to be excellent firms who could provide the needed services in a quality manner. The Bryce Insurance w/Gallagher Bassett proposal was ranked #4 and was dropped from further consideration. Of the three remaining proposals, the evaluation committee rated the Beckman/Insurers Loss Management proposal as the best combination of service and cost in meeting the University's needs.

1. Aggregate Retention/Specific Excess Reinsurance.

For this component the Beckman proposal is compared with the Lagere and Walk-ingstick proposal. The Beckman Reinsurance Proposal was for a lower retention risk (self insured deductible - \$250,000 vs. \$350,000) and provided an aggregate cap (\$5,000,000 vs. none) with the premium being approximately \$11,000 less (\$67,000 vs. \$78,000) per year than the other reinsurance proposals.

2. Workers' Compensation Administrative Services.

The three remaining workers' compensation services proposals were excellent and considered to be essentially equal. A model was established to provide a basis for comparing the cost of the three proposals. Based upon this model the flat fee of \$69,795 proposed by Insurers Loss Management was projected as the lowest cost. The flat fee proposed will also be the maximum fee to be paid under the proposals, regardless of the number and mix of cases.

A pre-award discussion session will be held with Insurers Loss Management to set forth the final contract terms.

While the exact amount of savings is difficult to ascertain, based upon a number of discussions it is estimated that the savings resulting from the award of the contracts will be approximately \$200,000 as compared to continuation with the State Insurance Fund arrangement. The actual amount of savings will accrue on a 50% basis between E&G and Auxiliary units.

President Boren recommended the Board of Regents approve the award of contracts to Insurers Loss Management to provide third party Workers' Compensation Administrative Services and to The Beckman Company to provide Aggregate Retention/Specific Excess Insurance Coverage for both the Norman and Health Sciences Center campuses for a one-year period with options to renew for two additional one-year periods.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

RESOLUTION - REVENUE PLEDGE FOR BONDS

President Boren recommended the approval of the following Resolution:

WHEREAS, the Board of Regents at their June 27, 1995 meeting approved the form of financing documents related to issuance of The Oklahoma Development Finance Authority Public Facilities Financing Program (University of Oklahoma) Taxable Revenue Bonds, Series 1995 A and The Oklahoma Finance Authority Public Facilities Financing Program (University of Oklahoma) Revenue Bonds, Series 1995 B, and authorized the Chairman, Vice Chairman and Executive Secretary to execute and deliver all necessary closing documents;

NOW THEREFORE BE IT RESOLVED that the Board of Regents of The University of Oklahoma directs the ODFA to release the pledge of Section 13 Funds as it relates to The Oklahoma Development Finance Authority Public Facilities Financing Program (University of Oklahoma) Taxable Revenue Bonds, Series 1995 A (suites in the football stadium and baseball park).

BE IT FURTHER RESOLVED that the Board of Regents of The University of Oklahoma covenants the remaining athletic projects (except for facilities for athletic gender equity and academics) to be financed from this issuance (Series 1995 B) will be the obligation of the Athletic Department. The Athletic Department will repay its proportional share of all debt incurred for these projects. The Athletic Department and the administrative unit for the golf course will generate sufficient revenue from the additional facilities being constructed including golf course revenues to service the debt payments on their share of the proposed bond issue. The Board covenants to the Bond Insurer and the Bondholders to raise Athletic Department fees and charges in the event that projected revenues are inadequate to service the debt proposed. If for any reason all money available to the Athletic Department and golf course revenues should prove insufficient to service the debt then the Board of Regents also pledge to use other auxiliary enterprise revenues such as bookstore or vending contract excess funds or any other legally available University resources to insure that the debt service for the athletic related facilities will be met. The Board of Regents hereby declares Regents' policy to be that Section 13 Funds would not be used for debt service for the remaining athletic projects unless all other sources of revenue have been exhausted.

President Boren said he has had several discussions with members of the Bond Oversight Commission and they felt the University would take this action as an institutional statement and policy by the Board. This is a statement of reassurance Section 13 funds will not be used for debt service for the remaining athletic projects unless all other sources of revenue have been exhausted. President Boren said adoption of this Resolution reflects a fair effort on the University's part to meet any concerns the Commission might have.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

REVENUE BONDS FOR ELM AVENUE PARKING FACILITY

In anticipation of the future need to finance the construction of parking facilities through the issuance of revenue bonds, at the May, 1993 meeting of the Board of Regents, the administration reported that it was seeking the passage of a concurrent resolution allowing the issuance of revenue bonds for the construction of parking facilities. Enrolled Senate Concurrent Resolution No. 18 was adopted by the Senate on May 5, 1993 and the House of Representatives on May 20, 1995.

At the November 10, 1994 meeting, the Board of Regents approved the award of a contract for the preparation of plans and specifications for the design of the Elm Avenue Parking Facility, approved a three-step increase in parking fees to finance the construction of the facility, and authorized the President to proceed with the preparation of the documents to offer revenue bonds for sale. The Board had appointed Johnston & Schaffer as Bond Counsel and Boatmen's Bank as Financial Advisor for this revenue bond project at the July 1994 meeting.

On January 25, 1995, the Board of Regents approved a resolution authorizing the administration of the University, Bond Counsel, and the Financial Advisor to undertake certain procedural and ministerial actions in connection with the issuance of these revenue bonds, authorizing the Vice President of Administrative Affairs, Norman Campus, to make certain declarations of official intent on behalf of the University, and authorizing the execution of documents.

On May 25, 1995, the Executive and Legislative Bond Oversight Commissions approved the issuance of these bonds, and the Oklahoma State Regents for Higher Education at the June 28, 1995 meeting reviewed the Preliminary Official Statement and certified to the Attorney General that the essential facts were substantially accurate.

The Notice of Sale was published on July 3, 1995, with the bid closing being set for 10:00 a.m., July 17, 1995. The bids were reviewed by the University's Financial Advisor, Bond Counsel, and Controller. It is recommended that the Regents authorize the issuance of the University of Oklahoma Parking Revenue Bonds (Elm Avenue Parking Facility), Series 1995A, in the principal amount of \$6,050,000 at the net interest cost of 5.3703%.

The University's Financial Advisor and Bond Counsel were present at the meeting.

President Boren recommended the Board of Regents receive bids and adopt the resolutions authorizing the sale and issuance of its University of Oklahoma Parking Revenue Bonds (Elm Avenue Parking Facility), Series 1995A, in the principal amount of \$6,050,000 bearing interest at the net interest cost of 5.3703% and directing the execution of the bonds and approval, correction, execution and delivery of all documents relating to the transaction including, but not limited to, an Official Statement, Trust Agreement and federal tax certificate.

