

THE UNIVERSITY OF WYOMING
BOARD OF TRUSTEES' MINUTES

September 14-16, 2006

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

University of Wyoming Mission Statement (April 2002)

The University of Wyoming aspires to be one of the nation's finest public land-grant research universities, dedicated to serving as a statewide resource for accessible and affordable higher education of the highest quality, rigorous scholarship, technology transfer, economic and community development, and responsible stewardship of our cultural, historical, and natural resources.

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

- Expose students to the frontiers of scholarship and creative activity, and the complexities of an interdependent world;
- Ensure individual interactions among students, faculty, and staff;
- Nurture an environment that values and manifests diversity, free expression, academic freedom, personal integrity, and mutual respect; and
- Promote opportunities for personal growth, physical health, athletic competition, and leadership development for all members of the University community.

As Wyoming's only university, we are committed to 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 primary vehicles for identifying the specific actions and resource allocations needed to achieve this complex mission are the University's *Academic Plan*, *Support Services Plan*, and *Capital Facilities Plan*, each revised periodically.

TRUSTEES OF THE UNIVERSITY OF WYOMING AGENDA
September 14-16, 2006

WORK SESSIONS

Goals for Academic Year 2006-2007, Buchanan	1
2007-2008 Biennium Supplemental Budget Request, Harris	3
2007-2008 Biennium Section I (Agency 067) Budget Authority Increase; Pharmacy Differential Program, Harris	4
College of Law Differential Tuition Update, Allen.....	5
Meeting with the UW Board of Trustees and the Foundation Board	6
COBRE Update, Gern.....	11
Fall 2006 Preliminary Enrollment Update, Axelson.....	12
Update on Athletics, Burke.....	13
Approval Process for Construction Change Orders, Harris.....	14
Cooperative Extension Service Update, Allen.....	15
Computer Training, Aylward.....	15
Board Review of UniReg 801 Matter, Miller	16
Business Meeting , Old Main Boardroom	33
Roll Call	33
Approval of Board of Trustees Meeting Minutes	33
July 5, 2006	
Approval of Executive Session Meeting Minutes	33
July 5, 2006	
Reports	33
ASUW	
Staff Senate	34
Faculty Senate	
Public Testimony	34
Committee of the Whole (Regular Business)	34
1. Audit and Fiscal Integrity Committee Report, Lowe	
Committee of the Whole (Consent Agenda)	35
1. Approval of Contracts and Grants, Gern	
2. Personnel, Allen	
3. Approval of Process for Construction Change Order, Harris	
4. Approval of Supplemental Budget Requests, Harris	
5. Authorization of Stock Transfers, Harris	
6. Approval of Section I Budget Increase, Harris	

New Business35

Date of next meeting35

October 26-28, 2006; Laramie, Wyoming

Adjournment35

**THE UNIVERSITY OF WYOMING
MINUTES OF THE TRUSTEES
September 14-16, 2006**

Members of the Board participated in a joint meeting with the UW Foundation Board at the Rochelle Athletics Center. They were hosted for dinner on Thursday, September 14, 2006 at President Buchanan's home. On Friday, September 15, trustees were hosted for lunch in the Foundation House after the dedication of the Simpson Plaza. The Board also attended the Athletics Hall of Fame dinner on Friday, September 15, 2006.

Work sessions were conducted Thursday and Friday, September 14-15, 2006. The Board held their Business Meeting on Friday, September 15, 2006.

AGENDA ITEM TITLE: Goals for Academic Year 2006-2007, Buchanan

CHECK THE APPROPRIATE BOX(ES):

- Work Session
 Education Session
 Information Item
 Other Specify:

President Tom Buchanan will give a presentation to the Trustees.

MINUTES OF THE MEETING

Dr. Buchanan began by stating that this discussion is a continuation of last month's Trustee retreat. He talked about the fall convocation and noted the awarding of an honorary degree to Helga Haub. The documents from the retreat are available to the Board and the goals are an outgrowth of the meeting. His primary focus was on access, leadership, and excellence. He plans to work on specific goals this year and lay the groundwork for the next revision of the Academic Plan—APIII. All of the planning documents are connected, and goals, objectives, and deliverables were listed in the pamphlet placed in the Board packets. Dr. Buchanan noted he revised the primary foci based on conversations with various constituencies and looked for common threads.

The vision and goals 2006 document is a work in progress, and Dr. Buchanan hopes to have an endorsement from the Board by the conclusion of the meeting. A reasonable output of this process will be to review where UW will be at the end of this fiscal year. UW Financial Aid will require a restructuring due to the Hathaway program. The North Central Accreditation (NCA) will need to be addressed again in 2009, and dovetails with the AP and all planning activities at UW. Another goal will be to continue to work on reengaging the Alumni Association with UW. Diversity and internationalization will be at the forefront of the planning efforts. The Board requested any information available on the Hathaway program to provide to their respective high schools. The regional health networking group is in its preliminary stages now, and members of the Board indicated their thought that UW has an opportunity to help this initiative due to the Wyoming Technology Business Center (WTBC). UW can be involved in this on many levels.

The Regional Health Information Organization (RHIO) Board will meet at the end of the month in Cheyenne, and Dr. Buchanan will collect names from Trustee Willson and plan to meet with RHIO Board members on September 28, 2006. Trustee President Davis reminded the Board that Dr. Buchanan would like them to accept the vision and goals plan by the end of the meeting.

AGENDA ITEM TITLE: 2007-2008 Biennium Supplemental Budget Request, Harris

CHECK THE APPROPRIATE BOX(ES):

- Work Session
- Education Session
- Information Item
- Other Specify: BUSINESS MEETING (Consent Agenda)

MINUTES OF THE MEETING

Vice President Phill Harris spoke about the various budget requests, including the operating budget, capital construction requests, pharmacy differential program, and some of the grants available for work on the BSL-3 lab. The report will go to the Legislature. Chris Boswell, representative from the governor's office, said that the state employees' increase came from reversions, and asked if UW normally reverts money to the legislature. Other agencies had asked for help on utilities. Mr. Boswell also asked about the \$8.8 million dollars provided for the library addition and if UW can stay within budget. Vice President Harris said UW will be value-engineering to achieve that outcome. The approval of the supplemental budget request was placed on the Consent Agenda.

AGENDA ITEM TITLE:

2007-2008 Biennium Section I (Agency 067) Budget Authority Increase; Pharmacy Differential Program, Harris

CHECK THE APPROPRIATE BOX(ES):

- Work Session
- Education Session
- Information Item
- Other Specify: BUSINESS MEETING (Consent Agenda)

MINUTES OF THE MEETING

Vice President Harris spoke about this request and the intention to make it permanent. The item was placed on the Consent Agenda.

AGENDA ITEM TITLE: College of Law Differential Tuition Update, Allen

CHECK THE APPROPRIATE BOX(ES):

- Work Session
 Education Session
 Information Item
 Other Specify:

MINUTES OF THE MEETING

Vice President for Academic Affairs Myron Allen introduced Dean for the College of Law Jerry Parkinson to speak about the differential tuition. Dean Parkinson told the Board, saying that the tuition has helped add three new outstanding faculty to the college. He spoke about the three new faculty that were just hired in the Law College: Mr. Michael Duff, Ms. Joanna Bond, and Mr. Michael Smith. Dean Parkinson noted that there have been no changes in enrollment due to increased tuition. Trustee Neiman supported extending the differential tuition rate of 15% increase for at least the next two years.

