

**THE UNIVERSITY OF WYOMING
BOARD OF TRUSTEES'
REPORT & SUPPLEMENTAL MATERIALS**

**June 16, 2021
Conference Call Meeting**

Revised 06-10-2021: Item Removed

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 (July 2017)

We honor our heritage as the state's flagship and land-grant university by providing accessible and affordable higher education of the highest quality; rigorous scholarship; the communication and application of knowledge; 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:

- Graduate students who have experienced the frontiers of scholarship and creative activity and who are prepared for the complexities of an interdependent world;
- Cultivate a community of learning energized by collaborative work among students, faculty, staff and external partners.
- Nurture an environment that values and manifests diversity, internationalization, free expression, academic freedom, personal integrity and mutual respect; and
- Promote opportunities for personal health and growth, physical health, athletic competition and leadership development for all members of the university community.

As Wyoming's only public university, we are committed to scholarship, 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.

TRUSTEES OF THE UNIVERSITY OF WYOMING AGENDA
June 16, 2021
Conference Call Meeting

Note: Only topics that have support materials provided in advance of the meeting are contained within this report. Topics that will be discussed with only a verbal report do not have information included.

WORK SESSIONS

Consideration and Action: Annual Operating Budget for the next fiscal year (per UW Regulation 7-1) [UW Board of Trustees Revised FY2022 Operating Budget, May 27, 2021, provided as supplemental] – McKinley4

Consideration and Action: Financial Aid Strategy 2022-23 – Jewell/Hintz [postponed from May meeting] 11

Consideration and Action: Series 2021C Bond Resolution – Macey Moore/Jewell.....38
UW Regulation Review Committee (ad hoc committee); Kermit Brown (Chair)

Consideration and Action: Modifications to UW Regulations – Evans

- a. UW Regulation 2-5 (Establishment of a Flexible, Faculty-Approved Teacher Effectiveness Evaluating System).....124
- b. UW Regulation 2-13 (Academic Program Reorganization, Consolidation, Reduction and Discontinuance).....137
- c. UW Regulation 1-4 (Shared Governance)171
- d. UW Regulation 2-300 (Bylaws of the University Faculty)
- e. UW Regulation 2-301 (Faculty Senate Bylaws)
- f. UW Regulation 2-302 (Establishment of Faculty Senate Committees)
- g. UW Regulation 2-303 (Establishment of University Standing Advisory Committees)
- h. UW Regulation 6-4 (Use of University Buildings, Grounds and Services).....228
- i. UW Regulation 9-2 (Indirect Cost Policy).....236

Discussion: UW Leadership Organization – Seidel [provided as supplemental]

AGENDA ITEM TITLE: Annual Operating Budgets for FY22, McKinley/Jewell

SESSION TYPE:

- Work Session
- Education Session
- Information Item
- Other:

[Committee of the Whole – Items for Approval]

- Attachments are provided with the narrative—refer to Supplemental Materials Report.*

APPLIES TO STRATEGIC PLAN:

- Yes (select below):
 - Driving Excellence
 - Inspiring Students
 - Impacting Communities
 - High-Performing University
- No [Regular Business]

EXECUTIVE SUMMARY:

The President’s proposed Operating Budget was presented to the Budget Committee of the Board of Trustees on April 15, 2021. The Budget Committee held FY22 budget hearings with university Administrative Officers on May 10-11, 2021.

PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:

N/A

WHY THIS ITEM IS BEFORE THE BOARD:

The President of the University shall develop an annual Operating Budget for the University each year. On or before April 15, the President shall submit his proposed Operating Budget for the fiscal year beginning on the following July 1 to the University’s Board of Trustees. The Budget Committee of the Board of Trustees shall hold hearings where each of the University’s Administrative Officers shall present the proposed budget for their Division/Unit (Organization) for the upcoming fiscal year. The final approval of the Operating Budget rests with the Board prior to the beginning of the fiscal year.

ACTION REQUIRED AT THIS BOARD MEETING:

Board approval or disapproval of the recommended FY2022 Operating Budget.

PROPOSED MOTION:

I move to approve the FY22 Operating Budget as presented to the Board.

PRESIDENT’S RECOMMENDATION:

The President recommends approval.

A	B	C	D	E	F	
1	Page #	Division/Subdivision, Fund Class	Column F	Summary Level Natural Accounts	Change in Budget	Description of Change
2	Throughout the budget report the values in column D FY21 Actual through March have been updated to reflect final activity through the March fiscal period. The March period closed after the April 15 President's Budget report was created. The values are unaudited and for informational purposes only.					
3						
4						
5						
6	Page 5	FC_105 Unrestricted Operating	Line 60	A D7720 Debt Service Grouping	\$ (314,300)	Reduction in interest payment on debt service.
7						
8						
9	Page 45	FC 105 Unrestricted Operating	Line 51	Services, Travel, and Supplies	\$ 35,000	Increase is the result of budgeting for the potential use of unrestricted operating reserve.
10	Page 45	FC 105 Unrestricted Operating	Line 61	A D7740 Transfers To/From Operations Grouping	\$ (35,000)	Increase is the result of budgeting for the potential use of unrestricted operating reserve.
11						
12						
13	Page 54	FC B30 Restricted Expendable Op	Line 103	A B5300 Gifts	\$ (783,443)	Increase is the result of budgeting more foundation funds in the College of Agriculture and Natural Resources.
14	Page 54	FC B30 Restricted Expendable Op	Line 110	A B6000 Salaries, Wages & Benefits	\$ 226,924	Increase is the result of budgeting more foundation funds in the College of Agriculture and Natural Resources.
15	Page 54	FC B30 Restricted Expendable Op	Line 111	Services, Travel, and Supplies	\$ 351,520	Increase is the result of budgeting more foundation funds in the College of Agriculture and Natural Resources.
16	Page 54	FC B30 Restricted Expendable Op	Line 112	Util., Repair & Maint., and Rentals	\$ 5,000	Increase is the result of budgeting more foundation funds in the College of Agriculture and Natural Resources.
17	Page 54	FC B30 Restricted Expendable Op	Line 121	A D7740 Transfers To/From Operations Grouping	\$ 200,000	Increase is the result of budgeting more foundation funds in the College of Agriculture and Natural Resources.
18						
19						
20	Page 58	FC B30 Restricted Expendable Op	Line 96	A B4000 Tuition & Educational Fees (net)	\$ 464,230	Increase is the result of budgeting more foundation funds in the College of Arts and Sciences.
21	Page 58	FC B30 Restricted Expendable Op	Line 103	A B5300 Gifts	\$ (4,098,430)	Increase is the result of budgeting more foundation funds in the College of Arts and Sciences.
22	Page 58	FC B30 Restricted Expendable Op	Line 110	A B6000 Salaries, Wages & Benefits	\$ 1,062,000	Increase is the result of budgeting more foundation funds in the College of Arts and Sciences.
23	Page 58	FC B30 Restricted Expendable Op	Line 111	Services, Travel, and Supplies	\$ 2,479,200	Increase is the result of budgeting more foundation funds in the College of Arts and Sciences.
24	Page 58	FC B30 Restricted Expendable Op	Line 113	Int., Claims, Other Exp., Subcontracts, Depr. & Amort.	\$ 93,000	Increase is the result of budgeting more foundation funds in the College of Arts and Sciences.
25						
26						
27	Page 129	FC 105 Unrestricted Operating	Line 43	A B5300 Gifts	\$ 76,331	Decrease in funding needed for positions.
28	Page 129	FC 105 Unrestricted Operating	Line 50	A B6000 Salaries, Wages & Benefits	\$ (76,331)	Decrease in funding needed for positions.
29						
30						
31	Page 134	FC 200 Designated Op	Line 91	A D7740 Transfers To/From Operations Grouping	\$ 360,000	Increase is for the transfer from the Special Projects Reserve Account for Institutional Marketing.
32						
33	Page 141	FC 105 Unrestricted Operating	Line 51	Services, Travel, and Supplies	\$ 314,300	Increase is the result of anticipated increase in insurance premiums.
34	Page 142	FC 200 Designated Op	Line 81	Services, Travel, and Supplies	\$ 100,000	Increase is the result of anticipated legal services. The increase is funded with indirect cost fund balance.
35						
36						
37						
38						

Appendix A

A	B	C	D	E	F
Division/Subdivision, Fund					
Page #	Class	Column F	Summary Level Natural Accounts	Change in Budget	Description of Change
Throughout the budget report the values in column D FY21 Actual through March have been updated to reflect final activity through the March fiscal period. The March period closed after the April 15 President's Budget report was created. The values are unaudited and for informational purposes only.					
Total Entity					
Page 1	Total Fund Class	Line 6	A B4000 Tuition & Educational Fees (net)	\$ 464,230	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
Page 1		Line 13	A B5300 Gifts	\$ (4,805,543)	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
Page 1		Line 20	A B6000 Salaries, Wages & Benefits	\$ 1,212,593	Increase is a combination of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources and a decrease in position funding at the Foundation.
Page 1		Line 21	Services, Travel, and Supplies	\$ 3,280,020	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources, use of unrestricted operating reserve funds in the Honors College and funding for risk management.
Page 1		Line 22	Util., Repair & Maint., and Rentals	\$ 5,000	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
Page 1		Line 23	Int., Claims, Other Exp., Subcontracts, Depr. & Amort.	\$ 93,000	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
Page 1		Line 30	A D7720 Debt Service Grouping	\$ (314,300)	Reduction in interest payment on debt service.
Page 1		Line 31	A D7740 Transfers To/From Operations Grouping	\$ (195,000)	Change is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources, use of unrestricted operating reserve funds in the Honors College and use of the special projects reserve account for Institutional Marketing.
Page 1	FC 105 Unrestricted Operating	Line 43	A B5300 Gifts	\$ 76,331	Decrease in funding needed for positions.
Page 1		Line 50	A B6000 Salaries, Wages & Benefits	\$ (76,331)	Decrease in funding needed for positions.
Page 1		Line 51	Services, Travel, and Supplies	\$ 349,300	Increase is the result of budgeting the potential use of unrestricted operating reserves in the Honors College and anticipated increase in insurance premiums.
Page 1		Line 60	A D7720 Debt Service Grouping	\$ (314,300)	Reduction in interest payment on debt service.
Page 1		Line 61	A D7740 Transfers To/From Operations Grouping	\$ (35,000)	Increase is the result of budgeting for the potential use of unrestricted operating reserve.
Page 2	FC 200 Designated Op	Line 81	Services, Travel, and Supplies	\$ 100,000	Increase is the result of anticipated legal services. The increase is funded with indirect cost fund balance.
Page 2		Line 91	A D7740 Transfers To/From Operations Grouping	\$ (360,000)	Increase is for the transfer from the Special Projects Reserve Account for Institutional Marketing.

Appendix A

	A	B	C	D	E	F
	Division/Subdivision, Fund					
2	Page #	Class	Column F	Summary Level Natural Accounts	Change in Budget	Description of Change
25	Page 2	FC_B30 Restricted Expendable Op	Line 96	A B4000 Tuition & Educational Fees (net)	\$ 464,230	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
26	Page 2		Line 103	A B5300 Gifts	\$ (4,881,874)	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
27	Page 2		Line 110	A B6000 Salaries, Wages & Benefits	\$ 1,288,924	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
28	Page 2		Line 111	Services, Travel, and Supplies	\$ 2,830,720	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
29	Page 2		Line 112	Util., Repair & Maint., and Rentals	\$ 5,000	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
30	Page 2		Line 113	Int., Claims, Other Exp., Subcontracts, Depr. & Amort.	\$ 93,000	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
31	Page 2		Line 121	A D7740 Transfers To/From Operations Grouping	\$ 200,000	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
32						
33		General Operations				
34						
35	Page 5	Total Fund Class	Line 30	A_D7720 Debt Service Grouping	\$ (314,300)	Reduction in interest payment on debt service.
36	Page 5	FC_105 Unrestricted Operating	Line 60	A_D7720 Debt Service Grouping	\$ (314,300)	Reduction in interest payment on debt service.
37						
38		Academic Affairs Division				
39	Page 37	Total Fund Class	Line 6	A B4000 Tuition & Educational Fees (net)	\$ 464,230	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
40	Page 37		Line 13	A B5300 Gifts	\$ (4,881,873)	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
41	Page 37		Line 20	A B6000 Salaries, Wages & Benefits	\$ 1,288,924	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
42	Page 37		Line 21	Services, Travel, and Supplies	\$ 2,865,719	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources and budgeting for the use of unrestricted operating reserves in the Honors College.
43	Page 37		Line 22	Util., Repair & Maint., and Rentals	\$ 5,000	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
44	Page 37		Line 23	Int., Claims, Other Exp., Subcontracts, Depr. & Amort.	\$ 93,000	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
45	Page 37		Line 31	A D7740 Transfers To/From Operations Grouping	\$ 165,000	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources and budgeting for the use of unrestricted operating reserves in the Honors College.

Appendix A

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	Division/Subdivision, Fund					
2	Page #	Class	Column F	Summary Level Natural Accounts	Change in Budget	Description of Change
46						
47	Page 37	FC 105 Unrestricted Operating	Line 51	Services, Travel, and Supplies	\$ 35,000	Increase is the result of budgeting for the potential use of unrestricted operating reserve.
48	Page 37		Line 61	A D7740 Transfers To/From Operations Grouping	\$ (35,000)	Increase is the result of budgeting for the potential use of unrestricted operating reserve.
49						
50	Page 38	FC_B30 Restricted Expendable Op	Line 96	A B4000 Tuition & Educational Fees (net)	\$ 464,230	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
51	Page 38		Line 103	A B5300 Gifts	\$ (4,881,874)	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
52	Page 38		Line 110	A B6000 Salaries, Wages & Benefits	\$ 1,288,924	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
53	Page 38		Line 111	Services, Travel, and Supplies	\$ 2,830,720	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
54	Page 38		Line 112	Util., Repair & Maint., and Rentals	\$ 5,000	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
55	Page 38		Line 113	Int., Claims, Other Exp., Subcontracts, Depr. & Amort.	\$ 93,000	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
56	Page 38		Line 121	A D7740 Transfers To/From Operations Grouping	\$ 200,000	Increase is the result of budgeting more foundation funds in A&S and College of Agriculture and Natural Resources.
57						
58		Honors College				
59	Page 45	Total Fund Class	Line 21	Services, Travel, and Supplies	\$ 35,000	Increase is the result of budgeting for the potential use of unrestricted operating reserve.
60	Page 45		Line 31	A D7740 Transfers To/From Operations Grouping	\$ (35,000)	Increase is the result of budgeting for the potential use of unrestricted operating reserve.
61	Page 45	FC 105 Unrestricted Operating				
62	Page 45		Line 51	Services, Travel, and Supplies	\$ 35,000	Increase is the result of budgeting for the potential use of unrestricted operating reserve.
63	Page 45		Line 61	A D7740 Transfers To/From Operations Grouping	\$ (35,000)	Increase is the result of budgeting for the potential use of unrestricted operating reserve.
64						
65		College of Agriculture and Natural Resources				
66						
67	Page 53	Total Fund Class	Line 13	A B5300 Gifts	\$ (783,443)	Increase is the result of budgeting more foundation funds in the College of Agriculture and Natural Resources.
68	Page 53		Line 20	A B6000 Salaries, Wages & Benefits	\$ 226,924	Increase is the result of budgeting more foundation funds in the College of Agriculture and Natural Resources.
69	Page 53		Line 21	Services, Travel, and Supplies	\$ 351,520	Increase is the result of budgeting more foundation funds in the College of Agriculture and Natural Resources.

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2	Division/Subdivision, Fund					
	Page #	Class	Column F	Summary Level Natural Accounts	Change in Budget	Description of Change
70	Page 53		Line 22	Util., Repair & Maint., and Rentals	\$ 5,000	Increase is the result of budgeting more foundation funds in the College of Agriculture and Natural Resources.
71	Page 53		Line 31	A D7740 Transfers To/From Operations Grouping	\$ 200,000	Increase is the result of budgeting more foundation funds in the College of Agriculture and Natural Resources.
72						
73	Page 54	FC_B30 Restricted Expendable Op	Line 103	A B5300 Gifts	\$ (783,443)	Increase is the result of budgeting more foundation funds in the College of Agriculture and Natural Resources.
74	Page 54		Line 110	A B6000 Salaries, Wages & Benefits	\$ 226,924	Increase is the result of budgeting more foundation funds in the College of Agriculture and Natural Resources.
75	Page 54		Line 111	Services, Travel, and Supplies	\$ 351,520	Increase is the result of budgeting more foundation funds in the College of Agriculture and Natural Resources.
76	Page 54		Line 112	Util., Repair & Maint., and Rentals	\$ 5,000	Increase is the result of budgeting more foundation funds in the College of Agriculture and Natural Resources.
77	Page 54		Line 121	A D7740 Transfers To/From Operations Grouping	\$ 200,000	Increase is the result of budgeting more foundation funds in the College of Agriculture and Natural Resources.
78						
79		College of Arts & Sciences				
80	Page 57	Total Fund Class	Line 6	A B4000 Tuition & Educational Fees (net)	\$ 464,230	Increase is the result of budgeting more foundation funds in the College of Arts and Sciences.
81	Page 57		Line 13	A B5300 Gifts	\$ (4,098,430)	Increase is the result of budgeting more foundation funds in the College of Arts and Sciences.
82	Page 57		Line 20	A B6000 Salaries, Wages & Benefits	\$ 1,062,000	Increase is the result of budgeting more foundation funds in the College of Arts and Sciences.
83	Page 57		Line 21	Services, Travel, and Supplies	\$ 2,479,200	Increase is the result of budgeting more foundation funds in the College of Arts and Sciences.
84	Page 57		Line 23	Int., Claims, Other Exp., Subcontracts, Depr. & Amort.	\$ 93,000	Increase is the result of budgeting more foundation funds in the College of Arts and Sciences.
85						
86	Page 58	FC_B30 Restricted Expendable Op	Line 96	A B4000 Tuition & Educational Fees (net)	\$ 464,230	Increase is the result of budgeting more foundation funds in the College of Arts and Sciences.
87	Page 58		Line 103	A B5300 Gifts	\$ (4,098,430)	Increase is the result of budgeting more foundation funds in the College of Arts and Sciences.
88	Page 58		Line 110	A B6000 Salaries, Wages & Benefits	\$ 1,062,000	Increase is the result of budgeting more foundation funds in the College of Arts and Sciences.
89	Page 58		Line 111	Services, Travel, and Supplies	\$ 2,479,200	Increase is the result of budgeting more foundation funds in the College of Arts and Sciences.
90	Page 58		Line 113	Int., Claims, Other Exp., Subcontracts, Depr. & Amort.	\$ 93,000	Increase is the result of budgeting more foundation funds in the College of Arts and Sciences.
91						
92		Institutional Advancement & UW Foundation Division				
93	Page 129	Total Fund Class	Line 13	A B5300 Gifts	\$ 76,331	Decrease in funding needed for positions.

Appendix A

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	Division/Subdivision, Fund					
2	Page #	Class	Column F	Summary Level Natural Accounts	Change in Budget	Description of Change
94	Page 129		Line 20	A B6000 Salaries, Wages & Benefits	\$ (76,331)	Decrease in funding needed for positions.
95						
96	Page 129	FC 105 Unrestricted Operating	Line 43	A B5300 Gifts	\$ 76,331	Decrease in funding needed for positions.
97	Page 129		Line 50	A B6000 Salaries, Wages & Benefits	\$ (76,331)	Decrease in funding needed for positions.
98						
99		University Public Relations Division				
100	Page 133	Total Fund Class	Line 31	A D7740 Transfers To/From Operations Grouping	\$ 360,000	Increase is for the transfer from the Special Projects Reserve Account for Institutional Marketing.
101	Page 134	FC 200 Designated Op	Line 91	A D7740 Transfers To/From Operations Grouping	\$ 360,000	Increase is for the transfer from the Special Projects Reserve Account for Institutional Marketing.
102		General Counsel				
103	Page 141	Total Fund Class	Line 21	Services, Travel, and Supplies	\$ 414,300	Increase is the result of anticipated increase in insurance premiums and legal services.
104	Page 141	FC 105 Unrestricted Operating	Line 51	Services, Travel, and Supplies	\$ 314,300	Increase is the result of anticipated increase in insurance premiums.
105	Page 142	FC 200 Designated Op	Line 81	Services, Travel, and Supplies	\$ 100,000	Increase is the result of anticipated legal services. The increase is funded with indirect cost fund balance.
106						
107						
108						
109						

AGENDA ITEM TITLE: Financial Aid Strategy 2022-23, Jewell

SESSION TYPE:

- Work Session
- Education Session
- Information Item
- Other:
[Committee of the Whole – Items for Approval]

APPLIES TO STRATEGIC PLAN:

- Yes (select below):
 - Driving Excellence
 - Inspiring Students
 - Impacting Communities
 - High-Performing University
- No [Regular Business]

Attachments are provided with the narrative.

EXECUTIVE SUMMARY:

The Financial Aid Strategy approved in July 2019 was implemented for the 2020-21 and 2021-22 recruiting cycles. Identifying the effectiveness of this new strategy for fall of 2021 was not possible due to the Covid 19 pandemic in combination with the other financial aid resources made available through Federal stimulus. Without meaningful data to drive changes, the same strategy has been used for fall 2021 and while we believe this strategy has been positive for the residents of Wyoming we are still seeing declines from our non-resident populations. An analysis of the final enrollment and net revenue outcomes after the fall 2021 census will be done to determine if this strategy is successful or needs modifications.

In order to achieve the projected net revenue outcomes for the 2022 -23 recruiting and awarding cycle, the Administration recommends the following: 1) maintaining the current first year grids (*Please note if test scores are reinstated for admissions the grids will eliminate the test optional column*), 2) modify awarding of the Cowboy Need Grant to use a flat amount for the Expected Family Contribution (EFC) bands versus meeting a percentage of the student’s unmet need, which would allow for more meaningful conversations with families since the figure would not constantly be reduced as other aid is received (*an analysis of this need grant is being done internally and with the services of Ruffalo Noel Levitz (RNL)*), and 3) review current transfer award opportunities (specifically, WUE 150% Transfer Award and Cowboy \$4,000 Transfer Commitment) to determine if these amounts and the awarding criteria are financially sustainable for future years.

PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:

The current Financial Aid Strategy and status of awards was presented for review and discussion at the March 2021 Board meeting.

WHY THIS ITEM IS BEFORE THE BOARD:

Financial Aid Strategies require annual Board approval.

ACTION REQUIRED AT THIS BOARD MEETING:

The Board approves after careful review and discussion of the recommended Financial Aid Strategies presented for the 2022-23 year.

PROPOSED MOTION:

I move to authorize Administration to adopt and approve the recommendations for the 22-23 Financial Aid Strategy.

PRESIDENT’S RECOMMENDATION:

The President recommends approval.

Financial Aid Strategy 2022-23

Financial Aid Plan for the 2020-21 & 2021-22 Academic Year

#	TOPIC/AREA	Current Plan	Previous Financial Aid Model
1	Academic Rating Index Matrix	Adopt New Academic Rating Index Matrix & Awarding Bands	
2	Non-Resident Rating 185 & Above (WUE & RMS150)	<ul style="list-style-type: none"> Eligibility Requirements: Raise to Equivalent of Trustees Scholars or Special Talent Cap Number of Available Awards at 50 	Academic Rating of 166.67 or above
3	Non-Resident Rating 170-184.9	<ul style="list-style-type: none"> \$7,000 Award and Raise the Academic Rating Required to Receive the Award 	\$6,000 Award
4	Non-Resident Rating 155-169.9	<ul style="list-style-type: none"> \$4,000 Award 	\$3,000 Award
5	Non-Resident Rating 125-154.9	<ul style="list-style-type: none"> \$2,000 Award 	\$0 Award
6	Resident Rating 185 & Above	<ul style="list-style-type: none"> Minimum of \$6,500 (These Students Are Essentially Trustee Scholars) 	Trustee Scholars
7	Resident Rating 170-184.9	<ul style="list-style-type: none"> \$3,500 Award 	\$1,000
8	Resident Rating 155-169.9	<ul style="list-style-type: none"> 1,500 Award 	\$0
9	Resident Rating 125-154.9	<ul style="list-style-type: none"> \$500 Award 	\$0
10	Resident Need-Based Financial Aid	<ul style="list-style-type: none"> \$1M of Need-Based Aid to Wyoming Undergraduates 	\$0
11	Resident Transfer Student	<ul style="list-style-type: none"> \$4,000 Award with Requirements of an Associate Degree, 75 or Less SCHs, and a 3.0 GPA or Higher Cap Number of Available Awards at 125 	\$1,000

ACT	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11														
New SAT	1570-1600	1550-1570	1530-1550	1510-1530	1490-1510	1470-1490	1450-1470	1430-1450	1410-1430	1390-1410	1370-1390	1350-1370	1330-1350	1310-1330	1290-1310	1270-1290	1250-1270	1230-1250	1210-1230	1190-1210	1170-1190	1150-1170	1130-1150	1110-1130	1090-1110	1070-1090	1050-1070													
Old SAT	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800													
	4.00	3.95	3.90	3.85	3.80	3.75	3.70	3.65	3.60	3.55	3.50	3.45	3.40	3.35	3.30	3.25	3.20	3.15	3.10	3.05	3.00	2.95	2.90	2.85	2.80	2.75	2.70	2.65	2.60	2.55	2.50	2.45	2.40	2.35	2.30	2.25	2.20	2.15	2.10	2.05
A	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	180.00	

185 & Above

170 - 184.9

155 - 169.9

125 - 154.9

85 & Below

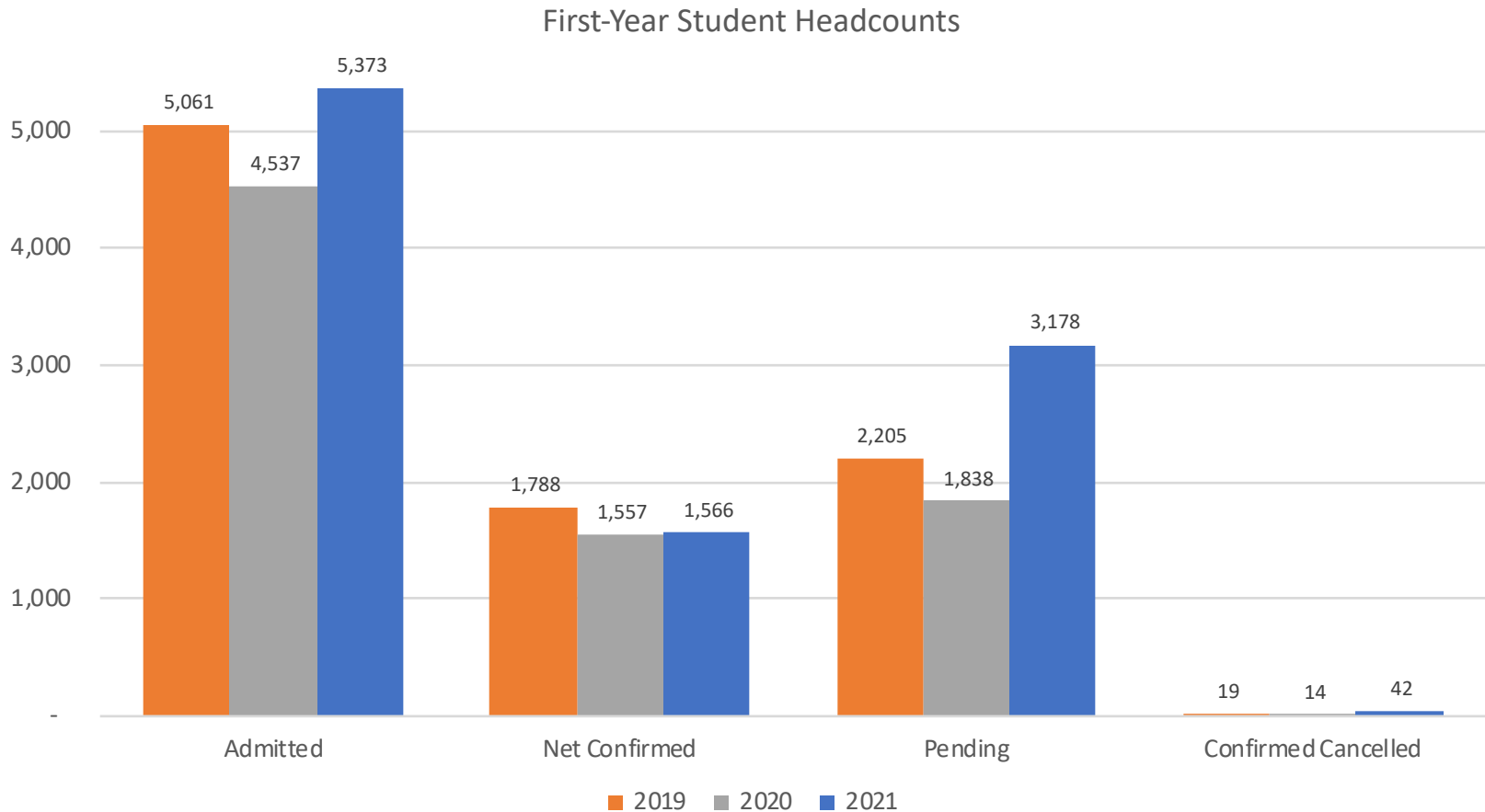
Academic Rating Index

- The new Academic Rating Index (ARI) is based upon a 200-point scale which equally weights (50% each) a student’s standardized test score (ACT or SAT) and high school grade point average (HS GPA). A student’s ARI score is calculated by using the following formula:
- **ARI Score = (HS GPA x 25.00) + (ACT x 2.77778)**
- Example of ARI Score Calculation:
 $200 = (4.00 \times 25.00) + (36 \times 2.77778) =$ a perfect/highest possible ARI score

Enrollment Goals By Population: 2020 Planning with updated content

	FALL 2017	FALL 2018	FALL 2019	FALL 2020	FALL 2020 GOALS	FALL 2021 TO DATE	FALL 2021 GOALS
First Year In State	871	853	811	782	930	890	782
First Year Out of State	607	721	726	449	635	515	449
First Year Alumni	81	107	90	67	115	77	67
First Year Athletes	126	170	126	135	170	78	135
TOTAL	1,685	1,851	1,753	1,433	1,850	1,560	1,433
Transfer In State	572	569	556	509	569	269	509
Transfer Out of State	285	252	205	188	252	176	188
Transfer Athlete	19	15	12	9	15	2	9
TOTAL	876	836	773	706	836	447	706

First-Year Student Headcounts

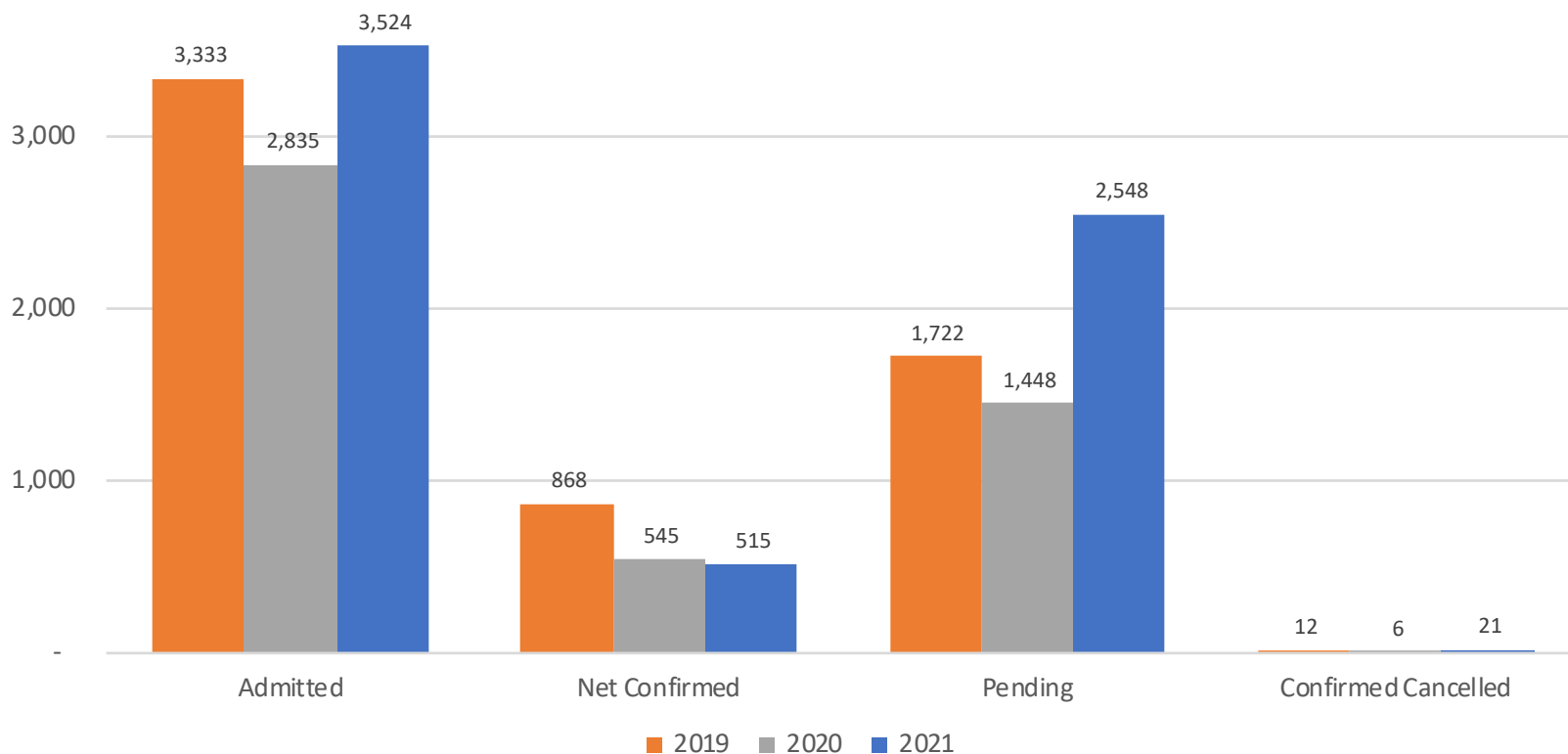


Current Out-of-State Scholarship Grid

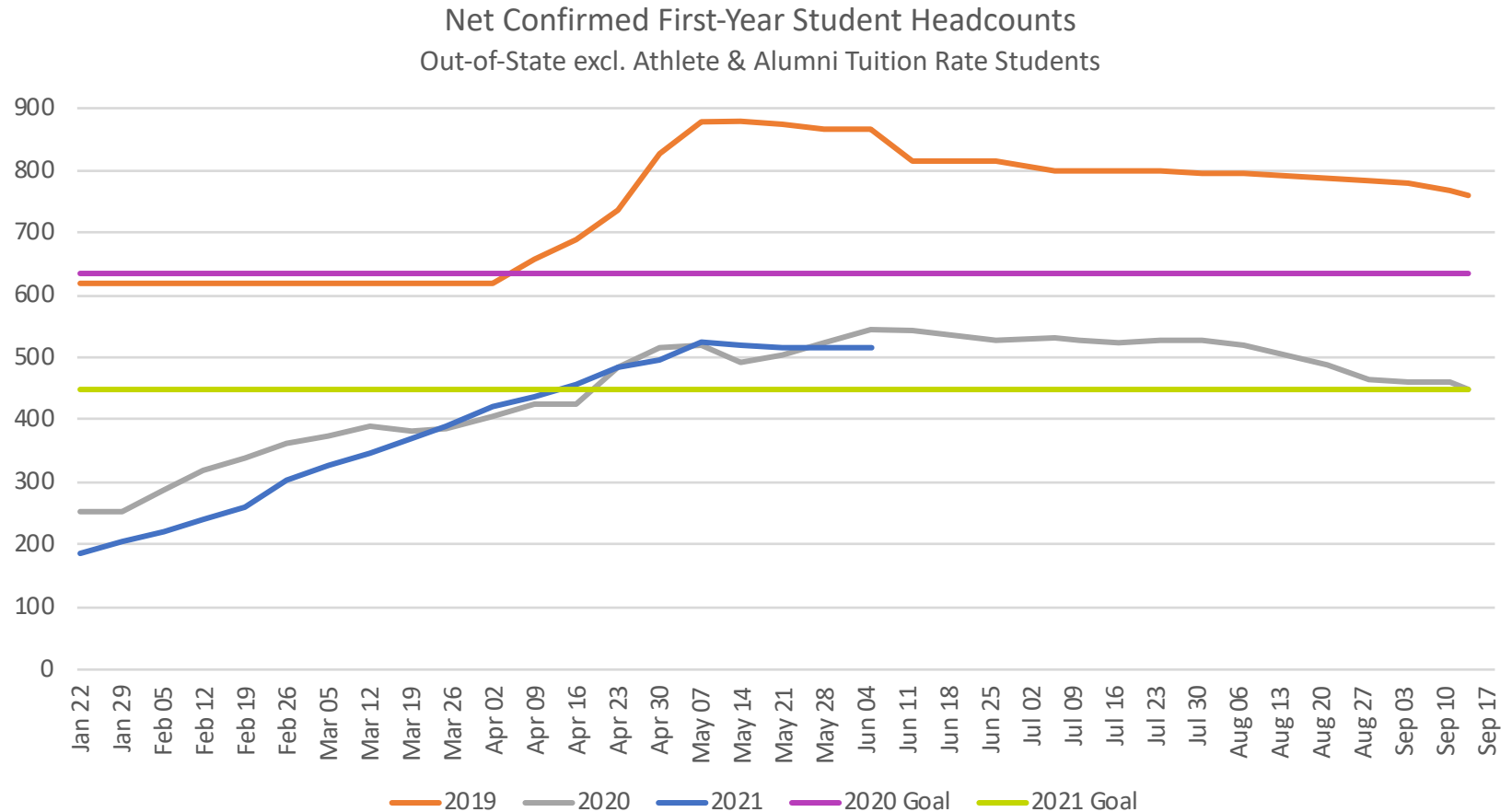
ACT		36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	FALL 2021 TEST OPTIONAL*	
SAT		1600- 1570	1560- 1530	1520- 1490	1480- 1450	1440- 1420	1410- 1390	1380- 1360	1350- 1330	1320- 1300	1290- 1260	1250- 1230	1220- 1200	1190- 1160	1150- 1130	1120- 1100	1090- 1060		
H I G H S C H O O L U N W E I G H T E D G P A	4.00																		\$7,000
	3.95																		
	3.90	150% of resident tuition																	
	3.85	(approx. \$12,240)																	\$4,000
	3.80																		
	3.75																		
	3.70							\$7,000											
	3.65																		
	3.60																		
	3.55																		
	3.50																		
	3.45																		
	3.40										\$4,000								
	3.35																		\$2,000
	3.30																		
	3.25																		
3.20																		\$2,000	
3.15																			
3.10																			
3.05																			
3.00																			

First-Year Out-of-State Student Headcounts

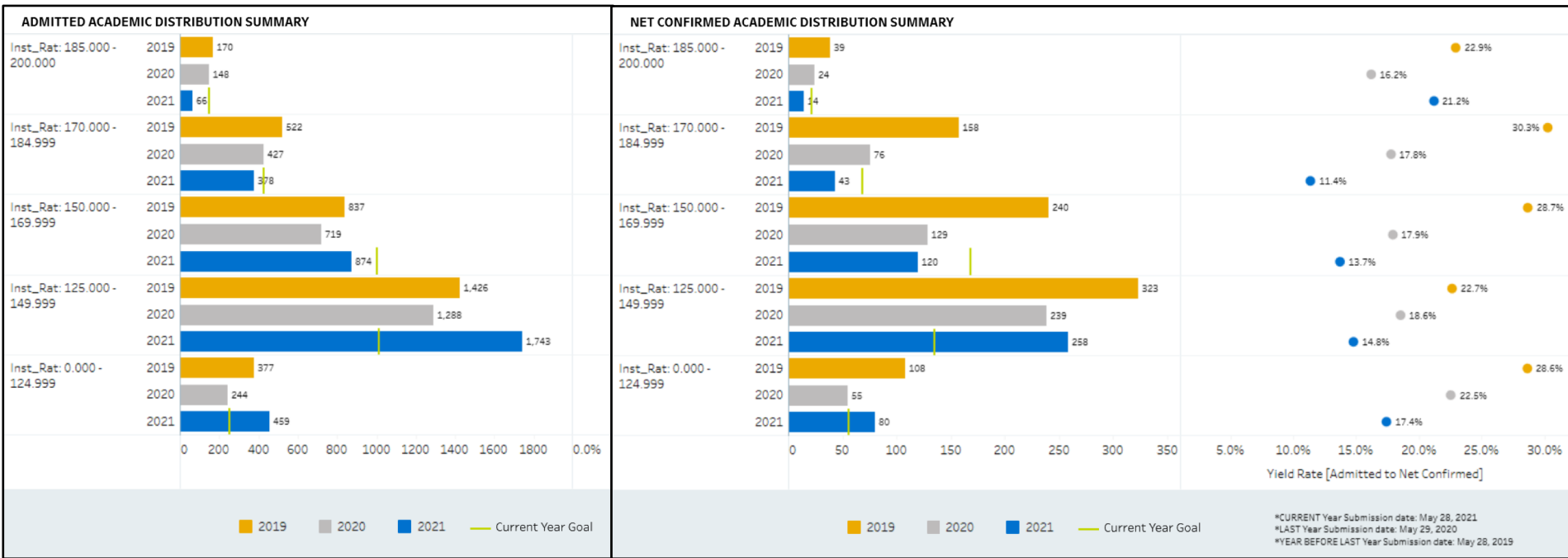
First-Year Student Headcounts
Out-of-State excl. Athlete & Alumni Tuition Rate Students



Net Confirmed First-Year Out-of-State Student Headcounts Over Time



First-Year Out-of-State Academic Distribution Summary



Public Doctoral Resident Tuition and Mandatory Fees Compared to UW's Non-Resident Tuition and Mandatory Fees

2019-20 UNIVERSITY LISTINGS <i>(UW Tuition & Fee calculation is based on non-resident cost of \$18,151 - typical scholarship of \$10,485 = \$7,666)</i>	2019-20 TUITION & FEES ↑
Florida Agricultural and Mechanical University	5,785
Florida Atlantic University	6,039
University of West Florida	6,359
University of Central Florida	6,368
University of Florida	6,381
University of South Florida	6,410
Florida State University	6,517
Florida International University	6,575
California State University - Fresno	6,585
North Carolina A & T State University	6,657
California State University - Fullerton	6,923
Georgia Southern University	7,008
East Carolina University	7,239
San Francisco State University	7,254
Montana State University - Bozeman	7,325
University of Montana	7,354
University of North Carolina - Greensboro	7,404
University of West Georgia	7,488
San Diego State University	7,510
Kennesaw State University	7,568
University of New Mexico	7,656
Utah State University	7,659
UNIVERSITY OF WYOMING (Non-Resident w/ Typical Scholarship)	7,666
Valdosta State University	7,676
New Mexico State University	7,810
University of Nevada - Las Vegas	7,857
Idaho State University	7,872
Morgan State University	8,008
University of Nevada - Reno	8,024
Boise State University	8,068
University of Texas - Rio Grande Valley	8,132
Tennessee State University	8,184
Wichita State University	8,300
University of Idaho	8,304
University of Texas at El Paso	8,364

