

**THE UNIVERSITY OF WYOMING**  
**BOARD OF TRUSTEES' REPORT**  
**Wednesday, July 13, 2016**

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

## **University of Wyoming Mission Statement (March 2009)**

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

In the exercise of our primary mission to promote learning we seek to provide academic and co-curricular opportunities that will:

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

As Wyoming's only university, we are committed to outreach and service that extend our human talent and technological capacity to serve the people in our communities, our state, the nation, and the world.

The primary vehicles for identifying the specific actions and resource allocations needed to accomplish this complex mission are the University's strategic plans, revised periodically.

**TRUSTEES OF THE UNIVERSITY OF WYOMING AGENDA**  
**Wednesday, July 13, 2016**  
**Conference Call**  
**Old Main Boardroom**

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AGENDA ITEM TITLE: **Approval of B-11 for Medical Education – Casper Residency**, Asay

CHECK THE APPROPRIATE BOX(ES):

- ☒ Work Session  
☐ Education Session  
☐ Information Item  
☒ Other Specify: Item for Approval

## **2017-2018 Biennium, Section I (Agency 167) Budget Authority Increase**

### **BACKGROUND AND POLICY CONTEXT OF ISSUE:**

The Educational Health Center of Wyoming (EHCW) serves as the umbrella organization for the Casper and Cheyenne Family Medicine Residency Programs (FMRP) and became a Health Resources and Services Administration (HRSA) Federally Qualified Health Center (FQHC) Look Alike on August 1, 2014. It is now the largest FQHC in Wyoming, providing direct care to nearly 18,000 citizens in the service areas of Natrona and Laramie counties, and reaches countless others indirectly through family physician graduates.

The Casper Family Medical Residency Program is requesting to increase their 2017-2018 (2 years) budget authority by \$660,615 in other funds. The requests are listed below in three parts:

\$481,000 Based on 12 months of historical expenditures associated with the establishment of the 340B Pharmacy in 2015. The program established a pharmacy under Section 340B of the Public Health Services Act in 2015 through B-11#15213 approved February 12, 2015. Pursuant to a contractual professional services agreement, the Casper FMRP will supply an inventory of prescription drugs and re-supply the pharmacy as needed. A contract (i.e. retail) pharmacy will provide dispensing services under the terms of the agreement. The purpose of the 340B pharmacy is the provision of low-cost prescription drugs for use limited to EHCW qualified patients. Spending authority is required for purchasing monthly inventory. These funds will be requested in the 2019-2020 budget process based on the historical expenditures that have now been complied, which at the development of the 2017-2018 budget there was only 6 months of inconsistent data.

<b>2015- Pharmacy Expenditures</b>					
July	17,910	November	-	March	14,057
August	19,818	December	35,934	April	19,638
September	-	January	15,774	May	17,094
October	39,366	February	20,705	June	N/A
				Total	200,295
				24 Monthly Request	437,007
				<b>10% Growth</b>	<b>480,708</b>

\$100,000 Community Link Consulting (CLC) is the billing company for both of the residency programs. The University has required the outsourcing of the clinical income billing due to small residency billing departments and past issues with compliance and collections. CLC receives 7% of clinical income collections. Since becoming an FQHC-LA and receiving the enhanced FQHC reimbursement, the annual clinical income in Casper has increased from \$3,100,000 to \$3,800,000, thus increasing the annual payment to CLC from \$217,000 to close to \$266,000, an increase of

approximately \$50,000 per year, which is not accounted for in the current budget. Therefore the residency requests to receive authority to use the clinical income earnings to cover increased expenses from increased clinical income billing and collections.

\$79,615 Two professors at the Casper FMRP qualified for a tenure review. Both were recognized for their individual accomplishments and received their tenure status and promotional raises equaling \$64,206 for the biennium plus benefits.

Total request by object code, funding amount and fund source:		
Casper FMRP- Unit 0101	Amount	Revenue Source
0103- Salary	\$64,206	5103- Clinic Income
0105- Benefits	15,409	5103- Clinic Income
0630- Payment for Products	481,000	5103- Clinic Income
0901- Contract Payment	100,000	5103- Clinic Income
Total Expenditure	\$660,615	5103- Clinic Income

#### PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:

The Board approved the initial operating budget for UW-Medical Education at the June 15, 2016 meeting.

#### WHY THIS ITEM IS BEFORE THE BOARD:

The Trustees of the University of Wyoming, a constitutional body, are responsible for the “management of the university” (Wyoming Constitution, Article 7, 17).

The Board’s approval of increases in the operating budget is required by Trustee Regulations and university budget procedures.

#### ARGUMENTS IN SUPPORT:

- The purpose of the 340B pharmacy is the provision of low-cost prescription drugs for use limited to EHCW qualified patients. Spending authority is required for purchasing monthly inventory.
- The residency requests to receive authority to use the clinical income earnings to cover increased expenses from increased clinical income billing and collections.
- Two professors at the Casper FMRP qualified for a tenure review. Both were recognized for their individual accomplishments and received their tenure status and associated promotional raises.

#### ARGUMENTS AGAINST:

None.

#### ACTION REQUIRED AT THIS BOARD MEETING:

Approval of a \$660,615 increase in the university’s Agency 167 section I operating budget for the EHCW-Casper FMRP as described in this item.

#### PRESIDENT’S RECOMMENDATION:

The President recommends approval of the FY 2017-2018 biennium budget increase as presented.



TO: Honorable Governor Matt Mead

FROM: UW Medical Education – Agency 167  
Casper Family Medicine Residency Program- Unit 0101

DATE: July 5, 2016

The Casper Family Medical Residency Program is requesting to increase their 2017-2018 (2 years) budget authority by \$660,615 in other funds. The requests are listed below in three parts:

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Total Expenditure	\$660,615	5103- Clinic Income

The University of Wyoming Board of Trustees Approved ( ) or Denied ( )

AGENDA ITEM TITLE: **West Campus Satellite Energy Plant – Level II Plan**, Mai

CHECK THE APPROPRIATE BOX(ES):

- ☒ Work Session  
☐ Education Session  
☐ Information Item  
☒ Other                      Specify: Item for Approval

BACKGROUND AND POLICY CONTEXT OF ISSUE:

Given the University's growth in buildings and facilities over time, along with growing technology use on campus, there are concerns about supplying heating and cooling capacities for both new and existing facilities on campus. The current Central Energy Plant's (CEP) steam generation system is operating at 80 percent capacity with chilled water loads exceeding 100 percent of capacity during peak periods. At the completion of the High Bay Research Facility (HBRF), Arena Auditorium Renovation Phase II, Mick and Susie McMurry High Altitude Performance Center (RAC II) and Engineering Education Research Building (EERB) there will be additional loads put on the existing steam generating system that will exceed the system's reliable maximum capacity. The HBRF will add to the chilled water load causing distribution to be prioritized between facilities during periods of peak demand as demand will exceed available capacity. RAC II and EERB will also add a significant load to the chilled water demand, necessitating a chilled water system expansion. Moreover, facilities planned for the Center for Innovative Biological Research (CIBR) will place a significant additional load on the University's heating and cooling systems.

The current infrastructure at the CEP is aging and approaching the end of its useful life. The CEP's age and diminishing efficiency has reduced the steam design output capacity which further stresses plant operations.