AGENDA ITEM TITLE:

Joint Meeting of UW Board of Trustees and the Foundation Board

CHECK THE APPROPRIATE BOX(ES):

- Work Session
 Education Session
 Information Item
 Other Specify:

MINUTES OF THE MEETING

Vice President Ben Blalock introduced Trustee President Dick Davis. Trustee Davis spoke to the group and began by saying that the Board of Trustees appreciates the opportunity to meet as one large group. He hopes this is the beginning of a dialogue for both groups to review what they see as the future and best interests of the University. He began by providing information on how the Board of Trustees has gotten to where they currently are, and then said that Dr. Buchanan will share his vision with the group.

Vice President Blalock spoke about the Foundation Board extending an invitation to all trustees to participate on the Foundation Board as ex-officio within the different committees. An invitation has also been extended to all trustees to attend any Foundation Board meeting. The final impetus was the discussion to come together as one large group. President Buchanan, Frosty Kepler, Ben Blalock and Dick Davis mentioned that the four of them had met several weeks prior to this meeting and determined that it would be beneficial for the trustees to speak to the Foundation Board and develop future goals.

Some of the questions that have risen recently included the trustees thinking about what it is that they should be doing in support of UW and the direction in which they would like to move. This was the gist of the discussion at the Trustee retreat in August 2006, where former governor Mike Sullivan facilitated. The Board asked President Buchanan to provide his thoughts on what he felt UW should look like in the next 10, 20 or 25 years. President Buchanan spoke further on ideas and thoughts that people had for the University. Through the discussion, the Board of Trustees talked about their ideas and after the discussions, they were able to distill the process into 8, 10

or 12 major categories, continuing discussions on those specific areas. The results of the meeting were the basic foundation of President Buchanan's convocation speech. Trustee Davis thanked President Buchanan for his diligence in working out issues during the last year. He concluded by saying that the Board of Trustees hope this will become an annual event at this time of year, as it seems to make sense insofar as timing is concerned.

Dr. Buchanan spoke to the group about the vision and goals he had developed based on the trustees' requests. He spoke about the convocation and conferring an honorary degree on Helga Haub. This is the time of year where the UW interests focus their thoughts on the University. President Buchanan then related his convocation speech for the benefit of the Foundation Board.

Vice President Ben Blalock spoke to the entire group, noting that the Foundation Board was encouraged to ask questions and work to understand that this will continue to be a partnership. The Foundation would like to develop ideas on what they are raising funds for and solidifying strategies for accomplishing goals.

Mr. Greg Dykeman spoke about his acclamation of the vision and sense of direction from the University. He asked how specific the Board of Trustees and the administration would be as to specific projects and timetables, and targets that can be shared with donors to encourage their participation in future fund-raising efforts. President Buchanan answered that his message is general and non-specific, and he has vetted his comments with the many constituencies at UW, culminating with this meeting. He noted that everything he has said has been consistent with the Academic Plan and the strategic planning document of UW. His vision is to be translated into specific goals for this year. Many of the things discussed are discrete one-year projects. There is no shortage of opportunities or need for help to aid UW in accomplishing the goals.

Ms. Gwin Jonston asked about outreach in terms of how UW goes out into the state, and information they can share with prospective donors. President Buchanan asked Associate Vice President for Academic Affairs/Dean of Outreach School Maggi Murdock to answer questions from the group regarding outreach and what they hope to do. Ms. Murdock spoke about

continuing to expand academic and non-academic programs, as well as increasing access to off-campus students. They offer degree and non-degree programs for anyone to participate in. They would also like to increase the ways they are able to reach students. Another area that will need to be addressed is the number of faculty able to teach classes.

Vice President for Research and Economic Development Bill Gern picked up the discussion by sharing information on the economic development outreach program that Wyoming has, stating that it is one of the best such programs. He provided some examples of the services that are available through this program.

Mr. Dave Bonner asked how UW can move more UW students from the campus out into the state programmatically or in a service way. Vice President Blalock talked about what prompted this question from the Foundation Board. President Buchanan said all of the departments, such as art, music, theatre and dance, all have outreach programs which travel throughout the state. These programs are always constrained by their travel budgets, and assistance to those budgets would dramatically improve their abilities to travel to more places in the state. This is not a Foundation responsibility, but it is an area that Foundation can help UW literally go the extra mile. Vice President Blalock advised that he will serve as a liaison between the UW entities and the Foundation Board to keep them informed. Mr. Frosty Kepler spoke about the desire of the Foundation Board to have a prioritized list given to the Foundation Board which showed activities that UW would like support for. He also reiterated that he felt the primary focus of this joint meeting is to have open conversations between the boards to understand where UW is going, where the boards would like UW to go and if it's not accomplished right away, what other methods can be used to get there.

Mr. Carl Lee spoke about asking President Buchanan about breaking his 20-year plan into what could be accomplished in the next 5, 10, 15 and 20 years. The UW's strategic plan for every unit of the University clearly articulates the goals and what their priorities are. The specific documents for art, music, theatre and dance have that information contained in their priorities, and President Buchanan said that there would be no problem extracting that information for the

Foundation Board. There is no shortage for any unit at UW insofar as what they need to do to expand. UW Trustee Taylor Haynes summarized by saying the Foundation Board is asking for a prioritized list of projects that need additional funding sources.

The group shared other ideas, such as soliciting funding or assistance in a way that UW really needs, i.e. coal for the Central Energy Plant. President Buchanan told the group that he feels it is not such a far-fetched idea. He spoke about his discussion with Frosty Kepler over when the next Foundation Board meeting is scheduled, which is in February in Scottsdale, AZ. Between this September joint meeting and the upcoming Foundation Board meeting, the UW Board of Trustees will meet twice, and Dr. Buchanan committed to UW sitting down and producing a priority list of fund-raising projects of varying amounts during this time. He also said that the priorities will be distributed across different parts of UW, with some focusing on endowments. The list will go to the Board of Trustees in October for their review, and by December there will be an endorsement from the Trustees. After that, President Buchanan will share the list with Vice President Ben Blalock and then bring the list to Scottsdale to share with the Foundation Board.

Mr. Chris Boswell spoke about the needs of other communities in Wyoming and wondered how relevant UW is to someone who lives in those other communities in terms of helping. His belief that there needs to be a sense to residents of Wyoming that UW is more than a place to go for education and is an excellent source for help, for brainpower, experience, and provides more than just classes. Many of the small communities in Wyoming need help and ideas, and it needs to happen more.

UW Trustee Judy Richards thanked everyone for bringing lists of items that can be used to set up a strategy to accomplish those goals. Outreach is a vital part of UW and can provide assistance, and the problem is to teach the communities how to access the resources that are available. Frosty Kepler said that Ms. Richards' comments are right and many donors want to know UW's direction and how the money they give will be used.

