

**THE UNIVERSITY OF WYOMING**  
**BOARD OF TRUSTEES' REPORT**

**May 10-12, 2017**

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**  
**May 10-12, 2017**

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**Roll Call**

**Approval of Board of Trustees Meeting Minutes**

April 12, 2017 (conference call)

April 21, 2017 "Special" meeting (conference call)

**Approval of Executive Session Meeting Minutes**

April 12, 2017 (conference call)

April 21, 2017 "Special" meeting (conference call)

Election of Officers

Committee Appointments and Appointment of Committee Chairs

Administer Oath to Board Secretary (W.S. Sec 21-17-206)

**Reports**

ASUW

Staff Senate

Faculty Senate

**Public Testimony**

**Committee of the Whole**  
**REGULAR BUSINESS**

**Board Committee Reports**

*[Note: Some committees of the Board will provide reports during the regular work sessions and may not have a formal report to provide during the Business Meeting.]*

**Trustee Standing Committees**

*Committee reports to be given at the start of the regular meeting rather than during the Business Meeting.*

**Liaison to Other Boards**

- UW Alumni Association Board – Wava Tully
- Foundation Board – Jeff Marsh & Dave Bostrom
- Haub School of Environment & Natural Resources – Michelle Sullivan
- Energy Resources Council – Dave True
- Cowboy Joe Club – John McKinley

**PROPOSED ITEMS FOR ACTION (consider approval):**

1. Contracts and Grants – Gern
2. Board Appointments for WRI – Gern
3. Personnel – Miller  
[Note: Materials to be distributed in advance using the Trustee secure website]
4. Amendments to the University of Wyoming Athletic Coaches and Athletic Director Retirement Plan and the President’s 403(b) Plan – Evans
5. Execution of Bond Pursuant to W.S. 21-17-203 – McKinley/Mai/Evans
6. ASUW Senate Bills Requiring Action:
  - Senate Bill 2538 – ASUW Childcare Assistance Scholarship
  - Senate Bill 2549 – ASUW Budget
  - Senate Bill 2554 – ASUW Senatorial Scholarship Program
  - Senate Bill 2561 – ASUW Funds for Union and Housing Plan
7. Master List of Degrees – Miller/Alexander  
[Final list will be posted pending the work session.]

Confirm the Out of Town Meeting Locations for the Year

**New Business**

**Date of Next Meeting** – June 7, 2017 (“special” conference call) – [budget approval]  
June 14, 2017 (conference call)

**Adjournment**

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**Information Only Items:**

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**AGENDA ITEM TITLE: EERB - Waivers for Out of State Contractors, Mai**

**CHECK THE APPROPRIATE BOX(ES):**

- ☐ Work Session
- ☐ Education Session
- ☐ Information Item
- ☒ Other                      Specify: Committee of the Whole (Items for Approval)

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

Pursuant to W.S. 16-6-1001(a)(i)(B), Construction Managers-at-Risk (CMAR's) for public capital construction projects in Wyoming must award not less than seventy percent (70%) of the Work to responsible Wyoming resident contractors. The total Wyoming resident contractor participation, as bid, for the Engineering Education and Research Building (EERB) is currently sixty-eight point three percent (68.3%), which is slightly short of the seventy percent participation statutorily required.

However, pursuant to W.S. § 16-6-1001(a)(i)(C), a partial waiver of subcontracted work can be obtained if one of the following conditions are met:

- (I) The work to be performed is specialized or of such a scale that it can be more suitably performed by out-of-state contractors;
- (II) The bid amounts submitted by responsible Wyoming subcontractors exceed one hundred five percent (105%) of the costs of out-of-state providers for equivalent quality of work or services;
- (III) The enforcement of the requirement would unreasonably delay completion of construction
- (IV) There were insufficient responsible Wyoming contractors submitting bids to make the seventy percent (70%) requirement.

For this project, no Wyoming resident contractors bid on the following three scopes of work: (1) Specialty Glass Handrails, (2) Laboratory Casework, and (3) Elevators. Moreover, there are no Wyoming resident subcontractors who perform these highly specialized scopes of work.

Pursuant to the statute, if the seventy percent (70%) is waived in part for these portions of the project, the remaining value of the total subcontract work to be performed under the contract shall be used to calculate compliance in meeting the seventy percent (70%) Wyoming contractor requirement. Waiving the values associated with these three subcontracts will raise the Wyoming resident contractor participation to seventy-four point three percent (74.3%), meeting the statutory threshold.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

The Board's Facilities Contracting Committee was apprised of the bid waiver request at the March 22, 2017 meeting.

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

W.S. 16-6-1001 subdivisions (a)(i)(D)(II) and (a)(i)(E) requires waivers to be approved in writing by the president of the university and the president of the board of trustees and requires the approved waivers to be provided to the Governor and published on the University's construction department website.

**ACTION REQUIRED AT THIS BOARD MEETING:**

Board approval to execute the waivers.

**PROPOSED MOTION**

"I move to authorize the execution by the President of the University and the Board of Trustees of the three Subcontractor Preference Waiver Approval Requests submitted and for the approved waivers to be provided to the Governor and published on the University's Operations website."

**PRESIDENT'S RECOMMENDATION:**

The President recommends approval.



JW Operations – Facilities Construction Management  
Dept. 3227 • 1000 East University Avenue • Laramie, WY 82071  
(307) 766-6225 • Fax (307) 766-4040 • [www.uwyo.edu](http://www.uwyo.edu)

## Subcontractor Preference Waiver Approval Request

In accordance with WY Statute § 16-6-1001 Capital construction projects restrictions; preference requirements; waivers.

Date:

**Waiver Number:** 2017-1

**Project:** Engineering Education and Research Building

**Construction Manager:** GE Johnson Construction Wyoming

**Attachments:** GE Johnson Construction award letter recommendation dated March 9, 2017

**Waiver:**

The Construction Manager conducted an open bid process in compliance with Wyoming contractor preference laws. Award to ISEC is recommended.

**Justification of this Preference Waiver is based on one or more of the following:**

- (x) The work to be performed is specialized or of such a scale that it can be more suitably performed by out-of-state contractors;
- ( ) The bid amounts submitted by responsible Wyoming subcontractors exceed one hundred five percent (105%) of the costs of out-of-state providers for equivalent quality of work or services;
- ( ) The enforcement of the requirement would unreasonably delay completion of construction
- (x) There were insufficient responsible Wyoming contractors submitting bids to make the seventy percent (70%) requirement.

**Subcontractor Preference Waiver Approval:**

William Mai	Date
Vice President for Administration	
Deputy Treasurer, Board of Trustees	

Laurie Nichols  
President, University of Wyoming

John MacPherson  
President, Board of Trustees

441 Landmark Dr., Ste 250  
Casper, WY 82609  
307.472.0065 V  
719.473.5324 F  
www.gejohnson.com



March 9, 2017

Matthew Kibbon  
UW Facilities Engineering  
1000 East University Avenue, Dept 3327  
Laramie, WY 82071

**RE: UW ENGINEERING EDUCATION AND RESEARCH BUILDING  
LARAMIE, WYOMING  
RE: ISEC BID WAIVER REQUEST**

Dear Mr. Kibbon:

Regarding Bid Item 08B – Glass Handrail for the UW Engineering Education and Research Building project, we received (2) bids for the scope of work from ISEC Inc. (Colorado) in the amount of \$689,547 (scoped) and Viva Railings (Texas) in the amount of \$691,797 (scoped). No other bids were received from Wyoming bidders and there are no qualified bidders within Wyoming for this scope of work. GE Johnson Construction Wyoming, LLC is recommending Owner approval to issue a contract to ISEC Inc.

Sincerely,

**GE JOHNSON CONSTRUCTION COMPANY**

A handwritten signature in black ink, appearing to read "Marcin Stanko".

Marcin Stanko  
Project Manager

Enclosures: Not Applicable

cc: Korey Klingenberg/GE Johnson Construction Wyoming, LLC

In accordance with WY Statute § 16-6-1001 Capital construction projects restrictions; preference requirements; waivers.

Date:

**Waiver Number:** 2017-2

**Project:** Engineering Education and Research Building

**Construction Manager:** GE Johnson Construction Wyoming

**Attachments:** GE Johnson Construction award letter recommendation dated March 9, 2017

**Waiver:**

The Construction Manager conducted an open bid process in compliance with Wyoming contractor preference laws. Award to Cosney Corporation is recommended.

**Justification of this Preference Waiver is based on one or more of the following:**

- (x) The work to be performed is specialized or of such a scale that it can be more suitably performed by out-of-state contractors;
- ( ) The bid amounts submitted by responsible Wyoming subcontractors exceed one hundred five percent (105%) of the costs of out-of-state providers for equivalent quality of work or services;
- ( ) The enforcement of the requirement would unreasonably delay completion of construction
- (x) There were insufficient responsible Wyoming contractors submitting bids to make the seventy percent (70%) requirement.

**Subcontractor Preference Waiver Approval:**

William Mai	Date
Vice President for Administration	
Deputy Treasurer, Board of Trustees	

Laurie Nichols  
President, University of Wyoming

John MacPherson  
President, Board of Trustees

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March 9, 2017

Matthew Kibbon  
UW Facilities Engineering  
1000 East University Avenue, Dept 3327  
Laramie, WY 82071

**RE: UW ENGINEERING EDUCATION AND RESEARCH BUILDING  
LARAMIE, WYOMING  
RE: COSNEY BID WAIVER REQUEST**

Dear Mr. Kibbon:

Regarding Bid Item 11A – Laboratory Casework for the UW Engineering Education and Research Building project, we received (3) bids for the scope of work from ISEC Inc. (Colorado) in the amount of \$3,493,143, Haldeman Homme (Colorado) in the amount of \$3,185,731, and Cosney (Minnesota) in the amount of \$2,961,235. No other bids were received from Wyoming bidders and there are no qualified bidders within Wyoming for this scope of work. GE Johnson Construction Wyoming, LLC is recommending Owner approval to issue a contract to Cosney.

Sincerely,

**GE JOHNSON CONSTRUCTION COMPANY**

A handwritten signature in black ink, appearing to read "Marcin Stanko".

Marcin Stanko  
Project Manager

Enclosures: Not Applicable

cc: Korey Klingenberg/GE Johnson Construction Wyoming, LLC



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## Subcontractor Preference Waiver Approval Request

In accordance with WY Statute § 16-6-1001 Capital construction projects restrictions; preference requirements; waivers.

## Date:

**Waiver Number:** 2017-3

**Project:** Engineering Education and Research Building

**Construction Manager:** GE Johnson Construction Wyoming

**Attachments:** GE Johnson Construction award letter recommendation dated March 9, 2017

**Waiver:**

The Construction Manager conducted an open bid process in compliance with Wyoming contractor preference laws. Award to Kone Corporation is recommended.

**Justification of this Preference Waiver is based on one or more of the following:**

- (x) The work to be performed is specialized or of such a scale that it can be more suitably performed by out-of-state contractors;
- ( ) The bid amounts submitted by responsible Wyoming subcontractors exceed one hundred five percent (105%) of the costs of out-of-state providers for equivalent quality of work or services;
- ( ) The enforcement of the requirement would unreasonably delay completion of construction
- (x) There were insufficient responsible Wyoming contractors submitting bids to make the seventy percent (70%) requirement.

**Subcontractor Preference Waiver Approval:**

William Mai \_\_\_\_\_ Date \_\_\_\_\_  
 Vice President for Administration  
 Deputy Treasurer, Board of Trustees

Laurie Nichols  
President, University of Wyoming

John MacPherson  
President, Board of Trustees

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March 9, 2017

Matthew Kibbon  
UW Facilities Engineering  
1000 East University Avenue, Dept 3327  
Laramie, WY 82071

**RE: UW ENGINEERING EDUCATION AND RESEARCH BUILDING  
LARAMIE, WYOMING  
RE: KONE BID WAIVER REQUEST**

Dear Mr. Kibbon:

Regarding Bid Item 14B – Elevators for the UW Engineering Education and Research Building project, we received (1) bid for the scope of work from Kone Inc. (Colorado) in the amount of \$388,742. No other bids were received and there are no qualified bidders within Wyoming for this scope of work. GE Johnson Construction Wyoming, LLC is recommending Owner approval to issue a contract to Kone Inc.

Sincerely,

**GE JOHNSON CONSTRUCTION COMPANY**

A handwritten signature in black ink, appearing to read "Marcin Stanko".

Marcin Stanko  
Project Manager

Enclosures: Not Applicable

cc: Korey Klingenberg/GE Johnson Construction Wyoming, LLC



**AGENDA ITEM TITLE: UW's Operating Budget**

(Implementation of UW Regulation 1-103), Trustee Regulation Committee

**CHECK THE APPROPRIATE BOX(ES):**

- ☒ Work Session
- ☐ Education Session
- ☐ Information Item
- ☒ Other                      Specify: Committee of the Whole (Items for Approval)

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

As part of the new financial management system being implemented July 1, 2017, the Board of Trustees directed the creation of a new UW regulation establishing a process for approval of the University's Operating Budget and administration of Division budgets within the Operating Budget.

The Trustee Regulation Committee will discuss this item at the May 2017, Board of Trustees meeting and recommend full Board action, if appropriate.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

None.

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

UW Regulation 1-101 requires that UW Regulations shall be issued by the Trustees of the University and shall be in a form approved by the Trustees.

**ACTION REQUIRED AT THIS BOARD MEETING:**

Board approval or disapproval of UW Regulation 1-103.

**PROPOSED MOTION**

I move to approve implementation of UW Regulation 1-103, which establishes a process for approval of the University's Operating Budget and administration of Division budgets within the Operating Budget.



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## UNIVERSITY OF WYOMING REGULATIONS

**Subject:** University's Operating Budget  
**Number:** UW Regulation 1-103

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### I. PURPOSE

To establish a process for approval of the University's Operating Budget and administration of Division budgets within the Operating Budget.

### II. DEFINITIONS

**Administrative Officer:** Includes the Provost and Vice President for Academic Affairs, the Vice President for Administration, the Vice President for Governmental and Community Affairs, the Vice President for Information Technology, the Vice President for Institutional Advancement, the Vice President for Research and Economic Development, the Vice President for Student Affairs, the Director of Intercollegiate Athletics, and the General Counsel.

**Division:** Includes the Office of the President, the Office of Academic Affairs, the Division of Administration, the Office of Governmental and Community Affairs, the University of Wyoming Foundation, the Division of Information Technology, the Office of Research and Economic Development, the Division of Student Affairs, the Department of Intercollegiate Athletics, and the Office of General Counsel.

**Expenditure Classification:** Includes (1) salaries, wages, and benefits; (2) services, travel and entertainment, and supplies; (3) student financial aid; (4) utilities, repairs and maintenance, and rentals; (5) interest, claims, and other expenses; and (6) non-operating expenditures.

**Fiscal Year:** July 1-June 30.

**Operating Budget:** The general operating budget of the University including (1) Unrestricted Operating Funds (i.e., block grant appropriations, tuition and fees, self-generated funds); (2) Designated Operating Funds (i.e., line-item or special state appropriations, designated fee revenue); and (3) Restricted Operating Funds (i.e., sponsored contracts and grants, foundation gift and endowment payout funds). The Operating Budget shall include all sources of revenue, of whatever nature, all expenditures, and all cash & cash equivalent funds or reserves.

**Unit (Organization):** The academic, administrative, and auxiliary operating units of the University (i.e., College of Business Dean's Office, Department of Mathematics, Dean of Student's Office, Transit & Parking).

### III. POLICY

- A. At least sixty (60) days prior to the beginning of each fiscal year, each Administrative Officer shall present to the President of the University and the Budget Committee of the Board of Trustees ("Board") the proposed budget for their Division for the upcoming fiscal year. The final approval of the Operating Budget rests with the Board prior to the beginning of the fiscal year.
- B. Until final approval of the Operating Budget by the Board, no expenditures chargeable to the budget for the next fiscal year shall be made.
- C. After Board approval of the Operating Budget, the President of the University may transfer between Units within a Division, between Divisions, or between Expenditure Classifications, an amount not to exceed ten percent (10.0%) of the respective budget or \$100,000.00, whichever is less, per single transfer. Prior Board approval is required for any single transfer which exceeds a fiscal year cumulative transfer of fifteen percent (15.0%) of the respective budget or \$200,000.00, whichever is less. All other transfers of any nature require prior Board approval.

### IV. QUARTERLY REPORT

The President shall provide a quarterly written report to the Budget Committee of the Board of Trustees identifying each transfer or authorization made pursuant to Paragraph III(C).

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**Responsible Division/Unit:** Office of the President and the Division of Administration

**Source:** Wyoming Statutes 21-17-203 and 21-17-204.

**Link:** <http://www.uwyo.edu/generalcounsel/current-uw-regulations-and-presidential-directives/index.html>.

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

**History:** None.

**AGENDA ITEM TITLE:** Naming Policy, Blalock/Nichols  
[Implementation of UW Regulation related to Naming of University Facilities, Programmatic Units, and Funded Academic Honors], Nichols/Miller/Blalock

**CHECK THE APPROPRIATE BOX(ES):**

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

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

Currently, the University's policies regarding academic naming and gift criteria are housed in the Office of Academic Affairs. Additionally, UW Regulation 2-1 states that "Names of buildings shall be selected by the Trustees. No building shall be named after any person actively connected with the University at the time."

The University has consolidated and updated the University's naming policies into one regulation titled *Naming of University Facilities, Programmatic Units, and Funded Academic Honors*. A draft of the proposed regulation and implementing policy are attached for the Board's review and discussion. **This draft has not yet been reviewed by campus constituents.**

The Trustee Regulation Committee will discuss this item at the May 2017, Board of Trustees meeting, if appropriate.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

None.

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

UW Regulation 1-101 requires that UW Regulations shall be issued by the Trustees of the University and shall be in a form approved by the Trustees.

**ACTION REQUIRED AT THIS BOARD MEETING:**

None. After review by the Trustee Regulation Committee, the University will provide the draft regulation to campus constituents for feedback and will seek Board approval at an upcoming Board of Trustees meeting.

**PROPOSED MOTION**

None.

**PRESIDENT'S RECOMMENDATION:**

The President recommends submitting the draft regulation for review by campus constituents.

**DRAFT**  
**For preliminary discussion only**  
**Revised 4/25/17**

**UW REGULATION X-XXX**  
**Naming of University Facilities, Programmatic Units, and Funded Academic Honors**

**I. PURPOSE**

The University of Wyoming is committed to upholding the mission and reputation of the University. This Regulation calls for establishing a policy and procedures related to the naming of University Facilities, Programmatic Units, and Funded Academic Honors.

**II. DEFINITIONS**

For purposes of this regulation, the following definitions apply:

- A. Facilities.** Any building, part of a building, structure, equipment, exhibits, street, drive, landscaped area, open spaces, farm, physical improvement or other property under the control of the University.
- B. Programmatic Unit.** Any academic or non-academic unit such as a college, school, division, institute, center, department, or program.
- C. Funded Academic Honors.** Any excellence fund, endowed position, scholarship, fellowship, enrichment fund, or award.

**III. REGULATION**

The University has a long-standing tradition of naming its Facilities, Programmatic Units, and Funded Academic Honors in recognition of persons or entities who have made important contributions to enable or to advance the mission of the University. All such naming proposals shall be reviewed in accordance with this Regulation.

**IV. NAMING COMMITTEE**

- A.** A Naming Committee shall oversee the implementation of this regulation. The Committee shall be responsible for reviewing all naming requests for Facilities and Programmatic Units in accordance with this Regulation. Funded Academic Honors will not be reviewed by the Naming Committee.
- B.** The Naming Committee shall be responsible for maintaining a policy on minimum funding requirements for naming facilities, programmatic units, and funded academic honors, as well as all forms and processes necessary for implementing naming procedures.
- C.** The Naming Committee shall be composed of the following individuals or their designees: the Provost, the Vice President for Administration, the President/CEO of the UW Foundation, the Athletic Director, and a Dean from an Academic College

**DRAFT**  
**For preliminary discussion only**  
**Revised 4/25/17**

who will be appointed by the President and serve a three-year term. The Committee members shall elect a chair.

- D. The committee will meet monthly or as needed to efficiently implement the regulation. All naming requests will be acted upon within 30 days.
- E. The naming committee will invite the requestor to present his/her case to the committee and answer any questions that may arise.

**V. GENERAL GUIDELINES FOR NAMING OPPORTUNITIES**

- A. Donor intent shall be compatible with the University's mission and the University will commit to honor, follow, and adhere to the donor's intent throughout the duration of the gift.
- B. Except as outlined in this Regulation, the gift associated with the naming of any Facility, Programmatic Unit, or Funded Academic Honor must meet certain minimum funding requirements. The President of the University and the Board of Trustees hold final approval of the policy on minimum funding requirements maintained by the Naming Committee.
- C. The Board of Trustees shall consider and take action on the names of all Facilities where the naming opportunity is \$1,000,000 or more and shall consider and take action on the naming of all Programmatic Units.
- D. The President of the University shall consider and take action on the naming of wings, halls, rooms, or other areas within Facilities where the naming opportunity is less than \$1,000,000.
- E. The Provost and the designated dean, director, or academic head shall consider and take action on the names of all Funded Academic Honors where the naming opportunity is \$500,000 or more. Funded Academic Honors less than \$500,000 will be overseen by the UW Foundation and the designated dean, director, or academic head.
- F. Where federal or state requirements control, names may be designated in authorizations by state or federal agencies. However, the name must be forwarded for consideration pursuant to this Regulation.
- G. The University shall avoid any conflict of interest when naming Facilities, Programmatic Units, and/or Funded Academic Honors. No Facility shall be named after any person actively connected with the University at the time.



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**Revised 4/25/17**

- H. A name will generally be effective for the life of the Facility, Programmatic Unit, and/or Funded Academic Honor, except those gifts where a term limit is within the conditions of the gift. If a Facility must be replaced or substantially renovated, or the Programmatic Unit re-designated, it may be named for a new donor, subject to the terms and conditions set forth in any applicable agreements. Any changes to the naming will require consultation with, and action by the Board of Trustees and the UW Foundation. The effective term shall be set forth in the Naming Request Form and any applicable agreements.
- I. If at any time following the approval of a naming, circumstances change where the continued use of the name may compromise the public trust, the Board of Trustees may authorize the University to discontinue use of the name.
- J. The Board of Trustees may make exceptions to this Regulation where, in its discretion, the exception would be in the best interests of the University.

**VI. NAMING OF FACILITIES, PROGRAMMATIC UNITS, AND FUNDED ACADEMIC HONORS WITHOUT AN ASSOCIATED GIFT**

When naming a Facility, Programmatic Unit, or Funded Academic Honor without an associated gift, the proposed honoree shall have achieved distinction in one or more of the following ways:

- A. Serving the University in an academic or administrative capacity with high distinction; or
- B. By contributing in other exceptional ways to the welfare and reputation of the University, to education, or to the community in general.

**VII. PROCEDURES FOR NAMING FACILITIES, PROGRAMMATIC UNITS, AND FUNDED ACADEMIC HONORS**

- A. The University of Wyoming Facility Naming Opportunities Form shall be completed by the UW Foundation or relevant University administrator to propose naming opportunities for all Facilities.
- B. All proposed Facility and Programmatic Unit naming opportunities and all proposed names must be submitted to the Naming Committee for consideration and action. Naming opportunities and Naming recommendations may be submitted to the Naming Committee by the President, President/CEO of the UW Foundation, Vice Presidents, Deans, and Directors. The naming must be submitted to the Naming Committee on the Naming Request Form.

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**For preliminary discussion only**  
**Revised 4/25/17**

- C. All proposed Funded Academic Honor naming opportunities of \$500,000 or more must be considered and acted upon by the Provost and designated Dean, Director, or Academic Head. All proposed Funded Academic Honor naming opportunities less than \$500,000 will be overseen by the UW Foundation and the designated Dean, Director, or Academic Head.
- D. The President shall review the recommendation of the Naming Committee and holds final consideration and action for Facilities where the naming opportunity is less than \$1,000,000.
- E. For Facilities where the naming opportunity is more than \$1,000,000, and for the naming of Programmatic Units, the President shall forward his or her recommendation to the Board of Trustees' Facility Committee for consideration and action.
- F. Prior to recommending to the Board of Trustees the naming of a Facility or Programmatic Unit, the President shall have a reasonable assurance that:
  - 1. The proposed name will bring additional honor and distinction to the University; and
  - 2. Any philanthropic commitments connected with the naming can be realized.
- G. The Board of Trustees' Facility Committee will make a recommendation to the Board of Trustees for final consideration and action.
- H. Upon written approval by the President or the Board of Trustees (as outlined above), the UW Foundation shall complete donor communication and documentation. The applicable forms shall be completed and copies shall be kept on file with the UW Foundation, the Office of Academic Affairs, and the Division of Administration.
- I. The policy and associated forms shall reside within the online University Policy and Procedures manual, which is overseen by the Office of General Counsel.

#### **VIII. RECOGNITION AND SIGNAGE FOR FACILITY NAMINGS**

- A. For exterior spaces, approved donor recognition and signage will appear in an appropriate size and design on the exterior of the facility and will be readily visible.
- B. For open or general interior spaces, donor recognition and signage will be located at the primary entrance or entrances to the facility in appropriate size and design to be compatible with existing or planned interior finishes.
- C. Donor recognition and signage for outdoor spaces shall be determined on an individual basis with particular concern regarding practicality and maintainability.



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**For preliminary discussion only**  
**Revised 4/25/17**

- D. Donor recognition and signage shall be installed by UW Operations or installation shall be overseen by UW Operations through an approved vendor or designated agent.
- E. Purchase, design, and installation of all donor recognition and signage must be coordinated with the UW Foundation.
- F. To the extent feasible, donor recognition and signage shall be uniform with previous donor recognition and signage precedent established for University interior and exterior spaces.

#### **IX. RESPONSIBLE ADMINISTRATOR**

The Provost and President/CEO of the UW Foundation (or designees) are responsible for annual and ad hoc review of this regulation.

**DRAFT**  
**For preliminary discussion only**  
**Revised 4/25/17**

**University of Wyoming Policy**  
**Naming Opportunities and Minimum Funding Requirements for Naming of University**  
**Facilities, Programmatic Units, and Funded Academic Honors**

**I. Types of Gifts**

The minimums outlined in this Policy apply to two types of gifts:

- A. Endowments.** Gifts where the donor intends for the corpus of the gift to generate income that may be used to support the intended purpose of the gift according to the University of Wyoming Foundation's rules for computing payouts from invested funds.
- B. Expendable.** Gifts where the donor intends for the gift, together with any income generated through investments, to be used according to a specified manner and schedule, in a fashion that may result in depletion of the account over time. Expendable gifts will be subject to the term conditions, if any, as outlined in the gift agreement.

This Policy only identifies common types of gifts received by the University. Special projects may be recommended to the Naming Committee for consideration on a case-by-case basis.

State or private matching funds may be available in some instances to match certain gifts. If matching funds are available for a particular gift, those funds will be included together with the gift amount for purposes of qualifying for the minimum gift requirements set forth in this Policy.

**II. Facilities**

- A. Campus Landmarks and Landscaping.** The minimum gift must be the total direct cost.
- B. Current Facilities.** Depending on the Facility project, the gift must be a minimum of 30% of the estimated cost of the renovation or expansion. Previously constructed Facilities, which are unnamed, can be named by a donor or a donor's representative through a gift of a minimum of 30% of the construction cost for the renovation of the Facility.
- C. New Facilities.** Depending on the Facility project, the gift must be a minimum of 30% of the estimated construction cost.

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### **III. Programmatic Units**

- A. Academic Colleges and Schools.** An endowment to name an academic college or school requires a substantial investment which is transformational. While it is desired that a majority portion of the earnings from the endowment shall provide support to the academic college or school at the discretion of the applicable dean or director, donor intent will be honored per the gift agreement and in accordance with University regulations, policies, and procedures.

**Minimum gift levels are as follows:**

College of Agriculture and Natural Resources	\$30 million
College of Arts and Sciences	\$30 million
College of Business	\$30 million
College of Education	\$20 million
College of Engineering and Applied Science	\$30 million
College of Health Sciences	\$20 million
College of Law	\$20 million
School of Energy Resources	\$30 million
School of Pharmacy	\$15 million
American Heritage Center	\$15 million
Art Museum	\$15 million
Honors College	\$10 million
Haub School of Environment and Natural Resources	Named
William Robertson Coe Library	Named
Fay W. Whitney School of Nursing	Named

- B. Institutes and Centers.** An endowment to name an institute or center requires a substantial investment which is transformational. While it is desired that a majority portion of the earnings from the endowment shall provide support to the Institute or Center at the discretion of the applicable dean or director, donor intent will be honored per the gift agreement and in accordance with University regulations, policies, and procedures.

The minimum gift to name an institute or center is \$5 million. Additionally, special consideration will be given to the size, scope, mission, and academic reputation of the institute or center when considering the naming opportunity.

- C. Departments and Programs.** An endowment to name a department or program requires a substantial investment which is transformational. While it is desired that a majority portion of the earnings from the endowment shall provide support to the department or program at the discretion of the applicable department head or director, donor intent will be honored per the gift agreement and in accordance with University regulations, policies, and procedures.

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The minimum gift to name a department is \$4 million, while the minimum gift to name a program is \$3 million. Additionally, special consideration will be given to the size, scope, mission, and academic reputation of the department or program when considering the naming opportunity.

#### **IV. Funded Academic Honors**

- A. Excellence Funds.** An excellence fund is an endowment or expendable gift intended to provide funds that a designated administrator may use to promote the excellence of a specified university program. There are three types of excellence funds:
- 1. A University Excellence Fund** is an endowment or expendable gift that is established for the university as a whole and not designated for a college or program area. The president or provost of the university will allocate the income, in accordance with the trust agreement. The minimum funding level is \$100,000.
  - 2. A Dean's or Director's Excellence Fund** is an endowment or expendable gift that is established for a college or a unit. The dean or unit director identified in the trust agreement will allocate the income. The minimum funding level is \$50,000.
  - 3. A Department or Program Excellence Fund** is an endowment or expendable gift that is established for a department or a program. The head of the department or program designated in the trust agreement will allocate the income. The minimum funding level is \$25,000.
- B. Faculty Positions.** Named faculty positions are a way for a donor to support a particular faculty position at the University and to have an informal relationship with this individual. The gift shall be tied to the position, not the specific individual. Holders of named faculty positions must provide annual updates to the Provost, President/CEO of the UW Foundation, and Donor. Copies of all documentation related to named appointments shall be kept on file with the UW Foundation. The Office of Academic Affairs shall maintain a policy on procedures for appointing faculty to the named positions.
- 1. Named Chair.** The endowment must be a minimum of \$2,000,000. The endowment shall be used as specified in the donor agreement, and as deemed appropriate by the Provost and the applicable dean, to provide an annual salary supplement and/or to support the academic pursuits and endeavors of the holder of the chair.

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2. **Named Professorship.** The endowment must be a minimum of \$1,000,000. The endowment shall be used as specified in the donor agreement, and as deemed appropriate by the applicable dean to provide an annual salary supplement and/or to support teaching, research, or scholarship expenses to the holder of the professorship.
3. **Named Faculty Fellowship.** The endowment must be a minimum of \$250,000. The endowment shall be used as specified in the donor agreement, and as deemed appropriate by the applicable dean to support faculty development in teaching or research for faculty in the associate professor rank (and occasionally at the professor rank, at the dean's discretion).
4. **Named Visiting Chair.** The endowment must be a minimum of \$1,000,000. This type of endowment is intended to enable the University to attract faculty from other universities to spend periods of up to one academic year working with faculty and students at the University. The endowment shall be used as deemed appropriate by the donor agreement, Provost and the applicable dean to provide support such as a stipend, travel, work expenses, and student support for a visiting chair.
5. **Named Visiting Professorship.** The endowment must be a minimum of \$500,000. This type of endowment is intended to enable the University to attract faculty from other universities to spend periods of up to one academic year working with faculty and students at the University. The endowment shall be used as deemed appropriated by the donor agreement, Provost and the applicable dean to provide support such as a stipend, travel, work expenses, and student support for a visiting professor.
6. **Named Dean or School Director.** The endowment must be a minimum of \$5,000,000. This type of endowment is intended to promote and facilitate leadership at the dean's and school director's level. The income provides a flexible resource of funds for a dean or school director to meet special needs and initiatives in a college, while honoring donor intent. It is not intended as a supplement for the dean's salary.
7. **Named Director.** The endowment must be a minimum of \$1,000,000. This type of endowment is intended to promote and facilitate leadership at the director's level. The income provides a flexible resource of funds for a director to meet special needs and initiatives in a college, while honoring donor intent. It is not intended as a supplement for the director's salary.



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8. **Named Department Head.** The endowment must be a minimum of \$2,000,000. This type of endowment is intended to promote and facilitate leadership at the department head's level. The income provides a flexible resource of funds for a department head to meet special needs and initiatives in a college, while honoring donor intent. It is not intended as a supplement for the department head's salary.

**C. Student Enrichment.**

1. **Named Endowed Scholarship.** The gift must be a minimum of \$25,000. Endowed scholarships support student awards for tuition, fees, room and board, etc. Scholarships may be awarded to undergraduate, professional, and/or graduate students unless otherwise stipulated by the donor.
2. **Named Endowed Graduate Fellowship and Awards.** The gift must be a minimum of \$25,000. Endowed graduate fellowships and awards support graduate and post-graduate students through awards for tuition, fees, room and board, unless otherwise stipulated by the donor.
3. **Named Endowed Student Enrichment Funds.** The gift must be a minimum of \$25,000. Endowed student enrichment funds support awards or stipends to students to assist in financing experiences as study abroad, a field study opportunity, or a research opportunity. Awards can be for tuition, fees, living expenses, unless otherwise stipulated by the donor.
4. **Named Non-Endowed Scholarships.** The gift must be a minimum of \$1,000 per year for at least five years. Scholarships may be awarded to undergraduate, professional, and/or graduate students unless otherwise stipulated by the donor.
5. **Named Non-Endowed Awards.** The gift must be a minimum of \$1,000 per year for at least five years. Awards support graduate and post-graduate students for tuition, fees, room and board, unless otherwise stipulated by the donor.

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**University of Wyoming  
Facility Naming Opportunities Form**

This form shall be completed by the University of Wyoming Foundation prior to the time of new construction or major renovation of a Facility. All spaces with naming potential will be identified in the column labeled "space" with the applicable minimum gift level identified.

Space	Minimum Gift
1. _____	\$ _____
2. _____	\$ _____
3. _____	\$ _____
4. _____	\$ _____
5. _____	\$ _____
6. _____	\$ _____
7. _____	\$ _____
8. _____	\$ _____
9. _____	\$ _____
10. _____	\$ _____

(Add more lines as needed)

_____ Dean, Director or Designee	_____ Date
_____ Authorized Official, University of Wyoming Foundation	_____ Date
_____ Chair, University of Wyoming Naming Committee	Date _____
_____ President, University of Wyoming	_____ Date

**When completed, the original of this form shall be kept on file at the University of Wyoming Foundation with a copy sent to the University Office of Academic Affairs and the University Office of Administration, if applicable.**

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**University of Wyoming  
Naming Request Form**

**Individual proposing the naming:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Name of proposed Honoree:** \_\_\_\_\_

**Amount of gift toward the naming:** \$ \_\_\_\_\_

**Proposed Naming:** \_\_\_\_\_

**Purpose of Naming:** (choose one)

☐ Facility

☐ Programmatic Unit

**Proposed timeframe for Naming:** (choose one)

☐ Life of facility/program

☐ Term

Length of Term \_\_\_\_\_ Year \_\_\_\_\_ to \_\_\_\_\_

**Describe the naming and explain how the naming meets the applicable criteria outlined in UW Regulation X-XXX:**



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\_\_\_\_\_  
Authorized Official, University of Wyoming Foundation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair, University of Wyoming Naming Committee

\_\_\_\_\_  
Date

\_\_\_\_\_  
President, University of Wyoming

\_\_\_\_\_  
Date

\_\_\_\_\_  
President, Board of Trustees

\_\_\_\_\_  
Date

**Note:** Board of Trustees approval is only required for (1) University Facilities where the naming opportunity is more than \$1,000,000; and (2) the naming of a Programmatic Unit.

**When completed, submit this form to the University of Wyoming Naming Committee. The original of this form shall be kept on file at the University of Wyoming Foundation with a copy sent to the University Office of Academic Affairs and the University Office of Administration, if applicable.**

**AGENDA ITEM TITLE:** Amending Trustee By-Laws, MacPherson

**CHECK THE APPROPRIATE BOX(ES):**

- ☒ Work Session
- ☐ Education Session
- ☐ Information Item
- ☒ Other                      Specify: Committee of the Whole (Items for Approval)

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

Attached are draft modifications to the Bylaws of the Trustees. Pursuant to Article VIII, the Bylaws may be changed or amended at any regular meeting of the Trustees by a vote of two-thirds of all the members, provided that notice of the intention to change, amend, or add to the Bylaws, in whole or part, shall have been given in the notice of the meeting or shall have been given at a preceding meeting of the Trustees. Such notice shall be in writing and shall include the exact wording of the legislation proposed.

The Trustee Regulation Committee will discuss this item at the May 2017, Board of Trustees meeting and recommend full Board action, if appropriate.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

None.

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

Pursuant to Article VIII, the Bylaws may be changed or amended at any regular meeting of the Trustees by a vote of two-thirds of all the members, provided that notice of the intention to change, amend, or add to the Bylaws, in whole or part, shall have been given in the notice of the meeting or shall have been given at a preceding meeting of the Trustees.

**ACTION REQUIRED AT THIS BOARD MEETING:**

Board approval or disapproval of the modifications to the Bylaws

**PROPOSED MOTION**

I move to authorize the changes to the Bylaws of the Trustees as presented to the Board in the attached redline version.

## **BYLAWS OF THE TRUSTEES OF THE UNIVERSITY OF WYOMING**

The ByLaws of the Trustees were adopted pursuant to authority granted to the Trustees by the Wyoming Legislature and in accordance with the Wyoming Constitution. The ByLaws are about the Trustees and how the Trustees organize and carry out their meetings. Additionally, the existence of Trustee Regulations is established and the appointment of the President of the University and his/her authority is set forth.

### **BYLAWS OF THE TRUSTEES OF THE UNIVERSITY OF WYOMING**

Republished Edition ~~November 18, 2016~~ [date to be inserted upon approval]

#### **Article I. STATUTORY CREATION AND AUTHORITY**

##### **Section 1-1. APPOINTMENT, TERM AND AUTHORITY**

In accordance with the laws of the State of Wyoming (Wyo. Stat. ~~1957, §§21-350, 351, 352~~ §§21-17-201 et seq), the government of the University of Wyoming is vested in a board of twelve (12) trustees appointed by the governor, with the advice and consent of the senate, for a six year term, with terms to be staggered.

For purposes of these Bylaws, "Trustees," "Board" and "Board of Trustees" shall be defined as the 12 individual trustees appointed by the governor and may be used interchangeably throughout these Bylaws.

##### **Section 1-2. EX OFFICIO MEMBERS**

The Governor of the State of Wyoming, the President of the University of Wyoming, the State Superintendent of Public Instruction, the Director of the Wyoming Community College Commission, and the President of the Associated Students of the University of Wyoming are ex officio members of the Trustees, as such having the right to speak, but not to vote.

For purposes of these Bylaws, these members shall be defined as "ex officio members."

##### **Section 1-3. VACANCIES**

Any vacancy in the membership of the Trustees shall be filled in accordance with laws pertaining thereto.

#### **Article II. MEETINGS OF THE TRUSTEES**

##### **Section 2-1. REGULAR MEETINGS**

The annual meeting of the Trustees shall be held at the time of the meeting that is held closest to the regular Spring Commencement. At the annual meeting, the Trustees may set their schedule of regular meetings for the ensuing year. Written notice of all regular meetings shall be given by the President of the University to each ~~member~~ Trustee and ex officio member of the Trustees at least five days in advance of the meeting. Attendance by Trustees or ex officio members at regular meetings can be in person or by electronic media.

#### Section 2-2. SPECIAL MEETINGS

Special meetings of the Trustees may be called by the President of the Trustees, or by any three ~~members thereof~~ Trustees, at such time and place as they may deem expedient, and a majority of said Trustees shall constitute a quorum for the transaction of business; but a smaller number may adjourn from time to time. Notice of special meetings shall be given to each ~~member~~ Trustee and ex officio member of the Trustees at least ~~eight (8)~~ 24 hours in advance of such meeting. Attendance by Trustees or ex officio members at special meetings can be in person or by electronic media.

#### Section 2-3. ACTION IN REGULAR AND SPECIAL MEETINGS

At all regular and special meetings, it shall be valid to act on any subject within the power of the corporation except as provided elsewhere in these Bylaws.

#### Section 2-4. PLACE OF MEETINGS

All meetings of the Trustees shall be held at the University of Wyoming, unless otherwise ordered by the Trustees.

#### Section 2-5. REPEALED

#### Section 2-6. ACT OF THE TRUSTEES

The act of the majority of the Trustees present at a meeting at which a quorum is present shall be the act of the Trustees. A Trustee is considered "present" if attending the meeting in person or by electronic media.

#### Section 2-7. PUBLIC ATTENDANCE AT MEETINGS

Regular and special meetings of the Trustees shall be open to the public except for executive sessions which may be convened at any time by vote upon motion by any ~~member of the~~ Trustees. Executive sessions shall be attended only by ~~members of~~ the Trustees and such persons as may be designated by the presiding officer or included in the motion. No actions shall be taken in executive sessions. Matters considered and discussed during executive sessions shall be confidential except as otherwise provided by law.

### Article III. PROCEDURE AT MEETINGS

#### Section 3-1. QUORUM

A majority of the ~~duly appointed and qualified members of the~~ Trustees shall constitute a quorum for the transaction of business. Any number less than a quorum present at a meeting duly called may adjourn from time to time until a quorum shall be in attendance.

#### Section 3-2. ORDER OF BUSINESS

The business at each regular or special meeting shall be conducted in the following manner, unless otherwise authorized by appropriate Trustees action.

Roll Call

Approval of Board of Trustees Meeting Minutes

Election of Officers (annual meeting or as necessary)

Reports

Public Testimony (scheduled during the regular meeting)

Committee of the Whole, Regular Business (Board Committee Reports)

Proposed Items for Action

New business

Date of Next Meeting

Adjournment

#### Section 3-3. RULES OF PROCEDURE

Meetings of the Trustees shall be conducted according to Robert's rules of parliamentary procedure except as modified by the Trustees. Each ~~member of the Trustees~~ who is present shall vote on every question, unless excused from voting by the Trustees. The ayes and ~~nayees~~ shall be called and entered upon request of any ~~member of the~~ Trustees.

#### Section 3-4. MINUTES OF PROCEEDINGS

Minutes of proceedings of the Trustees and of their committees shall be kept by the secretary, or designee. Action of the Trustees which utilizes material presented by reports or other documents shall be presented in the minutes in such form as to

include, when not impractical, the full text of the action so that reference to other reports and documents is not necessary in order to determine the exact meaning of the action taken.

#### **Article IV. OFFICERS OF THE TRUSTEES**

##### **Section 4-1. NUMBER**

The officers of the Trustees shall be a President, a Vice President, a Secretary, and a Treasurer, who shall be limited to the twelve appointed ~~members of the~~ Trustees.

##### **Section 4-2. ELECTION AND TERM OF OFFICE**

The officers of the Trustees shall be elected annually at the annual meeting. Each officer shall hold office for one year or until his or her successor is elected and qualified. No ~~member of the~~ Trustees shall be eligible for re-election as president immediately after having served two successive regular terms in that office.

##### **Section 4-3. VACANCIES**

In the event of a vacancy in any office of the Trustees, an election shall be held for the unexpired term at the next regular or special meeting of the Trustees.

#### **Article V. DUTIES OF OFFICERS**

##### **Section 5-1. DETERMINATION OF DUTIES**

The officers of the Trustees shall perform the duties expressly enjoined upon them by the laws of this State and by the Bylaws of the Trustees, and such other incidental duties as pertain to their respective offices, or as may be assigned from time to time by the Trustees or their President.

##### **Section 5-2. PRESIDENT**

The President of the Trustees shall preside over all meetings of the Trustees; shall call the Trustees or Executive Committee in regular or special session at such times as the President may deem advisable or necessary or at any time upon the petition of three or more ~~members of the~~ Trustees; and the President shall have authority to decide any disputes as to the application or meaning of these rules and Bylaws, but this decision shall be referred to the next regular or special meeting of the Trustees for final decision and adjudication by the Trustees. The President of the Trustees shall have power to make temporary appointments to fill vacancies in the appointments of the Trustees to other boards or committees during the interval between Trustees meetings. The President shall be an ex officio voting member of



all permanent committees of the Trustees. The President may sign, with the secretary or any other proper officer of the Trustees thereunto authorized by the Trustees, any deeds, mortgage, bonds, contracts, or other instruments which the Trustees have authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Trustees by resolution, by UW Regulation, or by these Bylaws to some other officer or agent of the Trustees, or shall be required by law to be otherwise signed or executed. The President of the Trustees shall have the power to appoint ad-hoc committees as needed to address the business of the University. An ad-hoc committee is defined as an informal working group that can operate without formal board approval until completion of the committee's assigned task as determined by the President.

#### Section 5-3. VICE PRESIDENT

In the absence of the President of the Trustees or in the event that the office becomes vacant, or of the president's inability or refusal to act, the Vice President shall perform the duties of the President.

#### Section 5-4. SECRETARY

The Secretary of the Trustees shall be sworn to the performance of his or her duties as provided by statute. The Secretary shall be responsible for the minutes of meetings of the Trustees; shall be custodian of the Trustees records and of the seal of the Trustees and see that the seal of the Trustees is affixed to all documents, the execution of which on behalf of the Trustees under its seal, is duly authorized; shall sign with the President of the Trustees such instruments as the latter may execute; and shall be responsible for the supervision of duties delegated or assigned to the Deputy Secretary appointed by the Trustees.

In the event that the offices of President and Vice President become vacant or both refuse or are unwilling to act, the Secretary shall perform the duties of President until the next regular or special meeting of the Trustees and preside ~~at~~ that meeting until the vacancy in the presidency is filled.

#### Section 5-5. TREASURER

The Treasurer shall cause an annual report to be prepared by the officers and employees of the University of Wyoming which shall show all receipts and disbursements; shall receive any monies, through the Deputy Treasurer, required by law to be paid to the Treasurer of the Trustees; and shall maintain general cognizance of fiscal and accounting procedures utilized by officers of the University of Wyoming designated by the Trustees to receive and disburse all monies.

In the event that the offices of President, Vice President and Secretary become vacant or all refuse or are unwilling to act, the Treasurer shall perform the duties of

the President until the next regular or special meeting of the Trustees and preside at the meeting of the Trustees until the vacancy in the presidency is filled.

## Article VI. OTHER OFFICERS

### Section 6-1. DEPUTY SECRETARY

At the discretion of the Trustees, the Deputy Secretary shall be appointed by the Trustees, and shall perform such duties as are delegated by the Secretary of the Trustees.

### Section 6-2. DEPUTY TREASURER

The Deputy Treasurer shall be nominated by the President of the University, and at the discretion of the Trustees, shall be appointed by the Trustees, shall be an officer of the University of Wyoming whose duties include responsibility for the receipt, custody, and expenditure of all funds of the University of Wyoming not held by the State Treasurer, and shall exercise the same responsibility with respect to any funds or monies of the Trustees of the University of Wyoming.

### Section 6-3. INTERNAL AUDITOR

The Internal Auditor shall be appointed by the Trustees, and shall perform such duties as the Trustees require.

### Section 6-4. OTHER OFFICERS AND DUTIES

At the discretion of the Trustees, other officers may be appointed by the Trustees as may be deemed necessary. The duties of all officers of the Trustees shall set forth in writing at the time of appointment or in appropriate UW Regulations.

## Article VII. COMMITTEES OF THE TRUSTEES

### Section 7-1. EXECUTIVE COMMITTEE

The Executive Committee shall consist of five ~~members of the~~ Trustees: the President of the Trustees who shall serve as Chairman, the immediate past President of the Trustees, if such person remains on the Board, the Vice President of the Trustees, the Secretary of the Trustees, and the Treasurer of the Trustees. The Executive Committee shall have authority to meet with the University president to exchange information and discuss issues and to act for the Trustees in all routine business matters wherein immediate decisions and actions are deemed necessary for the present welfare of the University. All such actions of the



Executive Committee shall be reported to the Trustees at their next regular or special meeting and ratified when appropriate, and shall be entered in full upon the minutes of such meeting of said Trustees.

#### Section 7-2. FISCAL AND LEGAL AFFAIRS COMMITTEE

The Fiscal and Legal Affairs Committee is responsible for assuring that the University's organizational culture, capabilities, systems and processes are appropriate to protect the financial health and the reputation of the University in all audit-related areas enumerated below. Specifically the Fiscal and Legal Affairs Committee will review the financial reporting processes, the system of internal controls, the audit process, and the process for monitoring and ensuring compliance with financial laws and regulations. It will monitor the University's internal and external auditor's findings.

In discharging their duties hereunder, the members of the Committee are entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, if prepared or presented by: officers or employees of the University whom the Committee members reasonably believe to be reliable and competent in the matters presented; and legal counsel, public accountants or other persons as to matters the Committee members reasonably believe are within the person's professional or expert competence.