Regent Halverstadt moved approval of the recommendation. Regent Lewis seconded the motion. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

REFUNDING OF UTILITY SYSTEM REVENUE BONDS

At the June 27, 1995 meeting, the Regents authorized the refunding of the \$8,920,000 Utility System Revenue Bonds, Refunding Series 1987A and directed the administration, Bond Counsel, and Underwriter to proceed with this advance refunding, including the preparation of documents, approval of the Executive and Legislative Bond Oversight Commissions, approval of the State Regents, and any and all other actions necessary to prepare a refunding issue. The documents to be executed for this refunding have been prepared and it is requested that the Regents authorize the execution thereof. Upon the Board's authorization to execute the required documents, the administration will seek the approval of the Executive and Legislative Bond Oversight Commissions and the approval of the Oklahoma State Regents for Higher Education.

Pursuant to Oklahoma Statutes, the Executive and Legislative Bond Oversight Commissions must approve the purposes of this refunding and review the issuance of debt for compliance with any applicable provisions of federal, state, or other laws. The Oklahoma State Regents for Higher Education must review the Preliminary Official Statement and determine that the statement is substantially accurate and the projected revenue will satisfy the obligation. The State Regents must certify to the Attorney General the accuracy of the Preliminary Official Statement before the Attorney General will issue final approval for the Bond Issue. In addition, the State Bond Advisor must also approve the Underwriter's fees, Trustee Bank fees, and the interest rates of the refunding bonds to be issued.

At current market conditions, it is estimated that these 1987A Bonds could be refunded at interest rates ranging from 4.25% to 5.10%, resulting in a \$350,000 to \$400,000 interest cost savings to the University. This is a savings of approximately 4.0 to 4.5% of the par value of the refunding bonds. The State Bond Advisor has indicated that any refunding that generates a savings of 2% or more should be considered. This refunding is well above the minimum savings guideline, however, the administration recommends that this refunding not be closed should market conditions change to reduce the savings to less than 3% of the par value of the refunding bonds.

Representatives of the Underwriter and Bond Counsel were present.

President Boren recommended that the Board of Regents authorize the execution of the final documents relating to the \$8,920,000 Utility System Revenue Bonds, Refunding Series 1995, including but not limited to the Trust Agreement, Official Statement and Bond Resolution, Bond Purchase Agreement, and any and all other actions necessary to complete the Bond transaction provided that the savings to be realized by this refunding shall not be less than 3% of the par value of the refunding Bonds issued.

President Boren requested his recommendation be deferred to allow for more time to study this matter to ensure this is in the best interests of the University. Chairman Blankenship and the members of the Board concurred.

CONOCO PIPELINE EASEMENT AT UNIVERSITY RESEARCH PARK

In preparation for the construction of the Interstate 35 interchange at Tecumseh Road, the Oklahoma Department of Transportation has required that an existing CONOCO pipeline be relocated to clear the area for construction. The proposed new pipeline route crosses University property at the northwest corner of the University Research Park in the Northeast 1/4 and the Southeast 1/4 of Section 14, Township 9 North, Range 3 West. CONOCO currently has a blanket easement over the entire Northeast 1/4 of the section and has offered to release University-owned property in the Northeast 1/4 in return for a defined restricted easement. CONOCO has made an offer to pay the University \$2,750.00 for the part of easement needed in the Southeast 1/4 of the section. The proposed easement will be 50 feet in width and will abut an existing easement immediately adjacent to the Interstate Right-of-Way. The easement documents have been reviewed by University Legal Counsel.

If approved by the Board of Regents, the easement will be legally described as follows:

Part One:

Being a 50 feet wide easement, 40 feet on the West side and 10 feet on the East side of the following described survey, crossing the South 1/2 of the Northeast 1/4 of Section Fourteen (14), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma.

Being More Particularly Described as Follows: Beginning at the Northwest corner of the South 1/2 of the Northeast 1/4 of Section 14, T9N-R3W, I.M., Cleveland County, Oklahoma, thence North 89° 57' 04" East for a distance of 411.64 feet to the Point of Beginning, thence on a curve to the right having a radius of 286 feet for a distance of 45 feet, thence South 36° 06'

West for a distance of 330 feet, thence South 24° 08' West for a distance of 50 feet, thence South 12° 10' West for a distance of 50 feet, thence South 00° 25' 51" West for a distance of 963 feet to a point of ending on the South line of the South 1/2 of the Northeast 1/4 of Section 14, said point bears North 89° 54' 08" East from the Southwest corner of the South 1/2 of the Northeast 1/4 of said Section 14. Total length is 1,438 feet or 87.15 rods.

Part Two:

Centerline Description: Being a fifty (50) foot wide easement; forty (40) feet on west side and ten (10) feet on the east side of the Centerline as surveyed, crossing a part of Section Fourteen (14), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma.

Being More Particularly Described as Follows: Beginning at a point 166 feet East of the center of Section 14, T9N-R3W I.M., Cleveland County, Oklahoma, thence South 00° 17' West 914 feet, thence North 89°43' West 40 feet to and ending at a point 915 feet South and 128 feet East of the Center of said Section 14. Total length is 954 feet or 57.82 rods.

A sketch was included in the agenda indicating the location of the proposed easement.

The development of the Tecumseh Road interchange is important to the long-term development of the University Research Park and to the value of the land included. This interchange project will provide a valuable transportation link between the property and Interstate 35.

President Boren recommended that the Board of Regents approve the amendment of an existing Right-of-Way and the execution of a new easement with CONOCO Pipe Line Company which will allow for the construction of a new pipeline at the University Research Park and authorize the President or his designee to execute the necessary documents.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

CATLETT MUSIC CENTER, PHASE II

At the October 1994 meeting of the Board of Regents, the Board approved an increase in the Catlett Music Center, Phase II project budget from \$9,400,000 to \$11,650,000; authorized the President to award a contract for construction of the project to Flintco, Inc., of Oklahoma City, the low bidder, in an amount not to exceed \$9,953,000 based on a low base bid of \$9,976,529, selected alternates, and a reduction in bid price for an extensive number of items identified during value engineering studies; and authorized the President or his designee to sign the construction contract and necessary change orders.

At the March 1995 meeting, a report was presented to the Board of Regents on the results of the value engineering studies. As reported, a contract was executed with Flintco, Inc. in the amount of \$9,937,136, which included the award of the base bid and selected alternates

of work, as well as a \$517,468 reduction in the overall construction cost due to the acceptance of more than 70 value engineering reductions. Two important alternates of additional work were not incorporated at that time.

It now is proposed that the construction work included in these alternates be added to the Flintco, Inc. contract. Award of Alternate No. 11 will allow the dressing rooms and green rooms which serve the Concert Hall and the Recital Hall to be completed. The total cost of the work included in this alternate is \$123,022. The work included in Alternate No. 3 is for the construction of the entrance plaza for the facility. The total cost for this work is \$33,694.

