

THE UNIVERSITY OF WYOMING
BOARD OF TRUSTEES' MINUTES

March 27-29, 2019

The final minutes 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.

THE UNIVERSITY OF WYOMING
MINUTES OF THE BOARD OF TRUSTEES
March 27-29, 2019
Marian H. Rochelle Gateway Center, Salon C&D

As will be reflected in the public and executive session meeting minutes, the Board of Trustees of the University of Wyoming met in Laramie, Wyoming, on Wednesday, March 27, 2019, Thursday, March 28, 2019, and Friday, March 29, 2019. The meeting was held at the Marian H. Rochelle Gateway Center, Salons D&E. Committees met on Wednesday, March 27, 2019. The Board's business meeting was held on Friday, March 29, 2019.

TRUSTEES OF THE UNIVERSITY OF WYOMING AGENDA
March 27-29, 2019

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BUSINESS MEETING

Roll Call

Approval of Board of Trustees Meeting Minutes

- February 20, 2019 Board of Trustees Conference Call
- March 11, 2019 Board of Trustees “Special” Meeting
- March 13, 2019 Board of Trustees “Special” Meeting

Approval of Executive Session Meeting Minutes

- February 20, 2019 Board of Trustees Conference Call
- March 11, 2019 Board of Trustees “Special” Meeting
- March 13, 2019 Board of Trustees “Special” Meeting

Reports

ASUW
Staff Senate
Faculty Senate

Public Testimony

[Public testimony was held on 3-28-19 @ 11:00 a.m.]

Committee of the Whole

Regular Business
Board Committee Reports

Trustee Committees

[Note: Committees of the Board will provide reports during the regular work sessions and will not have a formal report to provide during the Business Meeting. Liaisons will provide a report during the regular Business Meeting.]

Liaison to Other Boards

- UW Alumni Association Board – Wava Tully
- Foundation Board – Jeff Marsh & David Fall
- Haub School of Environment & Natural Resources – Michelle Sullivan
- Energy Resources Council – Dave True
- Cowboy Joe – John McKinley

Other Action Taken During Meeting 23

- ✓ *Former Trustee Bostrom Certificate of Appreciation*
- ✓ *Board of Trustees Public Session and Executive Session Meeting Minutes*
- ✓ *UW-NPS and NPS Partnership Agreement*
- ✓ *Enhanced Oil Recovery Commission*
- ✓ *Real Estate Matter*
- ✓ *Blue Guitar Foundation Scholarships*
- ✓ *Contracts, Agreements, and Procurements*
- ✓ *Contracts and Grants*
- ✓ *Personnel – Academic Report and Non-Academic Report*

New Business

Date of Next Meeting – April 10, 2019 (conference call)

Adjournment

Executive Session Information25

AGENDA ITEM TITLE: Academic School Year Calendar Update, Sullivan/Kate Miller

MINUTES FROM THE MEETING:

Trustee Moore noted that a subgroup of the Academic Affairs committee had met with Provost and Vice President for Academic Affairs Kate Miller and Honors College Dean Donal Skinner to discuss further enhancement into modular and certificate learning and ways the calendar could support those ideas. She explained that the preliminary recommendation would enhance those opportunities with the upcoming three year calendar. Trustee Moore noted that while it would not be a major calendar shift, it would be valuable to make some changes and guiding principles to create a more efficient calendar. She then explained some guiding principles that they had discussed like the J-term length and the travel dates preferred by the faculty teaching J-term courses.

Trustee Moore noted that the group would continue to revise the sample calendars and provide a recommendation at the May 2019 UW Board of Trustees Meeting. Trustee True requested that the timing of the proposal and action provide at least a month for public input and feedback to be received. Provost Miller clarified that the Trustee Bylaws called for calendar approval in May and there had been discussion of the Trustees viewing proposed calendars during the conference call in April. She noted that the calendar committee had broad representation and they had discussed taking the proposed calendar to the three governing bodies of Faculty Senate, Staff Senate and ASUW. Provost Miller requested clarification on the public comment, to which Trustee True noted that time for input after the recommendation in April would be adequate.

Trustee Moore explained that a survey had been sent out to faculty, staff, undergraduate and graduate students, and the calendar committee had received and reviewed the data. Trustee Marsh noted that family input may have some impact. Provost and Vice President Miller clarified what would be the preference of the Board for the April conference call, and noted that the committee would have a preliminary 3 year calendar available for solicitation at that time.

AGENDA ITEM TITLE: HLC Update, Anne Alexander

MINUTES FROM THE MEETING:

Associate Vice Provost for Undergraduate Education Anne Alexander explained the importance of accreditation. She noted that the HLC would be sending a peer review team to visit the University of Wyoming in November 2019. Associate Vice Provost Alexander explained that the University of Wyoming would provide four components: an assurance argument report, a federal compliance report, a third party comment, and a student feedback survey. She discussed the role of the Trustees as they related to the criteria, and suggested some informal workshopping with the Board on answering the questions. Associate Vice Provost Alexander then reviewed the accreditation timeline.

Trustee Fall noted his approval of scheduling workshops prior to the HLC visit. Trustee True suggested July 2019 due to the meeting schedule for the May 2019 Trustee Meeting. Associate Vice Provost Alexander noted that would work well with the schedule.

AGENDA ITEM TITLE:

Other: Election of Officers Update and Glick Scholarship Check, True

MINUTES FROM THE MEETING:

Trustee True noted that he had a few announcements. He stated that with the upcoming officer elections in May 2019 he had asked Trustees Baldwin, Scarlett and Tully to serve as the nominating committee and to have a report for the April 2019 Conference call.