##### I. Investments

Review the management of invested University funds, including University endowment funds and University operating funds, subject to the following conditions:

- a. The President of the University shall be the administrative officer of the invested University funds, and may assign to a designee such duties as may be described in a written delegation of authority.
- b. With Board approval, the Committee may employ the services of an agent, such as the University of Wyoming Foundation, an investment adviser, and/or manager(s), and may give due consideration to such advice.
- c. The Committee, or the Board-approved agent, shall place the securities of said Funds in custody of a custodian bank or other fully insured custodial institution, which shall have the right and privilege of holding the securities in a street name or in a name of such nominee as it may choose.
- d. Each year the Committee shall review the agent's investment policy, asset allocation strategy and other endowment management

philosophies, such as earnings distribution policies. The Committee shall receive and review an annual report on portfolio performance and other relevant endowment management metrics.

## II. Financial Reporting Process

- a. Ensure that the external auditors communicate all matters required by their professional standards to the Committee and review significant accounting and reporting issues, including recent professional and regulatory pronouncements in order to understand their impact on the University's financial statements.
- b. Review the annual financial statements, including management's discussion and analysis, and determine if they are complete and consistent with information known to committee members.
- c. Be satisfied that all regulatory compliance matters have been considered in the preparation of the financial statements.
- d. Review significant financial risks and exposures and the plans to minimize such risks.
- e. Review, with the University's legal counsel, any legal matters that could have a significant impact on the financial statements.

## III. System of Internal Control

- a. Ensure that management is setting the appropriate tone in communicating the importance of internal control and ensure that individuals have an understanding of their roles and responsibilities.
- b. Receive and review reports from internal and external auditors regarding the quality of institutional internal control systems and determine whether management has implemented internal control recommendations made by internal and external auditors.
- c. Ensure that internal and external auditors keep the Committee informed about fraud, illegal acts, deficiencies in internal control and ensure that an appropriate process exists for the receipt, retention and treatment of complaints, including anonymous complaints, regarding accounting, internal controls and auditing matters.
- d. Evaluate the extent to which internal and external auditors review computer systems and applications, the security of such systems and applications, and the contingency plan for processing financial information in the event of a systems breakdown.

IV. Audit Process – External

- a. Following appropriate consultation with management, recommend to the Board the selection and retention of the external audit firm. Approve external auditor's fees.
- b. Review and approve the external auditor's proposed scope and approach.
- c. Review and confirm the external auditor's assertion of their independence in accordance with professional standards.
- d. Review the performance of the external auditors and recommend the appointment or discharge of the external auditors.
- e. Meet with the external auditors, the Internal Auditor, and management in separate executive sessions to discuss any matters that the Committee or these entities believe should be discussed privately. Mediate any disagreements between management and external auditors regarding financial reporting.
- f. Review with management and external auditors the results of the annual external audit, including any difficulties encountered, restrictions placed on the scope of the external auditor's activities, access to requested information and any significant disagreements with management.
- g. Review and approve any engagement of the external auditors for non-audit related consulting activities.

V. Audit Process – Internal

- a. Review and ensure that the University has the appropriate structure, staffing, and capability to effectively carry out the internal audit responsibilities.
- b. Review and concur in the appointment, compensation, replacement, reassignment, or dismissal of the Internal Auditor.
- c. Review and confirm the priorities and key action plans of the audit function. Receive and review internal audit reports from the Internal Auditor regarding results of the internal audit program.
- d. Ensure that audited divisions and colleges attend the Committee meetings to discuss audit findings and recommendations.

- e. Report each internal audit report from the Internal Auditor to the Board of Trustees. The Board of Trustees shall formally act on each internal audit report.
- f. Ensure there is regular, independent communication between the Committee and the Internal Auditor and ensure there are no unjustified restrictions or limitations on internal audit programs.
- g. Ensure there is flexibility when setting the Committee agenda based on concurrence between the Division of Administration and the Internal Auditor.

VI. Compliance with Laws & Regulations

- a. Review the findings of any significant examinations by financial regulatory agencies and review management's corrective action plans. Ensure that action plans are implemented to the satisfaction of the regulatory agencies.

VII. Other Responsibilities

- a. Ensure that significant findings and recommendations made by the internal and external auditors are received, discussed and acted upon in an appropriate and timely manner.
- b. Regularly update the Board of Trustees about Committee activities, any key internal or external audit issues and make appropriate recommendations for Board action.
- c. Review and update this By-Law and receive approval of changes from the Board of Trustees.

Section 7-3. BIENNIUM BUDGET COMMITTEE

The Biennium Budget Committee is responsible for working with University administration as it develops and submits the University's budget requests to the Governor as a state agency, including the 067 University of Wyoming operating budget, the 069 WICHE budget, the 167 Medical Education budget, and the Enhanced Oil Recovery Commission's 070 operating budget. It also includes funding requests related to capital facilities, as well as any other recommendations in the University's budget request that would be included in the state's appropriations bill for the biennium or in a supplemental budget request.

| In discharging their duties hereunder, the members of the Committee shall work with the Vice President for Administration and the Vice President for Governmental and Community Affairs.

#### Section 7-4. FACILITIES CONTRACTING COMMITTEE

The Facilities Contracting Committee is responsible for working with University administration to develop and recommend modifications to the University's facilities planning, contracting and construction policies and procedures. These recommendations will be presented to the full Board of Trustees for review and approval.

In discharging their duties hereunder, the members of the Committee shall work with the Vice President for Administration and the General Counsel.

#### Section 7-5. FINANCIAL MANAGEMENT AND REPORTING COMMITTEE

The Financial Management and Reporting Committee is responsible for taking an immediate and active role in developing a long-term, integrated and comprehensive financial management and reporting system for the University; helping develop a meaningful short-term financial reporting protocol for the Board of Trustees so that the Board can meet its fiduciary obligations; and participating in developing the University's budget structure in coordination with the financial management and reporting system.

In discharging their duties hereunder, the members of the Committee shall work with the Vice President for Administration and the General Counsel.

#### Section 7-6. HONORARY DEGREES AND AWARDS COMMITTEE

The Honorary Degrees and Awards Committee is responsible for recommending to the Board of Trustees the awarding of both the Trustees' Award of Merit and Honorary Degrees.

The Trustees' Award of Merit was established in 1984 and recognizes individuals and groups who have rendered meritorious service or made exemplary contributions to the University. Nominations for the Trustees' Award of Merit are submitted to the Honorary Degree Committee, accepted on a continuous basis, and reviewed at regular intervals. There are no minimum or maximum number of awards given in any calendar year.

An Honorary Degree from the University recognizes individuals who embody the University's high ideals and who exemplify the values of excellence, service, and integrity. Honorary Degrees are among the highest honors a university can confer, and recognize a career of distinguished accomplishment in the professions, sciences, arts, humanities, public service, and service to humanity. Nominations for Honorary Degrees are submitted to the President of the University, who will refer them to a joint committee made up of the Honorary Degree Committee and three faculty members appointed by the Faculty Senate. The joint committee will



forward its recommendations to the Board of Trustees for final decision at its January meeting and announcement in the spring semester.

In discharging their duties hereunder, the members of the Committee shall work with the President of the University and the Provost.

#### Section 7-7. TRUSTEES LEGISLATIVE RELATIONS COMMITTEE

The Trustees' Legislative Relations Committee is responsible for working closely with the Governor's office and the legislative leadership to develop a consensus of priorities for the University.

In discharging their duties hereunder, the members of the Committee shall work with the Vice President for Government and Community Affairs and the Vice President for Administration.

#### Section 7-8. VICE PRESIDENT AND DEAN SEARCH COMMITTEE

The Vice President and Dean Search Committee is responsible for informing the Board of Trustees of the progress of University searches for administrative officers and deans/directors of a college or school. The Vice President and Dean Search Committee may provide nonbinding feedback to the University's search committee during the recruitment process, confer with the University's search committee on the final candidate, and communicate with the full Board of Trustees as it determines.

In discharging their duties hereunder, the members of the Committee shall work with the President of the University.

#### Section 7-9. MEMBERS, TERM, AND COMMITTEE CHAIRMEN

Each Committee of the Trustees shall consist of not fewer than three ~~members of the~~ Trustees. Appointments shall be made by the President of the Board of Trustees at the May meeting of the Trustees, or as the President deems necessary throughout the year, for terms of ~~three~~ two years. Appointments to fill a vacancy for the unexpired term may be made by the President of the Board at any time and announced at the next regular Board meeting following the appointment. The President of the Board of Trustees shall serve as an ex-officio member of all Trustees' Committees, may attend Committee meetings at his or her discretion, and may appoint a replacement for any Committees the President served on prior to being elected.

At the May meeting, the President of the Trustees shall appoint a chairman for each committee. The chairman shall hold office for one year or until his or her successor is appointed and qualified.

## **Article VIII. AMENDMENT OF BYLAWS**

These Bylaws may be changed or amended and additional Bylaws may be adopted at any regular meeting of the Trustees by a vote of two-thirds of ~~all the members~~ Trustees, provided that notice of the intention to change, amend, or add to the Bylaws, in whole or part, shall have been given in the notice of the meeting or shall have been given at a preceding meeting of the Trustees. Such notice shall be in writing and shall include the exact wording of the legislation proposed. The Bylaws, in whole or in part, may be suspended at any Board meeting only by an affirmative vote of two-thirds of ~~all the members of~~ the Trustees.

## **Article IX. UW REGULATIONS**

Rules for the government of the University and all its branches shall be designated as "UW Regulations," which may be adopted, changed or amended at any regular or special meeting of the Trustees without prior formal notice. In order to have the status of a standing regulation, any intention to adopt, change or amend such Regulations must be presented as a formal motion for action by the Trustees.

## **Article X. PRESIDENT OF THE UNIVERSITY OF WYOMING**

### **Section 10-1. APPOINTMENT**

The President of the University of Wyoming shall be appointed by the Trustees, but no such appointment shall be made without nine affirmative votes of the Trustees. The initial term of office shall be for not less than one year, and the President shall thereafter continue in such office at the will of the majority of the Trustees, who, from time to time, shall fix his or her salary. It will be the policy of the Trustees to confer with an advisory committee from the University faculty and staff prior to the selection of a new President.

### **Section 10-2. DUTIES AND POWERS**

The President of the University shall perform the duties expressly enjoined upon the President by the laws of this State, by these Bylaws, and such other incidental duties as pertain to his or her office or as may be assigned from time to time by the Trustees. As the executive head of the University of Wyoming, ~~on~~ behalf of the Trustees the President shall be responsible for the custody of the books, records, buildings, and all other property of the University, and for the administration of the academic and business activities of the University in accordance with the directives, Bylaws and UW Regulations and shall be clothed with all authority requisite to these ends. The President shall inform and advise the Trustees with respect to the operations of the University and its relationships, and shall serve as an ex officio member of all permanent Trustees' committees.

## **Article XI. THE UNIVERSITY OF WYOMING**

Pursuant to State Law establishing the University as an institution of learning under the name and style "The University of Wyoming," all authorized functions and business matters carried on by the officers, faculty and staff of the University in accordance with regulations and financial budgets of the Trustees shall be in the name of "The University of Wyoming."

#### **Article XII. SEAL**

The corporate seal of the Trustees of the University of Wyoming shall consist of a circular design on which is inscribed the words "The University of Wyoming - 1886 -" and in the center the word "Equality." It shall be affixed to all papers which may require it as authorized by the Secretary, the President of the University of Wyoming, or regulation or direction of the Trustees.

Revisions adopted 5/13/2015 Board of Trustees meeting  
Revisions adopted 11/18/2016 Board of Trustees meeting



**AGENDA ITEM TITLE: Student Fees Increase**

[includes ASUW Resolution #2558/Combining Student Affairs Student Service Fees (\$28)],  
Nichols/Mai

**CHECK THE APPROPRIATE BOX(ES):**

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

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

**Student Affairs Fee Re-Organization**

The Division of Student Affairs requests greater flexibility within the fee descriptions to more quickly adjust to student needs and budgetary challenges. Combining all of the mandatory fees managed by the Division of Student Affairs into one new description, "Student Services" will allow resources to be shifted to meet key priorities of the University, adjust to fluctuating budgets, and simplify the fee book. At the conclusion of each fiscal year, the Vice President for Student Affairs will publish the percentage each program or service received out of the total "Student Services" fee to ensure transparency and receive student feedback.

The new "Student Service" Fee description would incorporate the fees described in FY 2017 as Wyoming Union, Wellness-Counseling Center, Wellness-Half Acre Center, AWARE, Student Health Service, and Recreation Programs for a total of \$396.22. The only change to the total charged would be a reduction of \$21.00 for the Wyoming Union Series 1999 Bond retirement.

The FY 2018 new fee description, "Student Service" would support. Alcohol Wellness Alternatives, Research, and Education (AWARE); Counseling Center; Fraternity and Sorority Life; Multicultural Affairs; recreation facilities and programs; student activities, leadership, and service programs; Student Conduct and investigations; Student Health Service; Student Welfare Programs; University Disability Support Services; Wellness Center operations and programs; and Wyoming Union operations and repairs. The Student Service Fee Summary Table below shows what the proposed Fees would be. If this adjustment is approved the FY 2018 Fee Book will be revised to make these changes.

**Mandatory Fees**

Mandatory fees are assessed to each student during the regular academic year and are to be paid with tuition as follows:

- **ASUW:** The fee supports the Associated Students of the University of Wyoming operations and programs.
- **Intercollegiate Athletics:** The income is specified for the support of Intercollegiate Athletics, and provides full-time students with free admission to all University intercollegiate athletic events on campus, excluding tournament events.

- **Music/Theater**
- **Recycling:** The fee supports the Wyoming recycling program.
- **Student Media:** The fee supports the Branding Iron, Owen Wister Review, Frontiers magazine and other student publications.
- **Student Services:** The FY 2018 fee supports (AWARE) Alcohol Wellness Alternatives, Research, and Education; Counseling Center, Fraternity and Sorority Life; Multicultural Affairs, recreation facilities and programs; student activities, leadership, and service programs; Student Conduct and investigations; Student Health Service; Student Welfare Programs; University Disability Support Services; Wellness Center operations and programs; and Wyoming Union operations, and repairs.
- **Student Success:** The income is specified for the support of ECTL, STEP Student Success, Libraries support for learning commons/ student success sandbox, UW Art Museum active, experiential and interdisciplinary learning opportunities, Student advising coordination, Center for Advising and Career Services training, certification and development.
- **Transit Fee:** The income is specified for the support of the university transit system operations and to assist with capital funding for bus replacement.
- **Special program fees are assessed in addition to the fees shown here.**

Student Service Fee Summary/ Semester	FY 2017	FY 2018 change	FY 2018
Wyoming Union <sup>1</sup>	\$ 157.46	-\$ 21.00	\$ 136.46
Wellness- Counseling	\$ 16.97	\$ 0	\$ 16.97
Wellness- Half Acre	\$ 5.51	\$ 0	\$ 5.51
AWARE	\$ 6.30	\$ 0	\$ 6.30
Student Health	\$ 113.38	\$ 0	\$ 113.38
Recreation	\$ 117.60	\$ 0	\$ 117.60
Consolidated Student Service Fee	\$ 417.22	-\$ 21.00	\$ 396.22

<sup>1</sup>Adopted in March 2017 Board of Trustees Meeting

### Student Success Fee

The Trustees of the University of Wyoming, a constitutional body, are responsible for the “management of the university” (Wyoming Constitution, Article 7, 17). UW Regulation 8-1 stipulates that “all student fees, charges, refunds and deposits shall be fixed by resolution of the Trustees and shall be published in the appropriate university publications.”

A new \$28 per semester fee has been requested for Student Success. It would support the following:

- Sustainable and expanded services from the UW Writing Center, including more tutoring and direct writing coaching as well as expanded writing-across-the-curriculum programming.

- Sustainable and expanded faculty development resources from the ECTL to increase assessment support, course and curriculum design programming, training for continuous faculty improvement and evaluation, and instructional technology consulting.
- Expanded services through the STEP Center, including first-year advising training and certification, expanding tutoring and supplemental instruction for high challenge courses and academic coaching and planning services.
- Expanded student and faculty success and engagement programming through the Libraries in conjunction with STEP and ECTL using a learning commons model. This would include greater opportunity for student work-study positions, convenient access to new media, presentation space for home-grown TEDS Talks, and tech sandboxes, and a clearing house for student success services on campus.
- Active, experiential and interdisciplinary learning opportunities through the Art Museum including internships, mentoring opportunities in museum studies and museum education, and expanding volunteer opportunities through a new Student Docent program.
- The development and support of a coordinated and cohesive advising model with training, certification, and development through the Center for Advising and Career Services, in conjunction with the Colleges, to fully implement (1) First Year student advising, (2) Transfer student advising, (3) major-specific advising, and (4) harmonized, routine, and assessed certification and training for all academic advisors across UW.

The table below summarizes the proposed change for FY 2018 along with the fees assessed in the current year (FY 2017).

**Summary of All Mandatory Fees/Semester- Shown in Fee Book Format**

	<b>FY 2017</b>	<b>FY 2018</b>
Consolidated Student Services	\$ 417.22	\$ 396.22 <sup>1</sup>
Intercollegiate Athletics	\$ 115.00	\$ 115.00
Transit Fee	\$ 53.96	\$ 53.96
ASUW	\$ 43.19	\$ 43.19
Student Media	\$ 21.19	\$ 21.19
Recycling	\$ 10.70	\$ 10.12 <sup>1</sup>
Music/Theatre	\$ 6.05	\$ 6.05
<b><i>Student Success- NEW</i></b>	<b><i>\$ 0</i></b>	<b><i>\$ 28.00</i></b>
<b>Total Mandatory Student Fees</b>	<b>\$ 667.31</b>	<b>\$ 673.73</b>

<sup>1</sup>*These fees were changed downward by March 2017 BOT actions.*

The student success fee and the Student Affairs fee roll-up was reviewed by the ASUW Student Council. ASUW passed Senate Resolution #2558 "Updated Proposed Mandatory Student Fee Revisions" (Exhibit 1)

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

The Board was briefed at the January 2017 Board meeting and at the March 2017 Board meeting.

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

The Board of Trustees authorizes all University fees and charges.

**ACTION REQUIRED AT THIS BOARD MEETING:**

Approval of the Mandatory Student Success Fee of \$28 per semester for FY 2018 and the roll-up of the Student Affairs fees as presented.

**PROPOSED MOTION**

“I move to approve the Student Affairs fee roll-up and the Mandatory Student Success Fee of \$28 as presented.”

**PRESIDENT’S RECOMMENDATION:**

The President recommends approval.

**SENATE RESOLUTION #2558**

**TITLE:** Updated Proposed Mandatory Student Fee Revisions for FY18  
**DATE INTRODUCED:** April 4, 2017  
**AUTHORS:** Senator Kerbs and Vice President Wolfgang  
**SPONSORS:** Senators Ellingrod, Munoz, Westlake, and Wetzel; Freshman  
Senators Delany, Ditty-Suggs, and Jones



1. WHEREAS, the Associated Students of the University of Wyoming (ASUW) should serve
2. our fellow students in the best manner possible through accurate representation, professional
3. interaction with campus programs and organizations, and responsible, effective leadership;
4. and,
5. WHEREAS, the ASUW Student Government has the authority to review and recommend
6. all mandatory student fees changes; and,
7. WHEREAS, the ASUW Mandatory Student Fee Committee is charged with the
8. responsibility to recommend mandatory student fees that benefit a large population of
9. students; and,
10. WHEREAS, the University of Wyoming (UW) entities utilizing mandatory student fees are
11. required to submit fee proposals, forecasting the next fiscal year, in order to align with the
12. UW fee process; and,
13. WHEREAS, the evaluation of proposed mandatory student fee increases promotes continued
14. operation and expansion of the requesting UW fee units; and,
15. WHEREAS, the proposed increases are suggested to fund aspects of the fee units that benefit
16. the student population at the UW; and,
17. WHEREAS, following the adoption of ASUW Resolution #2545, UW Board of Trustees
18. (BOT) consideration of the newly proposed "Student Success Fee" was postponed until
19. the May (BOT) meeting.

20. THEREFORE, be it resolved by the Associated Students of the University of Wyoming
21. (ASUW) Student Government that the ASUW recommends and supports the Fiscal Year
22. 2018 Mandatory Student Fees outlined in Addendum A; and,
23. THEREFORE, be it further resolved that the ASUW Student Government requests, pending
24. the approval of the new organization of the Student Services Fee, that the Division of Student
25. Affairs report to the ASUW Student Government the use of the Student Services Fee at the
26. start and end of each semester to provide accountable and detailed breakdowns of fee usage
27. and provide this information to the general UW population as well; and,
28. THEREFORE, be it further resolved that the ASUW Student Government requests, pending
29. the approval of the new Student Success Fee, that the Division of Academic Affairs
30. report to the ASUW Student Government the use of the Student Success Fee at the start and
31. end of each semester to provide accountable and detailed breakdowns of fee usage and
32. provide this information to the general UW population as well; and,
33. THEREFORE, be it further resolved that a mutually-established and agreed upon timeline
34. be established between ASUW Student Government and all Mandatory Fee-levying units
35. in any future fee changes, to ensure proper ASUW consideration process as guaranteed
36. within University Regulation 8-249.

Referred to: SOP, AT&S

Date of Passage: 04/11/17

Signed: Tyann Wuu

(ASUW Chairperson)

"Being enacted on 04/17/2017, I do hereby sign my name hereto and

approve this Senate action."

William B. Smith  
ASUW President

### Addendum A

Mandatory Fees, Academic Year, Full-time students per semester	FY 2018
Full-time Students:	
ASUW	43.19
Intercollegiate Athletics	115.00
Music/Theatre	6.05
Recycling	10.12
Student Media	21.19
Student Services	396.22
Student Success	28.00
Transit	53.96
Total for Full-time Students:	673.73
<b>Total for Part-time Students:</b>	<b>FY 2018</b>
<b>Students taking 1-3 credits (fee per credit hour) plus flat rate fee for Transit of \$53.96 and Student Success of \$28.00.</b> FY 2018-ASUW (7.10), Music/Theater (0.99), Recycling (1.66), Student Media (3.48), and Student Services (22.70).	<b>35.93 per hour</b>  <b>81.96 flat fee</b>
<b>Students taking 4 or more credit hours (flat rate fee)</b> FY 2018- ASUW (43.19), Music/Theatre (6.05), Recycling (10.12), Student Media (21.19), Student Services (165.24), Transit Fee (53.96) and Student Success (28.00).	<b>327.75</b>
Part-time students can also purchase the optional fee package	



Optional Student Fee Package, per semester	FY 2018	Chart Field
Student Services	230.98	113.38/1310-20567 75.60/1700-13362 42.00/7520-20664
Intercollegiate Athletics	115.00	113.50/1001-10073 1.50/1700 13168
<b>Total Fee, per semester</b>	<b>345.98</b>	

**AGENDA ITEM TITLE: Budget Reduction Plan Update FY18, Nichols**

**CHECK THE APPROPRIATE BOX(ES):**

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

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

In May 2016 the university received an additional \$35 million reduction to the FY17-18 block grant. This was after a 1.5% reduction directed by the legislature. In total, the budget reduction was about \$41 million. The approved plan included a \$19.3 million reduction in FY17 and a \$10 million reduction in FY18. In November 2016 the board approved the FY18 budget reduction plan. Attached is the final budget reduction for FY18. This final, more detailed plan for the FY18 reduction is provided for your information. This reduction will be applied to the FY18 budget.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

At the November 2016 board meeting the FY18 budget reduction plan was approved. Updates have been provided at the January and March 2017 board meetings.

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

Information for final FY18 budget reduction

**ACTION REQUIRED AT THIS BOARD MEETING:**

**PROPOSED MOTION**

**PRESIDENT'S RECOMMENDATION:**

### FY18 Budget Reduction Plan

**Permanent Budget Reduction Target      \$10 million (note: sum of all items is \$10,360,500)**

1. Voluntary Faculty Separation Incentive<sup>1</sup>  
Offer one-time separation for those with 20 years' service or more. Goal of \$6.45 million savings with \$2 million reduced from the FY18 budget, \$3.5 million returned to the Provost for hiring new faculty in high priority/high need areas and approximately \$1 million reallocated to other institutional needs. All incentive payout taken from cash balances (\$5 million from operating reserves; \$2.3 million outreach cash balances).  
**Projected Savings: \$2 million (includes salary and EPB)**
2. Vacancies  
Eliminate approximately 12 faculty and academic professional vacancies held by the President.  
**Projected Savings: \$750,000 includes salary + EPB**
3. Division Reductions  
Reduce each division's budget using Vice President's plans; reductions presented to the Financial Crisis Advisory Committee who suggested final reduction amount based on core mission and potential impact. Please see Table 1 for Division reduction strategies.  
**Projected Savings: \$5,915,500**

	Proposed Cut	% of FY17 budget
Academic Affairs	\$2,055,109	3.4%*
Arts and Sciences	\$475,000	1.5%
Agriculture	\$350,000	2.0%
Business	\$150,000	2.2%
Education	\$110,769	2.0%
Engineering	\$125,000	1.3%
Health Sciences	\$158,953	1.8%
Law	\$75,000	1.4%
Outreach	\$500,000	14.3%
Library	\$110,000	0.8%
Administration	\$1,308,628	4.7%
Athletics	\$1,000,900	8.3%
IT	\$500,000	4.8%
Student Affairs	\$300,000	1.9%
General Counsel/Risk/EHS/EEO	\$215,000	6.6%
President's office	\$191,337	7.5%
UW Foundation	\$281,767	7.8%
Research and Econ. Development	\$80,532	3.9%
Gov. and Community Affairs	\$100,019	7.6%

\*This is the total percentage for the Division of Academic Affairs. The breakdown by College/unit follows.

2. Operating Efficiencies  
Reduce operating costs by gaining efficiencies by Huron Consulting Group
 

Long-term disability	\$300,000	(moved to employee pay)
Stores	\$80,000	(outsourced)
Procurement/Sourcing	\$335,000	(contract scientific & computers)
Fleet Transportation	\$75,000	(downsize fleet by 7-8 vehicles)
IT consolidation	\$633,385	(see below)
Students Health	\$275,000	(eliminated 3 FTE)

**Projected Savings: 1,795,000**

<sup>1</sup>Amended during the March 22-24, 2017, Board of Trustees Meeting

**Table 1: Division Reduction Detail**

Division	Reduction Amount	Budget Reduction Strategy
Academic Affairs	\$2,055,109	<ul style="list-style-type: none"> <li>• Agriculture, \$350,000 (salary decrease, \$65,920; operating decrease, \$284,079)</li> <li>• Arts and Sciences, \$475,000 (salary decrease)</li> <li>• Business, \$150,000 (salary decrease)</li> <li>• Education, \$110,769 (salary decrease)</li> <li>• Engineering, \$125,000 (salary decrease)</li> <li>• Health Sciences, \$158,953 (salary decrease, \$155,806; operating decrease \$3,147)</li> <li>• College of Law, \$75,000 (library decrease, \$40,000; salary decrease, \$25,436; instruction decrease, \$9,564)</li> <li>• Libraries, \$110,000 (digital collections decrease)</li> <li>• Outreach, \$500,000 (salary decrease)</li> </ul>
Administration	\$1,313,908	<ul style="list-style-type: none"> <li>• Vacant positions eliminated (\$326,876)</li> <li>• Savings in new hire (\$20,976)</li> <li>• Transfer 2 positions to Auxiliary budget (\$384,961)</li> <li>• Eliminate 4 positions in UW Operations (\$351,823)</li> <li>• Eliminate credit card process fee (to be paid by student fees) (\$199,272)</li> <li>• Reduce personnel leadership account (\$30,000)</li> </ul>
Athletics	\$1,000,900	<ul style="list-style-type: none"> <li>• Eliminate 10 FT/PT positions &amp; modified coaching contracts (\$414,248)</li> <li>• Eliminate Golden Spurs Dance/reduce Cheer Squad Members (\$10,300)</li> <li>• Reduce team travel/team nutrition expenses (\$132,300)</li> <li>• Reduce academic support (\$44,900)</li> <li>• Reduce purchase of athletic equipment and apparel (\$47,000)</li> <li>• Reduce game guarantees (\$5,000)</li> <li>• Re-negotiate/modify contracts/re-organize marketing (\$57,500)</li> <li>• Reduce game management/facility operational expense (\$38,100)</li> <li>• Reduce support staff travel for competitions (\$31,000)</li> <li>• Grow revenue (\$220,552)</li> </ul>
Information Technology	\$500,000 + \$633,385	<ul style="list-style-type: none"> <li>• Eliminate 15 positions (\$936,579)</li> <li>• Reduce support budget (\$196,807)</li> </ul>
Student Affairs	\$300,000	<ul style="list-style-type: none"> <li>• Transfer the majority of counseling staff to student fees (\$300,000)</li> </ul>
General Counsel & Risk/EHS/EEO	\$215,000	<ul style="list-style-type: none"> <li>• Reduce Safety Office support budget (\$125,000)</li> <li>• Utilize salary salvage from former VP/General Counsel salary (\$90,000)</li> </ul>
President's Office	\$191,337	<ul style="list-style-type: none"> <li>• Transition of position from salaried to contract (\$23,337)</li> <li>• Reduce use of aircraft (\$35,000)</li> <li>• Reduce use of catering and refreshments (\$55,000)</li> <li>• Reduction to part time salaries (\$18,000)</li> <li>• Reduction to general operating account (\$25,000)</li> <li>• Eliminate membership with the AAC&amp;U (\$7,000)</li> <li>• Reduce capital equipment purchases (\$25,000)</li> <li>• Reduction to refreshments (\$3,000)</li> </ul>
Foundation	\$281,767	<ul style="list-style-type: none"> <li>• Transfer 3 positions off state funds and onto Foundation funds (\$281,767)</li> </ul>
Research & Econ. Development	\$80,532	<ul style="list-style-type: none"> <li>• Transfer 3 staff positions to indirect (\$80,532)</li> </ul>
Governmental and Community Affairs	\$100,019	<ul style="list-style-type: none"> <li>• Eliminate 1 position (\$40,714)</li> <li>• Move one position to part time (\$35,940)</li> <li>• Voluntarily reduce salary for one position (\$23,365)</li> </ul>

**TOTAL                      \$5,915,500**

**AGENDA ITEM TITLE:**

**Reorganization of General Counsel – Modifications to UW Regulation 1-1, 1-2, 3-179, and 3-690, Evans/Mai/Gern**

**CHECK THE APPROPRIATE BOX(ES):**

- ☒ Work Session  
☐ Education Session  
☐ Information Item  
☒ Other                      Specify: Committee of the Whole (Items for Approval)

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

The Office of General Counsel provides legal advice in a wide variety of practice areas, including:

- Legal advice to Trustees, President and Administration
- Communications with the State of Wyoming Attorney General's Office
- Contracts and agreements
- Copyright and trademark
- Discrimination and harassment
- Employment law
- Ethics and conflict of interest
- Governing regulations
- Intellectual property
- Litigation, subpoenas and government investigations
- Management of UW Regulation's, Presidential Directives, Policies and Procedures
- Policy development and interpretation
- Public records and open meetings
- Regulatory compliance
- Student education records requests (FERPA)
- Wyoming Public Records Act requests

The Office of General Counsel also oversees the Diversity and Employment Practices Office, including the Equal Opportunity Report and Response unit. Diversity and Employment Practices Office responsibilities include:

- Exploring and proposing additional diversity-related approaches to increase diversity in applicant pools
- Developing and administering specialized training in faculty and administrative job search protocols and facilitating compliance with the University's equal employment opportunity program
- Reviewing, coordinating, and periodically providing progress reports addressing individual and institutional-wide diversity initiatives
- Providing advice and insights on other diversity-related matters
- Serving as ADA Coordinator

Equal Opportunity Report and Response Unit responsibilities include:

- Conducting reviews and investigations of Civil Rights and violence in the workplace complaints
- Developing and administering employee training programs to address matters of diversity, sexual harassment prevention, and other forms of discrimination
- Serving as Title IX Coordinator

The University has initiated a national search for a Chief Diversity Officer position. Once completed, the University is seeking approval to transition the duties and responsibilities of the Office of Diversity and Employment Practices to the Office of Human Resources and the Chief Diversity Officer. The Equal Opportunity Report and Response Unit will remain with the Office of General Counsel.

In the last few years, the Office of General Counsel responsibilities have been expanded to include the Office of Risk Management and Safety, which includes the following responsibilities:

- Auto Policy
- Biological Safety
- Certificates of Insurance
- Chemical Purchasing and Regulated Materials Management
- Chemical Safety
- Insurance, self-insurance, and claims (including property, auto, general liability, shipping, NCAA athletic injury, out of state workers' compensation, crime and employee fidelity, aviation, international travel, cyber, special events, and other specialty programs)
- International Travel Registration
- Minors on Campus Policy
- Occupational Safety
- Radiation Safety
- Special Event Risk Management
- Student Health Insurance

The Office of General Counsel is seeking Board approval to reorganize the environmental health and safety employees currently reporting to the Office of Risk Management and Safety. Under the reorganization, Radiation and Biological Safety will be transferred to the Office of Research and Economic Development and Chemical Safety, Fire/Life Safety, Occupational Safety, and Regulated Materials Management will be transferred to the Division of Administration, as outlined below:

- The Office of Research and Economic Development is responsible for reviewing and evaluating proposed research, continuing review of existing contracts and grants, and maintaining research compliance, including use of human subjects and animals in research, conflict of interest in research, export control, and research misconduct. Transferring radiation and biological safety, including the Institutional Biosafety Committee and the Radiation Safety Committee, to the Office of Research will allow for comprehensive, consistent oversight in the areas of research compliance.

- The Division of Administration's units include Administrative Operations, Auxiliary Services, Budget and Institutional Analysis, Campus Police, Fiscal Administration, and Human Resources. Transferring Chemical Safety and Regulated Materials Management to the Division of Administration will allow for coordination with Shipping & Receiving and Recycling on duties such as hazardous material outgoing shipping, necessary incoming receiving and delivery of hazardous materials, and pick up of items for disposal or reuse (chemicals, bulbs, batteries, e-waste) allowing for cross-training and improved capacity in both organizations. This transfer will also allow for possible centralization of purchasing, stockroom options, tracking, and distribution of chemicals on campus.
- Transferring Fire/Life Safety and Occupational Safety to Administration will allow for cross-training and improved coordination with the safety-related functions in Administration. For example, air quality considerations and OSHA compliance are required during maintenance and construction activities, safety equipment (AEDs, fire extinguishers, lab safety hoods, eyewash stations, etc.) must be managed on a regular schedule similar to building equipment, workers' compensation claims directly informs OSHA 300 injury reporting, and job hazard analysis, safety training occupational health fitness-for-duty exams, and fit-testing for personal protective equipment all must be captured in job classifications, PDQs, and performance management.

The Office of Risk Management & Safety will be retitled as the Office of Risk Management and will continue to report to the Office of General Counsel.

Per the routing process for UW Regulations, the draft modifications were provided to Executive Council, Deans and Directors, Faculty Senate, Staff Senate, ASUW, and the Internal Auditor. The Executive Committee of Faculty Senate was supportive of the proposed changes. Staff Senate and ASUW did not provide any feedback.

#### 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.

#### PROPOSED MOTION

I move to authorize the changes to UW Regulations 1-1, 1-2, 3-179, and 3-690 as presented to the Board in the attached redline versions of the regulations.

#### PRESIDENT'S RECOMMENDATION:

The President recommends approval.



## **UW REGULATION 1-1**

### **Organization of the University**

#### **I. OFFICERS OF THE UNIVERSITY**

##### **A. Designation**

Officers of the University are: The President; Administrative Officers, to include the principal administrative officers of the University and the heads of their administrative subunits as set forth in section II of this regulation; and Academic Officers, to include Deans, Directors, Associate and Assistant Deans and Department and Division Heads, of the organized education units specified in section III of this regulation. Athletic coaches shall not be considered officers of the University but shall be contractual employees.

##### **B. Appointment**

The President of the University shall be appointed by the Trustees as provided in the Bylaws of the Trustees of the University of Wyoming. Nine affirmative votes of the Trustees shall be required for appointment. All other officers shall be appointed by the Trustees upon the recommendation of the President following consultation with the appropriate University officers and faculty. All appointments under this paragraph shall be on such terms with respect to salary, terms of employment and like matters as the Trustees may determine.

##### **C. Removal**

Any person appointed to an office or position pursuant to this section may be removed by the Trustees whenever in their judgment the best interests of the University will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Likewise such removal shall be without prejudice to the rights, if any, of such person as a tenured member of the faculty.

#### **II. THE ADMINISTRATIVE ORGANIZATION OF THE UNIVERSITY**

##### **A. President of the University**

Subject to control of the Trustees, the President of the University is the chief executive officer of the University and is vested with powers and duties as provided by laws of this State and the Bylaws of the Trustees of the University of Wyoming. In addition to such duties, the President shall enforce UW Regulations as adopted

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hereof, and the President is hereby clothed with all authority requisite to these ends. Any authority or responsibility of the President may be delegated by him/her to any other member of academic personnel (faculty or academic professional) or staff of the University, but delegation of major areas of authority or responsibility shall have the prior consent of the Trustees.

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 General Counsel, a Vice President for Governmental and Community Affairs, a Director of Governmental Relations and a Special Assistant to the President for Diversity. The Special Assistant to the President for Diversity shall, at the direction of the President and in collaboration with the other principal administrative officers of the University, lead the development and implementation of the University diversity plan. He also may have other assistants as are authorized from time to time and may also authorize the appointment of Associate Vice Presidents for each of the principal administrative officers, who shall perform such duties as specified.

**B. Provost and Vice President for Academic Affairs**

The Provost and 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 Provost and Vice President shall maintain administrative supervision of the academic colleges and schools; academic personnel; academic centers and institutes; the Art Museum; the

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University of Wyoming at Casper; enrollment management; international programs; the University Libraries; and undergraduate and graduate education.

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. The Vice President serves as the principal advisor to the President on the status of the University budget, and shall perform such duties as are required by statute or by 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 in accordance with UW Regulations or other directions of the Trustees. The Vice President for Administration shall have administrative supervision over the following units: Administrative Operations, Auxiliary Services, Budget and Institutional Analysis, Campus Police, Fiscal Administration, and Human Resources ~~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;~~ and such other units and personnel as may be designated by the President.



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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, 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 on vouchers authorized and approved by the Vice President for Administration or designee.

**D. General Counsel**

The General Counsel provides legal advice to the University, supervises the General Counsel's Office, and coordinates communications with the state's Attorney General. The General Counsel is responsible for administration of UW Regulations, ~~and~~ procedures related to risk management, ~~environmental health and safety,~~ and ~~review of~~ discrimination, ~~harassment, and workplace violence complaints and employment practices and.~~ The General Counsel has administrative responsibility for the ~~Diversity and Employment Practices Office~~ Equal Opportunity Report and Response Unit 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 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.

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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 shall maintain administrative supervision of the Office of Institutional Advancement. 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 initiate, organize, or direct such actions as are necessary and appropriate to ensure that development and alumni/friends relations are properly implemented and coordinated, and 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 evaluating proposed research and economic development programs; continuing review 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), the Institutional Biosafety Committee (IBC), the Radiation Safety Committee, conflict of interest in research, and export control. 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 have administrative supervision over the following research units: 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,

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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), Wyoming Public Media, 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.

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 over the following units: Alumni Relations; the Associated Students of the University of Wyoming (ASUW); Cowboy Parents; Campus Recreation; Dean of Students; Multicultural Affairs; Residence Life and Dining Services; the University Disability Support Services; Student Health Service; University Counseling Center, which includes the AWARE program; Wyoming Union; and any other such units or responsibilities 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 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. Vice President for Governmental and Community Affairs**

The 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 Vice President represents the University in its communications with elected officials at all levels, including all federal and state legislation. The Vice President provides advice, assistance, and information to the Trustees, the President, and other University units with respect to government relations.

The Vice President has administrative responsibility for the Institutional Communication and 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 or tenure track. Non-tenure track faculty include clinical, visiting, and adjunct professors of all ranks. Tenure-track faculty include probationary and tenured faculty members. Persons having librarian or archivist ranks are either non-extended-term track (previously referred to as "temporary") or 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 non-extended-term track employees. Academic professionals in the other categories may be non-extended-term track or extended-term track. The latter category includes academic professionals holding probationary or extended-term appointments.

Non-tenure track, visiting, and adjunct faculty members and 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 and Schools**

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

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

The college or school faculty shall, subject to the authority of the President and the Trustees, have jurisdiction in all academic matters within the scope of the college or

school, including the determination of curricula, the standards for admission to, continuation in, and graduation from the college school, 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 or school 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 or school, shall recommend candidates for diplomas and degrees in course to the President and the Trustees. Subject to the approval of the Trustees, each college or school 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 and 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 for reviewing proposals for new academic programs and making recommendations to the Provost and 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. The faculty shall recommend candidates for advanced degrees and diplomas to the President and the Trustees through the college or school dean or interdisciplinary program director.

**D. University Libraries**

University Libraries shall be headed by a Dean who shall be responsible for the provision of library services, and for the recommendation of the Library budget. The Dean shall report to the Provost and Vice President for Academic Affairs. Librarians at the University shall be appointed by the Trustees. Recommendations for such appointment shall be initiated by the Dean, and shall be forwarded to the Provost and Vice President for Academic Affairs who shall add his/her recommendations to the President 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 Dean, through the Provost and Vice President for Academic Affairs. The principles of academic freedom as defined in these Regulations shall apply to Librarians.

**E. 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 and the Department of Defense through the Secretaries of the Army and Air Force, respectively, and as approved by the Trustees. The Divisions shall be headed by a Professor of Military Science and a Professor of Aerospace Studies, respectively, who shall report to the Provost and Vice President for Academic Affairs. The professors shall be nominated by the appropriate Armed Forces and appointed by the Trustees upon recommendation of the President of the University.

**IV. HONORARY DEGREES**

Nominees for honorary degrees may be submitted by members or former members of the Trustees, members of the faculty, and alumni. All recommendations shall be submitted in writing to the President of the University by a designated date each year. The President shall refer all nominations to a joint committee consisting of not more than four members of the Trustees appointed annually by the President of the Trustees, three members of the appropriate faculty committee chosen annually by that committee, and the President of the University who shall preside as chairperson without vote.

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**Source:**

Trustee Regulations I, II, III, and IX.B; adopted 1/22/2010 Board of Trustees minutes  
Revisions adopted 11/18/2010 Board of Trustees meeting  
Revisions adopted 3/23/2012 Board of Trustees meeting  
Revisions adopted 1/17/2014 Board of Trustees meeting  
Revisions adopted 6/16/2014 Board of Trustees meeting  
Revisions adopted 7/17/2014 Board of Trustees meeting  
Revisions adopted 7/17/2014 Board of Trustees meeting  
Revisions adopted 1/20/2016 Board of Trustees meeting  
Revisions adopted 11/18/2016 Board of Trustees meeting  
Revisions adopted 3/23/2017 Board of Trustees meeting



**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.

**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.

The applicable Vice President or designee shall appoint a chairperson (or co-chairpersons) and members of the committee. Appointed members and ex officio members of each committee shall have the same privileges of participation unless otherwise stated. If 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 review by the President.

**III. UNIVERSITY ADMINISTRATIVE COMMITTEES**

**A. Animal Care Committee**

**1. Rationale**

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 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 determined as outlined in the Public Health Service Policy on the Humane Care and Use of Laboratory Animals. The Associate Vice President for Research and Economic Development and the Veterinary Officer 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 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 shall review, formulate and initiate general and long-range goals, plans and policies pertaining to the Division of Intercollegiate Athletics. In addition, the committee shall review and assess matters pertaining to NCAA compliance and 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; review regularly the academic issues, policies and progress associated with student-athletes in the Division; meet at least quarterly at the discretion of the Chairperson or President; report to the University 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.

**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

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Athletics, all appointed by the President of the University. The Faculty Athletic Representative will serve as the Committee chair.

**C. Controlled Substances Use Committee**

**1. Rationale**

The Committee is required to ensure the proper handling of controlled substances under the jurisdiction of the University.

**2. Functions**

The Committee shall develop policies and practices for the handling of controlled and dangerous substances consistent with applicable Federal and State regulations and shall submit its recommendations to the Vice President for Research and Economic Development.

**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, 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.

**D. Employee Benefits Committee**

**1. Rationale**

The University, on as needed basis, should have a mechanism to review and develop economic benefits for the faculty and staff.

**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 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; 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.

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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 resources. Establishing this committee will promote the allocation of these limited resources in a manner consistent with overall program goals.

**2. Functions**

It shall be the function of the Committee to determine the allocation of space not assigned to colleges 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 and the Director of Intercollegiate Athletics as needed. The Committee shall be co-chaired by the Vice President for Academic Affairs and the Vice President for Administration. This Committee is assisted by the Office of Space Management.

**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

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teaching, including 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 recommend such regulation as may be necessary for assuring the proper handling of biohazardous materials. The Biological Safety 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 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 Specialist shall be a permanent voting member of the committee. Members shall be appointed by the Vice President ~~and General Counsel~~ for Research and Economic Development and the Committee shall select a chairperson annually. 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~~ for Research and Economic Development.

## **H. 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**

The IRB is responsible for conducting initial and continuing reviews and providing oversight for all research activities involving the use of human subjects performed by any employee or student of the University.

**3. Composition**

The composition of the Committee shall be determined as outlined in the Department of Health and Human Services Policy for Protection of Human Research Subjects. The Associate Vice President for Research and Economic Development shall serve as an *ex officio* member of the Committee. Administrative responsibility is assigned to the Vice President for Research and Economic Development.

**I. 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, and work with the Manager of Transportation and Parking 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.

**J. Radiation Safety Committee**

**1. Rationale**

The University, operating under a type A broad scope byproduct (radioactive materials) license, is required under the United States Nuclear Regulatory Commission (NRC) to appoint a radiation safety committee.

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**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 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 for Administration, 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 for Research and Economic Development.

**K. Traffic Appeals Committee**

**1. Rationale**

Staff, students and faculty should have the opportunity to appeal traffic citations issued to them by the University.

**2. Functions**

The Committee shall (1) act on all written appeals made within fifteen days of the date of violation; (2) grant, deny, reduce or alter the appeal; 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 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.

**DRAFT**  
**Modified 4/11/17**

**Source:**

University Regulation 2; adopted 1/22/2010 Board of Trustees meeting  
Revisions adopted 3/23/2012 Board of Trustees meeting  
Revisions adopted 6/16/2014 Board of Trustees meeting  
Revisions adopted 7/17/2014 Board of Trustees meeting



**UW REGULATION 3-179**  
**Regulations Governing Use of University Vehicles**

**I. PURPOSE**

To establish policies and procedures governing the University Vehicle Policy.

**II. VICE PRESIDENT AND DESIGNEE**

The Vice President for Administration, or designee, is responsible for administering this Regulation.

**III. GENERAL POLICY**

The Regulation applies to all vehicles used by University employees and students in performance of official business of the University, and to University vehicles temporarily or permanently assigned as defined in the Vehicle Policy.

The Vehicle Policy provides policies and procedures for the use of all University-licensed vehicles, including the acquisition, care and disposal of university vehicles.

**IV. EXCEPTIONS**

The Vice President for Administration, or designee, has the sole authority to grant exceptions to this Regulation (e.g., Intercollegiate Athletics Department courtesy vehicles).

**V. REVISION, APPROVAL, AND EFFECTIVE DATE**

The Vehicle Policy shall be revised as determined by the Vice President for Administration. Any revisions to the Vehicle Policy shall become effective from the date of their approval by the Vice President for Administration.

**VI. DISTRIBUTION/NOTIFICATION**

The Vehicle Policy shall be available on the University Risk ~~and Safety~~ Management Office website or a copy may be viewed at the Risk ~~and Safety~~ Management Office during normal business hours.

Source:  
Trustee Regulation X.B and University Regulation 179; adopted 7/17/2008 Board of Trustees meeting  
Revisions adopted 5/6/2011 Board of Trustees meeting



**DRAFT**  
**Modified 4/11/17**

Revisions adopted 9/12/2014 Board of Trustees meeting

## **UW REGULATION 3–650**

### **Regulations Governing Disposal of Hazardous and Chemical Wastes**

#### **I. GENERAL INFORMATION**

The following procedures provide a safe and lawful method for the removal of hazardous waste materials from the University of Wyoming to a waste treatment and disposal facility.

#### **II. PROCEDURES**

When University personnel determine that they are in possession of a hazardous material (for example, solvents, sludges, discarded commercial chemical products, wastewater resulting from laboratory operations, or wastes which may be characterized as ignitable, corrosive, reactive or toxic) which is no longer needed, the individual must mark the waste container with a Hazardous Material Label and complete a Hazardous Waste Disposal Form.