Currently, the campus relies on coal as its primary fuel source. The boilers at the CEP were installed in 1980. There are three large units able to use both coal and natural gas and a smaller unit using only natural gas. The coal required for operation is stoker grade. The quality and availability of stoker grade coal has decreased from that available when the existing system was installed. This is due to a reduction in the number of suppliers and further by those willing to provide quality stoker grade coal. The Utility Master Plan (UMP) report developed in 2009 noted that the main deficiency within CEP operations is the quality of available stoker coal. The size of the coal in relation to the high percentage of coal fines and low ash fusion temperatures of the available coal are the source of the majority of operational difficulties. The University has utilized coal from various sources in an attempt to find an acceptable product without success. Due to the unavailability of quality stoker grade coal, the University has also experienced supply interruptions. In addition, there are substantial costs associated with disposal of the ash produced in the burning of coal. Facilities capable of accepting this material are not available in the Laramie area requiring additional transportation costs. During periods of supply issues, natural gas has been used at the plant. In a typical year, 25,000 tons of coal is consumed by the plant. For FY 2016, only 5,200 tons will be used due to the current cost and quality of coal vs. gas. Historically, gas is

more costly on \$/million BTU basis so coal is the preferred choice unless gas prices are very low (approximately \$5/million BTU).

The proposed study would include an analysis of existing campus systems as well as an evaluation of plant upgrades needed to keep up with the University's growing demand. The proposed study would also analyze newer technologies, manpower issues and alternate fuel sources including satellite plants which would reduce distribution piping. This is a large factor in the efficiency of the existing system due to thermal losses within the distribution system.

In June of 2016 the University publicly advertised a Request for Qualifications for consultants to perform a Level II planning study related to future planning for campus energy production. Fourteen (14) responses to the request were received. Following a comprehensive evaluation of the submittals, the Planning Team shortlisted the six (6) most qualified firms to participate in on-campus interviews. On June 27, 2016, the Planning Team interviewed the six (6) shortlisted firms. The rankings were as follows:

1. GLHN Architects and Engineers, Phoenix, Arizona
2. MOA Architects, Casper, Wyoming
3. Waldron Engineering and Construction, Exeter, New Hampshire
4. Malone Belton Abel Architects, Sheridan, Wyoming
5. Alm2s Architects, Fort Collins, Colorado
6. Black and Veatch, Phoenix, Arizona

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

None

**WHY THIS ITEM IS BEFORE THE BOARD:**

This item is brought before the Board of Trustees for approval to negotiate and contract with the highest-ranking architect/ engineering team, GLHN Architects and Engineers of Tucson, Arizona, for the preparation of a Level II plan for the West Campus Satellite Energy Plant.

**ARGUMENTS IN SUPPORT:**

The 2016 the Wyoming Legislature appropriated \$1M for Level II planning.

**ARGUMENTS AGAINST:**

None

**ACTION REQUIRED AT THIS BOARD MEETING:**

Approval from the Board of Trustees of the University of Wyoming to negotiate and contract with the highest-ranking architect/ engineering team, GLHN Architects and Engineers of Tucson, Arizona, for the preparation of a Level II plan for the West Campus Satellite Energy Plant.



**PRESIDENT'S RECOMMENDATION:**

It is recommended that the Board of Trustees of the University of Wyoming approve negotiating and contracting with the highest-ranking architect/ engineering team, GLHN Architects and Engineers of Tucson, Arizona, for the preparation of a Level II plan for the West Campus Satellite Energy Plant.

AGENDA ITEM TITLE: **Adoption of revised UW Regulation 8-1 (tuition classification)**, Axelson

CHECK THE APPROPRIATE BOX(ES):

- |                                     |                   |                            |
|-------------------------------------|-------------------|----------------------------|
| <input checked="" type="checkbox"/> | Work Session      |                            |
| <input type="checkbox"/>            | Education Session |                            |
| <input type="checkbox"/>            | Information Item  |                            |
| <input checked="" type="checkbox"/> | Other             | Specify: Item for Approval |

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

During the spring semester and summer term of 2016, a FAQ was used for undergraduate students petitioning for resident tuition classification to better explain the process of tuition classification and financial independence. Subsequently UW Regulation 8-1 was reviewed thoroughly for Trustee intent and process. The proposed UW Regulation 8-1, if approved, will go into effect fall semester of 2016 and eliminate the previous regulation and temporary FAQ.

After revising UW Regulation 8-1, the draft was shared with a focus group of students including resident and non-resident students. The feedback from the students was positive in terms of the clarity of the process and the intent of the regulation and the students provided some minor edits reflected in the proposed draft.

- Students thought the process and the intent is well-described and understandable.
- Students appreciate that non-resident students have to meet the needed criteria to attain residency, expressed by resident and nonresident students. They understand the financial and fairness implications for their university.
- Students recommended creating a flow chart of the process. The Registrar is working with one of the students to do so.

**WHY THIS ITEM IS BEFORE THE BOARD:**

As a short term measure, a decision was made at the May 2016 meeting of the Board of Trustees approving the FAQ for undergraduate students petitioning for resident tuition classification for summer term of 2016 that was also in place for spring semester of 2016. University Regulation 8-1 pertaining to tuition classification has been thoroughly reviewed and revised at the recommendation of members of the Board of Trustees Budget Committee and is now ready for review by the full Board.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

The Board adopted UW Regulation 8-1 on July 17, 2008 and made revisions to this Regulation on November 18, 2010, November 12, 2014, January 14, 2015, April 13, 2015, November 20, 2015 March 25, 2016, May 13, 2016.

**WHY THIS ITEM IS BEFORE THE BOARD:**

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

**ACTION REQUIRED AT THIS BOARD MEETING:**

Board approval of the attached revised draft of University Regulation 8-1 to be in effect at the beginning of the fall 2016 semester.

**PRESIDENT'S RECOMMENDATION:**

The President recommends approval.

## **UW REGULATION 8-1**

### **Students**

#### **I. ADMISSION**

Admission and programs of the University of Wyoming are offered to all eligible people without regard to race, gender, religion, color, national origin, disability, age, protected veteran status, sexual orientation, gender identity, genetic information, creed, ancestry, political belief, or any other applicable protected category. Requirements for admission to the University shall be established by regulations of the University. The Director of Admissions, through the Vice President for Student Affairs, is responsible for the admission of students. Admission of graduate students must also be approved by the faculty of an applicable graduate program.

#### **II. FEES**

Student tuition fees, and charges (Fees) shall be established by the Trustees, and shall be published by the University. All Fees are payable in advance, and no student shall be admitted to classes until Fees have been paid or a deferred payment plan has been established. Payment must be received by the University before any transcripts will be released. In accordance with the University refund policy, if a student formally withdraws from the University, the University shall refund tuition, minus any late fees.

#### **III. STUDENT CLASSIFICATION FOR FEE PURPOSES**

Individuals who qualify as Wyoming Residents shall pay the in-state tuition rate, as established by the Board of Trustees. All other students will be classified as non-resident for tuition classification purposes and shall pay the out-of-state tuition rate, as established by the Board of Trustees. For the purposes of determining whether a student qualifies for in-state or non-resident tuition, the following apply:

- A.** For students who are originally classified as a non-resident, residing in Wyoming primarily as a student will not support a claim for resident status for tuition purposes.
- B.** Graduate or professional students who move to Wyoming primarily to enroll at the University of Wyoming will be considered a non-resident for tuition purposes for the duration of his or her attendance except for those students who have met the criteria for sections C1, C2, C3, C4, or C5 below.
- C.** If the student provides sufficient documentation of the following, the student will be considered a resident for tuition purposes:
  - 1. Any person who lives in Wyoming, including the spouse and any child (including a financial dependent who is under the age of 24) of that person if that person:

- a. Has his or her principal employment located within Wyoming and the income from his or her employment is the principal source of income for his or her family; and
  - b. The individual pays Wyoming taxes as required by law; and
  - c. He or she has been employed within Wyoming for at least a majority of the twelve (12) consecutive months immediately preceding the student's application for resident tuition.
2. Graduates of a Wyoming high school.
3. Active Wyoming National Guard members and U.S. Armed Forces members stationed in Wyoming, and their dependents.
4. Graduate students for the duration of a University-funded fellowship.
5. Wyoming residents temporarily absent from the State due to military service, attendance at an educational institution, or other type of documented temporary absence.
6. Individuals who have received an associate's degree from a Wyoming Community College, have been awarded resident tuition status by the Community College, and who subsequently attend the University within one year of leaving the Wyoming Community College. A legal dependent under the age of 24 of a Wyoming Community College graduate shall qualify for tuition at the 150% of resident tuition rate at the University. Aside from the above, attending the University of Wyoming and a Wyoming Community College simultaneously or not being enrolled on a full-time basis at a Wyoming Community College does not qualify a student for resident status for tuition purposes at the University.
7. The spouse or financial dependent who is under the age of 24 of an individual who is determined to be a Wyoming resident pursuant to this Regulation.
8. Individuals with a permanent home in Wyoming. To determine if a permanent Wyoming home has been established, a variety of factors are considered, including evidence and supporting documentation of the following:
  - a. The student must be financially independent and have no reliance on resources outside the state of Wyoming for financial support for at least one year preceding the filing of the petition. If this criterion is not met, the student will be classified as a non-resident for tuition purposes.
    - i. Financially Dependent students are defined as individuals who are financially reliant or are claimed on their parents' or legal guardian's most recent federal or state tax returns or rely on

- financial resources provided by individuals outside of the State of Wyoming.
- ii. Financially Independent students are defined as individuals who are not financially reliant and are not claimed on their parents' or legal guardian's most recent federal or state tax returns and rely on financial resources that they generate or financial resources in the student's name (such as savings, grants and loans). The burden of proof for meeting this definition will be on the students.
  - iii. To prove financial independence, students must show they financially covered their total expenses for at least the twelve (12) months immediately preceding the date of submitting an application for resident status. See the application form requesting financial information specific to the applicant for various categories of expenses.
  - iv. Student's financial revenue may be generated from a variety of sources including but not limited to their employment earnings, financial aid, loans, non-University of Wyoming scholarships, savings accounts and grants.
  - v. Student must document employment or self-employment for at least 20 hours per week continuously for at least the past year or the equivalent number of work hours over the past year. Work-study that is part of a UW financial aid package does not fulfill this requirement.
  - vi. Loans from institutions, such as banks and governmental entities, are not considered out-of- state resources. Financial sources must show the student as the sole account holder. Any loans with a co-signer or a guarantor, except federal or state student loan program loans, shall not be used for purposes of proving financial independence. Funds provided by a family member, relative, a trust established or controlled by a family member or relative, or a friend, whether placed into a savings account or other financial holding or account, will indicate that a student is not financially independent.
- b. The student must additionally meet four of the following criteria:
- i. Any former home has been abandoned and the individual has cut all ties with their former state for at least one year immediately preceding filing for residency tuition.
  - ii. If a home is owned in Wyoming, it shall be the owner's primary residence, the individual shall have over 50% ownership interest, and ownership must be dated at least one year immediately preceding filing for residency tuition.
  - iii. One full year of continual presence in Wyoming immediately preceding the filing for residency tuition.

- iv. Wyoming vehicle registration at least one year immediately preceding filing for residency tuition.
  - v. Wyoming address on most recent federal income tax return for at least one year immediately preceding filing for residency tuition.
  - vi. ~~Wyoming voter registration~~ A valid Wyoming driver's license for at least one year immediately preceding filing for residency tuition.
  - vii. Wyoming voter registration for at least one year immediately preceding filing for residency tuition.
9. An applicant for resident tuition who is a veteran or eligible individual, as described in 38 U.S.C. 3679(c)(2), shall qualify as a resident for purposes of tuition at the University of Wyoming if the applicant provides:
- a. A certificate or other evidence of the veteran's qualifying service in the uniformed services of the United States;
  - b. Documented evidence at the time of enrollment at the University of Wyoming that:
    - (1) The applicant for resident tuition intends to live in Wyoming during the term of enrollment;
    - (2) The veteran was discharged or released from a qualifying period of service in the active military, naval or air service before the date of enrollment;
    - (3) If the applicant is a spouse or a child of the veteran, the applicant is a transferee pursuant to 38 U.S.C. 3311(b)(9) or 3319 of the veteran's eligibility for educational benefits.
  - c. A person who has qualified for resident tuition pursuant to the above requirements of this section, shall remain qualified in subsequent years if the person pursues one or more courses of education while remaining continuously enrolled, other than during regularly scheduled breaks, lives in the state during the term of enrollment, and, if the person is eligible through a transfer of eligibility pursuant to 38 U.S.C. 3319, the transfer has not been validly revoked.
  - d. Individuals who are not U.S. citizens or permanent residents are considered non-residents except as provided by Section C2 above.

#### IV. APPEALING TUITION DETERMINATIONS

Students may appeal their classification as a resident or a non-resident through the following process:

- A. A student assigned a non-resident classification may submit an application for residency for tuition purposes to the Registrar or designee. The student must submit the application

and accompanying documentation on or before the first day of classes for the semester the student wants the tuition classification to be reconsidered.

- B. If the Registrar or designee does not grant reclassification, the student may appeal on a form prescribed by the Registrar that decision to the Residency Classification Committee for review, within ten (10) calendar days of the date of the Registrar's or designee's decision. The members of the Residency Classification Committee shall be appointed by the President or designee.

The Residency Classification Committee will review the written decision of the Registrar along with the student's original application and accompanying documentation which were submitted to the Registrar prior to the submission deadline for that semester and make a written finding to affirm or reverse the classification decision of the Registrar. The student has the burden of proof to show that the Registrar committed error in making the original decision regarding classification. The decision of the Residency Classification Committee is final.

- C. Individuals may be reclassified for the following term when facts indicate that a change in residency has occurred since the time of original residence classification or since their most recent appeal. Such reclassification will remain in effect so long as the individual is continuously enrolled at the University. Reclassification as an in-state student will not be applied retroactively to previous terms.

#### V. REDUCED TUITION

The following non-resident individuals shall receive reduced tuition rates calculated at one hundred fifty percent (150%) of resident tuition:

- A. Graduates of the University;
- B. Spouses of graduates of the University; and
- C. Children of graduates of the University.
- D. Other tuition discount programs established by the University.

#### VI. SCHOLARSHIPS

Scholarships, other than those from external sources, are established by the Trustees or by Statute. A listing of such scholarships shall be published on the University Student Financial Aid website.



#### **VII. DISMISSAL**

Dismissal of students shall be governed by UW Regulation 8-30 and/or UW Regulation 8-229.

#### **VIII. STUDENT EMPLOYMENT**

The University may provide work opportunities for students to assist in meeting costs associated with progress toward their educational objectives and educational benefits. See the University Employee Handbook for rules, policies, and procedures governing student employees.

#### **IX. STUDENT ORGANIZATIONS**

The Associated Students of the University of Wyoming (ASUW) is hereby recognized as an official organization of the University (see UW Regulation 8-249). All other campus student organizations must apply annually for official University recognition in accordance with the policies and procedures outlined in UW Regulation 8-234.

#### **X. STUDENT PUBLICATIONS**

All student publications supported by University facilities or funds shall be approved by, and subject to the direction of, the University Student Media Board. The Board shall report to the President of the University (see UW Regulation 8-38).

#### **XI. ADMINISTRATION**

The Vice President for Student Affairs shall administer this Regulation.

