



FY2021 Budget Presentation Guidelines
DIVISION OF GENERAL COUNSEL
5-6-20

1. Overview of division's/college's mission and vision

The Division of General Counsel coordinates and supervises legal and risk services for the University of Wyoming by providing timely legal guidance, addressing existing and potential legal problems, reducing exposure to legal risk, and assisting University units with effectively and efficiently achieving their objectives. The University is the client, but we provide legal advice to the Board of Trustees, the President, University Officers, deans and heads of academic units, department heads, or other designated representatives of the University. We represent those employees acting within the scope of their duties, but cannot provide personal legal advice to any individual. The Division of General Counsel includes the Office of Risk Management and the Equal Opportunity Report and Response Unit (EORR).

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

- 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
- Intellectual property
- Litigation, subpoenas, and government investigations
- Management of UW Regulations, Presidential Directives, and Standard Administrative Policies and Procedures
- Policy development and interpretation
- Public records and open meetings
- Regulatory compliance
- Student education records requests
- Wyoming Public Records Act requests

Risk Management responsibilities include:

- Certificates of insurance
- Insurance, self-insurance, and claims (including property, automobile, 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 policies and procedures
- Special event risk management
- Student health insurance
- University authorized drivers and vehicle policies

Equal Opportunity Report and Response Unit responsibilities include:

- Managing complaints and reports of discrimination and harassment and violence in the workplace

- Developing and administering employee training programs to address matters of diversity, sexual harassment prevention, and other forms of discrimination
- Serving as Title IX Coordinator

2. Assessment of division/college – current state (where it is now) and future state (where it needs to go)

a. Strengths

All three of the Division's offices (General Counsel, Risk Management, and EORR) are service units for the University. Our great strength is that we operate these offices professionally and competently and provide proactive and accurate advice related to the law, risk reduction, regulatory compliance, and business processes and policies.

b. Challenges and Opportunities

Teamwork and breaking down silos

One important opportunity for senior leadership is to better foster teamwork and problem solving within and between the vice presidential divisions and units. In FY 2021, my goal is to continue to collaborate with other vice presidential units to maximize their efficiency, effectiveness, and compliance with relevant laws and regulations; to improve their business processes and practices; and to continue to refine and enhance the University's strategic priorities.

Strategic priorities and areas of excellence

Another opportunity for senior leadership is to work together to identify strategic priorities. This collaboration will be important with the economic downturn and possible budget reductions. Additionally, this exercise will necessarily include hard decisions by vice presidents, deans, and faculty, but those decisions will allow the University to better focus on areas of excellence and distinction.

3. Strategic priorities and a brief update on your division's/college's accomplishments through initiatives or programs during FY2020 (AY 2019-20)

Accomplishments during FY2020

- Continued to coordinate and supervise legal services for the University of Wyoming by providing proactive legal guidance, addressing existing and potential legal problems, reducing exposure to legal risk, and helping University units effectively and efficiently achieve their objectives.
- Completed revision of 81 of the ~100 governing regulations, including updating regulations in the Academic Affairs, Facilities, Student Affairs, and University Relations sections.
- Continued to handle hundreds of claims per year, the vast majority of which are first party auto claims.
- Made two important hires in Risk Management and EORR: (1) filling a recently vacated Chief Risk Officer position; and (2) hiring a second investigator in the Title IX Office. The new Chief Risk Officer has extensive experience in enterprise risk management (ERM), which will allow the University to coordinate a broader approach to managing risk, including strategic, financial, operational, compliance and reputational risk. In the Title IX Office, the second investigator has allowed us to address the growing number of reports of discrimination and harassment, while continuing to develop awareness and prevention campaigns and strengthen relationships with community partners related to sexual misconduct.

- e. Responded to a continually increasing number of discrimination and harassment reports: 342 total cases were reported in 2019 (an increase of 34 cases from 2018), of which 222 were Title IX cases.
- f. Through the Title IX Coordinator, (1) continued to oversee the NO MORE committee, which is a public awareness and engagement campaign focused on ending domestic violence and sexual assault; and (2) partnered with Dean of Students to implement Green Dot, which is a nationally recognized bystander intervention program that focuses on building the skills needed for individuals to take action when they see instances of power-based personal violence.

