



SENATE BILL #2801

TITLE: Creation and Authorization of the Endowment for the ASUW International Students and Non-Citizen Scholarship

DATE INTRODUCED: April 12, 2022

AUTHOR: President Swilling and Director of Diversity and Inclusion Sapien

SPONSORS: Senators Castronovo, Ewalt, and Rhymes; Director of Governmental and Community Affairs Brown, Students-at-Large Titus, Talamantes, and Harris; Former Director of Diversity Perez

1. WHEREAS, the purpose of the Associated Students of the University of Wyoming
2. (ASUW)
3. Student Government is to serve our fellow students in the best manner possible; and,
4. WHEREAS, responsible, effective student leaders have a duty to assist fellow students at
5. all times and in all situations; and,
6. WHEREAS, a portion of students at the University of Wyoming (UW) are currently
7. under the protections of the “Deferred Action for Childhood Arrivals” (DACA) program;
8. and,
9. WHEREAS, since the creation of DACA protections in 2012, recipients of this status
10. have experienced temporary removal of their rights, attacks in all levels of the courts, and
11. have become generally fearful for the status of their protections; and,
12. WHEREAS, DACA students have a continuous biannual renewal fee of \$495 plus hidden
13. fees including travel and attorney fees, and have specific biometric appointments where
14. school or work is most likely missed; and,
15. WHEREAS, DACA students are not eligible to apply for Federal Student Aid, work
16. study nor Pell Grants, are not eligible for the Hathaway Scholarship nor in-state tuition;
17. and,
18. WHEREAS, DACA recipients cannot receive the vast majority of the benefits from
19. governmental programs, including, but not limited to: food stamps, Medicaid, and Social
20. Security; and,
21. WHEREAS, lack of financial resources and constant fear and uncertainty have a negative
22. impact on academics and physical and mental health; and,
23. WHEREAS, Senate Resolution #2552 “ASUW Support for the Establishment of a

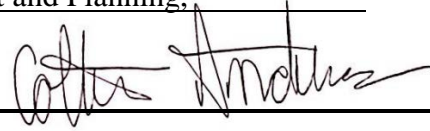
24. Sanctuary Campus,” affirmed the ASUW’s support for
25. students who possess DACA status and pledged to create resources for these students;
26. and,
27. WHEREAS, in addition to DACA recipients, UW’s international students also often face
28. a lack of financial support and critical difficulties accessing services in times of crisis, as
29. demonstrated by COVID-19; and,
30. WHEREAS, on the basis of these concerns, the 108th ASUW Administration began the
31. process of creating a scholarship for DACA recipients and international students, laying
32. critical groundwork and connecting with a network of donors; and,
33. WHEREAS, the 109th ASUW Administration followed through on this groundwork, and
34. collectively we managed to raise \$140,936.62 from private and internal sources to fund a
35. permanent endowment that would pay out a minimum of \$5,500 per year; and,
36. WHEREAS, in February 2022, the ASUW Senate approved a budget realignment
37. authorizing the immediate beginning to this new scholarship, which has so far received
38. over 40 applications; and,
39. WHEREAS, this shows both the need and popularity of this scholarship.
40. THEREFORE, be it enacted that the Associated Students of the University of Wyoming
41. (ASUW) Student Government authorizes the endowment agreement, as shown in
42. Addendum A, to take full force and effect upon their signature by the relevant parties;
43. and,
44. THEREFORE, be it further enacted that this authorization shall occur immediately upon
45. passage of this legislation; and,
46. THEREFORE, be it further enacted that the ASUW Executive Branch, the UW
47. Foundation, and the University of Wyoming Scholarship Office shall be empowered to
48. amend this endowment agreement to address minor necessary changes without further
49. action by the ASUW Senate prior to the final authorization of this endowment by the
50. Board of Trustees, so long as these do not substantively affect the purpose or intent
51. behind the scholarship; and,
52. THEREFORE, be it further enacted that this scholarship be governed by the guidelines
53. outlined in Addendum B.

