

**THE UNIVERSITY OF WYOMING**

**BOARD OF TRUSTEES' REPORT**

**Wednesday, June 12, 2019**

The final report can be found on the University of Wyoming Board of Trustees Website at <http://www.uwyo.edu/trustees/>

## **University of Wyoming Mission Statement (July 2017)**

We honor our heritage as the state's flagship and land-grant university by providing accessible and affordable higher education of the highest quality; rigorous scholarship; the communication and application of knowledge; economic and community development; and responsible stewardship of our cultural, historical and natural resources.

In the exercise of our primary mission to promote learning, we seek to provide academic and co-curricular opportunities that will:

- Graduate students who have experienced the frontiers of scholarship and creative activity and who are prepared for the complexities of an interdependent world;
- Cultivate a community of learning energized by collaborative work among students, faculty, staff and external partners.
- Nurture an environment that values and manifests diversity, internationalization, free expression, academic freedom, personal integrity and mutual respect; and
- Promote opportunities for personal health and growth, physical health, athletic competition and leadership development for all members of the university community.

As Wyoming's only public university, we are committed to scholarship, outreach and service that extend our human talent and technological capacity to serve the people in our communities, our state, the nation and the world.

**TRUSTEES OF THE UNIVERSITY OF WYOMING AGENDA**  
**Wednesday, June 12, 2019**  
**Conference Call Meeting**  
**President’s Office Suite, Old Main Boardroom, Room 206**  
**Laramie, Wyoming**

**WORK SESSIONS**

Consideration and Action: Board of Trustees Meeting Minutes (*public session & executive session*) – True

- May 15-17, 2019 Board of Trustees Meeting Minutes
- May 20, 2019 “Special” Meeting Conference Call Meeting

*[The draft minutes were provided in advance via the trustee secure website.]*

Consideration and Action: Annual Operating Budgets for FY20 – McKinley *[no materials provided for report – additional materials at time of meeting]*

Consideration and Action: Modifications to UW Regulations – Brown/Evans

- ✓ UW Regulation 2-100 (Academic Class Management)..... 1
- ✓ UW Regulation 2-102 (Final Exam Policy) [repeal]
- ✓ UW Regulation 2-104 (Class Meetings Outside Scheduled Times) [repeal]
- ✓ UW Regulation 2-106 (Assignment of Grades)
- ✓ UW Regulation 2-110 (Change of Recorded Grades) [repeal]
- ✓ UW Regulation 2-111 (Assignment and Removal of the Grade of I)
- ✓ UW Regulation 2-112 (Policy for Curriculum Structure and Course Identification) [repeal]
- ✓ UW Regulation 2-113 (Grading System – Including Mid-Semester and End-of-Semester Grades) [repeal]
- ✓ UW Regulation 2-1 (Academic Personnel) ..... 3
- ✓ UW Regulation 2-7 (Procedures for Reappointment, Tenure, Promotion and Fixed-Term)
- ✓ UW Regulation 6-10 (Public Art Policy) [formatting only]..... 7
- ✓ UW Regulation 9-2 (Indirect Cost Policy) [formatting only]
- ✓ UW Regulation 11-8 (Incoming Student Live-In Requirement) [formatting only]

Consideration and Action: Trustee Bylaws – Brown ..... 8

- Changing Trustee “President” to Trustee “Chairman”

Pilot Hill Update – Brown *[no materials provided in advance – verbal update at time of meeting]*

Consideration and Action: Approval of Agreements, Contracts, and Procurements *[no materials provided for report]*

Consideration and Action: Elimination of Distributed Majors – Kate Miller ..... 10

Consideration and Action: Wyoming Public Radio – Cody, WY Site Sublease Agreement – Theobald/Decker..... 11

**AGENDA ITEM TITLE:**

**Approval of Modifications to UW Regulations 2-100 (Academic Class Management) and 2-106 (Assignment of Grades), Brown/Evans**

SESSION TYPE:

- Work Session
- Education Session
- Information Item
- Other:

[Committee of the Whole – Items for Approval]