UW Trustee Taylor Haynes pointed out that cooperative extension has the programs to help those in need in Wyoming, and spans the needs Mr. Boswell spoke of. He said that they need help with their funding and helps with consumer sciences, public health and safety, community development and farmers. With more funding, they can go to various places around the state and begin work in the smaller communities. Cooperative extension is set up with the expertise and has the mission to aid communities. Trustee Richards added that although traditionally the programs at UW have been funded by the state, UW may need to look at an alternate plan for funding when the state's wealth has run its course.

Professor Mark Sunderman, Chair of Faculty Senate, spoke on behalf of UW's faculty. His comments focused on the frustration of the faculty, saying that problems still exist with travel, support needs and other budgets that need to be updated. Faculty would like more support in the trenches and better salaries.

Travis Jordan, ASUW President, spoke on behalf of UW's students. Many students are interested in service-learning prior to their graduation, which allows them to begin contributing to the state.

Ms. Marilyn Fiske commented that everyone around the table feels strongly about the University and the state. This meeting has helped with synergy and cooperation between the two Boards.

Mr. Pete Simpson said that this meeting was unprecedented, as did Vice President Ben Blalock. VP Blalock asked the Boards to keep the many different ideas in mind and said that Foundation will sit down soon and return the confidence in the investments they are handling for UW. UW should be able to depend on the payout they receive from Foundation.

The joint meeting concluded at 4:48 p.m.

AGENDA ITEM TITLE: COBRE Update, Gern

CHECK THE APPROPRIATE BOX(ES):

- Work Session
 Education Session
 Information Item
 Other Specify:

MINUTES OF THE MEETING

Vice President for Research and Economic Development Bill Gern shared information on the COBRE (Center of Biomedical Research Excellence) award, notable as an institutional award from the National Institute of Health. He spoke about the awards and how they are designated, and spoke briefly about the IDeA program. Vice President Gern then introduced Dr. Bill Flynn, head of UW's neuroscience program. Dr. Flynn has continued to fund his lab with this grant.

Dr. Flynn spoke about his work, where he's going and how they're accomplishing some of the goals. This is a project identified in Academic Plan II. He noted his program is cross-college, and explained some of the projects they are working on at this point in time. His long-term plan includes developing a mentoring plan for junior investigators.

AGENDA ITEM TITLE: Fall 2006 Preliminary Enrollment Update, Axelson

CHECK THE APPROPRIATE BOX(ES):

- Work Session
 Education Session
 Information Item
 Other Specify:

MINUTES OF THE MEETING

Vice President Axelson shared the census data for the fall semester data with the Board. She handed out Hathaway and other scholarship brochures for information. The number of Wyoming residents in this year's freshmen class grew by 16%. This is significant, since high school enrollments are declining in Wyoming, and there are 851 new freshmen at UW on Hathaway scholarships. UW's overall enrollment is stable, and the last three semesters have had the highest graduation rate in the last ten years. Fifteenth day census information will be available in October.

AGENDA ITEM TITLE: Update on Athletics, Burke

CHECK THE APPROPRIATE BOX(ES):

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

MINUTES OF THE MEETING

This presentation was postponed until the next meeting.

AGENDA ITEM TITLE: Approval Process for Construction Change Orders, Harris

CHECK THE APPROPRIATE BOX(ES):

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

MINUTES OF THE MEETING

Vice President for Administration Phill Harris reviewed the current approval process for change orders. The issue of discussion was that trustee action in 1994 placed a limitation on the amount of change order dollars that were authorized for approval through his office. After reviewing this, Mr. Harris checked with other institutions and asked how they handled their change orders. He advised the Board that he proposed setting a threshold of two limits on change orders for the future. The first limit would allow projects in Physical Plant of \$50,000 or less to be approved by the director of Physical Plant. The second limit is to grant Vice President Harris authorization to approve change orders for up to 20% of the total project amount approved by the Board of Trustees. The item will remain on the Consent Agenda. Mr. Harris also answered questions from the Board.

AGENDA ITEM TITLE: Cooperative Extension Service Update, Allen

CHECK THE APPROPRIATE BOX(ES):

- Work Session
 Education Session
 Information Item
 Other Specify:
-

MINUTES OF THE MEETING

The review from the College of Agriculture Dean Frank Galey was postponed until the October meeting.

**AGENDA ITEM TITLE: Computer Training, Aylward
Getting News about UW, Fromkin**

CHECK THE APPROPRIATE BOX(ES):

- Work Session
 Education Session
 Information Item
 Other Specify: Computer Training
-

MINUTES OF THE MEETING

The computer and news training were deferred until the October meeting.

AGENDA ITEM TITLE: Board Review of Unireg 801 Matter

CHECK THE APPROPRIATE BOX(ES):

- Work Session
 Education Session
 Information Item
 Other Specify: Personnel Matter

MINUTES OF THE MEETING

The meeting was called to order by Trustee President Davis. The first item of business is the matter of Dr. Steven Torok. Trustee Davis asked Mr. Paul Hickey to act as the hearing officer.

Mr. Paul Hickey began the meeting by explaining that he is Special Counsel to the Board of Trustees. The purpose of the meeting is pursuant to UniReg 801 (g) 2; provides for a review by the Board of a hearing committee recommendation regarding Dr. Steven Torok. The amount of time for the hearing was clearly identified as two hours. Mr. Hickey stated that the Board has previously requested and received from them briefs that reflect the respective positions of the parties in writing. Don Miller, Attorney at Law and Dr. Torok's legal counsel, was advised that he could reserve one-half hour for rebuttals. Vice President for Governmental, Community, and Legal Affairs Rick Miller did not participate, and Mr. Rodney Lang, Senior Associate General Counsel for the University of Wyoming, was present on behalf of UW. Both counsels were made aware there may be occasional questions from the Board during the argument.

Mr. Miller began. This is a difficult case and it is the first time this is occurring at UW under the new procedure. This case falls out of the realm of what the uniregs anticipated. As a result of the hearings, no one felt they had the authority to deal with the matter at hand. The issue for Dr. Torok was behavioral, which manifested through his personal life, teaching, research and colleagues. A person cannot change this with mere coping strategies, and Dr. Torok needed to acknowledge that he had a mental illness. That is the crux of what the case is about. The Board of Trustees must look at this issue for the first time.

Dr. Torok had no problems in the first decade of his service to UW in agricultural economics, winning the Quality of Research and Discovery Award, was nominated many times by his peers for Teacher of the Year at the University of Wyoming, and the first part of his career at UW was stellar. He managed to maintain some of that ability through the National Bison Association, which to this day still stands behind him. He helped them resurrect their association when it was almost on the brink of collapse with his passion and focus on his work. Regardless of his mental illness at that time, he was able to maintain a level, consistent focus during the majority of it. Mr. Hickey interrupted and for the record, given the nature of the argument involving some of the medical history of Dr. Torok, mentioned that he had requested this to be an open meeting, pursuant to the Wyoming Open Meetings Act. Mr. Miller confirmed this is an open meeting and there is sensitive information being shared. At this point, Dr. Torok is concerned about his reputation of the last several years. The Board will not hear excuses from Dr. Torok. Dr. Torok experienced brief memory loss due to some of the medication he was taking. Mr. Miller gave several examples of times where Dr. Torok experienced losses of memory involving people or places he was very familiar with. Dr. Torok has never said that students that testified against him weren't telling the truth. The fact is that he couldn't recall things that had occurred, and his conduct was outrageous during this time of his life. Mr. Hickey asked if Dr. Torok had a claim under the Americans with Disabilities Act (ADA) and if so, what was the resolution of that claim, and further asked Mr. Lang to address the same question. Finally, Mr. Hickey asked Mr. Miller to explain what relevance the ADA claim had at this point in the proceeding, if any.