Also, several smaller items of additional construction work need to be authorized at this time. To permit spaces within the existing Catlett Music Center to be reached by individuals with disabilities, a temporary wheelchair ramp was constructed. Additionally, during the excavation for the building's foundation, several uncharted old foundations and utility lines were encountered by the contractor and had to be removed. The total cost of the additional work required to complete these items is \$38,277.

Project funds are available to pay for the additional construction items. An analysis of the project funding indicates that private project funds held in University of Oklahoma Foundation accounts will earn \$300,000 or more of additional interest which may be used for the project. The additional interest funds will increase the total amount available for the project to approximately \$11,950,000.

It is recommended that the Board of Regents approve the award of Change Order No. 1 to Flintco, Inc. in the amount of \$194,993 for the acceptance of Alternate No. 3, Alternate No. 11, and for the minor additional construction work described above, and approve an increased project budget of \$11,950,000.

President Boren recommended the Board of Regents approve (1) the award of Change Order No. 1 to Flintco, Inc. in the amount of \$194,993 for the additional construction work required for the Catlett Music Center, Phase II project, including the work identified as Alternate No. 3 and Alternate No. 11 and originally bid with the project, and (2) an increase of \$300,000 in the project budget to a revised total of \$11,950,000.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

OKLAHOMA MEMORIAL UNION RENOVATION

At the March 1994 meeting the Board of Regents approved the schematic design for Phase One of the Oklahoma Memorial Union Renovation project. In the months that followed, HTB, Inc., the project architects, completed the design development phase of the project. The original project budget was \$4,725,000. At the January 1995 meeting, the Board approved the sale of bonds which would provide \$2,500,000 in additional funds for the project. This has allowed for Phase One and Two of the project to be designed and constructed as a single construction project. Final plans and specifications are nearing completion and are scheduled to be ready for bidding by August 31, 1995. It is planned to bid the project during the month of September and bring a recommendation regarding award of a construction contract to the October Regents' meeting.

The proposed project includes renovation of the ballroom, meeting rooms and supporting service areas; modernization of Meacham Auditorium; the adaptation of other spaces in the Union to accommodate Student Development and Student Services functions; construction of a new elevator, stair tower and entrance as an addition to the south wing; fire and life safety improvements; items of work required to bring the renovated areas of the building into compliance with the Americans with Disabilities Act and other codes; and other necessary building system improvements.

The plans for the ballroom are designed to restore the elegance to the room which has been lost over the years and to improve the functioning of the ballroom and the related meeting rooms. The main entrance will be enlarged, finishes will be replaced or redone, the flooring will be restored, the lighting systems will be augmented and improved, a new sound system is planned, and other improvements will be made to enhance the room. The entire north end of the third floor will be remodeled to provide a series of greatly enhanced meeting and dining rooms, new restrooms, and improved access to the parking structure.

Meacham Auditorium will be extensively renovated to provide an ideal movie theater with film and video projection equipment. The acoustical environment and the lighting systems will be improved, and a new high quality sound system will be installed.

In the central area of the building other meeting rooms, some of which have been used on an interim basis for other purposes, will be remodeled and made available for student use. The offices of the Vice President for Student Affairs and Student Development will relocate to the second floor of the south wing, while Student Support Services will occupy renovated space on the third floor. The current Crossroads Restaurant will be renovated to provide a new student recreation and lounge facility adjacent to new meeting rooms. The Beard Lounge will be remodeled and a new learning center will be located in the area of the current Ming Room.

Renovation of the third floor kitchen is also included in the project. Catering kitchens are presently scattered from the basement to the third floor while food is served primarily on the third floor. Refrigeration and dish washing equipment are located in the basement and are old, oversized, inconveniently located, and subject to failure. The third floor kitchen adjacent to the ballroom will be improved to become a center of catering activity.

Currently the fourth floor houses several diverse functions and activities including office, storage, and student cultural center space. This floor has only one exit and according to Life Safety Code requirements should have a use limited to office or storage functions. The space will be renovated to accommodate the Union Business Office and the Alumni Affairs office. This work includes demolition and reconfiguration of the space, central air conditioning, and electrical service improvements.

Student groups have access to only four meeting rooms in the building without charge. While that number will double with the planned renovations and reallocation of space, additional multipurpose meeting space would greatly increase and enhance use of the building by student groups. When the functions of Alumni Affairs and the Union Business Office are relocated to the fourth floor, the mezzanine space which these units currently occupy can be renovated to provide a multipurpose meeting area. The space is well located relative to other common building facilities and will serve this function well. Renovation of this area includes construction of three conference rooms which will provide meeting space for approximately 250 people.

The exterior of the building is in need of significant repair and maintenance. This element of work includes repair of windows, tuckpointing and sealing of brick and stonework, and roof repairs as required.

Asbestos abatement work by University forces has already commenced. The general construction work, which will take approximately 18 to 20 months to complete, will be scheduled and sequenced to produce the minimum disruption for building occupants.

President Boren recommended that the Board of Regents approve final plans and specifications for the Oklahoma Memorial Union Renovation project and authorize the administration to advertise the project for bids.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

REGENTS' ALUMNI AWARDS

Regents' Alumni Awards are given each year to honor individuals, either alumni or friends of The University of Oklahoma, who have given generously of their time and services to the University. Donors who provide financial support in addition to giving generously of their time and talent will not be eliminated. However, this is not an award based solely on monetary contributions. Special attention is given to alumni who have continued their active support after recent graduation.

Nominations are submitted by alumni, friends, and employees of the University. Selection of the recipients is made by a committee appointed by the President of the OU Association. The Committee is composed of one Regent, three alumni, one faculty member, one staff member, and one student.

Recipients are honored each year at an event preceding a home football game. The award presentations are scheduled this year for September 30 and will be presented by the Chairman of the Board of Regents. Recipients will receive a plaque and their names will be placed on a large replica of the plaque in the Oklahoma Memorial Union.

The committee has met and selected the following individuals:

Peter Adamson III
Tulsa, Oklahoma

Doris Bratton
Norman, Oklahoma

C. Joe Buskuhl
Dallas, Texas

Molly Crawley
Norman, Oklahoma

Steve Dolman
Atlanta, Georgia

Sam T. Hamra, M.D.
Dallas, Texas

W. DeVier Pierson
Chevy Chase, Maryland

Ted L. Sandridge
Bartlesville, Oklahoma

Jennifer Schubert-Akin
Austin, Texas

Carson R. Thompson
Fort Worth, Texas

President Boren recommended the Board of Regents confirm the Regents' Alumni Awards for 1995 as presented.