Failure to comply with this Regulation may result in discipline, up to and including termination, in accordance with UW Regulations and policy. If there is doubt as to whether or not a material is considered a hazardous waste, the individual should contact the Regulated Materials and Management Center (RMMC), Division of Administration~~Risk Management and Safety Office.~~

#### **III. LABELING CONTAINERS**

Every container of hazardous material offered for disposal must have a Hazardous Material Label attached. Hazardous Material labels may be obtained from the ~~Risk Management and Safety Office~~RMMC. The following information must be completed by the individual disposing of the material:

- a. **Chemical name.** Identify the composition of the hazardous waste by its full chemical name. If hazardous waste consists of multiple elements or compounds, each constituent and the percentage by volume occupied must be identified.
- b. **Total amount.** Identify the total volume or weight in the container.
- c. **Physical state.** Identify the waste as a solid, liquid, gas, powder, etc.
- d. **pH content.** Identify the pH of the material, or characterize it as an acid, base or oxidizing agent.
- e. **Hazardous characteristics.** Identify the dangerous properties of the hazardous material, such as flammable, poisonous, corrosive, oxidizer,

explosive, etc. If the hazardous waste is a corrosive, further identify the corrosive material as 1) a mineral acid; 2) halogenated; 3) an organic acid; 4) a caustic; or 5) a nitric acid.

#### **IV. REQUEST FOR DISPOSAL**

In addition to the Hazardous Material Label, each individual disposing of hazardous material must complete a Hazardous Waste Disposal Request Form. These forms may be obtained from the ~~Risk Management and Safety Office~~RMMC. The following information must be completed:

- a. **Chemical name.** Identify the composition of the hazardous waste by its full chemical name. If hazardous waste consists of multiple elements or compounds, each constituent and the percentage by volume occupied must be identified.
- b. **Total amount.** Identify the total volume or weight in the container.
- c. **Physical state.** Identify the waste as a solid, liquid, gas, powder, etc.
- d. **pH content.** Identify the pH of any hazardous material, or characterize it as an acid, base or oxidizing agent.
- e. **Container type.** Identify the container as glass, plastic, metal, etc.
- f. **Hazardous characteristics.** Circle the appropriate descriptive words and dangerous properties of the hazardous material.
- g. **Name of generator and phone.** Identify the individual responsible for generating the hazardous waste.
- h. **Building and room.** Identify the area where the hazardous waste is generated and the area for pick-up.
- i. **Location of waste.** Identify the location in the room in which the hazardous waste is to be picked up.

#### **V. PICK-UP SCHEDULE**

Pick-up schedules are established by the ~~Risk Management and Safety Office~~RMMC. Routine pick-ups are conducted on a weekly basis, and emergency pickups may be scheduled by phone.

## **VI. UNKNOWN MATERIAL**

Federal regulations prohibit the acceptance of any unknown material for transportation, storage or disposal. Responsibility for determining the chemical composition of an unknown material, including the costs associated therewith, is that of the generating department.

**DRAFT**  
**Modified 4/11/17**

**Source:**

University Regulation 650; adopted 7/17/2008 Board of Trustees meeting  
Revisions adopted 9/12/2014 Board of Trustees meeting

**AGENDA ITEM TITLE: Residence Halls Update, Nichols/Axelson/Mai**

**CHECK THE APPROPRIATE BOX(ES):**

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

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

At previous Board of Trustee meetings, the Board has been briefed on the need for residence hall replacement and proceeding in the development of a 10-Year Housing Plan. At the May Board of Trustee meeting, an update on the progress of completing and issuing a Request for Qualifications (RFQ) to secure a consultant and the process that will be used to review the responses to the RFQ. A committee is being formed that will evaluate the RFQ and assist in guiding the Housing Plan. ASUW has approved Senate Bill 2561 of \$60,000 in matching funds, from the ASUW Facilities Endowment to be utilized to assist in the hiring of a consultation firm for the UW 10-Year Housing Plan. Senate Bill 2561 is before the Board of Trustees approval at the May meeting. Residence Life and Dining Services will match the funding for the consultation firm.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

Repeated discussions have occurred in the Facilities Contracting Committee, Chaired by Trustee McKinley and at the full Board of Trustee meetings. The intent of administration is to keep the Board of Trustees well-informed on the status of the project at all stages.

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

Informational.

**ACTION REQUIRED AT THIS BOARD MEETING:**

No action is needed at this time.

**PROPOSED MOTION**

N/A

**PRESIDENT'S RECOMMENDATION:**

The President supports proceeding with an RFQ to seek a consultant for the development of a 10-Year housing plan.



**10-Year Housing Plan Time Line (utilizing Mahlum study data)**

5/4/17	Larry makes final revisions to the RFQ.
5/5/17	RFQ advertisement copy is transmitted to newspapers.
5/9/17	First of four weekly advertisements is published. RFQ is uploaded to Public Purchase website.
5/19/17	Last day for RFQ questions to be submitted
5/23/17	Addendum issued, if there are any questions from prospective consultants.
5/29/17	<i>Memorial Day holiday</i>
5/30/17	Last advertisement is published.
6/6/17	2:00 PM deadline for Statements of Qualifications (SOQ) to be submitted to Public Purchase website.
6/7/17	Electronic copies of SOQs are transmitted to the Selection Committee
6/13/17	SOQ Review Meeting is held with the Selection Committee. The Committee determines the short list of firms. The short-listed firms are notified, as well as the firms not selected.
7/4/17	<i>4<sup>th</sup> of July holiday</i>
7/11/17	Interviews are held with the short-listed firms. Following the interviews, the firms' qualifications are reviewed by the Selection Committee, and the firms are ranked.
7/21/17	Request Board approval of highest-ranked firm at Board of Trustees Retreat. The highest-ranked firm is notified and requested to provide a detailed work plan and associated fee proposal.
8/1/17	Work plan and associated fee proposal are due from the selected firm. Fee negotiations begin.
8/8/17	After fee negotiations are successfully concluded, Agreement is sent electronically to the selected firm for signature. Selected firm returns signed agreements to UW.
8/15/17	Agreement is signed by Bill Mai. The Notice to Proceed is issued to the selected firm. <i>Mahlum study market &amp; demand data is transmitted to the selected firm.</i>
9/4/17	<i>Labor Day</i>
12/15/17	Study completion
1/19/18	Presentation to the Board of Trustees

**AGENDA ITEM TITLE: Enrollment Update, Miller/Aguayo**

**CHECK THE APPROPRIATE BOX(ES):**

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

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

Provost Kate Miller and Interim AVP for Enrollment Management Mary Aguayo will present an update on the number of confirmed freshman students, anticipated transfer students, and expected graduates that will impact fall 2017 enrollment.

**Projections as of April 28, 2017:**

- Freshman class from 1551 to 1685, +134 or 9%
- Transfer class from 951 to 1050, +99 or 10%
- Spring and summer graduates from 2,199 to 2,311, +112 or 5%

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

The University recently developed a Strategic Enrollment Management Plan and transitioned the enrollment units to Academic Affairs to cultivate and support increased recruitment, retention, and ultimately graduation of students. This information is shared so members are aware of ongoing progress towards meeting those goals.

**ACTION REQUIRED AT THIS BOARD MEETING:**

None at this time.

**PROPOSED MOTION:**

None at this time.

**PRESIDENT'S RECOMMENDATION:**

N/A

**AGENDA ITEM TITLE: UW Board of Trustees 2018 Meeting Schedule, MacPherson**

**CHECK THE APPROPRIATE BOX(ES):**

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

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

Below is a draft 2018 Board of Trustees meeting schedule for the trustees to review and approve.

## **2018 UW Board of Trustees' Meeting Schedule**

<b>January 17-19, 2018</b> (Wednesday-Friday) <i>[Classes are scheduled to begin January 22, 2018]</i>	<b>Board Meeting in Laramie</b>
<b>February 14, 2018 (8:00-9:30 a.m.)</b> (Wednesday)	<b>Board Conference Call</b> <i>[Only If Needed]</i>
<b>March 21-23, 2018</b> (Wednesday-Friday) <i>[The Legislative Session generally ends on the first Friday in March; the MWC Basketball Tournament is generally the second weekend in March – official dates TBD. Spring Break – March 12-16, 2018]</i>	<b>Board Meeting in Laramie</b>
<b>April 11, 2018 (8:00-9:30 a.m.)</b> (Wednesday)	<b>Board Conference Call</b> <i>[Only If Needed]</i>
<b>May 9-11, 2018</b> (Wednesday-Friday)	<b>Board Meeting in Laramie</b> (Commencement Weekend)
<b>June 13, 2018 (8:00-9:30 a.m.)</b> (Wednesday)	<b>Board Conference Call</b> <i>[Only If Needed]</i>
<b>July 10-13, 2018</b> (Tuesday-Friday)	<b>Board Retreat and Business Meeting</b> Location TBD
<b>August 8, 2018 (8:00-9:30 a.m.)</b> (Wednesday)	<b>Board Conference Call</b> <i>[Only If Needed]</i>
<b>September 12-14, 2018</b> (Wednesday-Friday)	<b>Board Meeting in Laramie</b>
<b>October 10, 2018 (8:00-9:30 a.m.)</b> (Wednesday)	<b>Board Conference Call</b> <i>[Only If Needed]</i>
<b>November 14-16, 2018</b> (Wednesday-Friday)	<b>Board Meeting in Laramie</b>
<b>December 12, 2018 (8:00-9:30 a.m.)</b> (Wednesday)	<b>Board Conference Call</b> <i>[Only If Needed]</i>

*Note: A "Special" Board of Trustees Meeting may be called between regularly scheduled Board meetings for topics which require immediate attention.*

**AGENDA ITEM TITLE: Consolidation of Academic Departments in the Colleges of Education and Arts and Sciences, Miller**

**CHECK THE APPROPRIATE BOX(ES):**

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

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

In the summer 2016, President Laurie S. Nichols held several university-wide Town Hall Meetings to update the university community on the status of the declaration of financial crisis and the subsequent plan for budget reduction in 2017 and 2018. In one of these meetings, the President outlined her desire to review the academic and administrative organizational structures in the university and reduce the number of small units, which she defined as units with less than 10 members. President Nichols noted the inherent inefficiencies of small administrative units, which tend to add cost to university operations.

Accordingly, the Deans of the Colleges of Education and Arts and Sciences, led reviews of their units starting in the Fall of 2016, with an eye to reorganization and consolidation. The result of this work is summarized in the two memos that follow and in the bulleted items below:

**College of Education:** Reduction of 4 departments to two schools

- *The School of Teacher Education* (Combination of secondary, elementary and early childhood teacher preparation programs)
- *The School of Counseling, Leadership, Advocacy and Design* (Combination of school Leadership, research and data analysis, counseling, instructional design, special education, and higher education administration)

**College of Arts and Sciences:** Reduction from 16 departments to 7.

- *The School of Culture, Gender, and Social Justice* (comprising the programs in African American and Diaspora Studies, Latina/o Studies, American Indian Studies, and Gender and Women's Studies)
- *The School of Politics, Public Affairs, and International Studies* (Global and Area Studies and Political Science degree programs)
- *Department of Mathematics and Statistics*
- *Department of Philosophy and Religious Studies*
- *Department of Visual and Literary Arts* (Art and Creative Writing degree programs)
- *Department of Criminal Justice and Sociology*
- *Department of History and American Studies*

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

None.

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

To inform the Board about changes to the structure of academic departments in two colleges as overall budget and reorganization efforts at the university.

**ACTION REQUIRED AT THIS BOARD MEETING:**

Board approval or disapproval of the recommended modifications to the Regulation.

**PROPOSED MOTION**

N/A

**PRESIDENT'S RECOMMENDATION:**

N/A



## **College of Education Re-organization April 2017 University of Wyoming Board of Trustees Information Item**

In summer 2016, President Laurie S. Nichols held several university-wide Town Hall Meetings to update the university community on the status of the declaration of financial crisis and the subsequent plan for budget reduction in 2017 and 2018. In one of these meetings, the President outlined her desire to review the academic and administrative organizational structures in the university and reduce the number of small units, which she defined as units with less than 10 members. President Nichols noted the inherent inefficiencies of small administrative units, which tend to add cost to university operations.

In the fall retreat of the College of Education, August 26, 2016, faculty met in small groups to discuss college reorganization. At this retreat, the faculty and staff requested scheduling of monthly college faculty and staff meetings to tackle the college reorganization plan. During the fall 2016 faculty and staff meetings proposals and counter-proposals were offered, debated, and discussed. In December, the faculty voted in a straw poll – on a series of 2 and 3 unit organization proposals. After a single college wide straw poll using a Qualtrics® Survey platform, the faculty voted to support a reduction from 4 departments to 2 units.

In February 2017, two plans for a two-unit reorganization were discussed and debated. These two plans were then put to a final online vote again. As per College of Education bylaws, only full-time faculty members were allowed to vote on this final proposal. The vote for proposal 2.e carried with 87% in favor. In proposal 2.e, the former departments of Educational Studies, Elementary and Early Childhood Education, Secondary Education, and the graduate programs of Curriculum and Instruction would be collapsed into a single unit focused on teacher preparation at the undergraduate and graduate levels. The former Department of Professional Studies would remain essentially intact. The faculty also voted to call the two new units **schools** rather than **departments**. Several names for these two new schools were also proposed as a part of the voting process.

- **The School of Teacher Education** (Combination of secondary, elementary and early childhood teacher preparation programs)
- **The School of Counseling, Leadership, Advocacy and Design** (Combination of school Leadership, research and data analysis, counseling, instructional design, special education, and higher education administration)

A transition team composed of the Dean's Office, new school heads, two faculty representatives, and two staff representatives will work to make the changes during the summer 2017 months with the new units opening for business on the first day of the new fiscal year, 2018.

### **Fiscal and Intellectual Impact**

It is estimated that the College will save .5 FTE in staff support (\$27K) and .25 to .4 FTE (30-60K) in additional teaching capacity (3 – 6 semester hours) through lowered administrative costs. There will, however, be an initial cost of appointment for the new School Heads. The combination of all initial and advanced programs in teacher preparation combined into a single unit will encourage a more comprehensive and seamless program of P-12 teacher education.



**College of Arts and Sciences**

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1 May 2017

**MEMO**

**TO:** Kate Miller, Provost

**FROM:** Paula M. Lutz, Dean  
College of Arts and Sciences

**RE:** Reorganization of units within Arts and Sciences:  
1. Mergers of academic departments and programs  
2. Merger of the Division of Research Support (DRS) with CEAS Shops

**Mergers of academic departments and programs:**

During the summer of 2016, President Laurie S. Nichols led the campus in discussions of the financial crisis facing the state and plans for budget reductions for FY17 and FY18. She held several university-wide Town Hall Meetings to talk about these critical issues and convened a Financial Crisis Advisory Committee (FCAC) to assist her. In one of the Town Halls, the President outlined efficiencies UW might undertake to help in solving the budget problems. A review of the academic and administrative organizational structures in the university was one of those efficiencies. She suggested a reduction in the number of small units be considered (defined as those with <10 members). Small administrative units tend to be inefficient and add cost to university operations.

Simultaneously in the College of Arts and Sciences an *ad hoc* Budget Advisory Committee had been formed, which consisted of current and former department heads and program directors. Their purpose was to thoroughly review the College budget and advise the Dean on how we might address the looming budget reductions. The committee met throughout the summer, producing a report for discussion at the College retreat. One of their suggested efficiencies that would contribute to any budget reduction schema was to reduce the number of small departments and programs by merging and consolidating small units (faculty numbers <10) into larger, stronger ones.

These consolidations serve several purposes, some financial, some not:

1. A reduction in the number of leadership positions saves funds, as there are fewer stipends to pay.
2. Such a reduction eventually allows for a reduction in Operating budgets.
3. Thirty units in A&S often stretched the leadership capacity of the College (30 leaders represents ~10% of the faculty). Although leadership potential was great, faculty across the College were not always ready to assume these roles personally or professionally. Reducing the number of leaders needed at any one time helps assure stronger, more highly motivated leadership teams.
4. Bringing together allied (but not identical!) units can create synergies and new avenues for teaching and research.
5. Some reductions in staffing are possible due to mergers. This fits with the ongoing College plan of creating 'shared staff centers' to more efficiently meet the needs of students and faculty.

Beginning at the College retreat in late August 2016, discussions began on mergers and consolidations. Units of <10 faculty were asked to find merger possibilities that not only represented financial savings but also brought new ideas and new energies to these often struggling departments and programs. Most of the highlighted units made their decisions before the end of calendar year 2016. At that point, discussions on details of the actual mergers began—from leadership and best practices to the names of new units. Associate Deans in the College were assigned to meet with each fledgling unit to facilitate discussion and answer questions.

We are proud to present the results:

1. The School of Culture, Gender, and Social Justice (containing programs in African American and Diaspora Studies, Latina/o Studies, American Indian Studies, and Gender and Women's Studies)
2. The School of Politics, Public Affairs, and International Studies (GAST and Political Science degree programs)
3. Mathematics and Statistics
4. Philosophy and Religious Studies
5. Visual and Literary Arts (Art and Creative Writing degree programs)
6. Criminal Justice and Sociology
7. History and American Studies

These new merged units will officially begin July 1, 2017, once approval of the President has been secured. Physical moves will occur over the summer to bring the merged faculty "under one roof."

As indicated above, there are a number of savings and efficiencies gained from creating these strong new units. Specifically, the reduction in the number of DH/Director stipends will result in permanent savings of ~\$85,000 for the College. The creation of Shared Staff Centers in A&S has saved ~\$200k in annual salaries.



**The next step will be to look at operating budgets for the new units, with savings expected there as well.**

Although a difficult process, the results are encouraging. We look forward to watching these new units grow and prosper.

#### **Merger of the Division of Research Support (DRS) with CEAS Shops:**

Consideration of FY17 budget reductions (in the spring of FY16) and FY18 budget reductions (during the FY17 academic year) brought about discussions on the feasibility of having TWO 'shops' operations on UW's campus. The Division of Research Support (DRS) within A&S focused primarily on electrical and mechanical fabrication and modification for research activities across campus (primarily in A&S). The CEAS Shops provided the same services for student design projects and research in the CEAS. Two shops units were deemed a luxury we could no longer afford.

Discussions between Dean Lutz and Dean Pishko led to a proposal to Provost Miller, suggesting a merging of the two units to form ONE 'shops' operation that would cover both research and instructional needs. The merged unit will reside within CCAS facilities; functions will remain in both current locations until that time. An advisory committee representing a cross-section of users from all colleges will be formed to assist in setting policies, developing a business model focused on sustainability, and reviewing operations.

The budget for the DRS was ~\$600,000 when the discussions began. Two staff lines will be saved, one remaining within A&S and the other transferred to CEAS (~\$195k). Two lines came open in the past year and have been absorbed as part of the campus budget reduction (~\$180k). The remaining three lines are part of the A&S FY18 budget reduction (~\$225k). [Details on bridge funding, transfer of equipment, etc., will be documented in an MOU between A&S CEAS, and AA.]

The new shops unit will provide a "one stop shop" with a broader array of services. We look forward to the synergies and collaborations that will result.

**AGENDA ITEM TITLE:**

**Academic Program Elimination Recommendations pursuant to UW Regulation 6-43,**  
Nichols/Miller/Alexander

**CHECK THE APPROPRIATE BOX(ES):**

- ☒ Work Session  
☐ Education Session  
☐ Information Item  
☒ Other            Specify: Committee of the Whole (Items for Approval)

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

In the Spring of 2016, the Office of Academic Affairs initiated a process to review academic programs by majors. The first reviews were based on trigger numbers for low degree production. The criteria included the following:

- Undergraduate majors with less than 50 graduates total from 2010-2015;
- Masters programs with less than 25 total graduates from 2010-15; and/or
- Additional programs reviewed at Deans' requests.

While the trigger for a review was low demand/graduation numbers in a major, the criteria for recommendations stemming from the reviews included mission centrality and quality of the program. Quality included external demand for graduates, internal demand for courses, and the quality of inputs, such as faculty credentials and facilities, and quality of outputs, such as attainment of student learning outcomes, placement of graduates, and grants, publications, and scholarly and creative work of faculty.

In total, 55 Bachelors, Masters, and PhD degrees were reviewed. Of these, the College Deans recommended 15 programs for elimination. Pursuant to UW Regulation 6-43 (Academic Program Elimination). The Office of Academic Affairs then initiated the process to review the potential elimination of these 15 programs. Each proposal was sent to the President, the dean of each college, the program administrators, each faculty member and academic professional who serves in the program proposed to be eliminated, the Faculty Senate, the Staff Senate, and ASUW, and public comment was solicited and accepted for 60 days as required by UW Regulation 6-43. During this public comment period, three of the elimination recommendations were withdrawn by mutual consent of the Provost, the affected Dean, and the affected Department with improvement plans approved and further review criteria solidified.

Upon conclusion of the 60-day comment period, the Office of Academic Affairs collated Deans' and Department Heads' responses, public comment, and all original elimination proposal materials, and distributed these to the Faculty Senate, including the Academic Planning Committee and the Graduate Council. This information was also distributed to Staff Senate and ASUW. Faculty Senate had 60 days to review the materials and to provide the Provost with its written review and recommendations. The Provost had 30 days to consider these reviews and recommendations, and provide the President with her recommendations for each elimination proposal.

Per UW Regulation 6-43, the President shall forward her recommendations, together with the proposals, all responses and reviews, and the recommendations of the Provost, 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. These materials have been provided to the Board on its website.

After reviewing the proposals, all responses and reviews, and the recommendations of the Provost, the President recommends approving the elimination of the following programs: B.S. in Secondary Education: Industrial Technical Education; B.A. in Russian; M.A. in German; M.A. in French; M.S. in Neuroscience.

Also per UW Regulation 6-43, 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. Attached are recommended policies for accommodating students in the eliminated programs, for consideration by the Board.

If the Board approves elimination of any of the academic programs, the University will follow the notice and appeal provisions outlined in UW Regulation 6-43.

#### **PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

The Board has heard discussions and progress reports on this process at its November 2015, January 2016, March 2016, August 2016, and November 2016, and March 2017 meetings.

**WHY THIS ITEM IS BEFORE THE BOARD:** Pursuant to UW Regulation 6-43, the President shall forward her recommendations, together with the proposals, all responses and reviews, and the recommendations of the Provost, to the Board of Trustees for final action.

#### **ACTION REQUIRED AT THIS BOARD MEETING:**

Approval, approval with modifications, or disapproval of the President's recommendations to eliminate the following programs: B.S. Secondary Education: Industrial Technical Education, B.A. Russian, M.A. French, M.A. German, M.S. Neuroscience.

#### **PROPOSED MOTION**

I move to approve the elimination of the B.S. Secondary Education: Industrial Technical Education, B.A. Russian, M.A. French, M.A. German, M.S. Neuroscience, pursuant to UW Regulation 6-43. I also move to approve the attached policies for accommodating students in the eliminated programs and direct the University to complete the notice and appeal provisions outlined in UW Regulation 6-43.

#### **PRESIDENT'S RECOMMENDATION:**

The President recommends the elimination of the following programs pursuant to UW Regulation 6-43: B.S. Secondary Education: Industrial Technical Education, B.A. Russian, M.A. French, M.A. German, M.S. Neuroscience.



## **MEMORANDUM**

To: Laurie S. Nichols, President

From: Kate C. Miller, Provost and Vice President for Academic Affairs

Date: April 24, 2017

Subject: Recommendations Resulting from Academic Program Reviews 2016-2017

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This document contains my recommendations to you regarding the review of academic degree programs initiated in the summer of 2016, that has followed the process outlined in University Regulation 6-43 Program Elimination. In total, I am recommending elimination of 5 of the 12 programs under review, restructuring of one administrative unit, a one-year abeyance for 2 programs, and major modification / improvement recommendations with a 3-year time horizon for 4 programs.

This document contains 1) an executive summary of my recommendations in the form of a table; 2) an outline of our process; 3) detailed explanations of my final decision; and 4) commentary on lesson learned.

### **Outline of Review Process**

Beginning in the Summer of 2016, Academic Affairs initiated a process to review academic programs. Programs with low productivity in the past five years were identified for initial review. Productivity was defined as follows:

- Undergraduate programs with less than 25 graduates total from 2010-2015;
- Masters programs with less than 15 total graduates from 2010-15;
- Dean's request

A second round of identification was conducted with the following productivity measures:

- Undergraduate programs with less than 50 graduates total from 2010-2015;
- Masters programs with less than 25 total graduates from 2010-15;
- Dean's request

Whereas the trigger for a review was low demand as measured by number of graduates over the last 5 years, the criteria for making recommendations regarding elimination were expected to also include centrality to the university mission and quality of the program. Quality measures include external demand for graduates, internal demand for courses; the quality of inputs, such as faculty credentials and facilities; and quality of outputs, such as attainment of student learning outcomes, placement of graduates, and grants, publications, and scholarly and creative work of faculty associated with the program.

The review process followed University Regulation 6-43 on program elimination. In the first phase, academic departments conducted their own review and made recommendations to the Dean, who in turn made a recommendation as to whether the program should be retained, retained with further review, revised, or eliminated to Academic Affairs.

After conducting its own internal review of unit recommendations, the Office of Academic Affairs released a list of 15 programs that would be subject to continued review as outlined in University Regulation 6-43 on October 16, 2016. In accordance with the University Regulation a 60-day period for public comment was then initiated. In addition, deans and department heads and were expected to use this time to provide further commentary on behalf of their college or department. Comments were expected to provide arguments, statements and facts in support of or in opposition to the proposal to eliminate an academic program, and could also contain alternative proposals regarding the program, its elimination or modification. Prior to the end of the comment period, two programs were withdrawn from the process upon mutual agreement between the Dean of Engineering and Applied Science and the two department heads to put performance improvement plans in place.

The Office of Academic Affairs compiled the public comment as well as responses from deans and department heads received both via email and hard copy between October 16 and December 16, 2016. The compilation was then provided to the Faculty Senate, including the Academic Planning Committee, the Graduate Council, and the Faculty Senate Executive Committee. In addition, all information was shared with the Associated Students of the University of Wyoming and the Staff Senate. Recommendations and reviews from these bodies were provided to Academic Affairs on or before March 24, 2017.

Upon your review of my recommendations, below, you are to make your recommendations to the Board of Trustees, who will make the final decision on eliminations, performance improvements, and modifications to the recommendations, in accordance with University Regulation 6-43.

### **Recommendations**

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*Program: [B.A. Secondary Education: Art Education](#) - Link to one PDF file, program review materials*

Enrollment Spring 2017: 23

*Summary of Recommendations and Comments Provided to Academic Affairs:*

- *Reason for Review:* Low undergraduate enrollment by Round Two threshold (Total graduates 2010-2015 = 32)
- *Recommendation from Dean:* Eliminate B.A. Secondary Education: Art Education. One FTE on phased retirement. Resources inadequate
- *Recommendation from Faculty Senate:* Concur with Dean. One faculty FTE, on phased out retirement. Resources inadequate.

*Recommendation:* I recommend that we put this program's admissions for AY 17-18 on hold and use the year to explore cost-effective options to offer teacher certification that meets the regulatory and accreditation standards required. If after one year we are unable to find a suitable solution, I recommend the program be eliminated. The lone faculty member currently teaching in the program is scheduled to retire by the end of the AY 2017-2018.

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*Program:* [B.A. Secondary Education: Modern Language Education](#) - - Link to one PDF file, program review materials

Enrollment Spring 2017: 15

*Summary of Recommendations and Comments Provided to Academic Affairs:*

- Reason for review: Low undergraduate enrollment by Round One threshold (Total graduates 2010-2015 = 12)
- Recommendation from Dean: Eliminate program. Zero instructional FTE's in area. Resources inadequate
- Recommendation from Faculty Senate: Concur with Dean's recommendation. Zero instructional FTE's in area. Resources inadequate.

*Recommendation:* With no faculty currently teaching in the program at present, the resources for supporting this program are clearly inadequate. I recommend that we put this program's admissions for AY 17-18 on hold and use the year to explore cost-effective options to offer teacher certification that meets the regulatory and accreditation standards required. If after one year we are unable to find a suitable solution, I recommend the program be eliminated.

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*Program:* [B.S. Secondary Education: Industrial Technical Education](#) - - Link to one PDF file, program review materials

Enrollment Spring 2017: 7

*Summary of Recommendations and Comments Provided to Academic Affairs:*

- Reason for review: Low undergraduate enrollments by APR Round One threshold (Total graduates 2010-2015 = 15)
- Recommendation from Dean: Eliminate program. Teach out current cohort that will graduate in 2018.
- Recommendation from Faculty Senate: Options include BOECES MOU for 50% cost share of two more cohorts, and place expectations on program for robust cohort size; or delay of decision for one more cohort while economy equilibrates through current recession; or some mix of these, again putting expectations on cohort size.

*Recommendation:* I recommend that we eliminate this program. It has few graduates, is expensive due to the investment in equipment necessary to support the program and is currently taught by only one academic professional lecturer located in Casper. Demand for these kinds of programs are declining nationally. In fact, they are being replaced by Engineering Technology programs, focusing upon computer engineering, computer science, and technology

with a track for secondary education majors to focus upon pedagogical matters. The College of Engineering and Applied Sciences is currently planning such a degree program with a goal of launching it in Fall of 2018. In the meantime, statewide need for these educators can be supplemented with Professional Industry Career permitted individuals. I note that the Central Wyoming BOCES board has offered to provide up to 50% support for the salary of the APL who currently teaches the program, for up to four years. This would help defray program costs for UW. However, as the curriculum in this program is rapidly becoming obsolete, I do not recommend pursuing this offer.

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*Program: [M.A. French](#) - - Link to one PDF file, program review materials (note: links to same set of documents as M.A. German)*

Enrollment Spring 2017: 1

*Summary of Recommendations and Comments Provided to Academic Affairs:*

- Reason for review: Low graduate enrollment by APR Round One threshold (Total graduates, 2010-2015 = 6)
- Recommendation from Dean: Eliminate M.A., reinvest in B.A., explore creation of M.A. in World Languages
- Recommendation from Faculty Senate: Concur with Dean. Eliminate M.A. French, explore creation of M.A. in World Languages

*Recommendation:* I recommend that we eliminate this program. Whereas, there is support for language education within the University, from the K-12 community, and from past students, it generally does not extend beyond the first two years of language instruction, much less to masters' programs. Currently, 3 FTE support the Bachelors' degree in French and the majority of the graduate courses are taught concurrently with the undergraduate students, suggesting that it is only marginally possible at best to deliver the program with these resources. There was little support, if any, for the degree programs and especially for the MA degree programs. I agree with the recommendation that the concept of the proposed MA degree program in World Languages could be explored as such a degree could probably be supported with limited need for additional resources.

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*Program: [M.A. German](#) - - Link to one PDF file, program review materials (note: links to same set of documents as M.A. French)*

Enrollment Spring 2017: 1

*Summary of Recommendations and Comments Provided to Academic Affairs:*

- Reason for review: Low graduate enrollment by APR Round One threshold (Total graduates, 2010-2015 = 4)
- Recommendation from Dean: Eliminate M.A., reinvest in B.A., explore creation of M.A. in World Languages

- Recommendation from Faculty Senate: Concur with Dean. Eliminate M.A. French, explore creation of M.A. in World Languages

*Recommendation:* I recommend that we eliminate this program. Whereas there is support for language education within the University, from the K-12 community, and from past students, it generally does not extend beyond the first two years of language instruction, much less to masters' programs. Currently, 3 FTE support the Bachelors' degree in German and the majority of the graduate courses are taught concurrently with the undergraduate students, suggesting that it is only marginally possible at best to deliver the program with these resources. There was little support, if any, for the degree programs and especially for the MA degree programs. I agree with the recommendation that the concept of the proposed MA degree program in World Languages could be explored as such a degree could probably be supported with limited need for additional resources.

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*Program:* [Science and Math Teaching Center](#) (administrative unit – degrees not under review) -  
*Link to one PDF file, program review materials*

Enrollment Spring 2017: N/A – degrees not under review

*Summary of Recommendations and Comments Provided to Academic Affairs:*

- Reason for review: Deans of Arts & Science Education joint request for reorganization and restructure of SMTC into an integrated P-16 STEM Education Center.
- Recommendation from Deans: Reconfigure SMTC to Integrated P-16 STEM Education Center. Move Wyoming State Science Fair to another reporting structure.
- Recommendation from Faculty Senate: Defer decision to Dean and Academic Affairs. Curriculum and degree programs not impacted; administrative reorganization not under purview of Faculty Senate.

*Recommendation:* I recommend that the existing SMTC be dissolved as an administrative unit and that another university-wide center be created in its place, within a year, that will effectively support the University's priorities with regard to STEM education. At the core of the deans' request for review of the SMTC are observations surrounding a profound need to address the leadership, future vision, and level of innovation within the center as it currently operates. The Deans who requested the review agree the quality and quantity of education, outreach, and service provided to students and teachers is strong and that the masters programs currently under the umbrella of the SMTC are healthy. A committee charged by the Deans of Education and Arts & Sciences is recommending that a University-wide center be created under the auspices of the Office of Academic Affairs. My recommendation is to build on the work of this group by appointing a task force reporting to Academic Affairs that would to develop further recommendations for the future structure and function of a university-wide center.

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*Program:* [B.A. Russian](#) - *Link to one PDF file, program review materials*

Enrollment Spring 2017: 6

*Summary of Recommendations and Comments Provided to Academic Affairs:*

- Reason for review: Low undergraduate enrollment by APR Round One threshold (Total graduates 2010-2015 = 14)
- Recommendation from Dean: Eliminate B.A., focus on Russian minor
- Recommendation from Faculty Senate: Concur with Dean. One FTE providing all curriculum, and continuation of major would require overreliance on an exchange partnership.

*Recommendation:* I recommend that we eliminate this program. Whereas, the Russian program has been highly regarded for the quality of its program, especially for its long-term and highly successful connection with Saratov State University, there is now only 1 FTE associated with the program. Continuation of the program at current staffing levels would require excessive reliance on instruction outside of UW at Saratov State University, where UW has limited influence on curriculum. I agree that a Russian minor could still be supported within the College of Arts and Sciences.

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*Program:* [B.A. American Studies](#) - - Link to one PDF file, program review materials

Enrollment Spring 2017: 10

*Summary of Recommendations and Comments Provided to Academic Affairs:*

- Reason for review: Low undergraduate enrollment by APR Round One threshold (Total graduates, 2010-2015 = 12)
- Recommendation from Dean: Discontinue BA, reinvest in MA
- Recommendation from Faculty Senate: Retain BA. Sufficient resources to sustain.

I recommend that we retain this program and review it again in 3 years. American Studies is a highly interdisciplinary program that relies rather heavily on courses from other departments for its degree programs. The strength of the American Studies Department at the University is a truly outstanding MA degree. Meanwhile the department has never aggressively marketed the BA degree. The current department head is now prepared to work to significantly improve enrollment. Additional considerations are the fact that in 1965 Coe gave \$750,000 to UW to found a School of American Studies to offer American Studies courses (both undergraduate and graduate) and the fact that American Studies is in the midst of a merger with the History department. Given these circumstances, it seems reasonable to wait and review the program in three years. The American Studies program should aim to have at least 35 students majoring in their program within three years, and 50 students in their program for long-term sustainability. If they do not meet the minimum target of 35 students in three years (by the end of AY 19-20), the program will be directed to suspend admissions and moved to inactive status.

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*Program:* [M.S. Neuroscience](#) - Link to one PDF file, program review materials

Enrollment Spring 2017: 2



*Summary of Recommendations and Comments Provided to Academic Affairs:*

- Reason for review: Low graduate enrollments by APR Round One threshold (Total graduates 2010-2015 = 6) No graduates since 2013, no admissions since 2010 to an official masters track.
- Recommendation from Dean: Eliminate option for M.S. since it is no longer an official master's track in the program. Restructure to M.S. options within participating departments.
- Recommendation from Faculty Senate: Retain M.S. program as is; do not restructure to M.S. options within participating departments.

*Recommendation:* I recommend that we eliminate this program. While the Ph.D. program in Neurosciences is an exemplar of interdisciplinarity on campus, the M.S. program is not designed as a stand-alone program. I concur with recommendations that departments that participate in the Neuroscience Ph.D. program examine including options or concentrations in Neuroscience in existing M.S. programs.

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*Program:* [M.A. Sociology](#) - Link to one PDF file, program review materials

Enrollment Spring 2017: 9

*Summary of Recommendations and Comments Provided to Academic Affairs:*

- Reason for review: Low graduate enrollments by APR Round Two threshold (Total graduates 2010-2015 = 19)
- Recommendation from Dean: Eliminate M.A., strengthen B.A.
- Recommendation from Faculty Senate: Adequate resources to retain M.A. Sociology. Review after merger with Criminal Justice.

*Recommendation:* I recommend that we retain this program and restructure it to take advantage of the merger of the Sociology and Criminal Justice departments, with the following conditions: the program should consider changing to an M.S., and should be restructured to an M.S. in Sociology and Criminal Justice. Even though this program has had 19 graduates in the past 5 years, thus exceeding the criterion of a 15-graduate minimum, the Dean of Arts and Sciences originally requested that this program be reviewed in part because the size of the faculty is small, and it was struggling to also deliver an undergraduate program in Sociology with considerable potential for growth. Now that Sociology is involved in a merger with Criminal Justice department, the Dean has requested that a decision on the program be deferred. She sees considerable potential in reconfiguring this program into a combined Sociology/Criminal Justice masters program. I agree. Thus, the M.A. Sociology program will be on inactive admissions status for the next three years (AY 17-18 through AY 2019-2020, FY18-FY20). The merged department should use this time to restructure its curriculum to an M.S. in Sociology and Criminal Justice. Once the new curriculum is designed and approved through normal University processes, the department could reopen admissions for AY 2020-2021 (FY 21). By AY

2023-24 (FY 24), the combined masters program should have at least 15 students. If it does not, the program will be eliminated and a teach out plan put in place.

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*Program:* [M. A. Philosophy](#) - Link to one PDF file, program review materials

Enrollment Spring 2017: 8

*Summary of Recommendations and Comments Provided to Academic Affairs:*

- Reason for review: Low graduate enrollments (Total graduates 2010-2015 =13)
- Recommendation from Dean: Eliminate M.A., retain and restructure B.A.
- Recommendation from Faculty Senate: Retain M.A. and review in 3 years.

*Recommendation:* I recommend that we retain this program and restructure it to take advantage of the merger of the Philosophy and Religious Studies departments, with the following conditions: the program should restructure to an M.A. in Philosophy and Religious Studies. The Philosophy department currently delivers much of this degree program by teaching courses with undergraduate and graduate students concurrently. It is also exploring the possibility of instituting a 3+2 program as a way of growing the number of graduate students. Thus, the Philosophy M.A. program will be on inactive admissions status the next three years (AY 17-18 through AY 2019-2020, FY18-FY20). The merged department should use this time to restructure its curriculum to an M.A. in Philosophy and Religious Studies. Once the new curriculum is designed and approved through normal University processes, the department could reopen admissions for AY 2020-2021 (FY 21). By AY 2023-24 (FY 24), the combined masters program should have at least 15 students. If it does not, the program will be eliminated and a teach out plan put in place.

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*Program:* [Ph.D. Statistics](#) - Link to one PDF file, program review materials

Enrollment Spring 2017: 4

*Summary of Recommendations and Comments Provided to Academic Affairs:*

- Reason for review: Proposed for elimination by Department of Statistics to allow for restructure of Ph.D. Admissions currently on hiatus.
- Recommendation from Dean: Eliminate Ph.D. program, focus on MS and undergraduate programs.
- Recommendation from Faculty Senate: Delay closure for 3 years until merger with Mathematics takes effect.

*Recommendation:* I recommend we retain this program but that it continue on inactive admission status for next three AY's in order to examine restructuring it as an interdisciplinary program in Data Analytics. The newly merged departments of Statistics and Mathematics will continue to have a Ph.D. program in Mathematics which it can use for both math and statistics students. If a degree in data analytics is desirable, curriculum will be designed and approved,

and admissions for an interdisciplinary Ph.D. in AY 2020-2021 (FY 21). By 2023-2024 (FY 24) it should have a class size of 10-12 students. If it does not, it will be eliminated at that time.

### **Lessons Learned**

University Regulation 6-43 is far too cumbersome to implement routinely. Experiences from the 2016-2017 program review process should inform revision of this regulation in the context of the current effort to overall all the regulations.

As pointed out in the Academic Planning committee's report on these program reviews, the Higher Learning Commission's standards for reaccreditation indicate that academic program reviews should be an on-going process in which all degree programs are reviewed once every set number of years. These reviews should assess current viability, relevance, quality, sufficiency of resources, and "value" to the institution. If one or more deficiencies are identified in these areas, then the responsible academic administrator should either correct the identified deficiencies or recommend the elimination of the program. Such a regular process is certainly in the best interests of the University.

In the coming year, I plan to direct the office of Academic Affairs to design, pilot, and budget for a regular review process that would come into full effect in the FY 19 academic year.

**Academic Program Review – Summary of Recommendations**

May 2017

<i>Program</i>	<i>Reason for Review</i>	<i>Spring 2017 Enrollment</i>	<i>Dean's Recommendation</i>	<i>Faculty Senate Recommendation</i>	<i>Provost's Recommendation</i>
B.A. Secondary Education: Art Education	Low undergraduate enrollment by round two threshold: Total graduates 2010-2015 = 32	23	Eliminate program. One FTE on phased retirement. Resources inadequate.	Concur with Dean. Resources inadequate.	Place admissions for AY 17-18 on hold and use year to explore cost-effective options to offer teacher certification that meets the regulatory and accreditation standards required. If after one year we are unable to find a suitable solution, recommend program be eliminated
B.A. Secondary Education: Modern Language Education	Low undergraduate enrollment by round one threshold Total graduates 2010-2015 = 12	15	Eliminate program. Zero instructional FTE's in area. Resources inadequate	Concur with Dean. Zero instructional FTE's in area. Resources inadequate.	Place admissions for AY 17-18 on hold and use year to explore cost-effective options to offer teacher certification that meets the regulatory and accreditation standards required. If after one year we are unable to find a suitable solution, recommend program be eliminated
B.S. Secondary Education: Industrial Technical Education	Low undergraduate enrollments by round one threshold Total graduates 2010-2015 = 15	7	Eliminate program. Initial recommendation to merge with B.S. Secondary Education: Agricultural Education not feasible; program enrollments do not justify continuation of program. Teach out current cohort (graduation 2018).	Options include BOECES MOU for 35-50% cost share of two more cohorts, placing expectations on program for robust cohort size; or delay of decision for one more cohort while economy equilibrates through current recession; or some mix of these, again putting expectations on cohort size	Eliminate program. Explore replacement with College of Engineering and Applied Sciences Engineering Technology/computer engineering technology program with a concurrent education major
M.A. French	Low graduate enrollment by round one threshold Total graduates, 2010-2015 = 6	1	Eliminate M.A., reinvest in B.A., explore creation of M.A. in World Languages	Concur with Dean. Explore creation of M.A. in World Languages	Concur with Dean and Faculty Senate. Eliminate program and explore creation of M.A. in World Languages.
M.A. German	Low graduate enrollment by round one threshold Total graduates, 2010-2015 = 4	1	Eliminate M.A., reinvest in B.A., explore creation of M.A. in World Languages	Concur with Dean. Explore creation of M.A. in World Languages.	Concur with Dean and Faculty Senate. Eliminate program and explore creation of M.A. in World Languages.
B.A. Russian	Low undergraduate enrollment by round one threshold Total graduates 2010-2015 = 14	6	Eliminate B.A., focus on Russian minor	Concur with Dean. One FTE providing all curriculum, and continuation of major would require overreliance on an exchange partnership.	Concur with Dean and Faculty Senate. Eliminate major, retain minor.

<i>Program</i>	<i>Reason for Review</i>	<i>Spring 2017 Enrollment</i>	<i>Dean's Recommendation</i>	<i>Faculty Senate Recommendation</i>	<i>Provost's Recommendation</i>
B.A. American Studies	Low undergraduate enrollment by round one threshold Total graduates, 2010-2015 = 12 [NB: department tally = 19]	10	Discontinue B.A., reinvest in M.A.	Retain program. Sufficient resources to sustain.	Concur with Faculty Senate. Retain program and review in three years. Program should aim to have at least 35 students majoring in their program within 3 years, and 50 students in their program for long-term sustainability. If minimum target of 35 students is not met by the end of AY 19-20, the program will be directed to suspend admissions and moved to inactive status.
M.S. Neurosciences	Low graduate enrollments by round one threshold Total graduates 2010-2015 = 6 No graduates since 2013, no admissions since 2010 to an official masters track.	2 (all off campus continuing registration)	Eliminate option for M.S. since it is no longer an official master's track in the program. Restructure to M.S. options within participating departments.	Retain program; do not restructure to M.S. options within participating departments.	Eliminate program. The M.S. program is not designed as a stand-alone program. Concur with recommendations that departments that participate in the Neuroscience Ph.D. program examine including options or concentrations in Neuroscience to existing M.S. programs.
M.A. Sociology	Low graduate enrollments by round two threshold Total graduates 2010-2015 = 19	9	Eliminate M.A., strengthen B.A.	Adequate resources to retain program. Review after merger with Criminal Justice.	Program will be on inactive admissions status for the next three years (AY 17-18 through AY 2019-2020, FY18-FY20). The newly merged Sociology and Criminal Justice Department should use this time to restructure curriculum to M.S. in Sociology and Criminal Justice. Once new curriculum is designed and approved, reopen admissions for AY 2020-2021 (FY 21). By AY 2023-24 (FY 24), the combined masters program should have at least 15 students. If it does not, the program will be eliminated.

<i>Program</i>	<i>Reason for Review</i>	<i>Spring 2017 Enrollment</i>	<i>Dean's Recommendation</i>	<i>Faculty Senate Recommendation</i>	<i>Provost's Recommendation</i>
M.A. Philosophy	Low graduate enrollments Total graduates 2010-2015 =13	8	M.A., retain and restructure B.A.	Retain M.A. Review after merger with Religious Studies.	Program will be on inactive admissions status the next three years (AY 17-18 through AY 2019-2020, FY18-FY20). The newly merged Religious Studies and Philosophy Department should use this time to restructure its curriculum to an M.A. in Philosophy and Religious Studies. Once new curriculum is designed and approved, reopen admissions for AY 2020-2021 (FY 21). By AY 2023-24 (FY 24), the combined masters program should have at least 15 students. If it does not, the program will be eliminated.
Ph.D. Statistics	Proposed for elimination by Department of Statistics to allow for restructure of Ph.D. Admissions currently on hiatus.	4	Eliminate Ph.D. program, focus on MS and undergraduate programs	Delay closure for 3 years until merger with Mathematics takes effect.	Retain this program but continue on inactive admission status for next three AY's in order to examine restructuring it as an interdisciplinary program in Data Analytics. The newly merged departments of Statistics and Mathematics will continue to have a Ph.D. program in Mathematics which it can use for both math and statistics students. If a degree in data analytics is desirable, curriculum will be designed and approved, and admissions for an interdisciplinary Ph.D. in AY 2020-2021 (FY 21). By 2023-2024 (FY 24) it should have a class size of 10-12 students. If it does not, it will be eliminated at that time.
Science and Math Teaching Unit (administrative unit – degrees not under review)	Dean of A&S and Dean of Education joint request for reorganization and restructure of SMTC to Integrated P-16 STEM Education Center – STEM ED.	N/A	Reconfigure SMTC to Integrated P-16 STEM Education Center/STEM ED.	Defer decision to Dean and Academic Affairs. Curriculum and degree programs not impacted; administrative reorganization not under purview of Faculty Senate	Existing SMTC should be dissolved as an administrative unit and another university-wide center will be created in its place within a year that will effectively support the University's priorities with regard to STEM education. Continue to house Wyoming State Science Fair within this new unit.



## **Teach-Out Plans, Proposed Eliminated Programs**

### **B.S. Secondary Education: Industrial Technical Education:**

Since this is a cohort admissions and enrollment program, UW has a Fall 2016-admitted cohort enrolled that will finish in spring 2018. The College of Education and UW-Casper will not allow a Fall 2018 cohort to apply or enroll, effectively ending the program in 2018. If there are any planning as freshmen or sophomores at UW-Casper to enroll in this program, it should give them ample time to locate a similar program or change majors if we notify them a year in advance. The College and UW-Casper expect a teach-out to conclude at the end of Spring 2018. UW will notify any students expecting to enroll in the program once the Board of Trustees makes a decision.

There are currently seven (7) students enrolled in the Fall 2016-admitted cohort. Of them, five (5) are on course to graduate with no academic concerns in Spring 2018. The other two have various academic issues that they must rectify before they can complete the program.

### **B.A. Secondary Education: Art Education:**

If the program is eliminated, UW anticipates two additional years of methods courses (EDSE 3276/4276) and residency courses (EDSE 4500) will be required to complete the students' programs. Other cost-effective alternatives will be investigated over AY 17-18 to deliver the program.

### **B.A. Secondary Education: Modern Language:**

If the program is eliminated, UW anticipates two additional years of methods courses (EDSE 3276/4276) and residency courses (EDSE 4500) will be required to complete the students' programs. Other cost-effective alternatives will be investigated over AY 17-18 to deliver the program.

### **M.A. in German:**

No new students have been admitted to German MA. One student has completed all course work and is writing thesis. Dr. Joy Landeira, head of the Modern and Classical Languages Department, will serve as thesis director for this student.

### **M.A. in French:**

No new students have been admitted to French MA. The last student defended her thesis successfully on Friday, April 28, 2017, and will graduate this semester.

### **B.A. in Russian:**

The number of students requiring each class is shown below. This is the table for the "teach out" for majors and for Russian. No new majors will be allowed to declare, and no new beginning courses will be offered.

