

THE UNIVERSITY OF WYOMING
BOARD OF TRUSTEES' REPORT

[Trustee Retreat 2014]
“Special” Meeting
Thursday, July 17, 2014

The final report can be found on the University of Wyoming Board of Trustees website at
<http://www.uwyo.edu/trustees/>

THE UNIVERSITY OF WYOMING

BOARD OF TRUSTEES “SPECIAL” MEETING REPORT

July 17, 2014

UW Board of Trustees Retreat

Consent Agenda Items for Approval

I. “Revisor’s Bill” – Approval of Changes to UW Regulations 1-1, 1-2, 1-3, 1-5, 1-44, 1-101, and 1-102 – Miller	1
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I. AGENDA ITEM TITLE:

“Revisor’s Bill” – Approval of Changes to UW Regulations 1-1, 1-2, 1-3, 1-5, 1-44, 1-101, 1-102, Miller

CHECK THE APPROPRIATE BOX(ES):

- Work Session
- Education Session
- Information Item
- Other Specify: Special Board of Trustees Meeting (Consent Agenda)

BACKGROUND AND POLICY CONTEXT OF ISSUE:

Many UW Regulations contain inadvertent errors and omissions, obsolete references, and do not reflect current practice. As such, at each of the next several Board meetings, the Board is being asked to consider modifications to existing rules in the same manner that the Legislature considers a “Revisor’s Bill.” These revisions are not substantive. All such revisions will be distributed to all Vice Presidents, the Faculty Senate, the Staff Senate and ASUW for review and comment in advance of submission to the Board.

Any substantive changes to any UW Regulation will be presented separately and not included in any “Revisor’s Bill” submission. Note too that the legal office will also ensure that all regulations follow consistent numbering conventions for subsections, paragraphs and subparagraphs.

The proposed modifications relate to section 1 of the UW Regulations: University Governance and Structure, and include the following:

- 1-1: Organization of the University
- 1-2: Establishment of University Administrative Committees
- 1-3: Equal Employment Opportunity/Diversity (Affirmative Action) Program
- 1-5: Civil Rights Discrimination
- 1-44: Violence in the Workplace
- 1-101: University Regulations and Presidential Directives
- 1-102: Board of Trustees Directives

Prior Related Board Discussions/Actions:

None

WHY THIS ITEM IS BEFORE THE BOARD:

UW Regulation 1-101 requires that any modification to UW Regulations must be approved by the Board.

ACTION REQUIRED AT THIS BOARD MEETING:

Board approval or disapproval of the modifications to the Regulations.

PRESIDENT’S RECOMMENDATION:

The President recommends approval.

Excerpt from UW Regulations 1-1

In the event of the resignation, death or incapacity of the President, the Trustees may appoint an acting president who shall perform the duties and have the powers of the President during such time as the Trustees may direct. If no acting President has been appointed by the Trustees, the duties of the President shall be performed by the ~~Provost and~~ Vice President for Academic Affairs.

The President shall serve as the ordinary channel of communication between the Trustees and academic personnel and between the Trustees and all subordinate administrative officers and staff of the internal organization. This regulation shall not be interpreted to limit the right of communication between academic personnel or other officers of the University and the Trustees or to limit the manner in which the Trustees may gain information as to the work and operation of the University.

The President shall have as principal administrative officers a ~~Provost and~~ Vice President for Academic Affairs, a Vice President for Student Affairs, a Vice President for Administration, a Vice President for Research and Economic Development, a Vice President for Institutional Advancement, a Vice President for Information Technology, a ~~Vice President and~~ General Counsel, a ~~Vice President for Governmental and Community Affairs,~~ a Director ~~of~~ Governmental ~~and Community Affairs~~ Relations and a Special Assistant to the President. He also may have other assistants as are authorized from time to time and may also authorize the appointment of Associate Vice Presidents ~~, or Associate Directors,~~ for each of the principal administrative officers, who shall perform such duties as specified.

B. Vice President for Academic Affairs

The Vice President for Academic Affairs shall be responsible to the President for general administrative and coordination functions over the various instructional programs, on or off-campus, offered by the University. As the principal administrative officer for academic affairs, the Vice President shall maintain administrative supervision of the academic colleges, the University Studies Program, Graduate School, the Outreach School, including the University of Wyoming at Casper ~~and the Office of International Programs,~~ the Divisions of Military Science (~~Army ROTC~~) and Aerospace Studies (~~Air Force ROTC~~), University Libraries, Honors Program/Summer High School Institute, ~~International Programs,~~ Wyoming Geographic Information Science Center (~~WyGISC~~), the Ellbogen Center for Teaching and Learning, the ~~Haub~~ School of Environment and Natural Resources, the American Heritage Center, and the Art Museum.

The Vice President shall initiate, organize, or direct such actions as are necessary and appropriate to assure that academic program needs and standards are established and implemented by appropriate units and officers of the University. The Vice President shall consult with and advise the President with respect to the recommendations of the officers of the various academic units concerning organization, development of programs, academic personnel appointments, promotions, leaves of absence, and salaries, and shall conduct such

special studies relating to curriculum, instruction, academic personnel and other matters as may be determined by the President.

Additional administrative units may be assigned to the Vice President by the President and the Vice President may be assisted by one or more Associate Vice Presidents, and such other assistants as are authorized from time to time.

C. Vice President for Administration

The Vice President for Administration ~~is the principal financial officer of the University and~~ shall be responsible to the President for the administration of all the business and financial affairs and the physical plant of the University, including institutional planning, preparation and administration of the University budget ~~and~~ development of long-term financing strategies to support implementation of the Capital Facilities Plan, ~~and~~ The Vice President serves as the principal advisor to the President on the ~~condition-status~~ of the University budget ~~and~~. ~~As the principal financial officer of the University, the Vice President for Administration~~ shall perform such duties as are required by statute or by University-UW Regulations.

The Vice President for Administration shall execute such agreements, leases, and other instruments relating to the transfer of real property, as may be appropriate to the management, control, acquisition, or disposition of property of the University ~~of Wyoming~~ in accordance ~~with programs and functions of the University authorized by~~ UW Regulations or other directions of the Trustees. The Vice President for Administration shall have administrative supervision over the following units: Fiscal Administration, which includes Financial Services, Accounting, Procurement Services, and Budget and Institutional Analysis; Administrative Operations, which includes Auxiliary Services, Campus Police, Physical Plant, Central Scheduling, and Real Estate Operations; Human Resources; Facilities Planning; University Controller, Physical Plant, Human Resources, Campus Police, Service and Auxiliary Enterprises, Environmental Health and Safety Office, the Budget Office, Facilities Planning Office, the Office of Institutional Analysis, and such other units and personnel as may be designated by the President.

In accordance with the Bylaws, the Vice President for Administration shall serve as the Deputy Treasurer of the Trustees of the University of Wyoming, and shall exercise all duties and responsibilities incident to this position, ~~to include~~ including the receipt, custody and recording of all monies or funds payable to the Trustees, the Treasurer, the University, or any of its colleges, divisions, or departments; and the disbursement or investment of such funds and monies as authorized by the Trustees. ~~Such disbursements shall~~ be upon vouchers authorized and approved by the Vice President for Administration or ~~by other~~ designee when authorized.

D. Vice President and General Counsel

The Vice President and General Counsel provides legal advice to the University, supervises the General Counsel's Office, and coordinates communications with the state's Attorney General. The Vice President and General Counsel is responsible for administration of UW Regulations and procedures related to risk management, environmental health and safety, and discrimination and employment practices and has administrative responsibility for the Diversity and Employment Practices Office and the Risk Management and Safety Office.

E. Vice President for Information Technology

The Vice President for Information Technology shall be responsible to the President for the general information technology functions of the University. As the chief information officer of the University, the Vice President shall oversee and manage the central elements of Information Technology, including administrative and academic computing, networking, telecommunications, computing laboratories and customer support services.

The Vice President shall advise the President and the University community on issues involving Information Technology and data privacy; develop and manage computing standards, network architecture and security; determine information integration methodologies; and work with internal and external constituents to support diverse technology needs and build consensus on information technology issues. The Vice President shall be an advocate for the development and use of technology in instruction, academic support, research, social media, and institutional support.

The Vice President shall evaluate and analyze beneficial emerging and advanced technologies and provide a stable, reliable technology infrastructure for the University.

F. Vice President for Institutional Advancement

The Vice President for Institutional Advancement shall be responsible to the President for private fundraising and University relations with alumni and friends, and The Vice President shall maintain administrative supervision of the Office of Institutional Advancement. His/her The Vice President's primary functions shall include seeking private financial support for the University, coordinating private development and fundraising activities, and communicating with the University of Wyoming Foundation. The Vice President shall also be responsible for organizing UW alumni participation in the life of the University through a variety of activities designed to promote alumni/friend support. He/she shall also undertake special projects that involve a variety of University units.

~~The Vice President shall maintain administrative supervision of the Office of Institutional Advancement.~~

The Vice President shall initiate, organize, or direct such actions as are necessary and appropriate to ~~assure~~ ensure that development and alumni/friends relations are properly implemented and coordinated, ~~and He/she~~ shall consult with and advise the President on all development and alumni/friends relations.

G. Vice President for Research and Economic Development

The Vice President for Research and Economic Development shall be responsible to the President for the general administrative supervision and coordination of research programs conducted by units of the University. ~~The Vice President shall be responsible for reviewing and evaluation of~~ proposed research and economic development programs; and continuing review of ~~the status of~~ existing contracts and grants; and maintaining research compliance, including oversight of the Institutional Review Board (IRB), the Institutional Animal Care and Use Committee (IACUC), conflict of interest in research, and export control to assure that they meet University objectives and comply with the terms and conditions of such contracts and grants. ~~The Vice President shall also be responsible for responding to allegations of research misconduct and shall serve as the Research Integrity Officer for the University.~~

The Vice President shall be responsible for maintaining an assessment of the available research capabilities of the University and shall interact with governmental agencies or other entities sponsoring or seeking research or investigatory studies.

