

THE UNIVERSITY OF WYOMING
BOARD OF TRUSTEES MINUTES

June 6-7, 2007

**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
June 6-7, 2007

WORK SESSIONS

Budget Development, Buchanan	1
Introduction of New UW Police Chief, Harris	3
Progress Report on Safety, Axelson	4
Trustee Regulation re: Health Insurance, Harris/Miller	5
2007-2008 Biennium Section I (Agency 067) Budget Authority Increase; Graduate Assistants Tuition Scholarships, Harris	6
Guaranteed Maximum Price (GMP) for Information Technology Facility, Harris (<i>item not found in the official BOT Report; materials distributed at the meeting</i>).....	7
Business Meeting , Parkway Plaza (Mardi Gras Room)	12
Roll Call	12
Approval of Board of Trustees Meeting Minutes	12
May 2-4, 2007	
Approval of Executive Session Meeting Minutes	12
May 2-4, 2007	
Reports	12
ASUW	
Staff Senate	
Faculty Senate	
Public Testimony	13
Committee of the Whole (Regular Business)	13
1. Audit and Fiscal Integrity Committee Report, Lowe	
2. UniReg 35 Grievance, Miller	
Committee of the Whole (Consent Agenda)	14
1. Approval of Contracts and Grants, Gern	
2. Personnel, Allen	
3. College Quasi-Endowment, Ballenger	
4. Proposed Degree: BA in Physics, Abernethy	
5. Proposed Name Change: College of Engineering to College of Engineering and Applied Science, Allen (<i>title change as noted above</i>)	
6. Trustee Regulation re: Health Insurance, Harris/Miller	
7. 2007-2008 Biennium Section I (Agency 067) Budget Authority Increase; Graduate Assistants Tuition Scholarships, Harris	

8. Guaranteed Maximum Price (GMP) for Information Technology Facility, Harris
(added after discussion during the Work Session)

New Business15

Date of next meeting15

- Board of Trustees Retreat; August 24-26, 2007
- September 6-8, 2007; Laramie, Wyoming
(Joint Meeting with Foundation Board)

Adjournment15

THE UNIVERSITY OF WYOMING
MINUTES OF THE TRUSTEES
June 6-7, 2007

Members of the Board of Trustees were hosted for dinner by Casper community alumni, friends and donors on Wednesday, June 6, 2007, at the Petroleum Club in Casper, Wyoming. The Board had lunch with UWCC Skelton Scholars and outstanding faculty in the Parkway Plaza Tiffany Room on Thursday, June 7, 2007.

Work sessions were conducted Thursday, June 7, 2007. The Board of Trustees also held their Business Meeting on Thursday, June 7, 2007.

Friday, June 7, 2007, the Board convened in Executive Session from 8:15 a.m. until 9:20 a.m. After Executive Session, Trustee President Dick Davis called to order the public meeting, which began at approximately 9:38 a.m. First item of business, Trustee Dave Palmerlee requested action be taken on the issue pertaining to UniReg 35 faculty grievance resolution. Trustee Palmerlee moved that the Board accept the recommendation of the President, recognizing: 1) the President accepted the committee's recommendations only generally with comments, 2) the President's recommendation was not objected to or contested by any interested parties, and 3) the committee's recommendation and the President's acceptance thereof are confined to this case and do not constitute policy or procedure. Trustee Rochelle seconded the motion. Discussion by the Board followed. Trustee Lauer noted that the Board did receive a report from independent counsel regarding the matter and that he agreed with the recommendation. The motion carried as follows.

Roll Call Vote:

Bostrom, Dave- Aye
Brown, Chuck- Aye
Davis, Dick- Aye
Haynes, Taylor- Aye
Lauer, Warren- No
Neiman, Jim- Aye
Palmerlee, Dave- Aye
Rochelle, Anne- Aye
Rounds, Peggy- Aye
Spicer, Tom- Absent
Trosper, James- Aye
Willson, Howard- Absent

AGENDA ITEM TITLE:

Budget Development, Buchanan

CHECK THE APPROPRIATE BOX(ES):

- Work Session
 Education Session
 Information Item
 Other Specify:

MINUTES OF THE MEETING

President Buchanan began by stating that this conversation is a continuation of last month's Trustee discussion. President Buchanan then discussed the timeline for submission of the budget and approval sequence. College of Business Dean Brent Hathaway gave a presentation on the future of the College of Business. He distributed materials which detailed the site plan for the new facility and displayed a 3-D model of the new College of Business. Dean Hathaway noted that the College of Business will be the first LEED certified building on campus. They hope to have the project completed by summer or fall of 2008 and occupied in the fall of 2010.

