



2024 TSM Governing Documents

TSM Handbook
Declaration of Trust



The University of Texas at Austin
Texas Student Media
Moody College of Communication

Section 1: **Texas Student** **Media Handbook**



The University of Texas at Austin
Texas Student Media
Moody College of Communication

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Chapter 1. General Organization

Subchapter A: General Provisions

1.11 What is our mission?

The mission of Texas Student Media is—

- (1) to provide practical learning experiences in a professional environment, dedicated to excellence, student freedom of expression and sound business practices appropriate to an academic setting;
- (2) to produce superior student media responsive to the general needs of the U.T. Austin community; and
- (3) to carry out provisions of the Declaration of Trust.

Definitions.

In this Handbook,

Board means Board of Operating Trustees.

Employee means the Director, a student manager, or any other employee, including business office staff and editorial staff.

Filing Deadline means the time by which applications for elected offices must be received to be valid.

Media unit means a student-managed content-producing unit defined by a whole chapter of this Handbook.

President generally means the President of the Board except where noted.

Regents means the Board of Regents of The University of Texas System.

Regular meeting means a meeting of the Board previously scheduled by the Board under section 1.23(e)(2).

Session means the term of the Board beginning on June 1 of a year and continuing until May 31 of the next year.

Special meeting means a meeting of the Board that is not a regular meeting.

Student manager means the editor or manager of any media unit, including both the Editor-in-Chief and Managing Editor of *The Daily Texan*.

TSM means Texas Student Media.

U.T. Austin means The University of Texas at Austin.

Vacate means to leave a position, by resignation, failing to meet requirements, or failure to serve for any other reason.

1.12 What is the purpose of this Handbook?

The Declaration of Trust (“Trust”) provides the broad outline of the organization, responsibilities, and policies. This Handbook implements the Trust by declaring the policies of the Board of Operating Trustees (“Board”).

Subchapter B: Board of Operating Trustees

1.21 Who are the voting members?

The voting members of the Board are:

- (1) three Moody College of Communication students, elected by the student body;
- (2) three at-large students, elected by the student body;
- (3) two members of the Moody College of Communication voting faculty, appointed by the U.T. Austin President;
- (4) one member of the McCombs School of Business voting faculty, appointed by the U.T. Austin President; and
- (5) two media professionals, appointed by the U.T. Austin President.

1.22 Who are the non-voting members?

(a) **Ex-officio non-voting members.** The ex-officio non-voting members of the Board are:

- (1) the Director; and
- (2) student managers, including TSM student advertising director.

(b) **Delegate non-voting members.** The delegate non-voting members of the Board are:

- (1) a representative of the Dean of Students Office/Vice President for Student Affairs; and
- (2) a representative of the Student Government President.

1.23 What are the duties and responsibilities of the Board?

(a) **Policy.** The Board must—

- (1) ensure that controls and procedures are established and maintained pursuant to Paragraph 2.2 of the Trust, providing:
 - (A) the regular training of all employees, editors, managers, editorial workers and staff members of the Student Media by a Media Adviser, and
 - (B) the timely consultation by the Media Adviser with the employees, editors, managers, editorial workers and staff members of the Student Media, in each case, to ensure that the Student Media are operated in a manner consistent with the Public Purpose and Applicable Laws;
- (2) determine the character and policies of all student media; and
- (3) promulgate and implement a Handbook containing Board policy, which it may amend by majority vote.

(b) **Personnel.** The Board must—

- (1) appoint the student managers of each media unit, except for *The Daily Texan* Editor-in-Chief;
- (2) supervise the student managers of each unit, including *The Daily Texan* Editor-in-Chief;
- (3) fill vacancies in for the student managers of each media unit, including *The Daily Texan* Editor-in-Chief, in the event someone resigns or is vacated for any reason during the year;
- (4) take disciplinary action, including removal from office, against board members for violation of Board policy or for non-performance of duties;
- (5) certify the eligibility of candidates for positions elected by the student body; and
- (6) declare the winning candidates elected by the student body.

(c) **Budget.** The Board must—

- (1) operate and control the Student Media, the Trust assets, Media assets, and Media contracts and related property;
- (2) acquire and dispose of such assets as reasonably necessary to fulfill the purposes of the Trust;

- (3) delegate the Director to enter into contracts with suppliers and vendors on behalf of Texas Student Media; and
 - (4) review budget and budget amendments.
- (d) **Reports.** The Board must—
- (1) certify in writing to the Regents within 90 days after the close of each fiscal year that the Board and Dean of the Moody College of Communication have evaluated the controls and procedures as specified in the Trust and found that they satisfy Trust requirements;
 - (2) comply with auditing and financial controls as outlined in the Trust;
 - (3) approve minutes of each meeting before posting on the TSM website; and
 - (4) produce special reports within two weeks upon request from the U.T. Austin President, the Chancellor, or the Regents;
- (e) **First regular meeting.** At the first regular meeting of the session, the Board must—
- (1) elect a President, Vice President and Secretary;
 - (2) approve a schedule of regular meetings that ends in May, though board meetings can be held in summer if necessary; and
 - (3) schedule, or host at the first meeting, training for new board members, review training for returning members, and certify that all board members have completed Open Meetings Act training.

1.24 What Board actions are reviewed by the University?

- (a) Board action in appointing, disciplining and removing student managers is final and complete.
- (b) Board action with respect to the employment, removal, salary, duties, or responsibilities of the Director will have no effect until approved by the Dean of the Moody College of Communication.
- (c) Per the Trust, the Board shall permit the Regents, or any authorized representative to visit, inspect and audit the properties, financial and business records of TSM with its officers and directors during normal business hours upon reasonable notice.

1.25 Who are the officers of the Board?

- (a) **President.** The President—
 - (1) must preside at meetings;
 - (2) may call special meetings;
 - (3) must call a special meeting upon the written request of three voting members;
 - (4) must certify the Board's action when required; and
 - (5) must perform other duties the Board assigns.
- (b) **Vice President.** The Vice President—
 - (1) must perform the duties of the President in the absence of the President;
 - (2) may call special meetings in the absence of the President; and
 - (3) must perform other duties the Board assigns.
- (c) **Secretary.** The Secretary is responsible for taking the minutes of board meetings.
- (d) **Other officers.** The Board may elect other officers and assign them duties.
- (e) **Term of office.** Officers serve a one-year term, beginning in June.
- (f) **Requirement.** Officers of the Board must be voting student members.
- (g) **Temporary officers prior to election.**
 - (1) The Moody College of Communication faculty member who is in the second year of a term will serve as temporary chair and perform the duties of the President until the Board elects a President.
 - (2) The Moody College of Communication faculty member who is in the first year of a term will serve as temporary vice-chair and perform the duties of the Vice President until the Board elects a Vice President.
- (h) **Replacement.** If an officer vacates the position, the Board must elect the successor at the next regular meeting.

1.26 How are meetings operated?

- (a) **Open meetings.** The Board must follow the procedures of the Texas Open Meetings Act.

- (b) **Parliamentary authority.** The Board must conduct its meetings in strict adherence to Robert's Rules of Order unless it conflicts with Board policy or the law.

1.27 What are members' terms of office?

- (a) **Voting members.**
 - (1) Voting members serve a fixed two-year term beginning on June 1, unless filling an unexpired term. Voting members' terms expire on May 31. Voting members may not serve more than four years consecutively.
 - (2) **Even years.** In even years, a new term will begin for two Moody College of Communication students, one at-large student, one member of the Moody College of Communication voting faculty, one member of the McCombs School of Business voting faculty, and one media professional.
 - (3) **Odd years.** In odd years, a new term will begin for one Moody College of Communication student, two at-large students, one member of the Moody College of Communication voting faculty, and one media professional.
- (b) **Ex-officio non-voting members.** Ex-officio non-voting members serve while they hold the position designated in the handbook.
- (c) **Delegate non-voting members.** Delegate non-voting members serve a fixed one-year term beginning on June 1, unless filling an unexpired term. Delegate non-voting members' terms expire on May 31.

1.28 How are the voting student members elected and replaced?

- (a) Voting student members are elected by the student body.
- (b) If a voting student member vacates the position, the Board must appoint a qualified successor to fill the unexpired term. The presiding officer may not vote on this appointment, except to break a tie. If the Board appoints this successor at a meeting where the Board elects at least one officer, the Board must appoint the successor before electing any officer.
- (c) **Length of unexpired term.** If a voting student member vacates the position at least two weeks prior to the election Filing Deadline, the Board-appointed successor shall serve only until May 31 of that year. If the unexpired term will have a year remaining at that time, the Board can opt to appoint the successor to fill out the entire unexpired term or choose to have the vacancy filled by election. In that case, the student body will elect a student to serve a one-year term beginning on June 1.

- (d) If a voting student member notifies the Board in writing at least two weeks prior to the election Filing Deadline that the member will vacate the position with at least a year remaining on the unexpired term, the student body will elect a student to serve for a one-year term beginning on June 1.

1.29 What requirements must voting student members meet?

- (a) **General requirements.** A voting student member must—

- (1) be an enrolled U.T. Austin student for at least nine hours throughout the long session;
- (2) have completed at least 12 hours at U.T. Austin with a minimum grade point average of 2.0 (for undergraduates) or at least 9 hours at U.T. Austin with a minimum grade point average of 3.0 (for graduate students).

- (b) **General prohibitions.** A voting student member may not—

- (1) hold a paid or regularly scheduled position at TSM or any media unit; or
- (2) file as a candidate for popular election to another student office by the student body of the University or a college or school, unless the Board waives this requirement by majority vote.

- (c) **Requirements for specific positions.**

- (1) **Moody College of Communication.** Candidates for Moody College of Communication voting student member positions must—

- (A) be undergraduates enrolled in the Moody College of Communication, and

- (B) have completed 12 hours of Moody College of Communication courses.

- (2) **At-large.** Candidates for at-large voting student member positions must not be enrolled in the Moody College of Communication.
- (3) If no qualified applicants file by the initial deadline for a specific voting student member position, the board shall advertise for qualified student members and appoint someone to the position.

- (d) **Absences.** After taking office, a voting student member must not be absent for three consecutive regular meetings, unless—

- (1) the Board determines an excused unforeseeable situation caused any of the absences; or
- (2) the Board has granted the member an exemption during the summer.

- (e) **Failure to meet requirements.** A voting student member who fails to continue to meet the requirements must vacate the position.

1.30 How are voting non-student members appointed and replaced?

- (a) The President of U.T. Austin must appoint the voting non-student members.
- (b) If a voting non-student member vacates the position, the President of U.T. Austin must appoint someone to fill the unexpired term.

1.31 What requirements must voting non-student members meet?

- (a) A voting non-student member may not hold a paid or permanent position at TSM or any media unit.
- (b) **Absences.** After taking office, a voting non-student member must not be absent for three consecutive meetings, unless—
 - (1) the Board determines an excused unforeseeable situation caused any of the absences; or
 - (2) the Board has granted the member an exemption during the summer.
- (c) **Failure to meet requirements.** A voting non-student member who fails to continue to meet the requirements must vacate the position.

Subchapter C: Standing Committees

1.41 What is the Executive Committee?

- (a) In this section, *Committee* means Executive Committee.
- (b) **Membership.** The members of the Committee are:
 - (1) the McCombs School of Business voting faculty member of the Board;
 - (2) one Moody College of Communication voting faculty member of the Board, elected by the Board;
 - (3) one additional voting non-student member of the Board, elected by the Board; and
 - (4) two voting student members of the Board, elected by the Board.
- (c) **Responsibilities—Personnel.** The Committee must—

- (1) in April of every year (a) the Chairman of the Executive Committee of the Board, (b) one additional voting member of the Board, and (c) the Dean of the Moody College of Communication, evaluate and conduct a performance assessment of the Director of Student Media and make recommendations to the full Executive Committee;
 - (2) before May 31 of each year appoint the Director for a one-year term beginning September 1;
 - (3) determine compensation of the Director;
 - (4) prescribe duties of the Director subject to the basic policies of the Board; and
 - (5) hear complaints and attempt to resolve differences between student staff members and their advisers or student managers upon appeal or request from the Director.
- (d) **Responsibilities—Budget.** The Committee must—
- (1) review budgets and budget amendments to the Board;
 - (2) approve all non-budgeted equipment purchases for items over \$5,000.
- (e) **Chair.** The Committee must select its own chair at the first Committee meeting of the session following the selection of all of its members. The President must designate a temporary chair until the Committee elects its own chair.
- (f) **Term of office.** A Committee member must serve a fixed term until—
- (1) the Board elects the member's successor; or
 - (2) the member ceases to be a member of the Board.
- (g) **Open meetings.** The Committee must follow the procedures of the Texas Open Meetings Act.

1.42 What is the Election Committee?

- (a) In this section, *Committee* means Election Committee.
- (b) **Membership.** The members of the Committee are:
- (1) three voting student members of the Board, appointed by the President; and
 - (2) two voting faculty members of the Board, appointed by the President.

- (c) **Responsibilities.** The Committee's responsibilities are in Chapter 7, Election Code.
- (d) **Chair.** The Committee must select its own chair at the first Committee meeting of the session following the selection of all of its members. The President must designate a temporary chair until the Committee elects its own chair.
- (e) **Term of office.** A Committee member must serve a fixed term until—
 - (1) the President appoints the member's successor; or
 - (2) the member ceases to be a member of the Board.
- (f) **Open meetings.** The Committee must follow the procedures of the Texas Open Meetings Act.

Subchapter D: The Director

1.51 What are the responsibilities of the Director?

- (a) **Policy.** The Director must administer Board and U.T. Austin policy.
- (b) **Management.** The Director must—
 - (1) oversee all media units and manage advising;
 - (2) manage support functions such as business, production, and advertising; and
 - (3) perform general duties to promote the student media.
- (c) **Personnel.** The Director must—
 - (1) supervise the filing of applications for student offices appointed by the Board or elected by the student body;
 - (2) review academic standing of paid student employees and report this action to the Board; and
 - (3) appoint, hire, supervise, and arrange for adequate training for employees other than the student staffs of media units.
- (d) **Budget.** The Director must—
 - (1) administer budgets;
 - (2) propose budgets and budget amendments, with the counsel of the student managers, to the Executive Committee and the Board;

- (3) report periodically to the Executive Committee on actual income and expenses compared to budgeted income and expenses;
- (4) purchase supplies and services, subject to Board and U.T. Austin policies and budgets; and
- (5) negotiate contracts for work not performed by employees, subject to Board and U.T. Austin budgeted line items.

