

THE UNIVERSITY OF WYOMING

BOARD OF TRUSTEES

Wednesday, June 10, 2020

Meeting Minutes

Public Session

**Final minutes can be found on the University of Wyoming Board of Trustees website at
www.uwyo.edu/trustees**

**THE UNIVERSITY OF WYOMING
MINUTES OF THE BOARD OF TRUSTEES
Wednesday, June 10, 2020
Via Video Conference
No Physical Location Due to COVID – 19
Laramie, Wyoming**

Public Session

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**THE UNIVERSITY OF WYOMING
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Wednesday, June 10, 2020
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The University of Wyoming Board of Trustees held a conference call on Wednesday morning, June 10, 2020. Trustee Chairman Jeff Marsh called the meeting to order at 7:01 a.m. Deputy Secretary RoseMarie London took roll.

Trustees participating: Trustees participating: Mel Baldwin, Brad Bonner, Kermit Brown, David Fall, Brad LaCroix, Jeff Marsh, John McKinley, Macey Moore, Dick Scarlett, Laura Schmid-Pizzato, Michelle Sullivan, and Dave True. Ex-officio Trustees Acting President Neil Theobald, ASUW President Riley Talamantes, and State Superintendent of Public Instruction Jillian Balow were in attendance. Governor Mark Gordon, Executive Director of Wyoming Community College Commission Sandy Caldwell, were not in attendance. Senior Policy Advisor to Governor Gordon Lachelle Brant and WCCC Deputy Director Ben Moritz attended on their behalf respectively.

AGENDA ITEM TITLE: UW Restarting On-Campus Instruction Plan– Theobald

Trustee Jeff Marsh provided a statement regarding the review of previously received public comment on the proposed restarting on campus instruction plan. Acting President Neil Theobald provided an introduction and requested the Board’s approval of the proposed plan. Theobald thanked the members of the Executive Emergency Policy Group (EEPG) and introduced Managing Director Alvarez & Marsal (A&M) Dr. Larry Kaiser, who walked the Board through the proposal for a restarting of on-campus instruction. Kaiser reported the proposal is based on A&M’s review of the work of various campus working groups, and went on to describe key elements to the plan to include receipt of campus wide feedback and concerns, the implementation of a self-screen symptom app and the COVID pass interface, as well as the creation of a Project Management Office (PMO). Kaiser discussed the pros and cons of two proposed options: no restarting of on campus instruction “the safest option” consisting of only offering online classes for the fall semester with the consideration of restarting on campus instruction in the spring, or a controlled restarting of on-campus instruction “manage COVID-19 risks” consisting of restarting the university with medically informed guidelines and restrictions in place.

Trustee John McKinley outlined a number of plan items to be addressed further prior to August to include a detailed communications plan, establishment of a decision tree matrix, testing protocols, and the development of a specific and enforceable policy. Theobald provided information in response to some of Trustee McKinley’s items. Associate Vice President of Marketing and Communications Chad Baldwin discussed the draft of a comprehensive communication plan incorporating recommendations of A & M. In response to Trustee McKinley’s concerns, Kaiser discussed potential mitigation processes in response to a Coronavirus outbreak on campus. Evans clarified there was no testing requirement for members of the campus who leave the state as many campus stakeholders have regular travel to and from Colorado. In response to inquiry from Trustee Dick Scarlett regarding the impact on the budget, Theobald discussed third party staffing of the PMO. Trustee McKinley discussed eligibility under the CARES Act to defer COVID-19 related costs. Senior Policy Advisor to Governor Gordon Lachelle Brant asked for clarification regarding the PMO budget request, and described the governor’s priorities related to the distribution of federal funding. Theobald reported he and Trustee Jeff Marsh would meet with governor’s office to discuss reimbursable costs. Evans reported on an upcoming meeting with the Wyoming Attorney General’s office to ensure adherence to requirements of the federal law. Trustees Brown and McKinley stated the necessity for a commitment to funding by a certain date in order to inform a decision regarding restarting campus as outlined in the proposed plan. In response to inquiry from Trustee Macey Moore, Vice President for Student Affairs Kim Chestnut described the on campus student experience under the guidance of the campus restarting plan. Chestnut provided information related to risk reduction protocols and campus adaptability, and further discussed what the on campus experience, particularly the prescribed schedule related to lunch service informed by social distancing requirements. Chestnut stated the fall semester would likely be more restrictive than spring. In response to inquiry from Trustee Macey Moore, Wyoming Community College Commission Deputy Director Ben Moritz provided information regarding the potential templates for providing instruction and campus life across Wyoming community colleges. Moritz discussed provisions for possible rolling closures. Trustee Michelle Sullivan discussed her gratitude for the hard work toward creating a plan, the attention to the student experience, as well as safety for campus and campus community.

