

THE UNIVERSITY OF WYOMING

BOARD OF TRUSTEES

**Wednesday, August 12, 2020
Meeting Minutes
Public Session**

**Final minutes can be found on the University of Wyoming Board of Trustees website at
www.uwyo.edu/trustees**

THE UNIVERSITY OF WYOMING
MINUTES OF THE BOARD OF TRUSTEES
Wednesday, August 12, 2020
Via Video Conference
No Physical Location Due to COVID – 19
Laramie, Wyoming

Public Session

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The University of Wyoming Board of Trustees held a conference call on Wednesday morning, August 12, 2020. Trustee Chairman Jeff Marsh called the meeting to order at 7:00 a.m. Deputy Secretary RoseMarie London took roll.

Trustees participating: Mel Baldwin, Brad Bonner, Kermit Brown, David Fall, Brad LaCroix, Jeff Marsh, John McKinley, Macey Moore, Dick Scarlett, Laura Schmid-Pizzato, Michelle Sullivan, and Dave True. Ex-officio Trustees UW President Ed Seidel, ASUW President Riley Talamantes, State Superintendent of Public Instruction Jillian Balow, Director of Wyoming Community College Commission Sandy Caldwell, and Governor Mark Gordon were also in attendance.

AGENDA ITEM TITLE: COVID-19 Update, Seidel/Benham-Deal
MINUTES OF THE MEETING:

University of Wyoming President Ed Seidel provided the Board an update on COVID-19 preparations for the restart of campus. Seidel described the need to implement stronger interventions as new information related to the COVID-19 contagion, particularly long-term organ damage caused by the virus, continues to come to light. Seidel discussed his many conversations with leaders at other higher education institutions and directed the Board's attention to *Inside Higher Education* reporting on institutions that are revisiting their reopening plans for fall. Seidel discussed a protocol of campus-wide, twice-weekly testing followed by contact tracing as seen as best practice by many institutions, reporting UW is not prepared to provide necessary surveillance testing to allow for the opening as scheduled. Seidel backfilled the information provided to the Board considering various paths forward to include status quo, a soft return, a phased approach, and an entirely virtual course delivery. Seidel stated he believed the phased approach, supported by CARES Act funding from the Governor, was the most viable for the university and beneficial to students. Seidel further stated his support of a tuition free credit to students who volunteer in the efforts to contract trace.

Vice Provost Tami Benham-Deal provided details of the phased approach to the Board. Associate Professor of Veterinary Science Brant Schumaker described steps to maximize experience and minimize risks that would include surveillance testing. Schumaker further described the supply chain limitations restricting this testing until phase three of the plan. President Seidel responded to inquiry from Trustee Mel Baldwin about the implementation of twice weekly testing stating the size of the UW campus was a benefit, and further discussed paths to reduce the logistical load. Trustee Baldwin stated his desire for safety. Schumaker discussed statistical sampling testing goals to detect an outbreak of a certain size, and discussed the downside to this type of testing in terms of size of outbreak and response at the time of detection. State Veterinary Laboratory Director Will Laegreid contributed to the discussion surrounding testing.

Faculty Senate Chairman Rudi Michalak discussed the prospect of financial relief for students who have committed to off campus housing, and inquired about mitigating a decrease in enrollment. Seidel discussed CARES Act funding associated with room and board for students further addressing the need for adaptability in transitioning to online course delivery. Governor Mark Gordon discussed an economic model promoting students off campus residency in support of the larger community. He asked for further investigation as to whether such a model is sustainable in the face of ongoing online course delivery, and the future of higher education as a whole.

Seidel addressed the statistical interpretations of the testing and the university's quarantine capacity in response to inquiry from Trustee Laura Schmid-Pizzato. Vice President for Student Affairs Kim Chestnut stated there were currently 50 quarantine beds and other locations for isolation housing were being identified. Chestnut further addressed inquiry from Trustee John McKinley about the availability of quarantine housing being available to students who were living on campus. In response to an inquiry from Trustee Dave True regarding trigger threshold related to the availability of quarantine beds, Schumaker provided an example of a trigger point whereby the university would need to consider a pause. If the university fell below 20% quarantine capacity, Schumaker stated, it would not be able to accommodate further in-person interactions on campus. Trustee McKinley discussed the speed at which the university would hit the currently identified trigger points requiring pause and closure, and asked for further information. Seidel and Benham-Deal explained more information is being gathered to ensure the triggers for closing are

appropriate for the population. Vice President and General Counsel Tara Evans discussed the makeup of the closing considerations working group. In response to inquiry from various Trustees, Schumaker described details and rationale around automatic triggers and data monitoring for closing campus. Schumaker explained that if cases were growing on a week-by-week basis over the three week period in the plan, this would be a criteria considered or would initiate a pause to consider remaining open. Trustee Dave True expressed his concern for the absolute trigger identified in the closing considerations matrix, and requested the university president have a role in decision-making rather than the plan dictating the requirement for a pause, hopefully allowing for the consideration of the most current information. Trustee True further discussed the evolving categorization of virus symptoms, and the need for fluidity related to the classifications in the document. Trustee McKinley reported on discussion of the closing considerations working group regarding the trigger criteria for an automatic pause, explaining the decision authority rests with the university president, but that the university will also be tracking lagging indicators. Schumaker participated in a robust discussion regarding defining the criteria and interpreting test results through contact tracing in consideration of a pause or a close of campus. Seidel stated while the Board had previously provided its approval for administration to alter the campus restart plan, in his view, this type of change to the plan was significant enough to rise to the Board's attention. Further addressing Trustee True's concerns, Seidel summarized the spirit of what the university is trying to achieve with the guidelines presented, and expressed his support of the proposed phased opening plan. Trustee Schmid-Pizzato expressed favor for the phased approach.

