

Passed



**SENATE RESOLUTION #2878**

**TITLE:** ASUW Resolution on Budgetary Autonomy and UW Regulation 11-5

**DATE INTRODUCED:** April 18, 2023

**AUTHOR:** Senator Anderson and First-Year Senator Keasling

**SPONSORS:** The Budget and Planning Committee

1. WHEREAS, the purpose of the Associated Students of the University of Wyoming
2. (ASUW) is to serve our fellow students in the best manner possible; and,
3. WHEREAS, UW Regulation 11-5 explicitly states that, among other budgetary powers,
4. the ASUW Student Government has the express ability as follows:
  5. A. *“authorized to allocate student fee receipts under its control;”*
  6. B. *“authorized to create reserve funds, as [the Government] deems*
  7. *appropriate;”* and,
  8. C. *“authorized to establish endowment funds at the University Foundation, with*
  9. *approval of the Board of Trustees”* (BOT);
10. as outlined in Addendum A (University Regulation 11-5: ASUW Student Government);
11. and,
12. WHEREAS, the ASUW Student Government recognizes UW Regulation 11-5 as the
13. final and only charter granting the ASUW Student Government its authority as a
14. governing body; and,
15. WHEREAS, the ASUW Student Government has been notified of potential changes to
16. its ability to maintain and/or create reserves and permanently endowed funds, as
17. outlined in Addendum B, which shows the memo that ASUW received on March 30<sup>th</sup>,

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18. 2023, regarding our designated operating account, reserves, and endowments; and,
19. WHEREAS, little has been communicated on the scope of said changes to the ASUW
20. Student Government such that relevant decision-making parties do not have an
21. appropriate understanding of the reasons, timing or timeline for their implementation;
22. and,
23. WHEREAS, without a complete understanding of proposed changes, the ASUW Student
24. Government can neither give effective input on the direction of said changes, nor can it
25. adequately prepare to adapt if they were to be implemented; and,
26. WHEREAS, the ASUW Student Government's reserve and permanently endowed funds
27. continue to provide extensive benefit to students through the disbursement of annual
28. scholarships, provisions for programs, support of student organizations; and,
29. WHEREAS, the ASUW Student Government maintains reserves to ensure that
30. operations remain unaffected should enrollment or income to the ASUW Student
31. Government decrease, or to support students in extreme circumstances as was
32. demonstrated at the onset of the COVID-19 pandemic, and they are not collected from
33. students to be saved intentionally, in accordance with University Regulation 7-10, as
34. shown in Addendum C, which does not explicitly prohibit having reserves, but rather
35. outlines the primary uses for reserves; and,
36. WHEREAS, these reasons in UW Regulation 7-10 are:
  37.       *"A. To provide support in the event of a sudden shortfall in revenue (e.g.*
  38.             *unforeseen drop in enrollment or a reduction in state appropriations);*
  39.       *B. To cover unanticipated expenditures (e.g. unanticipated increases in utility*
  40.             *costs, deferred maintenance item that requires immediate attention, legal fees,*

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41. *faculty start-ups, minor upgrades or renovations of classrooms and labs, etc.);*

42. *C. To fund unexpected opportunities and provide for extraordinary, one-time*

43. *investments; and,*

44. WHEREAS, UW Regulation 7-10 continues with following:

45. *“Reserves should not be utilized to backfill expected shortfalls in revenue unless*

46. *a plan exists to either increase the respective revenue stream or reduce related*

47. *expenses. The use of reserves is appropriate to assist with timing issues, but*

48. *should not be relied upon for the support of on-going expenditures;” and,*

49. WHEREAS, the ASUW Student Government does not use its reserve funds in a manner

50. that violates UW Regulation 7-10, specifically the section outlined in the previous

51. whereas clause; and,

52. WHEREAS, the ASUW Student Government sees that there is a conflict between UW

53. Regulation 7-10 and 11-5 due to its account type, but University Regulation 11-5

54. explicitly states and outlines that, *“The ASUW Student Government is authorized to*