Trustee True then discussed a letter from Adam Glick following a Wall Street Journal article regarding the UW marketing campaign and a check of \$10,000 attached to the letter. Trustee True noted that the check had been conveyed to Vice President for Finance and Administration Neil Theobald, but there had been no decision made about what to do with the funds. Trustee True noted that he would like action to be taken on the specific use of the donation before the meeting adjourned.

AGENDA ITEM TITLE: Report: Spring 15th Day Enrollment Report, Kyle Moore

MINUTES FROM THE MEETING:

Associate Vice Provost for Enrollment Management Kyle Moore reported on census data final enrollments. He noted the spring 2019 enrollment was decreased overall, including freshman and transfer head count. Associate Vice Provost Moore also discussed increased percentages of the data represented. He noted that inquiries for graduate programs represented more than 20 percent of the total graduate student online inquires. Associate Vice Provost Moore spoke to the differences expected between fall and spring enrollments.

Associate Vice Provost Moore responded to inquiry from Trustee Moore regarding senior headcount being higher than the junior head count. He also explained what senior standing meant. Associate Vice Provost Moore then responded to inquiry from Trustee Scarlett regarding the enrollment number dropping after the success of the “World Needs More Cowboys” marketing campaign, and stated the spring semesters were non-recruitment semesters.

Trustee Brown inquired about golf carts and future campus tours. Associate Vice Provost Moore stated the golf carts were not yet received. Associate Vice Provost Moore then responded to inquiry from Trustee Bonner in terms of forecasting and concerns about future enrollment.

AGENDA ITEM TITLE:

Discussion: Tuition Proposal for 2020-2021, Nichols/Kyle Moore/Jewell

MINUTES FROM THE MEETING:

Trustee Fall reported on a 5-year Tuition and Financial Aid Plan for the University of Wyoming with respect to its guiding principles. He mentioned principle number 4 which states “keep tuition as free as possible for the Wyoming citizen,” as well as principle number 8, which states the importance of non-resident net tuition revenue. Associate Vice Provost for Enrollment Management Kyle Moore presented to the Board figures representing the total aid disbursed FY18 being \$64,902,986. He explained where the money came from, including federal aid slightly over \$10 million, the state with \$12 million, the Foundation just under \$8 million, and external scholarships and institutional aid the remaining amount.

Associate Vice Provost Moore responded to inquiry from Trustee Marsh regarding correspondence the Board received related to the Trustee Scholarship and requested geographical data related to recipients. Associate Vice President for Financial Affairs David Jewell reported on data related to tuition and the financial aid unrestricted operating fund class FY19 through February 28, 2019. He explained a \$30 million financial aid figure, and how financial aid was being awarded. Associate Vice President Jewell explained \$19 million was awarded to non-residents. He stated the payer mix had shifted. Associate Vice President Jewell explained that more aid and scholarships were being awarded than past years through the admissions process to non-resident students.

Trustee McKinley inquired about modifying financial structure to minimize the number of unfunded scholarships and discounts and to identify a mechanism to insure awards were equal to or less than the budgeted amount. Trustee Fall reported recommendations from Ruffalo Noel Levitz (RNL) were forthcoming. Trustee Brown inquired about a possible balance between a desire to maintain the reputation of being a good educational bargain while still increasing tuition.

Trustee McKinley encouraged the hold to continue until the Board approved a recommendation. UW President Nichols stated the recommendations for Fall 2020 would be expanded upon for the Board of Trustees at the May 2019 Board of Trustees Meeting. Faculty Senate Chair Donal O’Toole inquired about the figures related to the cost of degrees, to which Associate Vice President Jewell explained that they looked more at the credits for the revenue.

AGENDA ITEM TITLE:

Salary Distribution Policy and Salary for FY20, Jeanne Durr/Alex Kean

MINUTES FROM THE MEETING:

Associate Vice President of Human Resources Jeanne Durr reported on changes to the annual salary distribution policy. Standard Administrative Policies and Procedures (SAPP) changes were to include: eligibility to participate or not; use of appropriate salary data; how annual salary increases will be determined moving all employees, including faculty to a five point scale evaluation scale and all employees who meet criteria are eligible to participate. Faculty Senate Chair Donal O'Toole remarked Faculty Senate was not provided enough time to comment on revisions to the SAPP particularly regarding the one to five scale for faculty and whether there would be a point for Faculty Senate to review and comment on the revisions to the SAPP. Chair O'Toole further remarked comments would be moot because performance review and evaluation processes following the SAPP were in progress. University President Nichols reported on past discussion with the Board regarding salary increases which created a salary policy task force. Trustee Marsh remarked that the task force was comprised of faculty and staff members with an assumption that information was being reported back to their respective departments/units. General Counsel Tara Evans explained that the five point scale was not governed by the SAPP; rather, it was a decision that was made by the Provost's Office. Trustee McKinley encouraged Faculty Senate to review and provide comment.

Trustee True announced the Board's approval of the policy would be deferred to the May 2019 Board of Trustees meeting.

Vice President Durr reported on the distribution of legislative funds allocated for salary increase to mirror the distribution process being followed for state employees. Director of Budget and Institutional Planning Alex Kean reported legislation does not provide flexibility in its language related to requirements. A uniform increase would amount to 2.1% and decisions would need to be made regarding who would be included in the pool. He noted the additional cost would be \$1.5M to cover salaries that were not covered by general fund state dollars.

Trustee McKinley directed a solution be identified. Staff Senate President Renee Ballard requested information that she may be able to provide to Staff Senate.

AGENDA ITEM TITLE: Academic and Student Affairs Committee Report, Sullivan

MINUTES FROM THE MEETING:

Provost and Vice President for Academic Affairs Kate Miller commented on the previous day's discussion regarding the Bachelor of General Studies Degree, and the numerous discussions previously had by the Trustees. Executive Director of the Wyoming Community College Commission Sandy Caldwell remarked on the support for this degree across the state. Trustee Fall inquired about the number of students per year that leave with 120 credits and no degree, to which Associate Vice Provost for Undergraduate Education Anne Alexander stated there were over 300 students per year.