#### **Source:**

Trustee Regulation VIII; adopted 7/17/08 Board of Trustees meeting  
Revisions adopted 11/18/10 Board of Trustees meeting  
Revisions adopted 11/12/14 Board of Trustees meeting  
Revisions adopted 1/15/15 Board of Trustees meeting  
Revisions adopted 4/13/15 Board of Trustees meeting

AGENDA ITEM TITLE: **President's written report on the status of the Fiscal Plan**, Nichols

- **Update/Response to the early retirement & separation incentive process**

CHECK THE APPROPRIATE BOX(ES):

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

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

In accordance with UW Regulation 6-41, UW President Laurie Nichols declared a financial crisis following the June 15, 2016 Board of Trustees meeting. Per UW Regulation 6-41, UW President Nichols formed a Financial Crisis Advisory Committee (FCAC) in accordance with membership specified in UW Regulation 6-41. Committee members include:

- Vice President for Academic Affairs David Jones, to be succeeded by Provost Kate Miller August 1
- Vice President for Administration Bill Mai
- Outreach School Dean Susan Frye
- College of Law Dean Klint Alexander
- Associate Professor Robert Sprague, Management and Marketing
- Professor Donal O'Toole, Veterinary Sciences
- Professor Stephen Bieber, Statistics and Director of the Wyoming Survey and Analysis Center
- Assistant Archivist, Molly Marcusse, American Heritage Center
- Professor Frederic Sterbenz, Economics and Finance
- Professor R. McGregor Cawley, Political Science
- Kevin Colman, bus driver in UW Transit and Parking Services
- Senior Office Associate Rachel Stevens, Pharmacy
- Associated Students of UW representative Joel Defebaugh

The committee has met on Tuesday, June 28, Friday, July 1, and Tuesday, July 5, and is scheduled to meet every Tuesday and Friday from 12:00-2:00 p.m. in Coe Library room 506. All meetings are open to the public, other than executive sessions. See a copy of the committee charge letter attached.

Additional written materials and an oral report will be provided by President Nichols for the Wednesday, July 13, 2016, Trustee conference call.



Date: June 30, 2016

To: Chairman Bieber and Members, Financial Crisis Advisory Committee

From: President Laurie Nichols *Laurie P. Nichols*

Re: Financial Crisis Advisory Committee Charge Letter

At the first meeting of the Committee, the consensus of the Committee was that a charge letter from me would be useful. Accordingly, I am providing this as a response to the Committee's request.

Pursuant to UW Regulation 6-41, I have declared a financial crisis and convened the Committee to advise me. Section V of that regulation states as follows:

The Financial Crisis Plan shall be prepared by the President in consultation with the Financial Crisis Advisory Committee. The President shall inform the Committee of the financial circumstances of the University, and of actions taken to effect economies. In the preparation of the Financial Crisis Plan, determinations as to reduction of University expenditures including personal services, support services, travel, equipment, non-operating expenditures, and contractual services, shall initially be proposed through established University regulations and procedures. The Committee may submit to the Board of Trustees its recommendations with regard to the Financial Crisis Plan.

In the town hall meetings and the general University meeting, I have specified a strategy that I am pursuing to address the reductions to the University budget for Fiscal Year 2017. The precise fiscal effects of those efforts will be finalized in the coming months. As I have stated, given the extremely short period of time to address the budget reductions, the FY 2017 budget will not reflect the ongoing impact of the budget reductions. The University will still need to identify approximately \$10 million in Section I funds to address the budget shortfall for FY 2018. I intend to consult with the Committee and seek its advice on the components of the Financial Crisis Plan that I will submit to the Board of Trustees in October 2016 to deal with this problem.

The plan can include both reductions in spending and identifying additional sources of revenue. But unlike the approach for FY 2017, the plan for FY 2018 must contain actions whose fiscal impact can be immediately quantified with a high degree of certainty to ensure that the Board of Trustees can approve an FY 2018 budget at their May 2017 meeting. Further, financial reserves cannot be used to bridge the effects of budget reductions in FY 2018 as they were in FY 2017. Those have been drawn down to minimal levels essential for operation. In short, the FY 2018 budget that is approved by the Board in May 2017 should be such that it could be replicated to fund university operations in FY 2019 with only minimal changes.

The first step is for the Committee to review a draft FY 2018 Section I operating budget which will reflect actions taken during FY 2017 to address the reductions as nearly as practicable.

Financial Crisis Advisory Committee  
June 30, 2016  
Page 2

I will then provide the Committee my suggestions as to a number of steps that could be taken to reduce expenditures or increase revenues to address a target of \$10 million.

I ask that the Committee comment on my suggestions. Further, I ask that the Committee recommend actions both as to possible reductions and revenue enhancements consistent with the requirement that they have quantifiable and immediate effect on the FY 2018 Section I budget in the amount of at least \$10 million. The Committee may identify actions that have the potential for long-term benefits to the University. Those are welcomed, and I certainly will compile a list of them for future consideration. But my responsibility is to prepare a plan that will address the immediate and substantial challenges for the Section I FY 2018 budget.

Once I have approved a draft plan in consultation with the Committee, I ask that the Committee coordinate efforts to receive comments regarding the draft plan from the University community, including our external constituencies such as the UW Alumni Association. The Committee should consider those comments in making its final recommendations to me. I will then create a final plan to submit to the Board of Trustees. As UW Regulation 6-41 specifies, the Committee can submit its own comments to the Board of Trustees regarding that final plan.

Finally, developing financial information associated with any suggestion requires a comprehensive and consistent approach so that the Board of Trustees can evaluate it in the context of the institution's budget process. I ask that the Division of Administration be responsible for the financial calculations associated with the effect of any proposed action.

AGENDA ITEM TITLE:

**Report from Budget Committee FY 18 budget process and the 2019-20 budget process**, McKinley

CHECK THE APPROPRIATE BOX(ES):

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

BACKGROUND AND POLICY CONTEXT OF ISSUE:

Trustee John McKinley will share a report from the Trustees' Budget Committee regarding the FY 18 and the 2019-2020 budget processes.

AGENDA ITEM TITLE: **Supplemental Budget Discussion**, McKinley/Mai

CHECK THE APPROPRIATE BOX(ES):

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

BACKGROUND AND POLICY CONTEXT OF ISSUE:

Trustee John McKinley and Vice President for Administration Bill Mai will update the Board on UW's supplemental budget request.

AGENDA ITEM TITLE: **UW Regulation 6-43 Revision**, Miller

CHECK THE APPROPRIATE BOX(ES):

- |                                     |                   |                            |
|-------------------------------------|-------------------|----------------------------|
| <input checked="" type="checkbox"/> | Work Session      |                            |
| <input type="checkbox"/>            | Education Session |                            |
| <input type="checkbox"/>            | Information Item  |                            |
| <input checked="" type="checkbox"/> | Other             | Specify: Item for Approval |

BACKGROUND AND POLICY CONTEXT OF ISSUE:

In accordance with UW Regulation 6-41, President Nichols declared the existence of a financial crisis on June 16, 2016, and convened the Financial Crisis Advisory Committee. At the Committee's first meeting, the members agreed that clarification of UW Regulation 6-43 was desirable. The Committee suggested a sentence be inserted to ensure that the University community understood that academic programs could be eliminated under the UW Regulation 6-41 process separate and apart from the process specified in UW Regulation 6-43.

The attached amendment to UW Regulation 6-43 contains that clarifying sentence.

PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:

The Board discussed both UW Regulations 6-41 and 6-43 in the context of the recent budget reductions.

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 recommended modifications to the Regulation.

PRESIDENT'S RECOMMENDATION:

The President recommends approval.

## **UW REGULATION 6-43 Academic Program Elimination**

### **I. PURPOSE**

It is the policy of the University to continue established academic programs to meet the needs of the University and the State of Wyoming and to permit enrolled students to complete the course of study and new students to enroll and benefit from these programs. The University also acknowledges its obligations to faculty and academic professionals who serve in an academic program that is to be eliminated.

An academic program may be eliminated when its continuation has ceased to be in the best interests of the University, the State of Wyoming or the students enrolled in the University.

The purpose of this regulation is to provide criteria and procedures for the elimination of academic programs, and to provide protection for students enrolled in and for faculty and academic professionals who serve in programs that are eliminated. This regulation seeks to ensure fair accommodation of institutional and individual interests after the decision is made to eliminate a program. Final authority for academic program elimination resides in the Board of Trustees.

### **II. DEFINITIONS**

- A. Academic program** means an authorized major or course of study approved by action of the Board of Trustees.
- B. Dean** means dean of a college of the University.
- C. President** means the President of the University.
- D. Program administrator** means a person responsible for the administration of an academic program. A program administrator may be a department head, program director, division director, dean of a school, or other administrator who reports to the dean of the college which has authority over the academic program.
- E. Vice President for Academic Affairs** means the chief academic officer of the University.