The Vice President shall ~~maintain~~ have administrative supervision over the following research units: ~~general administrative supervision of Contracts and Grants Accounting Research Services, Sponsored Programs, the Advanced Research Computing Center (ARCC), the Wyoming IDeA Networks for Biomedical Excellence (INBRE) Program, the University of Wyoming-National Park Service Research Center, the Neuroscience Center, the Water Research Program/Office of Water Programs, Wyoming EPSCoR/IDEA, the Wyoming Natural Diversity Database (WYNDD), the Wyoming Research Products Center, the Humanities Institute, and any such other units as may be designated by the President.~~

The Vice President shall have administrative supervision over the following economic development units: the Wyoming Procurement Technical Assistance Center (PTAC), Manufacturing Works, the Market Research center, the Wyoming SBIR/STTR Initiative (WSSI), the Wyoming Small Business Development Center (SBDC), the Wyoming Technology Business Center (WTBC), the Institute for Environment and Natural Resources, The Wyoming Small Business Development Center, the Mid-American Manufacturing Technology Center Wyoming, the Small Business Innovation Research Initiative, the Research Products Center, the UW National Park Service Research Center, the Office of Water Programs, EPSCoR and IDEA Projects, the Wyoming Natural Diversity Database and any such other units as may be designated by the President.

H. Vice President for Student Affairs

The Vice President for Student Affairs shall be responsible to the President for the general administrative leadership and coordination of programs and services designed to support the learning and development of UW students ~~so that they may be informed and engaged citizens and leaders in the communities of Wyoming, the nation, and the world.~~

In partnership with UW faculty, staff and students, the Vice President for Student Affairs shall orchestrate the enrollment management programs of the University to recruit and retain a student body of the size and diversity appropriate to the needs of the state, the demands of the ~~world of work~~ workforce, and the resources of the institution. The Vice President shall develop and deliver services, programs and facilities that promote the intellectual, personal, cultural and civic development of students; coordinate efforts to create a caring community in which individuals are respected, encouraged to pursue excellence, and assisted in achieving their potential; and foster the celebration of diversity of individuals and cultures.

The Vice President for Student Affairs shall have administrative supervision ~~of over~~ the following units: Admissions Office, including International Students and Scholars; Alumni Relations; the Associated Students of the University of Wyoming (ASUW); Cowboy Parents; the Center for Advising and Career Services; Campus Recreation; Office of Student Life Dean of Students, which includes ~~International Student Services and the Office of~~ Multicultural Affairs; Office of the Registrar; Residence Life and Dining Services; Student Educational Opportunity, which includes the University Disability Support Services; Student Financial Aid; Student Health Service; University Counseling Center, which includes the AWARE program; Wyoming Union; and any other such units or responsibilities, ~~such as that for the Associated Students of the University of Wyoming (ASUW) and the Associated Parents University of Wyoming (APUW)~~, as may be designated by the President. Each unit shall be headed by a director who shall be responsible for all matters relating to the administrative affairs of that unit.

I. Director of Intercollegiate Athletics

The Director of Intercollegiate Athletics shall be responsible to the President for the ~~conduct of the University's intercollegiate athletic program to include the staging of all intercollegiate athletic contests and for the enforcement of all applicable rules and regulations of associations governing the conduct of intercollegiate athletics~~ planning, direction and management of the Athletics Division.

Athletic coaches shall not be considered officers of the University but shall be contractual employees. The President shall have the authority to appoint any athletic coach with a one-year contract and shall consult with the Executive Committee of the Trustees prior to appointing any coach with a multi-year contract.

J. ~~DIRECTOR~~ ~~VICE PRESIDENT~~ Vice President for Governmental and Community Affairs

The ~~Director~~ Vice President for Governmental and Community Affairs is responsible to the President for establishing and implementing the University's plans for relations with federal, state, and local government officials. The ~~Director~~ Vice President represents the University in its communications with elected officials at all levels, including all federal and state legislation. The ~~Director~~ Vice President provides advice, assistance, and information to the Trustees, the President, and other University units with respect to government relations.

The ~~director~~ Vice President has administrative responsibility for the Office of Institutional Communication and ~~the Office of~~ Institutional Marketing Departments.

III. THE ACADEMIC ORGANIZATION OF THE UNIVERSITY

A. Academic Personnel

The faculty consists of (a) all persons having professional ranks (professor, associate professor, assistant professor, or instructor), (b) librarians of all ranks, and (c) archivists of all ranks. Persons having professorial ranks are either non-tenure track ~~temporary~~ or ~~on the~~ tenure track. ~~Temporary-Non-tenure track~~ faculty include clinical, visiting, ~~temporary~~, and adjunct professors of all ranks. Tenure-track faculty include probationary and tenured faculty members. Persons having librarian or archivist ranks are either ~~temporary-non-~~ extended-term track (previously referred to as “temporary”) or ~~on the~~ extended-term track. Extended-term ~~track~~ librarians and archivists include individuals holding probationary or extended-term appointments.

Academic professionals include (a) lecturers of all ranks, except as noted below; (b) research scientists of all ranks; (c) extension educators of all ranks; and (d) postdoctoral associates. All postdoctoral associates are ~~temporary-non-extended-term track~~ employees. Academic professionals in the other categories may be ~~temporary-non-extended-term track~~ or ~~on the~~ extended-term track. The latter category includes academic professionals holding probationary or extended-term appointments.

~~Temporary-Non-tenure track~~, visiting, and adjunct faculty members and ~~temporary-non-~~ extended-term track academic professionals are non-voting academic personnel. Specific University regulations govern the voting rights of other academic personnel in such matters as reappointment, tenure, promotion, extended terms, representation in the Faculty Senate and its standing committees, and college- and university-level committees. Emeritus status reflects the Trustees' recognition for long and distinguished service by a retired faculty member or academic professional and carries no voting rights.

Current employees who have held the rank of lecturer since before the implementation of the academic professional category and who have not elected to convert to the academic

professional category retain the title lecturer, along with the status formerly associated with that title. In particular, they retain faculty status, appointments subject to annual renewal, and any voting rights associated with the lecturer title before 1992.

The University Faculty, subject to approval by the President and the Trustees, shall formulate educational and academic policies for the University as a whole; shall promote the general welfare of the University, its students and the faculty; and shall establish bylaws for its organization pursuant to which it may adopt regulations in accordance with UW Regulation 1-101.

B. Colleges

The University shall have the following colleges: Agriculture and Natural Resources, Arts and Sciences, Business, Education, Engineering and Applied Science, Health Sciences, and Law.

Each college shall be headed by a dean who shall be responsible for all matters relating to the educational and administrative affairs of the college and who shall report to the Vice President for Academic Affairs. The dean shall preside at meetings of the college faculty, recommend the college budget in consultation with the heads of subunits within the college, transmit and recommend appointments and promotions with respect to academic personnel and staff of the college and exercise general administrative supervision over the educational programs and operations of the college.

The faculty of the college shall consist of the President of the University and the Vice President for Academic Affairs (serving as- ex officio without vote), the dean, and all members of the University faculty serving in the college.

The college faculty shall, subject to the authority of the President and the Trustees, have jurisdiction in all academic matters within the scope of the college, including the determination of curricula, the standards for admission to, continuation in, and graduation from the college, except as authority is otherwise limited by maintenance of general University educational policy and correct academic and administrative relations with other units of the University. Questions of autonomy and jurisdiction between a college faculty and the University faculty or between two college faculties shall be adjudicated by the President of the University, subject to appeal to the Trustees.

The college faculty, through the dean of the college, shall recommend candidates for diplomas and degrees in course to the President and the Trustees. Subject to the approval of the Trustees, each college may be organized into schools, departments, divisions or faculties under the general directions of an academic officer.

C. Graduate Education

Graduate education at the University shall be the primary responsibility of the faculty, department head/chair and Deans of the academic colleges and interdisciplinary programs under the oversight of the ~~Provost~~ Vice President for Academic Affairs or designee. Policies pertaining to individual degrees and majors, graduate program admission and degree completion processes are outlined in the University Catalog. The Graduate Council, a standing committee of the Faculty Senate, shall be responsible ~~to~~ for reviewing proposals for new academic programs and making recommendations to the ~~Provost~~ Vice President for Academic Affairs, reviewing policies for graduate education, and providing an appellate body to review appeals of graduate students. The membership and charge of the Graduate Council is outlined in UW Regulation 6-702. ~~Candidates for advanced degrees and diplomas shall be recommended to the President and the Trustees by~~ The faculty of their respective academies shall recommend candidates for advanced degrees and diplomas to the President and the Trustees through the college dean or interdisciplinary program director.

D. ~~The SCHOOL OF EXTENDED STUDIES AND PUBLIC SERVICE~~ OUTREACH SCHOOL

~~The School of Extended Studies and Public Service~~ Outreach School shall be headed by an ~~Associate Vice President for Academic Affairs~~ Dean who shall report to the Vice President for Academic Affairs and shall be responsible for the recommendation of the ~~School of Extended Studies and Public Service~~ Outreach School budget and for the administration of the programs and functions of the School. ~~The Associate Vice President for Academic Affairs shall report to the Vice President for Academic Affairs.~~

E. ~~THE UNIVERSITY LIBRARIES~~ UNIVERSITY LIBRARIES

~~The University Libraries~~ shall be headed by a ~~Director~~ Dean who shall be responsible for the provision of library services, and for the recommendation of the Library budget. The ~~Director~~ Dean shall report to the Vice President for Academic Affairs. Librarians at the University shall be appointed by the Trustees. Recommendations for such appointment shall be initiated by the ~~Director of Libraries~~ Dean, and shall be forwarded to the Vice President for Academic Affairs who shall add his/her recommendations to the President ~~of the University~~ for recommendation to the Trustees. The designation "Librarian" shall be an academic title, signifying faculty status, and shall apply only to those qualified to provide professional library services in support of the University's instructional, research and public service functions, including the following:

1. Selection and development of library collections and other informational resources;
2. Bibliographical control of collections and their organization for use;

3. Reference, bibliographic instruction and advisory services;
4. Development and application of specialized information systems;
5. Library administration and management; and,
6. Research where necessary or desirable in relation to the foregoing.