Approved 3-28-19 @ 2:22 p.m.

Bachelor of General Studies Degree

Trustee Baldwin moved for authorization for the new program "Bachelor of General Studies" to be approved. Trustee Moore seconded the motion. The motion passed with unanimous decision. Trustee Sullivan was not in attendance for the vote.

Trustee Baldwin spoke to his support of the Undergraduate Elementary and Special Education Degree. Trustee Moore inquired about delivery methods for these degrees. Associate Vice Provost Anne Alexander explained that the special education degree would have full online availability, and the Bachelor of General Studies degree had several areas of focus within it that would be fully online, with the capstone for the students being delivered online. Trustee Marsh inquired about the readjustment of the tuition and fees component. Associate Vice Provost Alexander suggested that they would see a large filling out in other disciplines with the Bachelor of General Studies available online.

Approved 3-28-19 @ 2:26 p.m.

Undergraduate Elementary and Special Education Degree

Trustee Baldwin moved for authorization for the new program "BA in elementary K-6 and Special Education" to be approved. Trustee Moore seconded the motion. The motion passed with unanimous decision. Trustee Sullivan was not in attendance for the vote.

Approved 3-28-19 @ 2:30 p.m.

WWAMI Amendments

Trustee Moore moved to allow administration to reject the amendments to the WWAMI repayment contract on the terms identified in executive session for the one individual discussed. Trustee Brown seconded the motion. The motion passed with majority vote. Trustee Fall voted no. Trustee Sullivan was not in attendance for the vote. It was noted that the Board would not address the other request for appeal discussed during executive session.

Approved 3-28-19 @ 2:32 p.m.

Proposal to Reorganize, Consolidate, and Reduce Academic Degree Programs in Geography

Trustee Baldwin moved for approval of the proposal as presented to the committee for reorganization, consolidation, reduction or discontinuance of Geography. Trustee Scarlett seconded the motion. The motion passed with a unanimous decision. Trustee Sullivan was not in attendance for the vote.

Approved 3-28-19 @ 2:33 p.m.

Art Education

Trustee Baldwin moved for approval of the plans for restarting admissions into Art Education in its new formation. The plans for the Art and Art History department for the next academic year would restart this program in a new Art Education degree. Trustee Fall seconded the motion. The motion passed with a unanimous decision. Trustee Sullivan was not in attendance for the vote.

Approved 3-28-19 @ 2:36 p.m.

Libby Johnson Memorial Scholarship Modifications

Trustee Moore moved that the Board approve the removal of two restrictions in the Libby Johnson Memorial Scholarship which would allow the University of Wyoming to award more scholarships to deserving students. Trustee Marsh seconded the motion. The motion passed with a unanimous decision. Trustee Sullivan was not in attendance for the vote.

Trustee True explained that the two restrictions at hand were students applying for the scholarship could not be successively applied for, and they must have shown proof of having one third of the cost of education up front. Trustee Scarlett clarified that this scholarship was available to Carbon county students first.

AGENDA ITEM TITLE: Biennium Budget Committee Report, McKinley

MINUTES FROM THE MEETING:

Trustee McKinley provided a brief summary of the budget committee meeting. He stated that there was a positive update regarding the fiscal system status and the rolling out of the payroll aspects. Trustee McKinley noted it was anticipated by fall, or the end of the calendar year that most of those elements will be rolled out. He explained that there was an overall training program and encouraged individual colleges to work together to identify any issues.

Trustee McKinley updated the Board regarding the status and balance of the reserve accounts. He explained that two reserve accounts required a plan for replenishment, and that at the President and the Vice President of Finance's level, they had deferred the plan until the May 2019 Board of Trustees meeting.

Trustee McKinley noted that the Trustees' Budget had been reviewed. He explained how the new format was an element of the WyoCloud system, and that it provided very efficient ways to enter and review data. Trustee McKinley remarked that for the past two years Trustees had been using a shadow system for their budget. He noted that by May 2019 they would be off of the old system and placed on the new system.

Trustee McKinley noted that there had been an update from Interim Director of Government Relations Meredith Asay regarding the supplemental budget request. There was discussion regarding the Board of Trustees's FY 2020 budget.

Associate Vice President for Financial Affairs David Jewell presented a handout regarding the university-wide comparison of the annual budget versus the actual expenditures to date. Trustee McKinley noted that there was not anticipation by the administration of any issues for the FY 2020 budget between now and the end of the fiscal year.

Trustee McKinley discussed the Final Annual Budget Timeline noting there would be approval at the Board of Trustees June 2019 meeting and a July approval of the biennium budget to meet Governor Gordon's timeline.

Approved 3-28-19 @ 2:53 p.m.

Fully Funding WyoCloud System

Trustee McKinley moved that the full Board of Trustees transfer \$1,623,286.41 from the Special Projects Reserve Account to the WyoCloud Fund Account. Trustee Schmid-Pizzato seconded the motion. The motion passed with a unanimous decision. Trustee Sullivan was not in attendance for the vote.

Approved 3-28-19 @ 2:56 p.m.

Internal Adjustment to Trustees' Budget

Trustee McKinley moved that the Board of Trustees amend their budget to authorize the transfer of \$85,000.00 from Service Travel Supply Category, specifically account number 63001, to the Internal Service Allocation Category, specifically account number 76601. Trustee Schmid-Pizzato

seconded the motion. The motion passed with a unanimous decision. Trustee Sullivan was not in attendance for the vote.

