

**THE UNIVERSITY OF WYOMING**  
**SUMMARY MINUTES OF THE TRUSTEES**

**August 11, 2021**  
**Public Session**

Final minutes can be found on the University of Wyoming Board of Trustees website at  
[www.uwyo.edu/trustees](http://www.uwyo.edu/trustees)

**THE UNIVERSITY OF WYOMING**  
**MINUTES OF THE BOARD OF TRUSTEES**  
**Wednesday, August 11, 2021**  
**Via Video Conference**  
**Old Main Boardroom**  
**Laramie, Wyoming**

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**THE UNIVERSITY OF WYOMING  
MINUTES OF THE BOARD OF TRUSTEES  
Wednesday, August 11, 2021  
Conference Call Meeting  
Old Main Boardroom  
Laramie, Wyoming**

The University of Wyoming Board of Trustees held a conference call on Wednesday morning, August 11, 2021. Trustee Chairman Jeff Marsh called the meeting to order at 7:00 a.m. Deputy Secretary RoseMarie London took roll.

Trustees participating: Brad Bonner, Kermit Brown, David Fall, Elizabeth Greenwood, Brad LaCroix, Carol Linton, Jeff Marsh, John McKinley, Macey Moore, Laura Schmid-Pizzato, Michelle Sullivan, and Dave True. Ex-officio Trustees participating: UW President Ed Seidel, ASUW President Hunter Swilling, Executive Director of Wyoming Community College Commission Sandy Caldwell, and State Superintendent of Public Instruction Jillian Balow. Governor Mark Gordon was not in attendance.

**AGENDA ITEM TITLE: Consideration and Action: Trustees Annual Schedule of Items to Approve, Discuss or Report** – Marsh

MINUTES OF THE MEETING:

At its May 2018 meeting, the UW Board of Trustees adopted the *Trustees Annual Schedule of Items to Approve, Discuss, or Report*. This schedule is reviewed, and modifications to it are considered annually. Trustee Dave True requested clarification as to whether the Annual Schedule should be considered a modification to the Trustees bylaws. In response, Deputy Secretary RoseMarie London provided a summary of the Board's action in 2019 and 2020. It was determined the Annual Schedule will be acted on annually, and though attached to it, will not be considered a modification to the Trustees bylaws.

***Trustees Annual Schedule of Items to Approve, Discuss or Report***  
***Approved 08-11-2021 @ 8:18 a.m.***

Trustee Brad Bonner moved the Board approve the Trustees Annual Schedule of Items to Approve, Discuss or Report as presented. Trustee Kermit Brown seconded the motion. The motion carried with a unanimous decision.

**AGENDA ITEM TITLE: Consideration and Action: COVID-19 contingency planning** – Seidel

MINUTES OF THE MEETING:

President Ed Seidel discussed the university's ongoing mitigation efforts against the COVID-19 pandemic, and stated that in consideration of the developing concerns around variants of the virus, administration drafted the 2021 Fall COVID-19 Campus Plan. President Seidel went on to discuss the implementation of a contingency plan for the fall 2021 semester, and stated that he has convened a COVID-19 Advisory Committee to be chaired by College of Health Sciences Dean David Jones that will provide ongoing recommendations to the President. Provost and Executive Vice President for Academic Affairs Kevin Carman stated that UW administration is committed to an in person experience for students, and requested the Board consider mandating face coverings, and in lieu of that decision, allowing faculty to require face coverings in classrooms.

Faculty Senate Chairman Adrienne Freng provided faculty perspective on the proposed 2021 Fall COVID-19 Campus Plan, stated support of President Seidel's decision making authority, and discussed shared governance at the university. Freng reminded the Board of students' desire for decisive decision making, and suggested identifying firm thresholds. Freng reminded that while Wyoming Governor Mark Gordon does not support mask mandates, the governor has ceded local control. ASUW President Hunter Swilling provided student and personal perspective stating student's desire for in person experiences may pave the way to acceptance of a face covering mandate, and other necessary interventions. Staff Senate President Chris Maki discussed the staff survey response to the proposed plan, stating majority concern about the COVID-19 Delta variant. Vice President for Student Affairs Kim Chestnut provided perspective on various safety concerns around returning students, and the engagement opportunities that have been planned. Chestnut proposed a one month mask mandate (August 16-September 16) to help mitigate risks and support in person engagement.

There was significant Board discussion related to the proposed plan to allow the university to proceed with a traditional fall semester while taking steps to manage COVID-19 amid an increase in cases. The outcome of the discussion allows administration to strongly encourage and

incentivize COVID vaccinations; require masks indoors through at least Sept. 20 (under circumstances to be communicated to the campus the week of August 16, 2021,; require students and employees to be tested upon entry to the university; provide a mandatory education seminar on the virus; and expand the current weekly sample testing program to both vaccinated and unvaccinated employees and students, with 3 percent of the population tested weekly.

The approved plan will provide administration's ability to adjust approaches as circumstances change. At its September 2021 meeting, the Board will revisit the mask requirement by considering data including case numbers, testing prevalence and vaccine uptake.