Mr. Miller said Dr. Torok started the ADA claim last year some time, and went through the entire process without counsel, resulting in Mr. Miller becoming involved in the case as his firm handles ADA claims. The claim was denied, and Mr. Miller reviewed what the process is for review of an ADA claim, adding that approximately 90% of ADA claims are denied. After a claimant goes through the process with EEOC and they decide whether or not there is a discrimination complaint, they ask both sides for further information on the claim. If the claim is denied, the claimant receives a right-to-sue letter, and Mr. Miller said that he and Dr. Torok waited until the last day to file it, hoping that there would be a different resolution. They filed the claim with the federal court and have a scheduling hearing on Wednesday.

Mr. Miller said that the relevancy of ADA claim is not a definitive assertion and the difference is the responsibility level between the Board and the court. He is asking for a different standard from the Board, and would like them to take the human factor into consideration. The decision at this meeting is whether Dr. Torok's disability, which began in 2000, and was placed on Zoloft as an anti-depressant (2002-2005) with a diagnosis of depression would provide cause due to misdiagnosis to allow him to continue his employment at UW. After 2005, doctors confirmed that Dr. Torok was misdiagnosed. Dr. Torok was subsequently diagnosed as bi-polar and Zoloft affects the manic portion of the brain, making it difficult to stay on task. The most obvious document to be reviewed was the performance enhancement plan (PEP) Torok produced--a rambling, venting, incoherent document that goes on and on. Dr. Lawrence, Dr. Torok's current physician, reviewed the PEP and said it was obvious his behavior was manic. Additionally, Dr. Torok changed mechanics of his teaching in his PEP. Trustee Taylor Haynes asked if there were any other medications that he was treated with, and Mr. Miller said he was treated with some hormonal medications, promazine and androgel.

Mr. Hickey asked if it was Mr. Miller's position that Dr. Torok's performance evaluation plan was inadequate because of mental illness or was he contending that the hearing committee was in error in their finding that the plan was inadequate because it was found on the merits that it satisfactorily met the expectations of what a PEP should provide for. Mr. Miller contended that if one can get through the rambling, the guts of the PEP is there. It sets out a plan for how he's going to teach classes, hours, and the style. The most important thing about the PEP was that it helped Dr. Torok focus. In January 2005, Dr. Torok began to use the mechanics of the PEP. Mr. Miller urged the Board to review all the comments from the students, good and bad. One student testified that Dr. Torok was crazy, but he still learned from the class. The crucial thing is to look at the comments from 2005. There were no behavioral issues in 2005 that were seen in 2004 and 2003. The comments are all positive as Dr. Torok tried to stick to his PEP. There were occasions when he may have been inappropriate with colleagues, but there were no complaints from any colleague in 2005. This coincided with Dr. Torok beginning to see Dr. Lawrence in the summer of 2005. Dr. Torok has continued to do research at the university and is in contact with

his colleagues. During the manic phase, Dr. Torok was never paranoid and has a different diagnosis that is specific to Dr. Laurence. There was an attack on his status as a professor and his employment, but how he reacted was not as appropriate as it should have been and is not how he is now. The medication has changed his personality, and one of the things the hearing committee found was that his research met the criteria. Mr. Miller asked the Board again to look at the timetable of his research. Dr. Torok feels the change in his behavior during the last months has been significant.

Mr. Hickey asked if Dr. Torok currently has a mental illness. Mr. Miller said it is in remission, but never 'goes away.' It can remain in remission permanently, and Dr. Laurence continues to monitor his levels and medication levels. Mr. Hickey asked if it was Mr. Miller's position that Dr. Torok had a mental illness that prevented him from performing his job functions until 2005. Mr. Miller said yes, because he could function but not at an appropriate level. He was able to come into class, have a schedule and somewhat stick to it, but sometimes when he walked into the classroom everything fell apart. This was an ongoing process that continued to disintegrate and Mr. Miller understands why UW took the actions they did. He would like the university to acknowledge that Dr. Torok has a disability. The point of this hearing is to allow Dr. Torok to go back to work, and is not an issue of money. Dr. Laurence has written that Dr. Torok is at 100% and can go back to functioning the way he did before, even with the short period of time that he has had to prove this point. Mr. Hickey asked about the outcome of the EEOC matter in federal court and what relief Mr. Miller is seeking from this Board. Mr. Miller said Dr. Torok wants to return to work. Mr. Hickey then asked if Mr. Miller and Dr. Torok were seeking the same outcome of federal court; Mr. Miller said no. Mr. Hickey asked what the complaint said, and Mr. Miller said they are asking for monetary damages within the necessary criteria of the complaint. Mr. Miller said that he would settle for Dr. Torok returning to work and would even accept a probationary period. Although Dr. Torok was unable to comply with the university's request for medical records before, they can comply with that request now. He provided medical records; they were lost and Dr. Torok felt like this was manipulation because of his manic phase. The next time he was asked to provide cooperation, he refused to comply. Dr. Torok just wants another job and can work, doing his job at the same standard as before. Mr. Hickey noted that

Mr. Miller was at the one-half hour mark and he could continue, but further opening remarks would take time from what he had asked for for the rebuttal.

Mr. Miller noted that he did not file the complaint with the EEOC until the last possible minute, and was not his first choice. He talked further about jurisdictional issues that he needed to follow to file the complaint. Trustee Brown said he wanted to clarify that Mr. Miller is asserting to the Board of Trustees that with proper medication, there should be absolutely no reason that would keep Dr. Torok from his former duties and from being able to function as the professorship required him to. Mr. Miller said that is true and he has absolutely no doubt about the assertion. Dr. Torok's ability to teach is backed up with Dr. Laurence's letter with evaluations. Mr. Miller urged the Board to give Dr. Torok another chance. Trustee Davis said his understanding was that the mental disabilities are the explanation for the charges confirmed by the committee and brought against Dr. Torok. Mr. Miller is not disputing the charges, but saying that Dr. Torok has an illness and is rehabilitated, and that information was presented to the committee. Trustee Davis asked if the facts, circumstances and evidence of rehabilitation were in the record. Mr. Miller said the results were presented to the committee to the best extent possible. He added that they were presented in a limited way, on the basis of what the committee thought they could consider under the circumstances. He believes that Dr. Torok's illness is in 100% remission, but the only record that reveals that is the conduct of his research. There is no teaching record at this time because he hasn't been allowed to teach, and there is no extension record since he has not gone out and represented the university since this matter began. Trustee Davis asked if Mr. Miller made the same request of the committee that would allow him to teach if he was given the opportunity to prove that he was rehabilitated. Mr. Miller said yes. Trustee Davis stated he wanted to be sure that the Board was not being asked to consider any new evidence with respect to the disability or the rehabilitation. Mr. Miller said no. Mr. Hickey stated that Mr. Miller would have approximately twenty-two minutes for rebuttal.