Strategic Priorities

- a. *Assist with University resilience and decision-making in the aftermath of COVID-19*
Recognizing that the COVID-19 situation is a University-wide risk event that will most likely have long-lasting implications for the University community, Albany County, and the State of Wyoming, one of my Division's priorities will be to continue to assist with the University's recovery process, as well as help to institute lessons learned from this pandemic. My offices are uniquely poised to provide input on decisions for the fall semester, including the safety of our faculty, staff, and students, the public health component, legalities surrounding the University's capacity to test, the Emergency Family and Medical Leave Expansion Act, the Emergency Paid Sick Leave Act, and the CARES Act.
- b. *Continue to engage the University community through preventative legal counsel*
Continue to increase awareness of legal and risk implications of units' actions and decisions by offering training to the University community on various areas of interest, including UW travel requirements and best practices, the contract process, trademarks, export controls, privacy interests under HIPAA and FERPA, risk related to planning University events, protecting University personnel and property through insurance and claims, the Americans with Disabilities Act (ADA), the Wyoming Public Records Act, and higher education employment law.
- c. *Complete the regulation portion of the governance review*
Since 2016, my office has systematically reviewed the existing regulations with the Board of Trustees, the President, vice presidents, deans, faculty senate, staff senate, ASUW, and other campus constituents, and have streamlined the number from 97 to 81. (We have around 20 regulations that still need to be reviewed.) We now have a central website for all regulations, presidential directives, and standard administrative policies and procedures, and have substantially refined the University's business practices related to finance, facilities, and academics. This review process has significantly enhanced the University's governance structure and administrative practices.
- d. *Continue to implement enterprise risk management (ERM)*
The University has developed a good basic ERM framework and an advisory committee. We are in phase two of a four-phase process to implement the ERM program, which is a more comprehensive approach to identifying and managing the University's institutional risks. By addressing the University's risks proactively, we are better able to steward our resources, maintain the academic core, and continue the momentum toward achieving the University's strategic objectives and priorities.

4. Overview of FY2021 budget

- a. FY2020-FY2021 budget variance explanation(s)

- *Salaries, wages, and benefits:* Variance is due to two new positions allocated as of July 1, 2020 (Public Records Officer and Title IX Investigator), a Board-approved transfer of a position from the Global Engagement Office, and institutional raises.
- *Services, travel, and supplies:* Variance is due to increases in both property and liability premiums associated with national losses and trends. We will continue to focus on reducing preventable claims, managing the cost of other claims, and implementing best practices including enterprise risk management to reduce the impact of expected premium increases and unanticipated claims expenses.
- b.** FY2020 actuals – highlight trends
 - We will end 2020 with lower than budgeted claims-related expenses, but higher than budgeted legal services expenses, primarily due to defense costs on several litigation cases and expertise needed in complex intellectual property matters.
 - Insurance premiums have increased but we are continuing to assess where we might reduce layers of coverage.
 - We are working with the Budget Office to streamline internal allocations and funding transfers to better capture liabilities versus encumbrances.
- c.** Explanation of internal budget (net to zero) reallocations made toward meeting strategic goals
 - Reorganized the General Counsel’s Office within my existing budget to increase the attorneys’ capacity to provide comprehensive legal advice and risk reduction strategies to the University community.
- d.** Know your numbers
 - Office of General Counsel
 - 5 attorneys (Vice President and General Counsel, Deputy General Counsel, Senior Associate General Counsel, and two Associate General Counsels)
 - Business Manager and Executive Assistant to the Vice President
 - Risk Management
 - Chief Risk Officer
 - Claims Specialist
 - Student Health Insurance Coordinator
 - Equal Opportunity Report and Response
 - Title IX Coordinator and Manager of Investigations
 - 2 investigators/equal opportunity specialists

5. Space allocation needs and quality of space issues.

The Office of General Counsel has space on the second floor of Old Main for four attorneys as currently configured. We house one attorney in the President’s Office Suite and she will need to vacate that space soon. I have requested an office contiguous (or close) to the other attorneys to facilitate collaboration among the attorneys.

Risk Management is located in Knight Hall. While we are certainly open to finding a new home, Risk Management is functioning well in the current location with the three main offices and with the mini-meeting room where the two part-time employees have small work areas. Location of Student Health Insurance near Student Financial Services is also efficient for coordination during the peak enrollment and waiver periods. Risk Management needs to be in an accessible area for visits by employees and students interacting for claims and health insurance matters.

The Equal Opportunity Report and Response Unit is located in the Bureau of Mines Building. While it is a little “off the beaten path,” it has its advantages in terms of confidentiality and accessibility. There are no space needs for EORR at this time.