Regent Lewis moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

GEORGE LYNN CROSS BOTANY-MICROBIOLOGY BUILDING

At the May 1995 Regents' meeting, The University of Oklahoma Board of Regents granted an exception to Regents' policy on the naming of existing unnamed buildings to allow the naming of the Botany-Microbiology Building on the Norman Campus in honor of University of Oklahoma President Emeritus George Lynn Cross on the occasion of his 90th birthday to acknowledge his historical significance to the State of Oklahoma and The University of Oklahoma. A change in the naming from building to hall is thought to be more reflective of a collegiate environment.

President Boren recommended approval of changing the name of the George Lynn Cross Botany-Microbiology Building to the George Lynn Cross Hall.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

INTERNAL AUDITING ACTIVITIES ACADEMIC PERSONNEL ACTIONS DEAN, COLLEGE OF EDUCATION ADMINISTRATIVE AND PROFESSIONAL PERSONNEL ACTIONS

Regent Hall moved the Board meet in executive session for the purpose of discussing personnel-related issues as listed above. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved. The executive session was held in the Pavilion and began at 2:35 p.m.

The meeting reconvened in regular session at 3:30 p.m.

INTERNAL AUDITING ACTIVITIES, THE UNIVERSITY OF OKLAHOMA

During the previous quarter, seven audits were completed for the Norman Campus and Health Sciences Center. A listing of these audits is found below. Copies of the individual audit reports were filed with the vice president and department responsible for the activity audited, the President's Office, and the Regents' Office.

Two issues of significant concern were revealed in these audits. Managers, in recurring instances, are not taking adequate time to properly manage operations at levels that would eliminate many concerns identified in audits. We also noted in Health Sciences Center audits that central accounting and purchasing systems do not have inherent checks and balances to detect splitting of invoices by departments or proper treatment of consulting payments for tax-related issues as detected in audits. In the case of the latter, the Health Sciences Center is in the process of implementing new administrative systems that should correct this situation in the near future.

Four (4) post-audit reviews were also conducted. Of the 14 recommendations revisited during these reviews, 13 were found to be satisfactorily implemented and management has initiated actions necessary to implement the remaining recommendation.

New Reports Issued

Norman Campus

- College of Geosciences - Dean's Office
- Department of Zoology
- Goodie Shoppe
- Investments
- NCAA Financial Audit

Health Sciences Center

- Microcomputer and Data Communications Support
- Department of Psychiatry & Behavioral Sciences and Professional Practice Plan

Types of Units Reviewed

Auxiliary	43%
Universitywide	14%
Academic	29%
Professional Practice Plan	14%

Post-Audit Reviews

Norman Campus

- Instructional Services Division
- College of Law Administration and Legal Assistant Education, Second Follow-Up
- Post-Season Athletic Competitions: John Hancock Bowl and College World Series

Health Sciences Center

- Department of Otorhinolaryngology and Professional Practice Plan

The remaining audits for the fiscal year 1995 audit plan are in report draft status or are nearing completion. These include:

Norman Campus

Honors Program
 Grants and Contracts
 English
 Student Services
 Vice President for Student Affairs
 Student Union
 Printing Services
 University Computing Services
 Property and Liability Insurance
 Employee Benefits, Internal and External Administration
 Campus Computer Networks
 Records Retention

Health Sciences Center Campus

Tulsa Family Practice and PPP
 Tulsa Residency Program
 Medical Records
 PPP Central Collection System
 Dentistry Faculty Practice
 Dental Student Store
 Allied Health
 Site Support

This report was presented for information and discussion.

ACADEMIC PERSONNEL ACTIONSNorman Campus:

Appointments or Reappointments:

Donald J. Pisani, reappointed Merrick Professor of History, annual rate of \$77,289 for 9 months (\$8,587.67 per month), August 16, 1995 through May 15, 2000. Paid from 122-7248, History, pos. 7.60.

Robert L. Jones, reappointed Director, Urban Design, and Professor of Architecture, salary remains at annual rate of \$35,192 for 12 months (\$2,932.67 per month), .75 time, July 1, 1995 through December 31, 1995. Paid from 122-7303, UCT-Architecture, pos. 701.60.

Miguel Jorge Bagajewicz, Ph.D., Associate Professor of Chemical Engineering and Materials Science, annual rate of \$54,000 for 9 months (\$6,000.00 per month), August 16, 1995 through May 15, 1996. Paid from 122-7220, Chemical Engineering and Materials Science, pos. 3.60.

William Ferrara, Associate Professor of Music (Opera), annual rate of \$40,000 for 9 months (\$4,444.44 per month), August 16, 1995 through May 15, 1996. Paid from 122-7270, Music, pos. 21.60.

Michael Anthony Mooney, Ph.D., Assistant Professor of Civil Engineering and Environmental Science, annual rate of \$45,000 for 9 months (\$5,000.00 per month), January 1, 1996 through May 15, 1996. Paid from 122-7222, Civil Engineering and Environmental Science, pos. 9.60.

Keith Anthony Strevett, Ph.D., Assistant Professor of Civil Engineering and Environmental Science, annual rate of \$45,000 for 9 months (\$5,000.00 per month), August 16, 1995 through May 15, 1996. Paid from 122-7222, Civil Engineering and Environmental Science, pos. 11.60.

Gerald Thomas Howard, Assistant Professor of Journalism and Mass Communication, annual rate of \$36,000 for 9 months (\$4,000.00 per month), August 16, 1995 through May 15, 1996. Paid from 122-7256, Journalism and Mass Communication, pos. 3.60.

Jonathan W. Palmer, Visiting Assistant Professor of Management, annual rate of \$55,000 for 9 months (\$6,111.11 per month), August 16, 1995 through May 15, 1996. Paid from 122-7213, Business Administration Instruction, pos. 702.60.

Valerie L. Watts, Ph.D., Assistant Professor of Music, annual rate of \$29,000 for 9 months (\$3,222.22 per month), August 16, 1995 through May 15, 1996. Paid from 122-7270, School of Music, pos. 34.60.

Wayne D. Riggs, Assistant Professor of Philosophy, annual rate of \$30,000 for 9 months (\$3,333.33 per month), August 15, 1995 through May 15, 1996. If Ph.D. is not completed by August 16, 1995, title to be changed to Acting Assistant Professor and salary changed to \$28,000 for 9 months. Paid from 122-7278, Philosophy, pos. 11.60.

Robert A. Terry, Ph.D., Assistant Professor of Psychology, annual rate of \$39,000 for 9 months (\$4,333.33 per month), August 16, 1995 through May 15, 1996. Paid from 122-7283, Psychology, pos. 34.60.

Alberta C. Dooley, Assistant Professor of Social Work, annual rate of \$37,000 for 9 months (\$4,111.11 per month), August 16, 1995 through May 15, 1996. If Ph.D. not complete by August 16, 1995, title to be changed to Acting Assistant Professor and salary changed to \$35,000 for 9 months. Paid from 122-7288, Social Work, pos. 12.60.