Mr. Rod Lang, Senior Associate General Counsel for the University of Wyoming, spoke on behalf of Dean Galey, acknowledging that the Board wants to hear about ADA and that he would get to that discussion quickly. It is important to make a point at this meeting and what is most

outstanding about this very unpleasant task. He stated it is the work that has been done by university faculty and administrators in evaluating the performance of Dr. Torok. He further advised the Board that they needed to understand the process that UW had gone through, stating that the individuals involved have followed Trustee regulations and University regulations in great detail.

The unsatisfactory rating involved the determination by a department head and another department head that Dr. Torok's performance in research and teaching in 2003 was unsatisfactory. Dr. Torok then asked for a review of that through the dean of the college of Agriculture, and he determined that it was unsatisfactory. The dean then invoked a course of action under unireg 808 which is the process for post-tenure review. It is the opportunity that UW gives to faculty to try to work with their peers and try to improve their performance to try to eliminate any unsatisfactory aspect. The purpose for going through all of that is because UW's faculty understands that tenure is crucial to academia. They also understand that scholarly work comes with responsibilities and accountabilities, and 808 is the tool to review responsibility and accountability. The next step was that the College of Agriculture tenure and promotion committee (outside of Dr. Torok's department) reviewed the unsatisfactory performance. They concurred that Dr. Torok's performance was unsatisfactory and recommended that he be placed in a post-tenure review process. Dr. Torok started that process again. At that point (January 2005) and irrespective that he was placed in post-tenure review in July 2005, Dr. Torok completed two drafts of a performance enhancement plan. The process goes from January to February of 2005 and although Dr. Torok didn't initially agree, he has finally agreed and begins work on his PEP. Dr. Ballenger helps Dr. Torok by saying exactly what is needed and asks him to write a plan and he will receive feedback. He prepared his PEP 1 plan, and it is reviewed by Dean Galey and Dr. Ballenger, who tell him his plan is not acceptable. Dr. Torok expands on his plan, and Dr. Ballenger and Dean Galey again tell him that it is unacceptable and is not meaningful. Under UniReg 808, Dr. Torok has the right to appeal and goes to the college tenure and promotion committee. The college tenure and promotion committee reviews his plan, and again concurs that he has not performed and created a meaningful PEP. They recommend that that is cause for dismissal under UniReg 801. UniReg 808 allows Dr. Torok to go to the

university T&P committee comprised of 12 university faculty members. Their hearing lasts for two days, taking testimony from various campus constituents with no attorneys. After reviewing Dr. Torok's case, ten of the twelve individuals say that his PEP is not a meaningful plan.

The recommendation from the university tenure and promotion committee went to the vice president for Academic Affairs, returned to the dean, who brought the charges and then Dr. Torok was informed of the Faculty Senate ad-hoc committee. The committee (five individuals) spent three days in hearings with attorneys present and taking testimony. They concurred that it was not a satisfactory plan at the end of the hearing. Mr. Lang wanted to be sure the Board had a clear picture of the entire process that had occurred prior to the Trustee meeting.

Trustee Lauer asked if with regard to the PEP or performance evaluations, if a faculty person has mental or physical illness that is non-ADA certified or approved, is it UW's position that the mental illness cannot relate to the evaluation. Mr. Lang said it was UW's position to work with whatever facts they had available. If there is no diagnosis, that would not be part of the consideration of the disability. UW is looking at the performance, and Trustee Lauer stated that if there was no qualified disability, there was no consideration of any disability. Mr. Lang said there's no way for the members evaluating the case to know if there's a qualified disability. Trustee Lauer asked if with a doctor's report, was there no qualified ADA disability. Mr. Lang then said that was not what UW had in January 2005. There were 3 different medical evaluations that UW got. The first one was in 2001 with no documentation and no request for accommodation. There was one document in the record that UW has in the form of a memo written in November of 2001, after a meeting occurred in July 2001. The memo was brief, and Mr. Lang said that it needs to be understood that there has been no determination that there is an ADA disability and no accommodation is necessary. The doctor's note in 2001 stated that Dr. Torok was going through transitions in medication. Dr. Bradley, department head, determined that they could work with Dr. Torok during his transitions in medication. He appointed a graduate teaching assistant to assist Dr. Torok and help keep him on task. That occurred in the spring of 2002, as Dr. Torok didn't teach in the fall of 2001. At the end of 2002, Dr. Bradley determined that it was a waste of resources to assign a graduate teaching assistant, based on the

assistant's feedback. Dr. Torok noted in the fall of 2002, he taught again, and in his own words and in his annual update he said "the reason is I tried all these new teaching methods and I plan to change." In other words, he felt it was a disaster and all his student evaluations indicated the same. Dr. Torok did not say it was because he had a medical condition or because he didn't have a graduate teaching assistant. He accepts responsibility for his condition, but now in his argument he says it's because he didn't have a teaching assistant and there was no accommodation, therefore, he did a poor job. In 2004, there are a long series of e-mails between the department head and Dr. Torok regarding whether or not he has some kind of disability. Mr. Lang said in October 2004, after being put in post-tenure review Dr. Torok provides a doctor's evaluation. The doctor at that time says that Dr. Torok has three disabilities and lists them. In response, the University has a doctor's order that there are three disabilities, the doctor being a family practitioner, recommended that Dr. Torok get a graduate teaching assistant. Under ADA, there are several steps an employer has to take. First, the employer has to know what the person's disability is and that is what UW started to do. UW needed to determine what disabilities he had, and one was fairly apparent. UW talked to him about it and worked with him in compliance with the ADA guidelines where UW attempted to determine if the individual has a disability and how that disability affects the essential functions of the employee's position. The last step is to determine what accommodations, if any, can the employer make to assist the employee. UW started the process in the fall of 2004 but between October 1 and December 13, Dr. Torok was not at the university as a result of an e-mail he sent to UW regarding an immediate health crisis specific to him. UW told him to go home, see a doctor and don't come back until you can tell us you can come back. There were many e-mails and ultimately he was released to return to UW December 13, 2004. During that time frame, he was not teaching and his teaching load was reassigned. Concurrently, the ADA process was underway at UW. When Dr. Torok returned in January 2005, UW said 1) he is back in the post-tenure review process and needed to work on the PEP, and 2) UW was still working on the ADA evaluations. UW felt that they had made some accommodations for one of the disabilities. One of the disabilities that was alleged was psychic-manic disorder, and UW realized that there was not enough information to even determine if he had that disability and didn't know what impact it had upon the essential functions of his job. UW required Dr. Torok to have evaluations by clinical, medical personnel

that the university paid for. He went to two professionals: one a psychiatrist and one a psychologist. Mr. Lang spoke further about the letter (July 29, 2005) from the psychiatrist that says they agree there is something going on, but they have limited information due to the limited cooperation provided by Dr. Torok. The third evaluation of Dr. Torok was in a letter received on August 17, 2005, written on August 10, 2005 by biological psychiatrist Dr. Lawrence, stating that Dr. Torok has bipolar disorder and had been misedicated. His medication had to be changed, and he needed a graduate teaching assistant. UW responded in September (copy in trustees' packets) with a letter that said they would pay for Dr. Torok to go back and see the UW-designated psychiatrist. This is because there is no information regarding Dr. Lawrence or what information he may have been given about Dr. Torok's past performance, and UW was still trying to work out the ADA issues. The letter from UW was given to Dr. Torok sometime in September 2005. Dr. Torok did not respond. Mr. Lang then spoke about the fourth document, a letter that Mr. Miller spoke about dated November 4, 2005. Dr. Torok saw his psychiatrist again who told him he was 80% back to normal and within two-six weeks, should be 100% normal. The University of Wyoming was not given a copy of this information. UW found out about the November letter in January 2006 during discovery and in preparation for the hearing on dismissal.