(e) **Production.** The Director must—

- (1) determine the proportion of content and advertising in each media unit, subject to Board instructions; and
- (2) determine the publication dates and production schedules of each media unit with the consent of its student manager and in consultation with the advertising department.

(f) **Individual Participant Handbook.** The Director must—

- (1) ensure each media unit's individual participant handbook is available at all times to all student employees; and
- (2) report to the Board on whether the student managers have fulfilled Board requirements for the individual participant handbook at the first regular meeting after October 15 of each year.

(g) **Reports. The Director must—**

- (1) ensure that the minutes of each meeting are recorded by the elected secretary and presented to the Board before the next regular meeting;
- (2) ensure that agendas and approved minutes of the Board meetings are posted on a public web page;
- (3) report to the Board at each regular meeting about the review status of past Board actions;
- (4) report to the Board about any incident involving intentional damage to property or the threat of harm or actual harm to employees; and
- (5) carry out board support functions and communication with the U.T. Austin administration, Dean of the Moody College of Communication and Regents as required in the Trust.

Subchapter E: Personnel Conflict

1.61 Between students participating at TSM

- (a) The student(s) must report the conflict to the Media Adviser responsible for the media unit to which the student(s) report.
- (b) The Media Adviser will work with student(s) to resolve the conflict through remediation or reassignment and may involve departments outside of TSM, such as Student Judicial Services. In cases where the conflict violates TSM policies, the Media Adviser can recommend termination with approval of the Student Manager of the TSM entity.
- (c) Termination takes effect immediately, prior to any appeal process.
- (d) A student can appeal a termination through the Director, who has final say.
- (e) In cases where the Director upholds the termination, the student may choose to file a report to the Executive Committee through the Business Office of TSM.
- (f) The Executive Committee may choose to discuss and/or take action on the report at the next scheduled meeting.
- (g) The Director may suspend any student manager for violation of Board, TSM, or University policy. Suspension, without pay, takes effect immediately and can be reviewed at the next scheduled Board meeting. Director shall appoint interim student manager.

1.62 Between students and professional staff

- (a) If a student has a conflict with a member of the professional staff, he or she must contact the immediate supervisor of the employee to make a report.
- (b) Director shall determine final resolution for conflict involving a professional staff member.
- (c) If the conflict is between a student and the Director, student must report conflict to Media Adviser, who will work with the Assistant Dean for Media Operations at the Moody College of Communication.
- (d) Either the Director or the Assistant Dean for Media Operations at the Moody College of Communication will ensure that the Board is made aware of the issue at the next scheduled Board meeting.

- (e) The Board may choose to discuss and/or take action on the report at the next scheduled meeting.

Subchapter F: Individual Participant Handbook

1.71 Handbook Contents

- (a) The staff manual contains the policies of unit leadership and staff, developed with the counsel of the Adviser, and subject to the policies of the Board, and is due to the Director by October 15 of each year.
- (b) The individual participant handbook for each media unit should include a link to the University's Handbook of Operating Procedures (www.utexas.edu/policies/hoppm) and—
 - (1) personnel policies including—
 - (A) hiring and firing policies, and
 - (B) recruitment and retention plans;
 - (2) ethical policies;
 - (3) editorial policies, including—
 - (A) policies on opinion editorials and candidate endorsements; and
 - (4) the unit's individual chapter of the TSM Handbook.
- (c) The individual participant handbook may include other policies.

Subchapter G: Future Entities

1.81 Policies for the creation of future media units

Any future entities seeking entry into TSM must first provide a pitch to the Director and their delegate. They must receive initial approval from TSM leadership before presenting and receiving approval from the Board to begin operations.

Chapter 2. *The Daily Texan*

Subchapter A: General Provisions

2.11 What is our mission?

The purpose of *The Daily Texan* shall be to publish student-produced and controlled news and opinion of interest and importance to the U.T. Austin campus and community, and to provide a practical learning experience for students.

Subchapter B: Organizational Structure

2.21 What are the responsibilities of the Editorial Adviser?

The Editorial Adviser must—

- (1) be the principal advising resource for the student staff by providing written critiques of the day's issue, counsel training and assistance in all operations of *The Daily Texan*;
- (2) assist in training and coaching the student staff; work with editors and student staff members as needed on story assignments and development.
- (3) manage *The Daily Texan* contest entry process, using student input in making entry selections for awards and competitions. Keep the Director and Board apprised of results;
- (4) provide training to ensure that copy is free from libel, obscenity, invasion of privacy, or trademark or copyright infringement. Hold at least one mandatory workshop per semester for the entire student staff of *The Daily Texan*. Keep copies of completed exams on file. Ensure that applicants for *The Daily Texan* editor positions pass a libel test before the board considers their candidacy;
- (5) collaborate with the Director and Assistant Director to determine budgetary needs for the editorial department of *The Daily Texan*;
- (6) serve as a liaison and advocate for *The Daily Texan* to the Department of Journalism in the Moody College of Communication.
- (7) attend newsroom budget meetings. Actively advise students by being visible in the newsroom and by getting to know the individual student staff members, ensuring they are aware of the Adviser's ability and presence as a resource;

- (8) respect student staff content control and work with editors to ensure such control is retained;
- (9) work with editorial and advertising student staffs to plan special editions or special sections; and
- (10) communicate the needs of the team in a timely manner to the Director.

2.22 What are the responsibilities of the Editor-in-Chief?

The Editor-in-Chief must—

- (1) serve as an ex-officio, non-voting member of the Board;
- (2) oversee the opinion page, preventing libelous content, copyright violation or invasion of privacy, as well as ensuring that it upholds sound journalistic and ethical practice;
- (3) appoint and assign duties to the opinion page assistant editors and columnists, recruit volunteer writers for the opinion page and write editorials;
- (4) meet opinion page deadlines;
- (5) assist the Managing Editor in promoting morale and spirit among the news staff of *The Daily Texan*;
- (6) appoint a Director of Advocacy and Belonging in conjunction with the Managing Editor to ensure staff and coverage is inclusive of the UT community. If no qualified applicants exist, appoint two board members to form an Advocacy and Belonging Board;
- (7) appoint a Director of Digital Strategies in conjunction with the Managing Editor;
- (8) be the official representative of *The Daily Texan*, on and off campus; and
- (9) along with the Managing Editor, recruit and retain a staff reflective of the student body.

2.23 What qualifications must the Editor-in-Chief meet?

(a) An applicant must—

- (1) be an enrolled U.T. Austin student;
- (2) have completed at least 12 hours at U.T. Austin with a minimum grade point average of 2.0 (for undergraduates) or at least 9 hours at U.T. Austin with a minimum grade point average of 3.0 (for graduate students);

- (3) pass a media law and libel test administered by the Editorial Adviser prior to taking position;
 - (4) have worked at least one full semester as a permanent staff member of *The Daily Texan* in opinion;
 - (5) have worked at least one full semester as a permanent or issue staff member of *The Daily Texan* outside opinion;
 - (6) have obtained signatures from at least five current permanent staff members of *The Daily Texan* supporting the candidate for Editor-in-Chief.
- (b) In the case of only one candidate, the Board may certify candidates by waiving one of requirements by an affirmative vote of two-thirds majority of the voting members present.
- (c) The Editor-in-Chief shall be elected by the student body in the spring semester. The Editor-in-Chief's term begins on June 1 and concludes on May 31 of the following year. The outgoing Editor-in-Chief will train the incoming Editor-in-Chief in the basic operations and policies of TSM as regards annual budgets, payrolls, purchasing, inventory of U.T. Austin property, and *The Daily Texan* policies and procedures.

2.24 What general provisions must an applicant follow?

- (a) Any person who has served a regular full term (June 1 through May 31) as Editor-in-Chief shall be ineligible for a second term.
- (b) Any member of *The Daily Texan* staff who applies to run for Editor-in-Chief must take a leave of absence without pay from the date of certification through the official announcement of the winner. If the candidate is unopposed, they are not required to take a leave of absence.
- (c) The Editor-in-Chief shall leave to the decision of the Managing Editor the makeup and display of the news in *The Daily Texan* while the Managing Editor will leave up to the Editor-in-Chief all decisions regarding content of the opinion page. In the event of a disagreement between the Editor-in-Chief and Managing Editor over any area of *The Daily Texan* policy, the decision of the Editor-in-Chief shall prevail.
- (d) The Editor-in-Chief shall not be paid for work in any other department or supplemental section above and beyond the stipend determined at the start of the Editor-in-Chief's term.

2.25 What are the responsibilities of the Managing Editor?

The Managing Editor must—

- (1) serve as an ex-officio non-voting member of the Board;
- (2) act as head of the editorial staff of *The Daily Texan*, and direct the work of the staff, except those who write opinion page material;
- (3) appoint and assign duties to all members of the student staff except those appointed by the Editor-in-Chief;
- (4) appoint a Director of Advocacy and Belonging in conjunction with the Editor-in-Chief to ensure staff and coverage is inclusive of the UT community. If no qualified applicants exist, appoint two board members to form an Advocacy and Belonging Board;
- (5) appoint a Director of Digital Strategies in conjunction with the Editor-in-Chief;
- (6) in consultation with the Editorial Adviser, approve requisitions for travel or other news department supplies, subject to budgetary limitations;
- (7) oversee the editorial content, preventing libelous content, copyright violation or invasion of privacy, as well as ensure that it upholds sound journalistic and ethical practice;
- (8) enforce deadlines;
- (9) supervise the writing and editing of all copy except that under the jurisdiction of the Editor-in-Chief to assure that the copy upholds sound journalistic and ethical practice;
- (10) preside over meetings of the news staff of *The Daily Texan* and assist in fostering the morale and spirit of the news staff; and
- (11) be the official representative of *The Daily Texan* when the Editor-in-Chief is not available.

2.26 What qualifications must the Managing Editor meet?

(a) An applicant for Managing Editor must—

- (1) be an enrolled U.T. Austin student;
- (2) have completed at least 12 hours at U.T. Austin with a minimum grade point average of 2.0 (for undergraduates) or at least 9 hours at U.T. Austin with a minimum grade point average of 3.0 (for graduate students);
- (3) pass a media law and libel test administered by the Editorial Adviser prior to taking position;

- (4) have obtained signatures from at least five staff members of *The Daily Texan* supporting the candidate for Managing Editor;
 - (5) will have completed at least two semesters as a permanent staff member of *The Daily Texan* in any desk, except opinion (see the Daily Texan handbook for description of “permanent staff”);
 - (6) show competence in management by serving in a Daily Texan department head or management position with supervisory and design responsibilities for at least one semester or summer session desk (see the Daily Texan handbook for description of “management position”).
- (b) If no qualified applicant for *The Daily Texan* Managing Editor has filed by the deadline, the Board shall make an appointment using the Handbook qualifications, of which either qualification 4, 5, or 6 shall be waivable by an affirmative vote of two-thirds majority of the voting members present.
 - (c) The Managing Editor shall be appointed by the voting members of the Board each semester. Candidates may be reappointed for up to three semesters. Terms begin one week before classes begin during long semesters, and one week before the summer sessions begin. Terms end not sooner than the last day of publication.
 - (d) The outgoing Managing Editor will train the incoming Managing Editor in the basic operations and policies of TSM as regards annual budgets, payrolls, purchasing, inventory of U.T. Austin property, and *The Daily Texan* policies and procedures.

Subchapter C: Editorial and News Policies

2.31 What practices do we follow?

- (a) *The Daily Texan* staff shall endeavor to cover the campus thoroughly.
- (b) Every effort shall be made to ensure the accuracy of statements of fact made in news and editorial materials with primary responsibility resting on those who write and edit the materials.
- (c) If an erroneous statement is published in *The Daily Texan* and the decision is made to run a correction, the correction shall be run with the story or column where the error was made.
- (d) Each issue of *The Daily Texan* shall carry in a prominent position on the opinion page the following statement: “Opinions expressed in *The Daily Texan* are those of the editor or writer of the column and are not necessarily those of The University of Texas at Austin administration, the Board of Regents or the Texas Student Media Board of Operating Trustees.”

- (e) The staff is in charge of looking for libelous content, with supervision by the Editorial Adviser. Department heads, copy desk chiefs, associate managing editors appointed by the Managing Editor or the Editor-in-Chief, who have passed a libel test prepared by the Editorial Adviser, will read all content, looking specifically for issues that could potentially be libelous or problematic.
- (f) The Daily Texan abides by the Society of Professional Journalists Code of Ethics, which charges us to seek truth and report it, minimize harm, act independently, and be accountable and transparent.

2.32 How must we treat candidates for elections?

- (a) All candidates for external elections for the same office should receive fair, balanced consideration in the matter of content and treatment.
- (b) In its news stories, *The Daily Texan* should not discriminate against nor favor any candidate for office.

Chapter 3. *Cactus* Yearbook

Subchapter A: General Provisions

3.11 What is our mission?

The *Cactus* yearbook is to provide an accurate account from the student perspective of the past year at U.T. Austin. At the same time, it offers practical learning experiences to students in all aspects of publishing, from layout design and photography and writing, as well as to the business aspects.

Subchapter B: Organizational Structure

3.21 What are the responsibilities of the *Cactus* Adviser?

The Adviser must—

- (1) be the principal advising source for the *Cactus* yearbook staff by providing written critiques, counsel, training and assistance in all operations of the yearbook, including marketing, meeting deadlines and quality of content;
- (2) assist in recruiting, training and coaching the student staff; work with editors and student staff members as needed on story assignments and development. Strive to broaden the recruitment net to get as representative a staff as possible;
- (3) manage the *Cactus* contest entry process, using student input in making entry selection. Keep the Director and Board apprised of the results;
- (4) collaborate with the Director and Assistant Director to determine budgetary needs for the *Cactus* yearbook;
- (5) ensure the *Cactus* yearbook adheres to established business policies and procedures. Approve all non-budgeted expenses and get Director's approval for amounts over \$100;
- (6) respect student staff content control and work with student managers to ensure such control is retained;
- (7) oversees, coordinates, schedules and supervises the *Cactus* Yearbook Photo studio in the fall and spring semesters; and
- (8) communicates the needs of the team in a timely manner to the Director.

Advisory responsibilities will be delegated or absorbed by the Director.