The Librarians shall be subject to a peer review, ranking, promotion and extended-term appointment system more specifically set forth in UW Regulations. Recruiting, appointments and salaries will be administered by the ~~Director of Libraries~~Dean, through the Vice President for Academic Affairs. The principles of academic freedom as defined in these Regulations shall apply to Librarians.

~~6. COMPUTER SERVICES~~

~~Computer Services shall be headed by the Vice President for Information Technology who shall be responsible for the provision of computer services for the academic programs and administrative services of the University and for the recommendation of the Computer Services budget. The Vice President for Information Technology shall report to the President.~~

~~7. THE UNIVERSITY OF WYOMING AT CASPER (UW-CASPER)~~

~~The University of Wyoming at Casper (UW-Casper) shall be headed by a Dean who shall be responsible for the administration of the programs and functions of the University of Wyoming at Casper (UW-Casper). The Dean shall report to the Vice President for Academic Affairs.~~

~~8. DIVISION OF STUDENT AFFAIRS~~

~~The Division of Student Affairs shall provide such services and programs as students need to assist them with their educational experience and to develop as individuals. The Division shall be headed by a Vice President for Student Affairs, who shall report to the President. The Division of Student Affairs shall consist of the following units: Admission Office, Career Services Center, Center for Academic Advising, Housing and Residence Life, International Student Services, Office of Student Life, Recreation and Wellness, Registration and Records, Student Educational Opportunity, Student Financial Aid, Student Health Services, University Counseling Center, the Wyoming Union. Each unit shall be headed by a director who shall be responsible for all matters relating to the administrative affairs of that unit.~~

~~F.9. Divisions of Military Science and Aerospace Studies~~

The Divisions of Military Science and Aerospace Studies shall offer such programs in the Reserve Officer Training Corps as may be authorized by the Congress of the United States

Excerpt from UW Regulations 1-2

**UW REGULATION 1-2
Establishment of University Administrative Committees**

I. PURPOSE

To establish the standing administrative committees of the University of Wyoming, with specific duties and structure for the individual committees as outlined below, ~~with the following provisions applicable to each committee unless otherwise indicated.~~

II. GENERAL INFORMATION

All administrative committees established under the authority of the President shall be responsible and advisory to him/her. For the purposes of general administration, a University Vice President is designated for each committee. The designated Vice President shall provide administrative support, receive recommendations, and otherwise assist in effectuating the purposes and functions of the committee.

~~Committee assignments shall be effective with the beginning of the Fall semester and term of appointment shall be as designated. Each committee shall have~~ The applicable Vice President or designee shall appoint a chairperson (or co-chairpersons) and members of the ~~designated by the President and a secretary elected by members of the~~ committee. ~~Meetings shall be held on call of the chairperson.~~ Appointed members and ex officio members of each committee shall have the same privileges of participation unless otherwise stated. ~~Copies of~~ applicable, copies of minutes of all committee meetings shall be sent to the designated Vice President who shall maintain such minutes. These minutes shall be available for the use of review by the President.

III. UNIVERSITY ADMINISTRATIVE COMMITTEES

A. Animal Care Committee

1. Rationale

~~Animal experimentation is of basic concern to the academic community and is recognized as a part of the process of advancing knowledge. Although such experimentation is not inherently distressing to the animal or demoralizing to the experimenter, the avoidance of abuses to animals is a duty laid implicitly on every scientist when s/he uses such animals. The researcher can best be helped to discharge this obligation by those whose profession it is to study laboratory animals and their care.~~

The Health Research Extension Act (HREA) of 1985 and the Animal Welfare Act require the University to appoint an Institutional Animal Care and Use Committee (IACUC), whose responsibilities are delineated by federal law and policy.

2. Functions

~~The Committee shall make recommendations and proposals on matters pertaining to the use of animals in research and teaching. Such matters shall include, but not be limited to, procurement, housing, sanitation, disease control, nutrition, comfort, use, and disposal. The Committee shall specifically address itself to all Federal and State regulations dealing with the use of animals for any purpose by the University, and shall set such regulations as may be necessary for assuring the proper care of animals. The Veterinary Officer shall have the responsibility to provide the professional expertise needed in carrying out the charge of the committee, and shall interpret federal and state regulations regarding animal care for the Committee.~~

The IACUC is responsible for overseeing the care and well-being of animals used for research and educational purposes at the University and serves the public by ensuring compliance with all legal and ethical standards regarding the use of vertebrate animals in research and teaching at the University.

3. Composition

~~The composition of the Committee shall be composed of at least one representative from each academic unit involved determined as outlined in the use of animals for research. Public Health Service Policy on the Humane Care and teaching, with due consideration being given to obtaining representation from all colleges concerned. The Use of Laboratory Animals. The Associate Vice President for Research and Economic Development and the Veterinary Officer, who shall be a Doctor of Veterinary Medicine appointed by the President, shall serve as *ex officio* members of the Committee. Administrative responsibility is assigned to the Vice President for Research and Economic Development.~~

B. Athletics Planning Committee

1. Rationale

As a result of Trustee action authorizing the University of Wyoming to subscribe to the Knight Foundation Commission "one-plus-three" model for Intercollegiate Athletics -- presidential control directed toward academic integrity, financial integrity, and independent certification, the

Committee shall be advisory to the President for the formulation of intercollegiate athletics planning and policy.

2. Functions

The Committee ~~will shall~~ review, formulate and initiate general and long-range goals, plans and policies pertaining to the Division of Intercollegiate Athletics, ~~within the framework of its mission.~~ In addition, the committee shall review and assess matters pertaining to NCAA compliance and ~~applications~~ the application of University rules and regulations for eligibility, scholarships and equity; review annually the status of the Division of Intercollegiate Athletics to determine needs, and submit findings to the President ~~of the University~~; review regularly, ~~in conjunction with the University Faculty Athletics Representative~~ the academic issues, policies and progress associated with ~~the~~ student-athletes in the Division; meet at least quarterly at the discretion of the Chairperson or President ~~of the University~~; report to the University ~~of Wyoming~~ Faculty Senate in general Senate meetings at least once annually and, upon request, to Staff Senate and Student Senate; and assume other duties as directed by the President ~~of the University~~.

3. Composition

The Committee shall consist of the faculty representative to the Mountain West Conference and National Collegiate Athletic Association, eight other faculty members from degree granting colleges, two deans, four administrators (*ex officio*), two staff members, two students, and the Director of Intercollegiate Athletics, all appointed by the President of the University. The Faculty Athletic Representative will serve as the Committee chair.

~~C. Conferences and Institutes Committee:~~

~~i. Rationale:~~

~~An important part of the University's program is the provision of non-credit conferences, workshops, and short courses for various groups. Essential for the success of these endeavors is the careful and coordinated planning of the concerned service units on campus.~~

~~The Committee, working within established University policy, shall make arrangements for interested groups to meet on campus, and shall provide and coordinate the necessary supporting services.~~

~~The Committee shall consist of the Registrar or designee, Director of Service and Auxiliary Enterprises, Director of the Wyoming Union, Director of~~

~~Residence Life and Dining Services, Coordinator of Intramural Activities, and the Coordinator of Conferences and Institutes. Administrative responsibility is assigned to the Dean of Outreach.~~

DC. Controlled Substances Use Committee

1. Rationale

The Committee is required to ~~conform with licensing procedures established by the Department of Justice and other Federal agencies to~~ ensure the proper handling of controlled substances under the jurisdiction of the University ~~and its personnel.~~

2. Functions

The Committee shall develop policies and practices for the handling of controlled and dangerous substances ~~eonsnant~~consistent with ~~pertinent~~applicable Federal and State regulations and shall submit its recommendations to the Vice President for Research and Economic Development. ~~Whenever human subjects might be involved in the use of controlled substances or dangerous substances, the University Institutional Review Board for Projects Involving Human Subjects must be consulted.~~

3. Composition

The Committee shall consist of at least five faculty members including at least three biological scientists and with representation from the Colleges of Agriculture and Natural Resources, Arts and Sciences, Health Sciences, ~~and/or~~ the Division of Medical Education and Public Health (a physician). The Safety Officer and the Vice President for Research and Economic Development shall be *ex officio* members of the Committee. Administrative responsibility is assigned to the Vice President for Administration.

JD. ~~Retirement and Insurance~~Employee Benefits Committee

1. Rationale

The ~~Committee shall provide the vehicle for the study~~University, on as needed basis, should have a mechanism to review and development ~~of~~develop economic benefits for the faculty and staff ~~in the broad areas of insurance, group investments, social security and retirement on an as needed basis.~~

2. Functions

It shall be the primary function of this Committee to formulate, propose and review programs of fringe benefits relating to the economic status of faculty and staff, and to make recommendations ~~concerning the same~~ to the Vice President for Administration concerning the same. The Committee shall provide recommendations on the development of economic benefits for the faculty and staff in the broad areas of insurance, group investments, social security and retirement.

3. Composition

The Committee shall be composed of four faculty members, one of whom shall be a retiree, selected by the Faculty Senate; ~~and~~ four staff members, one of whom shall be a retiree, selected by the Staff Senate; and one staff officer and one academic officer of the University, chosen by the Vice President for Administration. The Director of Human Resources shall be an ex officio member without vote. Administrative responsibility is assigned to the Vice President for Administration.

E. Environmental Health, Safety, and Risk Management Committee

1. Rationale

Sound policies and practices regarding environmental health, safety, and risk management are essential: 1) to ensure the well-being of students, employees, and visitors to the campus, and 2) to attain the most cost-effective methods for safeguarding University assets. A committee drawn from diverse areas of the University is vital to the process of evaluating safety practices and risk exposure and formulating relevant policy recommendations.

2. Functions

The Committee shall review incidents and situations related to safety or risk concerns and make policy or action recommendations to the appropriate Vice President or relevant division/department administrators. The Committee shall assist University offices to: 1) formulate recommendations to the appropriate Vice Presidents regarding the allocation of resources for environmental health, safety, and risk management purposes, and 2) ensure compliance with policies and practices.

The Committee also provides the University community a forum for expression of health, safety, and risk concerns.

3. Composition

The committee membership includes representatives from the offices of Agriculture Research Service, Athletics, Facilities Planning, Financial Services, Residence Life and Dining Services, Human Resources, Kinesiology and Health, Physical Plant, Campus Police, Risk Management, Environmental Health and Safety, and Dean of Students, as well as three members of the faculty, one student, and one staff member at-large.