2020-21 UNIVERSITY LISTINGS <i>(UW Tuition & Fee calculation is based on non-resident cost of \$19,531 - typical scholarship of \$4,000 = \$15,531)</i>	2020-21 TUITION & FEES ↓
College of William and Mary	23,628
Temple University	19,749
University of Pittsburgh - Pittsburgh Campus	19,678
Colorado School of Mines	19,100
University of Vermont	19,062
University of New Hampshire	18,938
Penn State University	18,450
University of Connecticut	17,834
New Jersey Institute of Technology	17,674
University of Virginia	17,296
University of Illinois at Urbana - Champaign	16,596
University of Massachusetts Amherst	16,439
Michigan Technological University	16,436
Miami University - Oxford	16,224
University of Michigan	15,948
University of Massachusetts - Lowell	15,588
UNIVERSITY OF WYOMING (Non-Resident w/ Typical Scholarship)	15,531
Clemson University	15,320
Illinois State University	15,319
Southern Illinois University - Carbondale	15,104
University of Minnesota - Twin Cities	15,027
University of Rhode Island	15,004
Rutgers State University - New Brunswick	15,003
Virginia Commonwealth University	14,710
University of Massachusetts - Boston	14,677
University of Delaware	14,660
University of California - San Diego	14,648
University of California - Davis	14,597
Rutgers State University - Newark	14,502
Michigan State University	14,460
University of Massachusetts Dartmouth	14,408
University of California - Santa Barbara	14,391
University of California - Berkeley	14,312
University of Illinois - Chicago	14,116
University of California - Irvine	14,098

Colorado Resident Example

	A	B	C	D	E	F	G	
	Year	Tuition & Fees	Total Direct Costs (Tuition, Fees, Room & Board)	Additional Cost of UW (Tuition, Fees, Room & Board)	Competitor's Typical In-State Scholarship	UW's Typical Out-of-State Scholarship	Competitor's Total Savings Over UW	
University of Wyoming Non-Resident Rate Tuition	2021-22	\$21,217	\$32,361			\$4,000		1
	2020-21	\$20,102	\$30,717			\$4,000		2
	2019-20	\$18,721	\$29,158			\$10,485		3
	2018-19	\$18,060	\$28,380			\$6,000		4
Colorado State University Resident Rate Tuition	2021-22	\$12,432	\$25,470	\$6,891	\$0	\$4,000	\$2,891	5
	2020-21	\$11,939	\$24,493	\$6,224	\$0	\$4,000	\$2,224	6
	2019-20	\$11,901	\$24,331	\$4,827	\$0	\$10,485	-\$5,658	7
	2018-19	\$11,831	\$23,795	\$4,585	\$0	\$6,000	-\$1,415	8
University of Northern Colorado Resident Rate Tuition	2021-22	\$10,424	\$22,108	\$10,253	\$2,500	\$4,000	\$8,753	9
	2020-21	\$10,188	\$21,392	\$9,325	\$2,500	\$4,000	\$7,825	10
	2019-20	\$10,188	\$21,392	\$7,766	\$2,500	\$10,485	-\$219	11
	2018-19	\$9,545	\$20,527	\$7,853	\$2,500	\$6,000	\$4,353	12
Northern Arizona University WUE Rate Tuition	2021-22	\$17,221	\$28,327	\$4,034	\$5,000	\$4,000	\$5,034	13
	2020-21	\$17,221	\$27,755	\$2,962	\$5,000	\$4,000	\$3,962	14
	2019-20	\$16,759	\$27,041	\$2,117	\$5,000	\$10,485	-\$3,368	15
	2018-19	\$16,078	\$26,022	\$2,358	\$5,000	\$6,000	\$1,358	16
Boise State University WUE Rate Tuition	2021-22	\$12,090	\$24,417	\$7,944	\$0	\$4,000	\$3,944	17
	2019-20	\$11,541	\$20,179	\$8,979	\$0	\$10,485	-\$1,506	18
Montana State University WUE (Competitive) Rate Tuition	2021-22	\$10,347	\$20,747	\$11,614	\$0	\$4,000	\$7,614	19
	2020-21	\$10,299	\$20,599	\$10,118	\$0	\$4,000	\$6,118	20
	2019-20	\$10,248	\$20,348	\$8,810	\$0	\$10,485	-\$1,675	21
	2018-19	\$9,968	\$19,218	\$9,162	\$0	\$6,000	\$3,162	22

Out-of-State Scholarship Proposals Under Consideration

- **Option #1:** Increase current award amounts by \$1,000
- **Option #2:** Increase current award amounts by \$1,000 and expand Test Optional GPA ranges
- **Option #3:** Maintain existing award amounts and expand Test Optional GPA ranges
- **Option #4:** Increase current award amounts by \$500 and expand Test Optional GPA ranges

		FALL 2021 TEST OPTIONAL	FALL 2022 TEST OPTIONAL			
			Option #1	Option #2	Option #3	Option #4
H I G H	4.00	\$7,000	\$8,000			
	3.95			\$8,000	\$7,000	\$7,500
	3.90					
S C H O O L	3.85	\$4,000	\$5,000			
	3.80					
	3.75					
U N W E I G H T E D	3.70			\$5,000	\$4,000	\$4,500
	3.65					
	3.60					
G P A	3.55					
	3.50					
	3.45					
	3.40					
	3.35	\$2,000	\$3,000			
	3.30					
	3.25			\$3,000	\$2,000	\$2,500
	3.20					
	3.15					
	3.10					
	3.05					
	3.00					

Out-of-State Scholarship Proposal Calculations

If current Merits are unchanged in 2022-23

Award Level	WUE and Brown & Gold Commitment Level 1 (150% Resident Tuition) Rating: 185 & Above		Brown & Gold Commitment Level 2 Rating: 170-184.9		Brown & Gold Commitment Level 3 Rating: 150-169.9		Brown & Gold Commitment Level 4 Rating: 125-149.9		No Admission Award Rating: 124.9 & Below OR Admitted with Support		Totals		Net Revenue Change
	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	
Year	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	
Test Optional Criteria	Not Available	Not Available	4,000	4,000	3,750 to 3,999	3,750 to 3,999	3,000 to 3,749	3,000 to 3,749	Below 3,000	Below 3,000			
Merit Amount	\$12,240	\$12,750	\$7,000	\$7,000	\$4,000	\$4,000	\$2,000	\$2,000	\$0	\$0			
Number admitted	116	116	429	429	885	885	1,528	1,528	566	566	3,524	3,524	
Number confirmed	20	20	67	67	131	131	178	178	119	119	515	515	
									Tuition revenue		\$9,872,550	\$10,274,250	
									Fee revenue		\$1,054,720	\$1,073,749	
									Institutional gift aid		\$1,625,800	\$1,636,000	
									Net revenue		\$9,301,470	\$9,711,999	\$410,529
									Average net revenue		\$18,061	\$18,858	
									Discount rate (T&F)		14.9%	14.4%	

Note: the only changes are to tuition, fees, and automatic increase in WUE / Brown & Gold 150% Merit Amount.

OPTION #1: If Ability Band distribution stays the same and Merits increase by \$1,000 in 2022-23

Award Level	WUE and Brown & Gold Commitment Level 1 (150% Resident Tuition) Rating: 185 & Above		Brown & Gold Commitment Level 2 Rating: 170-184.9		Brown & Gold Commitment Level 3 Rating: 150-169.9		Brown & Gold Commitment Level 4 Rating: 125-149.9		No Admission Award Rating: 124.9 & Below OR Admitted with Support		Totals		Net Revenue Change
	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	
Year	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	
Test Optional Criteria	Not Available	Not Available	4,000	4,000	3,750 to 3,999	3,750 to 3,999	3,000 to 3,749	3,000 to 3,749	Below 3,000	Below 3,000			
Merit Amount	\$12,240	\$12,750	\$7,000	\$8,000	\$4,000	\$5,000	\$2,000	\$3,000	\$0	\$0			
Number admitted	116	116	429	429	885	885	1,528	1,528	566	566	3,524	3,524	
Number confirmed	20	20	67	67	131	131	178	178	119	119	515	515	
									Tuition revenue		\$9,872,550	\$10,274,250	
									Fee revenue		\$1,054,720	\$1,073,749	
									Institutional gift aid		\$1,625,800	\$2,012,000	
									Net revenue		\$9,301,470	\$9,335,999	\$34,529
									Average net revenue		\$18,061	\$18,128	
									Discount rate (T&F)		14.9%	17.7%	

Note: the changes are to the scholarship amounts, the break points for qualifying for the different awards are unchanged.

OPTION #2: If Ability Bands are redistributed and Merits increase by \$1,000 in 2022-23

Award Level	WUE and Brown & Gold Commitment Level 1 (150% Resident Tuition) Rating: 185 & Above		Brown & Gold Commitment Level 2 Rating: 170-184.9		Brown & Gold Commitment Level 3 Rating: 150-169.9		Brown & Gold Commitment Level 4 Rating: 125-149.9		No Admission Award Rating: 124.9 & Below OR Admitted with Support		Totals		Net Revenue Change
	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	
Year	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	
Test Optional Criteria	Not Available	Not Available	4,000	3,900 to 4,000	3,750 to 3,999	3,500 to 3,899	3,000 to 3,749	3,000 to 3,499	Below 3,000	Below 3,000			
Merit Amount	\$12,240	\$12,750	\$7,000	\$8,000	\$4,000	\$5,000	\$2,000	\$3,000	\$0	\$0			
Number admitted	116	116	429	645	885	1,185	1,528	1,012	566	566	3,524	3,524	
Number confirmed	20	20	67	89	131	152	178	135	119	119	515	515	
									Tuition revenue		\$9,872,550	\$10,274,250	
									Fee revenue		\$1,054,720	\$1,073,749	
									Institutional gift aid		\$1,625,800	\$2,164,000	
									Net revenue		\$9,301,470	\$9,183,999	-\$117,471
									Average net revenue		\$18,061	\$17,833	
									Discount rate (T&F)		14.9%	19.1%	

Note: the GPA ranges have expanded for those who choose the test-optional route and merits are increased.

Out-of-State Scholarship Proposal Calculations

OPTION #3: If Ability Bands are redistributed and Merits are unchanged in 2022-23

Award Level	WUE and Brown & Gold Commitment Level 1 (150% Resident Tuition) Rating: 185 & Above		Brown & Gold Commitment Level 2 Rating: 170-184.9		Brown & Gold Commitment Level 3 Rating: 150-169.9		Brown & Gold Commitment Level 4 Rating: 125-149.9		No Admission Award Rating: 124.9 & Below OR Admitted with Support		Totals		Net Revenue Change
	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	
Year	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	
Test Optional Criteria	Not Available	Not Available	4,000	3,900 to 4,000	3,750 to 3,999	3,500 to 3,899	3,000 to 3,749	3,000 to 3,499	Below 3,000	Below 3,000			
Merit Amount	\$12,240	\$12,750	\$7,000	\$7,000	\$4,000	\$4,000	\$2,000	\$2,000	\$0	\$0			
Number admitted	116	116	429	645	885	1,185	1,528	1,012	566	566	3,524	3,524	
Number confirmed	20	20	67	89	131	152	178	135	119	119	515	515	
									Tuition revenue		\$9,872,550	\$10,274,250	
									Fee revenue		\$1,054,720	\$1,073,749	
									Institutional gift aid		\$1,625,800	\$1,788,000	
									Net revenue		\$9,301,470	\$9,559,999	\$258,529
									Average net revenue		\$18,061	\$18,563	
									Discount rate (T&F)		14.9%	15.8%	

Note: the GPA ranges have expanded for those who choose the test-optional route, but merits are at the current levels.

OPTION #4: If Ability Bands are redistributed and Merits increase by \$500 in 2022-23

Award Level	WUE and Brown & Gold Commitment Level 1 (150% Resident Tuition) Rating: 185 & Above		Brown & Gold Commitment Level 2 Rating: 170-184.9		Brown & Gold Commitment Level 3 Rating: 150-169.9		Brown & Gold Commitment Level 4 Rating: 125-149.9		No Admission Award Rating: 124.9 & Below OR Admitted with Support		Totals		Net Revenue Change
	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	
Year	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	
Test Optional Criteria	Not Available	Not Available	4,000	3,900 to 4,000	3,750 to 3,999	3,500 to 3,899	3,000 to 3,749	3,000 to 3,499	Below 3,000	Below 3,000			
Merit Amount	\$12,240	\$12,750	\$7,000	\$7,500	\$4,000	\$4,500	\$2,000	\$2,500	\$0	\$0			
Number admitted	116	116	429	645	885	1,185	1,528	1,012	566	566	3,524	3,524	
Number confirmed	20	20	67	89	131	152	178	135	119	119	515	515	
									Tuition revenue		\$9,872,550	\$10,274,250	
									Fee revenue		\$1,054,720	\$1,073,749	
									Institutional gift aid		\$1,625,800	\$1,976,000	
									Net revenue		\$9,301,470	\$9,371,999	\$70,529
									Average net revenue		\$18,061	\$18,198	
									Discount rate (T&F)		14.9%	17.4%	

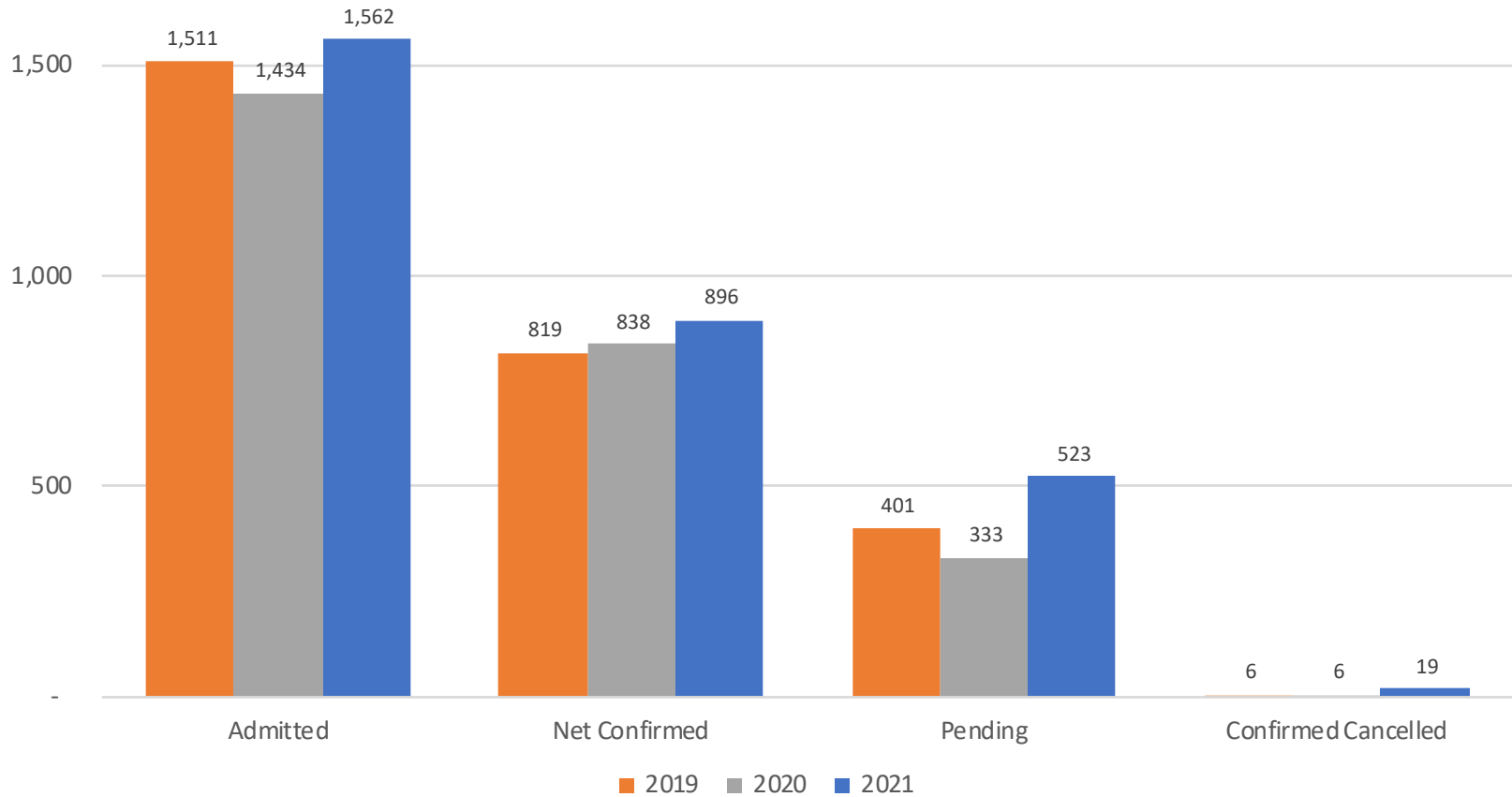
Note: the GPA ranges have expanded for those who choose the test-optional route and merits are increased.

Current In-State Scholarship Grid

ACT		36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	FALL 2021 TEST OPTIONAL*	
SAT		1600- 1570	1560- 1530	1520- 1490	1480- 1450	1440- 1420	1410- 1390	1380- 1360	1350- 1330	1320- 1300	1290- 1260	1250- 1230	1220- 1200	1190- 1160	1150- 1130	1120- 1100	1090- 1060		
H I G H S C H O O L	4.00																	\$3,500	
	3.95		\$6,500																
	3.90																		
	3.85																	\$1,500	
	3.80																		
	3.75																		
	3.70																		
	3.65																		
	3.60																		
	3.55																		
U N W E I G H T E D	3.50				\$3,500														
	3.45										\$1,500								
	3.40																		
	3.35																	\$500	
	3.30																		
	3.25																		
	3.20																		
	3.15															\$500			
G P A	3.10																		
	3.05																		
	3.00																		

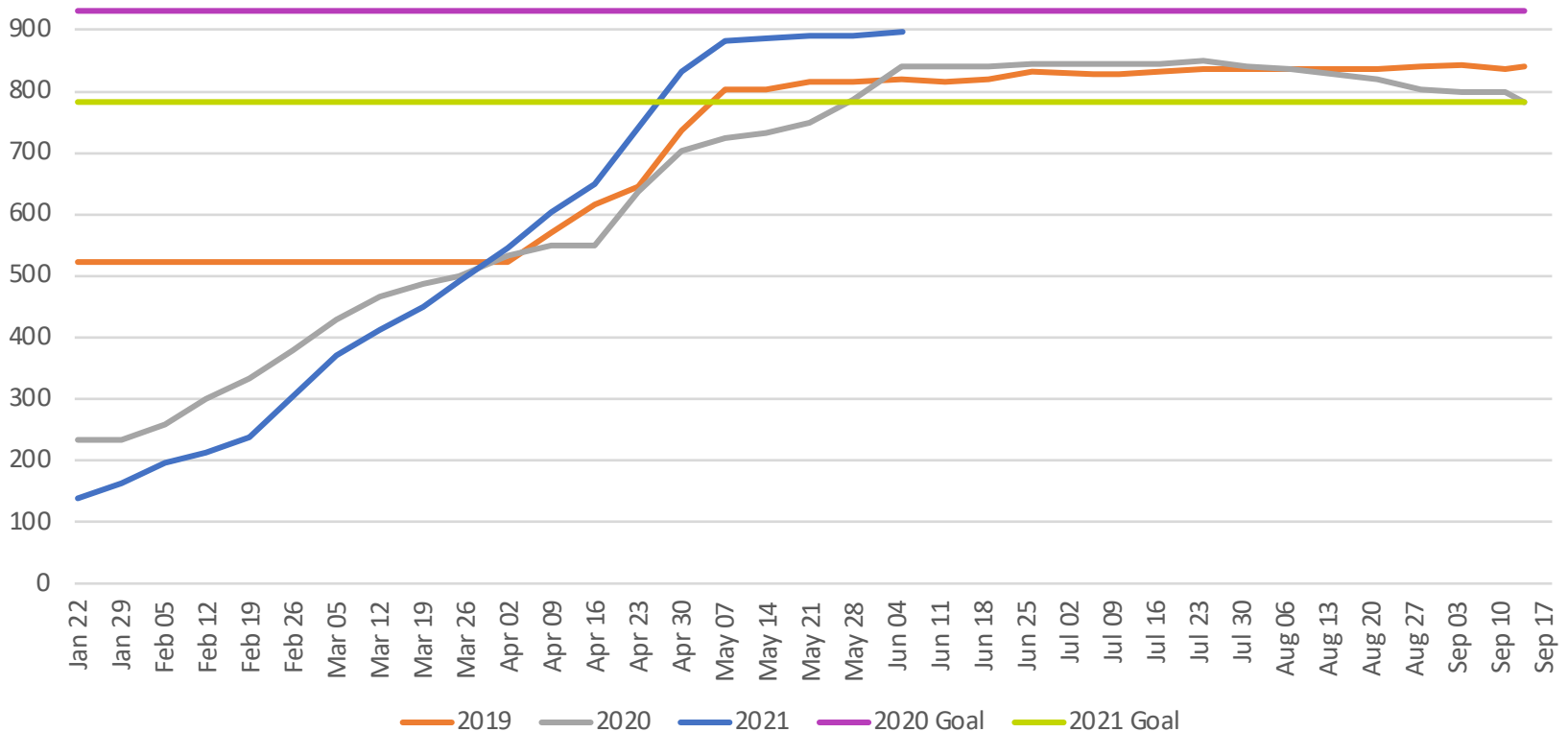
First-Year In-State Student Headcounts

First-Year Student Headcounts
In-State excl. Athlete & Alumni Tuition Rate Students