3.22 What are the responsibilities of the Editor-in-Chief?

The Editor-in-Chief's primary responsibility is to develop a book that reflects the life of U.T. Austin, its students and its representatives. The Editor-in-Chief must remain focused on the fact that the book belongs to and represents the students of U.T. Austin, while also maintaining a concise one-year history of campus life. The Editor-in-Chief also must—

- (1) serve as a non-voting member of the Board;
- (2) manage the editorial department of the *Cactus*, subject only to the limitation of the policy adopted officially by the Board;
- (3) select and appoint the members of the executive staff, none of whom may be on scholastic or disciplinary probation. Executive staff members all of whom head various departments, will select their staffs, subject to approval of the Editor-in-Chief;
- (4) adhere to deadlines;
- (5) recruit and retain a staff reflective of the student body;
- (6) ensure with the Adviser that the yearbook is operated within budget limits;
- (7) ensure that *Cactus* appeals to a broad enough segment of the market to keep the yearbook financially strong; and
- (8) review individual participant handbook and, if changes are necessary, submit it to the Director before October 15 and February 15 of each year.

3.23 What qualifications must the Editor-in-Chief meet?

- (a) An applicant for Editor-in-Chief must—
 - (1) be an enrolled U.T. Austin student;
 - (2) have completed at least 12 hours at U.T. Austin with a minimum grade point average of 2.0 (for undergraduates) or at least 9 hours at U.T. Austin with a minimum grade point average of 3.0 (for graduate students); and
 - (3) pass a libel and plagiarism test administered by the Editorial Adviser early in their term.
- (b) The Editor-in-Chief's term begins on June 1 and concludes on May 31 of the following year.

3.24 What are our miscellaneous policies?

- (a) No student voting member of the Board may serve in a regular or paid position on the staff of the *Cactus*.
- (b) No student on scholastic probation may serve as Editor-in-Chief, Associate Editor, Section Editor or Copy Editor of the *Cactus*.

Subchapter C: Awards and Recognition

3.31 What are Cactus Standouts?

- (a) **Cactus Standouts.** The *Cactus* Editor-in-Chief shall publicize and solicit applicants for “Cactus Standouts” from campus groups. Applications shall be submitted to the Adviser with the final selection made by the Editor-in-Chief and Adviser. Public announcement of the Cactus Standouts shall be kept confidential until made by the Editor-in-Chief. Rules governing selection include:
 - (1) Cactus Standouts should represent a variety of campus groups.
 - (2) Selections should be based upon outstanding contribution to U.T. Austin; scholarship; leadership; awards and honors received; participation in campus organizations, activities and campus committee work.
 - (3) Students previously chosen as a Cactus Standout are ineligible for the award again

Chapter 4. KVRX Radio

Subchapter A: General Provisions

4.11 What is our mission?

The mission of KVRX is to provide students with an opportunity to gain practical learning experiences managing and operating a radio station that serves the Austin community by offering unique programming for and about students.

Subchapter B: Organizational Structure

4.21 What are the responsibilities of the Adviser?

(a) The KVRX Adviser must—

- (1) be the principal advising resource for the radio station student staff by providing written critiques, counsel, training, and assistance in all operations of the radio stations;
- (2) assist in recruiting, training and coaching the student staff; work with station managers and student staff members as needed on program development. Strive to broaden the recruitment net in order to get as representative a staff as possible;
- (3) manage the KVRX awards entry process, using student input in making entry selection. Keep the Director and Board apprised of the results;
- (4) provide and document training to ensure that student content is in compliance with Federal Communications Commission (“FCC”) regulations;
- (5) collaborate with the Director and Assistant Director to determine budgetary needs for KVRX;
- (6) serve a liaison and advocate for KVRX to RTF (Radio, Television and Film) and Broadcast Journalism in the Moody College of Communication;
- (7) attend student staff meetings for KVRX. Actively advise students by being visible throughout the fourth floor, and by getting to know individual student staff members, ensuring they are aware of the Adviser's ability and presence as a resource;
- (8) respect student staff content control and work with station managers to ensure such control is retained; and
- (9) monitor and request technology and equipment needs on a timely basis.

- (b) The Adviser may withhold certain materials from broadcast if the Adviser believes broadcasting the content would violate FCC regulations or University policy. However, the Adviser should only exercise the right to withhold content from broadcast if all other options to resolve the concerns about the content have been proven unsuccessful. The station staff must be consulted prior to taking the action of withholding content and the Director must be notified in an effort to resolve the Adviser's concern. Either party may appeal the Director's decision to the Board which has the final authority.

4.22 What are the responsibilities of the Station Manager?

- (a) The Station Manager must—
 - (1) serve as an ex-officio non-voting member of the Board;
 - (2) appoint and supervise the members of the KVRX staff;
 - (3) manage day-to-day program operations of each department subject to Board policy;
 - (4) work closely with professional staff to manage non-programming functions, such as engineering, business support, and physical facilities;
 - (5) recruit and retain a staff reflective of the student body by developing and implementing detailed recruitment and retention plans, with the counsel of the Director; and
 - (6) review the individual participant handbook and submit any needed edits to the Director for information before October 15 of each year.
- (b) **Term of office.** The Station Manager's term begins on June 1 and concludes on May 31 of the following year.

4.23 What qualifications must the Station Manager meet?

- (a) An applicant for Station Manager must—
 - (1) be an enrolled U.T. Austin student;
 - (2) have completed at least 12 hours at U.T. Austin with a minimum grade point average of 2.0 (for undergraduates) or at least 9 hours at U.T. Austin with a minimum grade point average of 3.0 (for graduate students);
 - (3) demonstrate an understanding of media law and FCC regulations by passing an exam prepared by the Station Adviser prior to taking the position;
 - (4) have been approved by at least 30% of voting staff members, following the procedures in subsection (b) of this section, "Vote of Confidence."

(b) Vote of Confidence process.

- (1) The Adviser must—
 - (A) conduct the election by confidential ballot, and
 - (B) conduct the election before the Board's appointment of the Station Manager.
- (2) All KVRX participants in attendance may submit only one ballot. However, the staff member may vote for as many candidates as deemed qualified.
- (3) The Adviser and another professional staff member must count the votes and report the results to the Board.
 - (A) The report of results should be in a closed session.
 - (B) The report of results should include the percentage of votes received by each candidate.

Subchapter C: Programming Policies

4.31 What kind of programming do we carry?

The Station Manager, with the counsel of the executive staff, must establish a weekly program schedule within the first six weeks of the term in office, featuring a variety of music, news, sports, and informational programming.

4.32 Must we follow FCC regulations?

- (a) KVRX shall operate as a non-commercial FM station on an assigned frequency in the public interest, convenience and necessity. KVRX shall accept the privilege of broadcasting on an assigned frequency as a public trust and be, therefore, subject to certain rules and regulations required to protect the public interest, convenience, and necessity because of the limitations of the broadcast band.
- (b) KVRX staff must abide by all regulations and rulings of the Federal Communications Commission ("FCC") that apply to KVRX broadcast operations. This includes regulations on obscenity and slander.

4.33 What are our ethical and legal obligations?

- (a) KVRX subscribes to the following codes of ethics:
 - (1) The National Association of Broadcasters Statement of Principles, and
 - (2) The Society of Professional Journalists Code of Ethics.

- (b) KVRX staff must make every effort to avoid libel, slander, obscenity, invasion of privacy, and misstatement of fact on all broadcasts. When an erroneous statement is aired, KVRX must issue a correction at an appropriate time as soon as possible.

4.34 May we sell commercial radio time?

As a non-commercial FM radio station, KVRX may not sell commercial time. However, the radio station may solicit underwriting and sponsored public service announcements.

4.35 Opinion-Based Content

- (a) The Station Manager may—
 - (1) allow the broadcast of editorials; and
 - (2) decide the content of editorials or delegate this responsibility.
- (b) Editorials must follow Board policy and FCC regulations.
- (c) All editorials must be preceded by the following pre-produced disclaimer:

“The following editorial is the personal opinion of the producer. It does not necessarily reflect the opinion of this station, The University of Texas at Austin, the UT System Board of Regents, or the Texas Student Media Board of Operating Trustees. KVRX encourages public comment to this editorial. Please contact the Program Director of this station for more information.”

Chapter 5. Texas Student Television (“TSTV”)

Subchapter A: General Provisions

5.11 What is our mission?

Texas Student Television (“TSTV”) is a low-power television broadcast and production facility licensed to The University of Texas at Austin (“U.T. Austin”), managed by students, and administered under the direction of the Board. The mission of TSTV is to provide practical learning experiences to students in the production, management and presentation of television programming and to serve as an outlet of diverse, innovative and open expression for U.T. Austin students.

TSTV shall operate as a student-run broadcast channel and production facility. The broadcast of student-produced programming shall be prioritized.

Subchapter B: Organizational Structure

5.21 What are the responsibilities of the Adviser?

(a) The TSTV Adviser must—

- (1) be the principal advising resource for the television station student staff by providing written critiques, counsel, training, and assistance in all operations of the television stations;
- (2) assist in recruiting, training and coaching the student staff; work with station managers and student staff members as needed on program development;
- (3) manage the TSTV contest entry process, using student input in making entry selection. Keep the Director and Board apprised of the results;
- (4) provide and document training to ensure that student content is in compliance with FCC regulations;
- (5) collaborate with the Director and Assistant Director to determine budgetary needs for TSTV;
- (6) serve as a liaison and advocate for TSTV to RTF and Broadcast Journalism in the Moody College of Communication. Work with the college in its efforts to establish for-credit internships;
- (7) respect student staff content control and work with station managers to ensure such control is retained;

- (8) monitor and request technology and equipment needs on a timely basis. Continue to work with the College to negotiate equipment as available;
 - (9) work with advertising and marketing on promotional efforts to ensure their success. Be proactive in working with both students and professionals to bring forth new promotional ideas; and
 - (10) continue to explore and recommend outside production opportunities, on campus and beyond, for additional revenue generation. Work to establish written pre-determined price scales for these types of projects. Increase revenue from outside production efforts from the previous year.
- (b) The TSTV Adviser may—
- (1) withhold certain materials from broadcast if the Adviser believes broadcasting the content would violate FCC regulations or University policy. However, the Adviser should only exercise the right to withhold content from broadcast if all other options to resolve the concerns about the content have been proven unsuccessful. The station staff must be consulted prior to taking the action of withholding content and the Director must be notified in an effort to resolve the Adviser's concern. Either party may appeal the Director's decision to the Board, which has the final authority.

5.22 What are the responsibilities of the Station Manager?

- (a) The Station Manager must—
- (1) serve as a non-voting member of the Board;
 - (2) appoint and supervise the members of the TSTV executive staff, each of whom—
 - (A) must supervise a department, and
 - (B) must appoint and supervise a department's staff, subject to Station Manager approval;
 - (3) approve all departmental staff selections and recommend wages for management team members, subject to Executive Committee approval;
 - (4) manage day-to-day program operations as well as business and marketing functions, subject to the limitations of the policies adopted by the Board;
 - (5) determine the makeup of the TSTV broadcast program schedule on a semester-by-semester basis in consultation with TSTV staff and Adviser;
 - (6) supervise producers and volunteers of appropriate teams to produce TSTV-sponsored programming and the use of TSTV equipment and personnel in the realm of program production;

- (7) review the progress of such programming while in production and make necessary recommendations to ensure that TSTV resources are being utilized to best effect, for the benefit of TSTV, and in compliance with TSTV policies;
- (8) recruit and retain a staff reflective of the student body by developing and implementing detailed recruitment and retention plans; and
- (9) review individual participant handbook and if edits are needed submit to the Director for review before October 15 of each year.

5.23 What qualifications must the Station Manager meet?

- (a) An applicant must—
 - (1) be an enrolled U.T. Austin student;
 - (2) have completed at least 12 hours at U.T. Austin with a minimum grade point average of 2.0 (for undergraduates) or at least 9 hours at U.T. Austin with a minimum grade point average of 3.0 (for graduate students);
 - (3) demonstrate an understanding of media law and FCC regulations by passing an exam prepared by the Station Adviser prior to taking position.
- (b) The Station Manager shall be appointed by the Board in the spring semester. The Station Manager's term begins on June 1 and concludes on May 31 of the following year.

Subchapter C: Programming Policies

5.31 What are our programming policies?

- (a) For broadcast programming, TSTV shall abide by all rules and regulations contained in the Code of Federal Regulations, as well as any subsequent rulings by the FCC or other governmental entities that may apply to TSTV operations.
- (b) Programming policies shall be determined by the TSTV Station Manager and staff. They shall be oriented to provide maximum opportunities for student experience in all fields of television, including production, electronic journalism, broadcast technology, advertising, business and marketing, public relations, and community affairs, as well as serving the needs of the campus and community viewers.
- (c) TSTV may through the advertising department solicit advertising and sponsorship of programs and airtime managed by the station. TSTV may also carry commercials or other paid content, as managed by the advertising department

Chapter 6. *Texas Travesty*

Subchapter A: What is our mission and organizational structure?

6.11 What is our mission?

The purpose of the *Texas Travesty* is to educate and entertain the campus by providing a satirical publication that serves as an outlet for students' humorous writing and art. It provides students with practical learning experiences to hone their writing and design skills as well.

Subchapter B: Organizational Structure

6.21 What are the responsibilities of the Editorial Adviser?

- (a) The *Texas Travesty* Editorial Adviser is expected to provide training and consultation resources similar to those available to writers, editors and staff members in commercial media operations.
- (b) The Adviser will provide training to ensure that copy is free from libel, invasion of privacy, or trademark or copyright infringement.
- (c) Ensure that applicants for *Texas Travesty* Editor-in-Chief positions pass a libel test before the board considers their candidacy. Advisory responsibilities will be delegated or absorbed by the Director.

6.22 Can the Editorial Adviser withhold content from publication?

The Board has the responsibility for establishing the policies of the *Texas Travesty*. The Board and U.T. Austin recognize and support the students' rights to maintain an uncensored forum for satire and opinion. Members of the *Texas Travesty* should seek advice from the Editorial Adviser regarding issues that could be potentially libelous. The Board and U.T. Austin will provide resources to assist students but understand and acknowledge the students' right to control content. The Editor-in-Chief of the *Texas Travesty* is responsible for all published content.

6.23 What are the responsibilities of the Editor-in-Chief?

- (a) The Editor-in-Chief shall—
 - (1) serve as a nonvoting member of the Board;
 - (2) be the official representative of the *Texas Travesty*;

- (3) recruit and retain a staff reflective of the student body;
- (4) be responsible for all *Texas Travesty* content, including ensuring that it does not include libel; and
- (5) be responsible for selecting the staff and delegating responsibilities.

6.24 What qualifications must the Editor-in-Chief meet?

- (a) An applicant must—
 - (1) be an enrolled U.T. Austin student;
 - (2) have completed at least 12 hours at U.T. Austin with a minimum grade point average of 2.0 (for undergraduates) or at least 9 hours at U.T. Austin with a minimum grade point average of 3.0 (for graduate students);
 - (3) pass a libel test administered by the Editorial Adviser prior to taking position.
- (b) The Editor-in-Chief's term begins on June 1 and concludes on May 31 of the following year.