APPLIES TO STRATEGIC PLAN:

- Yes (select below):
  - Driving Excellence
  - Inspiring Students
  - Impacting Communities
  - High-Performing University
- No [Regular Business]

*Attachments are provided with the narrative—refer to Supplemental Materials Report.*

EXECUTIVE SUMMARY:

At the September 2016 Board of Trustees meeting, the Board approved review by UW Administration of UW's current regulatory structure, to include the following:

- 1) Phasing out presidential directives;
- 2) Defining regulation versus policy/procedure;
- 3) Creating a new “look” and format for the regulations; and
- 4) Updating the substance of the regulations, policies, and procedures as needed, including determining whether there are any substantive gaps.

At the January 2017 Board of Trustees meeting, the University proposed 12 sections for the new ***Governing Regulations and Standard Administrative Policies and Procedures Manual***.

**Section 1:** Governance and Structure

**Section 2:** Academic Affairs

**Section 3:** Athletics

**Section 4:** Diversity and Equal Opportunity

**Section 5:** Employment and Ethics

**Section 6:** Facilities

**Section 7:** Finance and Business

**Section 8:** Information Technology

**Section 9:** Research and Economic Development

**Section 10:** Safety and Security

**Section 11:** Student Affairs

**Section 12:** University Relations

The new structure will involve three levels of policies:

- 1) Governing Regulations (Level A)
- 2) Standard Administrative Policies and Procedures (Level B)
- 3) Department/Unit Administrative Policies and Procedures (Level C)

The **Section 2 Academic Management Regulations (2-100 through 2-120)** include such matters as class size, faculty-led course study for credit, final examination policy, undergraduate degree requirements, class meetings, the University Studies Program, “S-U” grades, honor roll, student attendance policy,

academic probation and suspension, change of recorded grades, grade of I, course identification, grading system, course approval process, course syllabus requirement, library of deposit, degrees and diplomas, and degree revocation. Modifications to several of these Regulations were adopted at the July 2018 Board of Trustees Meeting (UW Regulations 2-103, 2-105, 2-107, 2-108, 2-109, and 2-117).

The Provost is recommending the following changes to several of the remaining academic management regulations. These changes streamline the regulations and support the University's goals of increasing our retention, persistence, and graduation rates.

- 1) UW Regulations 2-102 (Final Exam Policy), 2-104 (Class Meetings Outside Scheduled Times), and 2-112 (Policy for Curriculum Structure and Course Identification) have been combined into UW Regulation 2-100 (Academic Class Management).
- 2) UW Regulations 2-110 (Change of Recorded Grades), 2-111 (Assignment and Removal of the Grade of I), and 2-113 (Grading System – Including Mid-Semester and End-of-Semester Grades) have been combined into UW Regulation 2-106 (Assignment of Grades). UW Regulation 2-106 includes a proposed revision to remove the plus/minus grading system.

Per the routing process for UW Regulations, the proposed modifications and the proposed repealing of several of the regulations were provided to Executive Team, Deans and Directors, Faculty Senate, Staff Senate, ASUW, and the Internal Auditor. Faculty Senate provided extensive input and Academic Affairs worked closely with Senate leadership to incorporate the input. Both Faculty Senate and ASUW passed resolutions in favor of removing the plus/minus grading system.

The Trustees Regulation Committee will discuss this item at the June 2019 Board of Trustees conference call and recommend full Board action, if appropriate.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

None.

**WHY THIS ITEM IS BEFORE THE BOARD:**

UW Regulation 1-101 requires that the Board approve modifications to UW Regulations.

**ACTION REQUIRED AT THIS BOARD MEETING:**

Board approval, modification, or disapproval of the recommended modifications to the Regulations.

**PROPOSED MOTION:**

“I move to authorize approval of modifications to UW Regulations 2-100 and 2-106 as presented to the Board. I also move to repeal UW Regulations 2-102, 2-104, 2-110, 2-111, 2-112, and 2-113 as presented to the Board.”

**PRESIDENT'S RECOMMENDATION:**

The President recommends approval.