The faculty members are appointed by the Faculty Senate for three-year terms on a rotating basis from the various colleges with representation to include physical and biological sciences; the student member is appointed by the ASUW for a one-year term; and the staff member at-large is appointed by the Staff Senate for a three-year term. Administrative responsibility is assigned to the Vice President for Administration.

F. Facilities and Space Allocation Committee

1. Rationale

The University must sustain its programs and respond to emerging needs within the constraints of existing space and available ~~Physical Plant manpower and monetary~~ resources. ~~Deliberations of a~~ Establishing this committee representing all areas of the University will promote the allocation of these limited resources in a manner ~~consonant~~ consistent with overall program goals.

2. Functions

It shall be the function of the Committee to:

~~(1) Determine relative priorities for Physical Plant projects requiring significant man-hour commitments.~~

~~(2) Determine~~ determine the allocation of space not assigned to colleges.

~~(3) Determine~~ and determine the reassignment of space among colleges and other units in accordance with University program requirements.

3. Composition

The Committee shall consist of the Vice Presidents of the University, ~~the General Counsel,~~ and the Director ~~for Governmental and Community of Intercollegiate Athletics as needed.~~ The Committee shall be ~~co-chaired by the Vice President for Academic Affairs.~~ The Provost and the Vice

President for Administration ~~will serve as chair.~~ This Committee is assisted by the Office of Space Management.

L.G. **Institutional Biosafety Committee**

1. Rationale

The University shall ensure biological safety through prudent practices necessary to protect people and the environment from hazardous biological materials and through conformance with biological safety directives and federal and state guidelines.

2. Functions

The Committee shall make recommendations and proposals on matters pertaining to the use of biological agents in research and teaching, including ~~Biological agents are toxins,~~ bacteria, viruses, fungi, parasites, infected or potentially infected human, animal or plant cells, recombinant DNA, infectious nucleic acids and toxin producing agents. ~~Such matters shall include but are not limited to research, sanitation, treatment and disposal of hazardous biological materials.~~ The Committee shall ~~specifically address itself to all federal and state guidelines and regulations dealing with the use of all biological agents for any purpose by the University, and shall set~~ recommend such regulation as may be necessary for assuring the proper handling of biohazardous materials. ~~The Biological Safety Officer Specialist shall have the responsibility to provide the professional expertise needed in carrying out the charge of the Committee, and shall interpret, upon consultation with the Office of General Counsel, federal and state regulations regarding biological agents for the committee.~~

3. Composition

The Institutional Biosafety Committee shall be comprised of at least one representative from each academic unit interested and involved in research related to biological agents, the Biological Safety Officer Specialist, and at least two qualified individuals not affiliated with the University to represent the interest of the community with respect to health and protection of the environment. ~~The Biological Safety Officer Specialist shall be a permanent voting member of the committee. Members shall be appointed by the Vice President and General Counsel and the Committee shall select a chairperson annually. Administrative responsibility is assigned to the Vice President and General Counsel.~~ A quorum will consist of a simple majority. A passing vote will be a simple majority of the members present. Administrative responsibility is assigned to the Vice President and General Counsel.

GH. Institutional Review Board for Projects Involving Human Subjects

1. Rationale

The Department of Health and Human Services Policy for Protection of Human Research Subjects requires the University to appoint at least one Institutional Review Board (IRB), whose responsibilities are delineated by federal law and policy.

2. Functions

~~If~~The IRB is essential that the University establish~~responsible for conducting initial and adhere to acceptable procedures for determining continuing reviews and evaluating any risk to human subjects who may be involved in research or other investigation.~~

~~ii. Functions.~~

~~The Committee shall establish such regulations and proceedings as are necessary to safeguard the rights and welfare of human subjects, being cognizant of relevant governmental guidelines and requirements. It shall review providing oversight for all research, survey, and other investigatory proposals activities involving in any way the use of human subjects or the collecting and cataloging of information which might involve the rights of privacy of human subjects. The Committee shall determine if such proposals involve human subjects "at risk," shall evaluate the risk, and shall determine if the information to be gained warrants the risk. It shall make the appropriate certifications, shall keep necessary records, and monitor projects on an appropriate basis performed by any employee or student of the University.~~

3. Composition

~~iii. Composition.~~

~~The composition of the Committee shall be composed of at least one representative from each academic unit interested determined as outlined in the Department of Health and involved in research related to human subjects, the Human Services Policy for Protection of Human Research Subjects. The Associate Vice President for Research and Economic Development, the Dean, shall serve as an ex officio member of the Graduate School, a medical representative from the Student Health Service, and at least one qualified non-University individual Committee. Administrative~~

responsibility is assigned to the Vice President for Research and Economic Development.

HI. Parking Advisory Committee

1. Rationale

Staff, students and faculty should have the opportunity to participate in the formulation of traffic and parking regulations and to address the special traffic and parking needs of those in the University community.

2. Functions

The committee shall make recommendations to the administration concerning general traffic and parking regulations, assign special and reserve parking spaces, act on written appeals for special parking permit considerations ~~(having the authority to grant, deny, or alter the appeal, as appropriate),~~ and work with the Manager of Transportation and Parking ~~in effecting to implement~~ minor changes in the traffic patterns and parking.

3. Composition

The committee shall include six representatives appointed by the Vice President for Administration. Administrative responsibility is assigned to the Vice President for Administration.

IJ. Radiation Safety Committee

1. Rationale

The ~~Committee is required by the United States Nuclear Regulatory Commission (NRC) for institutions such as the University of Wyoming,~~ operating under a type A broad scope byproduct (radioactive materials) license ~~as is required under the United States Nuclear Regulatory Commission (NRC) to appoint a means for managerial control over licensed activities~~ radiation safety committee.

2. Functions

The Committee shall develop, administer and periodically review policies and procedures to assure control of procurement and use of radioactive materials, and enforce the radiation safety program by advising and directing personnel regarding the ~~NRC and/or license provisions. Some of the Committee's functions may be delegated to the Radiation Safety Officer or to subcommittees~~ applicable policies and procedures of the NRC.

3. Composition

The Committee shall consist of the Associate Vice President for Research, the Radiation Safety Officer/Health Physicist, at least one administrative representative appointed by the Vice President and General Counsel, and at least one technical representative from each college, group or activity using ionizing radiation sources under the University's license. Appointments will be for a one-year term. Administrative responsibility is assigned to the Vice President and General Counsel.

K. Traffic Appeals Committee

1. Rationale

Staff, students and faculty should have the opportunity to appeal traffic citations issued to them by the University ~~Department of Transportation and Parking.~~

2. Functions

The Committee shall (1) act on all written appeals made within fifteen days of the date of violation; ~~–having authority to(2) grant, deny, reduce or alter the appeal, as appropriate. The Committee shall make; and (3) make~~ recommendations concerning general traffic and parking regulations to the Parking Advisory Committee.

3. Composition

The Committee shall include a representative of the Vice President for Administration and one representative each from the faculty, staff, and ~~the~~ ASUW. The Chief of the University Police Department or designee shall be an ex officio member without vote. Administrative responsibility is assigned to the Vice President for Administration.

Source:

University Regulation 2; adopted 1/22/10 Board of Trustees meeting
Revisions adopted 3/23/12 Board of Trustees meeting
Revisions adopted 6/16/14 Board of Trustees meeting

Excerpt from UW Regulations 1-3

UW REGULATION 1-3

Equal Employment Opportunity/Diversity (Affirmative Action) Program

I. POLICY

The University is committed to equal opportunity for all persons in all facets of the University's operations. The University's policy has been, and will continue to be, one of nondiscrimination, offering equal opportunity to all employees and applicants for employment on the basis of their demonstrated ability and competence without regard to such matters as race, sex, gender, color, religion, national origin, disability, age, veteran status, sexual orientation, genetic information, political belief, or other status protected by state and federal statutes or University Regulations. It shall also be the policy of the University to utilize an affirmative action approach in the recruiting, hiring and promotion of women, people of color, and other persons from designated groups covered by federal statutes, executive orders, and implementing regulations in order to achieve a diverse workforce and student body.

II. RESPONSIBILITY FOR IMPLEMENTING THE POLICY AND PROGRAM

The Director of ~~University~~ Diversity and Employment Practices/~~University~~ Diversity is responsible for implementing and administering this program. It is the Director's responsibility to publish instructions as required to implement the steps of the program outlined below.

It is the continuing, active, individual responsibility of each principal Administrative Officer, Dean, Department and Division Head, or Supervisor to assure that the University's Equal Employment Opportunity policy is followed when making decisions relating to recruiting, hiring, or promoting qualified persons.

III. DISSEMINATION OF THE POLICY AND PROGRAM

To assure that the University's commitment to equal employment opportunity is communicated to all involved with recruiting, selecting, hiring, training, and promoting employees, the University will disseminate the policy and program both internally and externally.

- a. In addition to the normal distribution of this ~~University~~ Regulation through the ~~Office of~~ Office of Diversity and Employment Practices/~~University~~ Diversity Office, General Counsel, and Human Resources websites, a copy will also be distributed in employee orientation and training sessions and through other University publications as developed and distributed.

- b. The policy and program will be discussed in meetings with faculty, staff, and supervisory personnel to assure that the intent of the policy and individual responsibility are clearly understood.
- c. The policy will be included in the ~~Employee Staff and Faculty Handbook~~ given to new employees at the time they are hired.
- d. Recruiting sources will be informed of the University's policy of nondiscrimination and affirmative action.
- e. An appropriate statement concerning nondiscrimination, adherence to Equal Employment Opportunity regulations and the University's commitment to the goal of creating a diverse community of scholars and students will be included in letters, brochures, and announcements of position vacancies intended to recruit applicants for employment.
- f. The Equal Employment Opportunity and Non-Discrimination clause will be incorporated in all invitations to bid, purchase orders, leases, contracts, etc., covered by federal laws, executive orders, and implementing regulations.