Subchapter C: Editorial, News, and Distribution Policies

6.31 What practices do we follow?

- (a) Libelous statements, as defined by Texas law, shall not be published in the *Texas Travesty*. The Editor-in-Chief will consult with the Editorial Adviser if there is a concern that content to be published is potentially libelous.
- (b) The *Texas Travesty* staff will endeavor to include satirical content that is relevant to students and the campus.
- (c) Circulation of copies not distributed via the on-campus newspaper vending boxes will be the responsibility of the *Texas Travesty* Editor-in-Chief or their delegate.

Chapter 7. Election Code

Subchapter A: General Provisions

7.11 Definitions

This code generally uses definitions from the Campus-Wide Election Code, except where noted. In this code—

College means an academic administrative unit at U.T. Austin.

Committee means the TSM Election Committee.

Director means the Director of TSM.

ESB means the Student Government Election Supervisory Board.

Field means a grouping on the ballot from which voters may choose one or more candidates, without any further subgrouping.

Filing Deadline means the time by which applications for elected offices must be received to be valid.

Handbook means the TSM Handbook.

SG means Student Government.

TSM means Texas Student Media.

Board means the Board of Operating Trustees.

You generally means a candidate for Board member or *The Daily Texan* Editor-in-Chief, except where noted.

7.12 Who must conduct the TSM election?

The ESB must conduct and supervise the TSM election. The ESB must apply the Campus-Wide Election Code and the TSM election code to the TSM election.

7.13 What happens when this code conflicts with other codes and regulations?

- (a) The rules of this code must not be construed to violate any rule or regulation of U.T. Austin.
- (b) The rules of this code supersede any rules of the Campus-Wide Election Code.

7.14 When do changes to election rules take effect?

- (a) Changes to election rules will take effect immediately upon approval, except that any changes approved after the Candidate Seminar and before the certification of results will take effect after certification.
- (b) *Approval* means approval by the U.T. Austin president.

Subchapter B: Election Timeline

7.21 When are student board and editor applications available?

At least 14 days before the day of the Candidate Seminar, the Director must announce the election and Filing Deadline in The Daily Texan and provide links on the TSM website to the position applications, the Election Timeline, and the Election Documents.

7.22 When and what must I file for candidacy?

- (a) **Filing Deadline.** The Director must set the Filing Deadline at or before 5 p.m., 6 days before the day of the Candidate Seminar.
- (b) **Completed application necessary.** You must complete your application form and file any certifications required for candidacy before the Filing Deadline. The Board may certify you only if you fulfill this requirement.
- (c) **Switching positions.** You may not change the position you are applying for to a position with a Filing Deadline that has already passed.

7.23 When must the Board certify me?

- (a) The Board must certify you for eligibility before the day of the Candidate Seminar if you—
 - (1) meet the requirements in this code and the rest of the Handbook before certification; or
 - (2) are currently in the process of meeting the requirements and the Board determines that you could reasonably do so before taking office.
- (b) If you meet the requirements in this code and the rest of the Handbook before certification, but the Board determines that you might not continue to meet the requirements before taking office, the Board must still certify you for eligibility.

7.24 When must the election occur?

The TSM Election must occur concurrently with the SG General Election.

7.25 Who must declare the winning candidates elected?

- (a) The ESB must submit a written report to the Board certifying the winning candidates within one week following the final election.
- (b) The Board must declare the winning candidates, provided that the candidates are eligible under this code and other parts of the Handbook. The Board must make this declaration at the next regular meeting following the ESB's report.

Subchapter C: Voters' Rights and Responsibilities

7.31 General Provisions

- (a) In this subchapter, *you* means any student enrolled at the University, as recorded by the Office of the Registrar.
- (b) Your rights and responsibilities are generally those listed in the Campus-Wide Election Code, except where noted.

7.32 Whom may I vote for?

- (a) All students may vote for—
 - (1) *The Daily Texan* Editor-in-Chief;
 - (2) At-large Board candidates.
- (b) Students in the Moody College of Communication may vote for Moody College of Communication Board candidates.

7.33 How may I file a complaint?

- (a) **Complaint.** You may file a complaint with the ESB under the procedures in the Campus-Wide Election Code.
- (b) **Appeal.** You may appeal the decision of the ESB under the procedures in the Campus-Wide Election Code, provided that—
 - (1) you must file the appeal with the Director;
 - (2) the Committee will hear and decide the appeal; and
 - (3) you may not appeal the decision to anybody other than the Committee.

Subchapter D: Candidates' Rights and Responsibilities

7.41 General Provisions

Your rights and responsibilities are generally those listed in the Campus-Wide Election Code, except where noted.

7.42 How much may we spend?

Use the following chart to determine how much you and your agents may spend on the campaign:

IF YOU ARE A CANDIDATE FOR...	AND YOU ARE CAMPAIGNING FOR...	YOU AND YOUR AGENTS MAY SPEND NO MORE THAN...
<i>The Daily Texan</i> Editor-in-Chief	a general election	\$500
Board member	any election	\$100

7.43 May you associate with other candidates?

- (a) In this section, *other candidates* means any other candidate for any office elected in elections conducted by the ESB.
- (b) You must not—
 - (1) participate in candidate associations;
 - (2) form slates with other candidates;
 - (3) endorse other candidates;
 - (4) campaign for other candidates; nor
 - (5) share materials with other candidates.

7.44 May you work for TSM during the campaign period?

Unless you are running unopposed, once you have been certified for the ballot you may not work for any TSM media unit until the election results have been announced.

7.45 How may candidates for *The Daily Texan* Editor-in-Chief publish statements in *The Daily Texan*?

- (a) The Editor-in-Chief must—
 - (1) work with the Director to provide designated space in *The Daily Texan* to run the text of two editorials you write, under a headline you write;

- (2) notify you of the rules and deadlines for submissions of editorials; and
 - (3) publish the rules governing these editorials each day they appear.
- (b) You must submit each editorial to the current Editor-in-Chief with a signed statement that the editorial is solely your work, neither written nor edited in whole or in part by anyone else.
- (c) **Editorial topics.**
- (1) **Topic of choice.** You may write one editorial covering any topic.
 - (2) **Same topic.** You may write one editorial that must cover a topic of timely interest to the U.T. Austin community assigned by the current Editor-in-Chief and approved by the current Managing Editor. The Editor-in-Chief must assemble all of *The Daily Texan* Editor-in-Chief candidates and assign the same topic to all of them. The Editor-in-Chief must provide the same research and background material to all candidates. The Editor-in-Chief must not provide advance notice of the topic.

Subchapter E: Election Supervisory Board's Rights and Responsibilities

7.51 General Provisions

The ESB must supervise the TSM election and must enforce the rules of this code and the Campus-Wide Election Code. The ESB's rights and responsibilities are generally those listed in the Campus-Wide Election Code, except where noted.

7.52 How must the ESB conduct voting for specific positions?

- (a) **Board.** Regarding the Board candidates, the ESB must—
- (1) place a field on the ballot for each type of position, which means—
 - (A) one field for at-large candidates, and
 - (B) one field for Moody College of Communication candidates;
 - (2) group all the candidates for a particular type of position into a single field, not separating them into places or any other subgroup;

- (3) use the following chart to determine how many candidates will be elected out of each field:

IF THE YEAR IS AN ... NUMBER,	IF THE YEAR IS AN ... NUMBER,	THEN ... AT-LARGE CANDIDATES WILL BE ELECTED,
Odd	Two	One
Even	One	Two

- (4) allow eligible voters to vote in each field a number of times at most equal to the number of candidates that will be elected from that field;
- (b) ***The Daily Texan* Editor-in-Chief.** Regarding *The Daily Texan* Editor-in-Chief candidates—
- (2) If an eligible candidate wins a majority in the general election, the ESB must certify that candidate as the winner; and
 - (3) If no eligible candidate wins a majority in the general election, the ESB must certify the candidate who wins using the same method that it uses to determine the elected SG President, including a special runoff election or instant runoff voting.

7.53 How must the ESB report after the election?

The ESB must—

- (1) submit results of the TSM election to the chair of the Committee as soon as possible; and
- (2) submit a written report of the results to the Board within one week following the final election.

Subchapter F: Committee's Rights and Responsibilities

7.61 General Provisions

The Committee's rights and responsibilities generally are the rights and responsibilities listed in the Campus-Wide Election Code for entities with appellate jurisdiction. However, the Committee may make exceptions at its discretion and may adopt any rules of procedure.

7.62 What constitutes a quorum of the Committee?

A majority of the members of the Committee constitutes a quorum.

7.63 How must the Committee work with the ESB?

The chair of the Committee must—

- (1) serve as a liaison to the ESB;
- (2) inform the ESB of TSM election rules in the semester preceding the election; and
- (3) inform the candidates and ESB members of TSM election rules at the Candidate Seminar, either personally or by appointing another member of the Committee to do so personally.

Subchapter G: Board of Operating Trustees' Rights and Responsibilities

7.71 General Provisions

The Board must perform the responsibilities listed in other parts of this code and the Handbook. See *Subchapter B: Election Timeline* for some specific duties.

7.72 Who must pay for conducting elections?

TSM, SG, and all other organizations holding elections conducted by the ESB must equally share the expenses.

Subchapter H: Director's Rights and Responsibilities

7.81 General Provisions

The Director must perform the responsibilities listed in other parts of this code and the Handbook.

Chapter 8. Business Policies

8.11 What is business operation, and who is in charge of it?

The business operation of all TSM properties is under direction of the Director, subject to policies and instructions of the Director, Board and UT Austin, pursuant to the Trust. Business operation is understood to include budget administration, payroll, purchasing, publishing, personnel, building access and maintenance, travel coordination and contracts for all relevant services and supplies.

8.12 Who is in charge of advertising?

The professional advertising manager is responsible for the hiring, training and supervision of all advertising salespeople. The advertising manager will be transparent and maintain an open line of dialogue with each TSM media property about the sale and use of all relevant advertising as needed. The Director has ultimate responsibility that all advertising meets legal standards.

8.13 What happens if a student leader wants to dispute a decision by advertising?

TSM is a student-based media organization primarily funded by advertising sales. The advertising department strives to build partnerships locally and nationally by presenting advertising opportunities available through TSM outlets to help clients achieve their advertising and marketing needs. All advertising is subject to approval by TSM.

TSM reserves the right to reject any advertising.

Advertising running in any medium in TSM publications, which simulates the appearance of editorial news, must be clearly delineated as an advertisement within the ad space. In consideration of TSM acceptance of advertising copy for publication, the agency and the advertiser will indemnify and hold harmless TSM, its officers, employees and agents all against loss, damage, and expense of any nature arising out of the copying, printing, or publishing of advertising copy including, without limitation, reasonable attorney's fees resulting from claims of suits for libel, violation of right to privacy, plagiarism and trademark and copyright infringement.

8.14 Internal TSM operating procedures

Questionable advertising will be assigned to a committee composed of the entity's highest-level student manager, the student advertising manager or designated student

advertising participant, and a non-voting student member of the Board who is not a participant of the entity whose ad is in question. The highest-level student manager of each entity has the authority to determine whether a questionable ad brought forth by a member of their staff should be brought before the committee or not.

The committee will be convened by the professional advertising manager. They will review the advertisement jointly with professional oversight by the advertising manager and content-provider's adviser. A vote will be taken of participating committee members to determine the majority's recommendation. The final decision, however, rests with the Director, who can overrule the committee's decision if deemed it is in the best interests of TSM to do so.

The committee will use the following internal parameters for review:

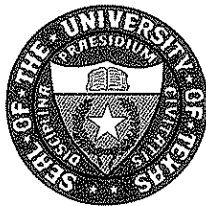
- (1) Who is the client?
- (2) What is the total media purchase?
- (3) Why is the advertising questionable?
- (4) Does the advertising conflict with the TSM mission statement?
- (5) What are the implications of accepting or rejecting the advertising?
- (6) Are there other external factors that need to be considered?
- (7) Is there a precedent of accepting advertising from this client in the past, or similar advertising from other clients?

Section 2:

Declaration of Trust



The University of Texas at Austin
Texas Student Media
Moody College of Communication



THE UNIVERSITY OF TEXAS SYSTEM

Office of General Counsel

201 WEST SEVENTH STREET AUSTIN, TEXAS 78701-2981

TELEPHONE (512) 499-4462

FAX (512) 499-4523

Barry D. Burgdorf
*Vice Chancellor and
General Counsel*

April 2, 2007

Via Messenger

R. James George, Jr.
George & Brothers, L.L.P.
1100 Norwood Tower
114 West 7th Street
Austin, Texas 78701

Re: Amended and Restated Declaration of Trust of Texas Student Media Trust

Dear Mr. George:

Please find enclosed an executed duplicate original of the Amended and Restated Declaration of Trust.

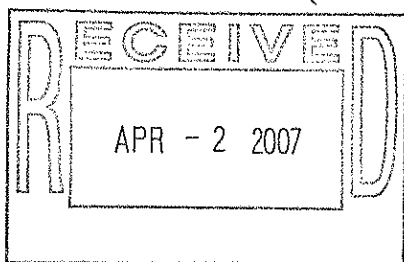
Sincerely,

A handwritten signature in cursive script that reads "Beverly Hurst".

Beverly Hurst
Assistant to Barry D. Burgdorf

BDB:bh

c: Patricia C. Ohlendorf (w/enclosure)



AMENDED AND RESTATED DECLARATION OF TRUST OF TEXAS STUDENT MEDIA TRUST

1. INTRODUCTION AND DEFINITIONS

1.1. Trust Established. The Texas Student Media Trust (the “Trust”) was originally established on August 27, 1971, when Texas Student Publications, Inc., acting by and through its officers and directors, conveyed, assigned and transferred all assets of Texas Student Publications, Inc. to the Board of Regents of The University of Texas System (the “Trustees”), in trust, subject to the terms and conditions of a written declaration of trust.

1.2. Trust Assets. All Trust Assets are held by the Trustees to be used solely for the maintenance and support of the Student Media, and shall be recorded in the accounting records of the University in accordance with the standard practices for the management of this type of funds and account.

1.3. Declaration of Trust. This Amended and Restated Declaration of Trust (the “Declaration of Trust”) amends and restates the declaration of trust dated August 27, 1971 (as the Declaration of Trust has been further amended and restated from time to time through the Effective Date).

1.4. Definitions. As used in this Declaration of Trust, the following terms shall have the specified meanings:

(a) “Academic Departments” shall have the meaning set forth in Paragraph 2.3.