UW Restarting On-Campus Instruction Plan

Approved 06-10-2020 @ 9:45 a.m.

Trustee David Fall moved the Board approve the UW Restarting On-Campus Instruction Plan as presented, pending a commitment for funding. Trustee Laura Schmid-Pizzato seconded the motion. The Motion carried with a unanimous decision.

AGENDA ITEM TITLE: Academic and Student Affairs Committee – Sullivan

Trustee Michelle Sullivan briefly provided background regarding the proposed loan forbearance for WWAMI/WYDENT as discussed at the Board's June 2020 meeting.

WWAMI/WYDENT Ratification

Approved 06-10-2020 @ 9:48 a.m.

Trustee Michelle Sullivan moved to ratify the Executive Committee's approval of the University's loan forbearance plan as presented to the Executive Committee on May 20, 2020. Trustee David Fall seconded the motion. The motion carried with a unanimous decision.

Geospatial Information Science & Technology (GIST) Undergraduate and Graduate Program – Alexander

Trustee Michelle Sullivan discussed a request authorization for the immediate establishment of an online professional M.S. in GIST; three online graduate certificates in GIS, remote sensing, and unmanned aerial systems; and two undergraduate certificates in GIS and remote sensing. Trustee Sullivan stated contingent approval of a B.S. in Geospatial Information Science and Technology to be established in fall 2022 subject to evidence of favorable student demand and enrollment. In response to inquiry from McKinley regarding budget for this program, Associate Vice Provost Anne Alexander reported continuing expenditures were identified in Academic Affairs' budget request.

WyGISC Authorization

Approved 06-10-2020 @ 9:50 a.m.

Trustee Michelle Sullivan moved the Board approve the WyGISC December 2019 Request for Authorization with modification as follows: 1. Immediate establishment of an online professional Master's degree in GIST; online graduate certificates in GIS, remote sensing, and unmanned aerial systems (UAS); and undergraduate certificates in GIS and remote sensing. 2. Establishment of a Bachelor of Science degree in GIST to be offered beginning in Fall 2022, contingent upon evaluation of evidence of student demand after the Fall 2021 semester. Evaluation will be based on enrollment in the approved GIST graduate and undergraduate credentials and undergraduate courses. Trustee Macey Moore seconded the motion. The motion carried with a unanimous decision.

AGENDA ITEM TITLE: Shared Governance – Sullivan

Trustee Michelle Sullivan reported of ongoing discussions regarding the topic of shared governance and the information presented to the committee by the shared governance working group chaired by Caroline McCracken Flesher. Further discussions will be led by Acting President Neil Theobald, President Designate Ed Seidel, and Anne Alexander at the July 2020 Board meeting.

AGENDA ITEM TITLE: UW FY2021 Board of Trustees Operating Budget - McKinley

Trustee John McKinley provided information regarding follow up items since the Budget Hearings in May 2020. Trustee McKinley provided clarification between the versions of the budget documents, stating the version acted on included modifications to the original version and the recommendations from Acting President Theobald regarding transfers from the special project reserve account.

UW FY2021 Board of Trustees Operating Budget

Approved 06-10-2020 @ 9:58 a.m.

Trustee John McKinley moved the Board approve the UW FY2021 Board of Trustee Operating Budget – Trustee Review Version dated May 29, 2020, with a recommendation for adoption of the UW budget as presented with a specific call-out of a transfer of \$800,000 from the special project reserve account for two specific requests: 1) \$300,000 to the Art Museum, and 2) \$500,000 to the Marketing Department. Trustee Dick Scarlett seconded the motion. The motion carried with a unanimous decision.