***Approval of Fall 2021 COVID-19 Campus Plan with amendments  
08-11-2021 @ 9:13 a.m.***

Trustee David Fall moved the Board approve the Fall 2021 COVID-19 Campus Plan to include a mask mandate, and President Seidel's additions of a mandatory education program for employees and students, one-time COVID-19 testing of all students and employees prior to the start of the semester, a stronger public information campaign, and the formation of a COVID-19 Advisory Committee led by College of Health Science Dean David Jones. Trustee Laura Schmid-Pizzato seconded the motion. Trustee Dave True moved to amend the motion to adopt a mask mandate designed as previously approved (i.e., same parameters as AY 20-21) for inside use with a possible expiration date of September 20, 2021, pending review by the newly formed COVID-19 Advisory Committee and the Board, and to allow president flexibility to modify. Trustee Schmid-Pizzato seconded the motion as amended. The motion carried as amended. Trustees Brad LaCroix and Jeff Marsh voted no.

**AGENDA ITEM TITLE: Biennium Budget Committee – John McKinley (Chair)**

**Consideration and Action: FY23-24 Prioritized Exception Budget Request – Theobald/Jewell**

**MINUTES OF THE MEETING:**

Trustee McKinley reported the Biennium Budget Committee met on July 28 and August 9, 2021, to review and prioritize exception requests to be submitted as part of the state's budget process. Trustee McKinley stated the discussion focused on application of potential receipt of American Rescue Plan Act funding, and UW supplemental budget exception requests.

Wyoming Community College Commission Executive Director Sandy Caldwell requested clarifying information regarding the budget request to create a Wyoming Data Hub as it may relate to the statewide longitudinal education data system. In response President Seidel stated the data hub will primarily support technology based approaches to specific important areas such as biodiversity, agriculture, energy, health sciences and advanced manufacturing. President Seidel stated that in the spirit of creating state-wide services, it could connect to other activities including that of the community colleges, but it is primarily targeted to UW Science Initiative.

In response to inquiry from Trustee Macey Moore, Provost and Executive Vice President for Academic Affairs Kevin Carman stated that *Saddle Up* is not part of the university's budget exception request.

***FY23-FY24 UW Budget requests  
08-11-2021 @ 9:45 a.m.***

Trustee John McKinley moved the Board approve the FY23-FY24 UW Budget requests (ARP and exception) as represented in the materials as Attachment 1 (page 2), Attachment 3 (page 32), and the Exception Requests (pages 43-47) with one change to page 32 - deletion of word tentative. Trustee Kermit Brown seconded the motion. The motion carried with a unanimous decision.

**AGENDA ITEM TITLE: Facilities Contracting Committee – John McKinley (Chair)  
Consideration and Action: Lewis Street gas line easement – Mai**

**MINUTES OF THE MEETING:**

Vice President for Government Affairs Bill Mai provided the Board a summary of administration's request for approval of an underground gas line easement with Black Hills Energy across university land on the University of Wyoming campus in Laramie. Mai stated the easement is part of the right of way vacation application and is for the existing gas line in the portion of Lewis Street proposed to be vacated from 11<sup>th</sup> Street to 13<sup>th</sup> Street.

***Lewis Street Gas Line Easement  
Approved 08-11-2021 @ 9:55 a.m.***

Trustee John McKinley moved the Board approve the gas line easement with Black Hills Energy and authorize administration to sign as presented to the Board. Trustee Kermit Brown seconded the motion. The motion carried with a unanimous decision.

**AGENDA ITEM TITLE: Consideration and Action: Proposal for required COVID-19 vaccination and masking in UW clinical units – Seidel/Jones**

**MINUTES OF THE MEETING:**

College of Health Sciences Dean David Jones discussed the proposal that personnel at UW residency clinics in Casper and Cheyenne, as well as the Albany Community Health Clinic be vaccinated against COVID-19. Jones further stated that in particular the residency program in Casper is an affiliate of a Banner Health facility (Wyoming Medical Center) and the residency program in Cheyenne is an affiliate of a UC Health facility (Cheyenne Regional Medical Center) which are now requiring COVID-19 vaccination for their employees.

There was significant Board discussion around the likelihood these requirements are covered in the service agreements between Banner Health, UC Health and the residency students, and did not warrant a policy decision by the UW Board of Trustees.

***Proposal for required COVID-19 vaccination and asking in UW clinical units  
Approved 08-11-2021 @ 10:11 a.m.***

Trustee Brad Bonner moved the Board approve a vaccine mandate requirement of residency clinical staff if stated as such in the privileging documents of UC Health in Cheyenne and Banner Health in Casper. Trustee David Fall seconded the motion. The motion carried. Trustee Kermit Brown voted no.