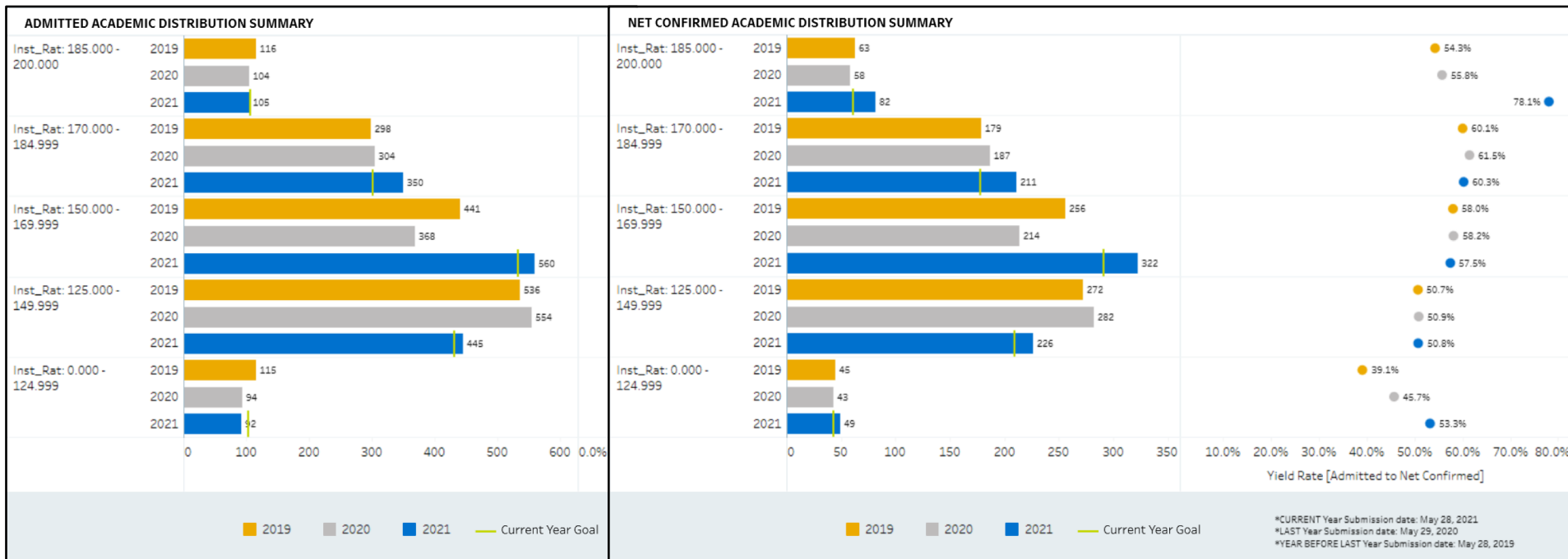


Net Confirmed First-Year In-State Student Headcounts Over Time

Net Confirmed First-Year Student Headcounts
In-State excl. Athlete & Alumni Tuition Rate Students



First-Year In-State Academic Distribution Summary



Cowboy Need Grant Approved Grid for In-State Students

Estimated Family Contribution (EFC)	Rating: 185 & Above	Rating: 170-184.9	Rating: 150-169.9	Rating: 125-149.9	Rating: 124.9 & Below
\$0	81%	81%	81%	81%	54%
\$1 - \$5,576	66%	66%	66%	66%	54%
\$5,577 - \$9,999	62%	62%	62%	62%	54%
\$10,000 - \$17,999	58%	58%	58%	58%	54%
\$18,000 - \$24,999	56%	56%	56%	56%	54%
\$25,000 & Above	54%	54%	54%	54%	54%

- Rating 124.9 & Below is comprised of students admitted with support (below 3.0 GPA or 21 ACT), who are ineligible for the Cowboy Commitment
- EFC \$25,000 & Above exceeds our resident student budgeted cost of attendance

Cowboy Need Grant Awards to New First-Time In-State Students in 2020-21

Admission Type	Estimated Family Contribution (EFC)	Percent of Need	Offered Count	Original Offered Amount	Enrolled Count	Paid Amount to Enrolled Students
Assured *	\$0	81%	39	\$259,891	26	\$135,505
	\$1 - \$5,711	66%	33	\$137,497	27	\$91,057
	\$5,712 - \$9,999	62%	40	\$170,888	27	\$85,170
	\$10,000 - \$17,999	58%	18	\$31,430	10	\$11,926
	\$18,000 - \$24,999	56%	1	\$351	1	\$0
Support **	\$0 & Above	54%	97	\$376,043	53	\$139,258
Totals			228	\$976,100	144	\$462,916

* Assured Admission = At least 3.0 GPA and 21 ACT

** Admission with Support = Below 3.0 GPA or 21 ACT

Cowboy Need Grant Awards to New First-Time In-State Students in 2021-22 as of 5/11/2021

Admission Type	Estimated Family Contribution (EFC)	Percent of Need	Offered Count	Original Offered Amount	Confirmed Count	Current Offered Amount to Confirmed Students
Assured *	\$0	81%	59	\$479,314	36	\$292,296
	\$1 - \$5,846	66%	51	\$295,393	38	\$229,472
	\$5,847 - \$9,999	62%	48	\$296,236	28	\$168,662
	\$10,000 - \$17,999	58%	43	\$121,435	21	\$58,604
	\$18,000 - \$24,999	56%	4	\$4,600	2	\$1,891
Support **	\$0 & Above	54%	15	\$66,769	15	\$66,769
Totals			220	\$1,263,747	140	\$817,694

* Assured Admission = At least 3.0 GPA
 ** Admission with Support = Below 3.0 GPA

No suggested changes for 2022-23 because percentage-based amounts vary greatly. We also have less than \$1M in current offers.

Recommendations

Option #4 for changing the Out-of-State Brown & Gold Commitment grids

No change to the In-State Cowboy Commitment grid

No change to Cowboy Need Grants – Maintain at \$1M cap

Undergraduate Student Instructional Economics

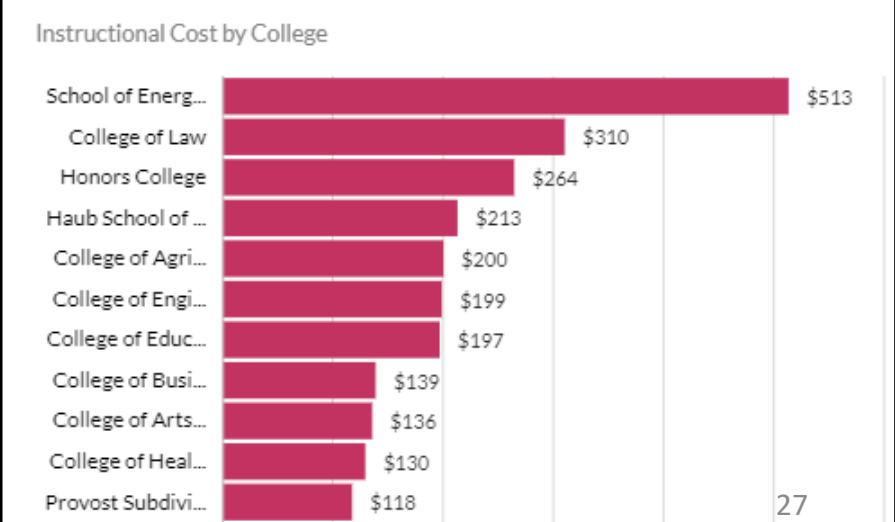
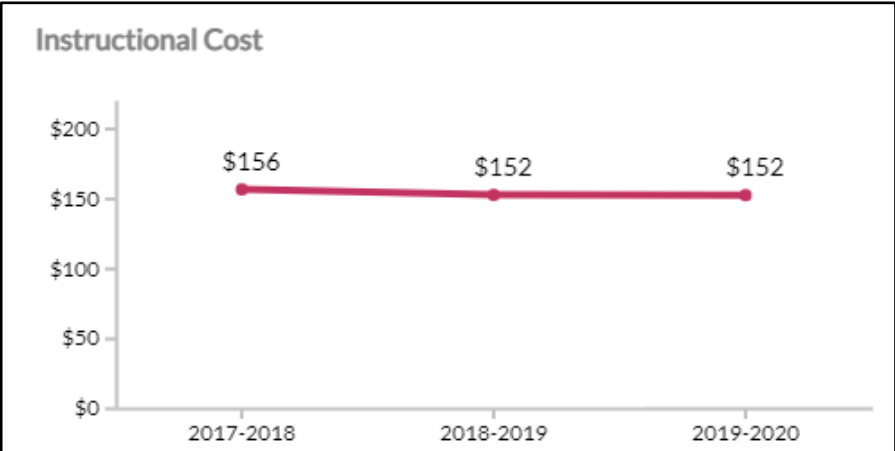
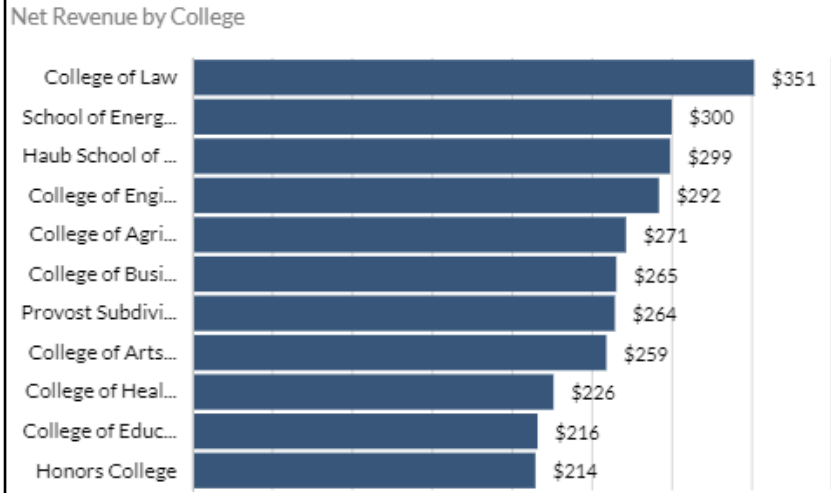
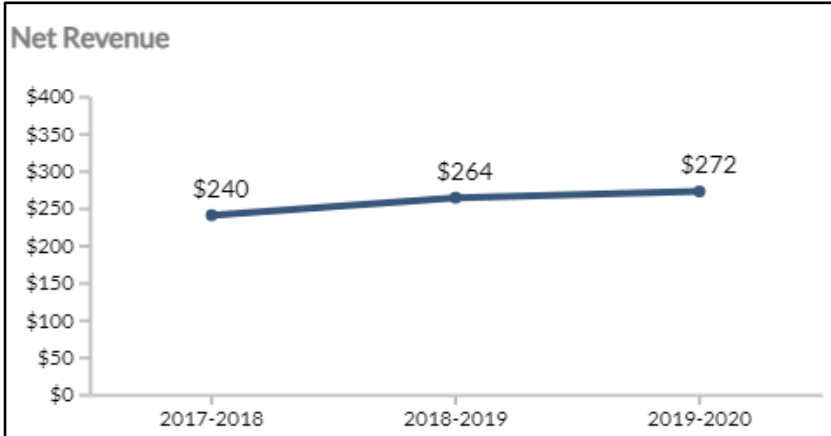
2020 Gross Revenue	2020 Discounts	2020 Net Revenue	2020 Instructional Cost	2020 Contribution
\$90,233,732 ^{1.5%} YoY	\$19,700,856 ^{2.4%} YoY	\$70,532,876 ^{1.2%} YoY	\$39,394,077 ^(2...) YoY	\$31,138,799 ^{5.6%} YoY

Year	Q	Students	Student Credit Hours	Gross Revenue	Discounts	Net Revenue	Instructional Cost	Contribution	Net Revenue Per SCH	Instructional Cost Per SCH	Contribution Per SCH	Contribution / Net Revenue
2019-2020		10,374	258,966.0	\$90,233,732	\$19,700,856	\$70,532,876	\$39,394,077	\$31,138,799	\$272	\$152	\$120	44%
2018-2019		10,682	264,004.5	\$88,923,851	\$19,235,025	\$69,688,826	\$40,208,845	\$29,479,981	\$264	\$152	\$112	42%
2017-2018		10,548	261,150.0	\$79,681,942	\$16,878,965	\$62,802,976	\$40,797,882	\$22,005,094	\$240	\$156	\$84	35%

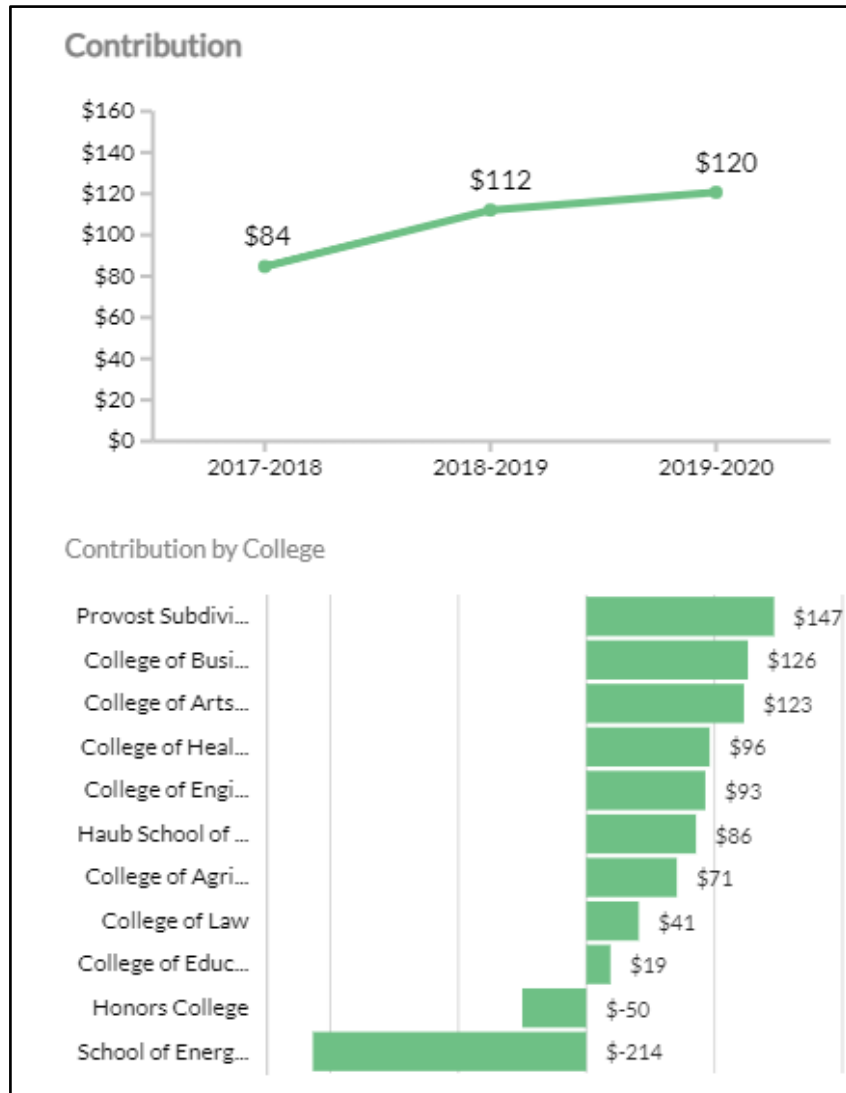
Year	Q	Full-time Faculty Cost	Contingent Faculty Cost	Non-personnel Cost	Faculty Non-Instruction Cost	Faculty Non-Instruction Cost Per SCH	Count of Sections
2019-2020		\$33,272,419	\$4,986,947	\$1,134,711	\$25,665,803	\$99	71
2018-2019		\$34,552,406	\$4,378,123	\$1,278,315	\$23,651,007	\$90	79
2017-2018		\$34,264,184	\$4,562,063	\$1,971,635	\$22,317,834	\$85	85

Undergraduate Student Instructional Economics

2020 Gross Revenue	2020 Discounts	2020 Net Revenue	2020 Instructional Cost	2020 Contribution
\$348 ▲ 3.4% YoY	\$76 ▲ 4.4% YoY	\$272 ▲ 3.2% YoY	\$152 ▼ 0.0% YoY	\$120 ▲ 7.7% YoY



Undergraduate Student Instructional Economics

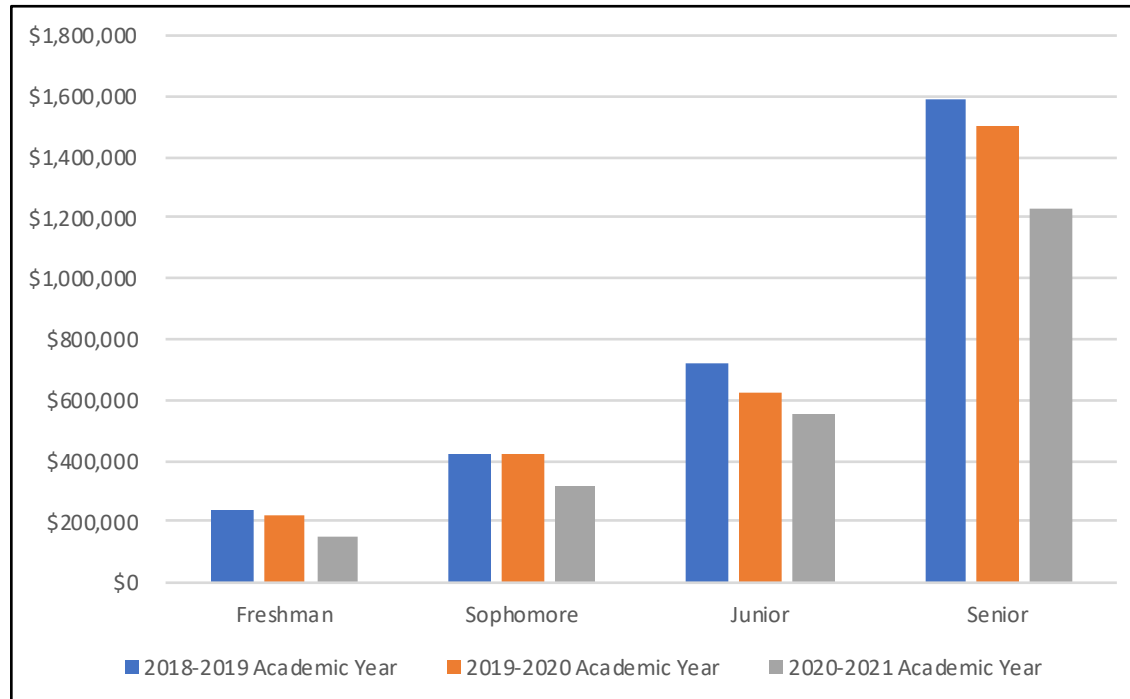


Department/College Awarded Scholarships

Academic Years 2018-2019, 2019-2020, &
 2020-2021

FOUNDATION SCHOLARSHIPS AWARDED BY COLLEGES - TOTAL UNDERGRADUATES

SUMMARY	Freshman	Sophomore	Junior	Senior	Grand Total
2018-2019 Academic Year	\$239,076	\$423,033	\$718,111	\$1,586,291	\$2,966,510
2019-2020 Academic Year	\$223,380	\$421,902	\$625,483	\$1,505,574	\$2,776,340
2020-2021 Academic Year	\$147,893	\$317,424	\$554,640	\$1,234,238	\$2,254,195



AGENDA ITEM TITLE: Series 2021C Bond Resolution (New Housing, Dining, Parking Garage), Theobald/Jewell

SESSION TYPE:

- Work Session
- Education Session
- Information Item
- Other:

[Committee of the Whole – Items for Approval]

APPLIES TO STRATEGIC PLAN:

- Yes (select below):
 - Driving Excellence
 - Inspiring Students
 - Impacting Communities
 - High-Performing University
- No [Regular Business]

Attachments are provided with the narrative—refer to Supplemental Materials Report.

EXECUTIVE SUMMARY:

It is anticipated that the State legislature pursuant to certain legislation ordered in 2021 (the “2021 Project Act”) will authorize the University of Wyoming Board of Trustees (the “Issuer” or the “Board”) to acquire purchase, erect, alter, remodel, expand, improve, repair, furnish and equip buildings improvements and facilities for use by the University, specifically two new residence halls, a new dining facility, parking garage and related facilities.

Facilities Revenue Bonds Series 2021

The Board is asked to approve the issuance of up to \$260 million in revenue bonds, designated as described in the Resolution. The debt is anticipated to be structured to consist of tax-exempt revenue bonds. The Series 2021 Bonds shall mature no later than June 1, 2053 and shall bear interest at a rate or rates resulting in a true interest cost of not to exceed 5.000%. The Resolution authorizes and designates the Pricing Committee to pursue a competitive or negotiated sale by means of a public offering, limited public offering or pursuant to a private or direct placement pursuant to the terms of a bond purchase agreement or a notice of sale. Interest rates are at or near historic lows.

The Resolution will be presented to the Trustees for review and approval and includes the delegation and designation of a Pricing Committee. Such Pricing Committee will have the authority to implement the directives contained in the Resolution related to the issuance of the Series 2021 Bonds within the parameters set forth therein. Such designated powers set forth in the Resolution include but are not limited to: the finalization, execution and delivery of the Authorized Documents; the execution of such documents and certificates as may be reasonably required, relating, among other matters, to: the respective series and designation of Series 2021 Bonds; the execution of the Series 2021 Bonds; if the respective series of Series 2021 Bonds are issued as tax-exempt obligations, the exclusion of interest on the Series 2021 Bonds from gross income for purposes of federal and state income taxation; the application, negotiation and finalization of a rating, if any, and delivery by a nationally recognized rating agency; the delivery of the Series 2021 Bonds and the receipt of the purchase price.

Representatives from the University’s bond counsel, Kutak Rock LLP and financial advisors, PFM Financial Advisors LLC, will be available to respond to any questions regarding the bond issue, bond documents, the delegation authority and process for pricing and marketing the bonds.

PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:

N/A

WHY THIS ITEM IS BEFORE THE BOARD:

The Board's approval to issue bonds is required by state law (University Securities Law W.S. 21-17-402 through 21-17-450) and Board policy. Prior to closing of the bond transaction, officers of the Board will be asked to sign legally required bond documents.

ACTION REQUIRED AT THIS BOARD MEETING:

Board approval of an amount not to exceed \$260,000,000 of the Trustees of the University of Wyoming Facilities Revenue Bond Series 2021 in one or more series. In addition, as required by law, officers of the Board, the Pricing Committee and/or the Issuer Representative will sign the appropriate bond documents at such time as determined by the Board.