Vice President Phill Harris discussed the power plant conversion. We do not have a supplier in Wyoming who is delivering our coal because of the amount we need. Vice President Harris then discussed the levels of planning and explained where we are with the following projects: fine arts, science teaching lab, student housing, and Half Acre. It was noted that these are listed in order of priority.

There was conversation from the Board regarding the fine arts facility, its size, the future vision for this building, the art department's involvement, and space issues. The Board then discussed housing in Laramie, how the market has changed over the years, what is needed to provide for the mix of traditional/non-traditional students and families, providing competitive housing, and bonding between capital construction and the University.

The Board continued its conversations and discussed outreach, athletics, etc. They then focused their attention on economic development, water, health care, tuition, and parking/transpark.

President Buchanan stated that he will continue to update the Board every Friday regarding our budget discussions.

AGENDA ITEM TITLE:

Introduction of New UW Police Chief, Harris

CHECK THE APPROPRIATE BOX(ES):

- Work Session
 Education Session
 Information Item
 Other Specify:

MINUTES OF THE MEETING

Vice President for Administration Phill Harris introduced the new University Chief of Police, Troy Lane, to the full Board. Vice President Harris noted that Mr. Lane is from Kansas State University where he served as the assistant director. He has extensive experience in community service; criminal investigations, including homicide, sexual assault, and domestic battery; critical incident management; and personnel training. We are pleased that he has joined our team.

AGENDA ITEM TITLE:

Progress Report on Safety, Axelson

CHECK THE APPROPRIATE BOX(ES):

- Work Session
 Education Session
 Information Item
 Other Specify:

MINUTES OF THE MEETING

Vice President for Student Affairs Sara Axelson briefed the Board about safety issues on campus. She noted that at the last Board of Trustees meeting the Trustees were briefed on the safety report submitted to President Buchanan. Vice President Axelson then discussed the student code of conduct. She noted that she and Vice President for Information Technology Robert Aylward attended a conference in Oklahoma recently to discuss current safety efforts at UW, lockdown ability, emergency communication dissemination, etc. Several other officials are also evaluating these projects, including Jay Fromkin, Director for University Public Relations, and Dave Cozzens, Dean of Students and Associate Vice President for Student Affairs. Vice President Axelson noted that the University is currently forming an MOU with the local law enforcement agencies. The University will also be drilling and practicing emergency response tactics, and by fall Vice President Axelson hopes to have it all in place.

AGENDA ITEM TITLE:

Trustee Regulation re: Health Insurance, Harris/Miller

CHECK THE APPROPRIATE BOX(ES):

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

MINUTES OF THE MEETING

Vice President for Governmental, Community and Legal Affairs Rick Miller led the discussion about changes to the Trustee Regulation regarding health insurance. He walked the Board through the materials, detailing the changes to the UniReg. Vice President for Administration Phill Harris discussed the numbers and cost to the University, noting that on average we will have about the same level of costs.

There was extensive conversation between members of the Board regarding financial impact on the state, cost to the University, benefits to employees, state review and/or approval, and incentives for managing sick leave.

AGENDA ITEM TITLE:

2007-2008 Biennium Section I (Agency 067) Budget Authority Increase; Graduate Assistants Tuition Scholarships, Harris

CHECK THE APPROPRIATE BOX(ES):

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

MINUTES OF THE MEETING

Vice President for Administration Phill Harris referred to page 5 of the Board of Trustees Report. He explained how the University budgets for the cost of the scholarship and this will help attract graduate students to these programs. He noted that this proposal was brought forward by the Graduate School.

The Board discussed a permanent increase versus a temporary increase and how this will be a creative way to enhance our graduate assistantship program.