Trustee Kermit Brown asked administration in contemplation of the criteria that would trigger adjustments to the plan, it was important to consider the logistics and identify the resources necessary to implement quick changes. Benham-Deal added in the event of a pause or a closure, students would switch from face to face instruction to online delivery method allowing for an uninterrupted 15 weeks of instruction. There was discussion in response to inquiry from Trustee Jeff Marsh regarding COVID-19 protocols in common areas. Chestnut described various modifications to common areas to reduce density and promote social distancing.

Trustee Brown stated he felt the community largely had cynicism toward the effects of the virus, and that communication is essential. Seidel discussed the town hall scheduled on Thursday, August 13, 2020, with participation and support from Governor Gordon and UW Board of Trustees Chairman Jeff Marsh. Senior Policy Advisor to Governor Gordon Lachelle Brant inquired about testing requirements for students enrolled in courses delivered entirely online, and how the university is communicating this requirement. Benham-Deal discussed the importance of Vault testing to establish baseline results for the entire university community stating while there has been discussion no decision has been made regarding testing students engaged entirely in online course delivery. Chestnut discussed student concern regarding testing based on the communications student affairs had already received further stating her concerns regarding students' capacity to fully comprehend a phased return, and the challenges the university will be presented with.

UW Phased Opening Plan

Approved 08-12-2020 @ 10:13 a.m.

Trustee Kermit Brown moved the Board approve modification to the University's Fall Restart plan to include a phased opening of the University of Wyoming, as presented to the Board. Trustee Dave True seconded the motion. The motion carried with a unanimous decision.

In response to a request for comment from Trustee Jeff Marsh, Faculty Senate Chairman Rudi Michalak and Staff Senate President James Wheeler both expressed a need for more clarity of communication. Wheeler described staff disappointment in the abrupt change to the plan so close to the start of the semester. ASUW President Riley Talamantes expressed student support of the phased approach.

Trustee McKinley concurred with Trustee Brown's statement regarding the need for frequent and consistent communication, and requested the Closing Considerations Matrix be more accurately renamed Pausing Considerations Matrix.

UW Pausing Considerations

Approved 08-12-2020 @ 10:19 a.m.

Trustee John McKinley moved the Board adopt the closing considerations decision tree as presented with two modifications as discussed by the Board as follows: (1) clarifying that the criteria involving five or more new symptomatic cases be confirmed by a diagnostic test and (2) clarifying that available capacity for isolation/quarantine is below 20% of the total UW on-campus isolation capacity. Trustee Michelle Sullivan seconded the motion. Trustees Dave True and Laura Schmid-Pizzato voted no. The motion carried.

AGENDA ITEM TITLE: FY21 Supplemental Budget, McKinley/Jewell

MINUTES OF THE MEETING:

Trustee John McKinley stated the Biennium Budget Committee did not have a recommendation to submit a supplemental budget. President Ed Seidel discussed goals to build partnerships and programs across the state.

AGENDA ITEM TITLE: Facilities Contracting Committee, McKinley/Mai

MINUTES OF THE MEETING:

WPR Sundance, WY Site Lease Extension with Ultimate Caps, Inc.

Approved 08-12-2020 @ 10:28 a.m.

Trustee John McKinley moved administration execute Lease Amendment No. 1 with Ultimate Caps, Inc. Trustee Dave True seconded the motion. The motion carried with a unanimous decision.

Change Order for West Campus Satellite Energy Plant Alternatives

Approved 08-12-2020 @ 10:28 a.m.

Trustee John McKinley moved administration execute a change order with GE Johnson Construction Company of Wyoming in the amount of \$2,348,254.00 to amend the West Campus Satellite Energy Plant budget with the funding source coming from the owner's contingency. Trustee Laura Schmid-Pizzato seconded the motion. The motion carried with a unanimous decision.

Wyo Hall GMP - Bid Package 1

Approved 08-12-2020 @ 10:30 a.m.

Trustee John McKinley moved administration execute a contract amendment establishing the guaranteed maximum price with Haselden Wyoming Constructors in the amount of \$13,946,242.00 for the Wyoming Hall demolition project. Trustee Dick Scarlett seconded the motion. The motion carried with a unanimous decision.

Deputy Vice President of Administration Bill Mai discussed the request for permission to enter into a lease agreement utilizing CARES Act funding to find storage for university furniture across campus due to new spacing requirements associated with COVID-19.