Douglas Dean Gaffin, Ph.D., Assistant Professor of Zoology, annual rate of \$36,000 for 9 months (\$4,000.00 per month), August 16, 1995 through May 15, 1996. Paid from 122-7297, Zoology, pos. 2.60.

John V. Cortinas, Jr., reappointed Postdoctoral Fellow, Cooperative Institute for Mesoscale Meteorological Studies, salary changed from annual rate of \$41,580 for 12 months (\$3,465.00 per month) to annual rate of \$43,793 for 12 months (\$3,649.41 per month), July 1, 1995 through December 31, 1995. Paid from 125-6570, CIMMS Task II, pos. 905.65. Paid from grant funds; subject to availability of funds.

Kimberly L. Elmore, Research Associate, Cooperative Institute for Mesoscale Meteorological Studies, annual rate of \$45,000 for 12 months (\$3,750.00 per month), June 19, 1995 through December 31, 1995. Paid from 125-6570, CIMMS Task II, pos. 905.65. Paid from grant funds; subject to availability of funds.

John W. Conway, reappointed Research Associate, Cooperative Institute for Mesoscale Meteorological Studies, salary changed from annual rate of \$36,999.36 for 12 months (\$3,083.33 per month) to annual rate of \$40,326 for 12 months (\$3,360.50 per month), July 1, 1995 through December 31, 1995. Paid from 125-6570, CIMMS Task II, pos. 905.65. Paid from grant funds; subject to availability of funds.

Keith D. Harris, reappointed Research Associate, Oklahoma Biological Survey, salary changed from annual rate of \$41,475 for 12 months (\$3,456.25 per month) to annual rate of \$42,304.50 for 12 months (\$3,525.38 per month), July 1, 1995 through June 30, 1996. Paid from 125-6557, IPA Assignment: Keith Harris, pos. 905.65. Paid from grant funds; subject to availability of funds.

Jean T. Lee, reappointed Visiting Research Associate, Center for Analysis and Prediction of Storms and Federal Aviation Administration, salary changed from annual rate of \$39,337 for 12 months (\$3,278.08 per month) to annual rate of \$40,517 for 12 months (\$3,376.42 per month), July 1, 1995 through January 31, 1996. Paid from 125-4308, CAPS-FAA, pos. 906.65. Paid from grant funds; subject to availability of funds.

Caren Marzban, reappointed Research Associate, Cooperative Institute for Mesoscale Meteorological Studies, salary changed from annual rate of \$31,200 for 12 months (\$2,600.00 per month) to annual rate of \$40,326 for 12 months (\$3,360.50 per month), July 1, 1995 through December 31, 1995. Paid from 125-6570, CIMMS Task II, pos. 905.65. Paid from grant funds; subject to availability of funds.

July 17, 1995

24553

Erik Rasmussen, reappointed Research Associate, Cooperative Institute for Mesoscale Meteorological Studies, salary changed from annual rate of \$47,807 for 12 months (\$3,983.87 per month) to annual rate of \$52,545.62 for 12 months (\$4,378.80 per month), July 1, 1995 through December 31, 1995. Paid from 125-6570, CIMMS Task II, pos. 905.65. Paid from grant funds; subject to availability of funds.

Yefim L. Kogan, reappointed Research Scientist, Cooperative Institute for Mesoscale Meteorological Studies, salary changed from annual rate of \$58,330 for 12 months (\$4,860.87 per month) to annual rate of \$61,246.50 for 12 months (\$5,103.87 per month), July 1, 1995 through January 31, 1996. Paid from 125-6562, CIMMS, pos. 905.65. Paid from grant funds; subject to availability of funds.

Zinaida Kogan, reappointed Research Scientist, Cooperative Institute for Mesoscale Meteorological Studies, salary changed from annual rate of \$22,102 for 12 months (\$1,841.83 per month, .50 time, to annual rate of \$22,654.55 for 12 months (\$1,887.87 per month), .50 time, July 1, 1995 through August 31, 1995. Paid from 125-4358, ARM/CART, pos. 905.65. Paid from grant funds; subject to availability of funds.

Vincent C. K. Wong, reappointed Senior Research Scientist, Center for Analysis and Prediction of Storms, salary changed from annual rate of \$51,718 for 12 months (\$4,309.83 per month) to annual rate of \$53,787 for 12 months (\$4,482.25 per month), July 1, 1995 through January 31, 1996. Paid from 125-4311, Model-XUE, pos. 905.65. Paid from grant funds; subject to availability of funds.

Qin Xu, reappointed Research Scientist, Cooperative Institute for Mesoscale Meteorological Studies, salary changed to annual rate of \$59,360.16 for 12 months (\$4,946.68 per month) to annual rate of \$62,328.16 for 12 months (\$5,194.01 per month), July 1, 1995 through June 30, 1996. Paid from 125-6562, CIMMS Task I; 125-4352, Studies of Mesoscale Dynamics; 125-4310, Qin Xu Subaccount, pos. 905.65. Paid from grant funds; subject to availability of funds.

Ming Xue, reappointed Senior Research Scientist, Center for Analysis and Prediction of Storms, salary changed from annual rate of \$43,050 for 12 months (\$3,587.50 per month) to annual rate of \$46,925 for 12 months (\$3,910.42 per month), July 1, 1995 through January 31, 1996. Paid from 125-4311, Model Xue, pos. 905.65. Paid from grant funds; subject to availability of funds.

Alan Shapiro, reappointed Senior Research Scientist, Center for Analysis and Prediction of Storms, salary changed from annual rate of \$40,653 for 12 months (\$3,387.75 per month) to annual rate of \$44,312 for 12 months (\$3,692.67 per month), July 1, 1995 through January 31, 1996. Paid from 125-4311, Model Xue, and 125-4308, CAPS-FAA, pos. 905.65. Paid from grant funds; subject to availability of funds.

Stephen P. Cook, Ph.D., Biologist, Oklahoma Biological Survey, annual rate of \$21,000 for 12 months (\$1,750.00 per month), .50 time, August 16, 1995 through June 30, 1996. Paid from 122-7410, Oklahoma Biological Survey, pos. 105.65.

Changes:

Gary W. Copeland, Assistant Professor of Political Science and Associate Director, Carl Albert Congressional Research and Studies Center, salary changed from annual rate of \$48,508 for 12 months (\$4,042.33 per month) to annual rate of \$49,478 for 9 months (\$5,389.78 per month), August 16, 1995 through May 15, 1996. Changed from 12-month to 9-month faculty. Paid from 122-7433, Carl Albert Congressional Research and Studies Center, pos. 3.63.