Approved 3-28-19 @ 3:00 p.m.

Proposed Board of Trustees Budget for FY20

Trustee McKinley moved that the Board approve the FY20 budget draft as modified at the Budget Committee hearing and move that specific budget to the President's Office. Trustee Scarlett seconded the motion. The motion passed with a unanimous decision. Trustee Sullivan called in and was in attendance for the vote.

AGENDA ITEM TITLE: Facilities Contracting Committee Report, McKinley

MINUTES FROM THE MEETING:

Trustee McKinley provided a brief update on the work of the facilities contracting committee. He discussed the passage of HB293 (UW Housing); the bill provided mechanisms for funding options and recognized the need for auxiliary functions such as dining, parking and recreation associated with new dorms. Trustee McKinley reported that the legislation recognized the decisions of UW and its Board of Trustees, and the provision of the bill identifying the footprint for future housing. He noted that the legislative task force established by prior legislation would continue in an advisory capacity with a change in make-up requiring UW staffing.

Approved 3-28-19 @ 3:11 p.m.

Underground Gas Line Easement to Black Hills Energy at Cirrus Sky

Trustee McKinley moved to authorize the Administration to execute the gas line easement to Black Hills Energy on university land at Cirrus Sky for the gas line as presented to the Board. Trustee Marsh seconded the motion. The motion passed with a unanimous decision. Trustee Sullivan was not in attendance for the vote.

Approved 3-28-19 @ 3:12 p.m.

Gas Line Easement to Black Hills Energy for Harney Regulation Station

Trustee McKinley moved to authorize the Administration to execute the gas line easement to Black Hills Energy on university land near Harney Street for the gas line as presented to the Board. Trustee Tully seconded the motion. The motion passed with a unanimous decision. Trustee Sullivan was not in attendance for the vote.

Approved 3-28-19 @ 3:12 p.m.

College of Law Expansion and Renovation Consultant Selection

Trustee McKinley moved to authorize Administration to enter into contract negotiations with "By Architectural Means" in consultation with VMDO for the Law School expansion/renovation. The motion passed with a unanimous decision. Trustee Sullivan was not in attendance for the vote.

Approved 3-28-19 @ 3:14 p.m.

Engineering Roof Replacement

Trustee McKinley moved to authorize Administration to enter into contract with the Big Horn Roofing Inc. for the roof replacement on the engineering building in a not-to-exceed amount of \$730,000. Trustee Marsh seconded the motion. The motion passed with a unanimous decision. Trustee Sullivan was not in attendance for the vote.

AGENDA ITEM TITLE:

Financial Management and Reporting Committee Report, Scarlett

MINUTES FROM THE MEETING:

Trustee Scarlett reported on the work of the committee as it related to the roll out of HCM. He stated that all phases of HCM were completed. Trustee Scarlett explained that the committee had been working on the salary and payroll issues. He noted the payroll go-live date had been moved to April 2019. Associate Vice President of Human Resources Jeanne Durr discussed some of the recent changes. She stated they were 90-95% ready for go-live. Associate Vice President Durr reported on the very fluid roll out of the payroll module and whether postponement of a go-live date was necessary. Trustees Scarlett and Moore commented on the work performed by the staff and thanked them.

AGENDA ITEM TITLE: Fiscal and Legal Affairs Committee Report, Marsh

MINUTES FROM THE MEETING:

Trustee Marsh reported on the work of the committee as it related to the audit tracker. He mentioned the policy regarding minors on campus. Trustee Marsh noted the investment management of UW funds, and stated they would meet with the UW Foundation's new part-time investment manager Philip Treick to discuss further. Trustee Scarlett complimented the organization with reporting among the Trustees.

AGENDA ITEM TITLE: Trustees Legislative Relations Committee Report, Brown

MINUTES FROM THE MEETING:

Trustee Brown and Interim Director of Government Affairs Meredith Asay provided an update on the 2019 legislative session and legislation related to UW and its requirements and reporting deadlines. Trustee Brown stated they were building a tracking document that should be done within the month. Interim Director Asay provided an update on bills from the legislative session. She reported on the legislature's interest in the College of Agriculture as it would be discussed during the interim. Interim Director Asay explained that UW would host the Joint Agriculture Committee on campus in August 2019.

Trustee Brown explained the philosophical change of the legislature with the supplemental budget now being used for emergencies and unforeseen events. He noted the effect that that would have on the University of Wyoming and UW's anticipated needs.

Trustee Scarlett inquired whether the Board was considering providing Interim Director Asay with assistance during the Legislative Session. Trustee Marsh noted his agreement. Trustee True requested more information related to Interim Director Asay's needs. Interim Director Asay explained her past experience in working during the legislative session and potential needs for support and staffing in the office.

AGENDA ITEM TITLE: Trustees Research Committee Report, Fall

MINUTES FROM THE MEETING:

Trustee Fall reported on the work of the committee and the Office of Research and Economic Development (ORED). He explained that they had noticed a problem with communication with the ORED, the University and the State. Trustee Fall further noted that they were in the process of hiring some new staff in the Research Office. He stated the pre-award section had issues getting into the WyoCloud once the awards had been moved over, but that the problem had been resolved. Trustee Fall reported that some of the issues would be discussed during the next committee meeting.

AGENDA ITEM TITLE: Vice President and Dean Search Committee Report, Sullivan

MINUTES FROM THE MEETING:

Trustee Tully reported on the work of the committee as it related to the College of Agriculture Dean search. She explained the first step was the recruiting plan, and it had been narrowed down to three candidates. Trustee Tully noted that beginning on April 3, 2019, they would be bringing the candidates to Laramie for a three day visit, which would include meetings with internal stakeholders, extension faculty, and community from around the state. She explained the second search for the Dean for the College of Health Sciences was being coordinated by Provost and Vice President for Academic Affairs Kate Miller and the Dean of Education Ray Reutzel. Trustee Tully noted there were very few candidates at that time.