**AGENDA ITEM TITLE: UW Regulation Review Committee (ad hoc committee) – Kermit Brown (Chair)**

**Consideration and Action: Modification to UW Regulation 9-1 (Intellectual Property)**

**MINUTES OF THE MEETING:**

Vice President and General Counsel Tara Evans provided summary of the proposed modifications to UW Regulation 9-1 (Intellectual Property) to account for the changing landscape of intellectual property and to provide clarity to university employees regarding ownership over patentable and copyrightable creations, academic course materials, and scholarship. Evans went on to discuss that in addition to the standard routing process for modification to UW Regulations, then Acting President Neil Theobald charged a working group to provide recommendations with regard to UW intellectual property which were mostly incorporated in the proposed version for Board review.

Trustee Dave True expressed concern over the lack of a concrete process related to the distribution of litigation costs. In response Evans stated that litigation terms were outlined in the license agreement. Evans stated further it had been determined this it was not necessary to include this level of detail in the regulation, and that administration could manage these details during the licensing process. Research Products Center Director Victoria Bryant concurred, and stated her support that no modification was needed to address litigation. Trustee Dave True stated he would like the Regulation Review Committee to further examine these processes before the Board act on the modification to the regulation.

Trustee Kermit Brown stated the Regulation Review Committee would provide further recommendation to the Board at its September 2021 meeting.

#### **OTHER ACTION TAKEN AT MEETING:**

##### ***Board of Trustees Meeting Minutes (Public Session and Executive Session)***

***Approved 08-11-2021 @ 8:13 a.m.***

Trustee Laura Schmid-Pizzato moved to approve the public and executive session July 14-16, 2021, UW Board of Trustees meeting minutes. Trustee Kermit Brown seconded the motion. The motion carried with a unanimous decision.

##### ***Oracle Ordering Documents***

***Approved 08-11-2021 @ 10:29 a.m.***

Trustee Dave True moved the Board authorize administration to execute the two Oracle Ordering Documents as presented. Trustee Michelle Sullivan seconded the motion. The motion carried with a unanimous decision.

##### ***Personnel Report***

***Approved 08-11-2021 @ 10:30 a.m.***

Trustee David Fall moved the Board approve the personnel report as presented. Trustee Macey Moore seconded the motion. The motion carried with a unanimous decision.

#### **Date of Next Meeting**

September 15-17, 2021 Laramie, Wyoming

#### **Adjournment**

Trustee Jeff Marsh adjourned the meeting at 10:31 a.m.

#### **Executive Session Information**

*[The UW Board of Trustees met in Executive Session on Wednesday, August 11, 2021, in the Old Main Board room and via video conference.]*

## **Executive Session**

**Wednesday, August 11, 2021**

**7:00 a.m.**

**Old Main Boardroom and video conference.**

The University of Wyoming Board of Trustees called the meeting to order at 7:01 a.m. Trustee Kermit Brown moved the Board enter into Executive Session:

- 1) To consider the appointment, employment, right to practice or dismissal of a public employee and to consider accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all negotiations (16-4-405(a)(ii) and 16-4-405(a)(x));
- 2) On matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party (16-4-405(a)(iii));
- 3) To consider or receive any information classified as confidential by law (16-4-405(a)(ix); and
- 4) To consider acceptance of gifts, donations and bequests which the donor has requested in writing to be kept confidential (16-4-405(a)(viii))

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 Elizabeth Greenwood seconded the motion. The motion carried. The Board entered into executive session at 7:02 a.m.

Trustees participating: Brad Bonner, Kermit Brown, David Fall, Elizabeth Greenwood, Carol Linton, Brad LaCroix, Jeff Marsh, John McKinley, Macey Moore, Laura Schmid-Pizzato, Michelle Sullivan, and Dave True. Ex-officio Trustees UW President Ed Seidel, ASUW President Hunter Swilling, Director of Wyoming Community College Commission Sandy Caldwell, and State Superintendent for Public Instruction were also in attendance. Governor Mark Gordon was not in attendance. Senior Policy Advisor Lachelle Brandt attended on his behalf.

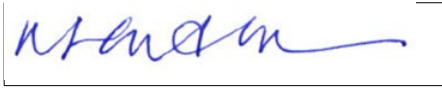
Vice President and General Counsel Tara Evans, Deputy General Counsel Paula Whaley, Provost and Executive Vice President for Academic Affairs Kevin Carman, UW Board of Trustees Deputy Secretary RoseMarie London, and IT Specialist Lisa Stafford attended the entirety of the meeting.

The following administrators during their respective topics:

- Vice Provost Tami Benham-Deal
- Vice President for Information Technology Robert Aylward
- Vice President for Institutional Advancement Ben Blalock
- Senior Vice President for Development John Stark
- Dean of the Haub School of Environment and Natural Resources John Koprowski
- Professor Visual and Literary Arts Alyson Hagy
- Chief of Staff Mary Ivanoff
- External individuals and outside counsel
  - Greg Dyekman, UW Foundation
  - Hal Corbett, Lonabaugh and Riggs
  - Bob Berger, Lonabaugh and Riggs
  - Arthur Hundhausen, Holland & Hart
  - Kami Pomerantz, Holland & Hart



Respectfully submitted,



RoseMarie London  
Deputy Secretary, UW Board of Trustees