Connie Dillon, Associate Professor of Educational Leadership and Policy Studies; given additional title Director of Oklahoma Research Center for Continuing, Professional and Higher Education; salary changed from annual rate of \$47,089 for 12 months (\$3,924.08 per month) to annual rate of \$49,589 for 12 months (\$4,132.42 per month), July 1, 1995 through June 30, 1996. Includes \$2,500 stipend for additional duties as Director. Paid from 122-7437, Center for Research in Higher Education, pos. 3.63.

Trent E. Gabert, Professor of Health and Sport Sciences; title Chair of Health and Sports Sciences, deleted, July 1, 1995.

Kyung-Bai Lee, Professor of Mathematics, salary changed from annual rate of \$61,200 for 9 months (\$6,800.00 per month) to annual rate of \$70,000 for 9 months (\$7,777.78 per month), August 16, 1995. Phase II of counter-offer in response to offer from Korea University. Paid from 122-7264, Mathematics, pos. 44.60.

Gregg A. Mitman, Associate Professor of History of Science, salary changed from annual rate of \$36,068 for 9 months (\$4,007.56 per month) to annual rate of \$39,000 for 9 months (\$4,333.33 per month), August 16, 1995 through May 15, 1996. Negotiated salary increase. Paid from 122-7247, History of Science, pos. 2.60.

Albert Schwarzkopf, Associate Professor of Management; title changed from Director, Management Division, to Director, Telecomputing Program; salary changed from annual rate of \$61,112 for 12 months (\$5,092.67 per month) to annual rate of \$70,001 for 12 months (\$5,833.42 per month), July 1, 1995 through June 30, 1996. Paid from 122-7213, Business Administration Instruction, and 122-7643, UCT Telecomputing, pos. 123.60.

E. Laurette Taylor, Associate Professor of Health and Sport Sciences; given additional title Chair of Health and Sport Sciences, July 1, 1995 through June 30, 1999; salary changed from annual rate of \$36,702 for 9 months (\$4,078.00 per month) to annual rate of \$60,333 for 12 months (\$5,027.75 per month), July 1, 1995. Changed from 9-month to 12-month faculty. Includes administrative stipend of \$9,000. Paid from 122-7279, Health and Sport Sciences, pos. 10.60.

T. H. Lee Williams, Associate Dean, College of Geosciences, Professor of Geography, and State EPSCoR Director, salary changed from annual rate of \$65,071 for 9 months (\$7,230.11 per month) to annual rate of \$66,372 for 9 months (\$7,374.67 per month), July 1, 1995 through May 15, 1996. Paid from 122-7374, Geosciences Dean, pos. 911.65; 125-5907, Surface Hydrology Research, pos. 905.65; and 122-7241, Geography, pos. 14.60. Paid from grant funds; subject to availability of funds.

Frederick H. Wood, Jr., Professor of Educational Leadership and Policy Studies; title Dean, College of Education, deleted; salary changed from annual rate of \$100,000 for 12 months (\$8,333.33 per month) to annual rate of \$81,978 for 9 months (\$9,108.67 per month), August 16, 1995. Changed from 12-month to 9-month faculty. Paid from 122-7344, Educational Leadership and Policy Studies, pos. 5.60.

Resignations and/or Terminations:

Mary E. Foley, Assistant Professor of Mathematics, August 15, 1995.

Gregory D. Reinhart, Associate Professor of Chemistry and Biochemistry, June 30, 1995.

Stephen Richards, Assistant Professor of Educational Psychology, May 15, 1995.

Angela M. Williams, Assistant Professor of Communication, December 31, 1995.

July 17, 1995

24555

W. Eric Wong, Assistant Professor of Computer Science, August 16, 1995.

David A. Young, Dean, College of Arts and Sciences, and Professor of Botany and Microbiology, July 31, 1995.

Retirement:

James Fife, retirement date changed from August 15, 1995 to July 31, 1995 as Assistant Professor of Modern Languages, Literatures, and Linguistics.

Health Sciences Center:

Appointments or Reappointments:

Keith Alan Swanson, Pharm.D., Associate Professor of Pharmacy Practice, annual rate of \$65,000 for 12 months (\$5,416.60 per month), September 1, 1995 through June 30, 1996. Paid from 50709670, Pharmacy Practice, and A0010067, Continuing Education, pos. 412200.

Lesley Ann Winters, M.D., Clinical Assistant Professor of Pathology, annual rate of \$55,000 for 12 months (\$4,583.33 per month), .75 time, August 1, 1995 through June 30, 1996. Paid from B0538001, University Hospital Reimbursement, pos. 107104.

Monte J. Matli, M.D., Instructor in Anesthesiology, annual rate of \$50,000 for 12 months (\$4,166.66 per month), July 1, 1995 through June 30, 1996. Paid from State; B0530001, University Hospital Reimbursement, and A0000171, PPP Anesthesiology Administration, pos. 121900.

John M. Williams, M.D., Clinical Instructor in Medicine, Tulsa, annual rate of \$40,000 for 12 months (\$3,333.33 per month), July 1, 1995 through June 30, 1996. Paid from A0010298, PPP TMC Internal Medicine Clinic Instruction, pos. 250445.

Charla Stiger, Clinical Instructor in Occupational Therapy, annual rate of \$21,000 for 12 months (\$1,750.00 per month), .50 time, June 19, 1995 through June 30, 1996. Paid from C4322103, DHV/Provide Physical Therapy and Occupational Therapy, pos. 236365.

Changes:

Christy R. Bratcher, Clinical Instructor in Medicine, Tulsa, salary changed from annual rate of \$40,000 for 12 months (\$3,333.33 per month) to without remuneration, June 30, 1995.

Pramod K. Chetty, Assistant Professor of Anesthesiology; given additional title Chief Anesthesiologist, University Hospital, February 14, 1995 through June 30, 1995.

Stephen R. Fransen, Assistant Professor of Ophthalmology; given additional title Associate Director, Center for Telemedicine; salary changed from annual rate of \$77,061 for 12 months (\$6,421.75 per month) to annual rate of \$97,061 for 12 months (\$8,088.42 per month), July 1, 1995 through June 30, 1996. Includes \$20,000 for additional responsibility as Associate Director for the Center of Telemedicine. Paid from A0000075, Ophthalmology, pos. 156840; 18109600, Center for Telemedicine, pos. 002833; and VA Medical Center.

July 17, 1995

24556

P. Lloyd Hildebrand, Assistant Professor of Ophthalmology; given additional title Associate Director, Center for Telemedicine; salary changed from annual rate of \$61,200 for 12 months (\$5,100.00 per month) to annual rate of \$81,200 for 12 months (\$6,766.67 per month), July 1, 1995 through June 30, 1996. Paid from A0000076, Ophthalmology, pos. 156950; 18109600, Center for Telemedicine, pos. 002832; and VA Medical Center.

Philip A. Isaac, title changed from Visiting Instructor to Instructor in Anesthesiology, July 1, 1995 through June 30, 1996.