### **III. REASONS FOR ELIMINATION OF ACADEMIC PROGRAMS**

The elimination of an academic program shall be based primarily upon educational considerations or financial exigency as specified under UW Regulation 6-41. Elimination of an academic program based upon UW Regulation 6-41 is exempt from the provisions

| of this regulation. An academic program may be eliminated for any one or more of the following reasons:

- A. A sustained record of low student enrollment.
- B. A sustained record of low academic quality.
- C. Obsolescence or duplication.
- D. Lack of external need or demand for the program.
- E. Loss of external accreditation.
- F. A change in the priorities or direction of the University or a college, school, or department.
- G. Any other substantial reason why the continuation of the academic program is not in the best interests of the University.

#### IV. PROPOSALS TO ELIMINATE ACADEMIC PROGRAMS

- A. **Initiation.** A proposal to eliminate an academic program may be initiated by the Vice President for Academic Affairs, by the dean or program administrator charged with administrative supervision of the academic program, or by faculty or academic professionals who serve in the academic program. Proposals should be made early enough in the academic year that responses, reviews and recommendations of the Vice President for Academic Affairs and the President can be made to the Board of Trustees in time for a decision by the Trustees prior to the beginning of the next academic year.
- B. **Content of Proposal to Eliminate Academic Program.** A proposal to eliminate an academic program shall be in writing and shall:
  - 1. Set forth a statement of the reasons for elimination of the program.
  - 2. Contain the following information:
    - a. Description of the mission, curriculum, content and format of the program;
    - b. Description of the role of the program within the context of the college and the mission of the University;
    - c. Financial data relevant to the academic program;



- b.** Plans for assisting currently enrolled students to complete the course of study;

- c. Plans for accommodating faculty and academic professionals who will be terminated or otherwise affected by elimination of the academic program.

- C. **Submission of Proposal.** A proposal to eliminate an academic program shall be submitted to the Vice President for Academic Affairs.

#### V. **EXPEDITED PROCEDURES FOR ELIMINATING ACADEMIC PROGRAMS**

When proposals for elimination are initiated by an academic unit's academic personnel and the academic unit has agreed to the program's elimination in accordance with the unit's internal procedures, a proposal will be presented to the Vice President for Academic Affairs that meets the following requirements: Items 1-4 under IV.B. Content of Proposal to Eliminate Academic Program.

This proposal will be reviewed by the Vice President for Academic Affairs for adequacy, distributed to the Faculty Senate, Staff Senate, and ASUW for information purposes, and submitted by the Provost and Vice President for Academic Affairs to the President for approval and to the Board of Trustees for final disposition.

#### VI. **PROCEDURE FOR ACTING UPON POTENTIALLY CONTESTED PROPOSALS**

- A. **Notification.** When the Vice President for Academic Affairs initiates or receives a proposal to eliminate an academic program, a copy of the proposal shall be sent within 10 days to the President, to the dean of each college, and to the program administrator, each faculty member and academic professional who serves in the program proposed to be eliminated, as well as to the Faculty Senate, the Staff Senate and the Associated Students of the University of Wyoming. Notice of the proposal shall be sent within 10 days to each student enrolled in the program proposed to be eliminated, stating that a copy of the proposal is available for review in the departmental office of the program. The copy of the proposal shall be accompanied by a notice stating that responses to the proposal shall be made in writing to the Vice President for Academic Affairs by a designated date not less than 60 days after the copies are distributed.

- B. **Response to Proposal.** Responses to a proposal to eliminate an academic program:

- 1. Shall be made by the dean of the college which has authority over the academic program proposed to be eliminated, and by the program administrator of the academic program, in consultation with the faculty and academic professionals who serve in the program and the students enrolled in the program.

2. May be made by any other interested person, including the faculty, academic professionals, or staff who serve in the program; students enrolled in the program; any dean, faculty member, academic professional, staff member or student in the University; alumni of the University; and citizens of Wyoming.
  3. Shall be in writing and shall be submitted to the Vice President for Academic Affairs by the designated date. Responses not received by the designated date need not be considered.
  4. May set forth arguments, statements and facts in support of or in opposition to the proposal to eliminate the academic program, and may contain alternative proposals regarding the program or its elimination or modification.
- C. **Review of Proposal and Responses.** Within 10 days after the designated date for receipt of responses to the proposal for elimination of an academic program, the Vice President for Academic Affairs shall submit copies of the proposal and any responses to: (1) the Chair of the Faculty Senate for distribution to appropriate Faculty Senate Committees and members of the Faculty Senate; (2) the President of the Staff Senate; and (3) the President of the Associated Students of the University of Wyoming.

Within 60 days of the receipt of the proposal and responses from the Vice President for Academic Affairs, the Faculty Senate shall submit to the Vice President for Academic Affairs its written review and its recommendation regarding elimination of the academic program, and the Staff Senate and the Associated Students of the University of Wyoming may each submit a written review and recommendation.

- D. **Recommendation of Vice President for Academic Affairs.** Within 30 days of receipt of reviews from the Faculty Senate and from the Staff Senate and the Associated Students of the University of Wyoming, if submitted, the Vice President for Academic Affairs shall review the proposal, and all responses and reviews, and shall make a recommendation in writing to the President regarding the proposal to eliminate the academic program. The recommendation may approve, disapprove or suggest modifications to the proposal. The recommendation to the President shall be accompanied by copies of the proposal and all responses and reviews.

The Vice President for Academic Affairs shall send copies of his recommendation to the dean of each college, and to the program administrator, each faculty member and academic professional who serves in, and each student enrolled in the program proposed to be eliminated, as well as to the Faculty Senate, the Staff Senate and the Associated Students of the University of Wyoming.

A copy of the proposal, all responses and reviews, and the recommendation of the Vice President for Academic Affairs shall be maintained and made available for examination and copying by the public in the Office of the Vice President for Academic Affairs.

- E. **Action by the President.** The President shall approve, approve with modifications, or disapprove the proposal to eliminate an academic program. If the President approves or approves with modifications the proposal to eliminate an academic program, the President shall forward his recommendation, together with the proposal, all responses and reviews, and the recommendation of the Vice President for Academic Affairs, to the Board of Trustees for final action. If the President disapproves the proposal to eliminate an academic program, no further action shall be taken on the proposal.
- F. **Time.** The time periods set forth in this regulation shall include Saturdays, Sundays and legal holidays, but shall not include the time between spring commencement and the beginning of the next academic year. Nor shall it include the time between the end of fall semester and the beginning of spring semester.

#### VII. PROTECTION FOR STUDENTS ENROLLED IN PROGRAM

When a decision is made by the Board of Trustees to eliminate an academic program, the Trustees shall establish policies for accommodating those students currently enrolled in the program and in good standing to complete the program at the University or another school.

#### VIII. PROTECTION FOR FACULTY AND ACADEMIC PROFESSIONALS

- A. **Notification.** Within 10 days after a decision by the Board of Trustees to eliminate an academic program, all faculty members and academic professionals whose positions will be terminated shall be notified in writing of the date of their termination and of their rights under this University Regulation.
- B. **Rights of Tenured Faculty and Extended Term Academic Professionals.** When the elimination of an academic program will result in the termination of any tenured faculty member or extended term academic professional,
  - 1. The University shall offer the tenured faculty member or extended term academic professional another appropriate position in the University if the person is qualified and the position is available before the date of the termination of the person's position as indicated under subsection A of this section. In the allocation of appropriate positions, positions shall first be offered to tenured faculty and extended term academic professionals who are being terminated before offers are made to probationary faculty and academic professionals or other persons not currently employed by the University.