(b) “Applicable Laws” shall mean all laws, statutes, constitutions, rules, regulations, principles of common law, resolutions, codes, ordinances, requirements, judgments, orders, decrees, injunctions and writs of any Governmental Entity which has, or is reasonably likely to have, jurisdiction over the Trust, the Trust Assets or the Student Media including, without limitation, Applicable Laws related to libel, slander, defamation, advertising injury and broadcast decency.

(c) “Board of Regents” shall mean the Board of Regents of The University of Texas System.

(d) “Board of Operating Trustees” shall mean those persons serving as Operating Trustees of the Trust at any given time.

(e) “Code” shall mean the Internal Revenue Code of 1986, as amended.

(f) “College of Communication” shall mean the College of Communication of the University.

(g) “Declaration of Trust” shall have the meaning set forth in Paragraph 1.3.

(h) “Effective Date” shall mean [____] [____], 2007.

(i) “Endowment” shall have the meaning set forth in Paragraph 4.5.

(j) “FCC” shall mean the Federal Communications Commission.

(k) “FCC Licenses” shall mean all of the licenses, permits and other authorizations issued by the FCC to the Trustees or the Board of Regents and all applications of the Trustees or the Board of Regents, if any, to the FCC relating to or used in connection with the ownership or operation of the Media Assets and listed on Schedule 1.4(k) to this Declaration of Trust (as such schedule may be amended or supplemented from time to time), together with any pending applications thereof and renewals, extensions or modifications thereof.

(l) “Governmental Entity” shall mean any national, state, municipal, local or foreign government, any instrumentality, subdivision, court, administrative agency or commission or other governmental authority or instrumentality, or any quasi governmental or private body exercising any regulatory, taxing, importing or other governmental or quasi governmental authority.

(m) “Governmental Permits” shall mean all licenses, certificates of occupancy, permits, franchises, registrations, certificates of public convenience and necessity, approvals, easements, authorizations and operating rights granted by an Governmental Entity having jurisdiction over the Media Assets, including any applications therefor.

(n) “Indemnified Persons” shall have the meaning set forth in Paragraph 4.3.

(o) “Losses” shall have the meaning set forth in Paragraph 4.3.

(p) “Media Advisor” shall mean an employee of the University or the Board of Operating Trustees, or an or independent contractor who reports to the Board of Operating Trustees, which employee or independent contractor shall have substantial training and experience in the area of operating print, broadcast and electronic media in compliance with Applicable Laws.

(q) “Media Assets” shall mean the right, title and interest of the Trustees in and to the assets listed or described on Schedule 1.4(q) to this Declaration of Trust (as such schedule may be amended or supplemented from time to time).

(r) “Media Contracts” shall mean any written, oral or other agreement, contract, subcontract, lease, understanding, instrument, note, warranty, license, sublicense or legally binding commitment or undertaking of any nature, whether express or implied, related to the Media Assets.

(s) “Nonprofit Corporation” shall mean a Texas non-profit corporation exempt from federal income taxation under Section 501(a) of the Code, as an organization described in Section 501(c)(3) of the Code.

(t) “Operating Trustees” shall mean the voting members of the Board of Operating Trustees elected to serve in that capacity pursuant to Section 3.

(u) “Public Purpose” shall have the meaning set forth in Paragraph 2.1.

(v) “Student Media” shall mean the student publications and other print, broadcast and electronic media, published, broadcast, distributed, disseminated or otherwise communicated on or from the campus of the University and set forth on Schedule 1.4(v) to this Declaration of Trust, together with such other student media as may be authorized by the Board of Operating Trustees from time to time (which such other student media shall be reflected on an amendment or supplement to Schedule 1.4(v) adopted in accordance with Paragraph 4.7 of this Declaration of Trust).

(w) “Trust” shall have the meaning set forth in Paragraph 1.1.

(x) “Trust Assets” shall mean all Media Assets, Media Property, Media Contracts, Governmental Permits and FCC Licenses.

(y) “Trustees” shall have the meaning set forth in Paragraph 1.1.

(z) “University” shall mean The University of Texas at Austin.

2. TRUST PURPOSES

2.1. Public Purpose. The purpose of the Trust is (a) to further the academic and educational mission of the University by providing educational opportunities for students of the University and (b) to serve as an information resource for students and other persons interested in the affairs of the University (collectively, the “Public Purpose”).

2.2. Operation of Student Media.

(a) In furtherance of the Public Purpose, the Board of Operating Trustees shall (1) operate and control the Student Media, Trust Assets, Media Contracts and Media Assets for the benefit of the University community; (2) publish, broadcast, distribute, disseminate or otherwise communicate the Student Media to the University community and (3) establish and maintain controls and procedures that are reasonably designed to ensure that the activities of the Student Media are operated in a manner consistent with the Public Purpose and Applicable Laws.

(b) The controls and procedures established and maintained by the Board of Operating Trustees pursuant to this Paragraph 2.2 shall provide, without limitation, for (1) the regular training of all employees, editors, managers, editorial workers and staff members of the Student Media by a Media Advisor and (2) the timely consultation by the Media Advisor with the employees, editors, managers, editorial workers and staff members of the Student Media, in each case, to ensure that the Student Media are operated in a manner consistent with the Public Purpose and Applicable Laws. The parties to this Declaration of Trust intend that these controls and procedures be designed to provide the employees, editors, managers, editorial workers and staff members of the Student Media with training and consultation resources similar to those training and consultation resources available to commercial media operations. The Board of Operating Trustees shall establish the initial controls and procedures required by this Paragraph 2.2 within 90 days following the Effective Date.

(c) The Board of Operating Trustees shall certify in writing to the Board of Regents within 90 days following the close of each fiscal year that the Board of Operating Trustees has evaluated the controls and procedures established and maintained pursuant to this Paragraph 2.2, and shall include in such certification the conclusions of the Board of Operating Trustees as to the effectiveness of such controls and procedures as of the close of such fiscal year.

2.3. Coordination with Educational Activities. In furtherance of the Public Purpose, the Board of Operating Trustees shall coordinate the publication, broadcast, distribution, dissemination or other communication of the Student Media with the educational activities of the College of Communication and the School of Journalism, the Department of Radio, Television and Film, the Department of Communication Studies, the Department of Advertising and such other colleges, schools or departments of the University as may be identified by the Trustees from time to time (collectively, the “Academic Departments”). The Board of Operating Trustees and the Dean of the College of Communication (or such other college, school or department of the University as may be identified by the Trustees from time to time) shall establish and maintain controls and procedures reasonably designed to ensure the coordination of the publication, broadcast, distribution, dissemination or other communication of the Student Media with the educational activities of the Academic Departments. The controls and procedures required by this Paragraph 2.3 are set forth on Schedule 2.3 to this Declaration of Trust (as such schedule may be amended or supplemented from time to time). At least annually, the Board of Operating Trustees and the Dean of the College of Communication shall evaluate the controls and procedures required by this Paragraph 2.3, and shall recommend for approval by the Board of Operating Trustees and the Board of Regents modifications to such controls and procedures as the Board of Operating Trustees and the Dean of the College of Communication deem necessary or advisable to further the purposes of this Paragraph 2.3 (which approval shall be evidenced by an amendment or supplement to Schedule 2.3). The Board of Operating Trustees shall certify in writing to the Board of Regents within 90 days following the close of each fiscal year that the Board of Operating Trustees and the Dean of the College of Communication have evaluated the controls and procedures maintained pursuant to this Paragraph 2.3, and shall include in such certification the conclusion of the Board of Operating Trustees and the Dean of the College of Communication that (a) such controls and procedures are designed to ensure the coordination of the publication, broadcast, distribution, dissemination or other communication of the Student Media with the educational activities of the Academic Departments and (b) that as of the close of such fiscal year, the Board of Operating Trustees and the Dean of the College of Communication are not aware of any deficiency or weakness in the design or operation of such controls and procedures which are reasonably likely to adversely affect the coordination of the publication, broadcast, distribution, dissemination or other communication of the Student Media with the educational activities of the Academic Departments.

2.4. Financial Support.

(a) The Board of Operating Trustees shall use all commercially reasonable efforts to generate advertising revenues, sponsorships and charitable and other financial contributions and support for the Student Media in order to defray the costs of holding and maintaining the Trust Assets and operating the Student Media. Notwithstanding the foregoing, all advertising revenues, sponsorships and charitable and other financial contributions and support for the

Student Media shall be used exclusively for the support of the University and in a manner consistent with the Public Purpose.

(b) Provided that the Board of Operating Trustees is in compliance with the terms and conditions of this Declaration of Trust (including, without limitation, the certification requirements set forth in Paragraphs 2.2, 2.3, and 4.2(a)(4)), the Board of Regents, acting through the President of the University, shall take such actions as it determines are necessary to provide the Board of Operating Trustees with the opportunity to participate in the allocation of a portion of the student services fee of the University for use by the Board of Operating Trustees in the operation of the Student Media. The Board of Operating Trustees acknowledges that the allocation of the student services fee is determined on an annual basis by a committee of students, faculty and staff of the University and that this Declaration of Trust shall not be interpreted or construed as a commitment or guarantee that the Board of Operating Trustees shall be eligible to receive any allocation of such student services fee or that, if eligible, the Board of Operating Trustees will receive any guaranteed amount or level of financial support. Any historical allocations of the student services fee to the Trust, the Board of Operating Trustees or the Student Media is not an indication of future allocations, and the Board of Operating Trustees expressly disclaims any reliance on such historical allocations.

3. OPERATING TRUSTEES

3.1. Control of Student Media. The Board of Operating Trustees shall (a) operate and control the Student Media, Trust Assets, Media Assets and Media Contracts, (b) acquire and dispose of such additional assets as are reasonably necessary to further the Public Purpose (which such acquisition or disposition of assets shall be reflected on an amendment to Schedule 1.4(q) adopted in accordance with Paragraph 4.7 of this Declaration of Trust), (c) be responsible for the publication, broadcast, distribution, dissemination or other communication of the Student Media, (d) determine the character and policies of all Student Media, (e) enter into contracts with suppliers and vendors and (f) subject to Paragraph 1.2, maintain and control the bank accounts of the Trust. Notwithstanding any provision of this Declaration of Trust to the contrary, all actions, policies and procedures of the Board Operating Trustees and all operations of the Student Media shall be in accord with the Board of Regents' *Rules and Regulations* and the University's *Handbook of Operating Procedures*; provided, that to the extent there is any conflict among the Board of Regents' *Rules and Regulations*, the University's *Handbook of Operating Procedures* and the terms of this Declaration of Trust, the terms of this Declaration of Trust shall govern.

3.2. Board Composition.

(a) Voting Members. The Board of Operating Trustees shall have 11 voting members, composed as follows:

(1) College of Communication Students. Three undergraduate students from the College of Communication, elected (two to be elected in even-numbered years and one to be elected in odd-numbered years) by (A) those students certified in writing by the Dean of the College of Communication as being majors in a discipline offered in the College of Communication and (B) those students with less than 60 hours who are registered in the College of Communication as certified by the Dean of the College of Communication. The election

contemplated by this Paragraph 3.2(a)(1) shall be held each year concurrently with the Spring student government election at the University, and shall be conducted in accordance with rules and procedures adopted by the Board of Operating Trustees in their reasonable discretion. No student shall be eligible to be a candidate for election pursuant to this Paragraph 3.2(a)(1) unless he or she has completed, or will have completed by the end of the Spring semester in which the election is held, at least 12 hours of journalism or advertising courses, is in good standing (not on scholastic probation) and has completed at least one semester in residence in the long term at the University. The Dean of the College of Communication shall certify in writing to the Board of Operating Trustees as to the eligibility of any candidate for election pursuant to this Paragraph 3.2(a)(1).

(2) At-Large Students. Three students elected at-large from the student body of the University (one to be elected in even-numbered years and two to be elected in odd-numbered years) in the same election as the editor of The Daily Texan is elected pursuant to Paragraph 4.1(a). A student eligible to be a candidate for election as a voting member under Paragraph 3.2(a)(1) is neither qualified to be a candidate nor eligible to serve as an at-large member of the Board of Operating Trustees.

(3) Faculty. Two members of the voting faculty of the College of Communication (one to be appointed in even-numbered years and one to be appointed in odd-numbered years) and one member of the voting faculty of the McCombs School of Business (to be appointed in even-numbered years), with all three of these faculty members to be appointed directly by the President of the University.

(4) Media Professionals. Two media professionals (one to be appointed in even-numbered years and one to be appointed in odd-numbered years), to be appointed by the President of the University. In determining media professionals eligible for appointment pursuant to this Paragraph 3.2(a)(4), the President of the University shall give preference to media professionals who are graduates of the University.

(b) Terms for Voting Members. Each voting member elected or appointed to the Board of Operating Trustees shall serve a term of two years beginning June 1 of each calendar year. The terms of these voting members shall be staggered in the manner provided for in Paragraph 3.2(a). No voting member of the Board of Operating Trustees shall serve more than four years consecutively.

(c) Resignation and Removal; Vacancies. Subject to Paragraph 3.2(a), the Board of Operating Trustees shall adopt rules and procedures governing the resignation and removal of voting members of the Board of Operating Trustees and the fulfillment of vacancies resulting from the resignation or removal of voting members of the Board of Operating Trustees. All rules and procedures contemplated by this Paragraph 3.2(c) shall be adopted by the Board of Operating Trustees in their reasonable discretion.

(d) Other Members. The President of the Student Government of the University (provided that the President of the Student Government is not otherwise elected as a voting member of the Board of Operating Trustees pursuant to Paragraph 3.2(a)) and the Dean of Students of the University (or his or her designee) shall be non-voting members of the Board of

Operating Trustees. In addition to the foregoing, the Board of Operating Trustees may appoint such other, non-voting members to the Board of Operating Trustees, as the Board of Operating Trustees determines in its reasonable discretion.

3.3. Board Officers. The officers of the Board of Operating Trustees shall be a President, a Vice-President, a Secretary and such other officers as the Board of Operating Trustees may from time to time find necessary or convenient to carry out the duties of the Operating Trustees. Officers shall be elected from among the voting members of the Board of Operating Trustees at the first meeting after June 1 of each year. Officers' terms shall be for one year, but a person serving as an officer is eligible to be reelected the following year.

3.4. Operating Procedures.

(a) Procedures. The Board of Operating Trustees shall establish and maintain controls and procedures governing the operation of the Student Media that are reasonably designed to ensure that the Operating Trustees and the employees, editors, managers, editorial workers and staff members of the Student Media operate the Student Media in a manner consistent with the Public Purpose and in compliance with all Applicable Laws, including, without limitation, the controls and procedures required by Paragraphs 2.2 and 2.3.