There was discussions regarding the candidates and the process.

AGENDA ITEM TITLE: UW Regulation Review Committee Report, Brown

MINUTES FROM THE MEETING:

Approved 3-28-19 @ 3:59 p.m.

Modification to UW Regulations

Trustee Brown moved to authorize modification of several of the new Section 12 University Relations Regulations, specifically UW Regulations 12-1, 12-3 and 12-4, as presented to the Board. Trustee McKinley seconded the motion. The motion passed with a unanimous decision. Trustee Sullivan was not in attendance for the vote.

AGENDA ITEM TITLE:

Consideration and Action: Trustees Annual Schedule of Topics, True

MINUTES FROM THE MEETING:

Trustee True provided background on the topic, including how the list had been developed. He explained that there were changes being recommended. Trustee True noted that many of the changes were in timing, not changing of topics.

Trustee McKinley inquired about the change of timing for tuition. Associate Vice President for Financial Affairs David Jewell clarified the changes being proposed for November and the goals and reasoning for the changes. Managing Director and Deputy Secretary for the Board of Trustees Shannon noted that the new schedule followed the Academic Calendar rather than the calendar year as was done previously.

Approved 3-29-19 @ 9:47 a.m.

Consideration and Action: Trustees Annual Schedule of Topics

Trustee Fall moved to accept the amended version of the annual schedule of items. Trustee Moore seconded the motion. The motion passed with a unanimous decision. Trustees Sullivan and Bonner were not in attendance for the vote.

AGENDA ITEM TITLE:

Consideration and Action: Support for Downey Resolution, Brown/True

MINUTES FROM THE MEETING:

Trustee Brown discussed the item as brought to the Board's attention by Kim Viner and the Albany County Board of Commissioners to support the proclamation of July 28, 2019 as Stephen and Eva Downey Day.

Approved 3-29-19 @ 9:52 a.m.

Support for Downey Resolution

Trustee Brown moved to recommend the adoption of the resolution honoring Stephen Wheeler Downey as Father of the University, and that the Trustees participate at no financial obligation as a co-sponsor to the reception in honor of Stephen and Eva Downey. Trustee McKinley seconded the motion. The motion passed with a unanimous decision. Trustees Sullivan and Bonner were not in attendance for the vote. [See Attachment I]

Friday, March 29, 2019

Business Meeting

Marian H. Rochelle Gateway Center, Salon D&E

Roll Call

The business meeting was called to order at 9:54 a.m. Managing Director and Deputy Secretary for the Board of Trustees Shannon Polk took roll.

Trustees participating: Mel Baldwin, Kermit Brown, David Fall, Jeff Marsh, John McKinley, Macey Moore, Dick Scarlett, Laura Schmid-Pizzato, Dave True and Wava Tully. Ex-officio Trustees University President Laurie Nichols, ASUW President Alex Mulhall and Executive Director of Wyoming Community College Commission Sandy Caldwell were in attendance. Trustees Brad Bonner and Michelle Sullivan, and ex-officio trustees Governor Mark Gordon and State Superintendent of Public Instruction Jillian Balow were not in attendance.

Reports

ASUW

ASUW President Alex Mulhall reported on ASUW legislation and the passing of the ASUW budget; a diversity strategic plan for ASUW; sexual assault prevention training for all senators; support for the American Sign Language certificate proposal; and, a resolution regarding sexual misconduct on campus. ASUW President Mulhall then reported on ASUW's lobbying efforts at the 2019 legislative session in support of the UW Housing bill. She stated that the annual dinner with the Governor was scheduled for April 4. ASUW President Mulhall also mentioned that ASUW elections would be soon. Trustee True thanked Mulhall for her service. Trustee Brown expressed pleasure with regard to ASUW's interest in financial literacy and offered assistance. Trustee Scarlett also offered his assistance.

Staff Senate

Staff Senate President Renee Ballard provided a report to the Board about a joint resolution with ASUW related to the NO MORE strategic plan. She explained resolutions being discussed. President Ballard reported on the staff senate response to the parking study in the form of correspondence to President Nichols and Vice President for Finance and Administration Neil Theobald. She reminded the trustees that Staff Recognition Day was scheduled for April 4.

Faculty Senate

Faculty Senate Chair Donal O'Toole reported on the progress of UW regulations. He discussed the Career and Technical Education (CTE) proposal; the American Sign Language degree and the annual salary distribution policy. Chair O'Toole remarked on discussion of the executive committee of faculty senate and the idea of administration foregoing faculty salaries for a year to provide UW the ability to offer additional salary adjustments to staff.

Public Testimony *[held Thursday March 28, 2019 from 11:00-11:30 a.m.]*

Renee Ballard spoke about the move of President Nichols to a faculty position. She explained that Staff Senate would respect the decision, but they had been shocked and disappointed. Renee Ballard shared Staff Senate's hope for the future with consistency and the continuation of President

Nichols' efforts. She noted the concerns of transparency moving forward. Renee Ballard thanked President Nichols for her work.

Alex Mulhall noted that with the news of President Nichols, the students had felt a sense of shock. She urged for transparency with the students as the Board moved forward with the hiring process. Alex Mulhall thanked President Nichols for her time and commitment to the University. She urged the Board to continue to be dedicated to listening to the opinions of the University when moving forward.

Donal O'Toole requested that the Board lay out the plans for the temporary and permanent replacement and signal that the Trustee Bylaws and regulations would be followed. He expressed the confusion around campus, and noted that President Nichols resembled a Hemingway quote that "Courage is grace under pressure." Donal O'Toole requested the Board to be transparent with President Nichols about the reasoning for not renewing her contract.