William J. McAuley, Adjunct Professor of Family Medicine and of Nursing; title changed from Adjunct Professor to Professor of Health Administration and Policy with tenure, January 1, 1995. Changed to tenured faculty.

Kim McLanahan, Clinical Assistant Professor of Radiological Sciences, salary changed from annual rate of \$31,500 for 12 months (\$2,625.00 per month), .60 time, to annual rate of \$42,000 for 12 months (\$3,500.00 per month), .80 time, June 15, 1995 through June 30, 1995. Paid from A0000181, Radiological Salary Supplement, and B0336001, Childrens Memorial Hospital Reimbursement, pos. 201550.

Eli Reshef, Assistant Professor of Obstetrics and Gynecology; changed from tenure track to consecutive term faculty, May 1, 1995.

Carl F. Schaefer, title changed from Associate Professor of Anesthesiology to Associate Professor of Research, Department of Anesthesiology; salary changed from annual rate of \$51,611 for 12 months (\$4,300.00 per month), full time, to annual rate of \$38,708 for 12 months (\$3,225.69 per month), .75 time, July 1, 1995 through June 30, 1996. Changed from consecutive term faculty to part-time. Paid from C7183401, Use of Disaspirin Cross Linked Hemoglobin Solution, and A0000171, PPP Anesthesiology Administration, pos. 120600.

Jacqueline J. Smith, Assistant Professor of Anesthesiology; given additional title Chief of Anesthesiology Services, Veterans Affairs Medical Center, December 20, 1994 through June 30, 1995.

Jean L. Spitz, Professor and Vice Chair of Radiologic Technology; salary changed from FTE: \$60,000, annual rate of \$50,000 for 12 months (\$4,166.66 per month), PPP: \$10,000 to FTE: \$62,000, annual rate of \$50,000 for 12 months (\$4,166.66 per month), PPP: \$12,000, May 31, 1995. Increase in PPP Potential only. Paid from 2724-6, Radiologic Technology, pos. 240600.

Tenure:

J. Clark Bundren, Assistant Professor of Obstetrics and Gynecology, Tulsa, tenure granted.

Resignations and/or Terminations:

Denise Flori, Assistant Professor of Family Medicine, May 15, 1995 (with accrued vacation through June 30, 1995).

Rhett L. Jackson, Assistant Professor of Medicine, June 30, 1995 (with accrued vacation through August 8, 1995).

Josh P. Kupferberg, Associate Professor of Anesthesiology, July 1, 1995.

Robert A. Rankin, Professor of Medicine, May 29, 1995 (with accrued vacation through July 13, 1995).

Retirement:

Donald Karns, Clinical Associate Professor of Family Medicine, June 30, 1995 (with accrued vacation through August 29, 1995).

President Boren recommended approval of the academic personnel actions shown above.

Regent Lewis moved approval of the President's recommendation and to grant tenure to J. Clark Bundren. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

DEAN, COLLEGE OF EDUCATION

Regent Bentley moved that Joan Karen Smith, Ph.D., be appointed Dean, College of Education, and Professor of Educational Leadership and Policy Studies with tenure, at an annual rate of \$104,004 for 12 months, effective August 6, 1995. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

ADMINISTRATIVE AND PROFESSIONAL PERSONNEL ACTIONS**Norman Campus:****Appointments or Reappointments:**

Lee M. Colaw, Director of University Computing and Telecommunication Services, annual rate of \$79,500 for 12 months (\$6,625.00 per month), July 17, 1995. Administrative Officer. Paid from 134-7110, University Computing Services, pos. 101.65.

Josefa Gal-Chen, reappointed Scientific Programmer Analyst, Cooperative Institute for Mesoscale Meteorological Studies, salary changed from annual rate of \$31,343.88 for 12 months (\$2,611.99 per month), .75 time, to annual rate of \$41,792 for 12 months (\$3,482.65 per month), full time, May 1, 1995 through June 30, 1995; salary changed to annual rate of \$43,789.86 for 12 months (\$3,649.15 per month), July 1, 1995 through December 31, 1995. Professional Staff. Paid from 125-6570, CIMMS Task II, and 125-6865, Polarimetric Radar Measurement, pos. 905.65. Paid from grant funds; subject to availability of funds.

Marc S. Nadler, reappointed Senior Systems Support Programmer, Cooperative Institute for Mesoscale Meteorological Studies, salary changed from annual rate of \$43,780 for 12 months (\$3,648.26 per month) to annual rate of \$45,365.27 for 12 months (\$3,780.43 per month), July 1, 1995 through December 31, 1995. Professional Staff. Paid from 125-6570, CIMMS Task II, and 125-6655, RDASC, TASK III, pos. 905.65. Paid from grant funds; subject to availability of funds.

Gregory Stumpf, reappointed Senior Scientific Programmer Analyst, Cooperative Institute for Mesoscale Meteorological Studies, salary changed from annual rate of \$41,254.92 for 12 months (\$3,437.91 per month) to annual rate of \$44,292.51 for 12 months (\$3,691.04 per month), July 1, 1995 through December 31, 1995. Professional Staff. Paid from 125-6570, CIMMS Task II, pos. 905.65. Paid from grant funds; subject to availability of funds.

Kevin Thomas, reappointed Senior Scientific Programmer Analyst, Cooperative Institute for Mesoscale Meteorological Studies, salary changed from annual rate of \$39,133.94 for 12 months (\$3,261.16 per month) to annual rate of \$42,970.63 for 12 months (\$3,580.88 per month), July 1, 1995 through December 31, 1995. Professional Staff. Paid from 125-6570, CIMMS Task II, pos. 905.6. Paid from grant funds; subject to availability of funds.

Changes:

Steven D. Dile, promoted from Manager, Telecommunications, to Assistant Director, University Computing Services for Telecommunications, salary increased from annual rate of \$48,916 for 12 months (\$4,076.33 per month) to annual rate of \$51,316 for 12 months (\$4,276.33 per month), July 1, 1995. Managerial Staff. Paid from 134-7310, Telecommunications, pos. 102.65.

Fred Gipson, Chief Legal Counsel, salary changed from annual rate of \$95,160 for 12 months (\$7,930.00 per month) to annual rate of \$60,000 for 12 months (\$5,000.00 per month), November 1, 1995.

Robert N. Heeney, title changed from Associate Development Officer to College Development Director, College of Engineering, salary changed from annual rate of \$34,986 for 12 months (\$2,915.50 per month) to annual rate of \$41,160 for 12 months (\$3,430.00 per month), July 1, 1995. Managerial Staff. Paid from 122-7378, Engineering Dean, pos. 107.65.

