

Academic Component Institutions:  
The University of Texas at Arlington  
The University of Texas at Austin  
The University of Texas at Brownsville  
The University of Texas at Dallas  
The University of Texas at El Paso  
The University of Texas-Pan American  
The University of Texas of the Permian Basin  
The University of Texas at San Antonio  
The University of Texas Institute of Texan Cultures at San Antonio  
The University of Texas at Tyler



Health Component Institutions:  
The University of Texas Southwestern Medical Center at Dallas  
The University of Texas Medical Branch at Galveston  
The University of Texas Health Science Center at Houston  
The University of Texas Health Science Center at San Antonio  
The University of Texas M. D. Anderson Cancer Center  
The University of Texas Health Center at Tyler

THE UNIVERSITY OF TEXAS SYSTEM

Office of General Counsel

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600  
file # ML-17838-92  
ID# 17869  
PM 10-29-92

Michael H. Corley  
Attorney

October 29, 1992

RO-496

The Honorable Dan Morales  
Attorney General of Texas  
Supreme Court Building  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711

Opinion Committee

Attn: Opinion Committee  
Open Records Section

Re: Request for Open Records Act Opinion

Dear General Morales:

RE: 17838

On October 19, 1992, the Chancellor of the University of Texas System, Dr. William H. Cunningham, received the attached Open Records request from Shirley Goldsmith of the Texas Faculty Association, dated October 14, 1992. Ms. Goldsmith is requesting a copy of a specific letter sent to Chancellor Hans Mark (dated December 10, 1991) from Dr. Harley Courtney, a Professor of Accounting at the University of Texas at Arlington. Dr. Courtney's letter to Chancellor Mark and the three attachments to the letter concern the endowed professorship of a fellow faculty member in the U.T. Arlington Accounting Department, Dr. W. Marcus Dunn.

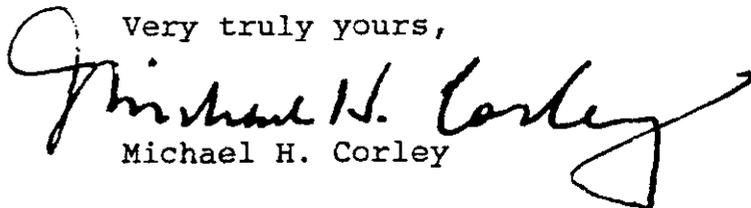
The University of Texas System does not contend that two of the three attachments to Dr. Courtney's letter (a memorandum from Bill Ross to Dr. Wendell Nedderman, dated December 17, 1986 and a memorandum from W.E. Mullendor to Tenure Tract Faculty, dated April 9, 1991) are exempt from disclosure and, therefore, does not seek an Attorney General's opinion with respect to those documents.

However, the University maintains that the contents of the letter from Dr. Courtney to Dr. Mark dated December 10, 1991 and the attached letter from Dr. Dunn to Dr. Martin Taylor dated November 7, 1991 are exempt from disclosure under Section 3(a)(11) of the Texas Open Records Act, Art. 6252-17a, V.T.C.S., because each of these two letters constitutes an intra-agency memorandum

between a faculty member of the University of Texas and a superior administrative officer. Each of these letters is an intra-agency memorandum which contains advice, opinion, or recommendation that is used in the deliberative or decision making process. (The issue of Dr. Dunn's appointment to an endowed professorship.) See Open Records Decisions nos. 525 (1989); 405 (1983); 334 (1982); 335 (1982); 106 (1975).

In accordance with the procedures of your office, I am enclosing (i) a copy of Dr. Courtney's letter to Chancellor Mark dated December 10, 1991, (ii) a copy of Dr. Dunn's letter to Dr. Martin Taylor dated November 7, 1991. I also enclose for your reference copies of the two attachments to Dr. Courtney's letter, referred to above, which we do not seek to withhold from disclosure. On the basis of the authorities cited, the University of Texas System requests an opinion on whether the requested information contained in the letters of Dr. Courtney and Dr. Dunn is required to be released.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Corley". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Michael H. Corley

MHC:klc

xc: Mr. Ray Farabee  
Mr. John Moore