AGENDA ITEM TITLE: Facilities Contracting Committee – McKinley

Trustee John McKinley briefly discussed recommendations made by the Facilities Contracting Committee and proceeded directly to the following motions.

Science Initiative Building Change Order

Approved 06-10-2020 @ 10:02 a.m.

Trustee John McKinley moved the Board authorize administration to execute the CMAR contract change order with GE Johnson Construction Company of Wyoming in the amount of \$6,439,023.00, and to execute the design contract amendment with GSG Architecture in the amount of \$5,000.00. The source of funding for these changes will be \$4,412,705 in administrative contingency funds and the remaining \$2,031,318 to come from existing unexpended construction budget. Trustee Kermit Brown seconded the motion. The motion carried with a unanimous decision.

Construction Manager Selection for Student Housing and Dining

Approved 06-10-2020 @ 10:04 a.m.

Trustee John McKinley moved the Board authorize administration to execute an agreement with JE Dunn for Level 3 construction management services in the amount of Three Million One Hundred Forty-Three Thousand dollars (\$3,143,000.00) for Phase 1 of the Student Housing and Dining project. Trustee Dick Scarlett seconded the motion.

Trustee McKinley added a friendly amendment without objection from Trustee Dick Scarlett as follows: \$1,000,000.00 of the total expenditure for Level 3 construction management services of in the amount of \$3,143,000.00 to come from the resident hall reserve account, and the balance of expenditures, if any, to come from construction reserve account. All expenditures to be reimbursed by a potential bond issuance. The motion carried with a unanimous decision.

Lewis St. Corridor Construction Delivery Method

Approved 06-10-2020 @ 10:08 a.m.

Trustee John McKinley moved the Board authorize administration to utilize the Construction Manager at Risk delivery method for Phase 1 of the Lewis St. Corridor Master Plan project. Trustee Dick Scarlett seconded the motion. The motion carried with a unanimous decision.

United States Forest Service Lease Amendment

Approved 06-10-2020 @ 10:09 a.m.

Trustee John McKinley moved the Board authorize administration to execute Amendment 1 to the Communications Use Lease with the United States Forest Services for the Snow King East Communications Site as presented to the Committee. Trustee Dick Scarlett seconded the motion. The motion carried with a unanimous decision.

AMK Ranch Building Maintenance

Approved 06-10-2020 @ 10:11 a.m.

Trustee John McKinley moved the Board authorize administration to enter into negotiations of appropriate contracts to begin required and necessary exterior maintenance, improvements and repairs of the AMK ranch buildings in the priority order listed by the Administration, along with any interior work which is required and necessary to properly accomplish the exterior repairs, in an amount not to exceed \$500,000.00 to be funded from indirect costs in the research department. Trustee Dick Scarlett seconded them motion. The motion carried with a unanimous decision.
Internal Audit

UniWyo Federal Credit Union Campus Branch Lease Extension

Approved 06-10-2020 @ 10:17 a.m.

Trustee John McKinley moved the Board authorize administration execute the Lease Agreement with UniWyo Federal Credit Union as presented to the Committee for a 10 year lease extension contingent upon both parties agreeing to an additional provision as follows: UW has the sole discretion upon 90 days notice to accommodate UniWyo with comparable space on campus in the event that UW determines to use the McWhinnie space for another purpose. Trustee Laura Schmid-Pizzato seconded the motion. Trustee Jeff Marsh recused himself from the vote. The motion carried.

AGENDA ITEM TITLE: Annual Internal Audit Plan – Salmans

Trustee Macey Moore discussed the Board’s annual approval of the Internal Audit Plan stating areas on the plan were identified by leaders as critical to the function of the University.

Annual Internal Audit Plan

Approved 06-10-2020 @ 10:23 a.m.

Trustee Macey Moore moved to authorize administration to implement the plan as presented. Trustee David Fall seconded the motion. The motion carried with a unanimous decision.

AGENDA ITEM TITLE: Modifications to UW Regulations – Brown/Evans

Vice President and General Counsel Tara Evans discussed proposed modifications to UW Regulation 2-106 (Assignment of Grades) and UW Regulation 2-121 (Change of Grades).