Mr. Lang then looked at the assertion that Dr. Torok's conduct productivity, including his teaching, research and preparation of the PEP were not adequate, allegedly due to the undiagnosed bipolar disorder and misedication with Zoloft. When looking at the facts in front of the Board, Mr. Lang said the whole matter didn't hold water. First, the Board would want to determine what would be the baseline for Dr. Torok, and what would be normal. He noted all the PEPs in the 1990s and they're all satisfactory. The comments however, consistently stated that Dr. Torok did not have a good research plan. Mr. Hickey asked what the relevance of the comments was. Mr. Lang said the Board could next review an evaluation of an extension workshop in Sweetwater County in 1996, noting that one of the participants said they did not appreciate Dr. Torok's mannerisms or attitude. This was well before any assertions that Dr. Torok was not well. It also gives insight into his extension duties being taken away from him in 2001. Mr. Hickey asked Mr. Lang to tie together the comment from 10 years ago and the current

matter, as well as defining the relevancy. Mr. Lang said his purpose was to show that Dr. Torok's biological psychiatrist felt he was 80% back to normal and 100% normal by December 2005. The question is what was normal for Dr. Torok? The Board can only look at the record before them. Dr. Torok said his publications are proof of performance from 2003-06. His peers disagree and find research unsatisfactory. The PEP that he completed to an month to produce with input from the department head, the dean, and input from outside individuals. His brief also says it wasn't such a bad plan after all, and others have said it was adequate. This plan said that the work Dr. Torok did was fine while he was impaired. Mr. Lang said his PEP was rejected by his peers at UW.

Trustee Palmerlee asked what the PEP is for and what it's supposed to accomplish. Mr. Lang said it is a plan to be established in conjunction with the department head and the dean on how one is going to go forward. It is also to improve whatever area a person might be unsatisfactory in. Dr. Torok received guidance and direction from Dr. Ballenger in writing. The PEP also provides the ability to monitor what's occurring during the year. Dr. Torok would have the Board believe that his performance has improved. He is currently not under a PEP accepted by UW. UW also has no way of knowing if his performance has, in fact, improved. Mr. Lang went on to say that Dr. Torok has stated that since January 2005, he has produced five refereed publications and five refereed presentations for conferences, and one refereed journal article pending. This would mean one of two things: the Zoloft had no impact and the publications are good as he says, or when the time period is stated as 2005-2006 it means from November 2005 to today, meaning there were 11 publications within less than six months. Mr. Lang submitted to the Board that they need to be very skeptical of this claim, although there are faculty that could do this amount of work. Currently, UW is not monitoring Dr. Torok.

Trustee Richards asked how long does the PEP typically take, and during the PEP, is it monitored regularly? Mr. Lang said there is not a typical length of time, and this is the first case that's gotten this far at the University of Wyoming. The UniReg outlines what has to happen, and when talking about teaching, the UniReg looks for turnaround within one year. It is obvious that UW has set a timeline for one year so as to not put students at risk. In talking about research, the

plan accepts the fact that research takes time, so it's a 3-year period that the plan looks at. In this case, the termination was after two drafts, and Dr. Torok refusing to prepare a meaningful PEP.

Mr. Hickey asked for elaboration on process of faculty developing their own PEP. He understands that this is normally prepared by the supervisor or employer. This tool is normally generated by the supervisor—not the employee. Why did UW choose not to endorse the more traditional method of evaluating employees. Mr. Lang then asked if he could have notice from Mr. Hickey when he had fifteen minutes left, since he wasn't sticking to his written notes. Mr. Lang said the answer to Mr. Hickey's question lies in the uniregs and the experience and history of academia. The thrust of the performance enhancement plan is that it is used if a faculty member's performance is considered to be lacking. The expectation is that the professional with the expertise needs to help draw up a plan to meet the teaching, service and other duties that is viewed as satisfactory by both the faculty member and his/her peers. In Dr. Torok's case, Dr. Ballenger assisted Dr. Torok by listing the types of things he needed to look at, as well as pointing out pertinent uniregs he should also consider regarding teaching performance. One exhibit that Mr. Lang brought to the Board's attention was called Charging Party, cp exhibit 39. That exhibit was prepared by Dr. Bradley to determine if Dr. Torok had performance issues, and compiled a list of Dr. Torok's class, and also a list of his course evaluation scores. Dr. Bradley explained this in detail in his testimony and the exhibit. The importance of this is that there are many annotations noting poor performance in the margins. The only class with positive evaluations were his ag sales class, which was not a required class. Trustee Lauer asked if UW has had an expert in this type of disease review this information, and/or review this trend in the case of someone who is bipolar. Mr. Lang said no; UW holds employee accountable for their conduct even with an ADA disability.

Mr. Lang listed the merits of the case before the Board. There is low research productivity, which in and of itself was not grounds for termination. The second charge is failure to produce a meaningful PEP. Mr. Lang said the charging party urges the Trustees to accept their determination. Mr. Lang also reviewed evaluation comments from students, stating that teaching is the core mission of the university. Dr. Torok's performance was unacceptable by any

measure, and his name stood out consistently as not a good teacher and is reflected by student evaluations. Mr. Lang then talked about disruptive activities in the department. Exit interviews were also mentioned and are completed by department heads and are reviews of each exiting seniors from the department. Dr. Torok's name stands out negatively on a consistent basis. Accounts of personal behavior were also presented in the briefs, and Mr. Lang called the Board's attention to the overall negative comments. Mr. Lang read some of the comments about the wide range of his behavior in regards to respect for his students and problems with his mannerisms in the classrooms.

Dr. Torok summarized his behavior in an e-mail to Ballenger and other colleagues in response to departmental retreat in September, stating that there have been no inconsistencies in regards to students. Dr. Torok also admitted hiring students to assist with attendance and grading, and gave them 10 points toward the exam of their choice. Dr. Ballenger came to the department in the fall of 2004. Dr. Torok had already been placed on the PEP and the post-tenure review process as of the summer of 2004. Dr. Ballenger recounted numerous interactions with students that complained about Dr. Torok and the faculty members' complaints also.