55. *create reserve funds, as it deems appropriate;” and,*

56. WHEREAS, moving the ASUW Student Government’s reserves without consultation to

57. resolve this issue in a fair, just, timely, and appropriate manner would greatly hinder and

58. impair the ASUW student government; and,

59. WHEREAS, the aforementioned functions of the ASUW Student Government outlined

60. in lines 29, 30, and 31 of this resolution, as well as the plethora of other services that

61. ASUW offers to students are irreplaceable in serving students on the UW campus.

62. THEREFORE, be it resolved by the Associated Students of the University of Wyoming

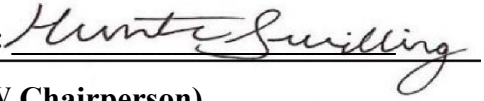
63. (ASUW) Student Government that any change to the ASUW Student Government’s

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64. Budgetary authority, especially its ability to create and maintain reserve and permanently  
65. endowed funds, should be done in collaboration with the ASUW; and,  
66. THEREFORE, be it further resolved that any change or revision to UW Regulation 11-5  
67. should be well-communicated to, and thoroughly discussed with, relevant parties within  
68. the ASUW Student Government to ensure that any changes or revisions neither  
69. unduly hinder the ASUW Student Government's ability to serve students, nor put in  
70. jeopardy the long-term viability of the organization; and,  
71. THEREFORE, be it further resolved that if the ASUW Student Government is to adhere  
72. to UW Regulation 7-10 it (the ASUW) should be involved in the implementation of this  
73. policy to ensure that the funds currently in the ASUW Student Government's reserves  
74. remain funds for it to use in accordance with whichever policy is observed; and,  
75. THEREFORE, be it further resolved that the ASUW Student Government continues to  
76. endorse having budgetary autonomy over the funds it collects in its student fee annually  
77. and over the funds currently held in its reserves; and,  
78. THEREFORE, be it further resolved that ASUW supports resolving the contradiction  
79. between University Regulations 11-5 and 7-10 regarding Designated Operating funds;  
80. and,  
81. THEREFORE, be it further resolved that upon passage, a copy of this resolution  
82. be sent to the UW Board of Trustees, the UW Provost, the UW Vice President for  
83. Student Affairs, and the UW Vice President for Financial Affairs.

*Passed*

Referred to: Budget and Planning, Programs and Institutional Development

Date of Passage: April 25<sup>th</sup>, 2023 Signed:   
(ASUW Chairperson)

“Being enacted on April 25<sup>th</sup>, 2023, I do hereby sign my name hereto

and approve this Senate action.”   
(ASUW President)

*Passed*

*Passed*

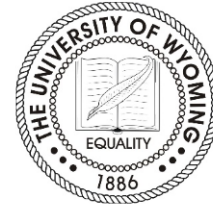
**Addendum A**

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## UNIVERSITY OF WYOMING REGULATIONS

**Subject:** ASUW Student Government  
**Number:** UW Regulation 11-5

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### **I. PURPOSE**

The Trustees of the University of Wyoming hereby authorize and recognize the organization known as the Associated Students of the University of Wyoming (ASUW) Student Government. This organization is created to promote the general welfare of all students at the University, to represent and serve as a voice for the concerns of the student body, and to provide and regulate such other matters relating to students as are appropriate to a student government.

### **II. CONSTITUTION**

The ASUW Student Government shall create and abide by a constitution that will guide its programs, services and operations.

Under its Constitution, the ASUW Student Government may establish such other bylaws, policies, and procedures, as it deems appropriate for the regulation of its programs, services, and operations.

### **III. PROGRAMS, SERVICES, AND OPERATIONS**

The ASUW Student Government may establish, modify, and discontinue programs, services, and operations that benefit and promote the general welfare of the students of the University.

The ASUW Student Government must conduct all its programs, services, and operations in accordance with University regulations, policies, and procedures.

### **IV. FINANCIAL MATTERS**

Consistent with UW Regulations, policies, and procedures, the ASUW Student Government is authorized to establish financial policies under its Constitution for the oversight of ASUW Student Government business.