Jaynie Welsh explained that as a student of the University, every decision made by the Board had an impact on her. She spoke to the effect of impact versus intention, no matter if the intention was good. Ms. Welsh thanked President Nichols for her service.

Brett Glass spoke on issues with the decision of housing for the University and how it impacted the city of Laramie. He noted that representation from the community was not meaningful in the process. Mr. Glass also spoke to the relationship with the University campus and the local community. He explained the issue of parking in relation to the University and the city.

Jess Fahlsing spoke in support of President Nichols and expressed her disappointment with the decision. She thanked President Nichols for her work with the University.

Jordan Pierson noted that the campus community had been devastated by the decision regarding President Nichols. She noted her disappointment that the campus community had not been included in the decision. Jordan Pierson thanked President Nichols for all she had done for the University.

Merav Ben-David spoke to the success of academic institutions when the faculty, staff and students are included in the process. She asked the Board to consider transparency, engagement and participation of the entire community, and stability. Merav Ben-David recommended hiring the next President from within the University to ensure stability.

Dr. Sally Palmer noted that she had attended the staff and faculty presentation by the hired consultant who had said that there was no problem with President Nichols at that time. She urged the Board to think about transparency. Dr. Sally Palmer noted the book *Man's Search for Meaning*, by Holocaust survivor Viktor Frankl as a guide.

Molly Marcusse spoke to the issues of accountability and transparency with the decision regarding President Nichols. She noted that the University deserved to know the reasoning, and that the Board should get ahead of the negative rumors. Molly Marcusse thanked President Nichols for her service.

Dr. Mark Carducci asked the Board to review the Wyoming Constitutional mandate for education and to renovate the dorms instead of rebuilding.

Richard Mastio reminded the Board of his visit at the January Trustees meeting and his presentation regarding the death of Matthew Shepard. He urged the Board to take time to read the book "The Book of Matt: Hidden Truths about the Murder of Matthew Shepard" and noted that he had brought copies for the full Board.

Caroline McCracken Flesher noted the professionalism with President Nichols. She referenced the issues and events regarding former President Sternberg. Caroline McCracken Flesher inquired what the process was in regards to the Board and President Nichols. She noted that the decision that was made by the Board was a mistake. Caroline McCracken Flesher thanked President Nichols for her service and thanked the Board for the continued deliberation on this matter.

Tim Hale explained his concerns with Lewis Street. He noted that the University stated that there would not be eminent domain, but that there was action taken. Tim Hale asked that the Board look into this and decide what was best for the University and community. He thanked the Board for the indulgence.

Trustee True noted the end of the public testimony session and thanked everyone for their time.

Committee of the Whole – REGULAR BUSINESS
Board of Trustees Committee Report

[Note – Committees of the Board were discussed during a regular work session of the meeting.]

Liaison to Other Boards

- *UW Alumni Association Board – Wava Tully*
Executive Director of Alumni Relations Keener Fry reported on the impact and value of athletics on UWAA events and the UW alumni letter writing campaign. He also noted the spring and summer activities driven by the Alumni Association networks.
- *Foundation Board – Jeff Marsh*
Trustee True reported that Trustee Fall would be the second liaison to the UW Foundation, and that Trustee Schmid-Pizzato had been assigned to the Budget Committee. Trustee Marsh reported on UW Foundation Board's spring meeting in Houston. He noted that there was private support nearing approximately \$45M. Further discussion surrounding investment updates was brought to the Board.
- *Haub School of Environment and Natural Resources – Michelle Sullivan*
Report was provided electronically to the full Board.
- *Energy Resources Council – Dave True*
UW President Nichols provided a report on her trip to the Middle East with Executive Director for the School of Energy Resources Mark Northam, Professor of Petroleum Engineering Mohammad Piri and UW Foundation Board Member Chad Deaton. She explained that while visiting, they met with one of the largest oil companies in the world.

UW President Nichols noted that they had engaged on a collaborative proposal and were hopeful to yield positive results.

Trustee True referred to a report from Mark Northam. There was discussion regarding legislation affecting SER; monies required for SER; and Governor Gordon's funding for the clean coal pilot plant. There was no funding received for preliminary activities in carbon engineering, and the topic of Executive Director for the School of Energy Resources Mark Northam and Deputy Director for the School of Energy Resources Richard Horner's visit to MIT to explore interest in collaboration with UW was discussed.

- *Cowboy Joe – John McKinley*
Trustee McKinley provided an update on legislation affecting the Cowboy Joe Club. There was discussion on the annual membership drive.

OTHER ACTION TAKEN DURING MEETING:

Approved 3-28-19 @ 12:48 p.m.

Former Trustee Bostrom Certificate of Appreciation

Trustee Moore moved to endorse the resolution as presented to the Board. Trustee Scarlett seconded the motion. The motion passed unanimously. Trustee Schmid-Pizzato was not present at the time of the vote. Trustee Sullivan was not in attendance for the vote.

Approved 3-29-19 @ 9:55 a.m.

Board of Trustees Public Session and Executive Session Meeting Minutes

Trustee Tully moved the UW Board of Trustees approve the Public Session and Executive Session meeting minutes (February 20, 2019, March 11, 2019, and March 13, 2019) as presented to the Trustees. Trustee Marsh seconded the motion. The motion passed with a unanimous decision. Trustees Sullivan and Bonner were not in attendance for the vote.

Approved 3-29-19 @ 10:17 a.m.