**AGENDA ITEM TITLE:**

**Consideration and Action: Approval of Modifications to UW Regulations 2-1 (Academic Personnel) and 2-7 (Procedures for Reappointment, Tenure, Promotion and Fixed-Term),** Brown/Evans

SESSION TYPE:

- Work Session
- Education Session
- Information Item
- Other:

[Committee of the Whole – Items for Approval]

APPLIES TO STRATEGIC PLAN:

- Yes (select below):
  - Driving Excellence
  - Inspiring Students
  - Impacting Communities
  - High-Performing University
- No [Regular Business]

*Attachments are provided with the narrative—refer to Supplemental Materials Report.*

EXECUTIVE SUMMARY:

At the September 2016 Board of Trustees meeting, the Board approved review by UW Administration of UW's current regulatory structure, to include the following:

- 5) Phasing out presidential directives;
- 6) Defining regulation versus policy/procedure;
- 7) Creating a new “look” and format for the regulations; and
- 8) Updating the substance of the regulations, policies, and procedures as needed, including determining whether there are any substantive gaps.

At the January 2017 Board of Trustees meeting, the University proposed 12 sections for the new ***Governing Regulations and Standard Administrative Policies and Procedures Manual.***

**Section 1:** Governance and Structure

**Section 2:** Academic Affairs

**Section 3:** Athletics

**Section 4:** Diversity and Equal Opportunity

**Section 5:** Employment and Ethics

**Section 6:** Facilities

**Section 7:** Finance and Business

**Section 8:** Information Technology

**Section 9:** Research and Economic Development

**Section 10:** Safety and Security

**Section 11:** Student Affairs

**Section 12:** University Relations

The new structure will involve three levels of policies:

- 4) Governing Regulations (Level A)
- 5) Standard Administrative Policies and Procedures (Level B)
- 6) Department/Unit Administrative Policies and Procedures (Level C)

The Section 2 Academic Personnel Regulations (2-1 through 2-14) include such matters as:

- 1) Describing academic designations, ranks and terms of appointment applicable to members of the faculty and other academic personnel, and general provisions regarding academic personnel;
- 2) Outlining University policies on academic freedom, faculty workload, sabbatical and professional development leave, and post-tenure review;
- 3) Defining University-level standards and outlining procedures for reappointment, tenure and promotion, post-tenure review, and compensation;
- 4) Establishing procedures for the resolution of academic personnel disputes and for the dismissal of academic personnel; and
- 5) Providing definitions of academic administrative structures and positions and describing terms of appointments and general provisions regarding academic administrators.

The Provost's office completed a detailed analysis of the current academic personnel regulations and associated University policies, procedures and practices to help identify inconsistencies, gaps and issues with clarity that needed to be addressed. They consulted numerous professional documents, including statements and guidelines published by the American Association of University Professors (AAUP). In addition, they conducted extensive research on the academic policies and procedures of the University's peer and other institutions, and compared them to the current Regulations. The Provost's overarching goal was to propose revisions that support the University's mission as the state's flagship and land-grant university, are consistent with the values described in the University's strategic plan, and will drive excellence in teaching, scholarship, innovation and creative endeavors.

UW Regulation 2-1 (Academic Personnel) describes academic designations, ranks and terms of appointment applicable to members of the faculty and other academic personnel, and general provisions regarding academic personnel. Proposed changes include the following:

- 1) Transferring some sections to other relevant Regulations and moving the section on Academic Freedom to its own Governing Regulation.
- 2) Assembling all non-tenure track academic personnel under the organizational structure of "non-tenure track faculty" or "other academic personnel."
- 3) Proposing new non-tenure track faculty designations for Executive Professor and Instructional Professor, revising Professor of Practice, Research Professor and Clinical Professor to allow for multiple ranks, and expanding the definition of Extension Educator.
- 4) Creating a new category called "Adjunct, Visiting and In-Residence Faculty" to clarify, formalize and standardize these types of appointments.
- 5) Proposing a fixed-term appointment (3-year for entry/midlevel, 5-year for highest level) with rolling contract option for Non-Tenure Track Faculty. This type of appointment would replace the current 6-year fixed extended term appointment.
- 6) Revising language to clarify that academic professionals on current extended-term contracts will retain that contract for the duration of the current term and then allow for reappointment/transfer to a new fixed-term with rolling contract.
- 7) Adding a section that formalizes annual review for all academic personnel.
- 8) Moving section on Emeritus Designation and Benefits from UW Regulation 5-2 and eliminating criteria for specific time served at UW.
- 9) Proposing that the Board of Trustees delegate the authority to make faculty appointments and reappointments to the President. The Board of Trustees would retain the authority to grant tenure, promotion, and 5-year fixed term appointments, as well as to award the Emeritus designation.

UW Regulation 2-7 (Procedures for Reappointment, Tenure, Promotion and Fixed-Term) is a comprehensive and complex regulation that outlines the procedures for reappointment, tenure, promotion and fixed-term reviews. The President and the Provost are proposing a reorganization of the Regulation to allow for greater clarity and ease of implementation. Included in the proposed changes is a streamlined review process during the probationary period for tenure track faculty, limiting University level review to a first-year review, mid-probationary review, and mandatory tenure review. All other performance reviews during the probationary period would consist of annual performance evaluations, for which academic units and colleges may establish protocol for peer review. Added to the proposed Regulation is a review structure for Non-Tenure Track faculty who would have fixed-term appointments with rolling contracts. Detailed information about definitions and sources of information concerning teaching, research, creative activity, extension, and service, as well as the specific roles and responsibilities of the candidate, peer groups, and administrators will be moved to a series of Standard Administrative Policies and Procedures (SAPs). The SAPs will also incorporate information formerly provided in the annual Tenure & Promotion memo from Academic Affairs.

Proposed changes include the following:

- 1) Restructuring for clarity and eliminating redundancies (both from within the Regulation and across other Regulations, including UW Regulation 2-1).
- 2) Policy (Section III) updated to include University expectations and purposes of tenure, promotion and term contracts, responsibility of units to establish performance standards/expectations and to ensure the standards are consistent with University policy, and the functions of the University's systematic, multi-phased review process.
- 3) Eliminating list of criteria for/examples of teaching, research and service in lieu of information appearing in SAPs
- 4) Including section on Extension of the Probationary Period (V.A.) using current Academic Affairs policy on clock stop.
- 5) Restructuring Section VI to address timeline for tenure decisions (consistent with current regulation), rolling term decisions (consistent with language in proposed UW Regulation 2-1), promotion decisions, and administrators holding tenure.
- 6) Streamlining the process for review during probationary period to: (1) Annual Reviews, (2) First-Year Review for reappointment, (3) mid-probationary review, and (4) mandatory tenure review.
- 7) Moving step-by-step procedures for reappointment, tenure and promotion review to a SAP. Specific roles and responsibilities for the candidate, and academic units and administrators at each level in the review will be delineated in the SAP.
- 8) Adding a section (IV.D.) on review of faculty holding appointments in SER. (*Note: In the past, this was handled through a memo. The Provost believes it is best to codify in in the Regulation so that we can avoid problems that have occurred in the past.*)
- 9) Adding a section on Outcomes (VII) to specify when faculty are notified of reappointment and tenure, promotion, and non-renewal. This is not new information, only reorganized.
- 10) Adding a section (IX) to remind faculty they have the right to the grievance process outlined in UW Regulation 2-2 if they believe procedures or policies have been violated.

A few of the revisions to UW Regulations 2-1 and 2-7 will require processes to be in place and implemented during the next academic year. Below is a list that shows what elements will be in place effective July 1, 2019, and some of the elements that will require additional time to implement.



Effective July 1, 2019:

- 1) All new hires for AY 2019-20 will follow the newly revised UW Regulations 2-1 and 2-7.
- 2) All academic personnel will follow the newly revised annual review, reappointment, tenure and promotion procedures outlined in UW Regulation 2-7. Adjustments to the mid-probationary review schedule will be made for second-year tenure track faculty who were not scheduled for review in year 3 as a product of this academic year's review cycle.