Mr. Lang also talked about the disruptive behaviors of Dr. Torok. Reports that were made to faculty members of the department caused them to go to the department head and ask what could be done about the complaints. Dr. Torok has had a direct impact on his department and peers, and there was evidence in the record that Dr. Torok had hindered a recent search process in his department. He used threats of legal action as a means of intimidation to departmental peers and college peers involved in his post-tenure review process. Due to this type of action, one professor made the decision that he would no longer serve on any committees with Dr. Torok. Dr. Ballenger testified on Dr. Torok's behaviors and the effect on the department overall in the ability to recruit students and maintain a reputation.

The PEP is in compliance with UniReg 808. In terms of a PEP, two drafts were submitted, and after a month-long period, the college T&P committee found that further remediation was useless and recommended termination. The university T&P committee also concurred with that

decision. The purpose of the plan is to allow the faculty member to be monitored and see improvements in performance. Dr. Torok is not currently and has not been under a PEP as envisioned under UniReg 808.

Mr. Lang said the trustees needed to ask themselves if the University of Wyoming have a tenured faculty member who asked male and female students offensive questions and subject them to offensive behavior. He related the various types of metaphors used by Dr. Torok as description of his teaching assistants, asking again if UW should have a tenured faculty member who flips coins to award grades, barges into other colleagues' classes and disrupts class, uses profanity in class, or someone who feels that hunting is more important than attending a departmental retreat and trumps employment activities in September. Should UW have a tenured faculty member who when confronted with his conduct, repeatedly refuses to prepare a meaningful PEP. Dr. Torok's peers, department heads, the dean of his college, and the president of UW don't think so. Mr. Lang stated that it was his position that the University of Wyoming immediately terminate Dr. Torok's employment at UW.

Mr. Hickey thanked Mr. Lang and advised Mr. Miller that he had twenty-two minutes for a rebuttal. Mr. Miller initially said that they weren't going to deny these things happened and he reviewed the transcripts to determine who made what specific comments. He also noted that it was important for the Board to recognize that comments about Dr. Torok's language in fall 2002/spring 2003 that a young lady that was offended by the comments. It was during that time that Dr. Torok was under treatment for hormonal disease illness that was very significant and very rare. The comments came to light and Dr. Torok asked his doctor about the problem, and adjusted his medication. After spring or fall of 2004, there was a point when those comments went away. Mr. Miller compared it to a type of tourettes syndrome where Dr. Torok had a difficult time controlling his activities.

Mr. Hickey asked what was in the record that would justify retaining Dr. Torok in his view, and also asked him to show where the evidence was in the record regarding the hearing of the ad hoc committee of the faculty senate getting it wrong. Mr. Miller said it was the medical reasons for

his behavior that caused him to act this way. Dr. Torok admitted and took responsibility for some of his acts at that time, and some people did like the classes in spite of his behavior. Mr. Miller did say that he wouldn't try to tell the Board that Dr. Torok's behavior was appropriate, since it was not. Trustee Lauer said Dr. Torok now admits this, but during the review he denied these things at each level of evaluation and review. Mr. Miller said he noted Dr. Torok admitted he could not even remember some of the people because it was pertinent to the case, and tried to explain his behavior. Mr. Miller also said that at the T&P meetings there was a different focus and it was all up to Dr. Torok to defend himself, etc. and he lost his objectivity at that point. He stated that he doesn't think the issue is that Dr. Torok did or didn't act inappropriately. Trustee Palmerlee asked what the issue was then if not his behavioral problems. Mr. Miller said it's because Dr. Torok has gone through four-five years of help and it took him three years to figure out how to start taking corrective action. It took him one year to take the corrective action and two years to find out that the diagnosis and treatment was inappropriate, and was then able to sort out the mental illness. That's the issue at hand for the Board to consider, and allow him another chance. Mr. Hickey said where in the UniRegs does the Board have the authority to overturn the reviewing committees' recommendation, as this Board does not direct the contents of performance evaluation. Mr. Miller said the UniRegs in this instance are not adequate and the decision of the reviewing committees can be overturned.

Trustee Dick Davis said he understands that the first time that Dr. Torok provided information to UW he was suffering from a mental illness, had been misdiagnosed and this was a bipolar situation which could be treated and he would be fine was in August of 2005 with one letter. His response to UW to review and verify his illness as determined by physicians identified by UW was ignored. Mr. Miller said that was not correct and at the point of the August 2005 letter, he and Dr. Torok were in the process of this case. The last opportunity Dr. Torok had was when he saw Dr. Metzner in June 2005. Trustee Davis noted that he's having a hard time buying the argument, and if this was truly medical, why would he refuse to go to doctors recommended and paid for by UW to prove his condition. He was invited again to see university doctors and he refused. Mr. Miller said that after Dr. Metzner stated that he didn't have enough information and told Dr. Torok he could have provided more. Dr. Metzner did write that Dr. Torok was probably

bipolar and his current use of Zoloft was exacerbating his symptoms; however, due to the clash that occurred, Dr. Metzner would not see Dr. Torok again. That is when Dr. Torok went to Dr. Lawrence. Mr. Miller reiterated Dr. Torok's performance improving when he had a teaching assistant and declining when he didn't, which shows he needed help to focus in addition to proper medical treatment.

Trustee Richards asked again why Dr. Metzner would not meet with Dr. Torok any more, and if it was in response to his refusal to provide more information. Mr. Hickey said it would be to Dr. Torok's advantage if this is contained in the record as the review is limited. He would also ask Mr. Lang to say yes or no as to whether this is in the record.

Mr. Hickey allowed Mr. Miller a moment to confer with his client to provide final comments. Mr. Miller said he wanted to answer the question and Mr. Hickey said it is contained in Mr. Lang's brief that it says on August 17, 2005, Dr. Torok presented a letter from Dr. Lawrence regarding his disorder. On September 1, 2005, Dr. Allen sent a letter to Dr. Torok stating that he had reviewed the letters from Dr. Metzner and Dr. Thomas in conjunction with the disability claim, but found there were still critical questions unanswered. Dr. Allen agreed that UW would again arrange and pay for another meeting with Dr. Metzner as long as Dr. Torok would provide all his medical records and cooperate. Dr. Torok did not comply with the request. In preparation for the hearing on January 26, 2006, Dr. Torok received another letter dated November 4, 2005 to the same effect that has not been presented to the university. Mr. Hickey is having a hard time buying the argument that if there is a claim that these medical problems were the cause of these behaviors, why would Dr. Torok not try to get to the bottom of this and prove to the committee at the university where he was invited to do so.

Mr. Miller said Dr. Torok has taken Dr. Metzner's opinion that he couldn't see him and he believed that was the end of his communication through doctors through the university until he could get a significant answer. He added that the EEOC complaint had been filed at that time, and Dr. Torok felt that the responses from the doctors needed to be provided through the EEOC. The November letter did not go to the university; rather it went to the EEOC. The copy is on

page 473 of the transcripts. Mr. Miller conveyed the comments that Dr. Metzner said he wouldn't see Dr. Torok again since he had already diagnosed him. He also added that the parties were at odds at that point in time.