UW-NPS and NPS Partnership Agreement

Trustee McKinley moved to authorize Administration to execute the Partner Design & Construction Agreement between the United States Department of the Interior National Park Service and the University of Wyoming for Replacement of Water and Wastewater Utility Systems at the UW-NPS Research Station at the historic AMK Ranch property. Trustee Marsh seconded the motion. The motion passed with a unanimous decision. Trustees Sullivan and Bonner were not in attendance for the vote.

Approved 3-29-19 @ 10:17 a.m.

Enhanced Oil Recovery Commission

Trustee McKinley moved to authorize Administration to execute Amendment No. 3 to the Memorandum of Understanding between the University of Wyoming Enhanced Oil Recovery Commission and the University of Wyoming, Enhanced Oil Recovery Institute for Technical Outreach and Research and Commission and Support. Trustee Schmid-Pizzato seconded the motion. The motion passed with a unanimous decision. Trustees Sullivan and Bonner were not in attendance for the vote.

Approved 3-29-19 @ 10:18 a.m.

Real Estate Matter

Trustee McKinley moved to authorize the Office of General Counsel and the Vice President for Finance and Administration to move forward on the real estate matter as discussed in Executive Session. Trustee Scarlett seconded the motion. The motion passed with a unanimous decision. Trustees Sullivan and Bonner were not in attendance for the vote.

Approved 3-29-19 @ 10:22 a.m.

Blue Guitar Foundation Scholarships

Trustee Marsh moved to create two \$5,000 scholarships with unrestricted funds received from Blue Guitar Foundation in recognition of the recent marketing campaign, "The World Needs More Cowboys". There was an amendment in working with the President's Office and Associate Vice Provost for Enrollment Management Kyle Moore to develop a criteria basis on awarding the two scholarships. Trustee Fall seconded the motion. The motion passed with a unanimous decision. Trustees Sullivan and Bonner were not in attendance for the vote.

Trustee True explained the background to the motion. Trustee Marsh suggested that there be a formal thank you to the Blue Guitar Foundation upon distribution of the scholarships.

Approved 3-29-19 @ 10:50 a.m.

Contracts, Agreements, and Procurements

Trustee Schmid-Pizzato moved to approve Administration to execute the list of contracts, agreements, and procurements as provided to the Board. Trustee Baldwin seconded the motion. The motion passed with a unanimous decision. Trustees Sullivan and Bonner were not in attendance for the vote.

Approved 3-29-19 @ 10:51 a.m.

Contracts and Grants

Trustee Fall moved to approve the Contracts and Grants report as presented to the Board. Trustee Scarlett seconded the motion. The motion passed with a unanimous decision. Trustees Sullivan and Bonner were not in attendance for the vote.

Approved 3-29-19 @ 10:52 a.m.

Personnel – Academic Report and Non-Academic Report

Trustee Baldwin moved to approve the personnel standard report as provided to the Board. Trustee Fall seconded the motion. The motion passed with a unanimous decision. Trustees Sullivan and Bonner were not in attendance for the vote.

New Business

Date of Next Meeting

April 10, 2019 (conference call)

Adjournment

The Board adjourned the meeting at 10:54 a.m.

Executive Session Information

[The UW Board of Trustees met in Executive Session on Thursday, March 28, and Friday, March 29, 2019 in the Holiday Inn Gold Room and Marian H. Rochelle Gateway Center, Salons D&E]

Thursday, March 28, 2019 [7:00-7:50 a.m.]

The University of Wyoming Board of Trustees called the meeting to order at 7:02 a.m. There was discussion in public session before entering executive session.

Trustee Marsh moved that the Board enter into Executive Session for the purpose of *Personnel*. Trustee True designated that the Executive Session was to be attended by the 12 voting members of the Trustees, not to include ex-officio trustees. Trustee Schmid-Pizzato seconded the motion, which passed unanimously. The Board entered Executive Session at 8:05 a.m.

Trustees participating: Mel Baldwin, Brad Bonner, Kermit Brown, David Fall, Jeff Marsh, John McKinley, Macey Moore, Laura Schmid-Pizzato, Dick Scarlett, Michelle Sullivan (phone), Dave True and Wava Tully. Ex-officio Trustees: University President Laurie Nichols, ASUW President Alex Mulhall, Governor Mark Gordon, Executive Director for Wyoming Community College Commission Sandy Caldwell, and State Superintendent of Public Instruction Jillian Balow were not in attendance.

Thursday, March 28, 2019 [8:00-10:00 a.m.]

The University of Wyoming Board of Trustees called the meeting to order at 8:19 a.m. Trustee Scarlett moved that the Board enter into Executive Session for the purpose of *Personnel* and *Real Estate*. Trustee True designated that the Executive Session was to be attended by the 12 voting members of the Trustees, ex-officio trustees, and UW administrators and staff as appropriate. Trustee Marsh seconded the motion, which passed unanimously. The Board entered Executive Session at 8:20 a.m.

Trustees participating: Mel Baldwin, Brad Bonner, Kermit Brown, David Fall, Jeff Marsh, John McKinley, Macey Moore, Laura Schmid-Pizzato, Dick Scarlett, Michelle Sullivan (phone), Dave True and Wava Tully. Ex-officio Trustees University President Laurie Nichols, ASUW President Alex Mulhall, Executive Director for Wyoming Community College Commission Sandy Caldwell, and State Superintendent of Public Instruction Jillian Balow (phone) were in attendance. Governor Mark Gordon was not in attendance.

General Counsel Tara Evan and Deputy General Counsel Paula Whaley attended the entirety of the meeting. Associate Vice President for Institutional Advancement John Stark, Provost and Vice President for Academic Affairs Kate Miller, Interim Dean of the College of Health Sciences David Jones, Director of WWAMI Medical Education Program, Tim Robinson, Vice Provost for Academic Personnel Tami Benham-Deal, Associate Vice Provost for Enrollment Management Kyle Moore, Dean of the College of Business David Sprott, and Dean of the College of Engineering and Applied Science Michael Pishko were in attendance when their respective meeting topics were discussed.