SUMMARY Fall 2017 RUSS Needs						
RUSS 2040	RUSS 2140	RUSS 3050	RUSS 3060	RUSS 4070	RUSS 4080	
4	5	5	5	1		
SUMMARY Spring 2018 RUSS Needs						
RUSS 2040	RUSS 2140	RUSS 3050	RUSS 3060	RUSS 4070	RUSS 4080	
		4	5	5	6	
SUMMARY Fall 2018 RUSS Needs						
RUSS 2040	RUSS 2140	RUSS 3050	RUSS 3060	RUSS 4070	RUSS 4080	
			4	5	5	
SUMMARY Spring 2019 RUSS Needs						
RUSS 2040	RUSS 2140	RUSS 3050	RUSS 3060	RUSS 4070	RUSS 4080	
				4	5	

MCL has been awarded a Russian Fulbright TA for Academic year 2017-18 and our Assistant Professor in French who is a native Russian (Dr. Alexandrova) is willing to teach at least one course per year. To accomplish the teach-out, students **must take the courses when they are offered--in the sequence they are offered.** They may complete their majors or minors with study abroad in Saratov, Russia, or with other university-level transferrable credits.

To deliver these courses, we anticipate "stacking" two courses per semester for the next four semesters for all students. We will use the Fulbright TA and Dr. Alexandrova in AY 2017-18. We will need an adjunct to take the place of the Fulbright TA in 2018-19.

#### **M.S. Neuroscience:**

The two students in the program will be allowed to complete their programs under the guidance of the program head, Dr. Bill Flynn. No new students will be allowed to declare the M.S. Neuroscience option going forward.

**AGENDA ITEM TITLE:**

**Board Policy and Process for Determining UW Fund Raising Priorities,** Nichols/Blalock

**CHECK THE APPROPRIATE BOX(ES):**

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

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

The University of Wyoming Foundation is designated by the UW Board of Trustees as the principal fund-raising organization for the University. Long-range objectives and associated fund-raising priorities, per the Memorandum of Agreement, shall be provided to the Foundation by the President upon approval by the Trustees as an integral part of the University's planning process.

UW is currently in the process of creating a five-year Strategic Plan. UW Fundraising priorities will be established going forward with close ties to the UW Strategic Plan, including college and unit plans across campus. These priorities will be established in consultation with the UW President, the UW Provost and the UW Foundation and shall be presented to the Trustees for final approval. The expectation is for succinct and measurable fund raising goals to emerge as early as fall 2017.

Moving forward the Strategic Plan will guide UW's fundraising priorities.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

This is a topic that is discussed annually. No action required at this time. Historical approval of fundraising priorities have occurred during the Board of Trustee's September meetings.

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

Discussion of process with the Board of Trustees.

**ACTION REQUIRED AT THIS BOARD MEETING:**

None

**PRESIDENT'S RECOMMENDATION:**

None Needed

**AGENDA ITEM TITLE:**

**Student Loan Fund Agreements Change in Use of Funds, Evans/Blalock**

**CHECK THE APPROPRIATE BOX(ES):**

- ☒ Work Session  
☐ Education Session  
☐ Information Item  
☒ Other                      Specify: Committee of the Whole (Items for Approval)

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

The UW Foundation and the University currently manage multiple donor funds that were gifted to the University for use as loans to University students. With the increase in availability of Federal funding, loans of this type are rarely being used by students. Given the change in the landscape of student funding, the University and the Foundation are seeking approval to take the necessary steps to permit the use of these funds to be used as permanent endowments for scholarships, rather than loans. The Uniform Prudent Management of Institutional Funds Act (UPMIFA) allows for changes to restrictions in uses of donor gifts if the restriction has become “impracticable or wasteful.” (W.S. 17-3-306(b)).

We have separated the various donor agreements into the following three categories with the proposed path forward to permit the change in use of the funds:

- 1) Attorney General Notification: Pursuant to UPMIFA, these funds are individually under the \$25,000 threshold, and the University and the Foundation propose to provide the required notice to the Attorney General to change use of these funds. (W.S. 17-7-306(b)). There is a total of \$99,958.99 in this category.
- 2) Legal Petition to Court: For a change in these funds, the University and the Foundation would proceed with court action and petition to permit the change of use of these listed funds towards student scholarships. This action is also consistent with UPMIFA. (W.S. 17-7-306(b)). There is a total of \$3,513,209.50 in this category.
- 3) Trust Agreement Allows Trustees to Redirect: Because these agreements expressly state that the Board of Trustees may change the use of the funds, Attorney General notification and court petition is not required. There is a total of \$290,982.86 in this category.

To continue serving students with short-term loans, the University will maintain a loan fund titled “Student Aid Loan.” That loan fund currently has a balance of \$123,747.12 as of March 31, 2017. This fund does not have any donor restrictions and is available for general short-term loan use. The dollar amount is more than enough to support the current demand, and provides

opportunity for growth if the demand for short-term loans goes up. Over the last seven semesters, on average, the University's Financial Services Office loaned out \$37,170.00 in short-term loans. The University and the Foundation request Board of Trustee approval to proceed with the change of use of these funds from loans to permanent endowments for scholarships.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

None.

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

Approval for change of use of funds for various donor agreements.

**ACTION REQUIRED AT THIS BOARD MEETING:**

As a beneficiary to these agreements, the Board of Trustees must approve a change in use of these funds from loans to permanent endowments for scholarships. If approved, the University and the Foundation will provide notice to the Attorney General and seek permission in Court as outlined above.

**PROPOSED MOTION**

"I move that the Board approve changing \$3,904,151.45 in funds that were gifted to the University for use as student loans to use as permanent endowments for student scholarships pursuant to UPMIFA and the terms and intent of the original agreements."

**PRESIDENT'S RECOMMENDATION:**

The President recommends approval.

**AGENDA ITEM TITLE:**

**UW Marketing Plan and Unit Reorganization Discussion**, Baldwin/Boswell

**CHECK THE APPROPRIATE BOX(ES):**

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

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

At the direction of President Nichols, UW Institutional Marketing has implemented a much broader enrollment marketing campaign for FY 2017, and President Nichols proposes to continue that campaign in FY 2018. AVP for Communications and Marketing Chad Baldwin will provide a report to the Board on the current campaign's messaging, marketing mix, budget and results.

Faced with disappointing Fall, 2016 student enrollment numbers, President Nichols initiated planning and implementation of a \$410,000 campaign which sought to impact student recruiting in the near term. The FY 2017 campaign was funded via a combination of sources, including the President's Office, Institutional Communications and Marketing, and Student Affairs.

The Board will also be provided with a brief summary of the proposed 2018 campaign, which carries a proposed budget of \$375,000. A breakdown of proposed funding sources will be provided. No new state funding will be requested.

The Unit reorganization includes the likely transfer of a total of four positions from other UW units to Communications and Marketing.

A Power Point presentation is included in the following pages of the Board Report.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

The Board has discussed the need to increase student enrollment.

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

Informational.

**ACTION REQUIRED AT THIS BOARD MEETING:**

None





## UW Institutional Marketing & Communications

## Role of Institutional Marketing & Communications

- Build and Protect the University of Wyoming Brand
- Tell the University of Wyoming Story
- Drive Results



## Advertising History

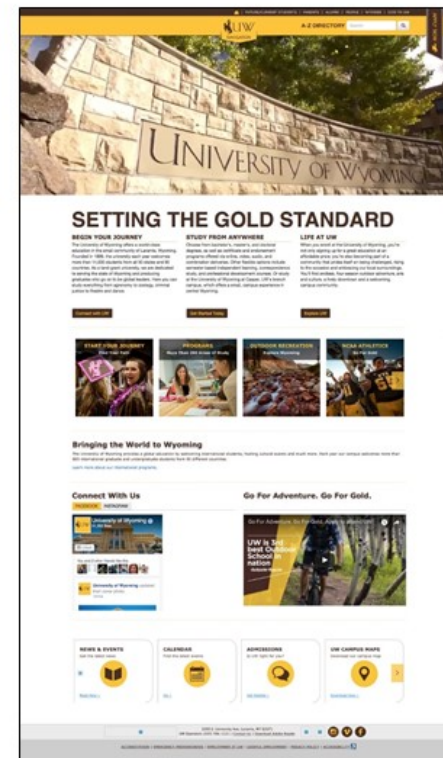
- Annual expenditures of \$80,000-\$90,000 from 2010-2014.
- General brand awareness focus, not specifically student recruitment.
- Most went to ad at Denver International Airport; insufficient return on investment.

## Student Recruitment Advertising Campaign

- President Nichols directed Institutional Marketing to craft campaign in summer 2016.
- Plan approved by the president, and funding secured:
  - \$160,000 from two years' savings by Institutional Marketing
  - \$50,000 from Admissions Office.
  - \$200,000 from President's Office.
- Intended primarily to boost fall 2017 inquiries and on-campus enrollment.

## Preparation for Advertising Campaign

- Redesign of UW website.
- Use of Hubspot inbound marketing software and landing pages.



# HubSpot

- Inbound marketing software purchased in December 2015
- Two case study “clients” – COB and CEAS
- Used for:
  - Creating and Measuring Marketing Campaigns that include:
    - Landing Pages
    - Social Media Publishing
    - Blog
    - Email Marketing
    - Calls to Action
    - Keyword/SEO Tools





## Landing Pages

- Foundation of inbound marketing
- Allows tracking of digital and traditional marketing channels
- Captures prospective student information

The image displays two screenshots of the University of Wyoming (UW) website, illustrating landing pages designed for inbound marketing and student information capture.

**Top Screenshot: "Go For Inspiration Explore the Arts at the University of Wyoming"**

- Header:** Features the UW logo and a search bar.
- Content:** A large image shows a woman playing a piano in a modern setting. Text describes the university's arts facilities and encourages prospective students to explore the arts.
- Form:** A registration form titled "Required Fields" is located on the right side. It includes fields for First Name, Last Name, Birthdate, High School, Email, Phone Number, Street Address, City, State/Region, Postal Code, and Country. There are also dropdown menus for "I am:" and "Term of Entry".

**Bottom Screenshot: "Ranked the No. 3 Outdoors School in the Nation"**

- Header:** Features the UW logo and a search bar.
- Content:** A large image shows a person climbing a rock face. Text highlights the university's ranking and encourages prospective students to explore outdoor recreation opportunities.
- Form:** A registration form titled "Download Campus Recreation Guide" is located on the right side. It includes fields for First Name, Last Name, Email, Birthdate, City, State, Postal Code, and Country. There are also dropdown menus for "What Semester Will You Start at UW?" and "High School".

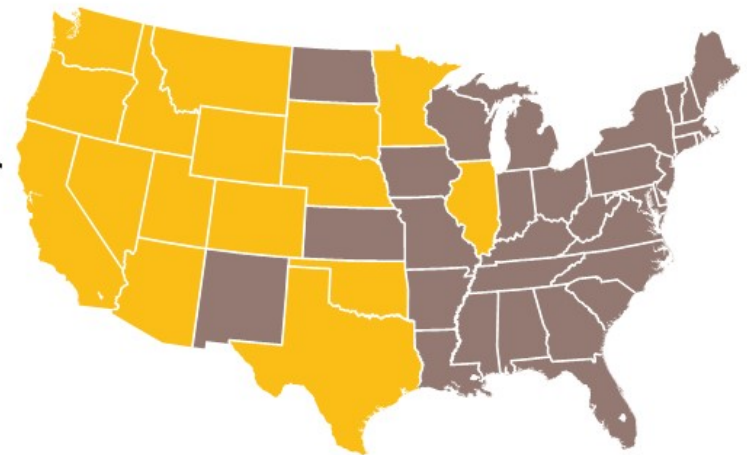
## Campaign Recap

## Campaign Recap

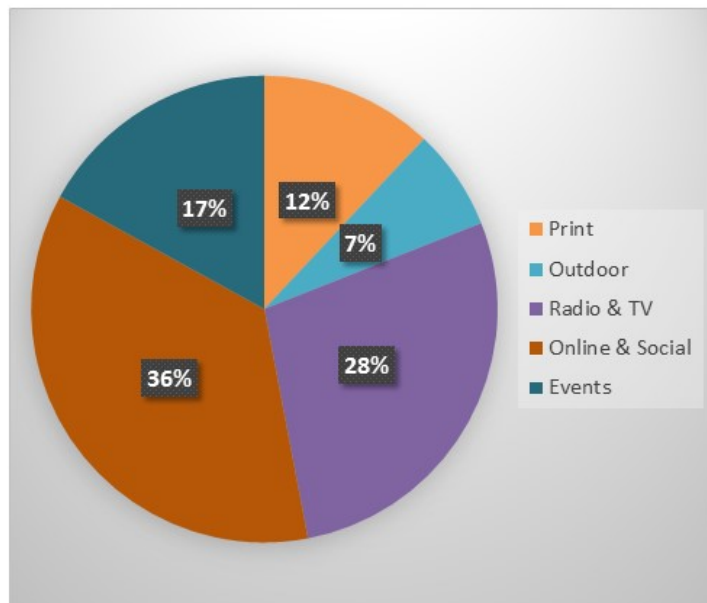
- Tasked with creating first ever enrollment marketing campaign
- Moved to inbound marketing model in 2016
- Benchmark Year – first year of measuring and tracking marketing activity
  - Utilized HubSpot marketing software to track and measure

## Campaign Timeline

- Launched campaign 9/1/16
- Media buying began in mid-October
- Targeted 16 state geographies



## Marketing Mix



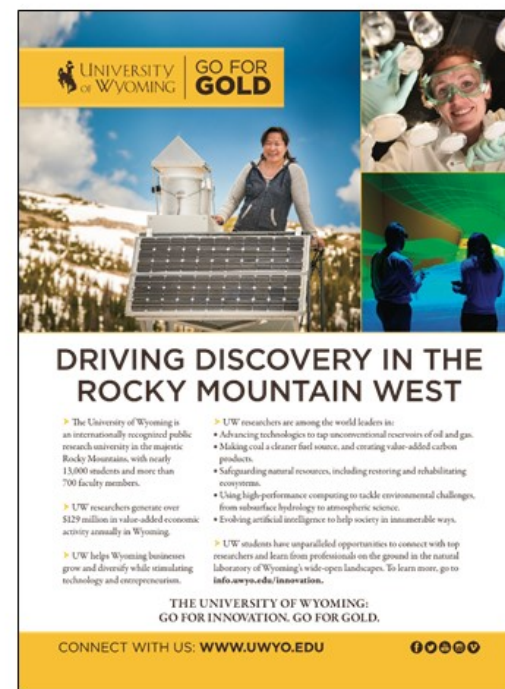
- Shifted media buying to skew digital to align with media consumption habits of younger demographic

## Campaign Messaging



## Campaign Messaging

- A new take on the Go For Gold campaign that was action-oriented and targeted
- Identified aspirational keywords that could be used across channels
- Pattern of messaging across marketing channels



## Go For Adventure

- Landing page:  
[info.uwyo.edu/adventure](http://info.uwyo.edu/adventure)



UNIVERSITY of WYOMING

LOOKING FOR AN  
ADVENTUROUS EDUCATION?



At the University of Wyoming, we believe learning shouldn't be limited to a classroom, which is why we were recently ranked as the nation's No. 3 outdoors college by *Backpacker Magazine*. Located in the majestic Rocky Mountains, we offer endless opportunities for year-round recreation, and an Outdoors Program that integrates activities like rafting, hiking and rock climbing into your education. With options like these, you can make your college experience a memorable one.

DOWNLOAD OUR CAMPUS RECREATION GUIDE

GO FOR ADVENTURE.  
GO FOR GOLD.


University of Wyoming | 1000 E. University Ave. | Laramie, WY 82071  
[www.uwyo.edu](http://www.uwyo.edu) | (307) 766-5160 | [admissions@uwyo.edu](mailto:admissions@uwyo.edu)




## Go For Inspiration

- Landing page:  
[info.uwyo.edu/inspiration](http://info.uwyo.edu/inspiration)





### ROCKY MOUNTAIN INSPIRATION




Do you have a passion for the arts? Turn your passion into a college degree at the University of Wyoming.

Located in the stunning Rocky Mountains, UW has brand-new facilities to help visual and performing artists hone their skills, along with top-notch teachers to help students achieve their artistic dreams. From theater and dance to vocal and instrumental music to visual arts and creative writing, UW has a thriving artistic community, and you're invited to join us.

**FIND YOUR INSPIRATION AT UW**

**GO FOR INSPIRATION.  
GO FOR GOLD.**

University of Wyoming | 1000 E. University Ave. | Laramie, WY 82071  
[www.uwyo.edu](http://www.uwyo.edu) | (307) 766-5360 | [admissions@uwyo.edu](mailto:admissions@uwyo.edu)



## Go For Innovation

- Landing page: [info.uwyo.edu/innovation](http://info.uwyo.edu/innovation)



UNIVERSITY of WYOMING

### A LIFE-CHANGING EDUCATION AT A TOP-TIER UNIVERSITY

Imagine a university with world-class facilities, cutting-edge technology and top-flight teachers that continuously put their students on the path to success. You might be surprised to find all of that at the University of Wyoming. Our facilities and technology are among the best in the Rocky Mountain West. Our teachers and researchers are world renowned. And because our classes are small – the average teacher-to-student ratio is 1:15 – you'll have opportunities as early as your freshman year that you could never dream of having at other universities.

DISCOVER WHAT UW CAN OFFER YOU

**GO FOR INNOVATION.  
GO FOR GOLD.**


University of Wyoming | 1000 E. University Ave. | Laramie, WY 82071  
[www.uwyo.edu](http://www.uwyo.edu) | (307) 766-5160 | [admissions@uwyo.edu](mailto:admissions@uwyo.edu)




## Go For Your Future | Go For Opportunity

- Landing page: [info.uwyo.edu/transfer](http://info.uwyo.edu/transfer)





**TAKE YOUR DEGREE  
TO THE NEXT LEVEL  
WHEN YOU TRANSFER TO UW**

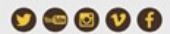


Are you attending a community college and thinking about further education? The University of Wyoming will help you turn that two-year degree into a valuable bachelor's degree. UW's tuition is already among the lowest in the country, and a number of new scholarships worth thousands of dollars each have been created, especially for transfer students.

**FIND YOUR TRANSFER SCHOLARSHIP**

**GO FOR YOUR FUTURE.  
GO FOR GOLD.**

University of Wyoming | 1000 E. University Ave. | Laramie, WY 82071  
[www.uwyo.edu](http://www.uwyo.edu) | (307) 766-5160 | [admissions@uwyo.edu](mailto:admissions@uwyo.edu)





## Campaign Results



## Overall Campaign Results

- **4,330** prospective student leads entered the Admissions funnel from 9/1 to date
- **2,047** leads were for Fall 2017
- Landing pages had **61,000** views
- Landing page view to completed conversion = **7%**
- UWyo.edu website traffic **increased 40%** with almost 6 million visits

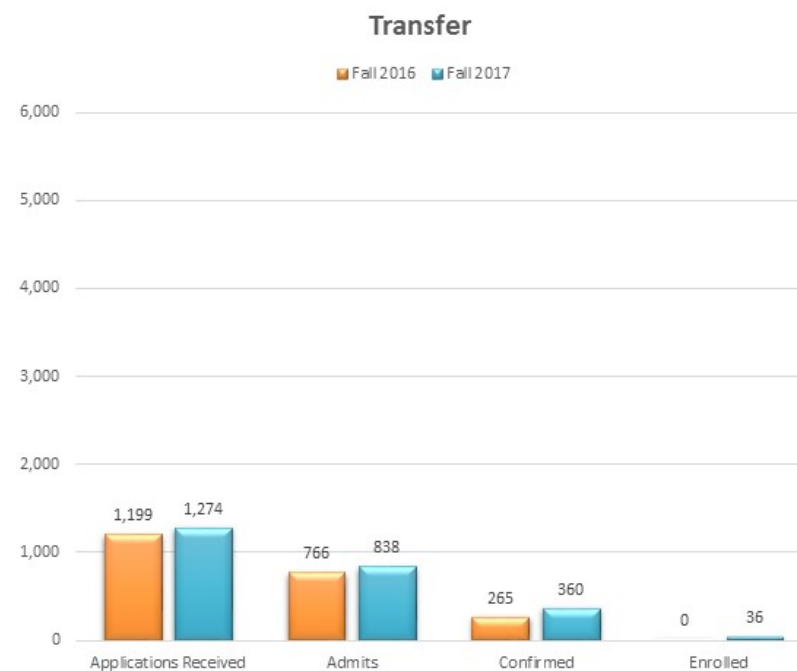
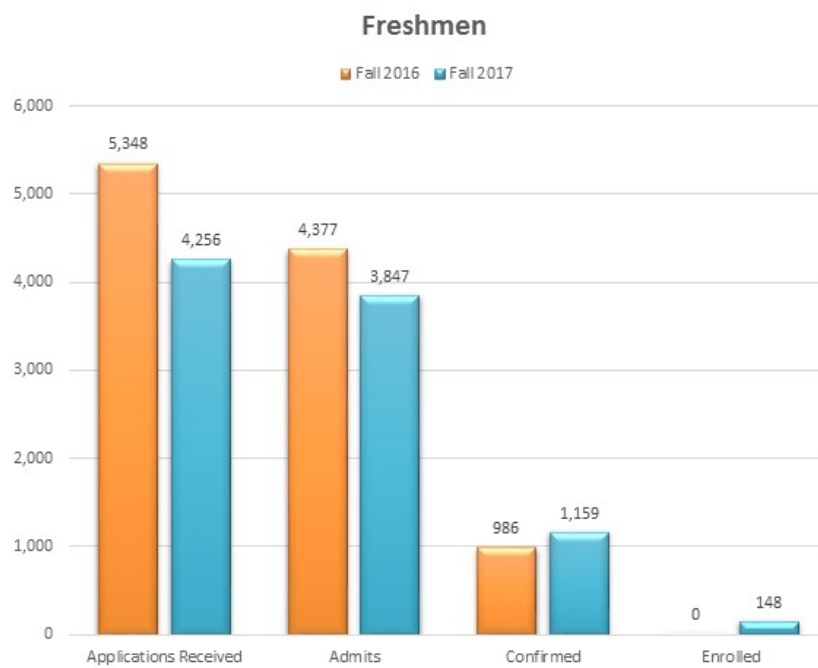
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\*As of 3/23

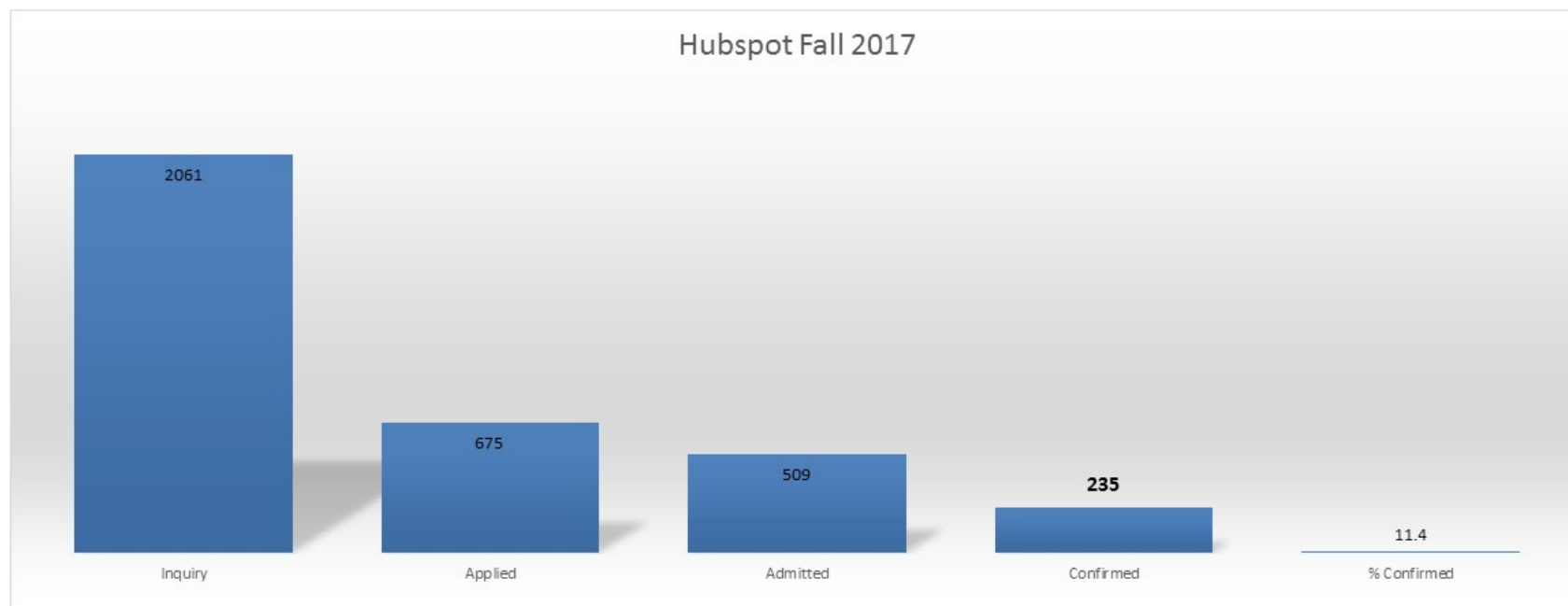




## Overall Admissions Results



## Institutional Marketing Campaign Results



\*As of 4/17



## Estimated Marketing ROI (MROI)

- Confirmed Freshmen Estimated Lifetime Revenue: \$5.2 million
- Confirmed Transfer Estimated Lifetime Revenue: \$1.3 million
- Total Estimated Campaign Generated Revenue = **\$6 million**
- Cost Per Acquisition = \$1770

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Note: This is a rough estimate based on tuition and fees only. Additional revenue from ResLife and the University Store was not used in this estimation. This estimate uses current retention and persistence numbers (77% and 80%). This total does not include Outreach students as they do not confirm enrollment. The cost per acquisition number will decrease as more students from this campaign confirm.



## Opportunities & Next Steps



## Opportunities & Next Steps

- Wyoming Tourism Potential Collaboration
- BVK Findings
- Advertising Proposal for 2017-18
- Institutional Marketing Communications Restructuring

## Advertising Proposal for 2017-18

- President directed drafting of \$375,000 proposal, down from \$410,000.
- Work with Office of Tourism and its ad agency to determine media mix and messaging.
- Launch late summer, earlier than October start in 2016-17.
- Solar eclipse opportunities.
- Decision: New campaign language, or continue “Go For...”?
- Following completion of UW strategic plan, develop new marketing/communications plan.





## Potential Restructuring of Marketing and Communications

- Marketing functions are filled by employees across campus
- Institutional Marketing Communications will absorb four marketing/communications positions from Outreach School
- UW College of Engineering and Applied Science funds a full-time marketing/communications person
- Inventory of marketing and communications functions across campus is underway



Questions?



**AGENDA ITEM TITLE: Establishment of an Honors College, Miller/Alexander**

**CHECK THE APPROPRIATE BOX(ES):**

- ☒ Work Session
- ☐ Education Session
- ☐ Information Item
- ☒ Other                      Specify: Committee of the Whole (Items for Approval)

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

The current Honors Program at UW offers a unique set of opportunities for high achieving, academically ambitious undergraduates. It is currently structured as a minor with a specialized curriculum. This session will provide information on a conceptual vision for growing and enhancing the program to an Honors College, providing a structured experiential learning portfolio and the opportunity for students to pursue an Honors credential in their discipline. A 5-year budget for ramping up the College and its new functions will also be presented.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

The Board was presented information on the current Honors Program and the vision for a Honors College during its March 2017 meeting.

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

Per UW Regulation 8-2 (Degrees and Diplomas), all academic programs leading to a bachelor's, master's, or doctoral degree, or to a professional diploma, must be authorized by the Trustees.

**ACTION REQUIRED AT THIS BOARD MEETING:**

Board authorization of the establishment of an Honors College (with Dean). If approved, the University will follow the procedure outlined in UW Regulation 1-102(P) (Selection Advisory Committees) during the search for a Dean of Honors.

**PROPOSED MOTION**

I move to approve establishment of an Honors College with a Dean of Honors pursuant to UW Regulation 8-2 and UW Regulation 1-102(P).

**PRESIDENT'S RECOMMENDATION:**

The President recommends approval.

**Committee of the Whole: REGULAR BUSINESS**

**Board of Trustees Committee Reports**

*[Note- Committees of the Board will be discussed during a regular work session of the meeting.]*

**CHECK THE APPROPRIATE BOX(ES):**

- ☐ Work Session
- ☐ Education Session
- ☐ Information Item
- ☒ Other      Specify: Committee of the Whole (Regular Business)

**Trustee Standing Committees**

*Committee reports to be given at the start of the regular meeting rather than during the Business Meeting.*

**Liaison to Other Boards**

- UW Alumni Association Board
- Foundation Board
- Haub School of Environment & Natural Resources
- Energy Resources Council
- Cowboy Joe Club

**1. Committee of the Whole- PROPOSED ITEMS FOR ACTION**  
**Approval of Contracts and Grants Report**, Gern

CHECK THE APPROPRIATE BOX(ES):

- ☒ Work Session
- ☐ Education Session
- ☐ Information Item
- ☒ Other                      Specify: Committee of the Whole (Items for Approval)

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

The Division of Research and Economic Development provides a list of all Contracts and Grants awarded to the University of Wyoming. This report provides data on a monthly basis. Attached is a list of all research Contracts and Grants received in the months of March and April 2017.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

Approval of the Contract and Grants awarded to the University of Wyoming at the last board meeting.

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

Informational purposes.

**ACTION REQUIRED AT THIS BOARD MEETING:**

Board approval.

**PROPOSED MOTION**

I move the approval of the Contract and Grants Report as presented to the Board.

**PRESIDENT'S RECOMMENDATION:**

The President recommends approval.

<b>Sponsor</b>	<b>Amount</b>	<b>Principal Investigator (PI)</b>	<b>Co-PI</b>	<b>Dept</b>	<b>Description</b>
American Society of Plant Taxonomists	\$5,500	Brown, Gregory		Botany	Operational Support
Association of Universities for Research and Astronomy	\$3,470	Pierce, Michael J		Physics/Astronomy	Geographically Distributed Citizen Scientist Training for the 2017 Citizen CATE Experiment
Avenue Consultants, Inc.	\$38,000	Zlatkovic, Milan		Civil Engineering	Redwood Road Transportation Study
Bayer Corporation	\$7,833	Kniss, Andrew		Plant Sciences	Weed Science Research & Education Program
Colorado State University	\$3,750	Tinker, Daniel	Geiger, Milton; Parker, Sylvia; Strauss, Sarah	Botany	Sustainable Biofuel Feedstocks from Beetle-killed Wood: Bioenergy Alliance Network of the Rockies (BANR)
Colorado State University	\$7,200	Scasta, John		Ecosystem Science & Management	Southern Rockies Fire Science Exchange Network
Golden Eagle Ecology Research	\$27,517	Beauvais, Gary		Wyoming Natural Diversity Database (WYNDD)	Research on Golden Eagle Ecology in the U.S. Deserts Mojave, Great Basin, and Sonoran
Hess Corporation	\$3,000,000	Piri, Mohammad		School of Energy Resources (SER)	Research Initiative: Center of Innovation for Flow through Porous Media (Hess III)
Historic Industry Data Sets	\$106,000	Beauvais, Gary		Wyoming Natural Diversity Database (WYNDD)	Compiling Historic Industry Data Sets
Monsanto Company	\$15,000	Kniss, Andrew		Plant Sciences	Weed Management Research and Education

<b>Sponsor</b>	<b>Amount</b>	<b>Principal Investigator (PI)</b>	<b>Co-PI</b>	<b>Dept</b>	<b>Description</b>
Nutriwyo LLC	\$9,750	Nair, Sreejayan		School of Pharmacy	Perform Isoprostane ELISA
Phi Upsilon Omicron Educational Foundation, Inc.	\$461	Vincenti, Virginia B		Family/Consumer Sciences	Elder Financial Exploitation by Family Members with Powers of Attorney: What Family Members' Experiences Reveal About this Problem, its Causes, and Consequences
Raptor Nest Data Programming	\$20,000	Beauvais, Gary		Wyoming Natural Diversity Database (WYNDD)	Raptor Nest Data Programming
Stanford University	\$55,896	Woodbury, Charles		Zoology/Physiology	Atypical Opioid Mechanisms of Control of Injury-Induced Cutaneous Pain by Delta Receptors
State University of New York	\$17,198	Lebo, Zachary		Atmospheric Science	Investigating the Evolution of Ice Particle Distributions in Mixed-Phase Clouds
Surveillance for Rabies in Wyoming	\$20,000	Miller, Myrna		Veterinary Science	Surveillance testing for rabies virus in Wyoming wildlife
University of Minnesota	\$49,915	McElroy, Brandon	Huzurbazar, Snehalata	Geology/Geophysics	National Center for Earth Dynamics 2: The Past and Future Earth
US Department of Defense/Army ROTC (DOD-Army ROTC)	\$50,136	Bobbitt, Kathleen		Student Financial Aid (SFA)	Air Force ROTC 16-17
US Department of Education (D-ED)	\$1,724	Bobbitt, Kathleen		Student Financial Aid (SFA)	Teacher Education Assistance for College & Higher Ed (TEACH) 16-17
US Department of Education (D-ED)	\$21,344	Bobbitt, Kathleen		Student Financial Aid (SFA)	Pell Grant 16-17



<b>Sponsor</b>	<b>Amount</b>	<b>Principal Investigator (PI)</b>	<b>Co-PI</b>	<b>Dept</b>	<b>Description</b>
US Department of Education (D-ED)	\$1,500	Bobbitt, Kathleen		Student Financial Aid (SFA)	SEOG Grant 16-17
US Department of Energy (DOE)	\$1,450,000	Parkinson, Bruce	Duan, Dongliang; Godby, Robert; Mavriplis, Dimitri; Muknahallipatna, Suresh; Naughton, Jonathan; Parish, Thomas; Pierre, John; Sitaraman, Jayanarayanan; Stoellinger, Michael; Wulff, Shaun	VP Research	EPSCoR: Atmosphere to Grid: Addressing Barriers to Energy Conversion and Delivery
US Department of Health and Human Services/Centers for Disease Control and Prevention (DHHS-CDC)	\$575,629	Steiner, Joseph	Murray, Kevin	College of Health Sciences, Dean's Office	Medicare Cost Report Payments for the Casper and Cheyenne Residency Programs to Encounter Rate of Services Provided on their Annual Clinic Costs Reports
US Department of Interior Bureau of Indian Affairs (DOI-BIA)	\$130,151	Scasta, John	Rodgers, J.	Ecosystem Science & Management	Enhanced Ecological Vegetation Inventory of High-Elevation Basins in the Wind River Indian Reservation to Link Native American Culture with the Rangeland Resource

<b>Sponsor</b>	<b>Amount</b>	<b>Principal Investigator (PI)</b>	<b>Co-PI</b>	<b>Dept</b>	<b>Description</b>
US Department of Interior Bureau of Reclamation (DOI-BOR)	\$10,000	Clauter, Jody		Anthropology	Long Term Curation of Archaeological Collections at the University of Wyoming Archaeological Repository
US Department of Interior Fish and Wildlife Service (DOI-FWS)	\$41,071	Murphy, Melanie		Ecosystem Science & Management	Wyoming Toad Recovery Program
US Department of Interior Fish and Wildlife Service (DOI-FWS)	\$7,000	Rahel, Frank		Zoology/Physiology	Wyoming Toad Recovery Program
US Department of Interior Fish and Wildlife Service (DOI-FWS)	\$23,278	Love Stowell, Sierra	Ernest, Holly	Veterinary Science	Genetic Matrixing of Greenback Cutthroat Trout at the Leadville National Fish Hatchery, Colorado
US National Science Foundation (NSF)	\$95,736	Currano, Ellen		Botany	CAREER: Plants, Insects, and the Early Paleogene Hothouse: Using the Past to Assess the Future, While Challenging the Face of Science
US National Science Foundation (NSF)	\$154,433	Murphy, Shane		Atmospheric Science	Collaborative Research: Western Wildfire Experiment for Cloud Chemistry, Aerosol Absorption and Nitrogen (WE-CAN)

<b>Sponsor</b>	<b>Amount</b>	<b>Principal Investigator (PI)</b>	<b>Co-PI</b>	<b>Dept</b>	<b>Description</b>
Various Sponsors	\$5,874	Kline, Jill	Jordan, Gregory	Wyoming Small Business Development Center (SBDC)	Program Income for FY17 SBDC SBA
Various Sponsors	\$1,132	Kline, Jill	Jordan, Gregory	Wyoming Small Business Development Center (SBDC)	Market Research Center Program Income
Various Sponsors	\$17,125	Walrath, David		Manufacturing Works	Program Income - NIST
Various Sponsors	\$1,560	Redder, Alan		Wyoming Natural Diversity Database (WYNDD)	Database Management
Various Sponsors	\$2,909	Kline, Jill	Housholder, Brett; Jordan, Gregory	Wyoming Small Business Development Center (SBDC)	PTAC FFY17 Program Income
West Virginia University	\$25,332	Barker, Michael Gary		Civil Engineering	Technical Program Management For the Short Span Steel Bridge Alliance and Development of the Bridge Technology Center at WVU
Western Sugar Cooperative	\$15,100	Kniss, Andrew		Plant Sciences	Weed Biology, Ecology, and Management in Sugarbeet
Western Sugar Cooperative	\$32,300	Stump, William		Plant Sciences	Sugar Beet Pest Management in the High Plains Region
Wyoming Department of Agriculture	\$642	Dhekney, Sadanand	Hilgert, Christopher	Plant Sciences	Alleviating Grapevine Cold Damage in Wyoming Vineyards

<b>Sponsor</b>	<b>Amount</b>	<b>Principal Investigator (PI)</b>	<b>Co-PI</b>	<b>Dept</b>	<b>Description</b>
Wyoming Department of Education	\$14,900	Root-Elledge, Sandra		Wyoming Institute for Disabilities (WIND)	Assistive Technology Assessments for Wyoming Educational Intervention Assessment Team (WEIAT) Clinics
Wyoming State Parks and Cultural Resources	\$80,500	Harrington, Patrick		Housing	Wyoming Conservation Corps Statewide Projects
Wyoming Sugar Company LLC	\$21,600	Sbatella, Gustavo		Plant Sciences	Sugarbeet Variety Trials

**Sponsored Programs**

**TOTAL 3/2017**      **\$6,168,468**

**Total From 7/2016**      **\$7,115,523**  
**Total From 8/2016**      **\$8,644,034**  
**Total From 9/2016**      **\$14,005,320**  
**Total From 10/2016**      **\$7,588,295**  
**Total From 11/2016**      **\$2,197,168**  
**Total From 12/2016**      **\$7,956,299**  
**Total From 01/2017**      **\$7,659,991**  
**Total From 02/2017**      **\$7,442,378**

**Total Year to Date**      **\$68,777,475**

<b>Sponsor</b>	<b>Amount</b>	<b>Principal Investigator (PI)</b>	<b>Co-PI</b>	<b>Dept</b>	<b>Description</b>
US Department of Education (D-ED)	23,885,747	Bobbitt, Kathleen		Student Financial Aid (SFA)	Direct Student Loans 2016-17
US Department of Education (D-ED)	16,453,715	Bobbitt, Kathleen		Student Financial Aid	Direct Student Loans 2016-17

**Total Insitutional Awards**                **\$ 16,453,715**

**Grand Total**                        **\$85,231,190**

**April 2017**

<b>Sponsor</b>	<b>Amount</b>	<b>Principal Investigator (PI)</b>	<b>Co-PI</b>	<b>Dept</b>	<b>Description</b>
Battelle Energy Alliance	\$ 41,120	Roth, Don Allen	Northam, Mark	School of Energy Resources (SER)	Center for Advanced Energy Studies: Core Research Capabilities Coordinator; Amendment 2
Battelle Energy Alliance	\$50,000	Fan, Maohong	Adidhrma, Hertanto; Gasem, Khaled; Tan, Gang	Chemical/Petroleum Engineering	Development of Direct Carbon Fuel Cells
Casper Rotary Club	\$ 11,500	Harrington, Patrick		Housing	Casper Rotary Park Trail Improvement
Colorado State University	\$49,279	Jabbour, Randa		Plant Sciences	Decision Support to Quantify GHG Mitigation and Ecosystem Services from Organic Production Systems
Jet Propulsion Laboratory	\$40,000	Wang, Zhien	Deng, Min	Atmospheric Science	CloutSat Level 2 Standard Products and Lidar-Aux Product Improvement and Operational Support
Meg and Bert Raynes Wildlife Fund	\$ 4,291	Ernest, Holly	Godwin, Braden	Veterinary Science	Genetic Connectivity of a Rocky Mountain Hummingbird in Threatened Sky-Island Habitats
Meg and Bert Raynes Wildlife Fund	\$4,732	Ernest, Holly	Mendelsohn, Beth	Veterinary Science	Great Grey Owls at the Range-Edge: Population Genomics and Ecology of an Elusive Boreal Raptor
National Council on Crime & Delinquency	\$1,900	Anatchkova, Bistra	Harnisch, Brian	Wyoming Survey & Analysis Center (WYSAC)	City of Boulder Community Survey on Safety and Crime
National Writing Project	\$15,000	Spiker, Amy		Secondary Education	2017-2018 SEED Invitational Leadership Institute Grant for Wyoming Writing Project

<b>Sponsor</b>	<b>Amount</b>	<b>Principal Investigator (PI)</b>	<b>Co-PI</b>	<b>Dept</b>	<b>Description</b>
SETI Institute	\$ 19,478	Jang-Condell, Hannah		Physics/Astronomy	Harnessing the Power of the WFIRST Coronagraph: A Coordinated Plan for Exoplanet and Disk Science
Southern States Energy Board	\$384,005	McLaughlin, Jonathan	Quillinan, Scott	School Eenergy Resources (SER)	Establishing an Early Carbon Dioxide Storage (ECO2S) Complex in Kemper County, Mississippi: Project ECO2S
The Nature Conservancy	\$ 23,000	Harrington, Patrick		Housing	The Nature Conservancy Wildlife Friendly Fencing Initiative 2017
The Nature Conservancy	\$ 11,500	Harrington, Patrick	Miller, Jamison	Housing	Sweetwater Preserve Fence Removal
The Wilderness Society	\$ 12,400	Smutko, Leonard		Institute for Environmental and Natural Resources (IENR)	Facilitation of Wyoming Public Lands Initiative County Advisory Committees
University of Colorado, Boulder	\$4,974	Parsekian, Andrew		Geology/Geophysics	The Airborne Interferometric and Polarimetric Synthetic Aperture Radar Permafrost Dynamics Observatory
University of Utah	\$ 89,923	Phillips, Lori		Library	National Network of Library of Medicine, Year 2
US Department of Agricultural/Agricultural Research Service (USDA-ARS)	\$ 40,000	Ritten, John P	Hess, Bret	Ag Economics	Ag & Applied Economics - Stipends
US Department of Agriculture Forest Service (USDA-FS)	\$10,000	Walters, Annika	Wagner, Catherine	Zoology/Physiology	Extent of Yellowstone Cutthroat Trout Hybridization with Rainbow Trout in the North Fork Shoshone River Drainage



<b>Sponsor</b>	<b>Amount</b>	<b>Principal Investigator (PI)</b>	<b>Co-PI</b>	<b>Dept</b>	<b>Description</b>
US Department of Agriculture Forest Service (USDA-FS)	\$20,000	Heidel, Bonnie		Wyoming Natural Diversity Database (WYNDD)	Fen Resource Inventories
US Department of Agriculture Forest Service (USDA-FS)	\$19,800	Abernethy, Ian		Wyoming Natural Diversity Database (WYNDD)	Characterization of Northern Long-Eared Bat Summer Day Roost Use on the Black Hills National Forest, Sundance Ranger District
US Department of Agriculture Forest Service (USDA-FS)	\$ 6,000	Beauvais, Gary		Wyoming Natural Diversity Database (WYNDD)	Natural Heritage Program Database Exports
US Department of Agriculture Natural Resources Conservation Services (USDA-NRCS)	\$ 5,747	Hodza, Paddington	Hamerlinck, Jeffrey	Wyoming Geographic Information Science Center (WYGISC)	Grazinglands Utilization System
US Department of Defense/Army ROTC (DOD-ONR)	\$ 168,028	Mavriplis, Dimitri J	Fertig, Ray	Mechanical Engineering	Aero-thermo-servo-elastic Analysis and Optimization for High Speed Vehicles
US Department of Education (D-ED)	\$ 32,154	Bobbitt, Kathleen		Student Financial Aid (SFA)	Pell Grant 16-17
US Department of Education (D-ED)	\$11,020	Carter, Joanna		Student Financial Aid (SFA)	Pell Grant Administrative Allowance, Gruen

<b>Sponsor</b>	<b>Amount</b>	<b>Principal Investigator (PI)</b>	<b>Co-PI</b>	<b>Dept</b>	<b>Description</b>
US Department of Health and Human Services National Institutes of Health (DHHS-NIH)	\$ 625,506	Porter, Christine	Arthur, Melvin; Gilman-Kehrer, Esther; Naschold, Felix; Wechsler, Alyssa	Kinesiology	Growing Resilience in Wind River Indian Reservation: an RCT on gardens for health - Year 3; Subawards
US Department of Health and Human Services National Institutes of Health (DHHS-NIH)	\$359,976	Fay, David		Molecular Biology	Characterizing Novel Functions of Conserved NIMA Family Kinases (2017-18); Subcontract
US Department of Interior Bureau of Land Management (DOI-BLM)	\$20,000	Graf, Nicholas	Hamerlinck, Jeffrey	Wyoming Geographic Information Science Center (WYGISC)	Wyoming Sage-Grouse Core Area Disturbance Digitization
US Department of Interior US Geological Survey (DOI-USGS)	\$1,863	Kerr, Greg		Office of Water Programs	State Water Resources Research Institute Program: Wyoming Water Research Program (Section 104B of the Water Resources Research Act of 1984 as amended)
US Department of Interior US Geological Survey (DOI-USGS)	\$ 23,782	Geerts, Bart		Atmospheric Science	2015WY88B - High-Resolution Modeling of Precipitation, Snowpack, and Streamflow in WY: Quantifying Water Supply Variations in Future Decades
US Department of Interior US Geological Survey (DOI-USGS)	\$6,800	Kerr, Greg		Office of Water Programs	2015WY90B - Wyoming Information Transfer

<b>Sponsor</b>	<b>Amount</b>	<b>Principal Investigator (PI)</b>	<b>Co-PI</b>	<b>Dept</b>	<b>Description</b>
US Department of Interior US Geological Survey (DOI-USGS)	\$21,302	Zhang, Ye		Geology/Geophysics	2016WY91B - Groundwater Modeling of the Casper Aquifer, Belvoir Ranch, Cheyenne
US Department of Interior US Geological Survey (DOI-USGS)	\$13,889	Fan, Maohong		Chemical/Petroleum Engineering	2016WY92B - A New Multifunctional Sorbent for the Treatment of Coproduced Waters from the Energy Industry
US Department of Interior US Geological Survey (DOI-USGS)	\$ 15,038	Li, Dongmei		Chemical/Petroleum Engineering	Produced Water Treatment with Smart Materials for Reuse in Energy Exploration
US Dept of Ag Animal and Plant Health Inspection Service (USDA APHIS)	\$ 27,810	Latchininsky, Alexandre	Debrey, Larry	Ecosystem Science & Management	Wyoming Cooperative Agricultural Pest Survey Program: Infrastructure (Core), Small Grains Commodity and Nematode Survey
US Dept of Ag Animal and Plant Health Inspection Service (USDA APHIS)	\$ 3,396	Collier, Timothy		Ecosystem Science & Management	Biological Control of Wyoming Weeds
US Dept of Ag Animal and Plant Health Inspection Service (USDA APHIS)	\$ 35,130	Schumaker, Brant		Veterinary Science	Brucellosis Diagnostic Testing 2017
US National Aeronautics and Space Administration (NASA)	\$ 17,984	Befus, Kevin		Civil Engineering	Developing a Dynamic SPARROW Water Quality Decision Support System Using NASA Remotely-Sensed Products

<b>Sponsor</b>	<b>Amount</b>	<b>Principal Investigator (PI)</b>	<b>Co-PI</b>	<b>Dept</b>	<b>Description</b>
US National Science Foundation (NSF)	\$ 169,698	Prather, Jonathan		Zoology/Physiology	CAREER: From Perception to Action: What Songbird Mate Choice Can Teach Us About Human Decision Making
US National Science Foundation (NSF)	\$109,196	Lyng, Gregory	Allen, Myron; Ginting, Victor	Mathematics	EDT/Collaborative Research: FRAMEWORK --- Front Range Applied Mathematics Exchanges and Workshops; Exempt Portion
Various Sponsors	\$ 372	Kline, Jill	Jordan, Gregory	Wyoming Small Business Development Center (SBDC)	Program Income for FY17 SBA
Various Sponsors	\$1,306	Kline, Jill	Jordan, Gregory	Wyoming Small Business Development Center (SBDC)	Market Research Center Program Income
Various Sponsors	\$ 22,900	Walrath, David		Manufacturing Works	Program Income - NIST
Various Sponsors	\$ 100	Burman, Mary		School of Nursing	Various Nursing Schools
Various Sponsors	\$3,333	Kline, Jill	Housholder, Brett; Jordan, Gregory	Wyoming Small Business Development Center (SBDC)	PTAC FFY17 Program Income
Washington State University	\$154,584	Brown, Travis		School of Pharmacy	Perineuronal Nets and Cocaine-Associated Memories
West Park Hospital District	\$ 12,400	Anatchkova, Bistra	Harnisch, Brian	Wyoming Survey & Analysis Center (WYSAC)	Survey of Big Horn Basin Residents Regarding their Perceptions and Opinions about a Potential Name Change for West Park Hospital

<b>Sponsor</b>	<b>Amount</b>	<b>Principal Investigator (PI)</b>	<b>Co-PI</b>	<b>Dept</b>	<b>Description</b>
Western Sugar Cooperative	\$ 7,000	Garcia, Axel		Plant Sciences	Effect of Phosphorus Rate and Formulation on Sugarbeet Yield
Wyoming Association of Sheriffs and Chiefs of Police	\$2,286	Bade, Chad		University Police	Enforcement of Underage Drinking Laws (Supplemental Funding)
Wyoming Department of Agriculture	\$ 23,302	Sharma, Vivek	Heitholt, James; Vardiman, Jeremiah	Plant Sciences	Dry Bean Water Management and Yield Response Under Surface and Sprinkle Irrigation
Wyoming Department of Agriculture	\$24,500	Islam, Md		Plant Sciences	Evaluation of Chickpeas in Wyoming Environments
Wyoming Department of Agriculture	\$ 24,500	Norton, Jay	Eberle, Carrier; Heitholt, James; Norton, Urszula; Vardiman, Jeremiah	Ecosystem Science & Management	Sustainable Production Practices for Edible Dry Beans
Wyoming Department of Agriculture	\$ 17,520	Hilgert, Christopher	Norton, Urszula	Plant Sciences	Apple Variety and Rootstock Evaluation for Wyoming
Wyoming Department of Family Services	\$2,634,659	Meuli, Melinda		Family/Consumer Sciences	Wyoming Supplemental Nutrition Assistance Program Education 2015-2018 - Year 2 2016-17
Wyoming Department of Health	\$46,320	McKibbin, Christine	Carrico, Catherine	Wyoming Institute for Disabilities (WIND)	Alzheimer's Town Hall Meetings and Alzheimer's Disease Needs Assessment; Alzheimer's Summit
Wyoming Department of Revenue	\$ 30,100	Keele, Monica Lynee		Counseling Center	Step Up! Bystander Training

<b>Sponsor</b>	<b>Amount</b>	<b>Principal Investigator (PI)</b>	<b>Co-PI</b>	<b>Dept</b>	<b>Description</b>
Wyoming Department of Transportation	\$140,500	Griffiths, Shawn		Civil Engineering	Site Characterization and Site-Specific Seismic Ground Motions Analyses for Transportation Infrastructure in Wyoming-Federal; State
Wyoming Game and Fish Department	\$273,210	Monteith, Kevin		Zoology/Physiology	Elucidating the Roles of Disease, Nutrition, and Predation on Survival of Young Mule Deer
Wyoming Game and Fish Department	\$ 8,303	Abernethy, Ian		Wyoming Natural Diversity Database (WYNDD)	Rocky Mountain Amphibian Project Coordination
Wyoming Military Department	\$ 30,420	Ahern, James		Anthropology	Archeological Repository Graduate Assistantship
Wyoming Office of Homeland Security	\$ 85,000	Samp, Michael		University Police	FY2016 UW Security Enhancements, Camera and Access Control Installations for Existing Facilities
Wyoming Office of State Lands and Investments	\$ 118,006	Hodza, Paddington	Minckley, Thomas; Xu, Chen	Wyoming Geographic Information Science Center (WYGISC)	Web-Based Geospatial Portal for Wyoming-Calibrated West Wide Wildfire Risk Assessment
Wyoming Water Development Commission	\$ 173,319	Befus, Kevin	Kerr, Greg	Civil Engineering	Water Research Program FY17 - Developing a Framework for Estimating Groundwater Connections to Wyoming Reservoirs
Wyoming Water Development Commission	\$ 211,210	Geerts, Bart		Atmospheric Science	Numerical Simulations of the Impact of Cloud Seeding in the Wind River Range on Precipitation, Snowpack and Streamflow

#### **Sponsored Programs**

Sponsor	Amount	Principal Investigator (PI)	Co-PI	Dept	Description
<b>TOTAL 4/2017</b>	<b>\$6,572,371</b>				

<b>Total From 7/2016</b>	<b>\$7,115,523</b>
<b>Total From 8/2016</b>	<b>\$8,644,034</b>
<b>Total From 9/2016</b>	<b>\$14,005,320</b>
<b>Total From 10/2016</b>	<b>\$7,588,295</b>
<b>Total From 11/2016</b>	<b>\$2,197,168</b>
<b>Total From 12/2016</b>	<b>\$7,956,299</b>
<b>Total From 01/2017</b>	<b>\$7,659,991</b>
<b>Total From 02/2017</b>	<b>\$7,442,378</b>
<b>Total From 03/2017</b>	<b>\$6,168,468</b>
<b>Total Year to Date</b>	<b>\$75,349,846</b>

Sponsor	Amount	Principal Investigator (PI)	Co-PI	Dept	Description
US Department of Education (D-ED)	23,885,747	Bobbitt, Kathleen		Student Financial Aid (SFA)	Direct Student Loans 2016-17
US Department of Education (D-ED)	16,453,715	Bobbitt, Kathleen		Student Financial Aid	Direct Student Loans 2016-17

<b>Total Institutional Awards</b>	<b>\$ 40,339,462</b>
<b>Grand Total</b>	<b>\$115,689,308</b>



**2. Committee of the Whole- PROPOSED ITEMS FOR ACTION**  
**Board Appointments for WRI, Gern**

CHECK THE APPROPRIATE BOX(ES):

- ☐ Work Session
- ☐ Education Session
- ☐ Information Item
- ☒ Other                      Specify: Committee of the Whole (Items for Approval)

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

The following people will be appointed to serve a one year team on the Board of Directors for the University of Wyoming Research Corporation beginning July 1, 2017.