Mr. Hickey offered Mr. Miller a couple of minutes to make final remarks to the Board in his rebuttal. Mr. Miller asked the Board of Trustees to make a decision that is very difficult. He asked the Board to carefully review the entire record, and agreed that the few complaints raised in the recommendations were valid. He also noted that the Board of Trustees had a meeting in 1996 or 1997, and after examination, Dr. Torok was found to have performed his duties in an exemplary manner. It was after that that things began to fall apart. Mr. Hickey thanked both counsels for their excellent arguments. He asked them to acknowledge with him that the regulations do not provide a timeline for the Board's decision as he read them and asked if there were any disagreement. Both counsels agreed with that. The Board will take the case under advisement and in due course, will get the decision back to both counsels. Mr. Hickey asked if any trustees had any concluding comments. The Board recessed at 10:34 a.m.

Executive Session began at approximately 10:45 a.m. and ended at approximately 11:25 a.m.

The Board moved back into Public Session at 11:27 a.m. The Board noted that an item regarding personnel must be brought forward. Trustee Palmerlee moved to sustain the actions and recommendations of the faculty sub committee; Trustee Haynes seconded. Motion passed unananimously. Trustee Davis stated that the Board will direct their attorney to prepare the proper legal form for signature.

The Board adjourned at 11:30 a.m.

Update on Energy Council

Dr. Buchanan provided an update on the work of the Energy Council. Their first meeting was on campus and provided a good beginning to the nature and purpose of the energy school. They voted and approved the academic business plan by the second day. Earlier in the week, the

council had met by phone, with three to four university people on site. They had a good discussion and review of current budget as the focus so as to proceed with hiring the director of the school. The group has taken the charge very seriously. Four faculty positions were authorized, and the search for a director is underway. Trustee Davis said he attended the first meeting of this group and they are off to a good start.

Also discussed were recommendations for changes on the Board's meeting schedule, and Vice President Rick Miller wanted to start a process of reviewing uniregs at each meeting. A subcommittee was appointed, comprised of Trustees Palmerlee, Willson and Davis.. Trustee Davis said he would be happy to allow someone else to serve on the committee. Trustee Palmerlee said he thinks the Board should continue with the work on reviewing the UniRegs and to place them into something more comprehensive.

The Board wanted to revise the proposed calendar for the upcoming year, and agreed to move the retreat to later in August.

Business Meeting

Friday, September 16, 2006

Trustee President Dick Davis called the Business Meeting of the Board of Trustees to order at 4:00 p.m.

Roll Call

Trustee Trosper took roll. The following trustees were present: Trustees Brown, Davis, Haynes, Lauer, Neiman, Palmerlee, Richards, Rounds, Trosper, and Willson. Trustees Spicer and True were unable to attend. Ex-officio Trustees President Tom Buchanan and ASUW President Travis Jordan were present. Ex-officio Trustee Freudenthal was unable to attend, so Mr. Chris Boswell, Governor's Chief of Staff attended in his place. Ex-officio Trustee Jim McBride, Superintendent of Public Instruction, was unable to attend.

Approval of Board of Trustees Meeting Minutes

Trustee Davis asked for a motion to approve all meeting minutes as presented; Trustee Haynes moved and Trustee Richards seconded. The motion carried.

Approval of Board of Trustees Meeting Minutes
July 5, 2006

Approval of Executive Session Meeting Minutes
July 5, 2006

Reports

ASUW

Trustee Jordan reported on the retreat that ASUW held the previous week. ASUW has two pieces of legislation ready; one to fund the DIA shuttle and the second to make UW students members of UniWyo. They have completed an agreement with the law school for a student services clinic. ASUW is also looking at implementation of a new student client database and those will be on line this month. SafeRide is up and running with a contract through Enterprise. Travis Jordan was pleased to report that there are many riders on the fixed route system. ASUW

goals and visions were placed in the trustees' packet. ASUW's main goals are transportation, improvement of SafeRide, student payroll, insurance, and a bike library. They also want to work on their finances. Other plans are to tighten up student legal services and student attorney programs. Civic engagement and student leadership is on their agenda as well. Finally, ASUW will work on student-based opportunities to learn on the job and in the state.

Staff Senate

Staff Senate President Birgit Burke reported on the Staff Senate activities. Her goals for this year are to see if Staff Senate can implement a cultural shift and improve staff roles at UW by looking at the overall structure of UW and staff. Other plans are to revamp communication programs through WyoWeb and all the committees within Staff Senate.

Faculty Senate

Mark Sunderman reported on the activities of Faculty Senate and provided a handout of his talking points for fall convocation. Faculty Senate has not met yet this year. They will be looking at review of four uniregs, including 238, 800, 808, and 801. They will also look at the mobile computing initiative, faculty listserv, working with Student Affairs on an alcohol awareness initiative and a suicide prevention grant, and the Take a Trustee to Class activity.

Trustee Davis commented on the Board of Trustees looking at the uniregs and hopes the subcommittees from the Board and Faculty Senate will work together.

Public Testimony

There was no public testimony.

Committee of the Whole (Regular Business)

1. Audit and Fiscal Integrity Committee Report, Lowe

Trustee Brown reported on the work of the Audit and Fiscal Integrity Committee, noting that the group met in Casper during the fire. They worked on many issues, and met with the auditor.

Minutes were provided to committee from the meeting. Trustee Rounds said there would be a full report at the next meeting. The committee did have the chance to meet privately with Wayne Herr of McGee, Hearne & Paiz, and there was an opportunity to direct him to different areas that needed additional attention.

Committee of the Whole (Consent Agenda)

1. Approval of Contracts and Grants, Gern
2. Personnel, Allen
3. Approval of Process for Construction Change Order, Harris
4. Approval of Supplemental Budget Requests, Harris
5. Authorization of Stock Transfers, Harris
6. Approval of Section I Budget Increase, Harris

Trustee Haynes moved to approve the Consent Agenda as presented; Trustee Richards seconded. Trustee Neiman asked to remove item 3 for further discussion and clarification. The Board voted to approve the Consent Agenda with the removal of Item 3; motion carried.

Trustee Neiman said he was uncomfortable with the language of the request and the possibility of a cumulative of 5-20% for the construction orders. Vice President Harris said they could put an upper limit that the cumulative amount would not exceed the 20% with no problems. The wording was on page 31, Item 3, "... any individual or combination of change orders that are in excess of 20% would be submitted to the Board for approval." Trustee Neiman moved to approve item 3 with the revision of wording; Trustee Haynes seconded. Motion carried.

New Business

The Board's meeting calendar is to be considered as revised. Trustee Neiman said he had a conflict for the next meeting date. The September 2007 meeting was added and will coincide with the Foundation Board meeting in Laramie. Trustee Rounds moved to approve the Board's new meeting schedule with the changes. Trustee Haynes seconded. The motion carried.

Date of next meeting

The next meeting of the Board is October 26-28, 2006 in Laramie, Wyoming.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 4:35 p.m.

Respectfully submitted,



Shannon Sanchez
Deputy Secretary, Board of Trustees



Crystal R.M. Bennett
Asst. to the Vice President for Administration