IV. RECRUITING

- a. The University will continue to recruit applicants for employment on the basis of their demonstrated ability and competence and will make affirmative and positive efforts to include individuals without regard to such matters as race, color, religion, sex, national origin, disability, age, veteran status, sexual orientation, genetic information or political belief.
- b. Sources likely to yield qualified people of color, women, and applicants from other designated groups covered by federal statutes, executive orders, and implementing regulations will be identified and included in all recruiting efforts.

V. EMPLOYMENT AND PLACEMENT

- a. All applicants for employment will continue to be considered and placed on the basis of their qualifications without regard to race, color, religion, sex, national origin, disability, age, veteran status, sexual orientation, genetic information or political belief. Similarly, self-identified ~~disabled~~ applicants with a disability who request an accommodation in order to complete the application process or to perform the essential functions of the job in question, shall be given the appropriate consideration in accordance with applicable ADA guidelines. Employment decisions are therefore based on an individual's qualifications.

- b. Employment procedures will be reviewed periodically to ~~insure~~ensure that they do not constitute inadvertent discrimination.

VI. TRAINING

- a. All University employee training programs will be administered and conducted in conformance with the University's policy of non-discrimination.
- b. Selection of employees for training will be on the basis of merit without discrimination.
- c. Employees having supervisory responsibilities (regardless of title, rank, or classification) are required to attend a session on the prevention of sexual harassment.

VII. PROMOTIONS, TRANSFERS, DEMOTIONS, AND LAYOFFS.

- a. – As opportunities for promotions and transfers occur, measures will be taken to assure that all qualified employees are afforded equal access to the opportunity and that the decisions are in accord with the principles of equal employment opportunity.
- b. – During any retrenchment plans, the retrenchment plans will be reviewed to ~~insure~~ensure that decisions are made without regard to race, color, religion, sex, national origin, disability, age, veteran status, sexual orientation, genetic information or political belief.

VIII. CONTRACTORS AND SUBCONTRACTORS

- a. – All prime contractors on University federally assisted construction contracts will be notified of the University's firm commitment to the principles of equal employment opportunity and of their non-discrimination and affirmative action responsibilities under existing laws, executive orders, and implementing regulations.
- b. – Where the University is a subcontractor to a prime contractor on government contracts, the prime contractor will be informed of the University's non-discrimination policy.

IX. FACILITIES, SOCIAL AND RECREATION ACTIVITIES

- a. – All University facilities will continue to be maintained on a non-discriminatory basis.

- b.– All University sponsored social and recreational activities will continue to be conducted on a non-discriminatory basis.

X. REPORTS AND DOCUMENTATION

Reporting and record keeping systems will be developed by the Director of [Diversity and Employment Practices/Diversity](#).

XI. GOALS AND TIMETABLES

The University is a complex and diversified institution, therefore, attainment of the ultimate goal – a fully diverse community of qualified persons, who fall within previously described classifications, in each position category in numbers reasonably expected by their availability – is a long-range undertaking. Nevertheless, the University will continue to direct its efforts in good faith toward attainment of the objectives of its policy.

Results achieved under this program will be evaluated periodically and the program revised as required.

Source:
University Regulation 3; adopted 1/22/10 Board of Trustees meeting
Revisions adopted 11/16/12 Board of Trustees meeting

Excerpt from UW Regulations 1-5

UW REGULATION 1-5 Civil Rights Discrimination

I. DEFINITIONS

Discrimination includes:

- a. **Civil Rights Discrimination** – Adverse treatment and harassment on the basis of race, sex, gender, color, religion, national origin, disability, age, veteran status, sexual orientation, genetic information, political belief, or other status protected by state and federal statutes or University Regulations.
- b. **Employment Discrimination** – Civil rights discrimination in hiring, discharge, compensation, promotion, terms and conditions of employment, or other treatment which adversely affects employment status.
- c. **Program Discrimination** – Civil rights discrimination that serves to exclude from or deny to its clientele equal access to the University’s programs, activities, or benefits.
- d. **Sexual harassment** – Unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature.
- e. **Retaliation** – Adverse action or threat made in reprisal against any individual who participates as an actual or potential party, witness, or representative relating to a report of discrimination or harassment as authorized by this policy.

II. POLICY

It is a violation of University policy to interfere with or circumvent in an inappropriate manner the employment or educational pursuits of any member of the University community. Discrimination and retaliation are specifically prohibited. Violations of this policy will be addressed promptly, with appropriate corrective action taken; violations of a severe or persistent nature are considered serious and may result in separation from the University.

III. RESPONSIBILITY

It is the responsibility of any person subjected to discrimination or retaliation to promptly report the occurrence of the offending remarks or behavior to the Director of Diversity and Employment Practices or other appropriate University officials. University officials include every administrative officer, dean, director, department head, supervisor, and all instructional personnel. A report of discrimination or retaliation made to a University official shall be referred to the next administrative level of the University and

to the Director of Diversity and Employment Practices, who is responsible for coordination of this policy. Requests for confidentiality or anonymity shall be respected consistent with the ~~University's~~ University's obligation to investigate all reports of discrimination or retaliation.

IV. PROCEDURES

The University will respond to all reports of discrimination or retaliation.

- a. Acts of discrimination or retaliation should be reported promptly and without unreasonable delay. Student complaints should normally be reported within one semester following any occurrence.
- b. The University's Director of Diversity and Employment Practices ~~Director~~ will be responsible for administering a complaint investigation process.
- c. All parties have responsibility for ensuring full cooperation with the investigator.
- d. The vice president or appropriate dean shall promptly address any instance of discrimination or retaliation identified in the investigation.
- e. The vice president must authorize any disciplinary action.
- f. The vice president or appropriate dean may meet with any individual accused of discrimination or retaliation to discuss issues raised in the investigation and any disciplinary action which might be contemplated.
- g. The vice president shall provide written notice of any disciplinary action imposed.
- h. Any corrective action or discipline imposed as a result of substantiated discrimination or retaliation shall be consistent with applicable faculty, staff, and student dispute resolution, grievance or appeals processes.

V. DISPOSITION OF THE RECORD

All records concerning a discrimination or retaliation complaint shall be considered a ~~p~~ersonnel record and closed to the public in accordance with Wyoming law. Records involving students shall be forwarded to the Dean of Students and shall be closed in accordance with ~~f~~ederal and Wyoming law.

Source:
University Regulation 5, Revision 1; adopted 7/17/08 Board of Trustees meeting
Revisions adopted 11/16/12 Board of Trustees meeting

Excerpt from UW Regulations 1-44

**UW REGULATION 1-44
Violence in the Workplace**

I. POLICY

Violations of this policy will be addressed promptly, with appropriate corrective action taken. Violations of a severe or persistent nature are considered serious and may result in termination of University employment, subject to applicable UW Regulations governing dismissal of academic personnel or staff.

This policy is independent of, and not intended to replace or supplant the role of law enforcement in responding to acts or threats of violence. In many cases, the first response to acts or threats of violence should be to call the University police or local law enforcement.

II. PROCEDURES

A. General Roles and Responsibilities

1. General

- a. Any person experiencing or observing threats or acts of violence should call 911 or University Police immediately.
- b. Acts of violence, ~~or~~ threats of violence, or acts of retaliation should be reported to the Director of [Diversity and Employment Practices](#) within ten (10) working days of the incident.
- c. Each employee should notify his/her supervisor or another appropriate university official of any protective orders or restraining orders against individuals ~~that~~ [who are included in](#) the workplace.

2. Persons ~~a~~ Authorized to ~~r~~ Receive ~~r~~ Reports of ~~w~~ Workplace ~~v~~ Violence, Threats of Violence, or Retaliation

- a. A complaint may be brought to any appropriate administrator of the University community including
 - (1) ~~The~~ [Employee Relations Manager, Human Resources of Employee Relations \(MER\)](#)
 - (2) ~~The~~ Director, Human Resources

- (3.) ~~The~~ Director, Diversity and Employment Practices/~~Affirmative Action~~
- (4.) Any academic or administrative officer of the University
- (5.) Any college dean, director, supervisor, department head or their designee

3. Investigation of complaints

- a. Any member of the University community—i.e. student, staff, faculty member, and campus visitor—is required to report acts or threats of workplace violence to the Director of Diversity and Employment Practices or the appropriate university official.
- b. All University personnel who are informed of complaints of violence or threats of violence shall immediately forward the complaint to the Director of Diversity and Employment Practices.
- c. The Director of Diversity and Employment Practices, or ~~his~~ their designee, is responsible for coordinating a complaint investigation process. Investigations, if necessary, shall ordinarily be completed within thirty calendar days following the date the complaint is received by the Director of Diversity and Employment Practices. The President or appropriate Vice President may approve an extension of time for good cause. The investigator may make a recommendation on action to the appropriate Vice President.
- d. The Vice President shall take action, including disciplinary action where appropriate. ~~As used in this paragraph 4, “Vice President” includes the General Counsel and Director for Governmental and Community Affairs.~~
- e. Diversity and Employee Practices ~~Office~~ will maintain University-wide information on workplace acts or threats of violence.

III. SANCTIONS.

Employees who violate this policy will be subject to disciplinary action up to and including termination. Employees who intentionally bring false charges will also be subject to disciplinary action up to and including termination. In all cases in which termination is sought, employees have the right to due process as set forth in applicable UW Regulations governing dismissal of academic personnel or staff. Non-employee violations of this policy will be handled in accordance with applicable University policies.

IV. DISPOSITION OF THE RECORD.

All University records concerning acts of violence or threats of violence shall be considered confidential personnel records and will be closed to the public in accordance with Wyoming law. Student records shall be closed in accordance with federal and Wyoming law. The Office of Diversity and Employment Practices ~~The Employee Relations Office~~ shall be custodian of official records of all complaints.

Nothing contained in this policy shall be construed to infringe upon the right of free speech or academic freedom of any member of the University community, nor to diminish any individual's right to make a legal claim under state or federal statutes.

Source:
University Regulation 44; adopted 1/22/10 Board of Trustees meeting

Excerpt from UW Regulations 1-101

**UW REGULATION 1-101
University Regulations and Presidential Directives**

I. REGULATIONS GENERALLY

Article IX of the ByLaws of the Board of Trustees of the University provides that rules for the government of the University shall be designated as Regulations of the Trustees. These Regulations may also be referred to as “UW Regulations.” The President of the University shall propose to the Board new regulations and modifications to and repeal of existing regulations as necessary to provide for the organization and operation of the University.