2. If no appropriate University position is available for which the person is qualified, the University shall continue the position of the tenured faculty member or extended term academic professional for at least the next full academic year after the date of the termination of the person's position as indicated under subsection A of this section. The continued position may be assigned appropriate duties consistent with the best interests of the University.
- C. **Rights of Probationary Faculty and Academic Professionals.** When the elimination of an academic program will result in the termination of any probationary faculty member or probationary academic professional:
1. The University shall offer the probationary faculty member or probationary academic professional another appropriate position in the University if the person is qualified and the position is available before the date of the termination of the person's position as indicated under subsection A of this section. In the allocation of appropriate positions in the University positions shall first be offered to probationary faculty and probationary academic professionals before offers are made to persons not currently employed by the University.
  2. If no appropriate University position is available for which the person is qualified, the University shall continue the position of the probationary faculty member or probationary academic professional who is in at least the third year of service on the date of the termination of the person's position as indicated under subsection A of this section for at least the next full academic year after that date. However, for a probationary faculty member or probationary academic professional in the second year of service, the position shall be continued for at least six months. For a probationary faculty member or probationary academic professional in the first year of service, the position shall be continued for at least six months. The continued position may be assigned appropriate duties consistent with the best interests of the University.
- D. **Right of Appeal.** A faculty member or academic professional who receives notice of termination because of elimination of an academic program shall have the right to appeal the termination under UW Regulation 5-35, Appendix B, but not the decision to eliminate the program, unless the decision is based in whole or in part on financial exigency under UW Regulation 6-41.

**Source:**

University Regulation 43, Revision 1; adopted 7/17/2008 Board of Trustees meeting  
Revisions adopted 9/9/2011 Board of Trustees meeting  
Revisions adopted 3/24/2016 Board of Trustees meeting

AGENDA ITEM TITLE:

**Faculty Senate Bill 338 recommending modifications to UW Reg 5-35, Miller**

CHECK THE APPROPRIATE BOX(ES):

- ☒ Work Session  
☐ Education Session  
☐ Information Item  
☒ Other Specify: Item for Approval

BACKGROUND AND POLICY CONTEXT OF ISSUE:

UW Regulation 1-101 and UW Regulation 6-701 establish the following process:

- The Faculty Senate may adopt recommendations to changes to UW Regulations and present them to the President.
- If the President agrees with the changes, the President must forward them to the Board of Trustees for action.
- If the President disapproves of them, the President returns them to the Faculty Senate with comments.
- The Faculty Senate can consider the comments and determine whether to resubmit the proposal to the President.
- However, upon a  $\frac{3}{4}$ 's vote, the Faculty Senate can submit the proposed modification to the regulation to the Board of Trustees over the President's action.

In April 2016, the Faculty Senate passed Senate Bill 338 proposing changes to UW Regulation 5-35, Faculty Dispute Resolution. The current regulation limits access to the dispute resolution process only to faculty. Other academic personnel such as academic professionals are excluded. This change expands access to all academic personnel.

This bill was not received in the President's office until June, too late for consideration at the June 15 meeting. President Nichols agrees with this legislation. Expanding the applicability of the process to resolve disputes to all academic personnel will provide clarity and efficiency in addressing issues that may arise.

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 recommended modifications to the Regulation.

PRESIDENT'S RECOMMENDATION:

The President recommends approval.

## UW REGULATION 5-35

### **Faculty Academic Personnel** Dispute Resolution

#### 1. POLICY

The University recognizes the right of **faculty academic personnel** to express differences of opinion and to seek fair and timely resolutions of disputes. It is the policy of the University that disputes shall be settled informally if possible and that all persons have the obligation to participate in good faith in the informal dispute resolution process before resorting to formal grievance procedures. The University encourages open communication and resolution of disputes through the informal processes described in this University Regulation. The University will not tolerate reprisals, harassment or discrimination against any person because of participation in this process. This regulation establishes an internal process to provide University **faculty academic personnel** a prompt and efficient review and resolution of disputes. This regulation is the sole method for resolution of disputes as defined herein or appeals from terminations resulting from financial exigency.

#### 2. ADMINISTRATIVE RESPONSIBILITY

All University administrators shall inform, listen to, and counsel with **faculty academic personnel** concerning disputes arising in areas over which the administrators have supervisory or other responsibilities, and shall to the best of their ability contribute to timely resolution of any dispute taken to them.

#### 3. DEFINITIONS

##### A. Dispute:

A claim which occurs when ~~a faculty member~~ **any academic personnel** considers that any condition of employment, including actions or inactions by others, is unjust, inequitable, contrary to University regulations or policies, or a hindrance to effective faculty performance.

##### 1. EXCLUSIONS:

Civil rights complaints properly addressed under the process provided in UW Regulations ; complaints against the President which are to be directed to the attention of the President of the Board of Trustees; and matters subject to review pursuant to procedures contained in UW Regulation 5-801, "Procedures for Dismissal of Faculty Members."

##### 2. LIMITATIONS ON SCOPE:

With respect to matters involving reappointment, evaluation, promotion and the granting of tenure, the dispute shall be restricted to a claimed failure to follow



those procedures contained in UW Regulation 5-803, "Reappointment Tenure and Promotion Procedures for University Faculty."

- a. **Faculty Member Academic Personnel:** A person appointed to and serving in a faculty or academic professional position as defined in UW Regulation 1-1(C)(4) III.A.
- b. **Parties:** The parties to a formal grievance proceeding as described in section 8.C. shall be the complaining faculty member, any other persons whose action or inaction caused or contributed to the incident or conditions which gave rise to the dispute, and any administrator whose participation may be required in implementing a resolution of the dispute.

#### 4. FACULTY CONCILIATOR

A Faculty Conciliator shall be appointed by the President from a list of three or more persons nominated by the Faculty Senate, and shall serve at the pleasure of the President. The President, in consultation with the Executive Committee of the Faculty Senate shall establish the term and duties of the Faculty Conciliator or substitute Faculty Conciliator if required under section 8.B., and shall periodically review the functions of the office. The President shall provide necessary financial support for the Faculty Conciliator. The Faculty Conciliator shall administer the informal dispute resolution process set forth in this regulation, and shall be available to all parties to facilitate the informal resolution of disputes.

#### 5. HEARING OFFICER

One or more Hearing Officers shall be nominated by the President who shall make final appointments after consultation with the Executive Committee of the Faculty Senate. Hearing Officers shall assist in the resolution of disputes pursuant to this regulation. The role of the Hearing Officer shall be specified in the guidelines for conduct of hearings. The Hearing Officers shall not decide disputes.

#### 6. FACULTY DISPUTE RESOLUTION PANEL

A Faculty Dispute Resolution Panel shall be established as follows. The Faculty Dispute Resolution Panel shall consist of eighteen (18) members elected for three-year staggered terms by mail ballot of the Faculty, from nominations made by the Faculty Senate. Faculty Dispute Resolution Panel eligibility shall be limited to full-time, tenured faculty, extended-term academic professionals, extended-term librarians, and extended term archivists who hold no administrative assignment, with no more than six (6) members to be elected from the same college of the University. A pool of alternates for the Faculty Dispute Resolution Panel shall be established, comprised of nominees who are not elected; if needed, alternates shall be selected from the pool, with recipients of the greatest number of votes being selected first.

89 **7. TIME LIMITS**

90

91 The Faculty Conciliator or the Hearing Officer in the interest of arriving at a just resolution may  
92 extend the time limits prescribed by this regulation. All parties shall be immediately notified of  
93 any change in time limits. In calculating periods of time of less than eleven (11) days, Saturdays,  
94 Sunday, University holidays and legal holidays shall be excluded.

95

96 **8. PROCEDURE**

97

98 **A. Step One -- Informal Resolution**

99

100 Faculty members should normally attempt to resolve any dispute informally and  
101 promptly through appropriate discussion with the persons whose actions have given rise  
102 to the dispute and, if necessary, through informal consultation with an appropriate  
103 administrator or administrators.