PASSED 24-0

Referred to: Advocacy, Diversity, and Policy; Budget and Planning,

Date of Passage: April 19, 2022

Signed:



(ASUW Chairperson)

“Being enacted on April 19, 2022, I do hereby sign my name hereto and

approve this Senate action.”



ASUW President

Addendum A



ENDOWED SCHOLARSHIP AGREEMENT

ASUW Non-Citizen/International Student Support Fund

The undersigned, Hunter Swilling, on behalf of the Associated Students of the University of Wyoming (ASUW), hereinafter called the DONOR, hereby transfers, assigns, and sets over to the University of Wyoming Foundation, a non-profit corporation under the laws of the State of Wyoming, hereinafter called the FOUNDATION, the sum of \$100,000, for the establishment of an endowed scholarship fund, hereinafter called the FUND, for uses and purposes and upon terms and conditions hereafter set forth:

1. The endowment hereby created shall be known as the ASUW Non-Citizen/International Student Support Fund and the above named FOUNDATION shall prudently maintain and administer the FUND as a permanent endowment. The FOUNDATION may make available for appropriation only that amount which is prudent, consistent with the purposes of the FUND as described herein, taking into account relevant economic factors and the DONOR's intent that the FUND continue in perpetuity. Appropriations¹ for expenditure shall be used to make scholarship grants to students enrolled at the University of Wyoming. The FUND will be used to support students who do not qualify for certain federal financial aid as determined because of their citizenship status.

The scholarship awarding process shall be on such forms and in keeping with such procedures as are normally prescribed for ASUW scholarships at the University.

2. Funds available for appropriation may be awarded to one scholarship recipient or may be divided among two or more recipients. If there is no eligible scholarship applicant during a particular year, subject to the then current provisions of the FOUNDATION'S Investment Policy, the funds available for appropriation from the FUND may accumulate for use in subsequent years or may be permanently added to the corpus of the FUND.

3. Funds available for appropriation remaining on June 30 of each year will be reinvested into the FOUNDATION's endowment pool, but will remain available for expenditure by the DONOR so long as the original corpus amount of the FUND remains intact. FOUNDATION will use its best efforts to transfer funds requested for expenditure by DONOR as soon as possible, but reserves the right

¹ See W.S. § 17-7-304(a). Also known as annual distributions from the FUND.

to transfer such funds over a period not longer than twelve (12) months, depending upon the amount requested and the cash flows of the endowment pool.

4. The FOUNDATION is authorized to accept additional gifts and/or bequests to this FUND from the DONOR or others.

5. While the DONOR intends that for the foreseeable future, the FUND shall be used exclusively for the purposes and in the manner set forth in Paragraph (1) above, the DONOR recognizes the possibility of changes in the field of higher education that could eliminate, at some future time, the need for funding as described in Paragraph (1) above. Therefore, the DONOR directs that should the FOUNDATION determine, after due consultation with the University of Wyoming President, and the DONOR if possible, that such is the case, then the FUND should be used for such useful educational purposes as the FOUNDATION may determine to be most closely related to the purposes set forth in Paragraph (1) above.

6. It is intended that the FUND shall be a component part of the FOUNDATION and not a separate FUND, and that nothing in this Agreement shall affect the status of the FOUNDATION as an organization described in section 501(c)(3) of the Internal Revenue Code and as an organization which is not a private foundation within the meaning of section 509(a) of the Internal Revenue Code. This Agreement shall be interpreted in a manner consistent with the foregoing intention and so as to conform to the requirements of such provisions of the federal tax laws and any regulations issued pursuant thereto.

The FOUNDATION shall have all of the powers provided in the FOUNDATION'S articles of incorporation and bylaws (specifically including, without limitation, the powers with respect to designated contributions) or otherwise provided by law in connection with its administration of the FUND.