Effective July 1, 2020:

- 1) All current academic personnel on extended-term appointments will retain their current designation and rank for the duration of their extended-term. A request for change in designation may be made concurrent with the next fixed-term decision (i.e., at the end of their current extended term).
- 2) A job description audit will be completed during Academic Year 2019-20 for all Academic Professionals to determine alignment of duties with designations in newly revised UW Regulation 2-1. If needed, adjustments to job descriptions or changes in designation will be implemented July 1, 2020 (for FY academic personnel) and Sept 1, 2020 (for AY academic personnel).
- 3) Following the job description audit, the probationary period for current academic personnel in Extended Term Track positions will be adjusted to correspond with the Fixed-Term Rolling Contract review schedule in the newly revised UW Regulation 2-7. These employees will receive a letter from the Office of Academic Affairs before the official start date of the Fall 2020 semester notifying them of their new review schedule.

Standard Administrative Policies and Procedures (SAPs) that will replace sections removed from UW Regulation 2-7 are currently being developed and will be routed through the internal vetting process (see [www.uwyo.edu/regs-policies/\\_files/docs/policies\\_vetting-process.pdf](http://www.uwyo.edu/regs-policies/_files/docs/policies_vetting-process.pdf)). Existing language from the current Regulation will be used to inform practice, procedures and decisions that occur in the 2019-20 academic year. This summer, the Office of Academic Affairs will provide academic units with an instructional memo that contains the relevant sections from the current regulation.

Per the routing process for UW Regulations, the draft modifications to UW Regulations 2-1 and 2-7 were provided to Executive Team, Deans and Directors, Faculty Senate, Staff Senate, ASUW, and the Internal Auditor. Faculty Senate provided extensive input and Academic Affairs worked closely with Senate leadership to incorporate the input.

The Trustees Regulation Committee will discuss this item at the June 2019 Board of Trustees conference call and recommend full Board action, if appropriate.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

None.

**WHY THIS ITEM IS BEFORE THE BOARD:**

UW Regulation 1-101 requires that the Board approve modifications to UW Regulations.

**ACTION REQUIRED AT THIS BOARD MEETING:**

Board approval, modification, or disapproval of the recommended modifications to the Regulations.

**PROPOSED MOTION:**

“I move to authorize approval of modifications to UW Regulations 2-1 and 2-7, as presented to the Board.”

**PRESIDENT'S RECOMMENDATION:**

The President recommends approval.

**AGENDA ITEM TITLE:**

**Consideration and Action: Approval of UW Regulations 6-10 (Public Art Policy), 9-2 (Indirect Cost Policy), and 11-8 (Incoming Student Live-In Requirement),** Brown/Evans

**SESSION TYPE:**

- Work Session
- Education Session
- Information Item
- Other:

[Committee of the Whole – Items for Approval]

**APPLIES TO STRATEGIC PLAN:**

- Yes (select below):
  - Driving Excellence
  - Inspiring Students
  - Impacting Communities
  - High-Performing University
- No [Regular Business]

*Attachments are provided with the narrative—refer to Supplemental Materials Report.*

**EXECUTIVE SUMMARY:**

In November 2018, the Board of Trustees approved repealing UW Regulation 1-102 (Board of Trustees Directives), effective July 1, 2019, with the instruction that each directive will be transferred to an appropriate UW Regulation or Standard Administrative Policy and Procedure (SAP). Attachment C to UW Regulation 1-102 is the University of Wyoming Art Policy, Attachment E is the New Student Live-In Policy, and Attachment F is the Indirect Cost Policy. These Attachments have been reformatted in the new regulation template and are now UW Regulations 6-10 (Public Art Policy), 9-2 (Indirect Cost Policy), and 11-8 (Incoming Student Live-In Requirement). No changes other than formatting have been made.

The Trustees Regulation Committee will discuss this item at the June 2019 Board of Trustees conference call and recommend full Board action, if appropriate.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

None.