Executive Session Information (cont.)

Thursday, March 28, 2019 [4:00 p.m. {continuation of the executive session scheduled at 8:00 a.m.}]

The University of Wyoming Board of Trustees called the meeting to order at 4:01 p.m. Trustee Scarlett moved that the Board enter into Executive Session for the purpose of *Real Estate*. Trustee True designated that the Executive Session was to be attended by the 12 voting members of the Trustees, ex-officio trustees, and UW administrators and staff as appropriate. Trustee Marsh seconded the motion, which passed unanimously. The Board entered Executive Session at 4:02 p.m.

Trustees participating: Mel Baldwin, Brad Bonner, Kermit Brown, David Fall, Jeff Marsh, John McKinley, Macey Moore, Laura Schmid-Pizzato, Dick Scarlett, Michelle Sullivan (phone), Dave True and Wava Tully. Ex-officio Trustees University President Laurie Nichols, ASUW President Alex Mulhall, Executive Director for Wyoming Community College Commission Sandy Caldwell, and State Superintendent of Public Instruction Jillian Balow (phone) were in attendance. Governor Mark Gordon was not in attendance.

General Counsel Tara Evan and Deputy General Counsel Paula Whaley attended the entirety of the meeting. Associate Vice President for Institutional Advancement John Stark, Provost and Vice President for Academic Affairs Kate Miller, Interim Dean of the College of Health Sciences David Jones, Director of WWAMI Medical Education Program, Tim Robinson, Vice Provost for Academic Personnel Tami Benham-Deal, Associate Vice Provost for Enrollment Management Kyle Moore, Dean of the College of Business David Sprott, and Dean of the College of Engineering and Applied Science Michael Pishko were in attendance when their respective meeting topics were discussed.

Vice President for Finance and Administration Neil Theobald and Manager for Real Estate Operations Josh Decker entered the room.

Friday, March 29, 2019 [8:00-9:00 a.m.]

The University of Wyoming Board of Trustees called the meeting to order at 8:04 a.m. Trustee Baldwin moved that the Board enter into Executive Session for the purpose of *Personnel* and *Confidential Information*. Trustee True designated that the Executive Session was to be attended by the 12 voting members of the Trustees, not to include ex-officio trustees. General Counsel Tara Evans, Managing Director for the UW Board of Trustees Shannon Polk and Information Technology Support Team Supervisor Lisa Stafford also participated. Trustee Bonner seconded the motion, which passed unanimously. The Board entered Executive Session at 8:05 a.m.

Trustees participating: Mel Baldwin, Brad Bonner, Kermit Brown, David Fall, Jeff Marsh, John McKinley, Macey Moore, Laura Schmid-Pizzato, Dick Scarlett, Michelle Sullivan (phone), Dave True and Wava Tully. Ex-officio Trustees: University President Laurie Nichols, ASUW President Alex Mulhall, Governor Mark Gordon, Executive Director for Wyoming Community College Commission Sandy Caldwell, and State Superintendent of Public Instruction Jillian Balow were not in attendance.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Shannon Polk". The signature is stylized with a large, sweeping initial "S" and a long horizontal stroke.

Shannon Polk
Managing Director & Deputy Secretary,
UW Board of Trustees

A handwritten signature in blue ink, appearing to read "RoseMarie London". The signature is written in a cursive style with a long, horizontal tail.

RoseMarie London
Senior Administrative Assistant



**RESOLUTION HONORING STEPHEN WHEELER DOWNEY
“FATHER OF THE UNIVERSITY OF WYOMING”**

WHEREAS, Stephen Wheeler Downey, born in 1839 in the State of Maryland, found his way to the Wyoming Territory in 1869 and quickly established himself as a prominent lawyer and public servant in Albany County;

WHEREAS, Mr. Downey, largely recognized as the Father of the University of Wyoming, dedicated his life and energy to advocating for the establishment of an institution of higher learning in the Wyoming Territory as early as 1881, culminating in the founding of the University of Wyoming in Laramie City in 1886;

WHEREAS, as an appointed member of the University of Wyoming Board of Trustees from 1891 to 1897, Mr. Downey provided leadership for the University for the better part of his years of service as Board President, stewarding the institution through some of its toughest times and overseeing the expansion of its curriculum and campus in Laramie;

WHEREAS, Mr. Downey led the effort to build the first science facilities on the University of Wyoming campus, beginning the University's longstanding commitment to excellence in fields of scientific inquiry and research;

WHEREAS, throughout his adult life, Mr. Downey was a model of professionalism and citizenship for the residents of the Territory and State of Wyoming in its earliest days, having served as Lieutenant Colonel in the Union Army, Wyoming Territory Treasurer, a member of the Wyoming Territorial Legislative Assembly Council and as Speaker of the House of Representatives, Wyoming's Territorial Delegate to the United States Congress, and Albany County Attorney. Mr. Downey also served the State of Wyoming as a member of the state's House of Representatives.

THEREFORE, BE IT RESOLVED on this Stephen and Eva Downey Day that the University of Wyoming Board of Trustees calls upon all students, faculty, staff, and friends to join the people of the State of Wyoming and Albany County to celebrate the life and legacy of Stephen Wheeler Downey and the tremendous commitment and tireless leadership that he brought to the establishment of the University of Wyoming.

IN WITNESS THEREOF, I have hereunto set my hand and caused the seal of the University of Wyoming to be affixed on behalf of the Board of Trustees, on the 28th day of July, 2019.

Dave True
President
University of Wyoming Board of Trustees

Laurie S. Nichols
President
University of Wyoming