104

105 **B. Step Two -- Consultation with the Faculty Conciliator**

106

107 Any faculty member with an unresolved dispute must consult with the Faculty  
108 Conciliator before proceeding to Step 3 of the grievance procedure as described below at  
109 paragraph 8.C. The Faculty Conciliator shall be available to assist all parties in attempts  
110 to resolve a dispute informally, prior to submission for formal resolution pursuant to  
111 paragraph 8.C. The Faculty Conciliator may require any person, including administrators  
112 at any level, to participate in any meeting called by the Faculty Conciliator for the  
113 purpose of effecting informal resolution of a dispute.

114

115 In the event that the President is named as a party in a complaining faculty member's  
116 dispute, or in circumstances in which the President may be involved in a dispute as a  
117 witness, the responsibilities assigned to the President in this section shall be assumed by  
118 the President of the Board of Trustees, who shall be recused from participation in any  
119 Trustee review of the matter.

120

121 In the event that the Faculty Conciliator is named as a party in a complaining faculty  
122 member's dispute, or in circumstances in which the Faculty Conciliator may be involved  
123 in a dispute as a witness, the President may, upon request of the complaining faculty  
124 member and in consultation with the Executive Committee of the Faculty Senate, appoint  
125 a substitute Faculty Conciliator for purposes of that dispute.

126

127 No reference shall be made in a formal grievance proceeding to whether or not the parties  
128 engaged in an unsuccessful informal resolution proceeding involving the same dispute.  
129 No statements made by the parties in the course of an unsuccessful informal resolution  
130 proceeding and no documents specially prepared by the parties for use in such a  
131 proceeding shall be admissible in a formal grievance proceeding involving the same  
132 dispute.



133 Consideration in an informal resolution proceeding of statements, documents and other  
134 evidence which were made or existed prior to the informal proceeding shall not preclude  
135 admission of those statements, documents and other evidence in a formal grievance  
136 proceeding.

137  
138 Participation of the Faculty Conciliator in informal resolution efforts shall be for the  
139 purpose of effecting informal resolution of disputes, and the Faculty Conciliator shall not  
140 testify in any formal grievance proceeding relating to a dispute in which the Faculty  
141 Conciliator has attempted to effect an informal resolution.

142  
143 If the dispute is not resolved within twenty days after initiation of consultation with the  
144 Faculty Conciliator, the Faculty Conciliator shall notify the parties that the period for  
145 informal resolution is terminated. Within five days after receipt of the notice, any party  
146 may commence a formal dispute by submitting to the Faculty Conciliator a written  
147 statement which must contain:

- 148  
149 1) A brief narrative of the facts giving rise to the dispute;  
150  
151 2) A designation of the parties involved; and  
152  
153 3) A statement of the remedy requested.

154  
155 If no party commences a formal dispute within the time provided, the Faculty Conciliator  
156 shall dismiss the dispute.

157  
158 Not less than five days after receipt of a written statement from a party commencing a  
159 formal dispute, the Faculty Conciliator shall transfer the matter to a Hearing Officer, who  
160 shall be selected at the discretion of the Faculty Conciliator from the list of Hearing  
161 Officers appointed by the President.

162  
163 **C. Step Three -- Formal Resolution**

164  
165 The Hearing Officer shall select a Hearing Committee of three members by lot from the  
166 full Faculty Dispute Resolution Panel. The Committee shall be comprised of no more  
167 than two members from the same college.

168  
169 The Hearing Officer shall select the Hearing Committee within ten days of receipt of the  
170 formal dispute by the Hearing Officer. The Hearing Officer shall convene the Hearing  
171 Committee no later than fifteen days after receipt of the formal dispute by the Hearing  
172 Officer. The Hearing Committee shall select a hearing chairperson and shall schedule a  
173 hearing to take place not later than twenty days after the Hearing Committee is first  
174 convened. The Hearing Committee shall hear the dispute in accordance with the attached  
175 "Hearing Guidelines", shall compile a hearing record and shall prepare written findings  
176 and recommendations within fifteen days after completion of the hearing. The Hearing  
177 Committee's recommendations may include a proposed remedy. The Hearing Committee  
178 shall forward a copy of its written findings and recommendations to the parties, to the

Vice President for Academic Affairs, to any affected Dean, and to the President within three days after those findings and recommendations have been completed.

At any time after commencement of a formal dispute, the Hearing Officer may suspend or terminate the formal proceedings to facilitate further efforts by the parties to resolve the dispute informally, if so requested by the parties and the Faculty Conciliator. The Faculty Conciliator may then assist the parties in further efforts to resolve the dispute informally. The Hearing Officer also may, but is not required to, terminate the formal dispute resolution proceedings at any time after they are commenced if so requested by the faculty member who initiated the formal grievance proceedings.

#### **D. Parties' Responses to Hearing Committee Findings**

Within ten days after receipt of the Hearing Committee's written findings and recommendations, any party may submit a written statement of position to the President, stating the party's position with respect to the Hearing Committee's decision and any grounds upon which the party believes the President should accept, reject or suggest modification of the Hearing Committee's findings and recommendations.

#### **E. Presidential Action**

After receiving the Hearing Committee's written findings and recommendations and any statements of the parties submitted pursuant to paragraph 8.D. the President shall act upon the dispute in one of the following ways:

1. The President may accept the Hearing Committee's findings and recommendations and remedy (if the Hearing Committee proposed one). If the Hearing Committee did not propose a remedy consistent with its findings, the President shall devise a remedy consistent with the Hearing Committee's findings and recommendations. If proceeding under this paragraph 8.E 1., the President shall, within thirty days after the President's receipt of the Hearing Committee's findings and recommendations, provide a written statement to all parties involved, to the Vice President for Academic Affairs, to the Hearing Committee, and to any affected Dean, notifying them of the President's acceptance of the Hearing Committee's findings and recommendations and the remedy to be implemented.

2. If the President concludes that a policy question is involved or additional consideration of the facts is warranted, the President may, within thirty days after the President's receipt of the Hearing Committee's findings and recommendations, remand the case to the Hearing Committee with a statement of the reasons for the remand. The President shall also provide a copy of the statement accompanying the remand of the case to all parties involved and they shall have five (5) days to comment in writing to the Hearing Committee. Any party to a dispute may attend any meeting of the President or President's representative with the Hearing Committee at which that dispute is discussed. The Hearing Committee shall report its reconsideration to the President within fifteen days of the remand; the

225 President shall then act upon the Hearing Committee's reconsidered findings and  
226 recommendations pursuant to this section 8.E.  
227  
228 3. The President may disagree with the Hearing Committee's  
229 recommendation in whole or in part; if so, the President shall state  
230 recommendations and reasons therefore in writing to the Hearing Committee, to  
231 the Vice President for Academic Affairs, to all parties and to the deans of the  
232 affected units. The President shall provide this written statement to the recipients  
233 designated above within thirty days after the President's receipt of the Hearing  
234 Committee's findings and recommendations, and all recipients of the President's  
235 statement may submit a written response to it to the President within fifteen days  
236 after their receipt of the President's statement. Within twenty days after sending  
237 the statement of recommendations, and reasons to the Hearing Committee and to  
238 the parties, the President shall present the President's recommendations and  
239 reasons (and any responses thereto as received by the President) to, the Board of  
240 Trustees for final action. The Board of Trustees may elect to have access to either  
241 the record of the proceedings or a summary of the record prepared by the Hearing  
242 Officer. Within sixty days after its receipt of the President's statement of  
243 recommendations and reasons (and any responses thereto), the Board of Trustees  
244 shall render and announce to the parties and to the President a decision on the  
245 dispute. The Board of Trustees may accept or reject the President's  
246 recommendations in whole or in part, or may remand the matter to the President  
247 for further proceedings.