**WHY THIS ITEM IS BEFORE THE BOARD:**

UW Regulation 1-101 requires that the Board approve modifications to UW Regulations.

**ACTION REQUIRED AT THIS BOARD MEETING:**

Board approval, modification, or disapproval of the recommended modifications to the Regulations.

**PROPOSED MOTION:**

“I move to authorize approval of UW Regulations 6-10, 9-2, and 11-8, as presented to the Board.”

**PRESIDENT'S RECOMMENDATION:**

The President recommends approval.

**AGENDA ITEM TITLE: Consideration and Action: Trustee Bylaws, True**

**SESSION TYPE:**

- Work Session
- Education Session
- Information Item
- Other:  
[Committee of the Whole – Items for Approval]

**APPLIES TO STRATEGIC PLAN:**

- Yes (select below):
  - Driving Excellence
  - Inspiring Students
  - Impacting Communities
  - High-Performing University
- No [Regular Business]

*Attachments are provided with the narrative—see below.*

**EXECUTIVE SUMMARY:**

Pursuant to HB 41, W.S. 21-17-203 was amended as follows: “The board shall elect a ~~president~~ **chairman**, secretary and treasurer, who shall perform the duties prescribed in the bylaws of the board.” Attached are draft modifications to the Bylaws of the Trustees of the University of Wyoming effectuating this change.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

Written notice of these proposed modifications was provided at the May 2019 Board of Trustees meeting.

**WHY THIS ITEM IS BEFORE THE BOARD:**

Pursuant to Article VIII, the Bylaws may be changed or amended at any regular meeting of the Trustees by a vote of two-thirds of all the members, provided that notice of the intention to change, amend, or add to the Bylaws, in whole or part, shall have been given in the notice of the meeting or shall have been given at a preceding meeting of the Trustees. Such notice shall be in writing and shall include the exact wording of the legislation proposed.

**ACTION REQUIRED AT THIS BOARD MEETING:**

Board approval or disapproval of the modifications to the Bylaws.

**PROPOSED MOTION:**

“I move to authorize the changes to the Bylaws of the Trustees as presented to the Board in the attached redline version.”

**PRESIDENT’S RECOMMENDATION:**

The President recommends approval.

**AGENDA ITEM TITLE:**

**Consideration and Action: Elimination of Distributed Majors**, Kate Miller

SESSION TYPE:

- Work Session
- Education Session
- Information Item
- Other:

[Committee of the Whole – Items for Approval]

APPLIES TO STRATEGIC PLAN:

- Yes (select below):
  - Driving Excellence
  - Inspiring Students
  - Impacting Communities
  - High-Performing University
- No [Regular Business]

*Attachments are provided with the narrative—see below.*

EXECUTIVE SUMMARY:

On February 15, 2019, the Provost put forward a proposal to discontinue the Distributed Majors in the College of Arts and Sciences. The proposal has been reviewed by the Faculty Senate, Staff Senate, and ASUW, as well as by the A&S Central Committee. Feedback was solicited from currently-enrolled students and constituents statewide via a survey mechanism that accompanied the proposal. The President received the Provost's recommendation to discontinue these majors on May 24, 2019. UW Regulation 2-13 requires that the President recommend to the Board the final action for discontinued programs within 120 days of release of a proposal; for this proposal, the recommendation is due to you by June 15, 2019.

PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:

N/A

WHY THIS ITEM IS BEFORE THE BOARD:

University Regulations require that the President makes a recommendation to the Board on proposals for academic program reorganization, consolidation, reduction, or discontinuance.

ACTION REQUIRED AT THIS BOARD MEETING:

Approval of discontinuance of the Distributed Majors in the College of Arts & Sciences, including the Humanities and Fine Arts Distributed Major (B.A.); the Social Science Distributed Major (B.A. and B.S.); and the Mathematics and Science Distributed Major (B.A. and B.S.).

PROPOSED MOTION:

"I move the Board approves the proposal for discontinuance of the Distributed Majors in the College of Arts and Sciences."

PRESIDENT'S RECOMMENDATION:

The President recommends approval.