AGENDA ITEM TITLE:

Guaranteed Maximum Price (GMP) for Information Technology Facility, Harris

CHECK THE APPROPRIATE BOX(ES):

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

BACKGROUND AND POLICY CONTEXT OF ISSUE:

The 2006 Legislature appropriated \$34,942,100 for the Information Technology Facility. Since the appropriation, the Facilities Planning Office has completed the architect's agreement with Tobin and Associates Architects of Cheyenne, in association with Anderson Mason Dale Architects of Denver. A Construction Manager-at-Risk (CMAR) was contracted in December 2006 to assist the architect, the Information Technology Planning Team, and the Facilities Planning Office in developing the design, providing constructability reviews, and developing a Guaranteed Maximum Price (GMP) for the project, within the budget established by the legislative appropriation.

The Project will consist of a new three story, 86,664 gross square foot facility located north of King Street and south of Sorority Row, adjacent to the Fine Arts Building. A 6,000 square foot central computing facility, along with offices, training rooms, development labs, computer purchasing and repair facilities for Information Technology, and a 24-hour student computer lab will be included within the facility.

The site improvements will include the demolition of the existing Honors House Building. The Honors Program will be relocated to the former Kappa Sigma House when the renovation is completed. The Honors students will temporarily be housed in the residence halls, until their facility is completed. The new Honors House is in the construction documents phase and will be bid in late July.

The ITF project has been in the design process since the July of 2006. The design team completed the 50% construction documents in mid-March 2007. Since that time, the University, the architect, and the CMAR have been managing the completion of the construction documents along with the constructability of the project and costs of construction to develop a GMP within the budget established by the 2006 legislative appropriation. The budget anticipated a construction cost with a design contingency of \$24,290,556. The design contingency allowed for the inclusion of a portion of two large (16 inch) chilled water loop pipes necessary for cooling the facility from Willet Drive south to Sorority Row and then west to 15th Street, which was not anticipated in the original project budget. The loop will permit the connection to the central campus system, providing greater capacity in the very short term, for capital projects such as the ILLC. With the development of the design for the central computing facility, further clarification of the infrastructure that should be included in the construction and those portions that should be held for purchasing by the University, at the time of occupying the building,

permitted the movement of approximately \$800,000 from the original Technology Equipment budget to the construction budget. That permitted a \$26 million dollar construction budget for the GMP.

The CMAR would like to begin bidding portions of the project so that an August 6, 2007, on site construction start can occur. At the time of their proposal in October 2006, the CMAR put forward a construction period of 485 days, or 16 months, to complete the project at the time of their proposal in October 2006. That construction period is still valid, with substantial completion of the project in December 2008. The construction documents will be 90% complete by June 8, 2007. Those documents will provide the CMAR with the information necessary to receive competitive bids for sections of the project.

The CMAR, Haselden Construction, LLC of Centennial, Colorado, and Pope Construction, Inc. of Casper, Wyoming, have proposed a final GMP of \$25,938,496. This GMP is acceptable to the University Facilities Planning Office, the ITF Planning Team, and the architect.

During the construction of the project, the Facilities Planning Office will include members of Residence Life and Dining Services, the Residence Hall Association, and a student proposal by ASUW, in the construction meetings with the architect and CMAR, to coordinate the construction with the surrounding residents.

PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:

May 2005: Trustees approved hiring of the design firm Tobin & Associates, in association with Anderson Mason Dale Architects for design of the ITF.

September 2005: Trustees approved the capital request for the ITF and the facility site.

October 2006: Trustees approved Haselden/Pope as the CMAR for the Information Technology Facility.

WHY THIS ITEM IS BEFORE THE BOARD:

This request of the Board is to approve the CMP, to start the process for the construction of the project. The timing is critical for contracting the major subcontractors for the project and bidding major portions of the project, such as steel, glazing, and storefront materials, to lock in the pricing as soon as possible.

ARGUMENTS IN SUPPORT:

- The Construction Manager-at-Risk process has been successful in the Washakie renovation and addition and with the WTBC.
- The Health Sciences project benefited from incorporating a construction team into the planning and design process for the project. The project bid within the budget. This process is similar to a CMAR process, with the exception of the bidding of the entire project.
- The CMAR ensures that a contractor is and will be available for the project, in a time when the construction market will still have high demand for construction services.