II. REGULATIONS OF ACADEMIC UNITS

In accordance with its bylaws, the University Faculty may propose regulations to establish educational and academic policies for the University ~~as a whole~~; to promote the general welfare of the University, ~~the~~its students and academic personnel; to establish policies regarding student conduct, ~~and all phases of~~ student life, ~~activities~~ and student organizations; and to establish faculty committees.

The faculties of the various colleges and of the Graduate School may propose regulations to establish the organization of their respective units, including functions, programs and procedures. Other academic units ~~specified in Chapter III (citation)~~, after consultation with the Vice President for Academic Affairs, may propose such regulations as are required for the discharge of their responsibilities.

All regulations proposed by the University Faculty, the faculties of the various colleges and of the Graduate School and of other academic units shall be reviewed by the President ~~of the University~~. ~~Incident to such review, the~~The President shall consider the need for such regulations, the duties and authority of the officer or academic unit proposing the regulation, possible conflicts with other existing regulations, and such other matters as the President may deem relevant to the best interests of the University.;

~~The~~ ~~As part of the review, the~~ President ~~may~~may cause the proposed regulations to ~~be reviewed by~~ seek recommendations from any affected units of the University, and ~~or~~ any officers or committees concerned with the substance of the proposed regulation ~~and in order to elicit their recommendations~~.

The President may return the proposed regulation for further consideration. ~~But if in the case of a~~If the regulation ~~which has been~~was proposed by the Faculty Senate, ~~and~~ the Senate, after consideration of the President's views, ~~shall agree to~~repasses the regulation by a three-fourths vote of the members present and voting (there being

a quorum of at least two-thirds of the voting members present), the President shall refer the regulation to the Trustees, at their next regularly scheduled meeting, for final approval, disapproval or other disposition of the regulation. At this meeting, the Board shall hear the views of the President and ~~shall invite~~ the Chair of the Faculty Senate or ~~designate the Chair's designated representative to represent the view of the Faculty Senate~~ on the proposed regulation.

III. PUBLICATION AND EFFECT OF REGULATIONS

All UW Regulations shall be ~~deemed to be~~ issued by ~~the authority of~~ the Trustees of the University ~~of Wyoming~~, shall be in a form approved by the Trustees, and shall be published and distributed in a manner directed by the President, including being available on the University's website.

~~As a condition of their employment, it shall be the duty of~~ all employees ~~to must~~ conduct themselves in accordance with UW Regulations ~~as a condition of their employment~~.

~~As a condition of enrollment in the University, s~~Students applying for admission or enrolled in the University ~~of Wyoming shall must~~ comply with all applicable UW Regulations ~~as a condition of enrollment in the University of Wyoming~~.

All UW ~~regulations~~Regulations approved by the Board shall remain effective until repealed or modified ~~by the Board~~.

IV. PRESIDENTIAL DIRECTIVES

A Presidential Directive is a policy established by the University President having general University-wide effect or application ~~in accordance with the President's authority~~. It is not intended to serve as a substitute for a UW Regulation. Presidential Directives shall be published and distributed in a manner directed by the President, including being available on the University's website.

~~As a condition of their employment, it shall be the duty of~~ all employees ~~must~~ conduct themselves in accordance with Presidential Directives ~~as a condition of their employment~~.

~~Students~~~~As a condition of enrollment in the University, students~~ applying for admission or enrolled in the University ~~of Wyoming shall must~~ comply with all applicable Presidential Directives ~~as a condition of enrollment in the University of Wyoming~~.

All Presidential Directives shall remain effective until repealed or modified ~~by the President~~.

Excerpt from UW Regulations 1-102

**UW REGULATION 1-102
Board of Trustees Directives**

I. DIRECTIVES OF THE BOARD OF TRUSTEES

A. Settlement Authority

(Minutes of [the Trustees](#) – March 3-~~4~~4, 2000, Budget Committee).
The President is authorized to settle claims against the University up to \$100,000.

B. Change Orders for Construction

(Minutes of Trustees – September 14-16, 2006 – Consent Agenda, p. 35).
The Director of Physical Plant is authorized to approve change orders for construction or major maintenance projects up to \$50,000. The Vice President for Administration is authorized to approve change orders for construction or major maintenance projects up to 20% of the total project amount approved by the Trustees. All change orders will be reported to the Trustees.

C. Retention or Disposal of Real Property

([Minutes of the Trustees](#) ~~Minutes~~ – July 25, 1998, Physical Plant & Equipment Committee). Attachment A is the policy for retention and disposal of real property.

D. Graduate Faculty

(Minutes of [the Trustees](#) – December 8, 1990, Item #10, p. 45 & ~~Minutes of the Trustees~~ December 14, 1991, p. 30). The Graduate Faculty of a department will be reviewed for participation in graduate committees and the quality of supervised graduate student degree programs. Any member of the Graduate Faculty who has not served on any graduate committee since the last review period will have the designation of “Graduate Faculty” terminated.

E. President’s Authority to Appoint Certain Faculty

([Minutes of the Trustees](#) ~~Minutes~~ – March 3-4, 2000, Personnel Committee). The President of the University may approve gratis, adjunct, temporary, clinical, and visiting academic appointments, whether full- or part-time. The President ~~will~~ shall report all such personnel actions to the Trustees annually.

F. Emeritus Status and Board Retirement

(~~Trustee~~ [Minutes of the Trustees](#) – January 9-11, 2003, Work Session). Emeritus faculty and academic professionals shall receive Board retirement benefits whether or not they meet the University service requirements for eligibility for Board retirement contained in UW Reg 4-2.

G. Authorization for Stock Transfers

(Minutes of the Trustees – July 25, 1998, Budget Committee).

The President of the University and Treasurer of the Board are authorized to:

1. Sell, assign, and transfer stocks, bonds, evidences of interest, evidences of indebtedness and/or other obligation, and all other securities, corporate or otherwise, now or hereafter held by this corporation in its own right or in any fiduciary capacity, and to execute any and all instruments necessary, proper or desirable for the purpose, and to ratify any past actions;
2. Act as agents of UW and to sign agreements, resolutions and any other documentation required to establish, maintain, and terminate security cash accounts with security dealers and brokers for the purpose of taking ownership and possession of cash, bonds, stocks and other securities held by such dealers and brokers which have been directed to the University by gift, bequest or any other act of transfer; and as agents they are fully authorized to sell, assign and transfer stocks, bonds, evidence of interest, etc. and all other securities, corporate or otherwise, now or hereafter held by the corporation its own right or in any fiduciary capacity pursuant to this authorization and to execute any and all instruments necessary, proper or desirable for the purpose.

H. University of Wyoming Investment Policy

(Minutes of the Trustees – March 12, 2007, Audit and Fiscal Integrity Committee).

Attachment B is the Investment Policy of the University of Wyoming which establishes the general guidelines and procedures for the investment of University funds.

I. Evaluation of Unoccupied Facilities

(Minutes of the Trustees – July 25, 1998). It is the policy of the University ~~of Wyoming~~ that when a facility is no longer occupied, or upon request of the University administration, an evaluation of the subject facility or land shall be made to guide decisions regarding the retention or disposal of the facility and the land. The Vice President for Administration shall establish procedures, as appropriate, to determine necessary analyses to be used in the evaluation.

J. Master List of Degrees

(Minutes of the Trustees – March 1983). At its annual meeting in May, the Board of Trustees shall approve the master list of degrees offered by the University of Wyoming. The list may be amended by the Board at any meeting.

K. Trustees Serving on Boards

(Minutes of the Trustees – March 5, 2010, Consent Agenda) If the Board of Trustees agrees to appoint Board members to the governing bodies of University related organizations, such appointments shall be for service only as non-voting members.

L. School of Energy Resources

(Minutes of the Trustees – January 17, 2014). The Division of Academic Affairs shall establish and provide for the implementation of the following:

1. For any performance evaluation of an employee in a non-classified administrative position within the School of Energy Resources, there shall be an opportunity for the Energy Resources Council to provide input and there shall be a report to the Energy Resource Council regarding the outcome of the performance evaluation.
2. The search committee established for the selection of any deputy director position within the School of Energy Resources shall include at least one member of the Energy Resources Council who is not an employee of the University.
3. The process for selecting the director of the School of Energy Resources shall include the following:
 - a. The chairman of the Energy Resources Council, or the Chairman's designee, shall be a member of the search committee.
 - b. The search committee member in subparagraph ~~e-i-3.a.~~ shall consult with the other members of the Energy Resources Council during that member's service on the search committee.
 - c. The ~~Provost~~ Vice President for Academic Affairs shall consult with the Energy Resources Council before recommending a candidate to the President for consideration by the Board of Trustees.

M. Public Art Policy

(Minutes of the Trustees – January 17, 2014). Attachment C is the University of Wyoming Public Art Policy [which outlines the roles of the President's Public Art Committee.](#)

Source:
Adopted 7/17/08 Board of Trustees meeting

Excerpt from UW Regulations 1-102 Attachment A

**ATTACHMENT A TO UW REGULATION 1-102
Policy for Retention or Disposal of Real Property**

It is the policy of the University of Wyoming that when a facility is no longer occupied, or upon request of the University administration, an evaluation of the subject facility or land shall be made to guide decisions regarding the retention or disposal of the facility and the land.

1. ~~The following d~~Definitions for the purposes of this regulation ~~the following~~ shall apply:
 - a. "Land" means unimproved or agricultural property owned by the University.
 - b. "Facility" means a building or improved property owned by the University.
 - c. "No Longer Occupied" means a facility or land that is not currently assigned a specific use or purpose supporting the mission of the University.
 - d. "Disposal" means either demolition or removal of facilities and/or improvements or, in the case of ~~lands sales~~ sale of land.
2. The Vice President for Administration shall establish procedures, as appropriate, to determine necessary analyses to be used in the evaluation. The process may include but is not limited to the following ~~analyses~~:
 - a. ~~Cost-b~~ Benefit-a ~~Analysis;-~~
 - b. ~~Environmental a~~ Analysis; or-
 - c. Analysis of the ~~f~~ Facility's u ~~s~~ sability and f ~~e~~ Flexibility.
3. Any evaluation regarding retention or disposal of real property shall be presented to the Trustees of the University of Wyoming for consideration.