Through the Vice President for Student Affairs, and in consultation with the University President, the ASUW Student Government shall prepare and present for approval to the UW Board of Trustees, an annual fiscal year budget for conducting its programs, services, and operations.



The ASUW Student Government is authorized to recommend to the Trustees the needed amount of ASUW fees to be assessed of all fee-paying students for the support of ASUW-sponsored programs, services, and operations.

The ASUW Student Government is authorized to create and implement a process for the annual review of all mandatory student fees and program fees, including recommendations of changes to a fee proposal. The ASUW Student Government shall provide any recommendations to the Vice President for Student Affairs and the University President.

The ASUW Student Government is authorized to review and recommend changes to any University Regulations or policies that oversee the collection and use of mandatory student fees and program fees. The ASUW Student Government shall provide any recommendations to the Vice President for Student Affairs and the University President.

The ASUW Student Government is authorized to allocate student fee receipts under its control to ASUW programs, services, and operations, and to UW Recognized Student Organizations.

The ASUW Student Government is authorized to create reserve funds, as it deems appropriate.

The ASUW Student Government is authorized to establish endowment funds at the University Foundation, with the approval of the Board of Trustees, which are in accordance with Foundation rules and regulations and/or any applicable State or Federal laws in force at the time an endowment is created.

The ASUW Student Government is authorized to create and implement policies for the acquisition, use, and disposal of ASUW-acquired equipment.

The ASUW Student Government is authorized to create and implement policies for the allocation and use of ASUW funds for travel by persons representing the ASUW Student Government or representing an organization or program to which the ASUW Student Government has allocated funds.

The ASUW Student Government is authorized to create and implement policies for awarding and enforcing contracts related to its programs, services, and operations, in accordance University regulations, policies, and procedures.

**V. PERSONNEL**

The ASUW Student Government is authorized to create full-time, part-time, and student employee positions to assist in the support and direction of its programs, services, and operations.

The Dean of Students, or designee, in consultation with appropriate ASUW officers, committees, and/or advisory boards, shall hire, supervise, provide guidance to, and annually evaluate all staff of the ASUW and all staff in the Dean of Students Office assigned to assist the ASUW.

The ASUW Student Government shall conform to University Human Resource regulations, policies, and procedures.

#### **VI. CODE OF ETHICS**

The ASUW Student Government shall adopt and subscribe to a Code of Ethics for its programs, services, and operations, which shall guide the behavior and actions of elected, appointed, and volunteer representatives of the ASUW.

#### **VII. ADMINISTRATIVE RESPONSIBILITY**

Notwithstanding the role of the ASUW President as an *ex officio* member of the Board of Trustees, the ASUW Student Government as an organization shall be responsible administratively through the Dean of Students Office to the Vice President for Student Affairs.

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**Responsible Division/Unit:** Division of Student Affairs

**Source:** None

**Links:** <http://www.uwyo.edu/regs-policies>

**Associated Regulations, Policies, and Forms:** None

**History:**

University Regulation 8-249; adopted 3/5/2009 Board of Trustees meeting

Revisions adopted 11/14/2014 Board of Trustees meeting

Reformatted 7/1/2018: previously UW Regulation 8-249, now UW Regulation 11-5

Revisions adopted 11/14/2019 Board of Trustees meeting

## Addendum B

To: ASUW

From: Financial Affairs and Student Affairs

Date: March 30, 2023

Re: ASUW Designated Operating Accounts, Reserves and ASUW Endowments - Spending Authority and Criteria

The Trustees of the University of Wyoming, a constitutional body, are responsible for the "management of the university" (Wyoming Constitution, Article 7, Section 17). The Trustees "possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law, and shall have custody of the books, records, buildings and all other property of the university" (W.S. 21-17-203). The Trustees may "(e)xpend the income placed under their control from whatever source derived and exercise all other functions properly belonging to such a board and necessary to the prosperity of the university and all its departments" (W.S. 21-17-204).