PROPOSED MOTION:

I move to authorize administration to approve and adopt:

“A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$260,000,000 OF THE TRUSTEES OF THE UNIVERSITY OF WYOMING, FACILITIES REVENUE BONDS, SERIES 2021C, WITH ONE OR MORE ADDITIONAL SERIES AS MAY BE DETERMINED BY THE PRICING COMMITTEE FOR THE PURPOSE OF THE CONSTRUCTION OF CERTAIN PROPERTY AND FACILITIES DESCRIBED HEREIN, PURSUANT TO W.S. 21-17-402 THROUGH 21-17-450, PRESCRIBING THE FORM, FIXING THE DETAILS AND PROVIDING FOR THE PAYMENT OF PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON SUCH SERIES 2021 BONDS AND THE APPLICATION OF THE PROCEEDS THEREOF; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH”

PRESIDENT'S RECOMMENDATION:

The President recommends approval.

**CERTIFIED RECORD
OF
PROCEEDINGS OF
THE TRUSTEES OF THE UNIVERSITY OF WYOMING**

Relating to a resolution authorizing the issuance of:

**AN AMOUNT NOT TO EXCEED \$260,000,000
THE TRUSTEES OF THE UNIVERSITY OF WYOMING
FACILITIES REVENUE BONDS
SERIES 2021C**

Together with any additional series as may be determined by the Pricing Committee.

Dated as of June 1, 2021

This cover page and the following table of contents are not a part of the following resolution and are included solely for the convenience of the reader.

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STATE OF WYOMING)
)
COUNTY OF ALBANY)
)
UNIVERSITY OF WYOMING)

The Trustees of the University of Wyoming (the “Trustees”) met in lawful and regular session, in full conformity with law and the ByLaws of the Trustees, at ____ [a.m./p.m.], on June 16, 2021. Upon roll call, the following were found to be present, constituting a majority of the Trustees and thus a quorum:

Chairman:
Vice-Chairman:
Secretary:
Treasurer:

Members:

Thereupon the following proceedings, among others, were had and taken.

Trustee _____ introduced and moved the adoption of the following Resolution:

RESOLUTION

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$260,000,000 OF THE TRUSTEES OF THE UNIVERSITY OF WYOMING, FACILITIES REVENUE BONDS, SERIES 2021C, WITH ONE OR MORE ADDITIONAL SERIES AS MAY BE DETERMINED BY THE PRICING COMMITTEE FOR THE PURPOSE OF THE CONSTRUCTION OF CERTAIN PROPERTY AND FACILITIES DESCRIBED HEREIN, PURSUANT TO W.S. 21-17-402 THROUGH 21-17-450, PRESCRIBING THE FORM, FIXING THE DETAILS AND PROVIDING FOR THE PAYMENT OF PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON SUCH SERIES 2021 BONDS AND THE APPLICATION OF THE PROCEEDS THEREOF; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the University of Wyoming is the legal name of the state university (the “University”) located in the City of Laramie in the County of Albany and the State of Wyoming (the “State”), and existing under the Constitution and laws of the State; and

WHEREAS, the Trustees of the University (the “Issuer”) control and manage the affairs of the University and the funds, lands and other property of the same under such regulations as may be provided by law, is the governing body of the University, and constitutes a body corporate and politic of the State by the name of “The Trustees of the University of Wyoming” under the Constitution and laws of the State; and the Issuer is empowered by virtue of its establishment thereunder, especially Article 7, Section 17 of the State Constitution, and Articles 1, 2, 3 and 4, Chapter 17, Title 21, of the Wyoming Statutes (W.S.), otherwise to have general control and supervision of the University and the power to do all things incidental thereto; and

WHEREAS, the University is a duly organized and validly existing institution of higher learning under the Constitution and laws of the State, being governed by the Issuer constituting a body corporate and politic under the Constitution and laws of the State; and

WHEREAS, the State legislature pursuant to certain legislation (the “2021 Project Act”) will authorizes the Issuer to acquire purchase, erect, alter, remodel, expand, improve, repair, furnish and equip buildings, improvements and facilities for use by the University, specifically two new residence halls, a new dining facility, parking garage and related facilities (the “Series 2021 Improvement Project”); and

WHEREAS, W.S. 21-17-402 through 21-17-450, known and cited as the “University Securities Law” (the “University Securities Law”), authorizes the financing of the Series 2021 Improvement Project by the issuance of bonds of the Issuer; and

WHEREAS, the University is desirous of securing supplemental coverage of the principal of and interest on the Series 2021 Bonds under the provisions of the Amended and Restated University Revenue Bond Supplemental Coverage Program Agreement (the “Supplemental Coverage Program Agreement”) and the Amended and Restated Memorandum of Understanding, as amended from time to time, for the Administration of the University Revenue

Bond Supplemental Coverage Program (the “MOU”), each by and among the Treasurer, the University and the State Loan and Investment Board, through the Office of State Lands and Investments; and

WHEREAS, the Issuer has determined at this time to proceed with and expend bond proceeds to fund the Series 2021 Improvement Project and paying certain expenses in connection with the issuance of the Series 2021 Bonds (defined herein); and

WHEREAS, to defray the cost of the Series 2021 Improvement Project, the Issuer proposes to issue the Facilities Revenue Bonds, Series 2021C (together with one or more additional series as may be determined by the Pricing Committee, the “Series 2021 Bonds”) in an amount not to exceed \$260,000,000; and

WHEREAS, the Trustees intend to sell the Series 2021 Bonds to a to be determined underwriter, commercial bank or financial institution (the “Purchaser”), pursuant to a competitive or negotiated sale by means of a public offering, limited public offering or pursuant to a private or direct placement pursuant to the terms of a bond purchase agreement (the “Bond Purchase Agreement”) or a Notice of Sale (the “Notice of Sale”) to be dated no later than the date of issuance of the Series 2021 Bonds, by and between the Trustees and the Purchaser; and

WHEREAS, if the Series 2021 Bonds are sold pursuant to a negotiated sale by means of private placement or direct placement, the Purchaser will execute a purchaser letter in the form as set forth in the Bond Purchase Agreement (the “Purchaser Letter”); and

WHEREAS, there have been or will be filed with the Issuer, the following documents as defined herein (collectively the “Authorized Documents”):

- (a) a proposed form of the Bond Purchase Agreement, if any;
- (b) a proposed form of the Paying Agent Agreement;
- (c) a proposed form of the MOU and Supplemental Coverage Program Agreement, if any;
- (d) a proposed form of the Tax Compliance Certificate, if any;
- (e) a proposed form of Pricing Certificate;
- (f) a proposed form of Notice of Sale, if any;
- (g) a proposed form of Preliminary Official Statement and final Official Statement, if any;
- (h) any other document, certificate and/or agreement required to achieve the purposes and intent of this Resolution required to be filed with the Issuer.

WHEREAS, the Issuer has determined and does hereby declare:

(a) there shall be issued, and there hereby are authorized to be issued in accordance with this Resolution, the Series 2021 Bonds to finance the Series 2021 Improvement Project;

(b) the proceeds of the Series 2021 Bonds shall be applied in the manner provided by Article IV of this Resolution;

(c) it is the intent and purpose of this Resolution to authorize the issuance of the Series 2021 Bonds in such manner as not to affect adversely the rights or remedies of any owner or holder of any Outstanding Parity Bonds, as hereinafter defined, and not to affect adversely the security pledged to the payment of any Outstanding Parity Bonds;

(d) the interests of the University and of the inhabitants of the State, and the public interest, welfare and safety require the Series 2021 Improvement Project and it is the intent and purpose of this Resolution to authorize the issuance of the Series 2021 Bonds therefor;

(e) the Gross Pledged Revenues, as hereinafter defined and other moneys available therefor will be sufficient to pay:

(i) the Operation and Maintenance Expenses, as hereinafter defined;

(ii) the Bond Requirements, as hereinafter defined, of the Series 2021 Bonds and the other Outstanding bonds of the Issuer payable from the Net Pledged Revenues; and

(iii) the sums required to create and maintain the reasonable reserves therefor, as herein delineated;

(f) all required action preliminary to the authorization of the issuance of the Series 2021 Bonds has been taken;

(g) the Issuer shall forthwith effect the Series 2021 Improvement Project with reasonable diligence and shall apply the proceeds of the Series 2021 Bonds to defray the costs of the Series 2021 Improvement Project in the manner provided by Article IV hereof;

(h) each of the limitations and other conditions to the issuance of the Series 2021 Bonds in the University Securities Law and any other relevant act of the State or of the federal government has been or shall be met by the date of issue of the Series 2021 Bonds; and pursuant to Section 21-17-445 of the University Securities Law, this determination of the Issuer that the limitations in the University Securities Law have been met shall be conclusive in the absence of fraud or arbitrary or gross abuse of discretion; and

(i) the Series 2021 Bonds shall otherwise be issued in strict compliance with the University Securities Law and other relevant acts supplemental thereto, and as may be otherwise provided by law;

WHEREAS, except for the Series 2012 Bonds, the Series 2016 Bonds, the Series 2021A Bonds and the Series 2021B Bonds all as hereafter defined, that are presently Outstanding, the Issuer has not pledged or in any way hypothecated the Net Pledged Revenues to the payment of any securities which are Outstanding or for any other purpose, with the result that the Net Pledged Revenues may now be pledged lawfully and irrevocably for the payment of the Series 2021 Bonds, and they may be made payable from the Net Pledged Revenues; and

WHEREAS, it is advisable and in the best interests of the Issuer to make appropriate provisions herein for the future issuance of Additional Bonds or other securities payable from the Net Pledged Revenues, which Additional Bonds or other securities, if and when authorized in accordance with law, will, subject to designated conditions, occupy a position of parity and enjoy an equality of lien on the Net Pledged Revenues with the Series 2021 Bonds, and further to prescribe the restrictions covenants, and limitations which shall govern the issuance of any Additional Bonds or any other securities payable from the Net Pledged Revenues.

WHEREAS, the Internal Revenue Service has issued Treasury Regulation Section 1.150.2, the final regulations with respect to the use of proceeds of tax-exempt bonds for reimbursement purposes (the "Reimbursement Regulations"); and

WHEREAS, in order to comply with the Reimbursement Regulations, the Issuer find it to be advantageous to declare their official intent whereby the Issuer can be reimbursed for capital expenditures with proceeds of future taxable or tax-exempt borrowings, including but not limited to the Series 2021 Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE TRUSTEES OF THE UNIVERSITY OF WYOMING THAT:

ARTICLE I

SHORT TITLE, DEFINITIONS, INTERPRETATION, RATIFICATION, AUTHENTICATION, PUBLICATION, AND EFFECTIVE DATE

Section 1.01. Short Title. This Resolution shall be known and may be cited by the short title "Series 2021 Bond Resolution" (this "Resolution").

Section 1.02. Meanings and Construction.

(a) **Definitions.** The terms in this Section defined for all purposes of this Resolution and of any instrument amendatory hereof or supplemental hereto, and of any other instrument or any other document pertaining hereto, except where the context by clear implication otherwise requires, shall have the meanings herein specified.

“*Additional Bonds*” means any bonds, notes, certificates, debentures or other evidence of indebtedness hereafter issued with a lien on the Net Pledged Revenues on a parity with the lien thereon of the Series 2021 Bonds.

“*Authorized Denominations*” means if the Series 2021 Bonds are sold pursuant to a private placement or direct placement the outstanding principal amount of the Series 2021 Bonds and if the Series 2021 Bonds are sold pursuant to a public offering, \$5,000 and integral multiples of \$5,000 in excess thereof or such other denominations as approved by the Pricing Committee.

“*Authorized Documents*” means each and any of the following: the Bond Purchase Agreement, if any; the Paying Agent Agreement; the MOU and Supplemental Coverage Program Agreement, if any; the Tax Compliance Certificate, if any; the Pricing Certificate; the Notice of Sale, if any, the Preliminary Official Statement and final Official Statement, if any; and any other document, certificate and/or agreement required to achieve the purposes and intent of this Resolution required to be filed with the Issuer.

“*BABs Obligations*” means any Outstanding bonds issued as “Build America Bonds” (as said term is defined in Code § 54AA (d). As of the date hereof, the only BABs Obligations issued by the University are the Series 2010B Bonds and the Series 2010C Bonds.

“*Board*” means the Board of Trustees of the University.

“*Bond Account*” means that account or accounts within the Bond Fund created in Section 4.02(a) hereof in accordance with the respective series of Series 2021 Bonds.

“*Bond Fund*” means the special account designated as the “University of Wyoming First Lien Revenue Bonds, Interest and Bond Retirement Fund” created in Section 4.01(A) of the Issuer’s 6-1-67 Bond Resolution and ordered to be continued in Section 4.02(a) of this Resolution.

“*Bond Purchase Agreement*” means the Bond Purchase Agreement, relating to the Series 2021 Bonds, by and between the Issuer and the Purchaser.

“*Bond Requirements*” means the principal of, any prior redemption premiums due in connection with, and the interest on the Series 2021 Bonds any other Outstanding Parity Bonds or any other additional securities payable from the Net Pledged Revenues, or such part of such securities as may be designated.

“*Bond Year*” means the 12 months commencing on June 1 of any calendar year and ending on May 31 of the next succeeding calendar year.

“*Business Day*” means a day which is not a Saturday, Sunday or legal holiday on which banking institutions in the state in which the Principal Corporate Trust Office of the Paying Agent is located are closed. If any payment hereunder is due or any action is required to be taken on a day which is not a Business Day, such payment shall be made and such action shall be taken on the next succeeding Business Day.

“*Capital Fund*” means the special account designated as the “University of Wyoming Pledged Revenues Facilities Capital Improvement and Replacement Fund” created in Section 5.10 of the Issuer’s 6-1-67 Bond Resolution and ordered to be continued in Section 5.09 of this Resolution; such fund is required by the Series 2012 Bond Resolution and Series 2016 Bond Resolution, provided, however, after such Series 2012 Bonds and Series 2016 Bonds are no longer Outstanding, such fund will not be required.

“*Chairman of the Issuer*” means the de jure or de facto Chairman of the Trustees of the University of Wyoming, or his or her successor in functions, if any.

“*Code*” means the Internal Revenue Code of 1986, as amended to the date of delivery of the Series 2021 Bonds, and applicable regulations and rulings presently or hereafter promulgated or proposed thereunder or under any predecessor thereto.

“*Combined Maximum Annual Principal and Interest Requirements*” means the maximum in any Bond Year of the sum of the principal of and interest on the Outstanding Series 2021 Bonds and any other Outstanding Parity Bonds, including any proposed securities in the computation of an earnings test pertaining thereto under Section 7.03 of this Resolution.

“*Commercial Bank*” means a state or national bank or trust company which is a member of the Federal Deposit Insurance Corporation and of the Federal Reserve System, including, without limitation, any “Trust Bank” as defined in this Resolution.

“*Continuing Disclosure Undertaking*” means the Continuing Disclosure Undertaking, executed and delivered by the Issuer, and any amendments and supplements thereto, which constitutes an undertaking pursuant to Rule 15c2-12 promulgated by the Securities and Exchange Commission.

“*Cost of the Series 2021 Improvement Project*” or any phrase of similar import, means all or any part designated by the Issuer of the cost of the Series 2021 Improvement Project, or interest therein, which cost may include all or any part of the incidental costs pertaining to the Series 2021 Improvement Project, as the Issuer may determine, including without limitation:

- (a) preliminary expenses advanced by the University from funds available for use therefor, or advanced by the State, the federal government, or from any other source, with the approval of the Issuer, or any combination thereof;
- (b) the costs in the making of surveys, audits, preliminary plans, other plans, specifications, estimates of costs and other preliminaries;
- (c) the costs of premiums on builders’ risk insurance and performance bonds, or a reasonably allocable share thereof;
- (d) the costs of appraising, printing, estimates, advice, services of engineers, architects, financial consultants, attorneys at law, clerical help or other agents or employees;

(e) the costs of making, publishing, posting, mailing and otherwise giving any notice in connection with the Series 2021 Improvement Project, the filing or recordation of instruments, the taking of options, the issuance of bonds and other securities, and bank fees and expenses;

(f) the costs of contingencies;

(g) the costs of the capitalization with proceeds of the Series 2021 Bonds of any Operation and Maintenance Expenses pertaining to any Facilities to be acquired as part of the Series 2021 Improvement Project with the proceeds of the Series 2021 Bonds and of any interest on the Series 2021 Bonds or other securities for any period not exceeding the period estimated by the Issuer to effect the Series 2021 Improvement Project plus one year, as herein provided, of any discount on the Series 2021 Bonds or other securities, and of any reserves for the payment of the principal of and interest on the Series 2021 Bonds or other securities, of any replacement expenses, and of any other cost of issuance of the Series 2021 Bonds or other securities;

(h) the costs of amending any resolution or other instrument authorizing the issuance of or otherwise appertaining to Outstanding bonds or other securities of the Issuer; and

(i) all other expenses necessary or desirable and appertaining to the Series 2021 Improvement Project, as estimated or otherwise ascertained by the Issuer.

“*Costs of Issuance*” means all costs and expenses incurred in connection with the issuance of the Series 2021 Bonds, including without limitation reimbursement of the Trustees for such costs and expenses and rating agency fees, if any.

“*Events of Default*” means the events described in Section 10.03 of this Resolution.

“*Facilities*” means the buildings, structures or other income producing facilities of the Issuer now or hereafter acquired, whether resulting from improvements, extensions, enlargements, repairs or betterments thereto, or otherwise, from the operation of which or in connection with which facilities Net Pledged Revenues are derived.

“*Federal Direct Payments*” means amounts payable by the federal government to the Issuer, pursuant to the Federal Recovery Act, in connection with the Issuer’s issuance of BABs Obligations and Recovery Zone Economic Development Bonds.

“*Federal Recovery Act*” means the federal “American Recovery and Reinvestment Act of 2009”, Public Laws 111-5, enacted by the Congress of the United States of America (the “Congress”), and any amendments thereto.

“*Federal Securities*” means U.S. Treasury Obligations—State and Local Government Series and bills, certificates of indebtedness, notes, bonds or similar securities which are direct obligations of, or the principal and interest of which securities are unconditionally guaranteed by, the United States of America.

“*Financial Advisor*” means PFM Financial Advisors LLC.

“*Fiscal Year*” for the purposes of this Resolution means the 12 months commencing on July 1 of any calendar year and ending on June 30 of the next succeeding calendar year.

“*Government Royalty Fund*” means the special account thereby known and carried upon the books of the State into which account there is deposited the University’s share as specified in W.S. 9-4-601 of all moneys paid to the State by the Secretary of the Treasury of the United States of America under the provisions of that certain act of Congress of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§181, 191) entitled “An Act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain,” as from time to time amended.

“*Gross Pledged Revenues*” means all income and revenues derived directly or indirectly by the Issuer from the operation and use of the Facilities, or any part thereof, and includes all revenues received by the Issuer from the Facilities, including, without limitation, all rentals, fees, rates and other charges for the use of the Facilities, or for any service rendered by the Issuer in the operation thereof, and, subject to any existing pledges or other contractual limitations, such defined term includes all income and other moneys derived from one, all or any combination of the following revenue sources, including, without limitation, student fees and other fees, rates and charges pertaining thereto or for any service rendered by the Issuer in the operation thereof:

- (a) residence halls, apartments and other housing facilities;
- (b) cafeterias, dining halls and other food service facilities;
- (c) student union and other student activities facilities;
- (d) store or other facilities for the sale or lease of books, stationery, student supplies, faculty supplies, office supplies and like material;
- (e) land and any structures, other facilities or other improvements thereon used or available for use for the parking of vehicles used for the transportation by land or air of individuals to or from such land and any improvements thereon except as otherwise provided in this paragraph;
- (f) properties providing heat or any other utilities furnished by the University to any facilities on its campus;
- (g) services, contracts, investments and other miscellaneous unrestricted sources of income not hereinabove designated, whether presently realized or to be realized, and accounted for in the University miscellaneous sales and services fund;
- (h) the University Account within the Permanent Land Income Fund;
- (i) that portion of the Government Royalty Fund which is legally available for payment of principal of and interest on the Series 2021 Bonds; and

(j) Federal Direct Payments; provided, however, that any Federal Direct Payments received into the Income Fund shall be accounted for by being treated as allocable within the Income Fund to the payment of the interest on the respective BABs Obligations and Recovery Zone Economic Development Bonds for which they are received;

but the term “Gross Pledged Revenues” or any such other synonymous term does not include income or moneys derived in connection with any of the following:

(k) any revenues derived from any stadium, including any parking facilities pertaining thereto, arena, theater, fieldhouse and other athletic or recreation facilities for use in part by spectators or otherwise;

(l) any tuition charges and registration fees;

(m) the proceeds of the levy of any general (ad valorem) property taxes;

(n) any grants, appropriations or other donations from the federal government, the State or any other donor (other than the income from the University Account within the Permanent Land Income Fund, other than income in the Government Royalty Fund, and other than revenue derived from any facilities acquired wholly or in part with such grants, appropriations or donations); and

(o) any buildings, structures, or other facilities of the Issuer not hereinabove designated in subparagraphs (a) through (j) of this paragraph.

“*Income Fund*” means the special account designated as the “University of Wyoming Pledged Revenues Gross Income Fund” created in Section 5.02 of the Issuer’s 6-1-67 Bond Resolution and ordered to be continued in Section 5.02 of this Resolution.

“*Interest Payment Date*” means (a) June 1st and December 1st of each Fiscal Year, commencing as set forth in the Authorized Documents and (b) the Maturity Date or any redemption date of the Series 2021 Bonds.

“*Issue Date*” means the date on which the Series 2021 Bonds are issued by the University.

“*Issuer*” means the Trustees of the University of Wyoming, constituting the governing body of the University and a body corporate and politic by the name of “The Trustees of the University of Wyoming,” as a political subdivision of the State, and also means any successor.

“*Issuer Representative*” means each of the Trustees, individually and the Deputy Treasurer of the Board and/or their respective designees.

“*Maturity Date*” means the date specified in the Pricing Certificate.

“*Minimum Capital Reserve*” means the amount of not less than \$500,000 which is deposited, accumulated and maintained in the Capital Fund as required by Section 5.09 of this

Resolution; such reserve is not required under this Resolution, however it is required by the Series 2012 Bond Resolution and Series 2016 Bond Resolution, provided, however, after such Series 2012 Bonds and Series 2016 Bonds are no longer Outstanding, such fund will not be required pursuant to this Resolution.