Dr. Myron B. Allen- Professor of Mathematics University of Wyoming

Mr. Ronald H. Benson, Haddington Ventures LLC

Mr. Dale Decker, Dale S. Decker LLC Professional Engineer

Mr. Brent Erickson, Vice President, Biotechnology Industry Organization

Mr. Rob Hurless, Associate Director, Wyoming Enhanced Oil Recovery Institute

Dr. Fred Wasden, General Manager, Carmon Creed Development, Shell Canada Limited

Mr. Richard C. Willson, J.D., Managing Director Technology Licensing Corporation

Vice President for Research and Economic Development, University of Wyoming

**3. Committee of the Whole- PROPOSED ITEMS FOR ACTION**

**Personnel**, Miller

CHECK THE APPROPRIATE BOX(ES):

- ☐ Work Session
- ☐ Education Session
- ☐ Information Item
- ☒ Other                      Specify: Committee of the Whole (Items for Approval)

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

Materials to be distributed in advance using the Trustees secure website and discussed in executive session.

**4. Committee of the Whole- PROPOSED ITEMS FOR ACTION**

**Approval of Amendments to the University of Wyoming Athletic Coaches and Athletic Director Retirement Plan and the President's 403(b) Plan**, Evans

CHECK THE APPROPRIATE BOX(ES):

- ☒ Work Session  
☐ Education Session  
☐ Information Item  
☒ Other                      Specify: Committee of the Whole (Items for Approval)

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

In 2005, the University established a "Head Football Coach's 403(b) Plan" with the Variable Annuity Life Insurance Company (VALIC). In 2006, the University also established a "Head Football Coach Retirement Plan 2" with VALIC. These were established to provide the vehicle under which the deferred compensation component of contracts with coaches could be implemented.

In 2010, with Board approval, these plans were merged to form the current University Athletic Coaches Retirement Plan, and in 2014, with Board approval, the plan was restated and several amendments were adopted, including amendments to comply with the final 403(b) and 415 IRS regulations, the Pension Protection Act (PPA) of 2006, the Heroes Earnings Assistance and Relief Tax (HEART) Act of 2008, and the Worker, Retiree and Employer Recovery Act (WRERA) of 2008.

As the Board has been advised, Athletic Director Tom Burman's recently amended contract provides for a deferred compensation component for the incentive pay portion if he so desires to exercise this option. To implement this component, VALIC has amended the restated Athletic Coaches Retirement plan as the Athletic Coaches and Athletic Director Plan, effective January 1, 2017.

Additionally, President Laurie Nichols' Employment Contract dated May 16, 2016, also includes a deferred compensation component for the end-of-year and end-of-contract retention payments. To implement this component, VALIC has restated the President's 403(b) Plan to include President Nichols, effective January 1, 2017.

The following documents are being provided:

- 1) Resolution Authorizing Adoption of Amendment
  - a. Amendment No. 1 to University of Wyoming Athletic Coaches and Athletic Director Plan
- 2) Resolution authorizing adoption of Plan Restatement
  - a. University of Wyoming President's 403(b) Plan
  - b. EGTRRA Amendment to the University of Wyoming President's 403(b) Plan

- c. Amendment for Pension Protection Act (PPA) and the HEART Act
- d. Amendment for HEART Act and WRERA
- e. Final 403(b) and 415 Regulations Amendment

The Board is being asked to adopt the two resolutions and authorize execution by the University.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

The Board approved the original University of Wyoming Head Football Coach's 403(b) Plan on May 14, 2005. In 2010, with Board approval, these plans were merged to form the current University Athletic Coaches Retirement Plan, and in 2014, with Board approval, the plan was restated and several amendments were adopted, including amendments to comply with the final 403(b) and 415 IRS regulations, the Pension Protection Act (PPA) of 2006, the Heroes Earnings Assistance and Relief Tax (HEART) Act of 2008, and the Worker, Retiree and Employer Recovery Act (WRERA) of 2008.

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

VALIC requires that all plans and any amendments to those plans receive Board approval prior to signing.

**ACTION REQUIRED AT THIS BOARD MEETING:**

Board approval of the resolutions and amendments.

**PROPOSED MOTION**

I move to authorize the resolutions and amendments as presented to the Board.

## RESOLUTION AUTHORIZING ADOPTION OF AMENDMENT

WHEREAS, UNIVERSITY OF WYOMING (hereinafter, "the Employer"), established the UNIVERSITY OF WYOMING ATHLETIC COACHES AND ATHLETIC DIRECTOR PLAN (formerly known as UNIVERSITY OF WYOMING ATHLETIC COACHES RETIREMENT PLAN; hereinafter, "the Plan"), for the exclusive benefit of its employees and their beneficiaries; and,

WHEREAS, the Employer restated the Plan effective July 1, 2014; and,

NOW, THEREFORE, the Employer hereby resolves to exercise its right to amend the Plan; and,

RESOLVED, FURTHER, that the Employer be authorized to execute Amendment I to the restated Plan, a copy of which is attached hereto, effective January 1, 2017."

★ ★ ★ ★ ★ ★ ★

I, \_\_\_\_\_, do hereby certify that the above and foregoing was  
unanimously adopted by the its duly authorized officers at their meeting held at Laramie, Wyoming on the  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature

WITNESS:

\_\_\_\_\_

**AMENDMENT NO. I**  
  
**TO**  
  
**UNIVERSITY OF WYOMING**  
**ATHLETIC COACHES AND ATHLETIC DIRECTOR PLAN**

WHEREAS, UNIVERSITY OF WYOMING (hereinafter, "the Employer"), desires in conformity with the resolution of its duly authorized officers to amend the UNIVERSITY OF WYOMING ATHLETIC COACHES AND ATHLETIC DIRECTOR PLAN (formerly known as UNIVERSITY OF WYOMING ATHLETIC COACHES RETIREMENT PLAN; hereinafter, "the Plan"), to the extent and in the manner hereinafter set out;

NOW, THEREFORE, the Employer, duly authorized by the aforesaid resolution does hereby amend the restated Plan, effective January 1, 2017, in the following particulars:

**ITEM ONE**

Section 6.01A. of Article VI is hereby amended to read as follows:

**6.01 ELIGIBILITY/PARTICIPATION REQUIREMENTS FOR EMPLOYER CONTRIBUTIONS.**

A. Eligible Class of Employees. Except as provided in subsection B of this section of the Plan:

All Employees in the following classification(s) shall be eligible for Employer Contributions:

Employees classified as Head Football Coach and Athletic Director

**ITEM TWO**

The name of the plan has been changed. The following shall replace "UNIVERSITY OF WYOMING ATHLETIC COACHES RETIREMENT PLAN" as the plan name throughout your plan document:

UNIVERSITY OF WYOMING ATHLETIC COACHES AND ATHLETIC DIRECTOR PLAN

## **RESOLUTION AUTHORIZING ADOPTION OF PLAN RESTATEMENT**

"WHEREAS, UNIVERSITY OF WYOMING (hereinafter, "the Employer"), established the UNIVERSITY OF WYOMING PRESIDENT'S 403(B) PLAN (hereinafter, "the Plan"), effective January 1, 2013, for the exclusive benefit of its employees and their beneficiaries; and,

NOW, THEREFORE, the Employer hereby resolves to exercise its right to amend the Plan; and,

RESOLVED, FURTHER, that the Employer be authorized to execute the restatement of the Plan, a copy of which is attached hereto, effective January 1, 2017."

\*\*\*\*\*

I, \_\_\_\_\_, do hereby certify that the above and foregoing was  
unanimously adopted by the its duly authorized officers at their meeting held at Laramie, Wyoming on the  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature

WITNESS:

\_\_\_\_\_



**UNIVERSITY OF WYOMING  
PRESIDENT'S 403(B) PLAN**

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## **UNIVERSITY OF WYOMING PRESIDENT'S 403(B) PLAN**

### **ARTICLE I**

#### **PURPOSE**

UNIVERSITY OF WYOMING (hereinafter the "Employer") has established the UNIVERSITY OF WYOMING PRESIDENT'S 403(B) PLAN (hereinafter the "Plan") for the purpose of establishing tax-favored investment arrangements for its Employees pursuant to Section 403(b) of the Internal Revenue Code of 1986, as amended. The Plan Administrator shall be the Vice President of Administration.

This Plan shall be funded exclusively through the purchase of annuity contracts and/or the establishment of custodial accounts described in Section 403(b) of the Code. The terms and conditions of such investment arrangements shall be considered part of, and shall be construed as having been incorporated into, this Plan.

### **ARTICLE II**

#### **DEFINITIONS**

As used in this Plan, the following words and phrases shall have the meanings set forth below:

##### **2.01 ACCOUNT.**

The account established and maintained under the Investment Arrangement for each Participant with respect to his interest in the Investment Arrangement. The term "Account" may also refer to the separate accounts maintained for Employer Contributions and Elective Deferrals.

##### **2.02 ALTERNATE PAYEE.**

Any spouse, former spouse, child or other dependent of a Participant who is recognized by a Qualified Domestic Relations Order as having a right to receive all, or a portion of, the benefits payable under the Plan with respect to the Participant.

##### **2.03 ANNUITY CONTRACT.**

A group or individual fixed, variable or combination fixed and variable annuity contract issued by a life insurance company and approved for sale in this state, which provides for periodic payments at regular intervals whether for a period certain or for one or more lives. The Plan Administrator shall select any Annuity Contract to which contributions under this Plan shall be made and shall take all steps necessary for the establishment of any group contract, or shall insure that the Participants shall take all steps necessary for the establishment of any individual contracts. If the Plan Administrator selects two or more Annuity Contracts as funding vehicles for this Plan, and if Participants are given the right to select the Annuity Contract or Annuity Contracts to which Plan contributions on their behalf will be made, such selections shall be communicated to the Plan Administrator or its agent designated for that purpose. If multiple investment options are available to the Participants under a single Annuity Contract, the Plan Administrator authorizes Participants to make their investment selections by direct communication with the issuing life insurance company pursuant to the terms of the Annuity Contract.

The terms of each Annuity Contract purchased under the Plan shall satisfy the requirements of Section 403(b) of the Code and shall further provide that the Participant's rights under the contract are subject to the terms of the plan under which it is purchased.

**2.04 BENEFICIARY.**

The person or persons designated by the Participant to receive any benefits payable under the Investment Arrangement in the event of the Participant's death.

**2.05 BREAK IN SERVICE.**

A Period of Severance of at least 12 consecutive months. In the case of an Employee who is absent from work by reason of such Employee's pregnancy, the birth of such Employee's child, or the placement of a child with such Employee in connection with adoption by such Employee, or for purposes of caring for such a child for a period immediately following such birth or placement, such Employee shall not be considered to have begun a Break in Service until the second anniversary of the first date of such absence. This provision shall not apply, however, unless the individual furnishes to the Plan Administrator, in a timely manner, such information as the Plan Administrator may reasonably require to establish that the absence is for the permitted reasons and the length of such absence. The foregoing shall not be construed to increase the amount of Service that would otherwise be credited to an Employee.

A period of unpaid Family Medical Leave Act (FMLA) leave shall not be treated or counted as a Break in Service for purposes of vesting or eligibility to participate. This shall not increase the number of Months of Service that would otherwise be credited to a Participant, but will prevent such Participant from sustaining a Break in Service. If any FMLA leave is also covered under the preceding paragraph regarding maternity or paternity absences, the more generous of the two rules shall apply.

**2.06 CODE.**

The Internal Revenue Code of 1986, as amended.

**2.07 COMPENSATION.**

As defined in section 6.04, the measure of a Participant's compensation for a Plan Year that is used to determine the level of contributions under the Plan.

**2.08 CUSTODIAL ACCOUNT.**

A group or individual custodial arrangement established with a bank or other entity meeting the requirements of Section 401(f)(2) of the Code, under which only shares of regulated investment companies (as defined in Section 851(a) of the Code) (i.e., mutual funds) may be offered. The term may also refer to the custodial agreement that is used to establish the Custodial Account. The Plan Administrator shall select the Custodial Account to which contributions under this Plan shall be made and shall take all steps necessary for the establishment of any group account, or shall insure that the Participants take all steps necessary for the establishment of any individual accounts. If the Plan Administrator selects two or more Custodial Accounts as funding vehicles for this Plan, and if Participants are given the right to select the Custodial Account or Custodial Accounts to which Plan contributions on their behalf will be made, such selections shall be communicated to the Plan Administrator or its agent designated for that purpose. If multiple investment options are available to the Participants under a single Custodial Account, the Plan Administrator authorizes Participants to make their investment selections by direct communication with the Custodian pursuant to the terms of the Custodial Account.

The terms of each Custodial Account established under the Plan shall satisfy the requirements of Section 403(b) of the Code and requirements of ERISA (if applicable) and shall further provide that the Participant's rights under the Custodial Account are subject to the terms of the Plan under which it is purchased.

**2.09        DISABLED.**

A Participant's inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. A Participant shall be considered Disabled only if the permanence and degree of such impairment is supported by medical evidence. Such determinations shall be made on a uniform basis for all.

**2.10        EARLY RETIREMENT AGE.**

No Early Retirement benefits are provided in this Plan.

**2.11        ELECTIVE DEFERRAL.**

A contribution to an Investment Arrangement pursuant to an Employee's salary reduction agreement within the meaning of Section 3121(a)(5)(D) of the Code.

**2.12        EMPLOYEE.**

Any natural person who is employed by the Employer. Except as otherwise provided, an individual shall not be considered an Employee for any period during which he was not treated as an employee for federal income tax purposes.

**2.13        EMPLOYER.**

The entity(ies) named in Article I of this Plan, which qualify(ies) as one or more of the following: (i) the government of a state or a political subdivision thereof, (ii) an agency or instrumentality of the foregoing, (iii) a church or convention or association of churches, within the meaning of Section 414(e)(1) of the Code, that is exempt from tax under Section 501 of the Code, or (iv) an organization that is controlled by or associated with a church or convention or association of churches, within the meaning of Section 414(e)(3) of the Code, that is exempt from tax under Section 501 of the Code.

**2.14        EMPLOYER CONTRIBUTIONS.**

Contributions made by the Employer, excluding Elective Deferrals.

**2.15        ENTRY DATE.**

The date as of which an Employee becomes a Participant with respect to Employer Contributions, as determined with reference to section 6.01.

**2.16        HIGHLY COMPENSATED EMPLOYEE.**

An Employee who for the relevant Plan Year is an individual described in Code Section 414(q).

**2.17        HOUR OF SERVICE.**

An hour for which an Employee is directly or indirectly paid or entitled to payment for the performance of duties.

**2.18        INVESTMENT ARRANGEMENT.**

An Annuity Contract or a Custodial Account purchased or established by the Employer under this Plan. Where this term is used with reference to amounts held as of December 31, 1988, it may also refer to amounts previously held outside of this Plan under a separate arrangement meeting the requirements of Code Section 403(b).



**2.19      LIMITATION YEAR.**

The calendar year.

**2.20      MONTH OF SERVICE.**

Any calendar month which is included within a period of Service.

**2.21      NON-HIGHLY COMPENSATED EMPLOYEE.**

An Employee who is not a Highly Compensated Employee.

**2.22      NORMAL RETIREMENT AGE.**

The date on which a Participant attains age 59-1/2. A Participant's Normal Retirement Date is the first day of the first month after his attainment of Normal Retirement Age.

**2.23      PARTICIPANT.**

An Employee or former Employee for whom contributions have been made under the Plan and who has not yet received all of the payments of benefits to which he is entitled under the Plan.

**2.24      PARTICIPANT ELECTION.**

If both Annuity Contracts and Custodial Accounts are authorized for investment pursuant to the provisions of the Plan, the Plan Administrator may establish uniform procedures for Participants to (1) allocate contributions made on behalf of a Participant between both Annuity Contracts and Custodial Accounts, (2) require that all of the contributions made on behalf of a Participant during any designated period be allocated to only one funding medium at the Participant's election, or (3) require that all Employer Contributions be applied to the purchase of one funding medium at the Employer's direction, and provide that any Elective Deferral may be invested in accordance with either of the foregoing procedures (1) or (2).

**2.25      PAYOUT OPTION.**

Any of the annuity options or other options for payment that may be available under an Investment Arrangement established under the Plan. In the case of an Annuity Contract, these options may be in the form of a lump sum payment, payments of a specified amount or for a specified period, or periodic payments to you at regular intervals either for a period certain or for one or more lives. In the case of a Custodial Account, these options may be in the form of a lump sum payment or payments of a specified amount or for a specified period or such other options as permitted under the custodial agreement.

**2.26      PERIOD OF SEVERANCE.**

A continuous period of time during which the Employee is not employed by the Employer. Such period begins on the date the Employee retires, quits, or is discharged, or if earlier, the twelve-month anniversary of the date the Employee was otherwise first absent from service. A Period of Severance shall not include any period of service with the Armed Forces of the United States of America if the Employee directly enters such service and returns to employment with the Employer within the time and under the conditions which entitle the Employee to reemployment rights under the federal laws of the United States of America.

**2.27      PLAN ADMINISTRATOR.**

The entity(ies) so named in Article I of the Plan. The Plan Administrator shall include any successors named by the Employer. The Plan Administrator shall have full authority to control and manage the operation and administration of the Plan, to construe and interpret the Plan, to decide all questions of eligibility and to prescribe such rules and procedures as are necessary to carry out the terms of the Plan. The Plan

Administrator may delegate certain of its responsibilities and powers under this Plan to officers, Employees, or agents.

#### **2.28 QUALIFIED DOMESTIC RELATIONS ORDER ("QDRO").**

Any judgment, decree, or order (including a property settlement agreement) made pursuant to state domestic relations law which:

(1) Relates to child support, alimony payments or marital property rights to a spouse, former spouse, child or other dependent; and

(2) Creates or recognizes the existence of an Alternate Payee's right to, or assigns to an Alternate Payee the right to, receive all or a portion of the benefits payable under a plan.

#### **2.29 SEPARATION FROM SERVICE.**

The severance of the Participant's employment with the Employer. A Participant shall be deemed to have severed employment with the Employer in accordance with the standards of Sections 402(e)(4)(D)(i)(II) and 403(b)(11) or 403(b)(7) of the Code.

#### **2.30 SERVICE.**

The aggregate of all time periods commencing with the Employee's first day of employment or his reemployment commencement date and ending on the day a Period of Severance begins. The first day of employment is the first day the Employee performs an Hour of Service. An Employee's reemployment commencement date means the date on which an Employee first completes an Hour of Service for the Employer after a Period of Severance. An Employee will also receive credit for any Period of Severance less than 12 consecutive months. Periods of Service will be expressed in terms of Months of Service.

If the Employer is a member of an affiliated service group (under Section 414(m)), a controlled group of corporations (under Section 414(b)), or a group of trades or businesses under common control (under Section 414(c)), or an arrangement described in Section 414(o), Service will be credited for any employment for any period of time for any other member of such group. Service will also be credited for any individual required under Section 414(n) to be considered an Employee of any Employer aggregated under Section 414(b), (c), (m), or (o).

Notwithstanding any limitation in the Plan to the contrary, an Employee shall be credited with Hours of Service for any other period in which service was not actually performed, to the extent required by applicable law.

#### **2.31 VESTED.**

A Participant's or Beneficiary's nonforfeitable right to receive benefits based on the Account balance under the Investment Arrangement.

**ARTICLE III**  
**EFFECTIVE DATE**

The effective date of the Plan is January 1, 2013.

The effective date of the restatement of the Plan is January 1, 2017.

**ARTICLE IV**  
**PLAN YEAR**

The Plan Year shall be the 12 consecutive month period beginning on January 1 and ending on December 31.

**ARTICLE V**  
**ELECTIVE DEFERRALS**

There are no Elective Deferrals under this Plan.

## **ARTICLE VI**

### **EMPLOYER CONTRIBUTIONS**

#### **6.01 ELIGIBILITY/PARTICIPATION REQUIREMENTS FOR EMPLOYER CONTRIBUTIONS.**

A. Eligible Class of Employees. Except as provided in subsection B of this section of the Plan:

All Employees in the following classification(s) shall be eligible for Employer Contributions:

Employees classified as University President

B. Excluded Employees. There are no excluded Employees. All Employees in the eligible class described in subsection A shall be eligible for Employer Contributions.

C. Age and Service Requirements. An Employee in the eligible class shall be eligible for Employer Contributions without regard to his age or period of Service.

D. Entry Date. An Employee shall become a Participant in accordance with the applicable employment agreements between the Employee and the Employer.

E. Reemployed Employees. For purposes of determining eligibility for Employer Contributions, all of a reemployed Employee's Service with the Employer shall be taken into account. A reemployed employee shall become eligible for Employer Contributions as of the later of the date of his return or the date provided under subsection C.

#### **6.02 AMOUNT OF EMPLOYER CONTRIBUTIONS.**

Employer contributions shall be made each Plan Year on behalf of each Employee who is eligible for Employer contributions and such contributions shall be made in accordance with the applicable employment agreement between the Employee and the Employer. Each applicable employment agreement may be amended from time to time and are incorporated herein by reference.

#### **6.03 TIMING OF EMPLOYER CONTRIBUTIONS.**

Employer Contributions for any Plan Year will be made in accordance with the applicable employment agreement.

#### **6.04 DEFINITION OF COMPENSATION.**

A. General Rule. Compensation shall mean for each Employee the compensation (within the meaning of Code Section 415(c)(3); and within the meaning of Code Section 414(s) for safe harbor plans) received during the Plan Year by such Employee from the Employer. The amount of Compensation taken into account under this Plan for any Employee for any Plan Year shall not exceed the maximum amount permitted under Section 401(a)(17) for such Plan Year.

B. Treatment of Elective Contributions. For purposes of subsection A, Compensation shall not be reduced by the amount of elective contributions or exclusions that are not currently includible in the Employee's gross income by reason of the application of Sections 125, 402(e)(3), 402(h), 403(b), 408(p), 132(f)(4) and 457(b) of the Code.

C. Compensation in Year of Initial Eligibility. An Employee who has satisfied the eligibility requirements for Employer Contributions during a Plan Year shall be entitled to such contributions with respect to Compensation earned on and after the date he becomes a Participant.

## ARTICLE VII

### VESTING

#### **7.01 ELECTIVE DEFERRALS.**

There are no Elective Deferrals under this Plan.

#### **7.02 VESTING SCHEDULE FOR EMPLOYER CONTRIBUTIONS.**

A Participant's Vested percentage in the portion of his Account attributable to Employer Contributions shall be determined in accordance with the applicable employment agreement between the Employee and the Employer.

#### **7.03 COMPUTATION OF VESTING SERVICE.**

A. General Rule. A Participant's Service for purposes of determining his Vested percentage includes all Service, except for any period of Service disregarded under the rules of this section.

B. Service Prior to Break in Service. A Participant's Service prior to a Break in Service shall not be taken into account for the purpose of computing a Participant's Vested percentage until the Participant completes 12 Months of Service after the Participant's reemployment commencement date.

C. Service After Break in Service. Any period of Service after a Break in Service of 60 months or more shall not be taken into account for purposes of determining the Vested percentage of the Participant's Account attributable to Employer Contributions made prior to such Break in Service.

D. Rule of Parity. Where a Participant incurs a Break in Service of 60 months or more, the Participant's period of Service prior to the Break in Service shall not be taken into account for purposes of determining the Vested percentage of the Participant's Account attributable to Employer Contributions made subsequent to the Break in Service unless:

1. The Participant had a Vested interest in his Account (attributable to Employer Contributions or Elective Deferrals) at the time the Break in Service began, or

2. The duration of the Participant's prior Service exceeds that of the Break in Service. Such prior Service shall not include any Service disregarded under the preceding sentence by reason of prior Breaks in Service.

E. Service Prior to Entry Date. A Participant's period of Service prior to his Entry Date will be counted for the purpose of computing the Participant's Vested percentage.

F. Service Prior to Effective Date. In determining Service for purposes of Vesting under the Plan, Service prior to the effective date of the Plan will be counted.

#### **7.04 RETIREMENT.**

Notwithstanding section 7.02, a Participant shall become fully Vested in the portion of his Account attributable to Employer Contributions upon attainment of Normal Retirement Age while employed by the Employer.

#### **7.05 DEATH.**

If a Participant dies while actively employed by the Employer, the portion of his Account attributable to Employer Contributions shall become fully Vested.

**7.06        DISABILITY.**

If a Participant becomes Disabled while employed by the Employer, the portion of his Account attributable to Employer Contributions shall become fully Vested.

**7.07        FORFEITURE AFTER SEPARATION FROM SERVICE.**

Where a Participant's Account attributable to Employer Contributions is less than 100 percent Vested at the time the Participant incurs a Separation from Service, the non-Vested portion shall then be forfeited.

**7.08        RESTORATION OF FORFEITURES.**

There will be no restoration of forfeitures.

**7.09        APPLICATION OF FORFEITURES.**

All forfeitures under this Article shall be held in a suspense account under the Investment Arrangement and shall be applied to reduce future Employer Contributions or used to pay Plan administration expenses.

**7.10        VESTING ON TERMINATION.**

In the event the Plan is terminated (including a complete discontinuance of contributions), each Participant's Account balance attributable to Employer Contributions shall then become 100 percent Vested.

## **ARTICLE VIII**

### **DISTRIBUTIONS**

#### **8.01 AVAILABILITY OF DISTRIBUTIONS PRIOR TO SEPARATION FROM SERVICE.**

Prior to a Participant's Separation from Service, the Vested portion of the Participant's Account attributable to Employer Contributions shall be available for distribution after the Participant has attained age 59 1/2. In the event that a Participant receives one or more such distributions at a time when the portion of his Account attributable to Employer Contributions is less than 100 percent Vested, then the Vested portion of his Account attributable to Employer Contributions shall be the amount determined under the following formula:  $P(AB + D) - D$ . For the purposes of applying this formula, P is the Vested percentage at the relevant time, AB is the Account Balance attributable to Employer Contributions at the relevant time, and D is the amount of the distribution (or deemed distribution).

#### **8.02 AVAILABILITY OF DISTRIBUTIONS AFTER SEPARATION FROM SERVICE.**

The Vested portion of a Participant's Account attributable to Employer Contributions shall be available for distribution at any time after the Participant's Separation from Service.

#### **8.03 AVAILABILITY OF DISTRIBUTIONS FROM CUSTODIAL ACCOUNTS.**

Notwithstanding the foregoing provisions under this Article, any Custodial Account must provide that in no event shall any amount invested under the Custodial Account, whether attributable to Elective Deferrals, Nonelective Contributions or Employer Contributions, be paid or made available from such account before the Participant (i) dies; (ii) attains age 59-1/2, (iii) separates from service; (iv) becomes disabled within the meaning of Section 72(m) of the Code; or, (v) in the case of contributions made pursuant to a salary reduction agreement (within the meaning of code section 3121(a)(5)(D)), encounters financial hardship.

#### **8.04 FORM OF PAYMENTS.**

Upon the occurrence of any of the distribution events specified in sections 8.01 or 8.02, the Participant or Alternate Payee pursuant to a Qualified Domestic Relations Order shall be entitled to receive distributions under any of the Payout Options that may be provided under this Plan.

#### **8.05 INVOLUNTARY CASH-OUTS.**

All distributions made pursuant to sections 8.01, 8.02, and 8.04 shall be treated the same, regardless of the amount of the distribution.

#### **8.06 REQUIRED DISTRIBUTIONS.**

The "required beginning date" of a Participant is the April 1 of the calendar year following the later of (i) the calendar year in which the Participant attains age 70-1/2, or (ii) the calendar year in which the Participant retires.

Any Participant attaining age 70-1/2 in years after 1995 may elect by April 1 of the calendar year following the year in which the Participant attained age 70-1/2, (or by December 31, 1997 in the case of a Participant attaining age 70-1/2 in 1996) to defer distributions until April 1 of the calendar year following the calendar year in which the Participant retires. If no such election is made the Participant will begin receiving distributions by the April 1 of the calendar year following the year in which the Participant attained age 70-1/2 (or by December 31, 1997 in the case of a Participant attaining age 70-1/2 in 1996).

No Payout Option shall be permitted that fails to provide for the Participant or any Beneficiary to receive for each calendar year at least the amounts required to be distributed in accordance with Section 401(a)(9) of the Code.

For purposes of applying Section 401(a)(9) to a Participant or Beneficiary, a single life expectancy shall be recalculated and a joint life expectancy shall not be recalculated, unless the Participant or Beneficiary elects otherwise.

Nothing in this section shall be construed as making available any benefit or form or time of distribution not otherwise available under an Annuity Contract.

#### **8.07      HARDSHIP DISTRIBUTIONS.**

Hardship distributions are not allowed under this Plan.

#### **8.08      DIRECT ROLLOVERS.**

A. Direct Rollovers. This section applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the Plan Administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

##### B.      Definitions.

1. Eligible Rollover Distribution. An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Code; any hardship distribution described under Section 403(b)(11)(B) of the Code in the case of an annuity contract or Section 403(b)(7)(A)(ii) of the Code in the case of a custodial account (for distributions after December 31, 1998); and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

2. Eligible Retirement Plan. An eligible retirement plan is an individual retirement account described in Section 408(a) of the Code, an individual retirement annuity described in Section 408(b) of the Code, or an arrangement described in Section 403(b) of the Code that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

3. Distributee. A distributee includes an Employee or former Employee. In addition, the Employee's or former Employee's surviving spouse and the Employee's or former Employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Code, are distributees with regard to the interest of the spouse or former spouse.

4. Direct Rollover. A direct rollover is a payment by the Plan to the eligible retirement plan specified by the distributee.



## **ARTICLE IX**

### **DEATH BENEFITS**

#### **9.01 BENEFIT FORMS.**

A. Death Before Commencement of Benefits. If a Participant dies before the commencement of distributions under a Payout Option, the Vested portion of the Participant's Account balance shall be payable as a death benefit to the Participant's Beneficiary in accordance with the terms of the Investment Arrangement.

B. Death After Commencement of Benefits. If distributions under the Investment Arrangement have begun and the Participant dies before his entire interest in the Investment Arrangement has been distributed, the remaining interest shall be distributed according to the terms of the Payout Option.

#### **9.02 LIMITATIONS ON DEATH BENEFITS.**

Notwithstanding the provisions of section 9.01, following the death of the Participant, that portion of the Participant's Account that is subject to the requirements of Section 401(a)(9) of the Code must be distributed to the Participant's Beneficiary at least as rapidly as required under Section 401(a)(9), the requirements of which are incorporated herein by reference. This generally means that, if the Participant dies after distributions to him have commenced (within the meaning of Code Section 401(a)(9)), the remaining portion of the Participant's interest in the Investment Arrangement must be distributed at least as rapidly as under the method of distribution in effect on the date of the Participant's death. If the Participant dies before distributions have commenced (within the meaning of Code Section 401(a)(9)), the Vested portion of his Account must (i) be fully distributed by the end of the fifth calendar year following the calendar year of the Participant's death, or (ii) applied to provide an annuity for the Beneficiary (over the life or a period not exceeding the life expectancy of the Beneficiary) commencing no later than December 31 of the calendar year following the calendar year in which the Participant dies (or, if the Participant's surviving spouse is the Beneficiary, commencing no later than the later of (i) December 31 of the calendar year following the calendar year in which the Participant died or (ii) December 31 of the calendar year in which the Participant would have attained age 70-1/2).

## **ARTICLE X**

### **ROLLOVERS AND TRANSFERS**

#### **10.01 ACCEPTANCE FROM PLANS OF OTHER EMPLOYERS.**

Any Employee who has participated in another plan, annuity contract, or custodial account under Section 403(b) of the Code attributable to previous employment and who has received or is entitled to receive a distribution from such other plan, annuity contract, or custodial account may elect to make a rollover contribution or a transfer to this Plan of all or a portion of the amount derived from such other plan, annuity contract, or custodial account. Such rollover or transfer must satisfy all applicable requirements for a tax free rollover under Section 403(b)(8) of the Code or any successor provision of the Code or otherwise qualify as a tax-free transfer or exchange under generally accepted interpretations of the Code.

#### **10.02 VESTING AND DISTRIBUTION.**

Any amount credited to a Participant's Account pursuant to a rollover or transfer under section 10.01 of this Plan shall be 100% Vested and nonforfeitable at all times and shall be available for distribution pursuant to Article VIII and Article IX of this Plan. Otherwise, the portion of a Participant's Account attributable to such a rollover or transfer shall be subject to the terms of this Plan.

#### **10.03 TRANSFERS FROM A PLAN OF THE EMPLOYER.**

Any Employee who has participated in a plan, annuity contract, or custodial account under Section 403(b) of the Code attributable to his current employment with the Employer may elect to transfer all or a portion of the amount accumulated under such other plan, annuity contract, or custodial account to this Plan, provided such transfer must be effected in a manner consistent with the terms of such other plan, annuity contract, or custodial account as well as the terms of this Plan, and provided further that such transfer qualifies as a tax-free transfer or exchange under generally accepted interpretations of the Code. The portion of a Participant's Account attributable to such a transfer (and, if applicable, the separate portions of the transfer attributable to Employee and Employer contribution accounts) shall be subject to the terms of this Plan as if the contributions from which the transferred amount are derived were made under this Plan. However, no such transfer shall have the effect of reducing a Participant's Vested percentage in, or otherwise eliminating any benefit rights applicable to, any transferred amount protected by ERISA or applicable law.

#### **10.04 THIS ARTICLE.**

This article shall not be construed to require this Plan to accept a rollover or transfer which may not meet the requirements for a rollover or transfer under generally accepted interpretations of the Code. The Plan Administrator may require the Participant to furnish such proof as is necessary to establish that the amount is eligible for a rollover or transfer.

## **ARTICLE XI**

### **CLAIMS PROCEDURE**

#### **11.01 APPLICATION FOR BENEFITS.**

Each application for benefits must be made to the life insurance company that has issued the Annuity Contract under which the benefits are payable, or the custodian of the Custodial Account under which the benefits are payable, on such forms and in accordance with the terms of the Investment Arrangement under which any such claim is made. The life insurance company or the custodian shall respond to any such application within a reasonable period, not to exceed 90 days after its receipt of the application. If any application for benefits is denied, the life insurance company or the custodian shall furnish the Participant with written notice of the specified reasons for the denial and a description of any additional information needed from, or further steps required of, the Participant. A Participant may appeal any such denial by making written application to the life insurance company or the custodian, which shall respond in writing to any such request for review within 60 days of its receipt and shall give specific reasons if the appeal is denied. Notwithstanding the foregoing, if the Plan is subject to the requirements of Title I of ERISA, additional claims procedures, in conformity with the requirements of ERISA and adopted by the Plan Administrator, shall apply and shall be communicated to participants in a Summary Plan Description, a Summary of Material Modifications, or such other written communications as may be appropriate under ERISA.

#### **11.02 DOMESTIC RELATIONS ORDER.**

For purposes of this section, an application for benefits in the form of, or pursuant to, a domestic relations order shall be responded to by the life insurance company or the custodian only after the Plan Administrator or the Employer has established that such order is a Qualified Domestic Relations Order. Once an order has been established as a Qualified Domestic Relations Order, benefits shall be paid in accordance with the applicable requirements of such order. Reasonable written procedures shall be established to determine the qualified status of domestic relations orders and to administer distributions pursuant to Qualified Domestic Relations Orders.

Distributions to an Alternate Payee pursuant to a valid Qualified Domestic Relations Order will be permitted without regard to whether the Participant would be eligible for a distribution from the Plan.

## **ARTICLE XII**

### **MISCELLANEOUS PROVISIONS**

#### **12.01 ANTI-ALIENATION.**

Any benefit or interest available under the Plan, any right to receive payments under the Plan, or any payment made under the Plan shall not be subject to assignment or alienation, garnishment, attachment, transfer or anticipation, execution or levy, whether by the voluntary or involuntary act of any interested person under the Plan, except for a benefit or interest which becomes payable pursuant to a Qualified Domestic Relations Order or in accordance with Internal Revenue Code Section 401(a)(13)(C), which permits the reduction of the benefits of Participants who have breached their fiduciary duty to, or committed crimes against, the Plan.

#### **12.02 EXCLUSIVE BENEFIT.**

This Plan is established for the exclusive benefit of the Participants and their Beneficiaries. Except as otherwise provided by this Plan, no amounts held under the Plan shall ever inure to the benefit of the Employer or any successor. All amounts held under the Plan shall be held for the exclusive purpose of providing benefits to the Participants and their Beneficiaries.

#### **12.03 GOVERNING LAW.**

This Plan shall be governed by and construed according to the laws of the state in which the Employer is incorporated or organized.

#### **12.04 CONFORMITY WITH CODE.**

This Plan is established with the intent that it conform to the requirements of Section 403(b) and other applicable provisions of the Code. The provisions of this Plan shall be interpreted whenever possible in conformity with the requirements of the Code.

#### **12.05 NOT SUBJECT TO ERISA.**

This Plan is established and maintained as a plan that is exempt from the requirements of Title I of the Employee Retirement Income Security Act of 1974, as provided by Section 4 of such statute.

#### **12.06 QUALIFIED MILITARY SERVICE.**

Notwithstanding any provision of this plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with Section 414(u) of the Internal Revenue Code.

#### **12.07 AMENDMENT OF LAW.**

Where the law (including, but not limited to, the Code) governing the Plan is amended, modified, or interpreted through subsequent legislation, or rulings, or decisions, the Plan's provisions should be construed, insofar as is feasible, as incorporating any such amendment, modification, or interpretation of the law.

#### **12.08 HEADINGS.**

The headings and subheadings of this Plan have been inserted merely for convenience of reference, and in no way define or limit the scope of any of the provisions and are to be ignored in any construction of the provisions.

**12.09 GENDER AND NUMBER.**

The masculine pronoun, whenever used herein, shall include the feminine pronoun, and the singular shall include the plural, except where the context requires otherwise.

**12.10 NECESSARY INFORMATION.**

All Employees shall provide the Plan Administrator and any life insurance company that issues an Annuity Contract hereunder and any custodian of a Custodial Account established under the Plan, with any information that may be needed for the proper and lawful operation and administration of the Plan; including, but not limited to, appropriate evidences of the Employee's age and marital status, his current address, the current address of his spouse, and the current address of any other Beneficiary.

**12.11 NO RIGHT OTHER THAN PROVIDED BY PLAN.**

The establishment of this Plan and the purchase of any Annuity Contract or the establishment of a Custodial Account under the Plan shall not be construed as giving to any Participant or Beneficiary or any other person any legal or equitable right against the Employer or its representatives, except as is expressly provided by this Plan. Under no circumstances shall this Plan constitute or modify a contract of employment or in any way obligate the Employer to continue the services of any Employee.

**12.12 INABILITY TO LOCATE PARTICIPANT OR BENEFICIARY.**

In the event that all, or any portion, of any distribution payable to a Participant or his Beneficiary hereunder shall, at the expiration of three (3) years after it shall become payable, remain unpaid solely by reason of the inability of the life insurance company that has issued the Annuity Contract or the custodian of the Custodial Account, to ascertain the whereabouts of such Participant or his Beneficiary, the amount so distributable shall be treated in the same manner as a forfeiture pursuant to this Plan. In the event a Participant or Beneficiary is located subsequent to his benefit being reallocated, such benefit shall be restored.

**12.13 PROTECTION OF LIFE INSURANCE COMPANY OR CUSTODIAN.**

Any life insurance company that issues an Annuity Contract under this Plan and any custodian establishing a Custodial Account under this Plan shall be protected and held harmless by the Employer in acting according to any direction, if in writing or otherwise reasonably believed to be genuine, of the Employer, the Plan Administrator, or any delegate thereof, and shall not be required to question any such direction. Regardless of any provision of this Plan, a life insurance company shall not be required to take or permit any action or allow any benefit or privilege contrary to the terms of any Annuity Contract which it may issue under the Plan and a custodian shall not be required to take or permit any action or allow any benefit or privilege contrary to the terms of any custodial agreement which may be established under the Plan.

**12.14 ANNUAL ACCOUNTING.**

Records and statements for the Plan and each Participant are to be maintained on the basis of the Plan Year.

**12.15 REPORTING TO PARTICIPANTS.**

A statement of accrued benefits will be sent to each Participant at least once each Plan Year.

**12.16 SEPARABILITY.**

If any provision of the Plan shall be held invalid for any reason, that holding shall not affect the remaining provisions of the Plan which shall be construed and enforced as if the invalid provision had not been included in the Plan.

## **ARTICLE XIII**

### **AMENDMENT OR TERMINATION**

The Employer reserves the right to amend or terminate the Plan at any time, provided that no such amendment may cause any amounts held under the Plan to be used for, or diverted to, purposes other than for the exclusive benefit of Participants and Beneficiaries, and provided further that no amendment or termination of the Plan may reduce the benefits accrued by or the amount credited to the Account of any Participant, reduce any Participant's Vested percentage in that portion of the Participant's Account attributable to Employer Contributions made before the day such amendment is adopted or becomes effective, whichever is later, or eliminate or reduce any optional form of distribution or benefit or any early retirement benefit provided by the Plan.

**ARTICLE XIV**  
**LOANS TO PARTICIPANTS**

The Plan does not allow loans.

IN WITNESS WHEREOF, UNIVERSITY OF WYOMING has caused this instrument to be executed by its duly authorized officers on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, effective as of the date set forth therein.

UNIVERSITY OF WYOMING

_____	By	_____
Witness		
_____		_____
(Print Name)		(Print Name)
	Title	_____



**EGTRRA  
AMENDMENT TO THE  
UNIVERSITY OF WYOMING  
PRESIDENT'S 403(B) PLAN**

# ARTICLE I PREAMBLE

- 1.1 Adoption and effective date of amendment. This amendment of the plan is adopted to reflect certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"). This amendment is intended as good faith compliance with the requirements of EGTRRA and is to be construed in accordance with EGTRRA and guidance issued thereunder. Except as otherwise provided, this amendment shall be effective as of the first day of the first plan year beginning after December 31, 2001.
- 1.2 Supersession of inconsistent provisions. This amendment shall supersede the provisions of the plan to the extent those provisions are inconsistent with the provisions of this amendment.

# ARTICLE II ELECTIVE PROVISIONS

- 2.1 **Vesting schedule for matching contributions.** If the plan is subject to ERISA, and if there are matching contributions subject to a vesting schedule that does not satisfy EGTRRA, then unless otherwise elected below, for participants who complete an hour of service in a plan year beginning after December 31, 2001, the following vesting schedule will apply to all matching contributions subject to a vesting schedule:

If the plan has a graded vesting schedule (*i.e.*, the vesting schedule includes a vested percentage that is more than 0% and less than 100%), the following will apply:

Years of vesting service	Nonforfeitable percentage
2	20%
3	40%
4	60%
5	80%
6	100%

If the plan does not have a graded vesting schedule, then matching contributions will be nonforfeitable upon the completion of 3 years of vesting service.

In lieu of the above vesting schedule, the employer elects the following schedule:

- a. ☐ 3-year cliff (a participant's accrued benefit derived from employer matching contributions shall be nonforfeitable upon the participant's completion of three years of vesting service).
- b. ☐ 6-year graded schedule (20% after 2 years of vesting service and an additional 20% for each year thereafter).
- c. ☐ Other (must be at least as liberal as a. or b. above):

Years of vesting service	Nonforfeitable percentage
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

- d. N/A – This option is not applicable due to the following:

- ☐ This plan does not include Matching Contributions.
- ☒ Plan sponsor is a Governmental Employer and therefore not subject to minimum vesting requirements.
- ☐ Current vesting schedule is at least as favorable as a or b above.
- ☐ Matching Contributions are in a Safe Harbor plan which requires 100% immediate vesting.