(b) Board Meetings. The Board of Operating Trustees shall conduct its meetings in accordance with the Texas Open Meetings Act and shall post all Texas Open Meetings Act notices by and through the Office of the Board of Regents. The Board of Operating Trustees shall maintain its records and the records of the Trust to ensure compliance with the Texas Public Information Act and shall coordinate any responses to Texas Public Information Act requests with the Office of the General Counsel of The University of Texas System.

4. MISCELLANEOUS

4.1. Student Media Officers and Employees.

(a) Editor of The Daily Texan. Concurrently with the student government elections, the Board of Operating Trustees shall arrange for a student publications election on the campus of the University. At such election, the students of the University shall elect the Editor of The Daily Texan. The eligibility of a candidate for Editor of The Daily Texan shall be certified in writing by the Board of Operating Trustees to the Board of Regents, based on standards adopted by the Board of Operating Trustees prior to such election, and shall be approved by the President of the University or his or her designee. The Board of Operating Trustees shall determine the conditions under which such election may be held, including the length of the campaign. The Editor of The Daily Texan shall serve for a term of one year beginning on June 1 of such calendar year, but if the person elected as Editor of The Daily Texan ceases to serve in that capacity prior to the end of such term, a majority of the Board of Operating Trustees shall appoint a replacement to fill out the remainder of the term.

(b) Employment Matters.

(1) Subject to Paragraph 4.1(b)(4) and except as provided in Paragraph 4.1(a) or otherwise limited by this Section 4, the Board of Operating Trustees shall have the power to

select (or establish rules and procedures for the selection of) and employ for the Trust, all employees, editors, managers, editorial workers and staff members of the Student Media; provided, that the President of the University or his or her designee, must consent to the selection of any such person who will be employed by the University or will otherwise be compensated for his or her services.

(2) Subject to Paragraph 4.1(b)(4), all decisions regarding the employment status or discipline of any employee, editor, manager, editorial worker or staff member of the Student Media (including, without limitation, performance evaluations) shall be made in accordance with the University's *Handbook of Operating Procedures*, all other applicable policies and procedures of the University and Applicable Law. Notwithstanding any provision of this Declaration of Trust to the contrary, decisions regarding the employment status or discipline of any employee, editor, manager, editorial worker or staff member of the Student Media who is also an employee of the University shall require the prior written approval of the President of the University or his or her designee.

(3) Not later than April 15 of each fiscal year (a) the Chairman of the Board of Operating Trustees, (b) one additional voting member of the Board of Operating Trustees appointed pursuant to Paragraphs 3.2(a)(1), 3.2(a)(2) or 3.2(a)(3) and (c) the Vice President for Student Affairs of the University shall evaluate and conduct a performance assessment of the General Manager of the Student Media (or any successor), and shall report and make recommendations to the Board of Operating Trustees based on the results of such evaluation and performance assessment.

(4) The Board of Trustees may form or cause the formation of a Nonprofit Corporation which may hire and manage its own employees and, if desirable, contract for use of University facilities and resources. Notwithstanding the foregoing, all employees of the University who report to the Board of Operating Trustees shall comply with the Board of Regent's *Rules and Regulations* and the University's *Handbook of Operating Procedures* to the extent they are applicable and do not conflict with the terms of this Declaration of Trust.

4.2. Board of Regents Oversight.

(a) Financial Reports and Other Information. The Board of Operating Trustees shall furnish to the President of the University and the Chancellor of The University of Texas System the following information for distribution to such additional persons as each of the foregoing may direct:

(1) within 90 days following the close of each fiscal year, a balance sheet of the Trust as of the end of such year and statements of operations and cash flows for such year, certified by a firm of certified public accountants of established reputation selected by the Board of Operating Trustees, and prepared in accordance with generally accepted accounting principles;

(2) within 45 days after the end of each of the first three fiscal quarters of each fiscal year a balance sheet of the Trust as of the end of such quarter and unaudited statements of operations and of cash flows for such quarter and for the current fiscal year to the

end of such quarter, setting forth in comparative form the operating budget for the corresponding periods for the current fiscal year;

(3) as soon as available, but in any event not later than 30 days prior to the beginning of each new fiscal year, an operating budget for the Trust for such fiscal year approved by the Board of Operating Trustees and prepared in accordance with Paragraph 4.2(b);

(4) within 90 days following the close of each fiscal year, the annual certifications required by Paragraphs 2.2 and 2.3;

(5) within 90 days following the close of each fiscal year, evidence of insurance required by Paragraph 4.3; and

(6) with reasonable promptness, such other notices, information and data with respect to the Student Media or the Trust Assets as the Board of Regents, the President of the University or their designees may from time to time reasonably request.

(b) Operating Budget Requirements. The Board of Operating Trustees shall adopt reasonable and financially prudent budgetary controls and procedures. Notwithstanding any provision of this Declaration of Trust to the contrary, the Board of Operating Trustees shall not adopt an operating budget for the Trust that provides for the Trust to incur a net operating loss for any fiscal year without the prior written approval of the Board of Regents.

(c) Material Event Notification. The Board of Operating Trustees shall promptly notify in writing the Vice Chancellor and General Counsel of The University of Texas System, the Office of the Board of Regents, the President of the University or their respective designees of any material adverse change in the operations, results of operations, prospects, assets, liabilities or condition, financial or otherwise, of the Trust or any of the Student Media which has had, or could reasonably be concluded to have, a material adverse effect on the operations, results of operations, prospects, assets, liabilities or condition, financial or otherwise, of the Trust or any Student Media. The Board of Operating Trustees shall promptly notify in writing the Board of Regents and the President of the University of any and all litigation or governmental proceeding or investigation brought, or, to the knowledge of any Operating Trustee, threatened, against the Trust, any Student Media, the Trustees, the Board of Regents, the University, the Board of Operating Trustees, any Operating Trustee or any officer, director or employee of any of the foregoing.

(d) Inspection Rights. The Board of Operating Trustees shall permit the Board of Regents or any authorized representative or agent thereof to visit, inspect and audit the properties used by any of the Student Media and their business and financial records, and to discuss the business and finances of any Student Media with its officers and directors, during normal business hours upon reasonable notice.

4.3. Liability and Casualty Insurance. The Board of Operating Trustees, on behalf of the Trust, shall at all times maintain with financially sound and reputable insurers liability and casualty insurance coverage of the types and in the amounts set forth on Schedule 4.3 to this Declaration of Trust (as such schedule may be amended or supplemented from time to time). The Board of Operating Trustees shall cause the Trust to maintain the insurance coverage

required by this Paragraph 4.3 in force, except as otherwise determined by the Board of Regents. Such policies of insurance shall name the Trustees, the Operating Trustees, the Board of Regents, The University of Texas System and the University as additional insureds and as loss payees and shall prohibit cancellation or substantial modification, termination or lapse in coverage by the insurer without at least 30 days prior written notice to the Board of Regents, except for non payment of premium, in which case such policies shall provide for at least 10 days prior written notice to the Board of Regents. Annually, the Board of Operating Trustees shall furnish to the Board of Regents evidence of the insurance required to be maintained by this Paragraph 4.3 in form and substance reasonably satisfactory to the Board of Regents.

4.4. Indemnification; Exculpation.

(a) Indemnification. The Board of Operating Trustees shall, or shall cause the Trust to, indemnify, defend and hold harmless the Trustees, the Board of Regents, The University of Texas System and the University and their respective officers, employees, agents, heirs, successors and assigns (each, an “Indemnified Person” and collectively, the “Indemnified Persons”), out of the assets of the Trust, including, without limitation, the insurance coverage available under any insurance policies maintained on behalf of the Trust pursuant to Paragraph 4.3, from and against (and shall on demand reimburse them for), any and all losses, claims, damages, liabilities, obligations, fines, penalties, judgments, settlements, costs, expenses and disbursements (including attorneys’ fees and expenses) (collectively, “Losses”) imposed on, incurred by or asserted against any Indemnified Person in any way relating to or arising from this Declaration of Trust or the operations, publication, broadcast, distribution, dissemination or other communication of the Student Media. **THE PARTIES TO THIS DECLARATION OF TRUST INTEND THAT THE INDEMNIFIED PERSONS BE INDEMNIFIED PURSUANT TO THIS DECLARATION OF TRUST FROM AND AGAINST LOSSES RESULTING FROM, BASED UPON OR ARISING OUT OF THE SOLE, PARTIAL OR CONCURRENT NEGLIGENCE OF AN INDEMNIFIED PERSON OR ANY PERSON WHOSE NEGLIGENCE, DUTIES, ACTIONS OR LIABILITIES MAY BE ATTRIBUTED OR IMPUTED TO AN INDEMNIFIED PERSON.**

(b) EXCULPATION; DISCLAIMER OF LIABILITY. WITHOUT WAIVING OR MODIFYING ANY PROVISION OF THIS DECLARATION OF TRUST OR OTHERWISE LIMITING THE AUTHORITY OF THE BOARD OF REGENTS AND THE TRUSTEES TO ENFORCE THE TERMS OF THIS DECLARATION OF TRUST OR ADMINISTER THE BOARD OF REGENTS’ *RULES AND REGULATIONS* AND THE UNIVERSITY’S *HANDBOOK OF OPERATING PROCEDURES*, TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, THE TRUSTEES, ON BEHALF OF THE INDEMNIFIED PERSONS, EXPRESSLY DISCLAIM ANY AND ALL DUTIES, OBLIGATIONS OR RESPONSIBILITIES IN ANY WAY RELATING TO OR ARISING FROM THE EDITORIAL, ADVERTISING OR OTHER CONTENT OF ANY STUDENT MEDIA. THE INDEMNIFIED PERSONS HAVE NOT INVESTIGATED, MONITORED OR TAKEN OTHER ACTIONS TO ENSURE THAT THE STUDENT MEDIA ARE OPERATED IN COMPLIANCE WITH APPLICABLE LAWS, NOR HAVE THEY UNDERTAKEN OR ASSUMED ANY DUTY, OBLIGATION OR RESPONSIBILITY TO DO SO. THE INCLUSION OF ANY STUDENT MEDIA UNDER THIS DECLARATION OF TRUST SHALL NOT BE CONSIDERED AS THE APPROVAL OR ENDORSEMENT OF THE

EDITORIAL, ADVERTISING OR OTHER CONTENT OF ANY STUDENT MEDIA BY ANY INDEMNIFIED PERSON. THE INDEMNIFIED PERSONS ASSUME NO LIABILITY OR RESPONSIBILITY FOR THE GOODS OR SERVICES SOLD OR OFFERED FOR SALE THROUGH ADVERTISING IN THE STUDENT MEDIA.

(c) Interpretation. This Paragraph 4.4 shall not be interpreted as relieving the Trustees or the Board of Operating Trustees of liability for (1) a breach of trust committed (A) in bad faith, (B) intentionally or (C) with reckless indifference to the interest of a beneficiary of the Trust or (2) any profit derived by a Trustee or a member of the Board of Operating Trustees from a breach of trust.

4.5. Conversion of Trust. The Board of Operating Trustees may establish an endowment or other reserve fund (the “Endowment”) for the support of the Student Media. Upon establishment of an Endowment with an aggregate principal amount equal to or exceeding \$5,000,000 (as adjusted for inflation from and after the Effective Date using the Consumer Price Index), the Board of Regents and the Board of Operating Trustees shall negotiate in good faith for the conversion of the Trust into a Nonprofit Corporation. Notwithstanding the foregoing, the Board of Operating Trustees, the Trustees and the Board of Regents acknowledge and agree that the provisions of this Paragraph 4.5 shall not be interpreted as constituting or giving rise to a binding obligation of the Board of Operating Trustees, the Trustees or the Board of Regents to approve or recommend for approval the conversion of the Trust into a Nonprofit Corporation.

4.6. Notices. All notices, certifications and other communications given in accordance with this Declaration of Trust shall be in writing and shall be deemed given if delivered by hand, mailed by registered or certified mail (return receipt requested), sent by facsimile or sent by Federal Express or other recognized overnight courier to the parties at the following addresses (or at such other address for a party as shall be specified by like notice):

- (a) if to the Trustees or the Board of Regents:

**Board of Regents, The University of Texas System
Attn: General Counsel to the Board of Regents
201 West 7th Street, 8th Floor
Austin, TX 78701**

- (b) if to the Board of Operating Trustees:

**Director
Board of Operating Trustees
Texas Student Media
P.O. Box D
Austin, TX 78713**

Any of the above addresses may be changed at any time by notice given as provided above; provided, that any such notice of change of address shall be effective only upon receipt. All notices, certifications and other communications given in accordance with this Declaration of Trust shall be deemed received on the date of delivery, if hand delivered, on the date of receipt,

if transmitted by facsimile, three business days after the date of mailing, if mailed by registered or certified mail, return receipt requested, and one business day after the date of sending, if sent by Federal Express or other recognized overnight courier.

4.7. Amendments.

(a) Except as otherwise set forth in Paragraph 4.7(b), the provisions of this Declaration of Trust, including, without limitation, any schedule attached hereto, may be amended from time to time, only with the prior written approval of the President of the University and the Board of Operating Trustees.


(b) Notwithstanding Paragraph 4.7(a), if the Board of Operating Trustees authorizes additional student media to become Student Media pursuant to Paragraph 1.4(v), the Board of Operating Trustees shall submit in writing to the President of the University a proposed amendment to Schedule 1.4(v). Such proposed amendment to Schedule 1.4(v) shall become effective on the 30th day following its receipt by the President of the University unless objected to in writing by the President of the University prior to such date.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the undersigned Trustees and Operating Trustees have executed and delivered this Declaration of Trust to be effective as of the Effective Date.