“*MOU*” means the Memorandum of Understanding for the Administration of the University Revenue Bond Supplemental Coverage Program, as amended from time to time, entered into by and among the State Treasurer, the University and the State Loan and Investment Board, through the Office of State Lands and Investments.

“*Net Pledged Revenues*” means the Gross Pledged Revenues after the deduction of the Operation and Maintenance Expenses.

“*Operation and Maintenance Expenses,*” means all reasonable and necessary current expenses of the University, paid or accrued, of operating, maintaining and repairing the Facilities and the term includes (except as limited by contract or otherwise limited by law), without limitation:

- (a) legal and overhead expenses of the various University departments directly related and reasonably allocable to the administration of the Facilities;
- (b) fidelity bond and insurance premiums appertaining to the Facilities, or a reasonably allocable share of a premium of any blanket bond or policy pertaining to the Facilities;
- (c) the reasonable charges of any paying agent, Commercial Bank, Trust Bank or other depository bank appertaining to any securities issued by the Issuer or appertaining to any Facilities;
- (d) contractual services, professional services, salaries, administrative expenses and costs of labor appertaining to the Facilities;
- (e) the costs incurred by the Issuer in the collection of all or any part of the Gross Pledged Revenues, including, without limitation, revenues appertaining to any Facilities;
- (f) any costs of utility services furnished to the Facilities by the University or otherwise; and
- (g) reasonable allowances for the depreciation of furniture and equipment for the Facilities;

but the term “Operation and Maintenance Expenses” does not include:

- (h) any allowance for depreciation, except as otherwise provided in subparagraph (g) of this paragraph;
- (i) any costs of reconstruction, improvements, extensions or betterments;

- (j) any accumulation of reserves for capital replacements;
- (k) any reserves for operation, maintenance or repair of any Facilities;
- (l) any allowance for the redemption of any bond or other security evidencing a loan or other obligations or the payment of any interest thereon;
- (m) any liabilities incurred in the acquisition or improvement of any properties comprising any project, including without limitation the Series 2021 Improvement Project, or any existing Facilities, or any combination thereof; and
- (n) any other ground of legal liability not based on contract.

“*Operation and Maintenance Fund*” means the special account designated as the “University of Wyoming Pledged Revenues Facilities Operation and Maintenance Fund” created in Section 5.04 of the Issuer’s 6-1-67 Bond Resolution and ordered to be continued in Section 5.04 of this Resolution.

“*Outstanding*” means, when used with reference to the Series 2021 Bonds, any other Parity Bonds, or any other securities issued on a second lien parity or other subordinated basis, as of any particular date, all the bonds or any such other securities payable from the Net Pledged Revenues or otherwise pertaining to the Facilities:

- (a) except any bond or other security canceled by the Issuer, by the Paying Agent, or otherwise on the Issuer’s behalf, at or before such date;
- (b) except any bond or other security for the payment or the redemption of which moneys at least equal to the Bond Requirements to the date of maturity or any redemption date shall have theretofore been deposited with a Trust Bank or trust company in escrow or in trust for that purpose; and
- (c) except any bond or other security in lieu of or in substitution for which another bond or other security shall have been executed and delivered.

“*Owner*” or “*Bondowner*” means the registered owner of any bond or other security which is registrable for payment.

“*Parity Bonds*” means all Outstanding Series 2012 Bonds, Series 2016 Bonds, Series 2021A Bonds and Series 2021B Bonds and any Additional Bonds.

“*Paying Agent Agreement*” means the Paying Agent and Registrar Agreement, by and between the Issuer and the Paying Agent.

“*Paying Agent*” means Wells Fargo Bank, National Association, in Denver, Colorado, as agent of the Issuer for the payment of the Bond Requirements of the Series 2021 Bonds, or its successor or successors.

“*Principal Corporate Trust Office*” means (a) with respect to the Paying Agent, Wells Fargo Bank, Denver, Colorado; (b) with respect to any successor Paying Agent, at the principal office of its corporate trust department; and (c) with respect to any Paying Agent, at such other place as shall be designated by such Paying Agent in writing to the Owners of the Series 2021 Bonds Outstanding.

“*Pricing Certificate*” means the Pricing Certificate dated as of thereof setting forth the terms and provisions of the Series 2021 Bonds.

“*Pricing Committee*” means a committee comprised of three members of the Board of Trustees of the University of Wyoming, appointed by the Chairman of the Issuer (one of which shall be the Treasurer of the Board of Trustees of the University of Wyoming) and three members of the University administration as appointed by the President of the University.

“*Project Fund*” means the 2021 Project Fund created in Section 4.02(c) hereof and any account therein.

“*Purchaser*” means the underwriter, commercial bank or financial institution identified in the Pricing Certificate.

“*Rating Category*” means the generic rating categories of the Rating Agency, without regard to any refinement or gradation of such rating category by a numerical modifier or otherwise.

“*Rebate Account*” means the special account designated as the “University of Wyoming, Facilities Revenue Bonds, Series 1987, Rebate Account” created in Section 5.12 of the Issuer’s 12-1-87 Bond Resolution and ordered to be continued in Section 5.10 of this Resolution.

“*Record Date*” is the fifteenth day of the calendar month whether or not a business day next preceding the interest payment date.

“*Recovery Zone Economic Development Bonds*” means any Outstanding bonds issued as “Recovery Zone Economic Development Bonds” as set forth in Section 1400U-2 of the Code. As of the date hereof, there are no Outstanding Recovery Zone Economic Development Bonds.

“*Refunding Act*” means W.S. 21-17-437 through W.S. 21-17-444.

“*Reimbursement Period*” means, with respect to a particular Surety Bond payment, the period commencing on the date of such Surety Bond payment and ending on the earlier of the date of cancellation of the Surety Bond due to nonpayment of the premium thereon when due or on the expiration of 12 months following such Surety Bond payment.

“*Reserve Funds*” means any reserve fund that may be created for the issuance of Additional Bonds secured by a reserve fund.

“*Secretary of the Issuer*” means the de facto or de jure Secretary of the Trustees of the University of Wyoming, or his or her successor in functions, if any.

“*Series 2012 Bonds*” means, collectively, the Series 2012A Bonds and the Series 2012B Bonds.

“*Series 2012A Bonds*” means those securities issued under this Resolution and designated “The Trustees of the University of Wyoming, Facilities Improvement Revenue Bonds, Series 2012A.”

“*Series 2012B Bonds*” means those securities issued under this Resolution and designated “The Trustees of the University of Wyoming, Facilities Refunding Revenue Bonds, Series 2012B.”

“*Series 2012 Bond Resolution*” means the resolution of the Issuer adopted as of July 1, 2012, which authorized the issuance of the Series 2012 Bonds.

“*Series 2016 Bonds*” means those securities issued under the Series 2016 Bond Resolution and designated “The Trustees of the University of Wyoming, Facilities Refunding Revenue Bonds, Series 2016.”

“*Series 2016 Bond Resolution*” means the resolution of the Issuer adopted as of October 1, 2016, which authorized the issuance of the Series 2016 Bonds.

“*Series 2021 Bonds*” means those securities issued under this Resolution and designated as set forth in the Pricing Certificate.

“*Series 2021A Bonds*” means those securities issued under this Resolution and designated “The Trustees of the University of Wyoming, Facilities Revenue Refunding and Revenue Bonds, Series 2021A.”

“*Series 2021B Bonds*” means those securities issued under this Resolution and designated “The Trustees of the University of Wyoming, Facilities Revenue Refunding and Revenue Bonds, Series 2021B (Federally Taxable).”

“*Series 2021AB Bond Resolution*” means the resolution of the Issuer adopted as of March 25, 2021, which authorized the issuance of the Series 2021A Bonds and Series 2021B Bonds.

“*Series 2021 Improvement Project*” means the project prescribed by the 2021 Project Act authorizing the Issuer to acquire purchase, erect, alter, remodel, expand, improve, repair, furnish and equip buildings, improvements and facilities for use by the University, specifically two new residence halls, a new dining facility, parking garage and related facilities.

“*Special Record Date*” means a special record date, which shall be a Business Day, fixed to determine the names and addresses of Owners for purposes of paying interest on a special interest payment date for the payment of defaulted interest, all as further provided in Section 3.02 of this Resolution.

“*State*” means the State of Wyoming.

“*Supplemental Coverage Program*” means the University Revenue Bond Supplemental Coverage Program as authorized under W.S. 9-4-1003.

“*Supplemental Coverage Program Agreement*” means the Amended and Restated University Revenue Bond Supplemental Coverage Program Agreement, and any amendments or supplements thereto, by and between the State, acting by and through the State Treasurer, an officer of the State and the University, acting by and through an Issuer Representative.

“*Surety Bond*” means any surety bond issued by an insurance company as of the time of the issuance of such policy or surety bond, are rated in one of the two highest Rating Categories by Standard & Poor’s Ratings Services or Moody’s Investors Service.

“*Tax Compliance Certificate*” means the Tax Compliance Certificate, dated the date of issuance of the Series 2021 Bonds executed by the Issuer in connection with the initial issuance and delivery of the Series 2021 Bonds as it may from time to time be modified pursuant to its terms; provided, however, that the Tax Compliance Certificate may refer to multiple Tax Compliance Certificates executed in connection with each series of the Series 2021 Bonds.

“*Tax Exempt Obligation*” means any Series 2021 Bonds the interest on which is excludable from gross income of the holder thereof for federal income tax purposes as determined in the Pricing Certificate.

“*Treasurer of the Issuer*” means the de facto or de jure Treasurer of the Trustees of the University of Wyoming, or his or her successor in functions, if any.

“*Treasurer of the University*” means the de facto or de jure Deputy Treasurer of the Issuer and Ex Officio Treasurer of the University, or his or her successor in functions, if any.

“*Trust Bank*” means a Commercial Bank which is authorized to exercise and is exercising trust powers and also means any branch of the Federal Reserve Bank.

“*University*” means the University of Wyoming, the State university located at the City of Laramie, in the County of Albany and the State, and means any successor educational institution.

“*University Account Within the Permanent Land Income Fund*” means the account carried upon the books of the State into which account there is deposited the proceeds of grants by the United States of America of 72 sections of land to the Territory of Wyoming for University purposes, pursuant to Section 8, Act of Admission of the State of Wyoming (approved July 10, 1890, 26 Statutes at Large 222, Chapter 664) which proceeds constitute a permanent fund to be safely invested and held by the State and the income thereof is used exclusively for University purposes and is remitted to the Issuer periodically therefor.

“*University Securities Law*” means W.S. 21-17-402 through W.S. 21-17-450, known and cited as the “University Securities Law.”

“*12-1-87 Bond Resolution*” means the resolution of the Issuer adopted on December 1, 1987.

Construction. This Resolution, except where the context by clear implication herein otherwise requires, shall be construed as follows:

- (i) words in the singular number include the plural, and words in the plural include the singular;
- (ii) words in the masculine gender include the feminine and the neuter, and when the sense so indicates, words of the neuter gender refer to any gender;
- (iii) articles, sections, subsections, paragraphs and sub-paragraphs mentioned by number, letter, or otherwise, correspond to the respective articles, sections, subsections, paragraphs and subparagraphs of this Resolution so numbered or otherwise so designated;
- (iv) the titles or headlines applied to articles, sections and subsections in this Resolution are inserted only as a matter of convenience and ease in reference and in no way define, limit or describe the scope or intent of any provisions of this Resolution; and
- (v) any securities payable from any Net Pledged Revenues and held by the Issuer shall not be deemed to be Outstanding for the purpose of consents hereunder or for any other purpose provided herein.

“6-1-67 Bond Resolution” means the resolution of the Issuer adopted on May 10, 1967.

Section 1.03. Successors. Whenever herein the Issuer or the University is named or is referred to, such provisions shall be deemed to include any successors of the Issuer or the University, respectively, whether so expressed or not. All of the covenants, stipulations, obligations and agreements by or on behalf of and other provisions for the benefit of the Issuer or the University contained herein shall bind and inure to the benefit of any officer, board, district, commission, authority, agent or instrumentality to whom or to which there shall be transferred by or in accordance with law, any right, power or duty of the Issuer or the University or of their respective successors, if any, the possession of which is necessary or appropriate in order to comply with any such covenants, stipulations, obligations, agreements or other provisions hereof.

Section 1.04. Parties Interested Herein. Except as herein otherwise expressly provided, nothing herein expressed or implied confers any right, remedy or claim hereunder or by reason hereof or any covenant, condition or stipulation hereof upon or gives such to any person, other than the Issuer, the University, the Paying Agent and the Owners of the Series 2021 Bonds, and the Owners or holders of any other securities payable from the Net Pledged Revenues unless and when reference is expressly made thereto. All the covenants, stipulations, promises and agreements herein contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer, the University, the Paying Agent and any Owners of the Series 2021 Bonds and any Owner or holder of any such other security in the event of such a reference.

Section 1.05. Ratification. All action heretofore taken, not inconsistent with the provisions of this Resolution, by the Issuer and the officers and agents of the Issuer, including the financing of the Series 2021 Improvement Project, and the sale and delivery of the Series 2021

Bonds for that purpose are hereby ratified, approved and confirmed, including without limitation the sale of the Series 2021 Bonds to the Purchaser as determined by the Pricing Committee .

Section 1.06. Resolution Irrepealable. After any of the Series 2021 Bonds are issued, this Resolution shall constitute an irrevocable contract between the Issuer and the Owners of the Series 2021 Bonds from time to time and this Resolution subject to the provisions of Section 9.01 and of Article XI hereof shall be and shall remain irrepealable until the Series 2021 Bonds, as to all Bond Requirements, shall be fully paid, canceled and discharged, except as herein otherwise provided.

Section 1.07. Repealer. All bylaws, orders, and other instruments, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any by-law, order, or other instrument, or part thereof, heretofore repealed.

Section 1.08. Severability. If any article, section, subsection, paragraph, sub-paragraph, clause or other provision of this Resolution for any reason is invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, sub-paragraph, clause or other provision shall not affect any of the remaining provisions of this Resolution.

Section 1.09. Authentication. This Resolution, immediately on its final passage and adoption, shall be recorded in the official records of the Issuer kept for that purpose, shall be authenticated by the signature of the Chairman of the Issuer, and shall be attested by the Secretary of the Issuer, and the authentication shall constitute the official action of the Issuer for the approval, adoption and ratification of this Resolution and shall be conclusive evidence of the validity and regularity of the passage of this Resolution which shall be incontestable after the passage of its execution.

Section 1.10. Recital for Issuance of Series 2021 Bonds. The Series 2021 Bonds are issued pursuant to the University Securities Law and this recital shall be conclusive evidence of the validity and regularity of issuance of the Series 2021 Bonds.

Section 1.11. Effective Date. This Resolution immediately upon its final passage, adoption and authentication shall be in full force and effect.

Section 1.12. Reimbursement; Declaration of Official Intent. Pursuant to the Reimbursement Regulations, this Resolution and the Resolution adopted and approved on November 14, 2019 (the “2019 Reimbursement Resolution”), the Issuer reasonably expects to reimburse itself for capital expenditures relative to the phase 1 and phase 2 of the University’s student housing project that is contemplated by Bill No. HB0293, Enrolled Act No. 124, House of Representatives, Sixty-Fifth Legislature of the State of Wyoming 2019 General Session (the “Student Housing Project”) with proceeds of a future taxable or tax-exempt borrowing, including but not limited additional Parity Bonds, within 18 months of the date of the expenditure of moneys on such capital expenditure or on the date upon which the project, if any, containing the capital expenditure is placed in service or abandoned, whichever is later (but in no event more than 3 years after the date of the original expenditure of such moneys) and to allocate an amount not to exceed \$50,000,000 of the proceeds of such additional Parity Bonds to reimburse the Issuer for its

expenditures in connection with the Student Housing Project. The Issuer furthermore ratifies the 2019 Reimbursement Resolution.

ARTICLE II

DETERMINATIONS, AUTHORITY FOR AND AUTHORIZATION OF SERIES 2021 IMPROVEMENT PROJECT, NECESSITY OF SERIES 2021 IMPROVEMENT PROJECT AND BONDS, OBLIGATION OF ISSUER, AND TERMS OF BOND SALE

Section 2.01. Authority of This Resolution. This Resolution is adopted by virtue of the University Securities Law and pursuant to its provisions, as well as by virtue of the Issuer's powers pertaining to the University pursuant to Article 7 of the State Constitution. The Issuer has ascertained and determined and hereby declares that each and every matter and thing as to which provision is made herein is necessary in order to carry out and to effectuate the purposes of the Issuer in accordance with the University Securities Law.

Section 2.02. Necessity of the Series 2021 Improvement Project and Series 2021 Bonds. It is necessary and for the best interests of the Issuer, the University and the officers, faculty and students thereof, that the Issuer effect the Series 2021 Improvement Project and defray the costs thereof by issuing the Series 2021 Bonds therefor.

Section 2.03. Authorization of the Series 2021 Improvement Project and Series 2021 Bonds. The Series 2021 Improvement Project is authorized by the University Securities Law and the Issuer does hereby determine to authorize the Series 2021 Bonds to be issued to provide funds to defray the costs thereof.

Section 2.04. Resolution To Constitute Contract. In consideration of the purchase and the acceptance of the Series 2021 Bonds by those who shall own the same from time to time, the provisions hereof shall be deemed to be and shall constitute contracts between the Issuer and the Owners from time to time of the Series 2021 Bonds.

Section 2.05. Bonds Equally Secured. The covenants and agreements herein set forth to be performed on behalf of the Issuer shall be for the equal benefit, protection and security of the Owners of any and all of the Outstanding Series 2021 Bonds and the Owners of any and all other Outstanding Parity Bonds, all of which, regardless of the time or times of their issue or maturity, shall be of equal rank without preference, priority or distinction of any Parity Bonds over any other thereof, except as otherwise expressly provided in or pursuant to this Resolution.

Section 2.06. Special Obligations. All of the Series 2021 Bonds, as to all Bond Requirements, shall be payable and collectible solely out of the Net Pledged Revenues, except to the extent that other moneys are lawfully made available therefor, as hereinafter provided. The Owners of the Series 2021 Bonds may not look to any general or other fund for the payment of such Bond Requirements, except the herein designated special funds pledged therefor; the Series 2021 Bonds shall not constitute an indebtedness or a debt within the meaning of any constitutional or statutory provision or limitation; the Issuer does not pledge its full faith and credit for the

payment of the Series 2021 Bonds; and the Series 2021 Bonds shall not be considered or held to be general obligations of the Issuer but shall constitute its special obligations.

Section 2.07. Character of Agreement. Except to the extent provided herein, none of the covenants, agreements, representations and warranties contained herein or in the Series 2021 Bonds shall ever impose or shall be construed as imposing any liability, obligation or charge against the Issuer, except the special funds pledged therefor, or its general credit, payable out of its general fund or out of any funds derived from taxation.

Section 2.08. No Pledge of Property. The payment of the Series 2021 Bonds is not secured by an encumbrance, mortgage or other pledge of property of the Issuer, except for its Net Pledged Revenues and any other moneys pledged for the payment of the Series 2021 Bonds. No property of the Issuer, subject to such exception, shall be liable to be forfeited or taken in payment of the Series 2021 Bonds.

Section 2.09. No Recourse Against Officers and Agents. No recourse shall be had for the payment of the Bond Requirements of the Series 2021 Bonds or for any claim based thereon or otherwise upon this Resolution or other instrument appertaining thereto against any individual member of the Issuer or any officer or other agent of the Issuer, past, present or future, either directly or indirectly through the Issuer or the University or whether by virtue of any constitution, statute or rule of law or by the enforcement of any penalty or otherwise, all liability, if any, being by the acceptance of the Series 2021 Bonds and as a part of the consideration of their issuance specially waived and released.

Section 2.10. State Not Obligated. The Series 2021 Bonds shall not be considered to be obligations general, special or otherwise of the State, nor to be securities or debt of the State, and shall not be enforceable against the State.

Section 2.11. Limitation Upon Revenue Sources. Nothing in this Resolution authorizes the Issuer in any way to obligate the State except as herein otherwise expressly provided in Section 2.12 hereof, or to pledge, assign or encumber, in any way, or to permit the pledging, assigning or encumbering, in any way, of any tuition charges and registration fees paid to the University or the proceeds of any general ad valorem property taxes derived directly or indirectly by the Issuer for the benefit of the University, or grants, appropriations, or other donations made by the federal government, the State Legislature, or any other donor, except as herein otherwise expressly provided, and of any revenues, other than Gross Pledged Revenues, derived from the operation of or otherwise pertaining to any buildings, structures or other facilities of the Issuer or the University except the Facilities.

Section 2.12. Limitations Upon State. Pursuant to Section 21-17-409 of the University Securities Law, the faith of the State is pledged that the University Securities Law, any law supplemental or otherwise appertaining thereto, and any other act concerning the Series 2021 Bonds and other securities of the Issuer or the University or the Net Pledged Revenues, or both such securities and such revenues, including, without limitation, any law pertaining to the University Account within the Permanent Land Income Fund or the Government Royalty Fund, shall not be repealed nor amended or otherwise directly or indirectly modified in such a manner as to impair adversely any Outstanding securities of the Issuer until all such securities have been

discharged in full or provision has been fully made therefor, including without limitation the known minimum yield from the investment or reinvestment of moneys pledged therefor in Federal Securities.

Section 2.13. Authentication. No Series 2021 Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on such Series 2021 Bond substantially in the form set forth herein shall have been duly executed by the Paying Agent, and such executed certificate of the Paying Agent upon any such Series 2021 Bond shall be conclusive evidence that such Series 2021 Bond has been authenticated and delivered under this Resolution.