Marita K. Hynes, title changed from Coordinator of Athletic Promotions to Associate Athletic Director/Senior Women's Administrator, Athletic Department, salary changed from annual rate of \$40,000 for 12 months (\$3,333.34 per month) to annual rate of \$55,000 for 12 months (\$4,583.33 per month), July 1, 1995. Managerial Staff. Paid from 117-1121, Athletic/Promotions, pos. 8.65.

Raymond J. Lopes, Assistant Men's Basketball Coach, salary changed from annual rate of \$55,000 for 12 months (\$4,583.33 per month) to annual rate of \$60,000 for 12 months (\$5,000.00 per month), July 1, 1995. Employee retention and post-probationary increase. Paid from 117-1121, Athletic/Men's Basketball, pos. 71.65.

Burl A. Plunkett, Head Women's Basketball Coach, salary changed from annual rate of \$52,000 for 12 months (\$4,333.00 per month) to annual rate of \$60,000 for 12 months (\$5,000.00 per month), July 1, 1995. Gender Equity. Paid from 117-1121, Athletic/Women's Basketball, pos. 87.65.

Jason H. Rabedeaux, Assistant Men's Basketball Coach, salary changed from annual rate of \$55,000 for 12 months (\$4,583.33 per month) to annual rate of \$60,000 for 12 months (\$5,000.00 per month), July 1, 1995. Employee retention and post-probationary increase. Paid from 117-1121, Athletic/Men's Basketball, pos. 72.65.

Judith S. Smith, title changed from Coordinator, Employment and Compensation, to Coordinator, Training and Development, Personnel Services, July 1, 1995. Administrative Staff.

Peter B. Tirrell, title changed from Assistant Director of Public Programs, Oklahoma Museum of Natural History, to Associate Director, Oklahoma Museum of Natural History, salary changed from annual rate of \$39,531 for 12 months (\$3,294.25 per month), to annual rate of \$51,000 for 12 months (\$4,250.00 per month), July 1, 1995. Administrative Staff. Paid from 122-7269, Oklahoma Museum of Natural History, pos. 178.65.

Norris G. Williams, Director, Minority Recruitment Services, salary changed from annual rate of \$50,823 for 12 months (\$4,235.25 per month) to annual rate of \$52,823 for 12 months (\$4,401.92 per month), July 1, 1995. Budget Increase. Paid from 142-7156, Minority Recruitment Services, pos. 178.65.

Health Sciences Center:

Leave of Absence:

Kwai W. Pang, Associate Director, Administrative Computing Services, resignation changed to leave of absence without pay, May 31, 1995.

Changes:

Pamela Byrd-Mauldin, title changed from Director, Office of Communications and Media Relations, to Director of Marketing, Professional Practice Plan Administration, June 12, 1995.

Lana G. Ivy, promoted from Assistant Director to Associate Director of Development, University Development, salary changed from annual rate of \$45,000 for 12 months (\$3,750.00 per month) to annual rate of \$50,450 for 12 months (\$4,204.17 per month), July 1, 1995. Administrative Staff. Paid from A0009370, Foundation Salary Reimbursement, pos. 011040.

Marina Patterson, Manager, Information Systems, Professional Practice Plan Administration, salary changed from annual rate of \$40,000 for 12 months (\$3,333.34 per month) to annual rate of \$42,000 for 12 months (\$3,500.00 per month), April 18, 1995. Paid from A0000570, PPP Central Administration, pos. 295163.

President Boren recommended approval of the administrative and professional personnel actions shown above.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

ATHLETIC ACHIEVEMENT AWARDS

The following awards are consistent with Regents' Policy 7.18.8 and recognize academic and athletic achievement. Funding for these one-time payments is from team support funds. These awards represent one month's pay for each person recommended. All coaches have demonstrated a commitment to support the academic progress of their student-athletes. The coaches also make every effort to recruit the type of student who has a chance to succeed in academics and athletics at The University of Oklahoma.

BASEBALL:

The 1994-95 baseball team had a 2.68 overall grade point average. Five members of the team were named to the Big Eight Conference End-of-the-Year Honor Roll which requires a minimum 3.00 grade point average for the academic year. Six seniors graduated from the program.

The 1994-95 team ended their season with a record of 42-16 and returned to the College World Series for the third time in the past four years.

Coach Larry Cochell is recommended to receive \$7,358.33 and Coach Vern Ruhle \$3,558.33.

MEN'S BASKETBALL:

The 1994-95 men's basketball team had a 2.31 overall grade point average. Two members were named to the Academic All Big Eight Conference Team.

After a successful regular season record of 23-9, the men's basketball team participated in the NCAA Tournament.

Coach Kelvin Sampson is recommended to receive \$9,583.33; Coach Jason Rabedeaux \$4,583.33; and Coach Ray Lopes \$4,583.33.

WOMEN'S BASKETBALL:

The 1994-95 women's basketball team had a 2.71 overall grade point average. Three members were named to the Big Eight Conference End-of-the-Year Honor Roll.

After a successful regular season record of 22-9, the women's basketball team participated in the NCAA Tournament.

Coach Burl Plunkett is recommended to receive \$4,333.33 and Coach Stacy Johnson \$3,333.33.

MEN'S GOLF:

The 1994-95 men's golf team had a 2.68 overall grade point average. Two members of the golf team graduated in May and two were named to the Big Eight Conference End-of-the-Year Honor Roll.

The team's successful season was rewarded with the NCAA Regional Championship. The team advanced to the NCAA Championship Finals.

Coach Gregg Grost is recommended to receive \$3,458.33

WOMEN'S GOLF:

The 1994-95 women's golf team had a 2.71 overall grade point average. One member of the golf team graduated in May and two were named to the Big Eight Conference End-of-the-Year Honor Roll.

The team's successful season was rewarded by its participation in the NCAA Championship Finals.

Coach Carol Ludvigson is recommended to receive \$3,458.33.

MEN'S GYMNASTICS:

The 1994-95 men's gymnastics team had a 3.06 overall grade point average. Three members of the gymnastics team graduated in May and eight were named to the Big Eight Conference End-of-the-Year Honor Roll.

The team's successful season was rewarded by its participation in the NCAA Championship Finals.

July 17, 1995

24561

Coach Greg Buwick is recommended to receive \$3,250.00 and Coach Mark Williams \$1,916.67.

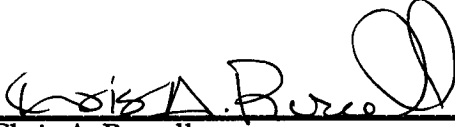
President Boren recommended the Board of Regents approve achievement awards for coaches as listed above.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Blankenship, Bentley, West, Hall, Halverstadt, Lewis, and Siegfried. The Chair declared the motion unanimously approved.

LITIGATION

There was no report given.

There being no further business, the meeting adjourned at 3:35 p.m.



Chris A. Purcell
Executive Secretary of the Board of Regents