II. AGENDA ITEM TITLE:

Approval of Addition to UW Regulation 1-102, Miller

CHECK THE APPROPRIATE BOX(ES):

- Work Session
- Education Session
- Information Item
- Other Specify: Special Board of Trustees Meeting (Consent Agenda)

BACKGROUND AND POLICY CONTEXT OF ISSUE:

UW Regulation 1-102 is a compilation of Board of Trustee policies. As new policies are proposed (or existing ones discovered), they are added to the regulation.

The proposed addition relates to payment and performance bonds. Wyoming Statute 16-6-112 requires that the University secure payment and performance bonds from contractors for construction or public works projects over \$7,500; allows for other forms of guarantee besides bonds for projects under \$150,000 in an amount not less than 50% of the contract amount; provides that the officer or governing body set the amount of bonds for contracts over \$150,000; and requires that bonds be approved and filed with “the appropriate officer, agent or other designee of the state.”

The proposed policy is in accordance with these statutory requirements. Bonds will be reviewed by the Office of Risk Management and Safety, and the amount of performance and payment bond, or other form of guarantee on small projects, is dependent upon the type of project. For example, new construction will require performance bonds equaling 100% of the contract amount and payment bonds equaling 50% of the contract amount, unless a lesser amount is approved by the Vice President for Administration. This is consistent with current University practice. For major maintenance and any other type of construction, except new construction, the policy delegates to the Director of Facilities Planning or the Director of Physical Plant to set the amount for the bonds. The policy specifies that in no case will any bonds fall below 50% of the contract amount.

The President proposes that the Board adopt the policy as UW Regulation 1-102, paragraph N.

Prior Related Board Discussions/Actions:

There is no prior board discussion or action related to performance or payment bonds.

WHY THIS ITEM IS BEFORE THE BOARD:

UW Regulation 1-101 requires that any amendment to UW Regulations must be approved by the Board.

ACTION REQUIRED AT THIS BOARD MEETING:

Board approval or disapproval of the amendment to the Regulation.

PRESIDENT’S RECOMMENDATION:

The President recommends approval.

Excerpt from UW Regulations 1-102 Board of Trustees Directives

**UW REGULATION 1-102
Board of Trustees Directives**

I. DIRECTIVES OF THE BOARD OF TRUSTEES

A. Settlement Authority

(Minutes of the Trustees – March 3-4, 2000, Budget Committee).

The President is authorized to settle claims against the University up to \$100,000.

B. Change Orders for Construction

(Minutes of Trustees – September 14-16, 2006 – Consent Agenda, p. 35).

The Director of Physical Plant is authorized to approve change orders for construction or major maintenance projects up to \$50,000. The Vice President for Administration is authorized to approve change orders for construction or major maintenance projects up to 20% of the total project amount approved by the Trustees. All change orders will be reported to the Trustees.

C. Retention or Disposal of Real Property

(Minutes of the Trustees – July 25, 1998, Physical Plant & Equipment Committee).

Attachment A is the policy for retention and disposal of real property.

D. Graduate Faculty

(Minutes of the Trustees – December 8, 1990, Item #10, p. 45 & December 14, 1991, p. 30). The Graduate Faculty of a department will be reviewed for participation in graduate committees and the quality of supervised graduate student degree programs. Any member of the Graduate Faculty who has not served on any graduate committee since the last review period will have the designation of “Graduate Faculty” terminated.

E. President’s Authority to Appoint Certain Faculty

(Minutes of the Trustees – March 3-4, 2000, Personnel Committee). The President of the University may approve gratis, adjunct, temporary, clinical, and visiting academic appointments, whether full- or part-time. The President shall report all such personnel actions to the Trustees annually.

F. Emeritus Status and Board Retirement

(Minutes of the Trustees – January 9-11, 2003, Work Session). Emeritus faculty and academic professionals shall receive Board retirement benefits whether or not they meet the University service requirements for eligibility for Board retirement contained in UW Reg 4-2.

G. Authorization for Stock Transfers

(Minutes of the Trustees – July 25, 1998, Budget Committee).

The President of the University and Treasurer of the Board are authorized to:

1. Sell, assign, and transfer stocks, bonds, evidences of interest, evidences of indebtedness and/or other obligation, and all other securities, corporate or otherwise, now or hereafter held by this corporation in its own right or in any fiduciary capacity, and to execute any and all instruments necessary, proper or desirable for the purpose, and to ratify any past actions;
2. Act as agents of UW and to sign agreements, resolutions and any other documentation required to establish, maintain, and terminate security cash accounts with security dealers and brokers for the purpose of taking ownership and possession of cash, bonds, stocks and other securities held by such dealers and brokers which have been directed to the University by gift, bequest or any other act of transfer; and as agents they are fully authorized to sell, assign and transfer stocks, bonds, evidence of interest, etc. and all other securities, corporate or otherwise, now or hereafter held by the corporation its own right or in any fiduciary capacity pursuant to this authorization and to execute any and all instruments necessary, proper or desirable for the purpose.

H. University of Wyoming Investment Policy

(Minutes of the Trustees – March 12, 2007, Audit and Fiscal Integrity Committee).

Attachment B is the Investment Policy of the University of Wyoming which establishes the general guidelines and procedures for the investment of University funds.

I. Evaluation of Unoccupied Facilities

(Minutes of the Trustees – July 25, 1998). It is the policy of the University that when a facility is no longer occupied, or upon request of the University administration, an evaluation of the subject facility or land shall be made to guide decisions regarding the retention or disposal of the facility and the land. The Vice President for Administration shall establish procedures, as appropriate, to determine necessary analyses to be used in the evaluation.

J. Master List of Degrees

(Minutes of the Trustees – March 1983). At its annual meeting in May, the Board of Trustees shall approve the master list of degrees offered by the University of Wyoming. The list may be amended by the Board at any meeting.

K. Trustees Serving on Boards

(Minutes of the Trustees – March 5, 2010, Consent Agenda) If the Board of Trustees agrees to appoint Board members to the governing bodies of University related organizations, such appointments shall be for service only as non-voting members.

L. School of Energy Resources

(Minutes of the Trustees – January 17, 2014). The Division of Academic Affairs shall establish and provide for the implementation of the following:

1. For any performance evaluation of an employee in a non-classified administrative position within the School of Energy Resources, there shall be an opportunity for the Energy Resources Council to provide input and there shall be a report to the Energy Resource Council regarding the outcome of the performance evaluation.
2. The search committee established for the selection of any deputy director position within the School of Energy Resources shall include at least one member of the Energy Resources Council who is not an employee of the University.
3. The process for selecting the director of the School of Energy Resources shall include the following:
 - a. The chairman of the Energy Resources Council, or the Chairman's designee, shall be a member of the search committee.
 - b. The search committee member in subparagraph 3.a. shall consult with the other members of the Energy Resources Council during that member's service on the search committee.
 - c. The Vice President for Academic Affairs shall consult with the Energy Resources Council before recommending a candidate to the President for consideration by the Board of Trustees.

M. Public Art Policy

(Minutes of the Trustees – January 17, 2014). Attachment C is the University of Wyoming Public Art Policy which outlines the roles of the President's Public Art Committee.

N. Policy for Performance and Payment Bonds for Construction Work at UW

(Minutes of the Trustees- July 15-16, 2014). Attachment D is the Policy for Performance and Payment Bonds for Construction Work at UW, which provides the amounts, process and delegations of authority for bonds required by statute for construction work.

ATTACHMENT D TO UW REGULATION 1-102
Policy for Performance and Payment Bonds for Construction Work at UW

- 1) A faithful performance bond and a labor and materials bond, or other form of guarantee in accordance with section (c) set forth below, shall be required for the construction, major maintenance or renovation to any University building or structure or for any public work or improvement when the contract price exceeds \$7,500. The bond or other form of guarantee shall be provided by the Contractor to the University after award of the contract but prior to any work commencing under the contract (W.S. 16-6-112). All bonds shall meet all Wyoming statutory requirements, be filed with the contracting department of the University, and be approved by the Office of Risk Management and Safety or designee.

Bonds shall be set in the following amounts:

- (a) For all new construction, the contractor shall submit a performance bond equal to 100% of the contract amount, including as amended by change order, and a labor and material (payment) bond equal to at least 50% of the contract amount, including as amended by change order. The amount of the performance bond, on a case-by-case basis, may be approved in an amount less than 100% of the contract amount if authorized by the Vice President for Administration, but in no case may the amount fall below 50% of the contract amount.
 - (b) For any other construction-related work or other work falling under W.S. 16-6-112, the Director of Facilities Planning or Director of Physical Plant may set the amount of the performance and payment bonds sufficient to protect the University's interests but in no event in an amount less than 50% of the contract amount, including any changes to the contract amount as amended by change order.
 - (c) For projects between \$7,500 and \$150,000, the University may accept other forms of guarantee other than a bond, upon approval by the Director of Facilities Planning or the Director of Physical Plant and when determined to be in the University's best interests. Accepted forms of guarantee may include, but are not limited to: a check, agreed upon partial or delayed payments by University, or additional retainage to be held by the University. Other forms of guarantee must also meet all Wyoming statutory requirements and be filed and approved by the University.
- 2) The University may also require performance bonds in other types of contracts, such as material and services contracts, in order to protect the University's interests. The amount for the performance bond shall be determined by the contracting department and approved by the Manager of Procurement Services in consultation with the Office of General Counsel.

III. AGENDA ITEM TITLE:

Approval of Changes to UW Regulation 3-105, Miller

CHECK THE APPROPRIATE BOX(ES):

- Work Session
- Education Session
- Information Item
- Other Specify: Special Board of Trustees Meeting (Consent Agenda)

BACKGROUND AND POLICY CONTEXT OF ISSUE:

The President proposes modifications to UW Regulation 3-105 for the Board's consideration.