Therefore, pursuant to constitutional and statutory provisions, the Trustees are responsible for the establishment of all fees, charges, and deposits assesses, and refunds afforded to individuals applying for admission to the university, enrolled students, university employees, and the general public.

UW Regulation 11-5 further states: *The ASUW Student Government must conduct all its programs, services, and operations in accordance with University regulations, policies, and procedures.*

### *ASUW Designated Operating Account*

ASUW has one designated operating account with the sole revenue stream coming from the assessment of fees to students enrolled at the University. Student fees are State funds and the use of student fees must follow both the Student Fee Book and University of Wyoming procurement and payment policies and procedures. Expenses paid for with State funds shall be for the benefit of the State/University and procured using the most economical means available to satisfactorily accomplish the State's/University's business. At the University of Wyoming, it is the responsibility of the cost center approver, and his or her Vice President, to ensure expenses are for the "benefit of the State/University." Any other expenses using State funds are considered unauthorized. Unauthorized expenditures are generally not essential to State/University operations, and in many cases, they appear to benefit the individual employee as much as, if not more than, the State/University. In determining whether an expenditure is authorized, the following questions may be asked:

- Would the employee be able to perform their duties without it?
- Would this expenditure be considered by the IRS as an employee benefit which is taxable to the individual?
- Is the purchase a requirement of the employee to perform their job, such as a license or special certification?

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Not every expense is clearly allowable or unauthorized. For example, student fees cannot be used to fund lobbying by ASUW, unless the University, a legislator, or other state official specifically requests ASUW's involvement.

#### *ASUW Endowments*

Over the years, ASUW has established and/or contributed to the following endowments at the UW Foundation:

- A.L. Lupton Financial Literacy Endowment (FS 600638)
- ASUW Childcare Assistance Scholarship (FS 630887)
- ASUW Facilities Endowment (FS 600025)
- ASUW Leadership Scholarship Fund (FS 630034)
- ASUW Non-Citizen/International Student Support Fund (FS 631051)
- ASUW Service Exchange Endowment (FS 630035)
- ASUW Special Projects (FS 631052)
- ASUW Student Priorities Fund (FS 600637)
- ASUW/2007 Senior Class Legacy Endowment (FS 680001)
- ASUW/Cowboy Parents Family Emergency Fund (FS 600026)
- Charlotte Hearne Davis Scholarship (FS 630131)
- James C. Hurst Scholarship (FS 630356)
- Julian Isaias Abas Music Production Excellence Fund (FS 600575)

Upon review, it appears these endowments are funded through a mixture of state appropriations, student fees, and state match dollars. Due to the funding sources (i.e., they are not private donor dollars), ASUW must follow University policy related to spending criteria when utilizing the income from their endowments.

It should be noted that student fees should be set at a rate necessary to cover estimated expenditures during a single fiscal year. Unexpended student fees shall not be held in a reserve account or transferred to an endowment and instead will follow the carry forward policy in UW Regulation 7-10. The carry forward policy states: *positive or negative net results will automatically roll-forward to the next fiscal year (note however that the creation and use of these fund classes requires approval from the Budget and Institutional Planning Office or Sponsored Programs Office and that the University Administration reserves the right to monitor the fund balance in these accounts and place upper limits on the amount of accumulated fund balance).*

#### *Policies and Procedures Resources*

All Financial Affairs related policy and procedure documents can be viewed here:

<https://www.uwyo.edu/budget-finance/financial-affairs/policies/index.html>

Resources of particular interest: [Foundation Funds Purchases Flowchart](#), [Quote and Bid Threshold Policy SAPP](#), [University Travel and Reimbursement Policy SAPP](#), [Receipt and Handling of University Funds SAPP](#) and [Receipt and Handling of University Funds DAPP](#)

cc: General Counsel

## Addendum C

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### UNIVERSITY OF WYOMING REGULATIONS

**Subject:** Division and College Fiscal Year End Carry Forward Policy

**Number:** UW Regulation 7-10

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#### I. PURPOSE

Pursuant to Wyoming law, the Board has exclusive control over all funds of and appropriated to the University of Wyoming. This Regulation sets forth the policy and process for Divisions and Colleges within Agency 067 – University of Wyoming to fund and maintain modest unrestricted operating reserves.