7. The FOUNDATION shall maintain the FUND, including any additions to the corpus thereof, as a permanent endowment but shall, nevertheless, have full power and authority to invest the FUND and to sell all or any part thereof and reinvest the proceeds from time to time without being bound by any regulatory, statutory, or customary rules relating to investments by the FOUNDATION, provided, however, that such investments shall be made in accordance with the standards set forth in the Uniform Prudent Management of Institutional Funds Act (W.S. 17-7-301 to 17-7-307), and its successors. The FOUNDATION shall be under no obligation to make funds available for appropriation if, in the opinion of the University of Wyoming Foundation Board of Directors, making appropriations for expenditure would endanger the long term vitality of the FUND due to negative market conditions or would otherwise

be in violation of the Uniform Prudent Management of Institutional Funds Act. The FOUNDATION may do so without limiting the generality of the foregoing and may:

- ✦ Invest and reinvest the assets of the FUND according to the FOUNDATION'S Investment Policy as approved from time to time by the University of Wyoming Foundation Board of Directors;
- ✦ Pool the subject matter of various gifts, bequests and devises into one or more funds for the purpose of investment and management;
- ✦ Employ the services of investment managers, investment counselors, brokers, custodial banks and others in carrying out the foregoing provisions, and to pay reasonable fees from the FUND for these services.
- ✦ Charge a reasonable fee to the FUND for FOUNDATION investment and administration as accepted and approved by the University of Wyoming Foundation Board of Directors.

In no way shall the use of the FUND for the purposes set forth in Paragraph (1) above be prejudiced. The FOUNDATION shall have full power to vote and execute proxies to vote corporate shares included in the FUND.

8. Notwithstanding all references herein to an endowed student enrichment fund, it is hereby understood by all parties concerned that when contributions to this FUND total less than \$25,000, after allowing a reasonable period of time to accumulate, the naming policy adopted by the University of Wyoming Board of Trustees prohibits the establishment of an endowed scholarship fund. In such an event, all of the contributed assets, plus any returns thereon or growth thereof, shall be disbursed as nonendowed awards, under the same criteria noted above, over a period of not more than five (5) years from such date as is determined solely by the FOUNDATION described herein.

Hunter Swilling

Date

ASUW President

Wyoming Union 020

1000 E. University Ave Dept 3625

Laramie, WY 82071

ACCEPTANCE:

THE UNIVERSITY OF WYOMING FOUNDATION

PASSED 24-0

The University of Wyoming Foundation hereby acknowledges receipt of the above gift and agrees to administer the same for the use and purposes and upon the terms and conditions herein contained.

Ben Blalock, President

Date

ACKNOWLEDGEMENT:

THE UNIVERSITY OF WYOMING

The University of Wyoming Office of Scholarships and Financial Aid hereby acknowledges that appropriations for expenditure must be used according to the purposes and uses herein described.

Anna Terfehr, Director

Date

Addendum B

The ASUW Student Government shall maintain a scholarship for the purpose of providing funds to international students or DACA (Deferred Action to Childhood Arrivals) program, or, in the event that this program no longer exists, to non-citizen migrant individuals who attend the University of Wyoming.

- The scholarship committee will be comprised of:
 - The chair of the ASUW standing committee tasked with evaluating and advocating for diversity initiatives, as determined by the ASUW Vice President
 - A designee from Multicultural Affairs
 - The ASUW President (or designee)
 - An international student or DACA recipient
 - An ASUW Senator-at-Large
 - The ASUW Advisor (or designee)
- The recipient shall be judged, in part, by a 500 to 750-word essay written on a topic chosen by the above committee annually.
- The monetary award of the scholarship will be determined by scholarship Committee each academic year. Awards will be granted up to, but not exceeding, the estimated income of the endowment for each fiscal year.
- Given that non-US citizens often unable to submit the FAFSA, a brief 100 word paragraph shall be supplied by the applicants informing the committee on how this would alleviate some of their financial need.
- Students must be in good academic standing with the University of Wyoming, having at minimum a 2.0 cumulative college GPA. This requirement shall be waived for incoming first-year students.