Modifications to UW Regulation 2-106 (Assignment of Grades) and UW Regulation 2-121 (Change of Grades)

Approved 06-10-2020 @ 10:25 a.m.

Trustee Kermit Brown moved the Board authorize modifications to UW Regulation 2-106 (Assignment of Grades) and to adopt new UW Regulation 2-121 (Change of Grades) as presented to the Board. Trustee Brad Bonner seconded the motion. The motion carried with a unanimous decision.

Evans further described proposed modifications to UW Regulations 11-4 (Student Organizations) and 11-6 (Student Media).

Modifications to UW Regulation 11-4 (Student Organizations) and UW Regulation 11-6 (Student Media)

Approved 06-10-2020 @ 10:27 a.m.

Trustee Kermit Brown moved to authorize modifications to UW Regulations 11-4 (Student Organizations) and UW Regulation 11-6 (Student Media) as presented to the Board. Trustee Brad Bonner seconded the motion. The motion carried with a unanimous decision.

OTHER ACTION TAKEN AT MEETING:

Approved 06-10-20 @ 8:43 a.m.

Approval of Minutes

Trustee Dick Scarlett moved approval of the May 14-15, 2020, UW Board of Trustees Meeting minutes. Trustee Dave True seconded the motion. The motion passed with a unanimous decision.

Real Estate Purchase

Approved 06-10-2020 @ 10:15 a.m.

Trustee John McKinley moved the Board authorize administration to execute the real estate purchase contract as presented in executive session and to close and complete the purchase of the property as presented. Trustee Dick Scarlett seconded the motion. The motion carried with a unanimous decision.

Memorandum of Understanding between Wyoming Community College Commission, Wyoming Community Colleges, University of Wyoming, Wyoming Department of Education and Wyoming Department of Workforce Services

Approved 06-10-2020 @ 10:28 a.m.

Trustee Laura Schmid-Pizzato moved the Board authorize administration to sign the final version of the Amended and Restated Memorandum of Understanding between Wyoming Community College Commission, Wyoming Community Colleges, University of Wyoming, Wyoming Department of Education and Wyoming Department of Workforce Services. Trustee Dick Scarlett seconded the motion. The motion carried with a unanimous decision.

Memorandum of Understanding between Wyoming Community College Commission, Casper College, Central Wyoming College, Eastern Wyoming College, Laramie County Community College, Northern Wyoming Community College District, Northwest College, Western Wyoming Community College, And University of Wyoming

Approved 06-10-2020 @ 10:29 a.m.

Trustee Laura Schmid-Pizzato moved the Board authorize administration to sign the final version of the Memorandum of Understanding between Wyoming Community College Commission, Casper College, Central Wyoming College, Eastern Wyoming College, Laramie County Community College, Northern Wyoming Community College District, Northwest College, Western Wyoming Community College, and the University of Wyoming. Trustee David Fall seconded the motion. The motion carried with a unanimous decision.

Naming Rights Agreement with UniWyo Federal Credit Union

Approved 06-10-2020 @ 10:30 a.m.

Trustee Laura Schmid-Pizzato move the Board authorize administration to sign the Naming Rights Agreement with the UniWyo Federal Credit Union. Trustee David Fall seconded the motion. Trustee Jeff Marsh recused himself from the vote. The motion carried.

Agreement between University of Wyoming and Colorado Hazard Control, LLC and the Agreement between University of Wyoming and Risk Removal, LLC.

Approved 06-10-2020 @ 10:30 a.m.

Trustee Schmid-Pizzato moved the Board authorize administration to sign the Agreement between University of Wyoming and Colorado Hazard Control, LLC and the Agreement between University of Wyoming and Risk Removal, LLC. Trustee David Fall seconded the motion. The motion carried with a unanimous decision.

COVID-19 Testing Services Agreement with Vault Medical Services, P.A.

Approved 06-10-2020 @ 10:32 a.m.

Trustee Schmid-Pizzato moved the Board authorize administration to execute the COVID-19 Testing Services Agreement with Vault Medical Services, P.A. pending commitment to funding. Trustee Brad Bonner seconded the motion. The motion carried with a unanimous decision.