The vesting schedule set forth herein shall only apply to participants who complete an hour of service in a plan year beginning after December 31, 2001, and shall apply to all matching contributions subject to a vesting schedule.

**2.2 Suspension period of hardship distributions.** If the plan conditions hardship distributions on the cessation of elective deferrals and employee contributions following the receipt of the distribution and limits elective deferrals in the plan year following the year in which the distribution was received, then the following provisions will supersede such conditions under the plan:

- ☐ With regard to hardship distributions made during 2001, a participant shall be prohibited from making elective deferrals and employee contributions under this and all other plans until the later of January 1, 2002, or 6 months after receipt of the distribution.

(Choose only one of the below.)

- ☐ Effective January 1, 2002, a participant shall be prohibited from making elective deferrals and employee contributions under this and all other plans until 6 months after receipt of the distribution.
- ☐ Effective \_\_\_\_ (insert date after December 31, 2001), a participant shall be prohibited from making elective deferrals and employee contributions under this and all other plans until 6 months after receipt of the distribution. (Please Note: If you choose this option, your plan will not be exempt from ACP testing as a safe harbor 403(b) plan for the period January 1, 2002 through the effective date chosen.)
- ☒ N/A – Hardship withdrawals are either (i) not allowed in plan, (ii) not subject to Safe Harbor rules, or (iii) still subject to the 12 month suspension period.

**2.3 Catch-up contributions:**

- ☐ The plan permits catch-up contributions (Article V), effective \_\_\_\_ (insert date after December 31, 2001). Please Note: If the employer sponsors more than one plan with elective deferrals (e.g., 401(k), 403(b), 457(b)), then if one plan permits catch-up contributions, all plans must permit catch-up contributions. For this purpose, the term "employer" means all members of a controlled group.
- ☒ The plan does not permit catch-up contributions to be made.

**2.4 Elective deferrals.** If an option below is elected, then elective deferrals shall be allowed to the extent specified.

- ☐ Effective \_\_\_\_ (insert date on or after January 1, 2002), each Employee may elect to have Compensation reduced by the maximum percentage allowable under Code Sections 402(g) and 415.

☐ Effective \_\_\_\_ (insert date not earlier than the first day of the first plan year after December 31, 2001), each Employee may elect to have Compensation reduced by a maximum of \_\_\_\_% of Compensation.

☒ N/A – Either Elective Deferrals are not allowed in this plan or the Employer shall maintain the current Elective Deferral percentage in this plan.

2.5 **Rollovers from other plans.** Notwithstanding any election to the contrary in the Plan Document, transfers and rollovers from other plans (Article X of this amendment) will be allowed:

☒ Yes, for Participants only.

☐ Yes, for all Employees.

☐ No.

If rollovers are allowed, distributions of rollovers may be made from an annuity contract at any time if there is no distributable event which permits a distribution of other accounts.

☒ Yes.

☐ No.

2.6 **Availability of distributions upon severance of employment.** Distributions on account of severance of employment (see Section 12.2 and 12.3, as applicable) may be made after \_\_\_\_ (insert date no earlier than December 31, 2001),

(Choose one.)

☐ regardless of when the severance of employment occurred.

☐ for severances of employment occurring after \_\_\_\_ (insert date).

☒ N/A – No change to current plan distribution restrictions.

### ARTICLE III VESTING OF MATCHING CONTRIBUTIONS

3.1 **Applicability.** This Article shall apply to participants in ERISA-covered plans who complete an Hour of Service after December 31, 2001, with respect to accrued benefits derived from employer matching contributions made in plan years beginning after December 31, 2001. This Article shall also apply to all such participants with respect to accrued benefits derived from employer matching contributions made in plan years beginning prior to January 1, 2002.

3.2 **Vesting schedule.** A participant's accrued benefit derived from employer matching contributions shall vest as provided in Section 2.1 of this amendment.

### ARTICLE IV HARDSHIP DISTRIBUTIONS

4.1 **Applicability and effective date.** If the plan conditions hardship distributions on the cessation of elective deferrals and employee contributions following the receipt of the distribution and limits elective deferrals in the plan year following the year in which the hardship was received, then this Article shall apply for calendar years beginning after 2001.

4.2 **Suspension period following hardship distribution.** If elected by the employer in Section 2.2 of this amendment, a participant who receives a distribution of elective deferrals after December 31, 2001 (or

such later date as elected by the employer in Section 2.2 of this amendment), on account of hardship, shall be prohibited from making elective deferrals and employee contributions under this and all other plans of the employer for 6 months after receipt of the distribution. Furthermore, if elected by the employer in Section 2.2 of this amendment, a participant who receives a distribution of elective deferrals in calendar year 2001 on account of hardship shall be prohibited from making elective deferrals and employee contributions under this and all other plans until the later of January 1, 2002, or 6 months after receipt of the distribution. Finally, if the employer makes either of the elections above, then notwithstanding language to the contrary under the plan, there shall be no limitations on deferrals in the plan year following the year in which the distribution was received.

#### **ARTICLE V CATCH-UP CONTRIBUTIONS**

Catch-up Contributions. If elected in Section 2.3 of this amendment, all employees who are eligible to make elective deferrals under this plan and who have attained age 50 (or will attain age 50 before the close of the calendar year) shall be eligible to make catch-up contributions in accordance with, and subject to the limitations of, Section 414(v) of the Code. Such catch-up contributions shall not be taken into account for purposes of the provisions of the plan implementing the required limitations of Sections 402(g) and 415 of the Code. The plan shall not be treated as failing to satisfy the provisions of the plan implementing the nondiscrimination requirements of Section 403(b)(12)(A)(i) of the Code, as applicable, by reason of the making of such catch-up contributions.

#### **ARTICLE VI INCREASE IN COMPENSATION LIMIT**

Increase in Compensation Limit. The annual compensation of each participant taken into account in determining allocations of employer contributions for any plan year beginning after December 31, 2009, shall not exceed \$245,000, as adjusted for cost-of-living increases in accordance with Section 401(a)(17)(B) of the Code. Annual compensation means compensation during the plan year or such other consecutive 12-month period over which compensation is otherwise determined under the plan (the determination period). The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year.

#### **ARTICLE VII PLAN LOANS**

Plan loans for owner-employees or shareholder-employees. If the plan permits loans to be made to participants, then effective for plan loans made after December 31, 2001, any plan provisions prohibiting loans to any owner-employee or shareholder-employee shall cease to apply.

#### **ARTICLE VIII SPECIAL CODE LIMITATIONS ON CONTRIBUTIONS**

- 8.1 Section 403(b)(2) exclusion allowance: Previously excluded amounts. Effective for taxable years beginning after December 31, 1999, and before January 1, 2002, this plan will disregard the requirement in the regulations that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance under Section 403(b)(2).
- 8.2 Section 403(b)(2) exclusion allowance: Repeal. Effective for taxable years beginning on or after January 1, 2002, the exclusion allowance formerly described in Section 403(b)(2) shall not apply.

#### **ARTICLE IX DIRECT ROLLOVERS**

- 9.1 Effective date. This Article shall apply to distributions made after December 31, 2001.
- 9.2 Modification of definition of eligible retirement plan. For purposes of the direct rollover provisions of the plan, an eligible retirement plan shall also mean a qualified plan described in Section 401(a) or 403(a)

of the Code and an eligible plan under Section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relation order, as defined in Section 414(p) of the Code.

- 9.3 Modification of definition of eligible rollover distribution to exclude hardship distributions. For purposes of the direct rollover provisions of the plan, any amount that is distributed on account of hardship shall not be an eligible rollover distribution and the distributee may not elect to have any portion of such a distribution paid directly to an eligible retirement plan.
- 9.4 Modification of definition of eligible rollover distribution to include after-tax employee contributions. For purposes of the direct rollover provisions in the plan, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includible in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in Section 408(a) or (b) of the Code, or to another Code Section 403(b) program that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

#### **ARTICLE X ROLLOVERS FROM OTHER PLANS**

Rollovers from other plans. If the employer has elected in Section 2.5 above to allow rollovers from other plans, the employer, operationally and on a nondiscriminatory basis, may limit the source of rollover contributions that may be accepted by this plan.

#### **ARTICLE XI ELECTIVE DEFERRALS**

Elective Deferrals - Contribution Limitation. No participant shall be permitted to have elective deferrals made under this plan, or any other 403(b) plan maintained by the employer during any taxable year, in excess of the dollar limitation contained in Section 402(g) of the Code in effect for such taxable year, except to the extent permitted under Article V of this amendment and Section 414(v) of the Code, if applicable.

#### **ARTICLE XII DISTRIBUTION UPON SEVERANCE OF EMPLOYMENT**

- 12.1 Effective date. This Article shall apply for distributions and severances from employment occurring after the dates specified by the employer in Section 2.6 of this amendment.
- 12.2 New distributable event: Elective deferrals. A participant's elective deferrals and earnings attributable to these contributions shall be available for distribution at any time after the participant's severance from employment. However, such a distribution shall be subject to the other provisions of the plan regarding distributions, other than provisions that require a separation from service before such amounts may be distributed.
- 12.3 New distributable event: Employer contributions. To the extent the plan conditions the availability of the distribution of employer contributions and earnings attributable thereto on separation from service, such amounts shall be available for distribution at any time after the participant's severance of employment. Such a distribution shall be subject to other provisions of the plan regarding distributions, other than provisions that require a separation from service before such amounts may be distributed.

This amendment has been executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Name of Employer: University of Wyoming

Name of Plan: University of Wyoming President's 403(b) Plan

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(Print)

Title: \_\_\_\_\_

**AMENDMENT  
TO THE  
UNIVERSITY OF WYOMING  
PRESIDENT'S 403(B) PLAN**

*The plan is hereby amended to include the following article:*

**MINIMUM DISTRIBUTION REQUIREMENTS.**

**Section 1. General Rules.**

1.1. Application and Effective Date. The provisions of this article will apply solely for purposes of determining required minimum distributions for the portion of a participant's account that is subject to the requirements of section 401(a)(9) of the Internal Revenue Code (the "Code"). Code section 401(a)(9) applies to all amounts in the participant's account except those amounts that accrued prior to January 1, 1987, for which records have been maintained by the life insurance company issuing the Code section 403(b)(1) annuity contract or the custodian of the section 403(b)(7) custodial account, as adjusted for amounts (if any) distributed in any calendar year in excess of the amount necessary to satisfy a required distribution in that calendar year. This article will apply for calendar years beginning with the 2003 calendar year.

1.2. Precedence. The requirements of this article will take precedence over any inconsistent provisions of the plan.

1.3. Requirements of Treasury Regulations Incorporated. All distributions required under this article will be determined and made in accordance with the Treasury regulations under Code section 401(a)(9).

1.4. TEFRA Section 242(b)(2) Elections. Notwithstanding the other provisions of this article, distributions may be made under a designation made before January 1, 1984, in accordance with section 242(b)(2) of the Tax Equity and Fiscal Responsibility Act (TEFRA) and the provisions of the plan that relate to section 242(b)(2) of TEFRA.

1.5. Distribution of Amounts Not Subject to Code Section 401(a)(9). Amounts in the participant's account that are not subject to Code section 401(a)(9) will be distributed in accordance with either (i) the minimum distribution incidental benefit rules set forth in the Treasury regulations under Code section 401(a)(9) or (ii) the incidental benefit rules in effect as of July 27, 1987.

**Section 2. Time and Manner of Distribution.**

2.1. Required Beginning Date. The participant's entire interest will be distributed, or begin to be distributed, to the participant no later than the participant's required beginning date.

2.2. Death of Participant Before Distributions Begin. If the participant dies before distributions begin, the participant's entire interest will be distributed, or begin to be distributed, no later than as follows:

(a) If the participant's surviving spouse is the participant's sole designated beneficiary, then, except as provided in the plan document, distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the participant died, or by December 31 of the calendar year in which the participant would have attained age 70 1/2, if later.

(b) If the participant's surviving spouse is not the participant's sole designated beneficiary, then, except as provided in the plan document, distributions to the designated beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the participant died.



(c) If there is no designated beneficiary as of September 30 of the year following the year of the participant's death, the participant's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the participant's death.

(d) If the participant's surviving spouse is the participant's sole designated beneficiary and the surviving spouse dies after the participant but before distributions to the surviving spouse begin, this section 2.2, other than section 2.2(a), will apply as if the surviving spouse were the participant.

For purposes of this section 2.2 and section 4, unless section 2.2(d) applies, distributions are considered to begin on the participant's required beginning date. If section 2.2(d) applies, distributions are considered to begin on the date distributions are required to begin to the surviving spouse under section 2.2(a). If distributions under an annuity purchased from an insurance company irrevocably commence to the participant before the participant's required beginning date (or to the participant's surviving spouse before the date distributions are required to begin to the surviving spouse under section 2.2(a)), the date distributions are considered to begin is the date distributions actually commence.

2.3. Forms of Distribution. Unless the participant's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions will be made in accordance with sections 3 and 4 of this article. If the participant's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of section 401(a)(9) of the Code and the Treasury regulations.

#### Section 3. Required Minimum Distributions During Participant's Lifetime.

3.1. Amount of Required Minimum Distribution For Each Distribution Calendar Year. During the participant's lifetime, the minimum amount that will be distributed for each distribution calendar year is the lesser of:

(a) the quotient obtained by dividing the participant's account balance by the distribution period in the Uniform Lifetime Table set forth in section 1.401(a)(9)-9 of the Treasury regulations, using the participant's age as of the participant's birthday in the distribution calendar year; or

(b) if the participant's sole designated beneficiary for the distribution calendar year is the participant's spouse, the quotient obtained by dividing the participant's account balance by the number in the Joint and Last Survivor Table set forth in section 1.401(a)(9)-9 of the Treasury regulations, using the participant's and spouse's attained ages as of the participant's and spouse's birthdays in the distribution calendar year.

3.2. Lifetime Required Minimum Distributions Continue Through Year of Participant's Death. Required minimum distributions will be determined under this section 3 beginning with the first distribution calendar year and up to and including the distribution calendar year that includes the participant's date of death.

#### Section 4. Required Minimum Distributions After Participant's Death.

##### 4.1. Death On or After Date Distributions Begin.

(a) Participant Survived by Designated Beneficiary. If the participant dies on or after the date distributions begin and there is a designated beneficiary, the minimum amount that will be distributed for each distribution calendar year after the year of the participant's death is the quotient obtained by dividing the participant's account balance by the longer of the remaining life expectancy of the participant or the remaining life expectancy of the participant's designated beneficiary, determined as follows:

(1) The participant's remaining life expectancy is calculated using the age of the participant in the year of death, reduced by one for each subsequent year.

(2) If the participant's surviving spouse is the participant's sole designated beneficiary, the remaining life expectancy of the surviving spouse is calculated for each distribution calendar year after the year of the participant's death using the surviving spouse's age as of the spouse's birthday in that year. For distribution calendar years after the year of the surviving spouse's death, the remaining life expectancy of the surviving spouse is calculated using the age of the surviving spouse as of the spouse's birthday in the calendar year of the spouse's death, reduced by one for each subsequent calendar year.

(3) If the participant's surviving spouse is not the participant's sole designated beneficiary, the designated beneficiary's remaining life expectancy is calculated using the age of the beneficiary in the year following the year of the participant's death, reduced by one for each subsequent year.

(b) No Designated Beneficiary. If the participant dies on or after the date distributions begin and there is no designated beneficiary as of September 30 of the year after the year of the participant's death, the minimum amount that will be distributed for each distribution calendar year after the year of the participant's death is the quotient obtained by dividing the participant's account balance by the participant's remaining life expectancy calculated using the age of the participant in the year of death, reduced by one for each subsequent year.

#### 4.2. Death Before Date Distributions Begin.

(a) Participant Survived by Designated Beneficiary. Except as provided in the plan document, if the participant dies before the date distributions begin and there is a designated beneficiary, the minimum amount that will be distributed for each distribution calendar year after the year of the participant's death is the quotient obtained by dividing the participant's account balance by the remaining life expectancy of the participant's designated beneficiary, determined as provided in section 4.1.

(b) No Designated Beneficiary. If the participant dies before the date distributions begin and there is no designated beneficiary as of September 30 of the year following the year of the participant's death, distribution of the participant's entire interest will be completed by December 31 of the calendar year containing the fifth anniversary of the participant's death.

(c) Death of Surviving Spouse Before Distributions to Surviving Spouse Are Required to Begin. If the participant dies before the date distributions begin, the participant's surviving spouse is the participant's sole designated beneficiary, and the surviving spouse dies before distributions are required to begin to the surviving spouse under section 2.2(a), this section 4.2 will apply as if the surviving spouse were the participant.

#### Section 5. Election to Allow Participants or Beneficiaries to Elect 5-Year Rule.

Notwithstanding any language in this article to the contrary, participants or beneficiaries may elect on an individual basis whether the 5-year rule or the life expectancy rule in sections 2.2 and 4.2 of this amendment applies to distributions after the death of a participant who has a designated beneficiary. The election must be made no later than the earlier of September 30 of the calendar year in which distribution would be required to begin under section 2.2 of this amendment, or by September 30 of the calendar year which contains the fifth anniversary of the participant's (or, if applicable, surviving spouse's) death. If neither the participant nor beneficiary makes an election under this paragraph, distributions will be made in accordance with sections 2.2 and 4.2 of this amendment.

#### Section 6. Election to Allow Designated Beneficiary Receiving Distributions Under 5-Year Rule to Elect Life Expectancy Distributions.

Notwithstanding any language in this article to the contrary, a designated beneficiary who is receiving payments under the 5-year rule may make a new election to receive payments under the life expectancy rule until December 31, 2003, provided that all amounts that would have been required to be distributed under the life expectancy rule for all distribution calendar years before 2004 are distributed by the earlier of December 31, 2003 or the end of the 5-year period.

Section 7. Definitions.

7.1. Designated beneficiary. The individual who is designated as the beneficiary under the plan and is the designated beneficiary under section 401(a)(9) of the Internal Revenue Code and section 1.401(a)(9)-1, Q&A-4, of the Treasury regulations.

7.2. Distribution calendar year. A calendar year for which a minimum distribution is required. For distributions beginning before the participant's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the participant's required beginning date. For distributions beginning after the participant's death, the first distribution calendar year is the calendar year in which distributions are required to begin under section 2.2. The required minimum distribution for the participant's first distribution calendar year will be made on or before the participant's required beginning date. The required minimum distribution for other distribution calendar years, including the required minimum distribution for the distribution calendar year in which the participant's required beginning date occurs, will be made on or before December 31 of that distribution calendar year.

7.3. Life expectancy. Life expectancy as computed by use of the Single Life Table in section 1.401(a)(9)-9 of the Treasury regulations.

7.4. Participant's account balance. The account balance as of the last valuation date in the calendar year immediately preceding the distribution calendar year (valuation calendar year) increased by the amount of any contributions made and allocated or forfeitures allocated to the account balance as of dates in the valuation calendar year after the valuation date and decreased by distributions made in the valuation calendar year after the valuation date. The account balance for the valuation calendar year includes any amounts rolled over or transferred to the plan either in the valuation calendar year or in the distribution calendar year if distributed or transferred in the valuation calendar year.

7.5. Required beginning date. The date specified in the required distribution section of the plan.

This amendment has been executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Name of Employer: University of Wyoming

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(Print)

Title: \_\_\_\_\_

AMENDMENT FOR PENSION PROTECTION ACT AND HEART ACT

ARTICLE I  
PREAMBLE

- 1.1 **Effective date of Amendment.** The Employer adopts this Amendment to the Plan to reflect recent law changes. This Amendment is effective as indicated below for the respective provisions.
- 1.2 **Superseding of inconsistent provisions.** This Amendment supersedes the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this Amendment.
- 1.3 **Employer's election.** The Employer adopts all the default provisions of this Amendment except as otherwise elected in Article II.
- 1.4 **Construction.** Except as otherwise provided in this Amendment, any reference to "Section" in this Amendment refers only to sections within this Amendment, and is not a reference to the Plan. The Article and Section numbering in this Amendment is solely for purposes of this Amendment, and does not relate to any Plan article, section or other numbering designations.
- 1.5 **Effect of restatement of Plan.** If the Employer restates the Plan, then this Amendment shall remain in effect after such restatement unless the provisions in this Amendment are restated or otherwise become obsolete (e.g., if the Plan is restated onto a plan document which incorporates PPA provisions).
- 1.6 **Plans not subject to ERISA.** If the Plan is not subject to the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), such as plans maintained by public organizations or churches and voluntary-only plans that meet the exception from ERISA under 29 C.F.R. § 2510.3-2(f), certain provisions of this amendment (such as the vesting requirements for nonelective contributions described in Article III and the Qualified Optional Survivor Annuity provisions described in Article XIII) shall not apply.
- 1.7 **Governmental plans under Code Section 414(d).** If the Plan is a "governmental plan," as described in Code Section 414(d), certain provisions of this amendment (such as the rules relating to Qualified Domestic Relations Orders in Article XIV) shall not apply.
- 1.8 **Church plans under Code Section 414(e).** If the Plan is a "church plan," as described in Code Section 414(e), certain provisions of this amendment (such as the rules relating to Qualified Domestic Relations Orders in Article XIV) shall not apply.
- 1.9 **Plans maintained by Code Section 3121(w)(3) churches.** If the Plan is maintained by a church or qualified church-controlled organization under Code Section 3121(w)(3), certain provisions of this amendment (such as the rules relating to gap period income on distributed excess aggregate contributions under Section 11.1) shall not apply.

ARTICLE II  
EMPLOYER ELECTIONS

The Employer only needs to complete the questions in Sections 2.2 through 2.7 below in order to override the default provisions set forth below. If the Plan will use all of the default provisions, then these questions should be skipped.

- 2.1 **Default Provisions.** Unless the Employer elects otherwise in this Article, the following defaults will apply:
  - a. (This paragraph a. of Section 2.1 applies solely to plans that are subject to ERISA.) If the Plan has a vesting schedule for nonelective contributions that does not meet the Pension Protection Act of 2006 (PPA), then the vesting schedule for any Employer nonelective contributions for Participants who complete an Hour of Service in a Plan Year beginning after December 31, 2006, will be the schedule below. Such schedule will apply to all nonelective contributions, even those made prior to January 1, 2007.

If the Plan has a graded vesting schedule (i.e., the vesting schedule includes a vested percentage that is more than 0% and less than 100%), then the vesting schedule will be a 6-year graded schedule (20% after 2 years of vesting service and an additional 20% for each year thereafter).

If the Plan has a cliff vesting schedule that requires more than 3 years of vesting service, then nonelective contributions will be nonforfeitable upon the completion of 3 years of vesting service.
  - b. Nonspousal beneficiary rollovers are allowed effective for distributions made after December 31, 2006.
  - c. Hardship distributions for expenses of a beneficiary are allowed effective as of August 17, 2006.
  - d. Qualified Reservist Distributions are not allowed.
  - e. Continued benefit accruals pursuant to the Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act) are not provided.

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- 2.2 **Vesting** (Article III). (This Section 2.2 applies solely to plans that are subject to ERISA.) The default vesting schedule described in Section 2.1, applies unless a. is elected below.
- a. ☐ In lieu of the above default vesting provisions, the employer elects the following schedule:
1. ☐ 3 year cliff (a Participant's accrued benefit derived from employer nonelective contributions is nonforfeitable upon the Participant's completion of three years of vesting service).
  2. ☐ 6 year graded schedule (20% after 2 years of vesting service and an additional 20% for each year thereafter).
  3. ☐ Other (must be at least as liberal as 1. or 2. above at each point in time):
- | Years of vesting service | Nonforfeitable percentage |
|--------------------------|---------------------------|
| _____                    | _____ %                   |
| _____                    | _____ %                   |
| _____                    | _____ %                   |
| _____                    | _____ %                   |
| _____                    | _____ %                   |
- The vesting schedule set forth herein only applies to Participants who complete an Hour of Service (as that term is defined in DOL Reg. Section 2530.200b-2) in a Plan Year beginning after December 31, 2006, and, unless b. is elected below, applies to all nonelective contributions subject to a vesting schedule.
- b. ☐ [N/A] The vesting schedule will only apply to nonelective contributions made in Plan Years beginning after December 31, 2006 (the prior schedule will apply to nonelective contributions made in prior Plan Years).
- 2.3 **Non-spousal rollovers** (Article VII). Non-spousal rollovers are allowed after December 31, 2006, unless a. is elected below (Article VII provides that such distributions are always allowed after December 31, 2009):
- a. ☐ Use the following instead of the default (select one):
1. ☐ Non-spousal rollovers are not allowed.
  2. ☐ Non-spousal rollovers are allowed effective \_\_\_\_\_ (not earlier than January 1, 2007 and not later than January 1, 2010).
- 2.4 **Hardships** (Article VIII). Hardship distributions for expenses of beneficiaries will be allowed effective as of August 17, 2006, unless elected below (applies only for 403(b) plans that allow hardship distributions):
- a. ☐ Use the following instead of the default (select one):
1. ☐ Hardship distributions for beneficiary expenses are not allowed.
  2. ☐ Hardship distributions for beneficiary expenses are allowed effective as of \_\_\_\_\_ (may not be earlier than August 17, 2006).
- 2.5 (RESERVED)
- 2.6 **Qualified Reservist Distributions** (Article X). Qualified Reservist distributions will not be allowed unless elected below:
- a. ☐ Qualified Reservist Distributions are allowed effective as of \_\_\_\_\_ (may not be earlier than September 12, 2001).
- 2.7 **Continued benefit accruals** (Article XV). Continued benefit accruals for the HEART Act (Amendment Section 15.2) will not apply unless elected below:
- a. ☐ The provisions of Amendment Section 15.2 apply.

**ARTICLE III  
NONELECTIVE CONTRIBUTION VESTING**

- 3.1 **Applicability.** This Article III applies solely to plans that are subject to ERISA. This Article applies to Participants who complete an Hour of Service in a Plan Year beginning after December 31, 2006, with respect to accrued benefits derived from employer nonelective contributions made in Plan Years beginning after December 31, 2006. Unless otherwise elected by the employer in Amendment Section 2.2 above, this Article also will apply to all nonelective contributions subject to a vesting schedule, including nonelective contributions allocated under the Plan terms as of a date in a Plan Year beginning before January 1, 2007.
- 3.2 **Vesting schedule.** A Participant's accrued benefit derived from employer nonelective contributions vests as provided in Amendment Section 2.1.a, or if applicable, Amendment Section 2.2.

**ARTICLE IV  
PARTICIPANT DISTRIBUTION NOTIFICATION**

- 4.1 **180-day notification period.** For any distribution notice issued in Plan Years beginning after December 31, 2006, any reference to the 90-day maximum notice period prior to distribution in applying the notice requirements of Code §§402(f) (the rollover notice), 411(a)(11) (Participant's consent to distribution), and 417 (notice under the joint and survivor annuity rules) will become 180 days.
- 4.2 **Notice of right to defer distribution.** For any distribution notice issued in Plan Years beginning after December 31, 2006, the description of a Participant's right, if any, to defer receipt of a distribution also will describe the consequences of failing to defer

**PPA Amendment - 403(b) Plans**

receipt of the distribution. For notices issued before the 90th day after the issuance of Treasury regulations (unless future Revenue Service guidance otherwise requires), the notice will include: (i) a description indicating the investment options available under the Plan (including fees) that will be available if the Participant defers distribution; and (ii) the portion of the summary plan description that contains any special rules that might affect materially a Participant's decision to defer.

**ARTICLE V  
ROLLOVER OF AFTER-TAX/ROTH AMOUNTS**

- 5.1 **Direct rollover to qualified plan/403(b) plan.** For taxable years beginning after December 31, 2006, a Participant may elect to transfer employee (after-tax) or Roth elective deferral contributions by means of a direct rollover to a qualified plan or to a 403(b) plan that agrees to account separately for amounts so transferred, including accounting separately for the portion of such distribution which is includible in gross income and the portion of such distribution which is not includible in gross income.

**ARTICLE VI  
(RESERVED)**

**ARTICLE VII  
DIRECT ROLLOVER OF NON-SPOUSAL DISTRIBUTION**

- 7.1 **Non-spouse beneficiary rollover right.** For distributions after December 31, 2009, and unless otherwise elected in Section 2.3 of this Amendment, for distributions after December 31, 2006, a non-spouse beneficiary who is a "designated beneficiary" under Code §401(a)(9)(E) and the regulations thereunder, by a direct trustee-to-trustee transfer ("direct rollover"), may roll over all or any portion of his or her distribution to an individual retirement account the beneficiary establishes for purposes of receiving the distribution. In order to be able to roll over the distribution, the distribution otherwise must satisfy the definition of an eligible rollover distribution.
- 7.2 **Certain requirements not applicable.** Although a non-spouse beneficiary may roll over directly a distribution as provided in Section 7.1, any distribution made prior to January 1, 2010 is not subject to the direct rollover requirements of Code §401(a)(31) (including Code §401(a)(31)(B)), the notice requirements of Code §402(f) or the mandatory withholding requirements of Code §3405(c)). If a non-spouse beneficiary receives a distribution from the Plan, the distribution is not eligible for a "60-day" rollover.
- 7.3 **Trust beneficiary.** If the Participant's named beneficiary is a trust, the Plan may make a direct rollover to an individual retirement account on behalf of the trust, provided the trust satisfies the requirements to be a designated beneficiary within the meaning of Code §401(a)(9)(E).
- 7.4 **Required minimum distributions not eligible for rollover.** A non-spouse beneficiary may not roll over an amount which is a required minimum distribution, as determined under applicable Treasury regulations and other Revenue Service guidance. If the Participant dies before his or her required beginning date and the non-spouse beneficiary rolls over to an IRA the maximum amount eligible for rollover, the beneficiary may elect to use either the 5-year rule or the life expectancy rule, pursuant to Treas. Reg. §1.401(a)(9)-3, A-4(c), in determining the required minimum distributions from the IRA that receives the non-spouse beneficiary's distribution.

**ARTICLE VIII  
DISTRIBUTION BASED ON BENEFICIARY HARDSHIP**

- 8.1 **Beneficiary-based distribution.** Unless otherwise elected in Amendment Section 2.4, then effective as of August 17, 2006, a Participant's hardship event, for purposes of the Plan's hardship distribution provisions, includes an immediate and heavy financial need of the Participant's primary beneficiary under the Plan, that would constitute a hardship event if it occurred with respect to the Participant's spouse or dependent as defined under Code §152 (such hardship events being limited to educational expenses, funeral expenses and certain medical expenses). For purposes of this Article, a Participant's "primary beneficiary under the Plan" is an individual who is named as a beneficiary under the Plan and has an unconditional right to all or a portion of the Participant's account balance under the Plan upon the Participant's death.

**ARTICLE IX  
(RESERVED)**

**ARTICLE X  
QUALIFIED RESERVIST DISTRIBUTION**

- 10.1 **403(b) distribution restrictions.** If elected in Amendment Section 2.6, then effective as of the date specified in such Section, the Plan permits a Participant to elect a Qualified Reservist Distribution, as defined in this Article X.
- 10.2 **Qualified Reservist Distribution defined.** A "Qualified Reservist Distribution" is any distribution to an individual who is ordered or called to active duty after September 11, 2001, if: (i) the distribution is from amounts attributable to elective deferrals in a 403(b) plan; (ii) the individual was (by reason of being a member of a reserve component, as defined in section 101 of title 37, United States Code) ordered or called to active duty for a period in excess of 179 days or for an indefinite period; and (iii) the Plan makes the distribution during the period beginning on the date of such order or call, and ending at the close of the active duty period.



**ARTICLE XI  
OTHER 403(b)/401(m) PLAN PROVISIONS**

- 11.1 **Gap period income on distributed excess aggregate contributions** (applies solely to plans other than Section 414(d) governmental plans or plans maintained by churches or qualified church-controlled organizations under Section 3121(w)(3)). This Section applies to excess aggregate contributions (as defined in Code §401(m)(6)(B)) made with respect to Plan Years beginning after December 31, 2007. The Plan administrator will not calculate and distribute allocable income for the gap period (i.e., the period after the close of the Plan Year in which the excess contribution or excess aggregate contribution occurred and prior to the distribution).
- 11.2 **Gap period income on distributed excess deferrals.** This Section applies to 403(b) plan excess deferrals (as defined in Code §402(g)) made in taxable year 2007. The Plan administrator must calculate allocable income for the taxable year and also for the gap period (i.e., the period after the close of the taxable year in which the excess deferral occurred and prior to the distribution); provided that the Plan administrator will calculate and distribute the gap period allocable income only if the Plan administrator in accordance with the Plan terms otherwise would allocate the gap period allocable income to the Participant's account.

**ARTICLE XII  
QUALIFIED OPTIONAL SURVIVOR ANNUITY  
(applies solely to plans that are subject to ERISA)**

- 12.1 **Right to Elect Qualified Optional Survivor Annuity.** Effective with respect to Plan Years beginning after December 31, 2007, a participant who elects to waive the qualified joint and survivor annuity form of benefit, if offered under the Plan, is entitled to elect the "qualified optional survivor annuity" at any time during the applicable election period. Furthermore, the written explanation of the joint and survivor annuity shall explain the terms and conditions of the "qualified optional survivor annuity."
- 12.2 **Definition of Qualified Optional Survivor Annuity.**
- a. **General.** For purposes of this Article, the term "qualified optional survivor annuity" means an annuity:
- (1) For the life of the participant with a survivor annuity for the life of the spouse which is equal to the "applicable percentage" of the amount of the annuity which is payable during the joint lives of the Participant and the spouse, and
- (2) Which is the actuarial equivalent of a single annuity for the life of the participant.
- Such term also includes any annuity in a form having the effect of an annuity described in the preceding sentence.
- b. **Applicable percentage.** For purposes of this Section, the "applicable percentage" is based on the survivor annuity percentage (i.e., the percentage which the survivor annuity under the Plan's qualified joint and survivor annuity bears to the annuity payable during the joint lives of the participant and the spouse). If the survivor annuity percentage is less than 75 percent, then the "applicable percentage" is 75 percent; otherwise, the "applicable percentage" is 50 percent.

**ARTICLE XIII  
DIRECT ROLLOVER TO ROTH IRA**

- 13.1 **Roth IRA rollover.** For distributions made after December 31, 2007, a participant may elect to roll over directly an eligible rollover distribution to a Roth IRA described in Code §408A(b).

**ARTICLE XIV  
QUALIFIED DOMESTIC RELATIONS ORDERS  
(applies solely to plans other than Section 414(d) governmental plans and Section 414(e) church plans)**

- 14.1 **Permissible QDROs.** Effective April 6, 2007, a domestic relations order that otherwise satisfies the requirements for a qualified domestic relations order ("QDRO") will not fail to be a QDRO: (i) solely because the order is issued after, or revises, another domestic relations order or QDRO; or (ii) solely because of the time at which the order is issued, including issuance after the annuity starting date or after the Participant's death.
- 14.2 **Other QDRO requirements apply.** A domestic relations order described in Section 14.1 is subject to the same requirements and protections that apply to QDROs.

**ARTICLE XV  
HEART ACT PROVISIONS**

- 15.1 **Death benefits.** In the case of a death occurring on or after January 1, 2007, if a Participant dies while performing qualified military service (as defined in Code § 414(u)), the survivors of the Participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the Plan as if the Participant had resumed and then terminated employment on account of death.

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- 15.2 **Benefit accrual.** If the Employer elects in Amendment Section 2.7 to apply this Section 15.2, then for benefit accrual purposes, the Plan treats an individual who dies or becomes disabled on or after January 1, 2007 (as defined under the terms of the Plan) while performing qualified military service with respect to the Employer as if the individual had resumed employment in accordance with the individual's reemployment rights under USERRA, on the day preceding death or disability (as the case may be) and terminated employment on the actual date of death or disability.
- a. **Determination of benefits.** The Plan will determine the amount of employee contributions and the amount of elective deferrals of an individual treated as reemployed under this Section 15.2 for purposes of applying paragraph Code §414(u)(8)(C) on the basis of the individual's average actual employee contributions or elective deferrals for the lesser of: (i) the 12-month period of service with the Employer immediately prior to qualified military service; or (ii) if service with the Employer is less than such 12-month period, the actual length of continuous service with the Employer.
- 15.3 **Differential wage payments.** For years beginning after December 31, 2008, (i) an individual receiving a differential wage payment, as defined by Code §3401(h)(2), is treated as an employee of the employer making the payment, (ii) the differential wage payment is treated as compensation, and (iii) the Plan is not treated as failing to meet the requirements of any provision described in Code §414(u)(1)(C) by reason of any contribution or benefit which is based on the differential wage payment.
- 15.4 **Severance from employment.** Notwithstanding Section 15.3(i), for purposes of Code §403(b)(7)(A)(ii) and 403(b)(11), an individual is treated as having been severed from employment during any period the individual is performing service in the uniformed services described in Code §3401(h)(2)(A).
- a. **Suspension of deferrals.** If an individual elects to receive a distribution by reason of severance from employment, death or disability, the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.
- b. **Nondiscrimination requirement.** Section 15.3(iii) applies only if all employees of the Employer performing service in the uniformed services described in Code §3401(h)(2)(A) are entitled to receive differential wage payments (as defined in Code §3401(h)(2)) on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments on reasonably equivalent terms (taking into account Code §§410(b)(3), (4), and (5), as is those Code sections applied to a Section 403(b) plan).

\*\*\*\*\*

This Amendment has been executed by the undersigned authorized representative of the Employer on this the \_\_\_\_ day of \_\_\_\_\_

Name of Plan: University of Wyoming President's 403(b) Plan

Name of Employer: University of Wyoming

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



**AMENDMENT FOR  
HEART ACT AND WRERA**

**ARTICLE I  
PREAMBLE**

- 1.1 **Effective date of Amendment.** The Employer adopts this Amendment to the Plan to reflect recent law changes. This Amendment is effective as indicated below for the respective provisions.
- 1.2 **Superseding of inconsistent provisions.** This Amendment supersedes the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this Amendment.
- 1.3 **Employer's election.** The Employer adopts all the default provisions of this Amendment except as otherwise elected in Article II.
- 1.4 **Construction.** Except as otherwise provided in this Amendment, any reference to "Section" in this Amendment refers only to sections within this Amendment, and is not a reference to the Plan. The Article and Section numbering in this Amendment is solely for purposes of this Amendment, and does not relate to any Plan article, section or other numbering designations.
- 1.5 **Effect of restatement of Plan.** If the Employer restates the Plan, then this Amendment shall remain in effect after such restatement unless the provisions in this Amendment are restated or otherwise become obsolete (e.g., if the Plan is restated onto a plan document which incorporates these HEART and WRERA provisions).

**ARTICLE II  
EMPLOYER ELECTIONS**

The Employer only needs to complete the questions in Sections 2.2 through 2.3 below in order to override the default provisions set forth below. If the Plan will use all of the default provisions, then these questions should be skipped.

- 2.1 **Default Provisions.** Unless the Employer elects otherwise in this Article, the following defaults will apply:
  - a. **Continued benefit accruals pursuant to the Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act) are not provided.**
  - b. **Differential wage payments are treated as Compensation for all Plan benefit purposes.**
  - c. **The Plan does not permit distributions pursuant to the HEART Act on account of "deemed" severance of employment.**
  - d. **Required Minimum Distributions (RMDs) for 2009 shall continue in accordance with the terms of the Plan for Participants or Beneficiaries receiving distributions in the form of installment payments (unless such Participant or Beneficiary elects otherwise), but shall be suspended for all other Participants and Beneficiaries.**
- 2.2 **HEART ACT provisions (Article III).**

**Continued benefit accruals.** Amendment Section 3.2 will not apply unless elected below:

- a. ☐ The provisions of Amendment Section 3.2 apply effective as of: (select one)
    1. ☐ the first day of the 2007 Plan Year
    2. ☐ \_\_\_\_\_ (may not be earlier than the first day of the 2007 Plan Year).
- However, the provisions no longer apply effective as of: (select if applicable)
3. ☐ \_\_\_\_\_.

**Differential pay.** Differential wage payments (as described in Amendment Section 3.3) will be treated, for Plan Years beginning after December 31, 2008, as compensation for all Plan benefit purposes unless b. is elected below:

- b. ☐ In lieu of the above default provision, the employer elects the following (select all that apply; these selections do not affect the operation of Amendment Section 3.3(ii)):
  1. ☐ the inclusion is effective for Plan Years beginning after \_\_\_\_\_ (may not be earlier than December 31, 2008).
  2. ☐ the inclusion only applies to Compensation for purposes of Elective Deferrals.

**Distributions on account of deemed severance of employment.** The Plan does not permit distributions pursuant to Amendment Section 3.4 unless otherwise elected below:

- c. ☐ The Plan permits such distributions effective January 1, 2007.
- d. ☐ The Plan permits such distributions effective as of \_\_\_\_\_ (may not be earlier than January 1, 2007).

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- 2.3 **WRERA (RMD waivers for 2009)** (Article IV). The provisions of Amendment Section 4.1 apply (RMDs continue in accordance with the terms of the Plan for Participants or Beneficiaries receiving installment payments unless such Participant or Beneficiary elects otherwise, whereas RMDs are suspended for all other Participants and Beneficiaries) unless otherwise elected below:
- a. ☐ The provisions of Amendment Section 4.2 apply (RMDs continue in accordance with the terms of the Plan for all Participants and Beneficiaries, unless otherwise elected by a Participant or Beneficiary).
  - b. ☐ The provisions of Amendment Section 4.3 apply (RMDs continue in accordance with the terms of the Plan for all Participants and Beneficiaries, but only Participants or Beneficiaries receiving installment payments may elect otherwise).
  - c. ☐ Other: \_\_\_\_\_

For purposes of Amendment Section 4.4, the Plan will also treat the following as eligible rollover distributions in 2009: (If no election is made, then a direct rollover will be offered only for distributions that would be eligible rollover distributions without regard to Code §401(a)(9)(H)):

- d. ☐ 2009 RMDs (as defined in Article IV of this Amendment) and installment payments that include 2009 RMDs.
- e. ☐ 2009 RMDs (as defined in Article IV of this Amendment) but only if paid with an additional amount that is an eligible rollover distribution without regard to Code §401(a)(9)(H).

ARTICLE III  
HEART ACT PROVISIONS

- 3.1 **Death benefits.** In the case of a death occurring on or after January 1, 2007, if a Participant dies while performing qualified military service (as defined in Code Section 414(u)), the Participant's Beneficiary is entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the Plan as if the Participant had resumed employment and then terminated employment on account of death. Moreover, the Plan will credit the Participant's qualified military service as service for vesting purposes, as though the Participant had resumed employment under USERRA immediately prior to the Participant's death.
- 3.2 **Benefit accrual.** If the Employer elects in Amendment Section 2.2 to apply this Section 3.2, then effective as of the date specified in Amendment Section 2.2, for benefit accrual purposes, the Plan treats an individual who dies or becomes disabled (as defined under the terms of the Plan) while performing qualified military service with respect to the Employer as if the individual had resumed employment in accordance with the individual's reemployment rights under USERRA, on the day preceding death or disability (as the case may be) and terminated employment on the actual date of death or disability.
- a. **Determination of benefits.** The Plan will determine the amount of employee contributions and the amount of elective deferrals of an individual treated as reemployed under this Section 3.2 for purposes of applying paragraph Code Section 414(u)(8)(C) on the basis of the individual's average actual employee contributions or elective deferrals for the lesser of: (i) the 12-month period of service with the Employer immediately prior to qualified military service; or (ii) the actual length of continuous service with the Employer.
- 3.3 **Differential wage payments.** For years beginning after December 31, 2008: (i) an individual receiving a differential wage payment, as defined by Code Section 3401(h)(2), is treated as an employee of the employer making the payment; (ii) the differential wage payment is treated as includible compensation for purposes of Code Section 403(b)(3) and compensation for purposes of Code Section 415(c)(3) and Treasury Reg. Section 1.415(c)-2; and (iii) the Plan is not treated as failing to meet the requirements of any provision described in Code Section 414(u)(1)(C) by reason of any contribution or benefit which is based on the differential wage payment. The Plan Administrator operationally may determine, for purposes of the provisions described in Code Section 414(u)(1)(C), whether to take into account any deferrals, and if applicable, any matching contributions, attributable to differential wages. Differential wage payments (as described herein) will also be considered compensation for all Plan purposes unless otherwise elected at Amendment Section 2.2.

Section 3.3(iii) above applies only if all employees of the Employer performing service in the uniformed services described in Code Section 3401(h)(2)(A) are entitled to receive differential wage payments (as defined in Code Section 3401(h)(2)) on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the Employer, to make contributions based on the payments on reasonably equivalent terms (taking into account Code Sections 410(b)(3), (4), and (5)).

- 3.4 **Deemed Severance.** Notwithstanding Section 3.3(i), if a Participant performs service in the uniformed services (as defined in Code Section 414(u)(12)(B)) on active duty for a period of more than 30 days, the Participant will be deemed to have a severance from employment solely for purposes of the withdrawal restrictions under Code Sections 403(b)(7)(A)(ii) and 403(b)(11)(A). However, the Plan will not distribute such a Participant's account on account of this deemed severance unless, (i) the Employer elects in Amendment Section 2.2.c or 2.2.d. to allow such distributions and (ii) the Participant specifically elects to receive a benefit distribution hereunder. If a Participant elects to receive a distribution on account of this deemed severance, then the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution. If a Participant would be entitled to a distribution on account of a deemed severance, and a distribution on account of another Plan provision (such as a qualified reservist distribution), then the other Plan provision will control and the 6-month suspension will not apply.

ARTICLE IV  
WAIVER OF 2009 REQUIRED DISTRIBUTIONS

- 4.1 **Continuation of RMDs for Participants receiving installment payments (unless otherwise elected by Participant); Suspension of RMDs for all other Participants.** This paragraph does not apply if the Employer elected Amendment Section 2.3a., b., or c. Notwithstanding the provisions of Code Section 401(a)(9)(H), a Participant or Beneficiary who would have been required to receive required minimum distributions for 2009 but for the enactment of Code Section 401(a)(9)(H) ("2009 RMDs"), and who would have satisfied that requirement by receiving distributions that are one or more payments in a series of installments (that include 2009 RMDs), will continue to receive those distributions for 2009 unless the Participant or Beneficiary chooses not to receive such distributions. Participants and Beneficiaries described in the preceding sentence will be given the opportunity to elect not to receive the distributions that include 2009 RMDs. For all other Participants and Beneficiaries, the requirement to receive the 2009 RMD shall be suspended in accordance with Code Section 401(a)(9)(H).
- 4.2 **Continuation of RMDs for all Participants unless otherwise elected by the Participant.** This paragraph applies if Amendment Section 2.3a. is selected. Notwithstanding the provisions of Code Section 401(a)(9)(H), a Participant or Beneficiary who would have been required to receive required minimum distributions for 2009 but for the enactment of Code Section 401(a)(9)(H) ("2009 RMDs"), and who would have satisfied that requirement by receiving distributions that are either (1) equal to the 2009 RMDs or (2) one or more payments in a series of installments (that include 2009 RMDs), will receive those distributions for 2009 unless the Participant or Beneficiary chooses not to receive such distributions. Participants and Beneficiaries described in the preceding sentence will be given the opportunity to elect to stop receiving the distributions described in the preceding sentence.
- 4.3 **Continuation of RMDs for all Participants (unless otherwise elected by Participants receiving installment distributions).** This paragraph applies if Amendment Section 2.3b. is selected. Notwithstanding the provisions of Code Section 401(a)(9)(H), a Participant or Beneficiary who would have been required to receive required minimum distributions for 2009 but for the enactment of Code Section 401(a)(9)(H) ("2009 RMDs"), and who would have satisfied that requirement by receiving distributions that are either (1) equal to the 2009 RMDs or (2) one or more payments in a series of installments (that include the 2009 RMDs), will receive those distributions for 2009. However, Participants and Beneficiaries receiving installments will be given the opportunity to elect not to receive the distributions that include 2009 RMDs.
- 4.4 **Direct Rollovers.** Notwithstanding the provisions of the Plan relating to required minimum distributions under Code Section 401(a)(9), and solely for purposes of applying the direct rollover provisions of the Plan, certain additional distributions in 2009, as elected by the Employer in Amendment Section 2.3, will be treated as eligible rollover distributions. If no election is made by the Employer in Amendment Section 2.3, then a direct rollover will be offered only for distributions that would be eligible rollover distributions without regard to Code Section 401(a)(9)(H).

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This Amendment has been executed this \_\_\_\_\_ day of \_\_\_\_\_.