- The Wyoming Legislature has approved the CMAR delivery process with its incorporation into the public works statutes.

ARGUMENTS AGAINST:

- The CMAR process is a departure from the normal design-bid-build process. However, the subcontracts under the CMAR will be competitively bid as required by the agreement with the CMAR, with preferences for Wyoming subcontractors and material suppliers in accordance with the Wyoming Public Works Statutes. The 2006 Wyoming Legislature passed a Construction Manager-at-Risk form of construction delivery statute for public work.

ACTION REQUIRED AT THIS BOARD MEETING:

Trustee approval for the Project Budget and Guaranteed Maximum Price developed by the Construction Manager-at-Risk, will be required at this meeting in order incorporate the CMAR into the development of the design and in the construction documents to improve costs, constructability and timing of the project.

PRESIDENT'S RECOMMENDATION:

It is recommended that the Board of Trustees authorize the Guaranteed Maximum Price of \$25,938,496 to complete the construction agreement with Haselden Construction, LLC of Centennial, Colorado, and Pope Construction, Inc. of Casper, Wyoming.

INFORMATION TECHNOLOGY BUILDING

PROBABLE ESTIMATED PROJECT COSTS

Sitework	Building demolition, utilities, pavement, landscaping, lighting, asbestos removal.	\$979,592	
Building	New Construction	\$23,816,096	
Total Construction Cost Subtotal		\$24,795,688*	
Design Contingency		\$1,204,312	
Total Construction Cost			\$26,000,000*
Design Fees	Includes basic architectural fees plus special consultants including IT, AV, acoustical, landscape, civil engineering and building commissioning		\$2,346,976
Construction Contingency			\$1,204,312
Furniture, Fixtures and Equipment anticipates mid 2009 installation			\$2,172,065
Technology Equipment anticipates mid 2009 installation			\$1,333,571*
Moving Expenses (Includes \$140,000 IT Switchover)			\$430,000
Miscellaneous	Telecommunications equipment & install, signs		\$361,290
Administrative Expenses			
	Document duplication, construction materials testing, construction oversight, communication, consultant reimbursables, code review fees, plant investment fees.		<u>\$1,083,880</u>
Total Probable Costs			\$34,932,094

* Line item changes from appropriation request.

MINUTES OF THE MEETING

Vice President for Administration Phill Harris informed the Board that the materials for this agenda item could be found in their folder; they are not contained in the official Board of Trustees Report. Vice President Harris then covered the narrative and attached table. The item was then added to the Consent Agenda as item #8.

BUSINESS MEETING

Thursday, June 7, 2007

Trustee President Dick Davis called the Business Meeting of the Board of Trustees to order at 1:59 p.m.

Roll Call

Trustee Trospen took roll. The following trustees were present: Bostrom, Brown, Davis, Lauer, Neiman, Palmerlee, Rochelle, Rounds, and Trospen. Trustees Haynes, Spicer and Willson were not in attendance. Ex-Officio Trustees President Tom Buchanan and ASUW President David Kiren were present. Mr. Chris Boswell, Governor's Chief of Staff, participated on behalf of ex-officio Trustee Dave Freudenthal, via conference phone. Ex-officio Trustee Jim McBride, State Superintendent of Public Instruction, was absent. [Note- Trustee Haynes was present for the morning meeting (Executive Session), but absent for the Business Meeting.]

Approval of Board of Trustees Meeting Minutes

Trustee Davis asked for a motion to approve all meeting minutes as presented; Trustee Lauer moved, and Trustee Rounds seconded. The motion carried unanimously.

Approved Board of Trustees Meeting Minutes
May 2-4, 2007
Approved Executive Session Meeting Minutes
May 2-4, 2007

Reports

ASUW

ASUW President David Kiren stated that he and Zach Gier, ASUW Vice President, are in the middle of their internship, which includes meetings with all the University Vice Presidents, Directors, and various other groups. David and Zach are also working on their goals for the upcoming year.

Staff Senate

Birgit Burke, current Staff Senate President, was unable to attend the meeting. Allen Tanner, Staff Senate President Elect, attended the meeting as her proxy. Mr. Tanner will begin his term as President on July 1, 2007. When Mr. Tanner takes office, he plans to continue the brainstorming activities started by the current administration. He also intends to separate the current Staff Senate committees into smaller committees, allowing duties and responsibilities to be divided. In separating the committees, senators will become accountable and responsible for decision making.