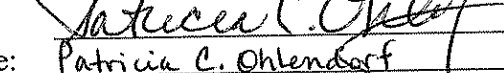
TRUSTEES:

**THE BOARD OF REGENTS OF THE
UNIVERSITY OF TEXAS SYSTEM,
as TRUSTEES**


By: 
Name: Barry D. Burgdorf
Title: Vice Chancellor and
General Counsel
The University of Texas System

ACKNOWLEDGED:


**THE UNIVERSITY OF TEXAS
AT AUSTIN**

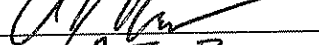
By: 
Name: Patricia C. Ohlendorf
Title: Vice President for Institutional
Relations and Legal Affairs

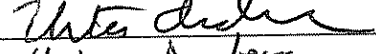
OPERATING TRUSTEES:

By: 
Name: Russell E. Todd

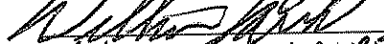
By: 
Name: Brandon Chicotsky

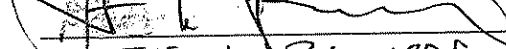
By: 
Name: Cynthia R. Gummer

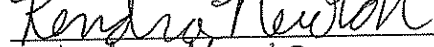
By: 
Name: A. J. Bauer

By: 
Name: Upton Anderson

By: 
Name: Lindsay Meeks

By: 
Name: WILLIAM LAIRD

By: 
Name: JEF I. RICHARDS

By: 
Name: Kendra Newton

By: _____
Name: _____

By: _____
Name: _____



TSM Governing Documents

PAGE 82

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SCHEDULE 1.4(k)**FCC LICENSES**

By approving this document, the UT Board of Regents and the Texas Student Media Board of Operating Trustees are agreeing to investigate and, if possible, implement the transfer of the radio and television licenses from the UT Board of Regents to the Operating Trustees. These include:

The TV station is licensed as: call sign - K09VR (that's Kzero9VR), Austin, TX

License BRTVL-20060331AHH

Term 07/27/2006, expiring on 08/01/2014

Facility ID: 66597

The following application has been accepted for filing as a digital companion channel to K09VR:

FCC form 346 "Application for Authority to Construct or Make Changes in a Low Power TV, TV Translator or TV Booster Station"

FCC File No. 20061027AAH

Radio is licensed as: call sign - KVRX-FM, Austin, TX

License: BRED-20050322AFW

Term: 07/27/2005, expiring on 08/01/2013

Facility ID: 66607

AS - Aural Studio Transmitter Link

Call sign: WMV362

Associated Broadcast Parent Station call sign: KVRX-FM, Austin, TX

Facility ID: 66607

SCHEDULE 1.4(g)**MEDIA ASSETS**

Texas Student Media has in cash on hand, accounts payable and receivable, as well as cash in Reserve and Gift Accounts totaling \$823,718.91 as of December 31, 2006. The balance sheet is reproduced below:

**Texas Student Media
Balance Sheet
As of 12/31/06**

Cash	(205,199.38)	
Cash--Operations Reserve	106,943.48	
Cash--Reserve for Capital Improvement	717,916.27	
A/R--Baseview	290,566.57	
A/R--INK	648.98	
Total Current Assets		<u>910,875.92</u>
Total Assets		<u>910,875.92</u>
A/P--Walsworth	25,085.00	
Sales Tax Payable	60,612.01	
Deferred Revenue	1,460.00	
Total Current liabilities		87,157.01
Retained Earnings	786,069.49	
Current Income	37,649.42	
Total Owners Equity		<u>823,718.91</u>
Total Liabilities & Equity		<u>910,875.92</u>

TSM assets also include the following:

--Equipment, including a Goss Urbanite press, 120 computers, digital and film cameras, television and radio transmission equipment, as listed in the 2006 University of Texas inventory identified as 4620-000 Texas Student Publications. That inventory has a purchase value of \$1,530,238 and a depreciated value of \$209,512.

--Equipment purchased since that inventory, including two cameras, 18 computers, three printers and two monitors totaling \$30,750.

--Office furniture not listed on the UT inventory that has an estimated value of approximately \$58,170. This includes one shredder, two fax machines, 79 tables, 125 desks, 74 filing cabinets, 281 desk and side chairs, 25 sofas, 11 cushion chairs, 42 bookshelves, break room appliances, a wooden cabinet, four chalk boards and four stools.

--Current inventories of newsprint, ink, printing plates and related supplies totaling \$43,435.

--And office supplies with a current value of about \$5,000.

SCHEDULE 1.4(v)**STUDENT MEDIA**

The Daily Texan, a student newspaper published weekdays during the long semesters and summer sessions.

Cactus, a yearbook produced annually by students that covers the history of the year in photos and stories.

Texas Student Television, an FCC-licensed television station, operated by students.

KVRX Radio, an FM radio station, licensed by the FCC and operated by students.

Texas Travesty, a satirical humor magazine produced about seven times per year by students.

SCHEDULE 2.3

COORDINATION WITH EDUCATIONAL ACTIVITIES

Following a review and discussion of historical and current operating procedures, the Texas Student Media Board of Operating Trustees and College of Communication agree to the following to enhance and codify the existing and future collaborative and complementary relationships between Texas Student Media" School of Journalism and College of Communication:

1. Create an optional "Daily Texan" course for Daily Texan and TSM reporters. A J-school faculty member would teach the class for up to three hours credit. Students who work for The Texan, and perhaps other, student media subject to faculty approval, could submit their student media work for course credit. Should their work for the TSM be insufficient to meet class requirements, they would do additional class work. These classes would be restricted to journalism majors, unless exceptions are granted individually by the faculty member.
2. Develop opportunities across various media for students to receive course credit for work on the Texan.
Example: offer an advanced copy-editing course, requiring students to spend lab time on the Texan copy desk. Similar potential exists in reporting, broadcast, photo and web publication.
3. Provide a panel of faculty members who are willing to do regular critiques of TSM media content at the request of the adviser and/or students.
4. Develop independent study, credit-hour projects for TSTV students who are journalism majors. Such projects would be restricted to Communication majors, unless exceptions are granted individually by the faculty member.
Example: A successful venture was undertaken in the Spring 2006 semester involving an evening talk show that involved nine students in RTF and advertising.
5. Allow non-journalism majors who work for the Daily Texan or other TSM publications to take courses in the School of Journalism, with the consent of the instructor and the Director of the School of Journalism, if space permits.
6. Additionally consider course credit for TSM staff work on an individual basis.
7. Provide J-school faculty to deliver opening semester lectures. Content could include, but are not limited to: libel and privacy, FOI, ethics and media management. All TSM staff involved in journalism would be required to attend as part of their staff orientation.
8. Pursue additional projects within the School of Journalism.
Examples: weekly TSTV news shows, such as Texas Newswatch, which is a product of journalism broadcast classes; and specialized seminars, such as copyediting-headline writing, and media management.
9. Grant the Texan's editorial adviser adjunct status in the 'J-school at "zero" percent time, thus affirming the adviser's teaching role in the newsroom.

All of the above, of course, occurs in addition to the reporting relationships outlined in this Declaration of Trust.

SCHEDULE 4.3**INSURANCE**

Discussions regarding libel insurance are under review by the UT System Office of Risk Management. Preliminary discussions have been held with the following companies:

Mutual Insurance Company Ltd.

P.O. Box HM 3212

Hamilton HM NX, Bermuda

Phone: 441-295-7633

Wortham Insurance & Risk Management

221 West Sixth St. #1400

Austin, TX 78701

Phone: 512-453-0031

Fax: 512-453-0041

Discussion regarding casualty and liability insurance are under way with the following companies:

Wortham Insurance & Risk Management

221 West Sixth St. #1400

Austin, TX 78701

Phone: 512-453-0031

Fax: 512-453-0041

Watkins Insurance Group

3834 Spicewood Springs Rd., Suite 100

Austin, TX 78759

Phone: 512-306-9872

Cell: 512-786-2095

The John A. Barclay Agency, Inc.

4000 Medical Parkway, Suite 211

Austin, TX 78768

Phone: 512-476-6566

The insurance levels being sought are \$1 million to \$2 million for libel coverage for each incident. For liability, the amount is \$1 million per occurrence and for casualty the amount is \$2 million per occurrence, with a possible \$5 million umbrella policy. The policies should be fully executed within 90 days of approval of the new Trust. When implemented, the policies will be included as an addendum to this Schedule.

2013 REVISED/UPDATED SCHEDULE 1.4(k)**FCC LICENSES**

By approving this document, the UT Board of Regents and the Texas Student Media Board of Operating Trustees are agreeing to investigate and, if possible, implement the transfer of the radio and television licenses from the UT Board of Regents to the Operating Trustees. These include:

The TV station is licensed as:

Call sign: K29HW-D Austin TX
License: BLDTL-20110607AAO
Term: 27-Jun-11 to 01-Aug-14
Facility ID: 167743

The radio station is licensed as:

Call sign: KVRX-FM Austin TX
License: BRED-20130322AGM
Term: 26-Jul-13 to 01-Aug-21
Facility ID: 66607

Associated with KVRX-FM is an aural studio transmitter link:

Call sign: WMV362
Term: 24-Oct-94 to 01-Aug-21
Facility ID: 66607

2013 REVISED/UPDATED SCHEDULE 2.3

COORDINATION WITH EDUCATIONAL ACTIVITIES

Following a review and discussion of historical and current operating procedures, the Texas Student Media Board of Operating Trustees (“Board”) and College of Communication agree to the following to enhance and codify the existing and future collaborative and complementary relationships between Texas Student Media (“TSM”), School of Journalism and College of Communication:

1. Create an optional "*Daily Texan*" course for *The Daily Texan* and TSM reporters. A J-school faculty member would teach the class for up to three hours credit. Students, who work for *The Daily Texan*, and perhaps other student media subject to faculty approval, could submit their student media work for course credit. Should their work for the TSM be insufficient to meet class requirements, they would do additional class work. These classes would be restricted to journalism majors, unless exceptions are granted individually by the faculty member.
2. Develop opportunities across various media for students to receive course credit for work on *The Daily Texan*.
 Example: offer an advanced copy-editing course, requiring students to spend lab time on *The Daily Texan* copy desk. Similar potential exists in reporting, broadcast, photo and web publication.
3. Provide a panel of faculty members who are willing to do regular critiques of TSM media content at the request of the adviser and/or students.
4. Develop independent study, credit-hour projects for Texas Student Television (“TSTV”) students who are journalism majors. Such projects would be restricted to Communication majors, unless exceptions are granted individually by the faculty member.
 Example: A successful venture was undertaken in the Spring 2006 semester involving an evening talk show that involved nine students in RTF and advertising.
5. Allow non-journalism majors who work for *The Daily Texan* or other TSM publications to take courses in the School of Journalism, with the consent of the instructor and the Director of the School of Journalism, if space permits.
6. Additionally consider course credit for TSM staff work on an individual basis.
7. Provide J-school faculty to deliver opening semester lectures. Content could include, but are not limited to: libel and privacy, Freedom of Information (“FOI”), ethics and media management. All TSM staff involved in journalism would be required to attend as part of their staff orientation.
8. Pursue additional projects within the School of Journalism.

Examples: weekly TSTV news shows, such as Texas Newswatch, which is a product of journalism broadcast classes; and specialized seminars, such as copyediting-headline writing, and media management.

9. Grant *The Daily Texan*'s editorial adviser adjunct status in the J-school at "zero" percent time, thus affirming the adviser's teaching role in the newsroom.

All of the above, of course, occurs in addition to the reporting relationships outlined in the Declaration of Trust ("Trust").

ADDENDUM TO "COORDINATION WITH EDUCATIONAL ACTIVITIES" NOVEMBER 2011

1. By Fall 2012, TSM will have in place an internship-for-credit program with the School of Journalism for students working at *The Daily Texan* and in broadcast journalism.
2. *The Daily Texan* editorial adviser offers regular workshops on a variety of journalism topics. He has also hosted visiting design directors, multimedia managing editors, war correspondents, and top news executives who share their experience with *The Daily Texan* staffers.
3. During the 2010-2011 academic year, the broadcast adviser supervised six TSTV students doing individual RTF projects for class credit.
4. TSTV airs all episodes of "Texas Newswatch," a television news program produced year-round by broadcast journalism classes.
5. KVRX airs the weekly radio news content produced by the radio broadcast journalism class as part of its live news program, "In The Know."

SUMMARY OF TRAINING OFFERED TO BOARD, STAFF AND STUDENTS

1. **Board:** Must have certification that they have completed online Open Meetings Act training before the first board meeting in late August. At that meeting, the board receives training on TSM's structure and facilities, as well as the components that make up the budget.
2. ***The Daily Texan*, *Texas Travesty*, the *Cactus* student managers:** Are required to pass a libel test before the semester begins, administered by the editorial adviser. The adviser provides periodic training throughout the year on a number of other topics, as well as bringing in outside experts to provide training.
3. **Advertising:** The main purpose of the Account Executive position is to gain useful real world experience in working in an Advertising sales office. Account Executives are responsible for bringing in revenue for all TSM departments in order to continue the operation of each entity. After the recruiting and hiring process has concluded, a one-week training process begins.

4. Students are able to utilize the TSM Advertising program for internship credit if they have received prior authorization and are on the waiting list. There are several internship course requirements. The College of Communication allows a maximum of 4 internship credit hours. The Internship is intended to supplement the student's academic foundation with practical experience in a professional environment.
5. **TSTV:** Each semester, the producer and any assistant producers for each show is required to attend a training session conducted by the broadcast adviser, who explains all FCC regulations, TSTV/TSM policies, and slander/libel, invasion of privacy, and copyright laws. Each participant must then pass an exam on the session and sign the producer agreement.
6. **KVRX:** The broadcast adviser holds similar training sessions for the Programming Director and the two managers. They in turn conduct three training sessions with each new DJ to cover all the FCC rules, KVRX policies and operational procedures. Every DJ takes a test covering FCC, KVRX and TSM policies, and sign the drug and alcohol policy, and the payola statement. For both KVRX and TSTV there is ongoing training in content creation, editing and production.

2013 REVISED/UPDATED SCHEDULE 4.3**INSURANCE**

Copies of the current policies are located in the Texas Student Media business office.

1) Wortham Insurance & Risk Management

221 West Sixth Street, Suite 1400

Austin, Texas 78701

512-453-0031

www.wortham-austin.com

Federal Insurance Company

Policy # 82083909

Policy Period: 05/08/13 to 05/08/14

Named Insured: Texas Student Media

Invoice #: 313975

Type: Renewal – Errors & Omissions – Media Liability

Amount: \$10,030.00

What does Errors & Omissions – Media Liability include?

Aggregate Limit of Liability Each Policy Period: \$1,000,000.00

Newsmedia and Multimedia Liability Coverage: \$1,000,000.00 each claim or related claim limit of liability

Covered Subpoena Coverage (news organizations only): \$1,000,000.00 each covered subpoena

Producers Liability Coverage: NOT COVERED

Internet Liability Coverage: \$1,000,000.00 each claim or related claim limit of liability

Covered media: ‘THE DAILY TEXAN’ NEWSPAPER, ‘TEXAS TRAVESTY’ MAGAZINE, ‘CACTUS YEARBOOK,’ ‘KVRX-FM,’ KVRT-LD, and “Our Campus” and “Longhorn Life”

Internet Sites:

www.dailytexanonline.com

www.cactusyearbook.com

www.texasrvesty.com

www.texasstudenttv.com

www.kvr.org

2) Wortham Insurance & Risk Management

221 West Sixth Street, Suite 1400

Austin, Texas 78701

512-453-0031

www.wortham-austin.com

Federal Insurance Company

Policy # 82084139

Policy Period: 05/08/13 to 05/08/14

Named Insured: Texas Student Media

Invoice #: 313970

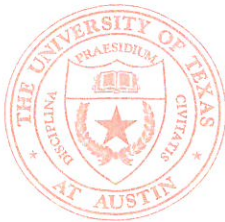
Type: Renewal – Package Executive Protect (Directors & Officers and Employment Practices Liability)

Amount: \$4,880.00

What does Package Executive Protect (Directors & Officers and Employment Practices Liability) include?

