



Young Conservatives of Texas

Young Conservatives of Texas is a non-partisan conservative youth organization that has been fighting for conservative values in the Lone Star State since 1980; and, publishes the longest running, and most respected ratings of the Texas legislature.

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Dear Chairman Powell:

On behalf of the Young Conservatives of Texas, we wish to bring to your attention the callous disregard for open government the administration of The University of Texas at Austin, and specifically its provost Steven Leslie and Vice President for Business Affairs Kevin Hegarty, recently showed. We also wish to request your assistance in passing a Regents rule that would remedy these problems going forward.

When the Legislature passed tuition deregulation, lawmakers were promised that there would be openness, transparency, and widespread student consultation. Instead, tuition has risen dramatically, and to the extent consultation occurs, it is orchestrated by the administration to create the illusion that students support administrators' runaway spending and tuition increases.

Consistent with its obligation under the Code of Ethics for the Society of Professional Journalists to insist upon open government, The Daily Texan has repeatedly sought access to meetings of The University of Texas at Austin's Tuition Policy Advisory Committee. These requests have been repeatedly denied by Mr. Hegarty and Dr. Leslie.

While we recognize that final decisions on tuition policy are made by the Board of Regents, the past practice of the board has given significant weight to the recommendations of local campus officials and its advisory committees. We would note, however, that the practice of almost all other state and local governmental bodies is to open these advisory meetings to the public. Committees of the Texas Legislature and the advisory commissions appointed by the Austin City Council, just to name two of many examples, are public even though these bodies only make recommendations to the body that created them.

During the 2011 Legislative Session, we sought assistance from State Representative Bryan Hughes in addressing this issue. Representative Hughes drafted an amendment to Senate Bill 5 that was part of the final bill signed into law by Governor Perry in 2011. SB 5 was a bill that relieved The University of Texas System from many state reporting requirements. Many conservatives had concerns about the other provisions in SB 5 — including the reduced reporting requirements — but we decided not to oppose or criticize the bill largely because Chairman Dan Branch addressed many concerns raised by conservative groups such as the Texas Public Policy Foundation and because he agreed to keep the Hughes amendment on the bill. We think those changes — including the Hughes amendment — played a key role in allowing this bill to become law.

Instead of faithfully implementing the Hughes amendment, UT–Austin administrators used legal loopholes to evade legislative intent. Because the Hughes amendment only specifically mentions advisory committees that govern student fees, and not tuition, UT–Austin decided to close the Tuition Policy Advisory Committee meetings to the press and the public. The committee does hold a few public forums, but these forums are not where the committee makes or votes on recommendations. They are attempts on the part of the administration to sell their tuition increases to the student body. The meetings that matter are held behind closed doors.

While UT–Austin’s decisions might be within the letter of the law, that doesn't make it right or appropriate, and this behavior is inconsistent with promises made during and immediately following the 2003 tuition deregulation debate. It is also inconsistent with state public policy which states as follows:

"Under the fundamental philosophy of the American constitutional form of representative government that adheres to the principle that government is the servant and not the master of the people, it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created ...," Texas Government Code, Sect. 552.001(a)

Because the Board of Regents have the authority to set the tuition rates, we believe that grants the regents rulemaking authority over the process used to set tuition, and we believe you should use that authority to demand open government.

We are attaching to this document proposed language that we suggest the board consider adopting as a Regents rule. To our knowledge, all of the UT System campuses have some advisory committee on tuition policy. Our proposal codifies the Hughes amendment and applies it to tuition advisory committees.

The Daily Texan has quoted UT administrators claiming that UT–Austin closed the advisory committee meeting to protect the students on the panel and protect confidential budget information. We hope these attributed statements do not reflect official University of Texas System Policy.

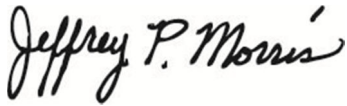
When a city council or county commissioner's court wishes to raise taxes, the elected members of that body must hold a public hearing. They are not allowed to raise taxes in secret. They must face their neighbors and run the risk that the voters will think ill of their decision or choose not to re-elect them. This is the essence of American democratic accountability. Similarly, student leaders who believe there is a strong case that tuition should go up, need to have the courage to say so publicly. The public deserves to hear the statements UT administrators make to encourage (or, in some cases, we would argue, orchestrate) student leader support for spending and tuition increases. We would also note that—per section 552.022 of the Texas Government Code—the budget for a state agency is not confidential under any circumstances.

We believe the Tuition Policy Advisory Committee process has been tainted. In addition to the Regents Rule we suggest— one that would fix this problem going forward— we also believe you should reject the proposed tuition increase and require the UT administration to repeat the process. This time, the process should be conducted in public. This is the normal remedy provided by Chapter 551 of the Texas Government Code, when an open government violation has occurred.

Finally, we would like to close by thanking you for your service to our state. We know that recently some of Governor Perry's more conservative appointments to the Board of Regents have been subjected to a series of unfair attacks because they have dared to give serious attention to reform ideas promoted by Gov. Rick Perry and the Texas Public Policy Foundation. We hope you will not let these unfair attacks deter the board from continuing to ask hard questions

and demand a better value for students' and taxpayers' money. We look forward to working with you and your fellow regents to address our concerns.


Sincerely,



Jeff Morris, State Chairman, Young Conservatives of Texas



Tony McDonald, Senior Vice Chairman, Young Conservatives of Texas, UT Law Student



Jenna White, Chairman, UT–Austin Chapter, Young Conservatives of Texas

Enclosure: Proposed Regents rule

cc: The Honorable Bryan Hughes
Governor Rick Perry
Lt. Gov. David Dewhurst
Speaker Joe Straus
President William Powers, Jr.
Capitol Press Corps and Editorial Boards