Name of Plan: University of Wyoming President's 403(b) Plan

Name of Employer: University of Wyoming

By: \_\_\_\_\_  
EMPLOYER

## FINAL 403(b) AND 415 REGULATIONS AMENDMENT

### ARTICLE I PREAMBLE

- 1.1 Adoption and effective date of amendment. This amendment of the plan is adopted to reflect certain provisions of the Internal Revenue Code of 1986, as amended (the "Code") and the final Treasury Regulations promulgated under Sections 403(b) and 415 of the Code, respectively (cumulatively, the "Regulations"). This amendment is intended to comply with the requirements of such final regulations and should be construed in accordance therewith. Except as otherwise provided, this amendment shall be effective as of January 1, 2009, or the original effective date of the Plan, if later. The provisions relating to transfers and exchanges under the Plan are effective as of September 25, 2007, unless otherwise provided in the plan documentation and consistent with applicable law. The provisions in Sections 2.7 and 2.8 of this amendment are effective January 1, 2008, unless otherwise provided in the plan documentation and consistent with applicable law. The provisions relating to certain excluded Employees as specified in section 2.5 below shall become effective as indicated herein, but not later than January 1, 2010.
- 1.2 Supersession of inconsistent provisions. This amendment shall supersede the provisions of the plan to the extent those provisions are inconsistent with the provisions of this amendment.
- 1.3 Construction. Except as otherwise provided in this Amendment, any reference to "Section" in this Amendment refers only to sections within this Amendment, and is not a reference to the Plan or any other amendment to the Plan. The Article and Section numbering in this Amendment is solely for purposes of this Amendment, and does not relate to any Plan article, section or other numbering designations.
- 1.4 Effect of restatement of Plan. If the Employer restates the Plan, then this Amendment shall remain in effect after such restatement unless the provisions in this Amendment are included in such restatement or otherwise become obsolete (e.g., if the Plan is restated onto a plan document which incorporates the requirements of the final Treasury Regulations under Code sections 403(b) and 415).
- 1.5 Application of provisions. Certain provisions of this Amendment relate to the requirements of Title I of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). If the Plan to which this Amendment relates is a plan that is exempt from the requirements of ERISA as provided by Section 4 of such statute, then such ERISA provisions shall not apply.

### ARTICLE II ELECTIVE PROVISIONS

- 2.1 Hardship withdrawals: If hardship withdrawals are permitted under the terms of the Plan, hardship distributions will be subject to Section 1.401(k)-1(d)(3) of the Regulations. Accordingly, hardship distributions will be processed as indicated below *[check either safe harbor or general event test. If the plan does not permit hardship withdrawals, please so indicate by choosing the final option.]*
- ☐ Safe Harbor event test: Hardship withdrawals, if permitted, are limited to the applicable safe harbor events under Treas. Reg. §1.401(k)-1(d)(3)(iii)(B).
- ☐ General event test: Hardship withdrawals, if permitted, may follow any requirements established under a contract or account selected by the Participant, subject to applicable provisions governing hardship withdrawals under 401(k) plans.
- ☒ Hardship withdrawals are not permitted.

**In the event no options are selected, and the plan currently permits hardship distributions, the safe harbor events test is deemed to have been selected.**

In addition, the distribution will be deemed necessary (under Treas. Reg. 1.401(k)-1(d)(3)(iv)(E)) if the Employee has obtained all other currently available distributions and non-taxable loans under the Plan and all other plans maintained by the Employer, and the Employee is **prohibited** from making Elective Deferrals under the Plan or any other plan of the Employer for a period of **6 months** after receipt of the hardship distribution.

**2.2 Exchanges Within the Plan: Unless you elect otherwise below, Exchanges are permitted to any approved provider authorized to receive new contributions.**

Choose any options below that apply:

- ☐ No Exchanges permitted
- ☐ Exchanges also permitted to providers included in the Plan but not authorized to receive new contributions.
- ☐ Exchanges also permitted to providers outside of the Plan that have entered into an information sharing agreement with the Plan Sponsor.

**2.3 Transfers Into the Plan : The Plan will ☒ or will not ☐ accept qualifying Plan-to-Plan Transfers from another 403(b) plan.**

**(Default: If no election is made, the Plan will accept qualifying Plan-to-Plan Transfers from another 403(b) plan)**

**2.4 Transfers From the Plan: The Plan will ☒ or will not ☐ permit qualifying Plan-to-Plan Transfers from the Plan to another 403(b) plan, if requested by a Participant that meets the requirements under the Regulations to direct such a transfer.**

**(Default: If no election is made, the Plan will permit qualifying Plan-to-Plan Transfers from the Plan to another 403(b) plan willing to accept the transfer.)**

**2.5 Excluded Employees for Elective Contributions/Deferrals:**

(a) General Rules for Elective Deferrals. **Unless exclusions are selected under this section 2.5 or pursuant to Article III, all Employees shall be immediately eligible to make Elective Deferrals with the Employer under the Plan.** (Note: The inclusion of all common law employees will prevent an inadvertent violation of the universal availability requirements of Section 403(b)(12)(A)(ii).)

Subject to and in accordance with the requirements of the Regulations, the following category(ies) of employees shall not be eligible to participate in the plan:

- ☐ Employees who are eligible to participate in one or more plans described under Section 403(b)(12)(A) of the Code (e.g., a 401(k) plan, 457(b) plan or another 403(b) plan of the employer) during the calendar year.
- ☐ Employees who are students and regularly attending classes at the Employer institution during the calendar year (limited to Employers that are educational institutions).
- ☐ Employees who normally work fewer than \_\_\_\_\_ hours per week (must be 20 or less. Refer to Section 3.2, below)
- ☐ Employees who are nonresident aliens and perform no services in the U.S. during the calendar year.

(b) Special rules effective on or after January 1, 2010: Notwithstanding the above, employees in the classes selected below are excluded for taxable years beginning prior to

January 1, 2010, but shall be eligible for participation under the plan for taxable years beginning on or after January 1, 2010;

- ☐ Employees who make a one-time election to participate in a governmental plan as described in Code section 414(d) instead of a 403(b) plan
- ☐ Professors who are providing services on a temporary basis to another school for up to one year and for whom section 403(b) contributions are being made at a rate no greater than the rate each such professor would receive under the section 403(b) plan of the original school
- ☐ Employees who are affiliated with a religious order and who have taken a vow of poverty where the religious order provides for the support of such employees in their retirement

(c) Eligibility Exclusions for Employees subject to a collective bargaining agreement: Notwithstanding the above, if on July 26, 2007, the Plan excluded from eligibility employees who are covered by a collective bargaining agreement, then such Employees, unless included in a category of employees otherwise permissibly excluded from participation in accordance with the Regulations, shall be eligible for participation in the plan on the later of (i) the first day of the first taxable year that begins after December 31, 2008; or (ii) the earlier of (A) the date on which the related collective bargaining agreement terminates (determined without regard to any extension thereof after July 26, 2007); or (B) July 26, 2010.

## 2.6 Excluded Employees for Employer Contributions:

General Rules for Employer Contributions: **Unless exclusions are selected in this section 2.6 or pursuant to Article III, all Employees shall be eligible for Employer Contributions.** (Note: Excluding employees from becoming eligible to receive Employer Contributions may require additional non-discrimination testing in accordance with Section 1.403(b)-5 of the Regulations including, but not limited to, the requirements of Code Section 410(b).)

The following category(ies) of employees shall not be eligible to receive employer contributions other than elective deferrals under the Plan:

- ☐ Employees who are students and regularly attending classes at the Employer institution during the calendar year (limited to Employers that are educational institutions).
- ☐ Employees who normally work fewer than \_\_\_\_\_ hours per week. (Note: If the requisite number of hours per week exceeds 20 hours, such exclusion may affect non-discrimination testing under the Plan.)
- ☐ Employees who are nonresident aliens and perform no services in the U.S. during the calendar year.
- ☐ Employees covered by a collective bargaining agreement (unless the terms of the collective bargaining agreement provide for participation in the Plan).

Note that the election of the following exclusions from eligibility for employer contributions other than elective deferrals may adversely effect required non-discrimination testing under the Plan.

- ☐ Employees who are eligible to participate in one or more plans described under Section 403(b)(12)(A) of the Code (e.g., a 401(k) plan, 457(b) plan or another 403(b) plan of the employer) during the calendar year.
- ☐ Employees who make a one-time election to participate in a governmental plan described in Code section 414(d) instead of a 403(b) plan.
- ☐ Professors who are providing services on a temporary basis to another school for up to one year and for whom section 403(b) contributions are being made at a rate no greater than the rate each such professor would receive under the section 403(b) plan of the original school.



- ☐ Salary continuation payments to Participants who are not currently providing services by reason of qualified military service (as described in Treas. Reg. Sections 1.415(c)-2(e)(4), 1.415(c)-2(g)(4) or 1.415(c)-2(g)(7)).

2.8 Compensation for Purposes of Employer Contributions

The following elections shall apply for determining the amount of, or the allocation of, Employer contributions under the Plan. Regardless of the elections below, the amount of Compensation taken into account under the Plan for any year shall not exceed the maximum amount permitted under Section 401(a)(17) for such year.

**In the event that no options are selected, Compensation shall mean Section 415 "safe harbor" compensation for the Plan Year, less pre-entry date compensation.**

(a) Compensation shall mean (*check one*):

- ☐ W-2 wages (wages, tips and other compensation reported in Box 1 of Form W-2), increased by Elective Contributions
- ☐ Section 3401(a) wages (wages for federal income tax withholding purposes), increased by Elective Contributions
- ☒ Section 415 "safe harbor" compensation, as defined in Treas. Reg. Section 1.415(c)-2(d)(2), including Elective Contributions
- ☐ Other (*specify*): \_\_\_\_\_

*Note: Allocating Employer contributions on the basis of a definition of Compensation other than the first three alternatives above (as adjusted by the permissible exclusions elected below) may subject the Plan to additional nondiscrimination tests, including the Section 414(s) nondiscriminatory compensation test and (if the definition of Compensation does not satisfy the 414(s) test) the general nondiscrimination test under Section 401(a)(4).*

(b) Compensation shall be based on the following determination period (*check one*):

- ☒ the Plan Year;
- ☐ the calendar year coinciding with or ending within the Plan Year;

(c) Compensation **shall exclude** (*check all that apply*):

- ☐ No exclusions
- ☐ Elective Contributions: amounts excludible from the Participant's taxable income by reason of the Participant's election to defer under Code Sections 125, 132(f)(4), 402(e)(3), 402(h)(1)(B), 402(k) or 457(b)
- ☒ Pre-Entry Date Compensation: compensation earned prior to the date the Participant is first eligible for Employer contributions
- ☐ Expense reimbursements/expense allowances, fringe benefits, moving expenses, deferred compensation and welfare benefits
- ☐ Overtime

- ☐ Bonuses
- ☐ Commissions
- ☐ Other (specify) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Note: Allocating Employer contributions on the basis of a definition of Compensation that excludes items of compensation other than the first three alternatives above may subject the Plan to additional nondiscrimination tests, including the Section 414(s) nondiscriminatory compensation test and (if the definition of Compensation does not satisfy the 414(s) test) the general nondiscrimination test under Section 401(a)(4).*

(d) **Unless otherwise excluded above**, Compensation **shall include** post-severance "regular pay" (i.e., base pay, overtime, shift differential, commissions, bonuses or similar payments) that is paid by the later of (i) 2 1/2 months after severance from employment, or (ii) the last day of the limitation year that includes the date of severance, so long as such amounts would have been paid to the Participant prior to severance if the Participant had continued in employment. This would include, for example, the Participant's final paycheck, if paid to the Participant after severance from employment.

(e) **Unless otherwise elected below**, Compensation **shall exclude** all other compensation that is paid after severance from employment.

Compensation **shall include** the following types of post-severance compensation:

- ☐ Payments for unused accrued sick, vacation or other leave (that could have been used by the Participant had he/she continued in employment) that is paid by the later of 2 1/2 months after severance from employment or the last day of the limitation year that includes the date of severance
- ☐ Amounts payable to the Participant under a nonqualified unfunded deferred compensation plan (if the payment would have been made at the same time if the Participant had continued in employment) that are paid by the later of 2 1/2 months after severance from employment or the last day of the limitation year that includes the date of severance
- ☐ Salary continuation payments to disabled Participants (as described in Treas. Reg. Section 1.415(c)-2(e)(4))
- ☐ Salary continuation payments to Participants who are not currently providing services by reason of qualified military service (as described in Treas. Reg. Sections 1.415(c)-2(e)(4), 1.415(c)-2(g)(4) or -1.415(c)-2(g)(7)).

### ARTICLE III ELIGIBILITY AND ELIGIBLE EMPLOYEES

- 3.1 General rule for eligibility: Subject to Sections 2.5 and 2.6 above, each Employee shall become eligible to participate in the Plan and elect to have Elective Contributions/Deferrals made on his or her behalf hereunder immediately upon employment with the Employer.



- 3.2 Determination of Employees who normally work less than 20 hours per week: If the plan excludes from participation those employees who normally work 20 hours per week or less, in accordance with the Regulations, an Employee normally will be deemed to work fewer than 20 hours per week if for the 12-month period beginning on the date of hire the Employer reasonably expects the Employee to work fewer than 1,000 hours and, for each subsequent plan year ending after this initial employment year, the Employee worked fewer than 1,000 hours in the preceding 12-month period.
- 3.3 Provisions relating to IRS Notice 89-23: Any class of Employees that have been excluded from eligibility in the Plan in accordance with IRS Notice 89-23 that are not otherwise included in a category of Employees which may be excluded from eligibility under the Plan and in accordance with applicable law, shall be eligible to participate in the Plan,

*(Note that the exclusions permitted under IRS Notice 89-23 include, but are not limited to, employees who are covered by a collective bargaining agreement, employees who make a one-time election to participate in a governmental plan described in Code Section 414(d) instead of a 403(b) plan, professors who are providing services on a temporary basis to another public school for up to one year and for whom section 403(b) contributions are being made at a rate no greater than the rate each such professor would receive under the section 403(b) plan of the original public school, and employees who are affiliated with a religious order and who have taken a vow of poverty where the religious order provides for the support of such employees in their retirement.)*

#### ARTICLE IV ROLLOVERS, TRANSFERS AND EXCHANGES

*(Note that the Regulations include significant changes to the availability of rollovers, transfers and exchanges under and between plans, including the repeal of IRS Revenue Ruling 90-24 which became effective September 25, 2007.)*

4.1 Eligible Rollover Contributions to the Plan.

(a) Eligible Rollover Contributions. To the extent provided in the investment arrangements and the Plan, including Article II above, an Employee who is a Participant who is entitled to receive an eligible rollover distribution from another eligible retirement plan may request to have all or a portion of the eligible rollover distribution paid to the Plan. Such rollover contributions shall be made in the form of cash only. The provider may require such documentation from the distributing plan as it deems necessary to effectuate the rollover in accordance with section 402 of the Code and to confirm that such plan is an eligible retirement plan within the meaning of section 402(c)(8)(B) of the Code. However, unless Roth 403(b) Contributions are authorized under the Plan, in no event does the Plan accept a rollover contribution from a Roth elective deferral account under an applicable retirement plan described in section 402A(e)(1) of the Code.

(b) Eligible Rollover Distribution. For purposes of Section 4.1(a), an eligible rollover distribution means any distribution of all or any portion of a Participant's benefit under another eligible retirement plan, except that an eligible rollover distribution does not include (1) any installment payment for a period of 10 years or more, (2) any distribution made as a result of an unforeseeable emergency or upon hardship of the employee, (3) for any other distribution, the portion, if any, of the distribution that is a required minimum distribution under section 401(a)(9) of the Code, or corrective distribution of excess amounts in accordance with the Plan. In addition, an eligible retirement plan means an individual retirement account described in section 408(a) and 408A of the Code, an individual retirement annuity described in section 408(b) and 408A of the Code, a qualified trust described in section 401(a) of the Code, a plan described in section 403(a) or 403(b) of the Code, or an eligible governmental plan described in section 457(b) of the Code, that accepts the eligible rollover distribution.

(c) Separate Accounts. Unless otherwise provided by the terms of applicable investment arrangements, providers shall provide separate accounting for any eligible rollover distribution paid to the Plan.

#### 4.2 Plan-to-Plan Transfers to the Plan.

(a) To the extent provided in the investment arrangements and the Plan, including Article II above, the Administrator may permit a transfer of assets to the Plan as provided in this section. Such a transfer is permitted only if the other plan provides for the direct transfer of each person's entire interest therein to the Plan and the person is an Employee or former Employee of the Employer. The Administrator and any provider accepting such transferred amounts may require that the transfer be in cash or other property acceptable to it. The Administrator or any provider accepting such transferred amounts may require such documentation from the other plan as it deems necessary to effectuate the transfer in accordance with Treas. Reg. § 1.403(b)-10(b)(3) and to confirm that the other plan is a plan that satisfies section 403(b) of the Code.

(b) The amount so transferred shall be credited to the Participant's Account, so that the Participant or Beneficiary whose assets are being transferred has an accumulated benefit immediately after the transfer at least equal to the accumulated benefit with respect to that Participant or Beneficiary immediately before the transfer.

(c) To the extent provided in the investment arrangements holding such transferred amounts, the amount transferred shall be held, accounted for, administered and otherwise treated in the same manner as an Elective Deferral or, if applicable, Roth 403(b) Contribution by the Participant under the Plan, except that (1) the investment arrangement which holds any amount transferred to the Plan must provide that, to the extent any amount transferred is subject to any distribution restrictions required under section 403(b) of the Code, the investment arrangement must impose restrictions on distributions to the Participant or Beneficiary whose assets are being transferred that are not less stringent than those imposed under the transferor plan, and (2) the transferred amount shall not be considered an Elective Deferral under the Plan in determining the maximum deferral under the Plan.

#### 4.3 Plan-to-Plan Transfers from the Plan.

(a) To the extent provided in the investment arrangements and the Plan, including Article II above, Participants and Beneficiaries may elect to have all or any portion of their Account transferred to another plan that satisfies section 403(b) of the Code in accordance with Treas. Reg. § 1.403(b)-10(b)(3). A transfer is permitted under this Section 4.3(a) only if the Participants or Beneficiaries are Employees or former Employees of the Employer under the receiving plan and the receiving plan provides for the acceptance of plan-to-plan transfers with respect to the Participants and Beneficiaries and for each Participant and Beneficiary to have an amount deferred under the receiving plan immediately after the transfer at least equal to the amount transferred.

(b) The receiving 403(b) plan must provide that, to the extent any amount transferred is subject to any distribution restrictions required under section 403(b) of the Code, the other plan shall impose 403(b) restrictions on distributions to the Participant or Beneficiary whose assets are transferred that are not less stringent than those imposed under the Plan. In addition, if the transfer does not constitute a complete transfer of the Participant's or Beneficiary's interest in the Plan, the receiving plan shall treat the amount transferred as a continuation of a pro rata portion of the Participant's or Beneficiary's interest in the transferor plan (e.g., a pro rata portion of the Participant's or Beneficiary's interest in any after-tax employee contributions).

(c) Upon the transfer of assets under this Section 4.3, the Plan's liability to pay benefits to the Participant or Beneficiary under this Plan shall be discharged to the extent of the amount so transferred for the Participant or Beneficiary. The Administrator may require such documentation from the receiving plan as it deems appropriate or necessary to comply with this Section 4.3 (for

example, to confirm that the receiving plan satisfies section 403(b) of the Code and to assure that the transfer is permitted under the receiving plan) or to effectuate the transfer pursuant to Treas. Reg. § 1.403(b)-10(b)(3).

#### 4.4 Contract and Custodial Account Exchanges.

(a) To the extent provided in the investment arrangements and the Plan, including Article II above, a Participant or Beneficiary is permitted to change the investment of his or her Account among the providers under the Plan, subject to the terms of the investment arrangements. However, unless otherwise indicated in the Plan, exchanges are not permitted to providers that are not eligible to receive contributions. If the Plan authorizes exchanges to a provider that is not eligible to receive contributions, the conditions in paragraphs (b) through (d) of this Section 4.4 must be satisfied.

(b) The Participant or Beneficiary must have an Account balance immediately after the exchange that is at least equal to the Account balance of that Participant or Beneficiary immediately before the exchange (taking into account the Account balance of that Participant or Beneficiary under both section 403(b) contracts or custodial accounts immediately before the exchange).

(c) The investment arrangement with the receiving provider has distribution restrictions with respect to the Participant that are not less stringent than those imposed on the investment being exchanged.

(d) The Employer enters into an agreement with the receiving provider for the other contract or custodial account under which the Employer and the provider will from time to time in the future provide each other with the following information:

(1) Information necessary for the resulting contract or custodial account, or any other contract or custodial accounts to which contributions have been made by the Employer, to satisfy section 403(b) of the Code, including the following:

(i) the Employer providing information as to whether the Participant's employment with the Employer is continuing, and notifying the provider when the Participant has had a severance from employment (for purposes of the distribution restrictions);

(ii) the provider notifying the Employer of any hardship withdrawal if the withdrawal results in a 6-month suspension of the Participant's right to make Elective Deferrals under the Plan; and

(iii) the provider providing information to the Employer or other providers concerning the Participant's or Beneficiary's section 403(b) contracts or custodial accounts or qualified employer plan benefits (to enable a provider to determine the amount of any plan loans and any rollover accounts that are available to the Participant under the Plan in order to satisfy the financial need under the hardship withdrawal rules); and

(2) Information necessary in order for the resulting contract or custodial account and any other contract or custodial account to which contributions have been made for the Participant by the Employer to satisfy other tax requirements, including the following:

(i) the amount of any plan loan that is outstanding to the Participant in order for a provider to determine whether an additional plan loan satisfies the loan limitations of the Code so that any such additional loan is not a deemed distribution under section 72(p)(1); and

(ii) information concerning the Participant's or Beneficiary's Roth Contributions and after-tax employee contributions in order for a provider to determine the extent to which a distribution is includible in gross income.

(e) If any provider ceases to be eligible to receive Elective Deferrals under the Plan, the provider shall enter into an information sharing agreement as described in Section 4.4(d) with the Employer if the Employer's existing contract with the provider does not provide for the exchange of information described in Section 4.4(d)(1) and (2).

#### 4.5 Permissive Service Credit Transfers.

(a) If a Participant is also a participant in a tax-qualified defined benefit governmental plan (as defined in section 414(d) of the Code) that provides for the acceptance of plan-to-plan transfers with respect to the Participant, and subject to any applicable federal and/or state limitations, then the Participant may elect to have any vested portion of the Participant's Account transferred to the defined benefit governmental plan. A transfer under this Section 4.5(a) may be made before the Participant has had a Severance from Employment.

(b) A transfer may be made under Section 4.5(a) only if the transfer is either for the purchase of permissive service credit (as defined in section 415(n)(3)(A) of the Code) under the receiving defined benefit governmental plan or a repayment to which section 415 of the Code does not apply by reason of section 415(k)(3) of the Code.

(c) In addition, if a plan-to-plan transfer does not constitute a complete transfer of the Participant's or Beneficiary's interest in the transferor plan, the Plan shall treat the amount transferred as a continuation of a pro rata portion of the Participant's or Beneficiary's interest in the transferor plan (e.g., a pro rata portion of the Participant's or Beneficiary's interest in any after-tax employee contributions).

## ARTICLE V DISTRIBUTIONS AND LOANS

5.1 Distributions from contracts other than custodial accounts or amounts attributable to elective deferrals (employer contributions held in annuity contracts). Except as provided under the Plan for correction of excess deferrals or plan termination, the portion of a Participant's Account not attributable to elective deferrals and which is held in annuity accounts may not be distributed until the earlier of (i) the stated event identified under the terms of the Plan document for receipt of such non-elective employer contributions, or (ii) severance from employment. If prior to this amendment the Plan imposed no restrictions on such distributions, the requirements of this section will apply only to those contracts established on or after the effective date of this amendment. If the Plan document or the contract(s) do not specify a stated event, the stated event for contracts issued on or after the effective date of this amendment shall be the earliest of attainment of age 59 ½, severance from employment, disability, and death.

5.2 Distributions from custodial accounts that are not attributable to elective deferrals (employer contributions held in custodial accounts). Except as provided under provisions of the Plan relating to excess deferrals or plan termination, the portion of a Participant's Account not attributable to elective deferrals and which is held in custodial accounts may not be distributed prior to the earliest of the date on which the Participant has a severance from employment, dies, becomes disabled within the meaning of Code section 72(m)(7), or attains age 59½. Any amounts transferred out of a custodial account to an annuity contract or retirement income account and the earning thereon continue to be subject to this paragraph.

#### 5.3 Distribution of section 403(b) elective deferrals.

(a) Except as permitted under provisions of the Plan relating to excess elective deferrals or plan termination, distributions from a Participant's Account may not be made earlier than the

earliest of the date on which the Participant has a severance from employment, dies, has a hardship, becomes disabled within the meaning of Code section 72(m)(7), or attains age 59½.

(b) Notwithstanding the foregoing and in accordance with the terms of the Individual Agreements, the withdrawal restrictions described above do not apply to elective deferrals made to an annuity contract and attributable earnings as of December 31, 1988. Distributions shall otherwise be made in accordance with the terms of the investment arrangements.

5.4 Hardship Distributions. To the extent permitted under the terms of the Plan and the applicable investment arrangements, including section 2.1 above, hardship distributions may be made under the Plan.

5.5 Loans. If authorized in the Plan, loans shall be permitted to the extent permitted by and in accordance with the investment arrangements controlling the Account assets from which the loan is made and by which the loan will be secured.

(a) Information Coordination Concerning Loans. Each provider is responsible for all information reporting and tax withholding required by applicable federal and state law in connection with distributions and loans. To minimize the instances in which Participants have taxable income as a result of loans from the Plan, the Administrator(s) shall take such steps as may be appropriate to coordinate the limitations on loans set forth below, including the collection of information from providers, and transmission of information requested by any provider, concerning the outstanding balance of any loans made to a Participant under the Plan or any other plan of the Employer. The Administrator(s) shall also take such steps as may be appropriate to collect information from providers, and transmission of information to any provider, concerning any failure by a Participant to repay timely any loans made to a Participant under the Plan or any other plan of the Employer.

(b) Maximum Loan Amount. No loan to a Participant under the Plan may exceed the lesser of:

(1) \$50,000, reduced by the greater of (i) the outstanding balance on any loan from the Plan to the Participant on the date the loan is made, or (ii) the highest outstanding balance on loans from the Plan to the Participant during the one-year period ending on the day before the date the loan is approved by the Administrator (not taking into account any payments made during such one-year period); or

(2) one half of the value of the Participant's vested Account balance (as of the Valuation Date immediately preceding the date on which such loan is approved by the Administrator) reduced by the amount of any outstanding loan balances.

(c) If this Plan is not subject to the provisions of ERISA, to the extent provided in the investment arrangements and the Plan, loans may be permitted up to the lesser of (1) the amount determined under (b)(1) above, or (2) the greater of (i) the amount determined under (b)(2) above, or (ii) \$10,000 less the amount of any outstanding loans.

For purposes of this section, any loan from any other plan maintained by the Employer and any related employer shall be treated as if it were a loan made from the Plan, and the Participant's vested interest under any such other plan shall be considered a vested interest under this Plan; provided, however, that the provisions of this paragraph shall not be applied so as to allow the amount of a loan to exceed the amount that would otherwise be permitted in the absence of this paragraph.

(d) Loan Repayments For Participants in Military Service. Notwithstanding any other provision of the Plan or any Annuity Contract or Custodial Account, loan repayments by eligible uniformed services personnel may be suspended as permitted under section 404(u)(4) of the Code and the terms of any loan shall be modified to conform to the requirements of the Uniformed Services Employment and Reemployment Rights Act.



- 5.6 Minimum Distributions. Each investment arrangement shall comply with the minimum distribution requirements of section 401(a)(9) of the Code and the regulations thereunder. For purposes of applying the distribution rules of section 401(a)(9) of the Code, each investment arrangement is treated as an individual retirement account (IRA) and distributions shall be made in accordance with the provisions of § 1.408-8 of the Income Tax Regulations, except as provided in Treas. Reg. § 1.403(b)-6(e).
- 5.7 Vesting provisions. Nonvested account values must be accounted for separately in accordance with section 403(c) of the Code until they become 100% vested. Elective contributions and any earnings thereon are always fully vested and nonforfeitable. The Plan shall take a participant's elective contributions/deferrals into account in determining the Participant's vested benefits under the Plan. Thus, for example, the Plan shall take elective contributions into account for applying provisions permitting the repayment of distributions to allow forfeited amounts to be restored, and the provisions of Code Sections 410(a)(5)(D)(iii) and 411(a)(6)(D)(iii) permitting a plan to disregard certain service completed prior to breaks-in-service (sometimes referred to as "the rule of parity").

## ARTICLE VI AMENDMENT AND TERMINATION

- 6.1 Right to amend: The Employer reserves the right to amend or terminate the Plan at any time, provided that no such amendment may cause any amounts held under the Plan to be used for, or diverted to, purposes other than for the exclusive benefit of Participants and Beneficiaries, and provided further that no amendment or termination of the Plan may reduce the benefits accrued by or the amount credited to the Account of any Participant, reduce any Participant's Vested percentage in that portion of the Participant's account attributable to Employer Contributions made before the day such amendment is adopted or becomes effective, whichever is later, or eliminate or reduce any optional form of distribution or benefit or any early retirement benefit provided by the Plan.
- 6.2 Distribution upon Plan Termination: Upon Plan termination, Participant Accounts shall be distributed in either (i) the form of a lump sum distribution, or (ii) in the form of the Annuity Contract(s), in accordance with and subject to Section 403(b) of the Code and the applicable Regulations thereunder. All distributions made pursuant to the Plan termination and in accordance with the requirements of Section 1.403(b)-10 of the Regulations, either in cash or in the form of distributed Annuity Contracts which impose the applicable restrictions of Code Section 403(b)(11) which survive such termination, shall be made in accordance with the applicable requirements of the Code, as determined by, and pursuant to the direction of, the Employer and/or the Plan Administrator.

## ARTICLE VII TIMING OF CONTRIBUTION REMITTANCE

- 7.1 Employer Contributions: Employer contributions shall be transferred to the provider of the applicable funding vehicle within a reasonable period of time.
- 7.2 Elective Contributions/Deferrals subject to ERISA: If the Plan is subject to the requirements of ERISA, elective deferrals accumulated through payroll deductions shall be paid to the provider of the applicable funding vehicle as of the earliest date on which such contributions can reasonably be segregated from the Employer's general assets, but no later than such time specified or permitted by the Department of Labor regulations.

- 7.3 Elective Contributions/Deferrals not subject to ERISA: If the Plan is not subject to the requirements of ERISA, the Employer shall remit contributions to the provider of the applicable funding vehicle within a "reasonable" time following withholding from the employees' pay, or such date as required by applicable state law.

## ARTICLE VIII CORRECTIVE DISTRIBUTIONS

Notwithstanding any other provision of the Plan to the contrary, for limitation years beginning on or after July 1, 2007, if (notwithstanding the application of the provisions of the Plan titled "Special Code Limitations") the limit on annual additions under Section 415 is exceeded for the limitation year, the excess annual additions shall be segregated and accounted for separately (as required under Treas. Reg. Section 1.403(b)-3(b)(2)) until corrected (by distribution or otherwise) in a manner consistent with applicable IRS guidance regarding the correction of excess annual additions.

## ARTICLE IX PLAN DOCUMENT

The Plan document, as amended, the adoption agreement (if applicable), as amended, and any underlying annuity contracts and/or custodial accounts provided by the provider(s) authorized by the Employer, as well as necessary forms and administrative policies and procedures incorporated by the Employer, an Administrator, or any Funding Vehicle, shall constitute the entire Plan.

This amendment has been executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Name of Employer: University of Wyoming

Name of Plan: University of Wyoming President's 403(b) Plan

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(Print)

Title: \_\_\_\_\_

## **5. Committee of the Whole- PROPOSED ITEMS FOR ACTION**

### **Execution of Bond pursuant to W.S. § 21-17-203, McKinley/Mai/Evans**

CHECK THE APPROPRIATE BOX(ES):

- ☐ Work Session
- ☐ Education Session
- ☐ Information Item
- ☒ Other                      Specify: Committee of the Whole (Items for Approval)

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

Wyoming Statute § 21-17-203 requires that the Treasurer of the Board of Trustees execute a bond “with approved sureties in double the sum likely to come into his hands, for the faithful discharge of his duties.” Because the Treasurer of the Board does not have access to any of the University’s bank accounts, and therefore does not have access to any University funds, it is not necessary to execute a bond to remain in compliance with the statute.

W.S. § 21-17-203 also states that “the board may from time to time appoint and authorize a person to examine and approve for payment all legal claims against the corporation. The person shall give bond with surety approved by the board, payable to the state of Wyoming in such sum as the board may fix, conditioned for the faithful performance of his duties.”

Per Section 6-2 of the Bylaws of the Trustees, the “Deputy Treasurer shall be nominated by the President of the University for appointment by the Trustees, shall be an officer of the University of Wyoming whose duties include responsibility for the receipt, custody, and expenditure of all funds of the University of Wyoming not held by the State Treasurer, and shall exercise the same responsibility with respect to any funds or monies of the Trustees of the University of Wyoming.”

Per UW Regulation 1-1, the Board has appointed the Vice President for Administration as the Deputy Treasurer: “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, 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.”

Presidential Directive 3-1993-1 (Receipt and Handling of University Funds) is currently being modified to include the following policy regarding electronic payments from a University bank account:

Automated Clearing House (ACH) payments may only be initiated by the University’s Accounting Manager or Assistant Manager, Accounting using the bank’s customer portal, which enhances the security of the transaction by the layered security features offered by these interfaces. Authorized signors will not



initiate ACH payments in person at any bank branch except in limited cases. In those limited cases that an ACH would need to be initiated in-person at a bank branch, two of the following three personnel shall be present for the transaction: Associate Vice President of Fiscal Administration, Accounting Manager, and/or the Assistant Accounting Manager.

Wire transactions will only be initiated by the Accounting Manager or Assistant Manager, Accounting by delivery of a letter which shall include wire details to the bank. Once in receipt of this letter, the bank will confirm the wire and amount with either the Accounting Manager or Assistant Manager, Accounting prior to processing.

Wire transactions for investing purposes will only be initiated by the Manager, Financial Services; Director of Tax Compliance; or the Coordinator, Financial Services on the bank's customer portal to take advantage of the layered security features offered in these interfaces. In the case that UW's operating bank is not accessible due to technical difficulties, the steps required to initiate a wire transaction for operating purposes listed in the previous paragraph will be followed.

The overnight cash institution is only authorized to wire funds to UW's operating bank account. Wires out of the overnight cash institution are deposited directly into the general fund bank account. In the case the online customer portal for overnight cash is not accessible due to technical difficulties, the Manager, Financial Services; Director of Tax Compliance; or the Coordinator, Financial Services may call the overnight cash institution to initiate the wire transaction into the general fund bank account.

With these controls in place, the University recommends the Deputy Treasurer execute a bond in the amount of one million dollars (\$1,000,000.00) in accordance with W.S. § 21-17-203.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

None.

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

W.S. § 21-17-203 requires the Deputy Treasurer "shall give bond with surety approved by the board, payable to the state of Wyoming in such sum as the board may fix, conditioned for the faithful performance of his duties."

**ACTION REQUIRED AT THIS BOARD MEETING:**

Board approval for the Deputy Treasurer to execute a \$1,000,000.00 bond.

**PROPOSED MOTION**

I move to approve the Deputy Treasurer to execute a \$1,000,000.00 bond to fulfill the requirement of Wyoming Statute 21-17-203.

**6. Committee of the Whole- PROPOSED ITEMS FOR ACTION**  
**ASUW Senate Bills Requiring Action**, Axelson

CHECK THE APPROPRIATE BOX(ES):

- ☐ Work Session  
☐ Education Session  
☐ Information Item  
☒ Other            Specify: Committee of the Whole (Items for Approval)

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

In accordance with the By-Laws of the Associated Students of the University of Wyoming (ASUW), Board of Trustee approval is required for the annual budget of ASUW and for designated use of ASUW reserve funds.

Some recently passed legislation for ASUW requires Board of Trustee approval in line with UW and ASUW policies.

**Senate Bill 2538 – ASUW Endowment in Support of the ASUW Childcare Assistance Scholarship -- APPROVAL NEEDED**

- This legislation is allocating \$115,000.00 from the ASUW Reserve for the endowment of the ASUW Childcare Assistance Scholarship, this money was approved by the UW BOT in the FY14 Budget and has been held as earmarked. The \$115,000 does not require approval. The \$2,000.00 matching funds will also be used to create the ASUW Childcare Assistance Scholarship Endowment. The **money requiring approval** is an additional \$33,000 from the ASUW Reserve to complete the necessary funds for the endowment.
- This scholarship and it's funds are to be monitored by ASUW Budget and Planning Committee so that \$5,000.00 or more is awarded annually broken up into \$1,000.00 scholarship awards.
- Any additional funds that are generated outside of the \$5,000.00 interest would roll over and be placed back into the principle account for the endowment.
- Attached is the link for this piece of legislation – See attachment.  
<http://www.uwyo.edu/asuw/ files/legislation/2016-2017-pdf-files/senate-bill-2538-passed.pdf>

**Senate Bill 2554 – ASUW Senatorial Scholarship Program – APPROVAL NEEDED**

- This bill will require \$12,800.00 to come out of the ASUW Reserve and be added to the Legislative Budget for the ASUW Senatorial Scholarship Program. The ASUW Senatorial Scholarship Program will maintain and review this program periodically.
- Attached is the link for this piece of legislation See attachment.  
<http://www.uwyo.edu/asuw/ files/legislation/2016-2017-pdf-files/senate-bill-2554-passed.pdf>

## **Senate Bill 2561 – ASUW Support for Expansion and Renovation of the Wyoming Union, and Housing Plan for UW – APPROVAL NEEDED**

- This bill will require \$275,000.00 to come out of the ASUW Facilities Endowment with an additional \$75,000.00 from the ASUW Reserve and be earmarked to the utilization of hiring an architecture firm to work with the ASUW Student Government and other necessary entities to begin planning for an expansion and renovation of the Wyoming Union.
- Senate Bill 2561 made an additional allocation of \$60,000 of matching funds, from the ASUW Facilities Endowment allocated to be utilized to assist in the hiring of a consultation firm for the UW 10-Year Housing Plan
- Attached is the link for this piece of legislation  
[http://www.uwyo.edu/asuw/\\_files/legislation/2016-2017-pdf-files/senate-bill-2561-passed.pdf](http://www.uwyo.edu/asuw/_files/legislation/2016-2017-pdf-files/senate-bill-2561-passed.pdf)

### Senate Bill 2549: ASUW Budget for Fiscal Year 2018 – APPROVAL NEEDED

- This is the condensed budget for ASUW Student Government for FY 18. This budget was developed through the standard budget process, starting in late January, and concluding around the end of March. The Budget and Planning committee put significant work into this budget, which unanimously passed the ASUW Senate.

Total Budget	<b>\$1,494,685.99</b>
ASUW Student Fee Allocation	\$853,772.00
ASUW Special Projects Endowment Allocation	\$95,000.00
ASUW Scholarship Endowments (aggregate)	\$65,000.00
ASUW Reserve Allocation	\$136,913.99
ASUW Equipment Reserve	\$153.16.
ASUW Misc. Service Revenue	
ASUW Facilities Endowment	
ASUW FY18 Allocation	<b>\$1,054,925.49</b>
ASUW FY18 Out of Budget Allocations	<b>\$439,760.50</b>

- Here is the link for the piece of legislation. See attachment.  
[http://www.uwyo.edu/asuw/\\_files/legislation/2016-2017-pdf-files/senate-bill-2549-passed.pdf](http://www.uwyo.edu/asuw/_files/legislation/2016-2017-pdf-files/senate-bill-2549-passed.pdf)

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:** In past years, similar legislation has been brought forward for Board of Trustee approval.

**WHY THIS ITEM IS BEFORE THE BOARD:** ASUW By-Laws required board approval.

ASUW By-Laws

Article 2,

Section 11: Fees:

- A. The proceeds of collected fees shall be distributed by the ASUW Senate as provided in Paragraph B of this Section and according to the ASUW Finance Policy, to promote the educational, professional, cultural, social and athletic activities of its members. The ASUW Senate shall oversee the proper expenditure of funds allocated to a student organization from the ASUW General Budget.
- B. The ASUW Student Senate shall adopt an annual budget to be submitted to that body not later than five weeks prior to the end of the school year. This budget shall show projected income and proposed expenditures, and shall be approved by the outgoing Senate and the Board of Trustees before it becomes effective. Alterations in the general budget are approved, subject to approval by the University Vice President for Administration.

ASUW Finance Policy

**Article II. Budget and Planning**

- i. It is the responsibility of the ASUW Budget and Planning Committee to prepare and submit an annual budget to the ASUW Senate. To aid the Committee in this duty, the following procedures shall be followed:
  1. Budget requests shall be submitted to the ASUW Business Office by a stated deadline.
  2. The ASUW Senate shall approve and submit the ASUW Budget, including the use of reserve funds, to the UW Board of Trustees through the Dean of Students or designee and to the appropriate University budgeting entities for approval. The ASUW Budget and Planning Committee, the ASUW Senate, The Vice President of Administration, and the UW Board of Trustees must approve changes to the UW Board of Trustees' approved spending authority.

**Article VII. ASUW Reserve Funds**

- i. The ASUW shall maintain a reserve fund, hereinafter referred to as the "ASUW Reserve". The accumulation of these funds shall be maintained for the purposes of securing the ongoing

development of the activities, programs, and advancement of the ideals of the Associated Students of the University of Wyoming.

- ii. Authority for the utilization of these Reserves shall lie with the ASUW Budget and Planning Committee with consent of the ASUW Senate and the UW Board of Trustees. Any unbudgeted portion or residual amount of the designated "ASUW Fee" shall revert to these Reserves at the end of each fiscal year.
- iii. The UW Office of Taxes and Investments shall invest all ASUW Reserves in accordance with the laws and regulations of the State of Wyoming. All earnings derived from these investments shall remain in the Reserves until utilized in the ASUW budget. The ASUW Reserves shall be utilized by incorporating its support in the ASUW Budget or by special petitioning of the UW Board of Trustees (See Section v).
- iv. It shall require a two-thirds affirmative vote of those Senators duly chosen and sworn to deplete the ASUW Reserve below \$200,000 and shall be reviewed at least every 3 years.
- v. The ASUW Reserve shall be no larger than \$300,000 and shall be reviewed at least every 3 years.
- vi. Use of these funds will be subject to the process outlined in (Article II, Section i, Subsection 2) of the ASUW Finance Policy.

**ACTION REQUIRED AT THIS BOARD MEETING:** Approval of Senate Bills 2538, 2554, 2561 and 2549.

**PROPOSED MOTION**

I move to approve ASUW Senate Bills 2538, 2554, 2561 and 2549 as presented to the Board.

**PRESIDENT'S RECOMMENDATION:**

The President recommends approval.

**SENATE BILL #2538**



**TITLE:** ASUW Endowment in Support of the ASUW Childcare Assistance Scholarship

**DATE INTRODUCED:** February 21, 2017

**AUTHORS:** Senators Defebaugh

**SPONSORS:** Senators Dooley, Julian, Kerbs, and Wetzel; Executive Ryan

1. WHEREAS, it is the duty of the Associated Students of the University of Wyoming (ASUW)
2. Student Government to serve our fellow students in the best manner possible; and,
3. WHEREAS, the ASUW Student Government has a strong history of using student fees in a
4. Responsible, effective manner by endowing funds to create diverse and lasting sources of
5. allocable funds not dependent on student fees; and,
6. WHEREAS, certain ASUW endowments fund scholarships awarded to students in need and
7. effectively assist in promoting the general welfare of the student body; and,
8. WHEREAS, the ASUW Student Government has a history of supporting child care
9. assistance scholarships stemming from ASUW Senate Bill (SB) #2343, SB #2398, and
10. SB#2407, all of which established ASUW's intent to continue to provide availability of
11. funding; and,
12. WHEREAS, SB #2407 earmarked \$115,000 from ASUW to be matched and added to the
13. ASUW Childcare Assistance Scholarship to create an endowment; and,
14. WHEREAS, fundraising efforts to substantially match ASUW's allocated contribution have
15. yielded \$2,000 since November 2013, when SB# 2407 was passed; and,
16. WHEREAS, the habitual turnover of ASUW Student Government members provides a
17. reoccurring obstacle in achieving lasting goals if not carefully seen to; and,
18. WHEREAS, SB#2407 called for the \$115,000 and any additional remaining funds matched

19. to be added to the Childcare Assistance Scholarship Endowment by December of Fiscal Year
20. 2015; and,
21. WHEREAS, the ASUW Reserve is currently sitting at \$325,918.47 which is \$25,918.47
22. above the ceiling set by the ASUW Finance Policy.
23. THEREFORE, be it enacted by the Associated Students of the University of Wyoming
24. (ASUW) Student Government that \$115,000 from the ASUW Reserve, previously
25. earmarked, plus the \$2,000 matching funds be used to create the ASUW Childcare
26. Assistance Scholarship Endowment; and,
27. THEREFORE, be it further resolved that an additional \$33,000 be allocated from the ASUW
28. Reserve and added to the ASUW Childcare Assistance Scholarship Endowment; and,
29. THEREFORE, be it further enacted that the ASUW Budget and Planning Committee
30. continue to monitor the Endowment so that \$5,000 or more is awarded annually; and,
31. THEREFORE, be it further enacted that the ASUW Budget and Planning Committee allocate
32. as many \$1,000 scholarships as possible each Fiscal Year and any roll over, unused, or
33. excess amounts from gained interest, get placed into the principle account for the
34. Endowment; and,
35. THEREFORE, be it further enacted that the ASUW Budget and Planning Committee allocate
36. \$1,000 increments each Fiscal Year for the scholarship and any roll over, unused, or excess
37. amounts from gained interest, get placed into the principle account for the Endowment; and,
38. THEREFORE, be it further enacted that the ASUW Childcare Assistance Scholarship be
39. awarded by the conditions outlined in Addendum A; and,
40. THEREFORE, be it further enacted that the ASUW Childcare Assistance Scholarship
41. Endowment and related allocation be presented to the University of Wyoming Board of



42. regularly scheduled May BOT meeting this year.

Referred to: Budget and Planning

Date of Passage: 02/28/17 Signed: Tyler Wanner  
(ASUW Chairperson)

"Being enacted on 03/06/2017, I do hereby sign my name hereto and  
approve this Senate action." William R. Peltz

ASUW President



**SENATE BILL #2549**



**TITLE:** ASUW Budget for Fiscal Year 2018  
**DATE INTRODUCED:** March 28, 2017  
**AUTHOR:** Senator Defebaugh  
**SPONSORS:** Senators Kerbs and Wetzel

1. WHEREAS, it is the Mission of the Associated Students of the University of Wyoming
2. (ASUW) Student Government to serve its fellow students in the best manner possible; and,
3. WHEREAS, the ASUW Student Government assesses a student fee to support ASUW
4. Programs, Services, and Strategic Partners and Recognized Student Organizations (RSOs)
5. across campus; and,
6. WHEREAS, the ASUW Student Government works diligently to be fiscally conservative
7. with fees that are assessed and collected in order to ensure the burden placed on fellow
8. students is minimal has the best impact; and,
9. WHEREAS, the University of Wyoming (UW) is currently in a state of financial crisis due
10. to budget cuts and various other impacts on the university community; and,
11. WHEREAS, the ASUW Student Government wants to continue to do its part in supporting
12. the educational and inclusive aspects of the campus life for students; and,
13. WHEREAS, the ASUW Student Government hopes to utilize its funds to have the greatest
14. impact on the student life of campus; and,
15. WHEREAS, the ASUW Student Government did not recommend that any ASUW Program,
16. Service, or Strategic Partner increase their budgets, but rather find more efficiencies, where
17. possible, to avoid any student fee increases; and,
18. WHEREAS, the ASUW Student Government Budget and Planning Committee worked
19. directly with each ASUW Branch, Program, Service, and Strategic Partner to ensure their

20. specific portion of the budget would maintain standards and expectations of quality.
21. THEREFORE, be it enacted by the Associated Students of the University of Wyoming
22. (ASUW) Student Government that the ASUW Fiscal Year 2018 (FY18) Budget, its
23. Contingencies, and all parts thereof, for FY18 be allocated from the following sources:
24. \$811,972.00 from the ASUW Student Fee, \$41,800.00 from the ASUW Summer Fee,
25. \$16,113.99 from the ASUW Reserve, \$106,639.50 from the ASUW Special Projects
26. Endowment, \$4,400.00 from the ASUW A.L. Lupton Endowment, and \$65,000.00 from the
27. ASUW Scholarships Endowments; and,
28. THEREFORE, be it further enacted that the total budget allocated in FY18 be \$1,054,925.49.
29. as reflected in Addendum A; and,
30. THEREFORE, be it further enacted that the logistics of administering this budget, which has
31. funding sources from the ASUW Student Fee, the ASUW Summer Fee, the ASUW Reserve,
32. the ASUW Special Projects Endowment, the ASUW Financial Literacy Endowment, the
33. ASUW Scholarship Endowments, the ASUW A.L. Lupton Endowment, and any other
34. potential revenues, as allocated in Addendum A, be under the direction of the Dean of
35. Students or designees and the Budget and Planning Committee in accordance and congruity
36. with the ASUW Finance Policy.