**AGENDA ITEM TITLE:**

**Consideration and Action: Wyoming Public Radio – Cody, WY Site Sublease Agreement**, Theobald/Decker

SESSION TYPE:

- Work Session
- Education Session
- Information Item
- Other:

[Committee of the Whole – Items for Approval]

APPLIES TO STRATEGIC PLAN:

- Yes (select below):
  - Driving Excellence
  - Inspiring Students
  - Impacting Communities
  - High-Performing University
- No [Regular Business]

*Attachments are provided with the narrative—see below.*

EXECUTIVE SUMMARY:

Wyoming Public Media and Joseph Atnip have expressed a desire to enter into a ten (10) year sub-lease agreement effective on July 15, 2019, allowing Wyoming Public Media to operate and maintain an antenna system on the tower owned by Joseph Atnip, and to use radio and television communications equipment located in the existing building at the site, also owned by Joseph Atnip. The site will continue radio (AM/FM) and television coverage in the Cody area.

Currently, Wyoming Public Media's AM/FM radio and television coverage in the Cody area is provided through the use of two leased facilities; one leased by the University from the Park County Board of Commissioners (PCBC) for the KUWP station and another facility leased by the University from Allen R. Hull for the KNWT station. The term of the lease with the PCBC ends August 3, 2023, and the lease may be terminated upon thirty (30) days' prior written notice. The Hull site lease was entered into subsequent to the KNWT radio license transfer to the University from Northwest Community College and the lease term expires at the end of June. The additional Hull site was needed because there was insufficient equipment space available at the PCBC site for the additional radio and television equipment following the license transfer.

Both the Hull Site and PCBC site are located on BLM land and allowed currently to only operate at low power. The Hull Site KNWT station is licensed at 16.5 kW and has been operating at low power on a special temporary authority from the Federal Communications Commission over this last year. The PCBC site for the KUWP station is licensed to operate up to 25 kW.

Wyoming Public Media has identified a nearby tower site (see attached map) with available space for the consolidation of communications equipment to one site and has allowable power output to broadcast both AM/FM radio and television services for both stations. Joseph Atnip, as Sub-Lessor, is a Lessee under a ground lease agreement with the landowner, the United States Bureau of Land Management (BLM). The ground lease grants Joseph Atnip the right to have a tower and related facilities at the site with the right to sub-lease space and facilities on the site to third parties, including but not limited to the University of Wyoming. This site allows for the consolidation of equipment for more efficient management and maintenance of Wyoming Public Media's assets that provide public radio and television service to the Cody area. The University would have the ability to terminate the sub-lease agreement with Joseph Atnip upon 120 days' advance written notice.

The current combined lease rent for both the PCBC site and the Hull site amounts to \$6,420.00 per year. The proposed lease rent for the new site's initial ten-year term for the two stations is \$9,000.00 per year. The lease rent will not increase during the initial ten (10) year term. Comparable current annual lease rent rates range from \$4,050 to \$14,580.00 per year with some rent rates asking as much as \$16,800 per year for similar high power broadcast sites in the area.

At the direction of the Facilities Contracting Committee, the administration has finalized the sub-lease agreement for a ten (10) year term. The sub-lease agreement has been signed by the Sub-Lessor and is ready for the University's signature.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

None.

**WHY THIS ITEM IS BEFORE THE BOARD:**

Per UW Regulation 7-2, the Board of Trustees reserves authority to approve and/or sign contracts for "Other matters involving real property, including but not limited to the lease of real property; easements; water rights and development; oil, gas and mineral leases; and federal or state government leases, permits, or licenses for longer than one year or more than \$50,000."

**ACTION REQUIRED AT THIS BOARD MEETING:**

Board approval or disapproval of the recommendation of the Board's Facilities Contracting Committee.

**PROPOSED MOTION:**

"I move to authorize the administration to execute the sub-lease agreement for a ten (10) year term with Joseph Atnip as presented to the Board."

**PRESIDENT'S RECOMMENDATION:**

The President recommends approval.