Section 2.14. Mutilated, Lost, Stolen or Destroyed Bonds. In the event any Series 2021 Bond is mutilated, lost, stolen or destroyed, the Issuer may execute and the Paying Agent may authenticate a new Series 2021 Bond of like date, maturity, interest rate and denomination as that mutilated, lost, stolen or destroyed; provided that, in the case of any mutilated Series 2021 Bond, such mutilated Series 2021 Bond shall first be surrendered to the Paying Agent, and in the case of any lost, stolen or destroyed Series 2021 Bond, there shall be first furnished to the Issuer and the Paying Agent evidence of such loss, theft or destruction satisfactory to the Paying Agent, together with indemnity satisfactory to the Paying Agent. If such mutilated, lost, stolen or destroyed Series 2021 Bond shall have matured, the Paying Agent may pay such Series 2021 Bond in lieu of replacement.

Section 2.15. Prohibited Actions. The Issuer will not use or permit the use of any proceeds of the Tax Exempt Obligations or any other funds of the Issuer from whatever source derived, directly or indirectly, to acquire any securities or obligations and shall not take or permit to be taken any other action or actions, which would cause any Tax Exempt Obligations to be an “arbitrage bond” within the meaning of Section 148 of the Code, or would otherwise cause the interest on any Tax Exempt Obligations to be includible in gross income for federal income tax purposes.

Section 2.16. Affirmative Actions. The Issuer will at all times do and perform all acts permitted by law that are necessary in order to assure that interest paid by the Issuer on the Tax Exempt Obligations shall not be includible in gross income for federal income tax purposes under the Code or any other valid provision of law. In particular, but without limitation, the Issuer represents, warrants and covenants to comply with the following unless it receives an opinion of Bond Counsel stating that such compliance is not necessary: (a) gross proceeds of the Tax Exempt Obligations will not be used in a manner that will cause the Series 2021 Bonds to be considered “private activity bonds” within the meaning of the Code; (b) the Tax Exempt Obligations are not and will not become directly or indirectly “federally guaranteed”; and (c) the Issuer will timely file Internal Revenue Form 8038-G which shall contain the information required to be filed pursuant to Section 149(e) of the Code with respect to the Tax Exempt Obligations.

Section 2.17. Series 2021 Bonds Tax Compliance Certificate. The Issuer will comply with the Tax Compliance Certificate delivered to it on the date of issuance of any Series 2021 Bonds constituting Tax Exempt Obligations, including but not limited to the provisions of the Tax Compliance Certificate regarding the application and investment of proceeds of such Series 2021 Bonds, the calculations, the deposits, the disbursements, the investments and the retention of

records described in the Tax Compliance Certificate; provided that, in the event the original Tax Compliance Certificate is superseded or amended by a new Tax Compliance Certificate drafted by, and accompanied by an opinion of Bond Counsel stating that the use of the new Tax Compliance Certificate will not cause the interest on such Series 2021 Bonds to become includible in gross income for federal income tax purposes, the Issuer will thereafter comply with the new Tax Compliance Certificate.

Section 2.18. Execution of Authorized Documents. The Pricing Committee (or any of its members), any member of the Board of Trustees of the University and/or the Issuer Representative is hereby authorized to complete the form of and to execute the Authorized Documents or any agreement, assignment, instrument, document or certificate in accordance with this Resolution, for and on behalf of the Trustees.

In the event that any officer or director that is authorized or directed to execute the Authorized Documents is not able to be physically present to manually sign any such Authorized Document, such individual or individuals are hereby authorized to execute Authorized Documents electronically via facsimile or email signature. Any electronic signature so affixed to any Authorized Document shall carry the full legal force and effect of any original, handwritten signature. This provision is made pursuant to Chapter 21 of Title 40, W.S., also known as the Uniform Electronic Transactions Act.

Section 2.19. Authorization and Direction. In addition to the above authorizations, the Pricing Committee is hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution, including, without limiting the generality of the foregoing, the formal terms of the Series 2021 Bonds, subject to the parameters set forth herein including, but not limited to, the par amount of the Series 2021 Bonds, the series and respective designation of the Series 2021 Bonds, the maturity date of the Series 2021 Bonds, the interest rate of the Series 2021 Bonds, optional redemption provisions for the Series 2021 Bonds, mandatory sinking fund provisions for the Series 2021 Bonds, whether or not the respective series of Series 2021 Bonds will be taxable and/or tax-exempt obligations, which of the Trustees' outstanding bonds will be refunded, whether or not the Series 2021 Bonds will be sold pursuant to a competitive or negotiated sale by means of a public offering or pursuant to a private placement or direct placement, whether or not the Series 2021 Bonds will be subject to DTC's book-entry system; whether or not the Series 2021 Bonds will be rated and if such rating will be applied to the Series 2021 Bonds and the execution of such closing documents, additional agreements or certificates as may be required by the Purchaser.

ARTICLE III

AUTHORIZATION, TERMS, EXECUTION AND ISSUANCE OF BONDS

Section 3.01. Authorization of Series 2021 Bonds. In order to defray all or any part of the costs of issuing the Series 2021 Bonds and financing the Series 2021 Improvement Project, the Issuer hereby authorizes the issuance, in one or more series, of Series 2021 Bonds in an aggregate principal amount not to exceed \$260,000,000, payable as to all Bond Requirements solely out of the Net Pledged Revenues, except as herein otherwise expressly provided, are hereby authorized

to be issued pursuant to the University Securities Law and to the Issuer's powers derived under the State Constitution; the Issuer pledges irrevocably, but not necessarily exclusively and subject to the lien of the other Parity Bonds, such Net Pledged Revenues to the payment of the Bond Requirements; and the proceeds of the Series 2021 Bonds (except as herein otherwise expressly provided) shall be used solely for the Series 2021 Improvement Project.

Section 3.02. Bond Details. The Series 2021 Bonds shall be issued as fully registered form to either DTC or the Purchaser as Owner in the amount set forth in the Bond Purchase Agreement and shall consist of bonds in Authorized Denominations numbered in such manner as the Paying Agent shall determine.

The Series 2021 Bonds shall bear interest at a fixed rate, as set forth in the Bond Purchase Agreement or Notice of Sale. Interest on all principal amounts outstanding from time to time on the Series 2021 Bonds shall be calculated on the basis of a 360-day year of twelve 30-day months. Interest on the Series 2021 Bonds shall be paid on the Interest Payment Dates. The aggregate principal amount of the Series 2021 Bonds shall not exceed \$260,000,000. The Series 2021 Bonds shall mature no later than June 1, 2053 and shall bear interest at a rate or rates resulting in a true interest cost of not to exceed 5.000%. The parameters and the delegated authority provided to the Pricing Committee set forth herein shall be effective for one year after the adoption of this Resolution.

Principal and interest on the Series 2021 Bonds shall be payable by the Paying Agent by check mailed or electronic transfer to the Owner thereof as shown on the registration books maintained by the Registrar. Interest on the Series 2021 Bonds shall be paid on each Interest Payment Date (or, if such Interest Payment Date is not a business day, on the next succeeding Business Day). Principal on the Series 2021 Bonds shall be paid annually in the amounts and on the dates set forth in Schedule I attached to the Series 2021 Bonds. All remaining principal plus all unpaid accrued interest on the Series 2021 Bonds shall be due and payable in full on the Maturity Date. The Owner shall not have to present the Series 2021 Bonds to the Paying Agent for payment until the Maturity Date.

The principal of the Series 2021 Bonds shall be payable in lawful money of the United States of America, without deduction for exchange or collection charges, at the Principal Corporate Trust Office of the Paying Agent upon presentation and surrender of such Series 2021 Bonds. Payment of interest on any Series 2021 Bond shall be made on each interest payment date to the Owner thereof at the close of business on the Record Date, the fifteenth day of the calendar month (whether or not a Business Day), next preceding such interest payment date for such interest payment date by check mailed by the Paying Agent on such interest payment date to such Owner at his address as it last appears on the registration records kept by the Paying Agent. Any such interest not so timely paid or duly provided for shall cease to be payable to the Owner thereof at the close of business on the Record Date and shall be payable to the Owner thereof at the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date shall be fixed by the Paying Agent whenever moneys become available for payment of the defaulted interest, and notice of such Special Record Date shall be given to the Owners of the Series 2021 Bonds not less than 10 days prior thereto by first-class mail to each such Owner as shown on the registration records on the date selected by the Paying Agent, stating the date of the Special Record Date and the date fixed for the payment

of such defaulted interest. If the principal of any Series 2021 Bond is not paid on the maturity or redemption date, interest shall accrue upon the unpaid amount of principal at the rate on such Series 2021 Bond from the date of such presentation until such principal shall have been paid in full.

Section 3.03. Prior Redemption of the Series 2021 Bonds. The Series 2021 Bonds are subject to redemption prior to their stated maturity at the option of the Issuer, in whole or in part (and if in part in inverse order of the principal payment dates shown on Schedule I attached to the Series 2021 Bonds) on the dates and subject to the terms set forth in the Pricing Certificate or Notice of Sale.

Section 3.04. Notice of Prior Redemption. Notice of any prior redemption, mandatory or optional, shall be given by the Paying Agent on behalf of the Issuer by mailing a copy of the redemption notice by first-class postage prepaid mail, not less than 20 nor more than 60 days prior to the redemption date to the Owners of the Series 2021 Bonds to be redeemed at their addresses as shown on the registration records kept by the Paying Agent. Such notice shall specify the number or numbers of the Series 2021 Bonds to be so redeemed (if less than all are to be redeemed), the redemption price to be paid and the date fixed for redemption; and such notice shall further state that on the redemption date there will become and will be due and payable upon each Series 2021 Bond or portion thereof (\$5,000 or any integral multiple thereof) so to be redeemed at the Paying Agent (designated by name) the redemption price, and that from and after such date interest on the Series 2021 Bonds or portions thereof called for redemption will cease to accrue. Notice having been given in the manner hereinabove provided, the Series 2021 Bonds or bonds so called for redemption shall become due and payable on the redemption date so designated and upon presentation thereof at the Paying Agent, the Issuer will pay the Series 2021 Bonds or bonds so called for redemption. No further interest shall accrue on the principal of any such Series 2021 Bond (or portion thereof) called for redemption from and after the redemption date, provided sufficient funds are on deposit with the Paying Agent on the redemption date. Except as provided in Section 3.02 of this Series 2021 Bond Resolution, upon surrender of any Series 2021 Bond redeemed in part only, the Paying Agent shall execute and deliver to the Owner thereof, at no expense to such Owner, a new Series 2021 Bond or bonds of Authorized Denominations equal in aggregate principal amount to the unredeemed portion of the Series 2021 Bond surrendered.

The Issuer may provide that if at the time of mailing of notice of an optional redemption there shall not have been deposited with the Paying Agent moneys sufficient to redeem all the Series 2021 Bonds called for redemption, such notice may state that it is conditional and subject to the deposit of the redemption moneys with the Paying Agent prior to the scheduled redemption date, and such notice will be of no effect unless such moneys are so deposited. In the event sufficient moneys are not on deposit on the required date, then the redemption will be cancelled and on such cancellation date notice of such cancellation will be mailed to the holders of such Series 2021 Bonds, in the manner provided for such notice of optional redemption.

The following procedures shall be followed if the Series 2021 Bonds are partially redeemed either through the optional or mandatory sinking fund redemption provisions, if any described herein. If less than all of a maturity of the Series 2021 Bonds is to be redeemed, the Issuer shall select the Series 2021 Bonds to be redeemed, from the Outstanding Series 2021

Bonds of such maturity and series not previously called for redemption, in proportion as nearly practicable to the principal amounts of the Series 2021 Bonds of such maturity and series owned by each Owner, subject to the Authorized Denominations applicable to the Series 2021 Bonds. In such event, the Series 2021 Bonds to be redeemed will be determined by the Issuer, using such method as it deems fair and appropriate.

If the Series 2021 Bonds of any series are registered in book-entry-only form and so long as DTC or a successor securities depository is the sole registered Owner of the Series 2021 Bonds of such series, redemptions and partial redemptions will be done in accordance with DTC procedures. It is the Issuer's intent that redemption allocations made by DTC be made in accordance with these same proportional provisions. However, the Issuer has no duty to assure and can provide no assurance that DTC will allocate redemptions among Beneficial Owners on such a proportional basis. The portion of any registered Series 2021 Bonds of a denomination of more than \$5,000 to be redeemed will be in the principal amount of \$5,000 or any integral multiple thereof.

Section 3.05. Registration of Bonds; Persons Treated as Owners. The Issuer shall cause the records for the registration, transfer and exchange of the Series 2021 Bonds as provided in this Resolution to be kept by the Paying Agent which is hereby constituted and appointed the Paying Agent of the Issuer with respect to the Series 2021 Bonds. Upon surrender for transfer of any Series 2021 Bond at the Principal Corporate Trust Office of the Paying Agent, duly endorsed by, or accompanied by a written instrument or instruments of transfer in form satisfactory to the Paying Agent and duly executed by the Owner or his attorney duly authorized in writing, the Issuer shall execute and the Paying Agent shall authenticate and deliver in the name of the transferee or transferees a new Series 2021 Bond or bonds of Authorized Denominations of the same maturity for a like aggregate principal amount as the Series 2021 Bond surrendered for transfer. Series 2021 Bonds may be exchanged at the Principal Corporate Trust Office of the Paying Agent for a like aggregate principal amount of Series 2021 Bonds of other Authorized Denominations of the same maturity. The execution by the Issuer of any Series 2021 Bond of any Authorized Denomination shall constitute full and due authorization of such denomination, and the Paying Agent shall thereby be authorized to authenticate and deliver such Series 2021 Bond. The Paying Agent shall not be required to transfer or exchange (a) any Series 2021 Bond subject to redemption during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Series 2021 Bonds and ending at the close of business on the day such notice is mailed or (b) any Series 2021 Bond so selected for redemption in whole or in part after the mailing of notice calling such Series 2021 Bond or any portion thereof for prior redemption except the unredeemed portion of Series 2021 Bonds being redeemed in part.

Series 2021 Bonds surrendered for payment, redemption or exchange, and Series 2021 Bonds purchased from any moneys held by the Paying Agent hereunder or surrendered to the Paying Agent by the Issuer or the University, shall be promptly canceled and returned by the Paying Agent to the Issuer for retention and later destruction in accordance with the laws of the State.

The person in whose name any Series 2021 Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of either principal of or interest on any Series 2021 Bond shall be made only to or upon order of the

Owner thereof or his legal representative, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Series 2021 Bond to the extent of the sum or sums so paid.

The Paying Agent shall require the payment by the Owner requesting exchange or transfer of Series 2021 Bonds of any tax or other governmental charge required to be paid with respect to such exchange or transfer and such charges shall be paid before such new Series 2021 Bonds shall be delivered.

Section 3.06. Transfer. The Series 2021 Bonds may be transferred by an assignment duly executed by the Owner thereof or its attorney duly authorized in writing, and filed with the Paying Agent, and the Owner thereof may, to the extent permitted by law, sell participations in its Series 2021 Bonds; provided that if the Series 2021 Bonds are sold pursuant to a private placement or direct placement, the Series 2021 Bonds shall always be registered in the name of one owner and; provided, further, that if the Series 2021 Bonds are sold pursuant to a private placement or direct placement, the Series 2021 Bonds may only be transferred to an entity which is a bank as defined in Section 3(a)(2) of the Securities Act, an “accredited investor” as defined in Rule 501 of Regulation D under the Securities Act of 1933 or a “qualified institutional buyer” pursuant to Section 15 of the Securities Exchange Act of 1934, and which transferee has executed and delivered a “Purchaser letter” in the form attached to the Bond Purchase Agreement. In case of any initial transfer, the Purchaser shall give the Issuer and the Paying Agent written notice of the name and address of the transferee. In the case of any subsequent transfer by an Owner, such Owner shall effect such transfer by surrendering its Series 2021 Bond, accompanied by delivery of a duly executed written instrument of transfer or exchange, to the Issuer and the Paying Agent, together with an executed “Purchaser letter” in the form attached to the Bond Purchase Agreement. The Issuer shall execute a new Series 2021 Bond of the same aggregate principal amount and terms to the new Owner thereof, and the Issuer shall cause the Paying Agent to authenticate and deliver the same to such Owner. The Series 2021 Bond surrendered pursuant to the provisions of this Section 3.06 after its delivery to the Issuer and the Paying Agent shall be cancelled by the Paying Agent upon the execution of the new replacement Series 2021 Bond, and the same shall not be redelivered and shall be disposed of as directed by the Issuer. The person in whose name the Series 2021 Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the Series 2021 Bond shall be made by the Issuer only to or upon the written order of the Owner thereof or its legal representatives, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon the Series 2021 Bond to the extent of the sum or sums so paid.

In each case of such transfer, the Issuer shall require the payment by the Owner requesting transfer of any tax or other governmental charge required to be paid with respect to such transfer, as well as printing, typing or copying costs and any other expenses incurred by the Issuer or the Paying Agent, if any.

Notwithstanding anything contained herein to the contrary, if the Series 2021 Bonds are publicly offered, the provisions of Section 3.11 hereof shall be followed with respect to the registration and transfer of the Series 2021 Bonds.

Section 3.07. Filing Manual Signatures. Pursuant to Section 21-17-418(c) of the University Securities Law and to W.S. 16-2-101 through W.S. 16-2-103, the Chairman, Treasurer and Secretary of the Issuer and the Treasurer of the University shall each forthwith file with the Secretary of the State his or her manual signature certified by him or her under oath if any of the Series 2021 Bonds are executed with the facsimile signature of any such person.

Section 3.08. Execution of Series 2021 Bonds. Each Series 2021 Bond shall be executed in the name and on behalf of the Issuer, shall be signed with the facsimile or manual signature of the Chairman of the Issuer, attested by the facsimile or manual signature of the Secretary of the Issuer, and countersigned by the facsimile or manual signature of the Treasurer of the Issuer. The seal of the Issuer shall be printed, engraved, stamped or otherwise placed on each Series 2021 Bond. The Treasurer of the University shall by facsimile or manual signature endorse a certificate upon each Series 2021 Bond that the same is issued pursuant and according to law, does not exceed any lawful debt limit of the Issuer, and does not constitute an indebtedness within the meaning of any constitutional or statutory provision or limitation, and the seal of the Issuer shall be printed, engraved, stamped or otherwise placed on said certificate on each of the Series 2021 Bonds. The Chairman of the Issuer, Secretary of the Issuer and Treasurer of the Issuer and the Treasurer of the University shall, by the execution of a signature certificate, adopt as and for their signatures any facsimiles thereof which appear on the Series 2021 Bonds.

Section 3.09. Use of Predecessor's Signature. The Series 2021 Bonds bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the Issuer, notwithstanding that before the delivery thereof and payment therefor any or all of the individuals whose signatures appear thereon shall have ceased to fill their respective offices. Each of the Chairman of the Issuer, the Secretary of the Issuer and the Treasurer of the Issuer and the Treasurer of the University, at the time of the execution of a signature certificate pertaining to the Series 2021 Bonds by each of those officers, may adopt as and for his own manual or facsimile signature the manual or facsimile signature of his predecessor in office if such manual or facsimile signature appears upon any of the Series 2021 Bonds.

Section 3.10. Bond Form. Subject to the provisions of this Resolution, each Series 2021 Bond shall be in substantially the form set forth in Exhibit A to this Resolution, with such omissions, insertions, endorsements and variations as to any recitals of fact or other provisions as may be required by the circumstances, be required or permitted by this Resolution, or be consistent with this Resolution and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto.

Section 3.11. Book-Entry System.

(a) The Series 2021 Bonds shall be initially issued in the form of a separate single certificated fully registered Series 2021 Bond for each of the maturities set forth in the Pricing Certificate. Upon initial issuance, the ownership of each Series 2021 Bond shall be registered in the registration records kept by the Paying Agent in the name of Cede & Co., as nominee of DTC. Except as provided in Section 3.11(c) hereof, all of the Outstanding Series 2021 Bonds shall be registered in the registration records kept by the Paying Agent in the name of Cede & Co., as nominee of DTC.

(b) With respect to Series 2021 Bonds registered in the registration records kept by the Paying Agent in the name of Cede & Co., as nominee of DTC, the Issuer and Paying Agent shall have no responsibility or obligation to broker-dealers, banks or other financial institutions (the “Participants”) from time to time for which DTC holds the Series 2021 Bonds as securities depository, or to any person on behalf of which a Participant holds an interest in the Series 2021 Bonds. Without limiting the immediately preceding sentence, the Issuer and the Paying Agent shall have no responsibility or obligation with respect to: (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Series 2021 Bonds; (ii) the delivery to any Participant or any other person, other than a Bondholder, as shown in the registration records kept by the Paying Agent, of any notice with respect to the Series 2021 Bonds, including any notice of redemption, except as otherwise specifically provided herein; or (iii) the payment to any Participant or any other person, other than a Bondholder, as shown in the registration records kept by the Paying Agent, of any amount with respect to principal of, premium, if any, or interest on the Series 2021 Bonds. The Issuer and the Paying Agent may treat and consider the person in whose name each Series 2021 Bond is registered in the registration records kept by the Paying Agent as the absolute owner of such Series 2021 Bond, for the purpose of payment of principal, premium, if any, and interest with respect to such Series 2021 Bond, for the purpose of giving notices of redemption and other matters with respect to such Series 2021 Bond, for the purpose of registering transfers with respect to such Series 2021 Bond, and for all other purposes whatsoever. The Paying Agent shall pay all principal, premium, if any, and interest on the Series 2021 Bonds only to or upon the order of the respective Bondholders, as shown in the registration records kept by the Paying Agent, or their respective attorneys duly authorized in writing, as provided in this Resolution, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer’s obligations with respect to payment of principal of, premium, if any, and interest on the Series 2021 Bonds to the extent of the sum or sums so paid. No person other than a Bondholder, as shown in the registration records kept by the Paying Agent, shall receive a certificated Bond evidencing the obligation of the Issuer to make payments of principal, premium, if any, and interest pursuant hereto. Upon delivery by DTC to the Paying Agent of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions of this Resolution with respect to Record Dates, the word “Cede & Co.” herein shall refer to such new nominee of DTC.