Mr. Tanner stated that the Staff Senate is currently reviewing UniReg 174. They have received a lot of feedback from staff and faculty and hope to add the item to the September Board of Trustees meeting agenda.

Faculty Senate

Faculty Senate Chair Larry Hubbell stated that the Faculty Senate has not met since the May Board meeting. The Senate is planning a retreat in late summer/early fall. Faculty Senate is currently researching salary information for professors—full, associate, and assistant. They are comparing the salaries of full professors with associate level professors.

Public Testimony

There was no public testimony.

Committee of the Whole (Regular Business)

1. Audit and Fiscal Integrity Committee Report, Lowe
There was no report from the Audit and Fiscal Integrity Committee.
2. UniReg 35 Grievance, Miller
See Page 1 of these Minutes.

Before approval of the Consent Agenda, Trustee Dick Davis noted that the title listed under Consent Agenda item #5 should read “Proposed Name Change: College of Engineering to College of Engineering and Applied Science”; with “Sciences” being changed to “Science.” Trustee Davis also noted that #8 “Guaranteed Maximum Price (GMP) for Information

Technology Facility” had been added to the Consent Agenda after discussion during the Work Session earlier in the day.

Trustee Peggy Rounds requested that action be taken on the trust item discussed during Executive Session. Trustee Rounds moved that the Board of Trustees appoint Mark H. Schmidt as Successor Trustee for the James L. Hayward Trust, but that Mr. Schmidt provide UW at least 60 days notice of any intention by him to withdraw principal from the Trust and submit his unconditional offer to resign as Successor Trustee with the notice. Mr. Schmidt will annually report on the fee he charges for serving as Successor Trustee. Trustee Rochelle seconded the motion. Motion carried unanimously.

Committee of the Whole (Consent Agenda)

1. Approval of Contracts and Grants, Gern
2. Personnel, Allen
3. College Quasi-Endowment, Ballenger
4. Proposed Degree: BA in Physics, Abernethy
5. Proposed Name Change: College of Engineering to College of Engineering and Applied Science, Allen (*title change as noted above*)
6. Trustee Regulation re: Health Insurance, Harris/Miller
7. 2007-2008 Biennium Section I (Agency 067) Budget Authority Increase; Graduate Assistants Tuition Scholarships, Harris
8. Guaranteed Maximum Price (GMP) for Information Technology Facility, Harris (*added after discussion during the Work Session*)

Trustee Palmerlee moved to approve the Consent Agenda as presented; Trustee Bostrom seconded. Trustee Rochelle requested that Item #6 (Trustee Regulation re: Health Insurance) be removed from the Consent Agenda. The motion was amended to approve the Consent Agenda, Items #1-8, excluding Item #6. Motion carried unanimously.

Trustee Rochelle asked that the Board discuss Item #6 (Trustee Regulation re: Health Insurance). She wanted clarification regarding financial repercussions to the University and the state, expressing her concern for how the state would be affected by the Regulation change. Vice President Miller noted that this policy change will not affect anything on the state's side of the equation; they will be neutral. Vice President Harris noted that this Regulation change is for all benefited employees, not just faculty, and that he has received positive support from both the

faculty and staff senates. Trustee Neiman asked if this will be used as a recruiting tool and if it will be retroactive.

Trustee Palmerlee moved to approve Consent Agenda Item #6 (Trustee Regulation re: Health Insurance); Trustee Lauer seconded. The motion carried with Trustee Nieman opposed.

New Business

There was no new business to come before the Board.

Date of next meeting

The next meeting of the Board is September 6-8, 2007 in Laramie, Wyoming (this will also be a joint meeting with the Foundation Board). The Board of Trustees Retreat is scheduled for August 24-26, 2007, in Jackson, Wyoming.

Adjournment

There being no further business to come before the Board, Trustee Brown moved to adjourn the meeting; Trustee Lauer seconded. The motion passed unanimously, and the meeting concluded at 2:18 p.m.

Respectfully submitted,



Shannon Sanchez
Deputy Secretary, Board of Trustees