#### II. DEFINITIONS

**Total Operating Expenses:** The combined total actual expenses for the following fund classes for one fiscal year: (1) Unrestricted Operating; (2) Designated Operating; (3) Restricted Expendable Operating; (4) Sponsored Projects Restricted; and (5) Government Funds Non Project.

#### III. PRIMARY USES FOR RESERVES

The purpose of maintaining modest unrestricted operating reserves at the Division and College level is to ensure the financial health and stability of the University, and to provide an additional measurement of the fiscal condition of the University. Generally, there are three primary uses for reserves:

- A. To provide support in the event of a sudden shortfall in revenue (e.g., unforeseen drop in enrollment or a reduction in state appropriation);
- B. To cover unanticipated expenditures (e.g., unanticipated increases in utility costs, deferred maintenance item that requires immediate attention, legal fees, faculty start-ups, minor upgrades or renovations of classrooms and labs, etc.);
- C. To fund unexpected opportunities and provide for extraordinary, one-time investments.

Reserves should not be utilized to backfill expected shortfalls in revenue unless a plan exists to either increase the respective revenue stream or reduce related expenses. The use of reserves is appropriate to assist with timing issues, but should not be relied upon for the support of on-going expenditures. The reserves also provide operational flexibility to allow for strategic-related risks and to respond to changes within the environment. Through these

reserves, the University will be able to better manage financial challenges and remain focused on strategic initiatives.

**IV. CARRY FORWARD**

- A.** At the end of a fiscal year, for the following budgeted fund classes, positive or negative actual net results compared to the budgeted net results will automatically roll-forward to the next fiscal year (note however that the creation and use of these fund classes requires approval from the Budget and Institutional Planning Office or Sponsored Programs Office and that the University Administration reserves the right to monitor the fund balance in these accounts and place upper limits on the amount of accumulated fund balance):
1. Designated Operating (i.e., F&A Indirect Cost Recovery, Program Fees, Tier 1 Engineering, etc.)
  2. Restricted Expendable Operating (i.e., Foundation Funds)
  3. Sponsored Projects Restricted (i.e., Grant Funds)
  4. Government Funds Non Project
- B.** At the end of each fiscal year (June 30), all unexpended budget for fringe benefits in the Unrestricted Operating Fund Class will revert to the central Fringe Benefit Reserve.

**V. UNRESTRICTED OPERATING RESERVE ACCOUNT**

- A.** Each Division (i.e., Administration, General Counsel, President, Academic Affairs, Student Affairs, etc.) and College will maintain a single Unrestricted Operating Reserve account with a maximum level of funding that is equivalent to 5% of the Division's or College's total actual operating expenses for the previous fiscal year.
- B.** If the balance in a Division or College's Unrestricted Operating Reserve exceeds 5% of the previous fiscal year's total actual operating expenses, the excess funds will be transferred to the University's Special Projects Reserve. Note that once funds are moved into this account the Division or College no longer has a direct claim on these funds.
- C.** A Division or College can fund its Unrestricted Operating Reserve account if it has positive actual net results compared to budgeted net results at the end of each fiscal year for the Unrestricted Operating fund class. If a Division's or College's Unrestricted Operating fund class net results are negative compared to budget at the end of a fiscal year, 100% of the deficit will be funded by the Division's or College's Unrestricted Operating Reserve balance.

- D.** The first 5% calculation will be on the Division and College FY2019 actual total operating expenses (i.e., expenses as of June 30, 2019) and will occur annually at the end of each fiscal year thereafter.

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**Responsible Division/Unit:** Division of Finance and Administration

**Source:** None

**Links:** <http://www.uwyo.edu/regs-policies>

**Associated Regulations, Policies, and Forms:** None

**History:**

UW Regulation 7-10 adopted 5/17/2019 Board of Trustees meeting

Fiscal Year End Carry Forward Policy

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