Source:  
University Regulation, Revision 1; adopted 7/17/08 Board of Trustees meeting  
Revisions adopted 11/15/13 Board of Trustees meeting



AGENDA ITEM TITLE: **Approval of Personnel**, Nichols/Jones

CHECK THE APPROPRIATE BOX(ES):

- ☐ Work Session  
☐ Education Session  
☐ Information Item  
☒ Other Specify: Item for Approval

BACKGROUND AND POLICY CONTEXT OF ISSUE:

**A. Items for Action Recommended by the President**

**APPOINTMENTS**

**1. Administrator**

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

**Academic Affairs**

<u>Name</u>	<u>Rank</u>	<u>Salary</u>	<u>Appointment Period</u>
<i>Academic Affairs</i>			

<b>Miller, Kate</b>	Provost & Vice President of Academic Affairs	\$300,000/FY	08/01/2016
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Kate Miller received her bachelor's degree in geological and geophysical sciences, magna cum laude, from Princeton University in 1982, and a master's degree in geophysics from Stanford in 1988, before earning her Ph.D in 1991. From 2004-08, Dr. Miller was the associate dean of the College of Science at the University of Texas at El Paso, where she rose through the ranks of the faculty from her start as a research specialist in 1991. Since 2009, Miller has served as dean of the College of Geosciences at Texas A&M, leading a college with 100 faculty members, 26 research scientists and 1,500 students, with an annual research and teaching budget totaling \$100 million. Dr. Miller will serve as Provost and Vice President of Academic Affairs. She will hold tenure at the rank of professor in the Department of Geology and Geophysics in the College of Arts and Sciences.

## **B. Items for Information**

The changes in appointments and reappointments listed below are for the information of members of the Board of Trustees.

### **CHANGE IN APPOINTMENTS**

#### **1. Administrators**

##### **Academic Affairs**

<u>Name</u>	<u>Rank</u>	<u>Salary</u>	<u>Appointment Period</u>
<b>Northam, Mark</b>	Executive Director	\$299,292.00	07/01/2016

Mr. Northam has served as Director of the School of Energy Resources since 2007. This change in appointment is for title only. Mr. Northam will now serve as Executive Director of the School of Energy Resources.

<b>Burke, Ingrid C.</b>	Wyoming Excellence Chair/Dean	\$230,232.00	08/01/2016
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Dr. Burke has served as Wyoming Excellence Chair/Director of the Haub School of Environment and Natural Resources since 2008. This change in appointment is for title only. Dr. Burke will now serve as Wyoming Excellence Chair/Dean of the Haub School of Environment and Natural Resources.

AGENDA ITEM TITLE:

**Discussion and acceptance or rejection of the conditions imposed by the Governor relating to the expansion of the Cheyenne residency into Laramie**, Mary Kay Hill

CHECK THE APPROPRIATE BOX(ES):

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

BACKGROUND AND POLICY CONTEXT OF ISSUE:

Policy Director Mary Kay Hill will provide a briefing regarding the Governor's conditions to the expansion of the Cheyenne residency into Laramie.

AGENDA ITEM TITLE: **AA Phase II bid status update**, Mai

CHECK THE APPROPRIATE BOX(ES):

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

BACKGROUND AND POLICY CONTEXT OF ISSUE:

Vice President for Administration Bill Mai will update the Board on the AA Phase II bid status.

AGENDA ITEM TITLE: **BSL-3 Update**, Miller

CHECK THE APPROPRIATE BOX(ES):

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

BACKGROUND AND POLICY CONTEXT OF ISSUE:

Vice President and General Counsel Rick Miller will provide an update regarding BSL-3.



AGENDA ITEM TITLE: **Financial System Vendor Negotiations Update**, Mai

CHECK THE APPROPRIATE BOX(ES):

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

BACKGROUND AND POLICY CONTEXT OF ISSUE:

Vice President for Administration Bill Mai will update the Board on the financial system vendor negotiations.

AGENDA ITEM TITLE: **Professor of Practice Update**, Bostrom/Tucker Readdy

CHECK THE APPROPRIATE BOX(ES):

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

BACKGROUND AND POLICY CONTEXT OF ISSUE:

Trustee Dave Bostrom and former Faculty Senate Chair Tucker Readdy will be asked to update the Board on this topic.

AGENDA ITEM TITLE: **Revisions to 2016 Trustee Meeting Schedule**, MacPherson

CHECK THE APPROPRIATE BOX(ES):

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

BACKGROUND AND POLICY CONTEXT OF ISSUE:

Trustee President John MacPherson will discuss proposed revisions to the 2016 trustee meeting schedule.

AGENDA ITEM TITLE: **Fall 2016 Projected Enrollment and Campaign Update**, Axelson

CHECK THE APPROPRIATE BOX(ES):

- ☒ Work Session  
☐ Education Session  
☐ Information Item  
☐ Other

Specify:

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

Fall semester classes will begin on August 29. As I shared with you in June, early data indicated that enrollment is behind for fall 2016 from fall 2015. We have a university-wide campaign in progress to maintain or increase enrollments in the fall 2016. As of July 5, we have comparison data to a year ago at this time. See data tables that follow. Through the campaign we have made significant progress, however we still need to enroll an additional 128 students to be even in fall of 2016 (compared to fall of 2015).

We are actively working with academic and student affairs units university-wide to help enroll more undergraduate and graduate students through Outreach, UW-Casper and the Laramie campus. A few data points include:

Overall, -128 students

Laramie, -67. UW Casper, +2. Outreach School, -50.

I'll share additional specific information at the BOT meeting. I extend a special thanks to the Trustees who have made calls or sent emails to students in their region. If you have not had the opportunity to do so, please advise so I can reassign the students to others on campus. Thanks again.

**WHY THIS ITEM IS BEFORE THE BOARD:**

This information is presented for the general information of the Trustees.

## Preliminary Student Headcounts Fall Comparisons

SITE	Fall 2015 July 1, 2015 Wednesday	Fall 2016 July 1, 2016 Friday	2015-2016 Difference	Percent Difference	Fall 2015 Final Headcount	Fall 2016 Prelim. as a % of Fall 2015 Final
<b><u>Laramie</u></b>						
Undergraduate	7,945	7,796	-149	-1.9%	8,733	89%
Graduate	1,037	1,143	106	10.2%	1,827	63%
Unknown Level	24	0	-24	-100.0%	0	---
<b>Laramie Total</b>	<b>9,006</b>	<b>8,939</b>	<b>-67</b>	<b>-0.7%</b>	<b>10,560</b>	<b>85%</b>
<b><u>Outreach</u></b>						
<b><u>UW/Casper</u></b>						
Undergraduate	137	139	2	1.5%	171	81%
Graduate	11	11	0	0.0%	20	55%
Professional Development	0	0	0	---	288	0%
<b>UW/Casper Subtotal</b>	<b>148</b>	<b>150</b>	<b>2</b>	<b>1.4%</b>	<b>479</b>	<b>31%</b>
<b><u>Outreach Other Sites</u></b>						
Undergraduate	799	705	-94	-11.8%	1,141	62%
Graduate	401	445	44	11.0%	756	59%
Professional Development	13	0	-13	-100.0%	781	0%
<b>Outreach Credit Subtotal</b>	<b>1,213</b>	<b>1,150</b>	<b>-63</b>	<b>-5.2%</b>	<b>2,678</b>	<b>43%</b>
<b>Outreach Total</b>	<b>1,361</b>	<b>1,300</b>	<b>-61</b>	<b>-4.5%</b>	<b>3,157</b>	<b>41%</b>
<b>Federal Total</b>	<b>10,354</b>	<b>10,239</b>	<b>-115</b>	<b>-1.1%</b>	<b>12,648</b>	<b>81%</b>
<b>Prof. Development Total</b>	<b>13</b>	<b>0</b>	<b>-13</b>	<b>-100.0%</b>	<b>1,069</b>	<b>0%</b>
<b>UW Overall Total</b>	<b>10,367</b>	<b>10,239</b>	<b>-128</b>	<b>-1.2%</b>	<b>13,717</b>	<b>75%</b>

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OIA:SDW

5-Jul-16