Combined Maximum Aggregate Limit of Liability for all Claims each policy year:
\$1,000,000.00

Applicable to: Directors & Officers Liability and Entity Liability Coverage Section and Employment Practices Liability Coverage Sections



THE UNIVERSITY OF TEXAS AT AUSTIN

*William Powers, Jr., President
University Distinguished Teaching Professor
Hines H. Baker and Thelma Kelley Baker Chair in Law
Main Building 400 • PO Box T • Austin, Texas 78713-8920*

*Direct Number (512) 471-1232
Facsimile Number (512) 471-8102
president@po.utexas.edu*

June 13, 2014

Dr. Gage Paine
Vice President for Student Affairs
FAC 302 (G5000)

Dr. Rod Hart
Dean, Moody College of Communication
BMC 5.312 (A0900)

Ms. Mary E. Dunn
Vice President, Texas Student Media Board of Operating Trustees
CMA 7.142 (A1200)

Dear Gage, Rod, and Mary:

I write to inform you of my decision to approve a change in the declaration of trust regarding Texas Student Media. As you know, administrative oversight of Texas Student Media is currently by the Vice President of Student Affairs. It has been a long-term goal of the university, however, to develop a strong relationship between Texas Student Media and the Moody College of Communication. To realize that goal, I have approved a change in the wording of the most recently amended and restated declaration of trust (April 2007). This change is as follows.

Page 9, section 4.1.(b)(3)

Not later than April 15 of each fiscal year (a) the Chairman of the Board of Operating Trustees, (b) one additional voting member of the Board of Operating Trustees appointed pursuant to Paragraphs 3.2(a)(1), 3.2(a)(2) or 3.2(a)(3) and (c) the ~~Vice President for Student Affairs of the University~~ Dean of the Moody College of Communication shall evaluate and conduct a performance assessment of the General Manager (Director) of the Student Media (or any successor), and shall report and make recommendations to the Board of Operating Trustees based on the results of such evaluation and performance assessment.

With this change, administrative oversight of Texas Student Media will transfer to the Moody College of Communication effective July 1, 2014. The following items are included in this transfer.

Dr. Gage Paine
 Dr. Rod Hart
 Ms. Mary E. Dunn
 June 13, 2014
 Page 2

1. Five media outlets (*The Daily Texan*, the *Cactus* yearbook, Texas Student Television, KVRX Radio, and *Texas Travesty*).
2. The Texas Student Media operating budget (which is \$1,992,568 for the current fiscal year). This includes generated revenue sources and student tuition funds from the Student Services Budget Committee (which are \$436,438 for the current fiscal year).
3. The depreciated value of the physical inventory (\$78,826), including computers, cameras, television and radio transmission equipment, and related equipment.
4. Office furniture.
5. Texas Student Media staff who are university employees leased as per the declaration of trust.

Dr. Pedro Reyes, Executive Vice Chancellor for Academic Affairs, has approved this change in the declaration of trust. Vice President Patti Ohlendorf and her staff are preparing the official revision of the declaration of trust and will distribute it.

I believe this change is in the best interests of Texas Student Media and the university as we look to the future.

Sincerely,



William Powers, Jr.
 President

WP/gm

cc: Mrs. Patti Ohlendorf, Vice President for Legal Affairs
 Ms. Mary Knight, Associate Vice President
 Dr. Jennifer Hammat, Assistant Vice President for Student Affairs
 Ms. Janice Daman, Assistant Dean, Moody College of Communication
 Ms. Elvia Rosales, Director, Budget Office
 Ms. Taylor Strickland, Vice President 2014-15, Student Government
 Mr. Robert J. Quigley, Faculty Member, Texas Student Media Board of Operating Trustees
 Mr. David Player, President 2013-14, Texas Student Media Board
 Texas Student Media Board of Operating Trustees

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RESTATEMENT OF SERVICES AGREEMENT

WHEREAS, the Board of Regents of the University of Texas ("University") and the Board of Operating Trustees of Texas Student Media Trust ("Operating Trustees") have amended the Declaration of Trust executed April 2, 2007;

WHEREAS, the University and the Operating Trustees entered into that certain Agreement "2013-2014 Services Agreement" dated effective September 1, 2013 (the "Agreement") and;

WHEREAS, the University and Operating Trustees entered into that certain First Amendment between University and Operating Trustees dated effective September 1, 2014 (the "First Amendment") and;

WHEREAS, the University and Operating Trustees entered into that certain Second Amendment between University and Operating Trustees dated effective September 1, 2015 (the "Second Amendment") and;

WHEREAS, the University and Operating Trustees entered into that certain Third Amendment between University and Operating Trustees dated effective September 1, 2016 (the "Third Amendment").

The University and the Operating Trustees hereby agree the Agreement and all Amendments listed above are incorporated into this restated agreement (the "2017 -2018 Services Agreement") effective September 1, 2017.

"2017- 2018 SERVICES AGREEMENT"

This Agreement between the University and the Operating Trustees ("2017-2018 Services Agreement") is made and entered into by and between The Board of Regents of the University of Texas ("University"), an agency and institution of higher education organized under the laws of the State of Texas, and the Board of Operating Trustees of Texas Student Media ("Operating Trustees") dated effective September 1, 2017.

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I. Definitions

1.1 The definitions in the Amended and Restated Declaration of Trust, a copy of which is Attachment 1 hereto and incorporated into this Agreement, shall apply to this Agreement.

1.2 "Operating Revenue" shall mean all revenue received by the Trust other than funds received from the University including student service fees.

II. Purpose of Agreement

2.1 The purpose of this Agreement is to implement paragraphs 3.1 and 4.1(b) (1) of the Amended and Restated Declaration of Trust and to allow the Trust to retain staff who are employees of the University.

2.2 The specific goal is to allow personnel who serve as advisers, accountants and day to day managers of the Student Media to provide those services to the Trust without losing their retirement and other non-salary benefits they have as employees of the University and allow such Leased Employees the opportunity to take advantage of discounts and other purchasing advantages University Employees enjoy.

III. Terms of Agreement

3.1 The term of this Agreement is September 1, 2017 through August 31, 2018, provided, however, this agreement may be extended for additional one year terms by mutual written agreement of the parties fully executed prior to the expiration of the current term.

IV. Leased Employees

4.1 During the term of this Agreement, the Operating Trustees may from time to time request the University to employ professional Student Media staff ("Leased Employees") to work for the various student media the Operating Trustees control. Such Leased Employees assigned to perform services for the Trust will be employees of the University and not the Trust. During the term of this Agreement, the current Student Media Leased Employees of the University that are assigned to work for the Trust will remain employees of the University. The authorized Leased Employee Positions are listed

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on Attachment 2 to this Agreement. The Leased Employees shall receive the salary and benefits they are receiving or would have received if they were performing services directly for the University and the Operating Trustees shall cause the University to be reimbursed for all of the expenses it incurs in providing Leased Employees, including any wages, benefits, compensation, costs or attorney fees arising out of or relating to any administrative or legal proceeding initiated by either the University, the Leased Employee, or any state or federal agency arising out of or related to the services of the Leased Employee to the Trust. The Leased Employees shall be assigned during the term of the Agreement by the University to perform the tasks assigned to them by the Board of Operating Trustees, but remain obligated to comply with the Board of *Regent's Rules and Regulations* and the University's *Handbook of Operating Procedures* as provided in the Amended and Restated Declaration of Trust of Texas Student Media Trust. The Trust shall be responsible for reporting and verifying all Leased Employees assigned work schedule, reporting time, meal and rest periods and ending time in the form stipulated by the University office of Payroll Services and as directed the assigned University Contract Administrator. The Operating Trustees may, however, request to discipline or to terminate the services of any Leased Employee for any reason that would also constitute good cause for discipline or termination of employment of a University employee under the provisions of the University's *Handbook of Operating Procedures*, provided that the actual decision to discipline or to terminate the employee will be made solely by the appropriate University official for good cause shown in accordance with the University's *Handbook of Operating Procedures*. Nothing herein shall be construed to limit the rights of any University employee to grieve the terms and conditions of employment or to appeal an adverse personnel decision as provided in the University's *Handbook of Operating Procedures*. It is expressly understood and agreed that in any case where the trust requests to discipline or to terminate the services of a Leased Employee, the trust will cooperate with, defend and indemnify the University in any administrative or legal proceeding of any kind initiated by either the University, the Leased Employee, or any state or Federal agency arising out of or related to the services of the Leased Employee to the Trust. The Operating Trustees have no intention of changing any University employees that were employed as Leased Employees on September 1, 2013 ("Incumbent Trust Staff") to Trust employees or to in any other way to reduce benefits or employment

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status of the Incumbent Trust staff so long as the individual's work performance remains satisfactory to Operating Trustees' management staff.

4.2 During the term of this Agreement all of the Operating Revenue shall be deposited in accounts designated by the University. Pursuant to 3.1 of the Amended and Restated Declaration of Trust, this Operation Revenue will be controlled by the Trustees. Acting in the capacity of fiscal agent on behalf the Trust, the University will provide administrative support to the Trust to receive and manage funds, acquire and dispose of assets, execute contracts with suppliers and vendors, and to pay contractors, employees and paid interns for the benefit of and on behalf of the Trust as directed by the Operating Trustees in compliance with applicable laws and University accounting procedures.

4.3 The Operating Trustees shall cause the University to be reimbursed for all of the expenses it incurs in providing the Leased Employees, including the payment of any wages, benefits, compensation, damages, costs or attorney fees arising out of or relating to any administrative or legal proceeding of any kind initiated by either the University, the Leased Employee or any state or federal agency arising out of or related to the services of the Leased Employee to the Trust.

V. Student Employees and Operations

5.1 During the term of this Agreement, the Operating Trustees may from time to time request the University to employ the students ("Student Leased Employees") who work for the various student media the Operating Trustees control. Such Student Leased Employees assigned to perform services for the Trust will be employees of the University and not the Trust and the Operating Trustees will establish their duties and obligations. The Student Leased Employees shall receive the salary and benefits they would have received if they were performing services directly for the University and The Operating Trustees shall cause the University to be reimbursed for all of the expenses it incurs in providing the Student Leased Employees, including the payment of any wages, benefits, compensation, damages, costs or attorney fees arising out of or relating to any administrative or legal proceeding initiated by either the University, the Student Leased Employee, or any state or federal agency arising out of or related to the services of the Student Leased Employee to the Trust. The Leased Employees shall be assigned during

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the term of the Agreement by the University to perform the tasks assigned to them by the Board of Operating Trustees, but remain obligated to comply with the Board of *Regent's Rules and Regulations* and the University's *Handbook of Operating Procedures* as provided in the Amended and Restated Declaration of Trust of Texas Student Media Trust. The Operating Trustees will direct the University as to when, how and how much to pay such Students Employees. The Trust shall be responsible for reporting and verifying all Leased Student Employees assigned work schedule, reporting time, meal and rest periods and ending time in the form stipulated by the University office of Payroll Services and as directed the assigned University Contract Administrator. The Operating Trustees may, however, request to discipline or to terminate the services of any Leased Student Employee for any reason that would also constitute good cause for discipline or termination of employment of a University employee under the provisions of the University's *Handbook of Operating Procedures*, provided that the actual decision to discipline or to terminate the employee will be made solely by the appropriate University official for good cause shown in accordance with the University's *Handbook of Operating Procedures*. Nothing herein shall be construed to limit the rights of any University employee to grieve the terms and conditions of employment or to appeal an adverse personnel decision as provided in the University's *Handbook of Operating Procedures*. It is expressly understood and agreed that in any case where the trust requests to discipline or to terminate the services of a Leased Student Employee, the trust will cooperate with, defend and indemnify the University in any administrative or legal proceeding of any kind initiated by either the University, the Leased Student Employee, or any state or Federal agency arising out of or related to the services of the Student Leased Employee to the Trust.

5.2 The Operating Trustees may from time to time enter into contracts with suppliers or vendors as provided in paragraph 3.1 of the Amended and Restated Declaration of Trust.

5.3 During the term of this Agreement, the Operating Trustees may from time to time appoint paid and unpaid Student Media Interns ("Student Media Interns") to assist in a broad range of duties for the Trust that provide students with experiences, knowledge, skills and tools in various fields of student media. Paid interns will be paid a "stipend" (defined as a

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periodic payment other than wages paid to a student in connection with educationally related activities undertaken by the student). A stipend is not compensation for services rendered. Student Media Interns must be students in good standing and must obey all applicable University, state and federal laws, rules and regulations. Student Media Interns report to the Operating Trustees. Under no circumstances shall a Student Media Intern be deemed an employee of the University. The Operating Trustees establish the amount of such paid stipends and will direct the University as to when, how and how much to pay such Student Media Interns.

VI. Non - Operating Revenue

6.1 All of the Trust's Non-Operating Revenue shall be deposited in accounts designated by the University and shall be used for the benefit of the Trust as directed by the Operating Trustees.

6.2 The Operating Trustees can invest and use the TSM Reserve Funds as they see fit.

VII. Reporting

7.1 Texas Student Media reports to the Moody College of Communication.

THE UNIVERSITY OF TEXAS AT AUSTIN

By: [Signature]
 Name: [Signature]
 Title: Business Contact
 Date: 8/15/2017

MOODY COLLEGE OF COMMUNICATION

By: _____

Name: _____

Title: _____

Date: _____

BOARD OF OPERATING TRUSTEE

By: [Signature]
 Name: Matthew S. Eastin
 Title: Board President
 Date: 8/24/2017

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Attachment 2

Authorized Leased Employee Positions for 2017-2018

Director

Business and Operations Manager

Advertising Manager

Media Advisor

Broadcast Advisor

Assistant Advertising Manager

Junior

Account Executive

Account Executive

Account Executive

Account Executive

Program Coordinator/Product Manager

Senior Graphic Artist

Senior Media Support

Tech Administrative Associate

Employees may change throughout service agreement.