Referred to: Budget and Planning, PID

Date of Passage: 04/04/17 Signed: Tyuan W...  
(ASUW Chairperson)

"Being enacted on 04/10/2017, I do hereby sign my name hereto and  
approve this Senate action." William Br...  
ASUW President

**SENATE BILL #2554**



**TITLE:** ASUW Senatorial Scholarship Program  
**DATE INTRODUCED:** April 4, 2017  
**AUTHORS:** Senator Defebaugh  
**SPONSORS:** Senators Drake, Farley, Julian, and Kerbs

1. WHEREAS, it is the duty of the Associated Students of the University of Wyoming (ASUW)
  2. Student Government to serve our fellow students in the best manner possible; and,
  3. WHEREAS, the ASUW Steering Committee is charged with holding elected Senators
  4. accountable to the standards or representation as outlined in the ASUW Constitution, By-
  5. Laws, and Rules and Procedures; and,
  6. WHEREAS, the ASUW Student Government passed Senate Bill #2511 as a one-year trial
  7. program for ASUW Senatorial Scholarships to be administered, reviewed, and maintained at
  8. Steering Committee's consideration; and,
  9. WHEREAS, ASUW Student Senate has in the 2016-17 academic year seen increased
  10. retention and accountability of ASUW Senators in performing duties and
  11. responsibilities; and,
  12. WHEREAS, ASUW Student Senators voluntarily run to be elected, but then become
  13. representatives of their peers with demands of fulfilling their obligations to the
  14. highest quality; and,
  15. WHEREAS, the ASUW Student Government is more effective when its elected officials
  16. come from diverse backgrounds, dedicating their time to growing the experience of all
  17. students at the University of Wyoming; and,
  18. WHEREAS, the ASUW Reserve Account currently has a balance of \$218,500.57, which is
  19. \$18,500.57 above the mandatory floor; and,
-

20. WHEREAS, the ASUW Steering Committee is the best suited for evaluation of the ASUW
21. Senatorial Program.
22. THEREFORE, be it enacted by the Associated Students of the University of Wyoming
23. (ASUW) Student Government that the ASUW Senatorial Scholarship Program be enacted
24. and funded from the ASUW Reserve as outlined in Addendum A; and,
25. THEREFORE, be it further enacted that \$12,800 be allocated for the ASUW Budget for
26. Fiscal Year 2018, to be added to the Legislative Budget from the ASUW Reserve as the
27. ASUW Senatorial Scholarship Program; and,
28. THEREFORE, be it further resolved that ASUW Steering Committee maintain its review and
29. maintenance of this Program as outlined in Addendum A; and,

Referred to: B&P, Steering

Date of Passage: 04/18/17 Signed: Tyler Wanner  
(ASUW Chairperson)

"Being enacted on 04/19/2017, I do hereby sign my name hereto and

approve this Senate action." William Roberts

ASUW President



**SENATE BILL #2561**



**TITLE:** ASUW Support for Expansion and Renovation of the Wyoming Union, and Housing Plan for UW

**DATE INTRODUCED:** April 4, 2017

**AUTHORS:** Senators Defebaugh and Wetzel

**SPONSORS:** Senators Drake and Welsh

1. WHEREAS, it is the duty of the Associated Students of the University of Wyoming (ASUW)
2. Student Government to serve our fellow students in the best manner possible; and,
3. WHEREAS, the ASUW Student Government created the ASUW Facilities Endowment with
4. Senate Bill #2042 to "finance the enhancement of student services buildings, venues, and
5. other projects at the University of Wyoming (UW) as designated by the ASUW"; and,
6. WHEREAS, the Wyoming Union (Union) is the center of all campus life, student resources,
7. and a venue for all Recognized Student Organizations (RSOs); and,
8. WHEREAS, the last substantial renovation to the Union was completed in 2002; and,
9. WHEREAS, the UW and the State of Wyoming have shown a clear emphasis of investment
10. focused on educational facilities on campus, but not the corresponding lifestyle and
11. residential facilities; and,
12. WHEREAS, focus on increased recruitment and retention has grown the student body at UW
13. to the point where the Union can no longer fulfill the demand being placed on its meeting
14. rooms, study spaces, and other entertainment venues to entice and attract more of campus life
15. to the building; and,
16. WHEREAS, continued growth and retention of the student population is a major initiative of
17. the UW 2018-2022 Strategic Plan and has been further emphasized by the Strategic
18. Enrollment Plan published by UW; and,

19. WHEREAS, the ASUW Strategic Plan for 2014-2018 has recommendations for increased
20. space allotment for student government, student services, and other programs; and,
21. WHEREAS, retention of students involves caring for their academic success, financial
22. success, the physical and mental well-being of students, and their sense of belonging on
23. campus; and,
24. WHEREAS, the Union is a key facility in creating an environment for student success to
25. flourish by creating extra-curricular learning opportunities and an emphasis on global
26. citizenry; and,
27. WHEREAS, the Union has been a focal point for the ASUW Student Government, to ensure
28. that RSOs, Campus Activities Center, SLCE (Service, Leadership, and Community
29. Engagement), Fraternity and Sorority Life, Student Media, Non-Traditional Student Center,
30. Rainbow Resource Center, Multicultural Resource Center, Veterans Service Center, and
31. other aspects of student involvement have had adequate space allocations; and,
32. WHEREAS, the Union and the Residence Halls at UW foster a community that is inclusive
33. and welcoming to all students; and,
34. WHEREAS, UW President Nichols is launching a comprehensive 10-year Housing Plan for
35. UW that matches ASUW Student Government's zeal for inclusivity and focus on student
36. success services; and,
37. WHEREAS, the ASUW Student Government is dedicated to including student
38. representatives and student perspective on both the UW 10-year Housing Plan and Union
39. Expansion and Renovation for a combined Campus Life Revisioning; and,
40. WHEREAS, the ASUW Student Government, in an effort for maximum student input and
41. collaboration, would like to see a Student Co-Chair for both the UW 10-year Housing Plan

42. Committee and Union Expansion and Renovation; and,
43. WHEREAS, the ASUW Student Government created, as a template, the initial steps for an
44. all-encompassing Union Expansion and Renovation Plan as outlined in Addendum A; and,
45. WHEREAS, the ASUW Facilities Endowment balance is currently \$391,593.08 with an
46. expected balance as of June 30, 2017 of approximately \$415,641.92; and,
47. WHEREAS, the ASUW Reserve balance is currently \$277,386.58.
48. THEREFORE, be it enacted by the Associated Students of the University of Wyoming
49. (ASUW) Student Government that the ASUW Student Body recognizes and supports the
50. need for renovation and expansion to student life and residential housing facilities; and,
51. THEREFORE, be it further enacted by the ASUW Student Government that an initial
52. \$275,000 be allocated from the ASUW Facilities Endowment and \$75,000 from the ASUW
53. Reserve to be spent on an outside consultant/architecture firm to help with the planning and
54. scope of the Wyoming Union Expansion and Renovation project; and,
55. THEREFORE, be it further enacted that the development of a Request For a Proposal (RFP)
56. be executed at the discretion of the Union Expansion and Renovation Planning Committee
57. with members from the ASUW Student Government, Dean of Students or designee,
58. Executive Director of Residence Life and Dining Services or designee, Vice President of
59. Student Affairs or designee, and Vice President of Administration or designee; and,
60. THEREFORE, be it further enacted that the RFP include qualifications requiring the
61. consultant/architect to have extensive experience working with Student Unions; and,
62. THEREFORE, be it further enacted that these allocations be added to the ASUW Budget for
63. Fiscal Year (FY) 2018, through FY '19 if unencumbered, set to expire on June 30, 2020 if
64. unencumbered and returned to the ASUW Facilities Endowment and the ASUW Reserve as

65. expendable; and,

66. THEREFORE, be it further enacted that if the amount required to obtain a successful

67. consultant/architect and plans does not amount to the allocation, that any unspent monies be

68. returned to the ASUW Facilities Endowment and the ASUW Reserve; and,

65. THEREFORE, be it further enacted that the allocation, for the Wyoming Union Expansion

66. and Renovation, not be transferred from the ASUW Facilities Endowment until a contract is

67. signed to hire the consultant/architect; and,

68. THEREFORE, be it further enacted that \$60,000 be allocated from the ASUW Facilities

69. Endowment to be spent on an outside consultant/architecture firm to help with the planning

70. and scoping of the University of Wyoming (UW) 10-year Housing Plan, contingent on

71. matching funds from the UW; and,

72. THEREFORE, be it further enacted that student designees shall be required to work

73. alongside the UW Presidents Office, Vice President of Student Affairs, Vice President of

74. Administration, Dean of Students, Executive Director of Residence Life and Dining to

75. facilitate the development of the Housing Plan as designated in Addendum B; and,

76. THEREFORE, be it further enacted that this allocation be added to the ASUW Budget for

77. Fiscal Year (FY) 2018, through FY '19 if unencumbered, set to expire on June 30, 2020 if

78. unencumbered and returned to the ASUW Facilities Endowment as expendable; and,

79. THEREFORE, be it further enacted that the allocation for the UW 10-year Housing Plan, not

80. be transferred, from the ASUW Facilities Endowment, until a contract is signed to hire the

81. consultant/architect and matching funds are allocated.



Referred to: AT&S, B&P

Date of Passage: 04/11/17 Signed: Tyler Wynn  
(ASUW Chairperson)

"Being enacted on 04/17/2017, I do hereby sign my name hereto and

approve this Senate action." Michael Proctor

ASUW President

## **7. Committee of the Whole- PROPOSED ITEMS FOR ACTION**

### **Master List of Degrees, Miller**

#### **CHECK THE APPROPRIATE BOX(ES):**

- ☐ Work Session
- ☐ Education Session
- ☐ Information Item
- ☒ Other                      Specify: Committee of the Whole (Items for Approval)

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

In March 1983, the Board adopted the process of annually approving a composite list of all degrees and majors offered by the University of Wyoming. The Office of Academic Affairs maintains this list and presents it to the Board for confirmation.

The current Masters List contains several changes from the list confirmed by the Board in May 2016 and reflects recent eliminations from program reviews. The department of Plant Sciences has renamed their Masters of Science in Agronomy and Doctor of Philosophy in Agronomy to the Masters of Science in Plant Sciences and Doctor of Philosophy in Plant Sciences. The College of Arts and Sciences will no longer offer the Math/Science and Humanities/Fine Arts distributed majors. The Sociology Department has discontinued the Bachelor of Science in Sociology; they will still offer the Bachelor of Arts in Sociology. Some programs are noted as Inactive Admission Status while departments are merged and current curriculum is changed.

#### **ACTION REQUIRED AT THIS BOARD MEETING:**

The Board is asked to approve the updated Master List of Degrees and Majors – 2017. This list may be revised dependent on the Board of Trustees approval or disapproval of the recommended degree eliminations.

#### **PRESIDENT'S RECOMMENDATION:**

The President recommends approval.

UNIVERSITY OF WYOMING  
**MASTER LIST OF DEGREES AND MAJORS**

as authorized by the Trustees

May 2017

*Prepared by the Office of Academic Affairs*

By way of explanation, the degree title is listed in *bold italics* (for example, *Bachelor of Arts*, *Bachelor of Science in Chemical Engineering*). The list of majors for a specific degree in a specific college is listed below the degree title. Information in *italics* and parentheses ( ) following a major is explanatory data, and not part of the official major name. Majors with brackets { } require the insertion of a secondary program of study. Proposed new Degrees and Certificates have been highlighted in green. Programs in red are listed as Inactive Admission Status. Their status will be determined at a later date, once departments are merged and curriculum is changed. Degrees and Certificates proposed to be deleted from previous Master Lists are highlighted in yellow and crossed out. The proposed deletions are programs that were duplicated in other departments or that UW has simply ceased to offer over time. All eliminated programs have gone through the process as outlined in the University regulations for eliminating programs. As such, the master list of degrees and majors has been corrected to reflect current offerings.

**COLLEGE OF AGRICULTURE & NATURAL RESOURCES**

***Bachelor of Applied Science #***

Organizational Leadership

***Bachelor of Science #***

Agricultural Business

Agricultural Communications

Agroecology

Animal and Veterinary Science

Microbiology

Molecular Biology

Rangeland Ecology and Watershed Management

***Bachelor of Science in Family and Consumer Sciences***

***Master of Arts #***

Molecular Biology

***Master of Science #***

Agricultural and Applied Economics

**Agronomy**

Animal and Veterinary Science

Entomology

Family and Consumer Sciences

Food Science and Human Nutrition (*interdisciplinary*)

Molecular Biology \*

**Plant Sciences**

Rangeland Ecology and Watershed Management

Soil Science

***Doctor of Philosophy #***

**Agronomy**

\* = This major counted under previously listed degree in this college (College of Agriculture & Natural Resources)

# = This listing not counted as a separate major

**COLLEGE OF AGRICULTURE & NATURAL RESOURCES (cont.)**

Animal and Veterinary Science  
Entomology  
Molecular Biology  
**Plant Sciences**  
Rangeland Ecology and Watershed Management  
Soil Science

**COLLEGE OF ARTS & SCIENCES**

*Bachelor of Arts #*

African and American Diaspora Studies  
American Indian Studies  
American Studies  
Anthropology  
Art  
Art History  
Chemistry  
Communication  
Criminal Justice  
English  
French  
Geography  
Geology and Earth Sciences  
Gender and Women's Studies  
German  
History  
**Humanities/Fine Arts**  
International Studies  
Journalism  
Mathematics  
**Mathematics/Science**  
Music  
Philosophy  
Physics  
Political Science  
Religious Studies  
**Russian**  
Self-Designed Major  
Social Science  
Sociology  
Spanish  
Statistics

*Theatre and Dance*

*Bachelor of Fine Arts #*

Art \*  
Theatre and Dance \*

\* = This major counted under previously listed degree in this college (College of Arts and Sciences)

# = This listing not counted as a separate major

**COLLEGE OF ARTS & SCIENCES (cont.)**

***Bachelor of Music #***

Music Education  
Music Performance

***Bachelor of Science #***

Astronomy/Astrophysics  
Biology \*  
Botany \*  
Chemistry \*  
Chemistry (ACS approved) #  
Communication \*  
Environmental Geology/Geohydrology  
Geography \*  
Geology  
Journalism \*  
Mathematics \*  
Mathematics/Science \*  
Physics\*  
Physiology  
Political Science \*  
Psychology  
Self-Designed Major \*  
Social Science \*  
**Sociology \***  
Statistics \*  
Wildlife and Fisheries Biology and Management (*professional*)  
Zoology

***Master of Arts #***

American Studies (*interdisciplinary*)  
Anthropology  
Communication  
English  
**French**  
Geography  
**German**  
History  
International Studies (*interdisciplinary*)  
Mathematics  
**Philosophy**  
Political Science  
Psychology  
**Sociology**  
Spanish

***Master of Arts in Teaching #***

History \*  
Mathematics \*

***Master of Fine Arts in Creative Writing***

***Master of Music***

\* = This major counted under previously listed degree in this college (College of Arts and Sciences)  
# = This listing not counted as a separate major

**COLLEGE OF ARTS & SCIENCES (cont.)**

*Master of Music Education*

*Master of Planning (Community and Regional)*

*Master of Public Administration*

*Master of Science #*

Botany

Chemistry

Geology

Geophysics

Mathematics \*

Natural Science (*interdisciplinary*)

Physics

Psychology \*

Statistics

Zoology and Physiology

*Master of Science in Teaching #*

Chemistry \*

Geography \*

Mathematics \*

Natural Science (*interdisciplinary*) \*

Physics \*

*Doctor of Philosophy #*

Anthropology

Botany

Chemistry

Geology

Geophysics

Mathematics

Physics

Psychology

Statistics

Zoology and Physiology

\* = This major counted under previously listed degree in this college (College of Arts and Sciences)

# = This listing not counted as a separate major

**COLLEGE OF BUSINESS**

*Bachelor of Science #*

Accounting

Business Administration

Business Economics

Economics#

Finance

Management

Marketing

*Master of Business Administration#*

Business Administration

Business Administration- Executive #

Energy Management

# = This listing not counted as a separate major

**COLLEGE OF BUSINESS (cont.)**

*Master of Science #*

Accounting  
Economics  
Economics and Finance  
Finance

*Doctor of Philosophy #*

Economics  
Management and Marketing

# = This listing not counted as a separate major

**COLLEGE OF EDUCATION**

*Bachelor of Arts #*

Elementary Education  
Secondary Education

*Bachelor of Science #*

Agricultural Education

Technical Education (only available through UW/CC Center)

*Master of Arts #*

Education

*Master of Science #*

Counseling  
Education \*  
Natural Science (interdisciplinary) \*

*Doctor of Education*

*Doctor of Philosophy #*

Counselor Education and Supervision  
Curriculum and Instruction  
Education #

\* = This major counted under previously listed degree in this college (College of Education)

# = This listing not counted as separate major

**COLLEGE OF ENGINEERING AND APPLIED SCIENCE**

*Bachelor of Science in Architectural Engineering*

*Bachelor of Science in Chemical Engineering*

*Bachelor of Science in Civil Engineering*

*Bachelor of Science in Computer Engineering*

*Bachelor of Science in Computer Science*

*Bachelor of Science in Electrical Engineering*

*Bachelor of Science in Energy Systems Engineering*

*Bachelor of Science in Mechanical Engineering*

*Bachelor of Science in Petroleum Engineering*

*Master of Science #*

Architectural Engineering  
Atmospheric Science

# = This listing not counted as a separate major



**COLLEGE OF ENGINEERING AND APPLIED SCIENCE (cont.)**

Chemical Engineering  
Civil Engineering  
Computer Science  
Electrical Engineering  
Environmental Engineering  
Mechanical Engineering  
Petroleum Engineering

*Doctor of Philosophy #*  
Atmospheric Science  
Chemical Engineering  
Civil Engineering  
Computer Science  
Electrical Engineering  
Mechanical Engineering  
Petroleum Engineering

# = This listing not counted as a separate major

**COLLEGE OF HEALTH SCIENCES**

*Bachelor of Science #*  
Kinesiology and Health Promotion  
Medical Laboratory Science  
Physical Education Teaching  
Speech, Language and Hearing Sciences  
*Bachelor of Science in Dental Hygiene*  
*Bachelor of Science in Nursing*  
*Bachelor of Social Work*  
*Master of Science #*  
Health Services Administration  
Kinesiology and Health  
Nursing  
Speech-Language Pathology  
*Master of Social Work*  
*Doctor of Nursing Practice*  
*Doctor of Pharmacy*

# = This listing not counted as a separate major

**COLLEGE OF LAW**

*Juris Doctor*

**SCHOOL OF ENVIRONMENT & NATURAL RESOURCES**

*Bachelor of Science #*  
Environment and Natural Resources/{affiliated major}

### CROSS-COLLEGE INTERDISCIPLINARY UNDERGRADUATE DEGREES

#### *Bachelor of Science #*

Energy Resource Management and Development

# = This listing not counted as a separate major

### CROSS-COLLEGE INTERDISCIPLINARY GRADUATE DEGREES

#### *Juris Doctor/Master of Arts in Environment and Natural Resources #*

#### *Juris Doctor/Master of Public Administration #*

# = This listing not counted as a separate major

### ACADEMIC AFFAIRS

#### *Master of Arts #*

Geography/Water Resources #

#### *Master of Science #*

Agricultural and Applied Economics/Water Resources #

Biomedical Sciences

Botany/Water Resources #

Civil Engineering/Water Resources #

Economics/Water Resources #

Geology/Water Resources #

Neuroscience

Rangeland Ecology and Watershed Management/Water Resources #

Soil Science/Water Resources #

Zoology and Physiology/Water Resources #

#### *Master of {affiliated degree}/Environment and Natural Resources #*

#### *Doctor of Philosophy #*

Biomedical Sciences

Ecology

Hydrologic Science

Molecular and Cellular Life Sciences

Neuroscience

\* = This major counted under previously-listed degree in this unit (Academic Affairs)

# = This listing not counted as a separate major

## **Aggregate list of certificates offered at UW May 2017**

### **Graduate certificates**

American Studies  
Early Childhood Mental Health  
English as a Second Language  
K-12 Special Education  
Literacy  
Music Performance  
Online Instruction  
Online Play Therapy  
Reclamation and Restoration Ecology  
School District Superintendent  
School Principalship  
School Social Work  
Teachers of American Indian Children  
Teaching Elementary School  
Teaching Middle School Math  
Teaching Middle School Science  
Teaching Secondary Content

### **Undergraduate certificates**

Early Childhood Program Director  
Geographic Information Science & Technology  
Land Surveying

**1. INFORMATION ONLY ITEM**

**Gift Reporting, UW Foundation, Blalock/Kunz**

CHECK THE APPROPRIATE BOX(ES):

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

**BACKGROUND AND POLICY CONTEXT OF ISSUE:**

The UW Foundation provides at each meeting of the Board of Trustees the Foundation's most current giving report.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

This item is before the board at each regular meeting. No discussion or action needed. Informational piece only.

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

Regular reporting of private support totals.

**ACTION REQUIRED AT THIS BOARD MEETING:**

None

**PRESIDENT'S RECOMMENDATION:**

None needed

University of Wyoming, Foundation  
FY 2017 Monthly Giving Report through April 25, 2017  
All Gifts

## Preliminary

FUND	Current Month Gifts Received		FY 2017 to date							STATE MATCHING	FY 2016 Commitments YTD	
			Cash & Cash equivalent			New Commitments YTD						
	DONORS	GIFTS	DONORS	OUTRIGHT	GIK	PLEDGE PMTS	NEW PLEDGES	PLANNED GIFTS	TOTAL			
AGRIC	26	\$6,570	643	\$2,016,878	\$100,001	(\$310,500)	\$142,550	\$725,000	\$2,673,929	\$122,500	593	\$9,134,895
AHC	11	\$36,285	294	\$253,585	\$0	(\$500)	\$0	\$0	\$253,085	\$0	216	\$96,795
ALUMNI	158	\$10,355	2712	\$220,007	\$0	(\$25,000)	\$0	\$16,000	\$211,007	\$0	2613	\$596,071
A & S	147	\$1,394,890	1737	\$3,316,256	\$1	(\$919,666)	\$807,550	\$2,212,003	\$5,416,144	\$622,500	1704	\$3,229,136
ATHLETICS	757	\$353,551	6190	\$9,102,218	\$523,634	(\$5,411,451)	\$2,661,800	\$2,094,440	\$8,970,642	\$0	5405	\$14,212,330
BUSINESS	74	\$11,366	745	\$753,821	\$0	(\$516,550)	\$930,000	\$861,952	\$2,029,224	\$575,000	678	\$1,224,102
EDUCATION	29	\$19,393	546	\$1,658,993	\$50,000	(\$1,202,500)	\$162,500	\$700,000	\$1,368,993	\$212,500	480	\$1,768,911
ENERGY	0	\$0	21	\$604,243	\$0	(\$500,000)	\$0	\$0	\$104,243	\$0	26	\$9,013,719
ENGINEERING	70	\$31,553	1092	\$1,778,526	\$2,000	(\$1,270,687)	\$4,582,675	\$3,050,000	\$8,142,514	\$4,600,042	986	\$1,867,592
IENR/HAUB	2	\$70	139	\$1,166,637	\$0	(\$850,000)	\$1,750,000	\$0	\$2,066,637	\$1,000,000	99	\$3,059,438
HEALTH SCI	35	\$380,342	611	\$1,179,952	\$51,500	(\$493,950)	\$570,000	\$1,327,000	\$2,634,502	\$125,000	600	\$895,078
LAW	15	\$3,715	349	\$188,475	\$0	(\$54,600)	\$25,000	\$5,000	\$163,875	\$25,000	295	\$480,827
LIBRARY	22	\$14,200	153	\$136,880	\$62,500	(\$35,000)	\$25,000	\$0	\$189,380	\$0	226	\$75,799
OUTREACH	2488	\$168,030	7383	\$1,085,474	\$0	(\$6,500)	\$0	\$125,000	\$1,203,974	\$0	7433	\$1,045,602
STU AFFRS	28	\$4,708	479	\$398,888	\$0	(\$110,000)	\$0	\$395,000	\$683,888	\$0	206	\$242,313
UW ART MUS	7	\$1,751	330	\$2,548,427	\$132,938	(\$143,500)	\$130,000	\$0	\$2,667,864	\$130,000	316	\$304,060
UNIV. FUND	21	\$2,980	417	\$69,877	\$0	\$0	\$0	\$0	\$69,877	\$0	364	\$69,350
OTHER GIFTS NOT YET BOOKED	28	\$52,233	752	\$3,495,687	\$0	(\$2,516,843)	\$487,200	\$6,820,001	\$8,286,045	\$85,000	374	\$2,459,851
TOTAL	3,785	\$2,491,991	20,156	\$29,974,824	\$922,573	(\$14,367,247)	\$12,274,275	\$18,331,396	\$47,135,821	\$7,497,542	18,606	\$49,775,869
Funds Not Deposited at Foundation				-\$4,279,529								
Foundation Cash In				\$25,695,295								
**Total Donors does reflect Column totals. Donors may give to more than one unit/division.												

University of Wyoming, Foundation **Preliminary**  
FY 2017 Monthly Giving Report through April 25, 2017  
Annual Gifts

[illegible]

## 2. INFORMATION ONLY ITEM

### Capital Construction – Progress Report

CHECK THE APPROPRIATE BOX(ES):

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

BACKGROUND AND POLICY CONTEXT OF ISSUE:

Please see information below.

### **Capital Construction Progress Report as of April 20, 2017**

The following is an accounting of the progress and activity of construction and design since the last Trustees meeting. Also reported are approved change orders.

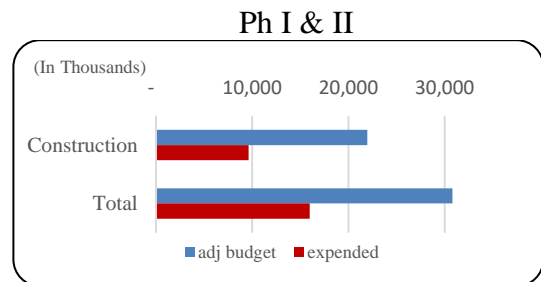
## PROJECTS IN CONSTRUCTION

### 1. Arena Auditorium Renovation

#### Phase I

Contractor: Haselden Wyoming Constructors  
Casper, WY

Original Project Budget \$12,850,000 (a)  
Adjusted Project Budget \$12,982,109 (d)



<b><u>Funding Sources:</u></b>	<b><u>Original Anticipated:</u></b>	<b><u>Actual:</u></b>
Foundation	5,000,000	3,149,951
State Match	5,000,000	3,900,049
State Appropriation	2,850,000	5,120,000
Athletics	-	812,109
<b>Total Funding</b>	<b>12,850,000</b>	<b>12,982,109</b>

Guaranteed Maximum Price \$ 7,056,730  
Contract Substantial Completion Date March 27, 2014



(In Thousands)	Budget (a)	Additional Funding (b)	Use of Contingency (c)	Adj Budget (a+b+c)=(d)	Expenditures (e)	Obligations (f)	Remaining Balance (d+e+f)=(g)
<b>Construction</b>	7,057	911	360	8,328	(8,328)	-	-
<b>Contingency</b>	360	-	(360)	-	-	-	-
<b>Design</b>	1,065	-	-	1,065	(1,042)	(17)	6
<b>FF&amp;E</b>	3,663	(460)	-	3,203	(3,298)	-	(95)
<b>Tech</b>	250	(250)	-	-	-	-	-
<b>Admin</b>	455	(69)	-	386	(297)	-	89
<b>Total</b>	<b>12,850</b>	<b>132</b>	<b>-</b>	<b>12,982</b>	<b>(12,965)</b>	<b>(17)</b>	<b>-</b>

## Phase II

Contractor- pre construction: Haselden Wyoming Constructors, Casper, WY

Contractor – Design/Bid/Build: Sletten Construction of Wyoming, Inc.

Original Budget for Phase I and Phase II was \$30,000,000. Funding remaining from Phase I was applied to Phase II. See additional funding (b) below.

Original Project Budget \$17,150,000 (a)

Adjusted Project Budget \$17,830,000 (d)

<u>Funding Sources:</u>	<u>Original Anticipated:</u>	<u>Actual:</u>
Foundation	5,000,000	6,850,049
State Match	5,000,000	6,099,951
State Appropriation	7,150,000	4,880,000
<b>Total Funding</b>	<b>17,150,000</b>	<b>17,830,000</b>

Contract Price \$13,282,982

Contract Substantial Completion Date October 16, 2017

**Note:** Funds have been reallocated among the budget categories. The adjusted budget has not changed in total. Corresponding expenditures and obligations have also been reallocated. The project has changed from CMAR to Design/Bid/Build.

(In Thousands)	Budget (a)	Additional Funding (b)	Use of Contingency (c)	Adj Budget (a+b+c)=(d)	Expenditures (e)	Obligations (f)	Remaining Balance (d+e+f)=(g)
<b>Construction</b>	13,050	574	-	13,624	(1,308)	(12,154)	162
<b>Contingency</b>	913	167	-	1,080	-	-	1,080
<b>Design</b>	1,835	379	-	2,214	(1,618)	(177)	419
<b>FF&amp;E</b>	760	(225)	-	535	(28)	-	507
<b>Tech</b>	300	(150)	-	150	-	-	150
<b>Admin</b>	292	(65)	-	227	(67)	(21)	139

<b>Total</b>	<b>17,150</b>	<b>680</b>	<b>-</b>	<b>17,830</b>	<b>(3,021)</b>	<b>(12,352)</b>	<b>2,457</b>
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**Statement of Contract Amount**

Original contract		13,282,982
Change order #1	Drilled pier over run quantity	34,646
Change order #2	Changes to commissary foundation and statue base	11,418
Change order #3	Replacement of missing CMU bond beam above vestibule doors	1,149
Change order #4	Miscellaneous structural items: steel columns, modification to foundation pilaster	3,179
Change order #5	Changes to concession stands	4,545
Change order #6	Added dimming controls for concourse lights	4,556
Change order #7	Revised toilet partition specifications	(1,936)
Change order #8	Revised specification on temperature control system controller	4,962
<b>Adj Contract</b>		<b>13,345,501</b>

**Work Completed/In Progress:**

- Existing broken sewer line has been removed and replaced.
- Plumbing carriers for north and south restroom have been completed.
- New parapet wall between existing north eyebrow and new roof deck has been completed.
- Interior slabs for Mickey's bar, Kenny Sailor's area, and restrooms have been poured.
- Interior priming has begun.

**Issues Encountered with Proposed Resolution for Each:**

- No current issues.

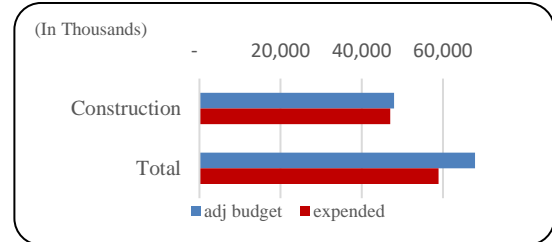
**Work Planned for the Upcoming Month:**

- Interior and exterior masonry.
- Interior framing for concession menu boards.
- Interior framing for restrooms and concessions.
- Interior slab pour for west vestibule and entryway.
- Steel for commissary area.
- Mockup exterior wall systems.

## 2. High Bay Research Facility

Contractor: Haselden Wyoming Constructors  
Casper, WY

Original Project Budget  
(not including donated equipment) \$64,800,000 (a)  
Adjusted Project Budget  
(not including donated equipment) \$67,883,458 (d)



<b><u>Funding Sources:</u></b>	<b><u>Original Anticipated:</u></b>	<b><u>Actual:</u></b>
Foundation	16,300,000	16,300,000
Grants (AML sponsored programs)	15,000,000	15,000,000
State Appropriations	14,800,000	14,800,000
Foundation donor restricted for equipment	11,200,000	11,200,000
State Matching 2014	7,500,000	7,500,000
Loss of donor funding \$1M/match \$1M *		(2,000,000)
Reserve for cost overrun	-	4,484,000
Reserve Account	-	599,458
Total Funding	64,800,000	67,883,458
Donation of Physical Equipment eligible for State match	2,500,000	2,500,000
Total Project	67,300,000	70,383,458

Guaranteed Maximum Price \$42,925,724  
Budget includes amounts restricted for equipment purchase only under Tech.  
Contract Substantial Completion Date January 2017

**Note:** Change orders #3-8 have resulted in a decrease in the use of contingency and the reserve funding. Also, the amount of restricted donation funds has been moved out of Tech and represented as Restricted for Tech for clarification.

\*Recent loss of donor funds of \$2M with a State match of \$2M resulted in the following project budget adjustments: reduced Contingency by \$3,108 and FF&E by \$892. This adjustment may be changed if additional funds are available or if another project category is more applicable to adjust in the future. Update: \$2M of the \$4M loss has been replenished resulting in budget increases in FF&E by \$892 and Contingency by \$1,108.

(In Thousands)	Budget (a)	Additional Funding (b)	Use of Contingency (c)	Adj Budget (a+b+c)=(d)	Expenditures (e)	Obligations (f)	Remaining Balance (d+e+f)=(g)
<b>Restricted for Tech</b>	11,200	-	-	11,200	(6,196)	(5,004)	-
<b>Restricted Equip Donation</b>	2,500	-	-	2,500	-	-	2,500
(In Thousands)	Budget (a)	Additional Funding (b)	Use of Contingency (c)	Adj Budget (a+b+c)=(d)	Expenditures (e)	Obligations (f)	Remaining Balance (d+e+f)=(g)
<b>Construction</b>	42,926	4,963	33	47,922	(47,018)	(904)	-
<b>Contingency</b>	3,125	(2,000)	(394)	731	-	-	731
<b>Design</b>	4,741	121	-	4,862	(4,610)	(54)	198
<b>FF&amp;E</b>	1,288	-	-	1,288	(321)	(888)	79
<b>Tech</b>	644	-	-	644	(246)	(86)	312
<b>Admin</b>	876	-	361	1,237	(528)	(541)	168
<b>Total</b>	<b>53,600</b>	<b>3,084</b>	<b>-</b>	<b>56,684</b>	<b>(52,723)</b>	<b>(2,473)</b>	<b>1,488</b>

**Statement of Contract Amount**

Original contract		42,925,724
Change Order #1	Additional Concrete Work, Gas Meter, Manifold & Piping, Equipment Relocation	86,647
Change Order #2	Additional Costs for Extended Contract Date and Mechanical Systems Changes	4,952,341
Change Order #3	Door and Exterior Detail Changes, Bike Racks	10,563
Change Order #4	Radiation Shielding at South Walls	15,411
Change Order #5	Credits: Door Card Reader, Roof Davit	(11,559)
Change Order #6	Deleted Casework, Truck Turning Layout, Floor Radiation Shielding	(13,366)
Change Order #7	Heat Recovery, Fume Hoods, Electrical Changes	(76,674)
Change Order #8	Chiller Vibration Isolation, Epoxy Flooring, Add End Switches to Control Valves	7,791
Change Order #9	Vibration Isolation for Pumps, Vertical Wire Management Sleeve	9,226
Change Order #10	Isolation valves, Additional ceramic tile, Elimination of tempered at lead glazing, Credit for UW personnel related to a hit conduit within steam tunnel, Destat fan, Electrical panel	(563)

Change Order #11	Balancing dampers, Catwalk guard, fire hydrant extensions, VPS power	11,980
Change Order #12	Mechanical: Circulation pump sequence	5,132
<b>Adjusted Contract</b>		<b>47,922,653</b>

**Work Completed/In Progress:**

- Final punch list items in progress.
- Furniture installation complete.
- Move of laboratory personnel and equipment for Center of Innovation for Flow Through Porous Media complete.
- Building modifications for accommodating building occupants and equipment are underway. First CT scanner and vertical positioning system (VPS) has been installed. Procurement of an additional 300kVA UPS (uninterruptable power supply) is in progress.
- Modifications to heating system in electrical room underway.
- Building donor signs in fabrication.
- Fabrication and installation of ceiling lattice in Lab 140.
- Completion of landscaping in progress.

**Issues Encountered with Proposed Resolution for Each:**

- Existing electrical infrastructure required for installation of CT scanner and VPS has been determined to be incorrect. Pricing was obtained for necessary changes required for first installation and the work has been completed. Pricing for remaining nine rooms underway.
- Floor tiles in the main lobby were damaged due to inadequate floor protection by moving contractor. Repairs to occur after completion of move, at the moving contractor's expense.

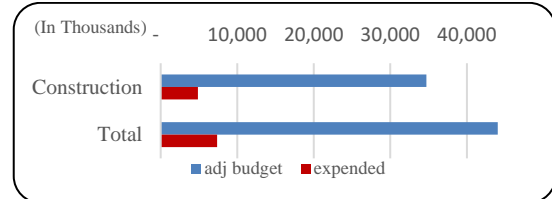
**Work Planned for the Upcoming Month:**

- Installation of the additional 300kVA UPS (uninterruptable power supply).
- Modifications to cooling system in the primary mechanical room.
- Installation of donor recognition sign.

### 3. Mick and Susie McMurry High Altitude Performance Center

Contractor: GE Johnson Construction Wyoming  
Jackson, WY

Original Project Budget \$ 44,000,000 (a)  
Adjusted Project Budget \$ 44,019,000 (d)



<u>Funding Sources:</u>	<u>Original Anticipated:</u>	<u>Actual:</u>
Foundation	3,000,000.00	3,000,000.00
Foundation	21,000,000.00	21,000,000.00
State Match	20,000,000.00	20,000,000.00
Athletic Gifts	-	18,844.89
Total Project	44,000,000.00	44,018,844.89

Guaranteed Maximum Price \$34,638,119  
Contract Substantial Completion Date June 1, 2018

(In Thousands)	Budget (a)	Additional Funding (b)	Use of Contingency (c)	Adj Budget (a+b+c)=(d)	Expenditures (e)	Obligations (f)	Remaining Balance (d+e+f)=(g)
Construction	34,684	-	14	34,698	(4,882)	(29,816)	-
Contingency	1,363	-	(163)	1,200	-	-	1,200
Design	3,469	-	138	3,607	(2,173)	(682)	752
FF&E	1,961	-	-	1,961	-	(1,097)	864
Tech	1,015	-	-	1,015	-	-	1,015
Admin	1,508	19	11	1,538	(300)	(197)	1,041
Total	44,000	19	-	44,019	(7,355)	(31,792)	4,872

#### Statement of Contract Amount

Original contract		\$34,638,119
Change order #1	Add cement board in lieu of drywall - area S-2	8,389
Change order #2	Exploratory excavation to locate buried water lines	11,010
Change order #3	Pricing for ASI-100, civil plan updates	543
Change order #4	Increase grease interceptor size	4,547
Change order #5	Switch from aluminum to copper bussing at all panel boards & switchboards	7,293
Change order #6	Labor & material credit for elimination of manhole #3 due to resizing the grease interceptor	(8,659)

Change order #7	Provide power to floor box 6 at the squad room and training table	1,240
Change order #8	Prep, prime and paint exposed HSS columns in the recovery pool room with epoxy based paint	3,280
<b>Adj Contract</b>		<b>\$34,665,762</b>

**Work Completed/In Progress:**

- Steel erection, decking, and detailing complete.
- Slab on deck 75% complete.
- Exterior cold formed framing and sheathing in progress.
- Mechanical and Electrical infrastructure in progress.
- Off-site utility work in progress.

**Issues Encountered with Proposed Resolution for Each:**

- 

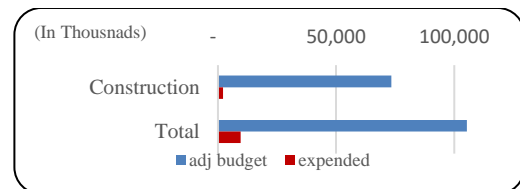
**Work Planned for Following Month:**

- Slab on decks complete.
- Slab on grade complete.
- Masonry.
- Interior Framing.
- Electrical service.

**4. Engineering Education and Research Building (EERB)**

Contractor: GE Johnson Construction Wyoming  
Jackson, WY

Original Project Budget \$ not yet set (a)



<b><u>Funding Sources:</u></b>	<b><u>Original Anticipated:</u></b>	<b><u>Actual:</u></b>
Grant – AML funds	350,000.00	350,000.00
Grant 2 – AML funds	750,154.00	750,154.00
State appropriation	55,000,000.00	55,000,000.00
Reduced by 2015 legislative action	(8,570,000.00)	(8,570,000.00)
Reduced by 2015 legislative action	(3,475,737)	(3,475,737)
State gen fun from AML – held until match	15,800,000.00	15,800,000.00
State matching funds	14,200,000.00	14,200,000.00
State Sec I swap for cap construction	10,000,000.00	10,000,000.00
2016 Appropriation	14,500,000.00	14,500,000.00

2015 DEQ redirected funds	3,475,737	3,475,737
Foundation donation	3,328,756	3,328,756
<b>Total Project</b>	<b>105,358,910.00</b>	<b>105,358,910.00</b>

Guaranteed Maximum Price                      \$69,014,882  
Contract Substantial Completion Date        February 13, 2019

**Note:**            Funds have been reallocated among the budget categories. The adjusted budget has not changed in total.

(In Thousands)	Budget (a)	Additional Funding (b)	Use of Contingency (c)	Adj Budget (a+b+c)=(d)	Expenditures (e)	Obligations (f)	Remaining Balance (d+e+f)=(g)
<b>Construction</b>	76,853	(3,476)	-	73,377	(2,143)	(11,694)	<b>59,540</b>
<b>Contingency</b>	3,843	-	-	3,843	-	-	<b>3,843</b>
<b>Reserve</b>	5,243	3,369	-	8,612	-	-	<b>8,612</b>
<b>Design</b>	7,943	(129)	-	7,814	(6,086)	(1,902)	<b>(174)</b>
<b>FF&amp;E</b>	3,993	(75)	-	3,918	-	-	<b>3,918</b>
<b>Tech</b>	3,474	(75)	-	3,399	-	-	<b>3,399</b>
<b>Admin</b>	4,010	386	-	4,396	(1,310)	(938)	<b>2,148</b>
<b>Total</b>	<b>105,359</b>	-	-	<b>105,359</b>	<b>(9,539)</b>	<b>(14,534)</b>	<b>81,286</b>

#### Statement of Contract Amount

Original contract		\$69,014,882
	No Change Orders	-
<b>Adj Contract</b>		<b>\$69,014,882</b>

#### Work Completed/In Progress:

- Drilled piers and pier caps are complete.
- Elevator pit construction is complete.
- Reinforcing steel and concrete high foundation walls are complete.
- Exterior foundation waterproofing and backfill operations in progress.
- Perimeter drain installation work in progress.
- Planter wall formed-concrete at southwest elevation complete.
- Cast in place concrete walls and foundation for the building are complete, site concrete remains.
- Underground site utility work (water, sanitary sewer, storm sewer, electric, chilled water, hot water) all in progress.

#### Issues Encountered with Proposed Resolution for Each:



- Plan review comments from the State Fire Marshal's Office were received on February 27, 2017. The Design team has responded to all comments and made required plan corrections to comply with Code requirements. The impact of plan corrections to the construction cost is expected to be minimal and will be handled within the GMP.

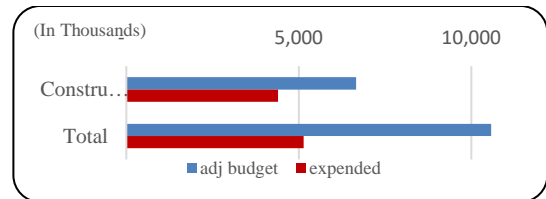
#### Work Planned for the Upcoming Month:

- Site utilities and underground mechanical, electrical, and plumbing rough-in will continue.
- Planter wall formed-concrete at southeast elevation.
- Shop drawings and submittal reviews will continue.
- Backfill, insulation and vapor barrier installation for slab on grade at east.
- Reinforcing steel and poured concrete for interior slab on grade at east.

## 5. BSL3 – State Vet Lab

Contractor: Sampson Construction Co, Inc.

Original Project Budget \$8,372,000 (a)  
Adjusted Project Budget \$10,572,065



<b>Funding Sources:</b>	<b>Original Anticipated:</b>	<b>Actual:</b>
State of Wyoming Reimbursement	8,372,000.00	10,572,065
<b>Total Project</b>	<b>8,372,000.00</b>	<b>10,572,065</b>

Contract Substantial Completion Date June 26, 2017

(In Thousands)	Budget (a)	Additional Funding (b)	Use of Contingency (c)	Adj Budget (a+b+c)=(d)	Expenditures (e)	Obligations (f)	Remaining Balance (d+e+f)=(g)
<b>Construction</b>	6,512		179	6,691	(4,394)	(2,297)	-
<b>Specialized Equipment</b>	253	2,200		2,453	(234)	-	2,219
<b>Contingency</b>	496		(213)	283			283
<b>Design</b>	766		21	787	(416)	(371)	-
<b>Admin</b>	345		13	358	(91)	(96)	171
<b>Total</b>	8,372	2,200	-	10,572	(5,135)	(2,764)	2,673

**Statement of Contract Amount**

Original contract		6,512,000
Change Order #1	Re-feed supply & exhaust air to corridor, storage & incinerator rooms	8,780
Change Order #2	Provide/install floor sink for new autoclaves	1,289
Change Order #3	Remove existing floor drain	699
Change Order #4	Repair stated existing problems (Wazee crane report)	5,067
Change Order #5	Delete 42 door guards	(4,620)
Change Order #6	Eliminate demo of existing Clayton steam boiler	(2,625)
Change Order #7	Eliminate installation of floor sink & cold water drop in cagewash	(888)
Change Order #8	Add new 2" floor drain for emergency shower/eyewash	1,503
Change Order #9	Add 10 new 3/4" valves for emergency shower/eyewash	2,486
Change Order #10	Change 1000 AMP breaker to free standing disconnect	(1,873)
Change Order #11	Add 6 new 3/4" isolation valves for emergency eyewashes	2,178
Change Order #12	Existing floor sink drain to be relocated to meet code, revise outlet size for combination waste & vent	614
Change Order #13	Add new floor drain in necropsy storage	2,725
Change Order #14	Add new stainless steel supply diffuser in necropsy; modify duct to avoid crane rail	3,724
Change Order #15	Remove excess concrete floor grout to structural concrete in necropsy room	6,000
Change Order #16	Delete perimeter drain around exterior entrance addition foundation	(199)
Change Order #17	Flash in mechanical curb to maintain water-tight integrity	906
Change Order #18	Relocate existing boiler feed water equipment, along with electrical relocation	7,340
Change Order #19	Revise exterior transformer	(1,552)
Change Order #20	Demo/replace CO2 lines & hangers/isolation valve for CO2 system; test when complete	7,132
Change Order #21	Demo/re-install secondary containment system	16,791

Change Order #22	Relocate existing piping into new walls	11,260
Change Order #23	Provide/install new data cabling	14,639
Change Order #24	Change specified LR25D model pass-thru refrigerator to a LR55D model	3,282
Change Order #25	Provide & install a weather-resistant fire alarm horn/strobe devise on north wall of necropsy, caulk accordingly	174
Change Order #26	Provide new floor sink, FS-1, with waste & vent lines	2,469
Change Order #27	Fabricate enclosures for existing blower equipment for exterior usage (manufacturer defect)	958
Change Order #28	Cut, remove, replace existing concrete slab; install new 3" floor sink w/ pipe & fittings to tie into existing 4" drain line	1,738
Change Order #29	Provide & install 2-3" swing check valves, new feed water pipe & fittings, hangers & supports; controls work to modify BFU control panel & reconfigure boiler controls	16,413
Change Order #30	Prep/re-surface floor with shock-crete and topcoat to build up floor slope	46,358
Change Order #31	Delete work in incinerator room 1138	(7,401)
Change Order #32	Fabricate (5) stainless steel enclosures for CO2 panels	1,581
Change Order #33	Credit 10% overhead and profit of prior owner approved change orders (#5,6,7,10,16,19) – per article 39 of specifications	(1,176)
Change Order #34	Delete re-install of autoclaves, owner will complete and credit 10% overhead and profit	(17,091)
Change Order #35	Add porcelain tile and epoxy paint finishes; delete FRP finishes	11,565
Change Order #36	Provide and install PT-2; credit resign tops and sinks	6,565
Change Order #37	Credit 3 door cylinders	(262)
Change Order #38	Install water lines for (3) purified water units, provide and install supports for additional lines	867
Change Order #39	Relocate steam and condensate lines; provide additional hangers and supports	3,941
Change Order #40	Provide power and lighting to roof top fan housing enclosure	1,081

Change Order #41	Reconfigure existing EDS waste lines and add two clean-outs	20,599
Change Order #42	Provide new circuit for (4) jacket heaters	731
Change Order #43	Tie onto existing dry pipe sprinkler system	1,279
Change Order #44	Supply and install cabinet back panels and bottoms	4,146
<b>Adj Contract</b>		<b>6,691,193</b>

**Work Completed/In Progress:**

- Hang ceiling in emergency vestibule and necropsy.
- Apply epoxy wall and floor coatings in C1110.
- Ongoing control system tie-in.
- Set new cage wash.
- Generator/ATS (automatic transfer switch) will be tied-in April 27<sup>th</sup>.

**Issues Encountered with Proposed Resolution for Each:**

- None at this time.

**Work Planned for the Upcoming Month:**

- Trim out BSL3 labs and necropsy.
- Cabinet install in BSL3 labs.
- Begin design of new permanent incinerator.
- Continue process for standard operating procedures (SOP's) for BSL3.
- Install new low voltage control to new ATS (automatic transfer switch).
- Tie-in utilities to new autoclaves.