Effective July 1, 2014, there was a statutory change to the definition of a Wyoming resident as it relates to the application of the Wyoming preference for purchases of supplies, materials, equipment and machinery. The new definition in W.S. § 16-6-101, clarifies that business organizations formed under title 17 of the Wyoming statutes, or the laws of another state that are the functional equivalent, may qualify for certification as a Wyoming resident by the department of workforce services for purposes of bidding on public work projects and receiving the preference of award for purchases of supplies, materials, equipment and machinery. The proposed modification refers directly to the statutory definition, ensuring that UW Regulation 3-105 will continue to comply with the statutory language.

Prior Related Board Discussions/Actions:

UW Regulation 3-105 was adopted by the Board on July 17, 2008.

WHY THIS ITEM IS BEFORE THE BOARD:

UW Regulation 1-101 requires that any modification to UW Regulations must be approved by the Board.

ACTION REQUIRED AT THIS BOARD MEETING:

Board approval or disapproval of the modifications to the Regulations.

PRESIDENT'S RECOMMENDATION:

The President recommends approval.

UW Regulation 3-105 Purchases

Preference shall be allowed in purchase of materials, supplies, equipment and machinery provided by bona fide Wyoming residents when such materials, supplies, equipment, machinery or provisions are of quality equal to those of any other state enforcing or having a differential for "out-of-state" materials, supplies, equipment, machinery, or provisions. Such preference shall be five percent (5.0%) and shall apply to materials, supplies, equipment, machinery or provisions produced, manufactured or grown in this state, and to materials, supplies, equipment, and machinery supplied by a Wyoming resident. However, preferences shall not be given in violation of any Federal law, rule or regulation. Whenever Federal laws are applicable, Federal laws shall supersede any State laws.

For purposes of purchases described in the above paragraph, the definition of a bona fide Wyoming resident shall be the definition set forth in Wyo. Stat. Ann. § 16-6-101(a)(i), construed to mean a natural person, partnership, association or corporation business entity certified as a resident by the Commissioner of Labor and Statistics/Department of Workforce Services prior to bidding upon the contract, subject to the following criteria: as defined by Wyo. Stat. Ann. § 16-6-101(a)(i).

- ~~1. Any person who has been a bona fide resident of the state for one (1) year or more immediately prior to bidding upon the contract; or~~
- ~~2. A partnership or association, each member of which has been a bona fide resident of the state for one (1) year or more immediately prior to bidding upon the contract; or~~
- ~~3. A corporation organized under the laws of the state with at least fifty percent (50%) of the issued and outstanding shares of stock in the corporation owned by persons who have been bona fide residents of the state for one (1) year or more prior to bidding upon the contract, and which maintains its principal office and place of business within the state; or~~
- ~~4. A corporation organized under the laws of the state which has been in existence in the state for one (1) year or more immediately prior to bidding upon the contract and maintains its principal office and place of business within the state. If at least fifty percent (50%) of the issued and outstanding shares of stock in the corporation are owned by nonresidents, shares of the corporation shall:
 - ~~a. have been acquired by nonresidents one (1) year or more immediately prior to bidding upon the contract; or~~
 - ~~b. be publicly traded and registered under Sections 13 or 15(d) of the Securities Exchange Act of 1934 for one (1) or more classes of its shares.~~~~

Source: Trustee Regulation X.C; adopted 7/17/08 Board of Trustees meeting

West's Wyoming Statutes Annotated
Title 16. City, County, State and Local Powers (Refs & Annos)
Chapter 6. Public Property
Article 1. Public Works and Contracts (Refs & Annos)

W.S.1977 § 16-6-101

§ 16-6-101. Definitions

Currentness

<Text of section effective July 1, 2014. See, also, text of section effective until July 1, 2014.>

(a) As used in this act:

(i) “Resident” means a natural person, association or business entity authorized to be formed under title 17 of the Wyoming statutes, or the laws of another state that are the functional equivalent, and that is certified as a resident by the department of workforce services following receipt of an affidavit executed and sworn to by a chief executive officer of the entity setting forth information required by the department to determine compliance with this act and prior to bidding upon the contract or responding to a request for proposal, subject to the following criteria:

(A) Any natural person who has been a resident of the state for one (1) year or more immediately prior to bidding upon the contract or responding to a request for proposal;

(B) A business entity, each member or equity owner of which has been a resident of the state for one (1) year or more immediately prior to bidding upon the contract or responding to a request for proposal;

(C) A business entity organized under the laws of the state:

(I) With at least fifty percent (50%) of the equity in the business entity owned by persons who have been residents of the state for one (1) year or more prior to bidding upon the contract or responding to a request for proposal;

(II) Which has maintained its principal office and place of business within the state for at least one (1) year; and

(III) The chief executive officer of the business entity has been a resident of the state for one (1) year or more

§ 16-6-101. Definitions, WY ST § 16-6-101

immediately prior to the business entity's bidding upon the contract or responding to a request for proposal.

(D) A business entity organized under the laws of the state which has been in existence in the state for one (1) year or more and whose chief executive officer has been a resident of the state for one (1) year or more immediately prior to bidding upon the contract or responding to a request for proposal and maintains its principal office and place of business within the state. If at least fifty percent (50%) of the equity in the business entity is owned by nonresidents, the nonresident equity owned by the nonresidents shall:

(I) Have been acquired by nonresidents one (1) year or more immediately prior to bidding upon the contract or responding to a request for proposal; or

(II) If it consists of shares in a corporation, be publicly traded and registered under Section 13 or 15(d) of the Securities Exchange Act of 1934 for one (1) or more classes of its shares.

(E) to (G) Repealed by Laws 2013, ch. 134, § 2.

(H) Repealed by Laws 2011, ch. 82, § 2, eff. July 1, 2011.

(J) A business entity organized under the laws of any state which has been in existence for two (2) years or more:

(I) Has continuously maintained a principal office and place of business within the state for at least one (1) year;

(II) Has continuously employed not less than fifteen (15) full-time Wyoming resident employees within the state for one (1) year or more prior to bidding upon the contract or responding to a request for proposal; and

(III) Has paid worker's compensation and unemployment taxes in Wyoming for at least one (1) year and is in good standing with the department of workforce services at the time the bid or request for proposal is submitted.

(K) A business entity which qualifies as a resident pursuant to this paragraph shall not lose that residency solely due to a conversion under the provisions of W.S. 17-26-101 or other reorganization as a different business entity.

(M) No preference under this article shall be awarded to any contractor who is not a certified resident contractor at the time bids are submitted for a public capital construction project, and no contractor shall receive a contingent or retroactive resident certification.

§ 16-6-101. Definitions, WY ST § 16-6-101

(ii) “Principal office and place of business” means a headquarters or administrative center where:

(A) The high level officers or management direct, control and coordinate the business activities; and

(B) The key business functions are conducted, including, but not limited to project bidding.

(iii) “Chief executive officer” means:

(A) For a corporation, the president of the corporation;

(B) For a partnership other than a limited partnership, a partner;

(C) For a limited partnership, a general partner;

(D) For a limited liability company, a designated member or manager of the limited liability company;

(E) For a business entity not specified in subdivisions (A) through (D) of this paragraph, the entity’s president, chairman of the executive committee, senior officer responsible for the entity’s business, chief financial officer or any other individual who performs similar functions as specified by rule of the department. The department may authorize by rule the execution of an affidavit required by paragraph (i) of this subsection by an individual holding a position other than as specified in this paragraph, if the individual holds a position with functions similar to a president of a corporation.

(iv) “Department” means the department of workforce services;

(v) Major maintenance”¹ means the repair or replacement of complete or major portions of building and facility systems at irregular intervals which is required to continue the use of the building or facility at its original capacity for its original intended use and is typically accomplished by contractors due to the personnel demand to accomplish the work in a timely manner, the level of sophistication of the work or the need for warranted work;

(vi) “This act” means W.S. 16-6-101 through 16-6-121.

Credits

§ 16-6-101. Definitions, WY ST § 16-6-101

Laws 1939, ch. 50, § 4; Laws 1961, ch. 152, § 1; Laws 1982, ch. 62, § 3; Laws 1987, ch. 223, § 2; Laws 1988, ch. 14, § 1; Laws 1989, ch. 156, § 1; Laws 1990, ch. 63, § 2; Laws 1999, ch. 152, § 1, eff. July 1, 1999; Laws 2006, ch. 98, § 2, eff. July 1, 2006; Laws 2007, ch. 163, § 1, eff. July 1, 2007; Laws 2011, ch. 82, §§ 1, 2, eff. July 1, 2011; Laws 2011, ch. 176, § 1, eff. March 3, 2011; Laws 2012, ch. 1, § 1, eff. July 1, 2012; Laws 2012, ch. 80, § 1, eff. March 15, 2012; Laws 2013, ch. 134, §§ 1, 2, eff. July 1, 2014

Notes of Decisions (4)

Footnotes

¹

So in original; probably should have opening quote.

W. S. 1977 § 16-6-101, WY ST § 16-6-101
Current through the 2013 General Session

End of Document

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IV. AGENDA ITEM TITLE:

Approval of Personnel Items, Jones

CHECK THE APPROPRIATE BOX(ES):

- Work Session
 Education Session
 Information Item
 Other Specify: Special Board of Trustees Meeting (Consent Agenda)

BACKGROUND AND POLICY CONTEXT OF ISSUE:

A. Items for Action Recommended by the President

APPOINTMENTS

1. Administrators

It is recommended to the Trustees of the University of Wyoming that the following Administrators be approved as indicated.

College of Engineering and Applied Science

<u>Name</u>	<u>Rank</u>	<u>Salary</u>	<u>Appointment Begins</u>
<i>Dean's Office</i>			
Rodi, Alfred	Interim Dean	\$199,536/FY	07/01/2014

Professor Rodi will serve as Interim Dean in the College of Engineering and Applied Science. Professor Rodi has been in the Department of Atmospheric Science since 1981. He has served as Department Head since 1998.

PROMOTIONS

2. Faculty

It is recommended to the Trustees of the University of Wyoming that the following faculty promotions be approved as indicated.

College of Engineering and Applied Science

<u>Name</u>	<u>New Rank</u>
<i>Department of Atmospheric Science</i>	
Wang, Zhien	Professor