Personnel Report

Approved 06-10-2020 @ 10:32 a.m.

Trustee Laura Schmid-Pizzato moved the Board approve the personnel report as provided. Trustee Macey Moore seconded the motion. The motion carried with a unanimous decision.

New Business

Trustee Jeff Marsh expressed thanks to outgoing Director of Governmental Affairs Meredith Asay for her work on behalf of the university. Trustee Michelle Sullivan expressed her thanks to outgoing Provost Kate Miller on the accomplishments made during her tenure. Trustee Brad Bonner expressed his appreciation to Acting President Neil Theobald for his stewardship of the last year.

Trustee Jeff Marsh stated plans would proceed toward the July in-person meeting in Torrington, Wyoming. Trustee Marsh further stated arrangements would be made to accommodate Trustees who wished to attend the meeting via video conference. Trustee Kermit Brown stated due to concerns related to COVID-19, he would attend via video conference. Trustee Dave True requested information related to PPE and other social distancing protocols for the July meeting. Vice President and General Counsel Tara Evans discussed the UW Workplace Reopening Guidance Policy implemented this summer for the university's public facing units. Trustee John McKinley inquired of specific protocols regarding citizen interaction at a University of Wyoming event.

Date of Next Meeting

July 14-17, 2020 (Torrington, Wyoming)

Adjournment

The Board adjourned the meeting at 10:43 a.m.

Executive Session Information

[The UW Board of Trustees met in Executive Session on Wednesday June 10, 2020, via video conference; there was no physical location due to COVID-19.]

Wednesday, June 10, 2020

The University of Wyoming Board of Trustees called the meeting to order at 7:03 a.m. Trustee Michelle Sullivan moved the Board enter into Executive Session for the purpose of:

- 1) Matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party under Wyoming Statute 16-4-405(a)(iii);
- 2) Consideration of the acceptance of gifts, donations and bequests which the donor has requested in writing to be kept confidential under Wyoming Statute 16-4-405(a)(viii);
- 3) Considering or receiving information classified as confidential by law under Wyoming Statute 16-4-405(a)(ix).
- 4) Consideration of the appointment of a public employee under Wyoming Statute 16-4-405(a)(ii); and
- 5) Consideration of the selection of a site or the purchase of real estate under Wyoming Statute 16-4-405(a)(vii).

The Executive Session was attended by the 12 voting members of the UW Board of Trustees, ex-officio members, and UW administrators and staff as appropriate. Trustee Macey Moore seconded the motion. The motion passed with a unanimous decision. The Board entered into Executive Session at 7:08 a.m.

Trustees participating: Trustees participating: Mel Baldwin, Brad Bonner, Kermit Brown, David Fall, Brad LaCroix, Jeff Marsh, John McKinley, Macey Moore, Dick Scarlett, Laura Schmid-Pizzato, Michelle Sullivan, and Dave True. Ex-officio Trustees Acting President Neil Theobald, ASUW President Riley Talamantes, and State Superintendent of Public Instruction Jillian Balow were in attendance. Governor Mark Gordon, Executive Director of Wyoming Community College Commission Sandy Caldwell, were not in attendance. Senior Policy Advisor to Governor Gordon Lachelle Brant and WCCC Deputy Director Ben Moritz attended on their behalf respectively.

Vice President and General Counsel Tara Evans, Deputy General Counsel Paula Whaley, UW Board of Trustees Deputy Secretary RoseMarie London, and IT Specialist Lisa Stafford attended the entirety of the meeting. The following administrators and external individuals attended during their respective agenda items: Vice President for Institutional Advancement Ben Blalock, Vice President for Research and Economic Development Ed Synakowski, Vice President and Chief Information Officer Robert Aylward, Deputy Chief Information Officer Jen Chavez, Associate Vice President for Financial Affairs David Jewell, Director of Budget and Planning Alex Kean, Associate Vice Provost for Enrollment Management Kyle Moore, Athletic Director Tom Burman, Interim Vice President for Administration Bill Mai, Vice President and Provost Kate Miller, and Vice Provost Tami Benham-Deal.

Executive Session adjourned at 8:40 a.m.

Respectfully submitted,



RoseMarie London
Deputy Secretary, UW Board of Trustees