Furniture Storage

Approved 08-12-2020 @ 10:33 a.m.

Trustee John McKinley moved administration enter into a lease agreement not to exceed \$150,000.00 for a 1-year lease for the purposes of storage of furniture and equipment owned by the university. Trustee Dick Scarlett seconded the motion. The motion carried with a unanimous decision.

In response to inquiry from Trustee Dick Scarlett, Mai explained administration would request the Board's approval for a lease extension in the event one was necessary. Mai addressed Trustee Scarlett's concern about the quality of the furniture being moved to storage by stating the inventory would be examined to determine whether disposal was appropriate.

AGENDA ITEM TITLE: Modifications to UW Regulations, Brown/Evans

MINUTES OF THE MEETING:

Vice President and General Counsel Tara Evans discussed proposed modifications to UW Regulation 2-16 (Sabbaticals and Professional Development Leave).

UW Reg 2-16

Approved 08-12-2020 @ 10:37 a.m.

Trustee Kermit Brown moved for the adoption of UW Regulation 2-16 (Sabbaticals and Professional Development Leave) as presented. Trustee Michelle Sullivan seconded the motion. The motion carried with a unanimous decision.

OTHER ACTION TAKEN AT MEETING:

Approval of Minutes

Approved 08-12-2020 @ 8:27 a.m.

Trustee Mel Baldwin moved approval of the July 15-16, 2020, UW Board of Trustees Meeting Minutes. Trustee Macey Moore seconded the motion. The motion passed with a unanimous decision.

Ease Learning Master Services Agreement

Approved 08-12-2020 @ 10:37 a.m.

Trustee Michelle Sullivan moved the Board approve the eLearning Innovation LLC dba Ease Learning Master Services Agreement and the Wiley edu LLC Master Services Agreement. Trustee Mel Baldwin seconded the motion. The motion carried with a unanimous decision.

Personnel Report

Approved 08-12-2020 @ 10:39 a.m.

Trustee Macey Moore moved the Board approve the personnel report as presented. Trustee Laura Schmid-Pizzato seconded the motion. The motion carried with a unanimous decision.

President Ed Seidel thanked the Board for its comprehensive discussion, and support of COVID-19 plans. Staff Senate President James Wheeler stated the staff's loss in confidence in administration as it related to the decision-making surrounding COVID-19 and the abrupt changes

to the campus restart plan. President Seidel provided an explanation regarding response to changing information related to the effects of the virus and how it impacted the previous re-start plan and the scheduled town halls.

Faculty Senate Chairman Rudi Michalak requested more information about the upcoming town hall.

Date of Next Meeting

September 16-18, 2020 (Laramie, Wyoming)

Trustee Jeff Marsh stated the UW Board of Trustees will conduct its September 2020 meeting in person in Laramie. Vice President and General Counsel Tara Evans stated a testing protocol for the Trustees in advance of the September meeting was forthcoming.

Adjournment

The Board adjourned the meeting at 10:46 a.m.

Executive Session Information

[The UW Board of Trustees met in Executive Session on Wednesday August 12, 2020, via video conference; there was no physical location due to COVID-19.]

Wednesday, August 12, 2020

The University of Wyoming Board of Trustees called the meeting to order at 7:03 a.m. Trustee Michelle Sullivan moved the Board enter into Executive Session for the purpose of:

- 1) Matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party under Wyoming Statute 16-4-405(a)(iii);
- 2) Considering or receiving information classified as confidential by law under Wyoming Statute 16-4-405(a)(ix); and
- 3) Consideration of the appointment of a public employee under Wyoming Statute 16-4-405(a)(ii).

The Executive Session was attended by the 12 voting members of the UW Board of Trustees, ex-officio members, and UW administrators and staff as appropriate. Trustee Macey Moore seconded the motion. The motion passed with a unanimous decision. The Board entered into Executive Session at 7:10 a.m.

Trustees participating: Mel Baldwin, Brad Bonner, Kermit Brown, David Fall, Brad LaCroix, Jeff Marsh, John McKinley, Macey Moore, Dick Scarlett, Laura Schmid-Pizzato, Michelle Sullivan, and Dave True. Ex-officio Trustees UW President Ed Seidel, ASUW President Riley Talamantes, State Superintendent of Public Instruction Jillian Balow, Director of Wyoming Community College Commission Sandy Caldwell, and Governor Mark Gordon were also in attendance.

Vice President and General Counsel Tara Evans, Deputy General Counsel Paula Whaley, UW Board of Trustees Deputy Secretary RoseMarie London, and IT Specialist Lisa Stafford attended the entirety of the meeting. The following administrators and external individuals attended during their respective agenda items: Athletic Director Tom Burman, Senior Vice President for Finance and Administration Neil Theobald, Associate Vice President for Financial Affairs David Jewell, Interim Director of Government Relations Alex Kean, Interim Provost Anne Alexander, and Vice Provost Tami Benham-Deal.

Executive Session adjourned at 10:46 a.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "RoseMarie London", with a long horizontal flourish extending to the right.

RoseMarie London
Deputy Secretary, UW Board of Trustees