(c) DTC may determine to discontinue providing its services with respect to the Series 2021 Bonds at any time by giving notice to the Issuer and the Paying Agent and discharging its responsibilities with respect thereto under applicable law; and the Issuer, in its sole discretion and without the consent of any other person, may terminate the services of DTC with respect to the Series 2021 Bonds if the Issuer determines that DTC is unable to discharge its responsibilities with respect to the Series 2021 Bonds, or a continuation of the requirement that all of the Series 2021 Bonds be registered in the registration records kept by the Paying Agent in the name of Cede & Co., or any other nominee of DTC, is not in the best interest of the beneficial owners of the Series 2021 Bonds. Upon the termination of the services of DTC with respect to the Series 2021 Bonds or upon the discontinuance or termination of the services of DTC with respect to

the Series 2021 Bonds after which no substitute securities depository willing to undertake the functions of DTC hereunder can be found which, in the opinion of the Issuer, is willing and able to undertake such functions upon reasonable and customary terms, the Issuer is obligated to deliver Series 2021 Bond certificates to the beneficial owners of the Series 2021 Bonds at the expense of such beneficial owners, and the Series 2021 Bonds shall no longer be restricted to being registered in the registration records kept by the Paying Agent in the name of Cede & Co. as nominee of DTC, but may be registered in whatever name or names Owners transferring or exchanging the Series 2021 Bonds shall designate, in accordance with the provisions of this Resolution.

(d) The Issuer and the Paying Agent shall endeavor to cooperate with DTC or any successor or new depository named pursuant to this Section 3.11 in effectuating payment of the principal of, premium, if any, and interest on the Series 2021 Bonds by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

ARTICLE IV

USE OF BOND PROCEEDS

Section 4.01. Bond Delivery. After the Series 2021 Bonds have been duly executed, authenticated and registered as provided herein, the Issuer shall cause the Series 2021 Bonds to be delivered to the Purchaser. The Purchaser, any agent thereof, and any subsequent Owner shall in no manner be responsible for the application or disposal by the Trustees of the proceeds derived from the sale of the Series 2021 Bonds.

Section 4.02. Disposition of Bond Proceeds. The proceeds of the Series 2021 Bonds, upon the receipt thereof, shall be accounted for in the following manner and priority and are hereby pledged therefor:

(a) **Bond Fund.** First, there shall be credited to the Bond Account(s) created within the Bond Fund or heretofore created and hereby ordered to be continued, all moneys received, if any, as accrued interest on the respective series of Series 2021 Bonds from their sale by the Issuer from the date of the Series 2021 Bonds to the date of their delivery to the Purchaser, and any premium from such sale, to apply to the payment of interest on the respective series of Series 2021 Bonds in accordance with Section 5.05 hereof.

(b) **2021 Project Fund.** Second, an amount of Series 2021 Bond proceeds as provided for in the Pricing Certificate of such designated series of Series 2021 Bonds shall be deposited within the fund hereby created and to be known as the “University of Wyoming, Facilities Revenue Bonds, Series 2021 Housing Improvement Project Fund” (the “2021 Project Fund”);

(c) **Series 2021 Expense Fund.** Third, on the Issue Date, a portion of the proceeds of the Series 2021 Bonds shall be deposited to the Series 2021 Expense Fund, or any account therein, as provided for in the Pricing Certificate, which Series 2021

Expense Fund shall be held and created by the Paying Agent, and used to pay Costs of Issuance of the Series 2021 Bonds. Any moneys remaining in the Series 2021 Expense Fund six months after the Issue Date shall be transferred to the Bond Fund.

Section 4.03. Use of the 2021 Project Fund. The moneys in the 2021 Project Fund, and such accounts established therein under Section 4.02(b) of this Resolution, except as otherwise expressly provided, shall be used and paid out solely for the purpose of paying costs of the Series 2021 Improvement Project as permitted in the 2021 Project Act, and all such incidental expenses as may be necessary or incidental to the project and the placing of the same in operation.

Section 4.04. Application of 2021 Project Fund. The moneys in the 2021 Project Fund, and such accounts established therein under Section 4.02(b) of this Resolution, except as herein otherwise expressly provided, shall be disbursed and withdrawn from the 2021 Project Fund for the Series 2021 Improvement Project or to pay the incidental expenses of the Series 2021 Improvement Project only upon warrants or checks drawn or signed by the Treasurer of the University.

Section 4.05. Completion of the Series 2021 Improvement Project. When the Series 2021 Improvement Project shall have been completed in accordance with the relevant plans and specifications and all amounts due therefore, and all incidental expenses of the Series 2021 Improvement Project shall have been paid, or for which full provision shall have been made, the Treasurer of the University shall cause all surplus moneys remaining in the 2021 Project Fund, and such accounts established therein under Section 4.02(b) of this Resolution, if any, except for any moneys which may be designated by the Treasurer of the University to be retained to pay any unpaid costs or contingent obligations, to be transferred to the respective accounts of the Bond Fund to pay debt service on or redeem to the extent of any remaining balance of such moneys the applicable series of the Series 2021 Bonds to the extent permitted by the Tax Compliance Certificate.

Section 4.06. Reserved

Section 4.07. Reserved.

Section 4.08. Reserved.

Section 4.09. Purchaser Not Responsible. The Purchaser of the Series 2021 Bonds, any associates thereof, and any subsequent Owner of the Series 2021 Bonds shall in no manner be responsible for the application or disposal by the Issuer or by any of the officers, agents and employees of the Issuer or the University of the moneys derived from the sale of the Series 2021 Bonds or of any other moneys herein designated.

ARTICLE V

ADMINISTRATION OF AND ACCOUNTING FOR PLEGGED REVENUES

Section 5.01. Pledge Securing Bonds. Subject only to the right of the Issuer to cause amounts to be withdrawn and paid on account of Operation and Maintenance Expenses as herein

provided, the Gross Pledged Revenues and all moneys and securities paid or to be paid to or held or to be held in any account under this Article other than the Rebate Account or under Section 4.02 hereof is hereby pledged to secure the payment of the Bond Requirements of the Series 2021 Bonds. This pledge shall be valid and binding from and after the date of delivery of the Series 2021 Bonds, and such moneys, as received by the Issuer and hereby pledged, shall immediately be subject to the lien of this pledge without any physical delivery thereof, any filing, or further act, and the lien of this pledge and the obligation to perform the contractual provisions hereby made shall have priority over any or all other obligations and liabilities of the Issuer (except Parity Bonds), and the lien of this pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Issuer irrespective of whether such parties have notice thereof.

Section 5.02. Income Fund Deposits. So long as any of the Series 2021 Bonds shall be Outstanding, as to any Bond Requirements, the entire Gross Pledged Revenues, including Federal Direct Payments, upon their receipt from time to time by the Issuer, shall be set aside and credited immediately to the Income Fund heretofore created and hereby ordered to be continued. Any moneys received from any source other than Gross Pledged Revenues for the payment of Operation and Maintenance Expenses, or any part thereof, or for any other purpose for which the moneys accounted for in the Income Fund may be used, may be deposited into the Income Fund for such purpose or use.

Section 5.03. Administration of Income Fund. So long as any of the Series 2021 Bonds shall be Outstanding, as to any Bond Requirements, the payments shall be made from the Income Fund as provided herein in Sections 5.04 through 5.12, in such order.

Section 5.04. Operation and Maintenance Expenses. A first charge on the Income Fund, from time to time not less infrequently than semiannually each Fiscal Year, there shall be set aside in and credited to the Operation and Maintenance Fund heretofore created and hereby ordered to be continued, moneys sufficient, together with any other moneys available therefor, to pay Operation and Maintenance Expenses as they become due and payable, and thereupon they shall be promptly paid. Any surplus remaining at the end of the Fiscal Year and not needed for Operation and Maintenance Expenses shall be transferred to the Income Fund and shall be used for the purposes thereof, as herein provided.

Section 5.05. Bond Fund Payments.

(a) Pursuant to Section 4.02(a) hereof, there shall be established within the Bond Fund, the bond accounts reflecting the respective series of Series 2021 Bonds. The moneys credited to each account of the Bond Fund under this Section 5.05 shall be used on a pro rata basis to pay the principal of and interest on the respective series of Outstanding Series 2021 Bonds and other Parity Bonds as the same become due. The University shall comply with the provisions of the MOU, the Supplemental Coverage Program Agreement and the Paying Agent Agreement pertaining to the timing of payments.

(b) Subject to the aforesaid provisions, from any moneys remaining in the Income Fund, i.e., from the Net Pledged Revenues, there shall be credited to the

respective accounts within the Bond Fund heretofore created and hereby continued the following amounts:

(i) ***Interest Payments.*** Five Business Days prior to each Interest Payment Date, an amount necessary, together with any other moneys from time to time available therefor from whatever source, including, without limitation, the moneys, if any, provided in Section 4.02(a) hereof, to pay the maturing installment of interest on the respective series of Outstanding Series 2021 Bonds becoming due on such date and five Business Days prior to each interest payment date with respect to any other Outstanding Parity Bonds, the amount necessary to pay the maturing installments of interest on such Parity Bonds, except to the extent any other moneys are available therefor.

(ii) ***Principal Payments.*** Five Business Days prior to each principal payment date, an amount necessary, together with any other moneys from time to time available therefor from whatever source, to pay the maturing installment of principal of the respective series of Outstanding Series 2021 Bonds, and five Business Days prior to each principal payment date with respect to any other Outstanding Parity Bonds, the amount necessary to pay the maturing installments of principal whether at maturity or on a redemption date of such Parity Bonds, except to the extent any other moneys are available therefor.

Section 5.06. Reserve Fund Payments. The Series 2012 Bonds, the Series 2016 Bonds, the Series 2021A Bonds, the Series 2021B Bonds and the Series 2021 Bonds shall not be secured by any reserve fund. Concurrently with the payments into the Bond Fund required by Section 5.05 hereof, there shall be credited, on a pro rata basis, to any reserve fund that may be created for the issuance of Additional Bonds secured by a reserve fund (collectively, the “Reserve Funds”), an amount sufficient to accumulate, together with any other moneys from any other source available therefor, and to maintain the Reserve Funds as a continuing reserve in an amount not less than the appropriate reserve requirement for any of the Parity Bonds (other than the Series 2012 Bonds, Series 2016 Bonds, Series 2021A Bonds, Series 2021B Bonds and the Series 2021 Bonds) covered thereby (collectively, the “Reserve Requirements”) to meet possible deficiencies in the Bond Fund. If there are insufficient Net Pledged Revenues to comply with the requirements of the first sentence of this paragraph, available Net Pledged Revenues shall be credited or paid to the Reserve Funds (or any other issuer of any Surety Bond with respect to any Parity Bonds secured by the Reserve Funds) pro rata, based upon the aggregate principal amount of any such Parity Bonds then Outstanding; provided, however, that compliance with the provisions of this sentence shall not cure any Event of Default caused by non-compliance with the first sentence of this section. No payment need be made into the Reserve Funds so long as the moneys therein shall equal not less than the appropriate Reserve Requirement for any of the Parity Bonds covered thereby. The moneys in the Reserve Funds shall be accumulated, and, if necessary reaccumulated, and maintained as a continuing reserve to be used only to prevent deficiencies in the payment of the Bond Requirements of the Parity Bonds (excluding the Series 2012 Bonds, Series 2016 Bonds, Series 2021A Bonds, Series 2021B Bonds and Series 2021 Bonds) resulting from the failure to deposit into the Bond Fund sufficient funds to pay such Bond Requirements as the same accrue. No payment need be made by the Issuer into the Reserve Funds if the Issuer has secured a Surety Bond to fully fund the Reserve Requirements. Any Surety Bond deposited to the credit of the

Reserve Funds shall be valued at the amount available to be drawn or otherwise paid pursuant to such Surety Bond at the time of calculation.

Amounts contained in the Reserve Funds and any Surety Bond used to satisfy the Reserve Requirements shall be utilized solely to pay the Bond Requirements on the Parity Bonds. Should any deficiency exist in the Bond Fund, all cash held in the Reserve Funds shall be withdrawn, up to the amount of the deficiency, prior to any payment being made under any Surety Bond. In the event of withdrawal of cash or payment under any Surety Bond to pay the Bond Requirements on the Parity Bonds, the Issuer shall either (a) replenish the Reserve Funds as required by Section 5.08 hereof or (b) reinstate the Surety Bond to the Reserve Requirements within one year of the date of payment on the Surety Bond, or any combination of (a) and (b) so that cash and any amounts remaining available for payment under the Surety Bond will be at least equal to the Reserve Requirements. To the extent any Surety Bond or bonds are to be reinstated, such reinstatement shall occur prior to the replenishment of any cash withdrawn from the Reserve Funds to pay the Bond Requirements.

Section 5.07. Termination of Deposits. No payment need be made into the Bond Fund or the Reserve Funds if the amount in the Bond Fund and the moneys in the Reserve Funds total a sum at least equal to the entire amount of the Outstanding Parity Bonds, as to all Bond Requirements, to their respective maturities, or to any redemption date on which the Issuer shall have exercised or shall have obligated itself to exercise its option to redeem prior to their respective maturities any Parity Bonds, and interest both accrued and not accrued, in which case moneys in those accounts in an amount, except for any interest or other gain to accrue from any investment of moneys in Federal Securities pursuant to Article VI hereof from the time of such investment or deposit to the time or respective times the proceeds of any such investment or deposit shall be needed for such payment, at least equal to such Bond Requirements shall be used together with any such gain from investments and deposits solely to pay such Bond Requirements as the same become due; and any moneys in excess thereof in those accounts and any other moneys derived from the Gross Pledged Revenues may be used in any lawful manner determined by the Issuer.

Section 5.08. Defraying Delinquencies. If at any time the Issuer shall for any reason fail to pay into the Bond Fund the full amount above stipulated from the Net Pledged Revenues, then an amount shall be paid into the Bond Fund at such time firstly from the appropriate Reserve Fund or secondly pursuant to payments under the Surety Bond of any issuer, pro rata, in an amount equal to amounts resulting from the difference between that paid from the Net Pledged Revenues and the full amount so stipulated. The money so used shall be replaced within one year from the revenues thereafter received from the Gross Pledged Revenues not required to be otherwise applied by Sections 5.04 through 5.06 hereof. The moneys in the Bond Fund and any reserve fund established for a series of Additional Bonds shall be used solely and only for the purpose of paying the Bond Requirements of the Additional Bonds, respectively; but any moneys at any time in excess of the Reserve Requirements in the respective Reserve Funds may be withdrawn therefrom, transferred from time to time to the Bond Fund, and used for the redemption of the Parity Bonds as they become due at maturity, on any payment date, or as they otherwise are made available for payment by purchase in the open market or otherwise; and also any moneys in the Bond Fund and in the Reserve Funds in excess of accrued and unaccrued Bond Requirements to

the respective maturities or designated redemption date of the Outstanding Parity Bonds may be used in any lawful manner as provided in Section 5.07 hereof.

Section 5.09. Capital Fund Payments. Such Capital Fund Payments are required by the Series 2012 Bond Resolution and Series 2016 Bond Resolution, provided, however, after such Series 2012 Bonds and Series 2016 Bonds are no longer Outstanding, such fund will not be required and payments shall not be required under this Resolution.

Subject to the aforesaid provisions, from any moneys remaining in the Income Fund, there annually shall continue to be set aside and credited to the Capital Fund heretofore created and hereby ordered to be continued, not less frequently than annually by the last day of each Fiscal Year, an amount at least equal to 2% of the Net Pledged Revenues for the next preceding Fiscal Year, or such greater amounts as the Issuer may determine, to accumulate, to reaccumulate and to maintain the Capital Fund as a continuing reserve in an amount of not less than \$500,000 (the "Minimum Capital Reserve"). No payment need be made into the Capital Fund so long as the moneys therein shall equal not less than the Minimum Capital Reserve. Moneys accounted for in that account, as may be determined from time to time by the Issuer, but subject to any limitations herein or in any other contract pertaining to such account, may be withdrawn in such priority for one, all or any combination of the following:

(a) **Capital Costs.** To pay the costs of constructing or otherwise acquiring any betterments, enlargements, extensions, or any other improvements of the Facilities, or any part thereof, authorized by law.

(b) **Major Maintenance Costs.** To pay the costs of extraordinary and major repairs, renewals, replacements, or maintenance items pertaining to any properties of the Facilities of a type not recurring annually or at shorter intervals and not defrayed as Operation and Maintenance Expenses.

(c) **Operation and Maintenance Expenses.** To defray Operation and Maintenance Expenses, if such payment is necessary to prevent any default in the payment of such expenses, or otherwise.

(d) **Securities Requirements.** To pay any Parity Bonds if such payment is necessary to prevent any default in the payment of such securities, or otherwise.

In any Fiscal Year, regardless of whether at any time theretofore the Minimum Capital Reserve has been fully accumulated in the Capital Fund, if there shall be accounted for therein an amount which is less than the Minimum Capital Reserve, there shall be set aside and credited to the Capital Fund not less infrequently than annually by the last day of the Fiscal Year an amount at least equal during the Fiscal Year to 2% of the Net Pledged Revenues for the next preceding Fiscal Year, or a sufficient amount so that the moneys accounted for in the Capital Fund shall equal then not less than the Minimum Capital Reserve, at the option of the Issuer, whichever is less.

Section 5.10. Rebate Account. Subject to the foregoing provisions, but subsequent to the payments required by Sections 5.04 through 5.09 hereof, money remaining in the Income Fund shall be used by the Issuer to make deposits to the Rebate Account heretofore created and hereby

ordered to be continued at the times and in the amounts specified in the Tax Compliance Certificate, to the extent necessary to comply with the Issuer's covenant under Section 8.29 hereof. Amounts on deposit in the Rebate Account shall not be subject to the lien and pledge of this Resolution to the extent that such amounts are required to be paid to the United States Treasury. The Issuer shall cause amounts on deposit in the Rebate Account to be forwarded to the United States Treasury, at the address provided in the Tax Compliance Certificate, at the times and in the amounts set forth in the Tax Compliance Certificate.

If the moneys on deposit in the Rebate Account are insufficient for the purposes thereof, the Issuer shall transfer moneys in the amount of the insufficiency to the Rebate Fund from the Project Fund and, to the extent permitted by Section 5.07 hereof, from the Reserve Funds and the Bond Fund. Upon receipt by the Issuer of an opinion of nationally recognized municipal bond counsel to the effect that the amount in the Rebate Account is in excess of the amount required to be contained therein, such excess may be transferred to the Income Fund.

Section 5.11. Payment of Additional Subordinate Securities. Subject to the aforesaid provisions, but subsequent to the payments required by Sections 5.04 through 5.10 hereof, any moneys remaining in the Income Fund may be used by the Issuer for the payment of Bond Requirements of subordinate bonds or other subordinate securities hereafter authorized to be issued in accordance with Article VII hereof, including reasonable reserves therefor and for rebate of amounts to the United States Treasury with respect to such subordinate securities, as the same accrue.

Section 5.12. Use of Remaining Revenues. After the payments hereinabove required to be made by Sections 5.04 through 5.11 hereof are made, any remaining Net Pledged Revenues in the Income Fund may be used at the end of any Fiscal Year or whenever in any Fiscal Year there shall have been credited to the Bond Fund, the Reserve Funds, and each reserve account pertaining to any subordinate securities and to the Capital Fund and the Rebate Account all amounts required to be deposited in those special accounts for all of that Fiscal Year, both accrued and thereafter becoming due in the balance of the Fiscal Year, as the Issuer may determine.

ARTICLE VI

GENERAL ADMINISTRATION

Section 6.01. Administration of Accounts. The special accounts designated in Articles IV and V hereof shall be administered as provided in this Article VI.

Section 6.02. Places and Times of Deposits. Each of such special accounts (other than each account terminated pursuant to this Resolution, if any, after the withdrawal of all moneys accounted for in the account and its termination) shall be maintained as a book account and kept separate from all other accounts as a trust account solely for the purposes herein designated therefor. The moneys accounted for in such special book accounts (except for any moneys accounted for in the Government Royalty Fund or the University Account within the Permanent Land Income Fund and held by the State Treasurer for the benefit of the University) shall be in one or more bank accounts in a Commercial Bank or Commercial Banks as determined and designated by the Treasurer of the University except as otherwise expressly stated herein. Nothing

herein prevents the commingling of moneys accounted for in any two or more book accounts pertaining to the Facilities, Gross Pledged Revenues, proceeds of securities or other moneys in any bank account or investment in Federal Securities. Each such bank account shall be continuously secured to the fullest extent required or permitted by the laws of the State for the securing of public funds and shall be irrevocable and not withdrawable by anyone for any purpose other than the respective designated purposes. Each periodic payment shall be credited to the proper book account not later than the date therefor herein designated, except that when any such date shall not be a Business Day, then such payment shall be made on or before the next preceding Business Day. Notwithstanding any other provision herein to the contrary, moneys shall be deposited as set forth in the MOU, Supplemental Program Agreement and the Paying Agent Agreement at least five Business Days prior to each interest payment date herein designated sufficient in amount to pay the Bond Requirements becoming due on the Outstanding Series 2021 Bonds and other Parity Bonds and other securities payable from Net Pledged Revenues.

Section 6.03. Investment of Moneys. Any moneys in such special accounts and not needed for immediate use, and for which provision has not been otherwise made herefor, may be invested or reinvested by or at the direction of the Treasurer of the University:

(a) For all purposes (other than defeasing the Series 2021 Bonds pursuant to Section 9.01 hereof), to the extent permitted by State law, the following obligations are allowed to be used:

(i) Cash (insured at all times by the Federal Deposit Insurance Corporation);

(ii) Obligations of, or obligations guaranteed as to principal and interest by, the U.S. or any agency or instrumentality thereof, when such obligations are backed by the full faith and credit of the U.S. including:

- U.S. treasury obligations
- All direct or fully guaranteed obligations
- Farmers Home Administration
- General Services Administration
- Guaranteed Title XI financing
- Government National Mortgage Association (GNMA)
- State and Local Government Series

(iii) Obligations of any of the following federal agencies which obligations represent the full faith and credit of the United States of America, including:

- Export-Import Bank
- Rural Economic Community Development Administration
- U.S. Maritime Administration
- Small Business Administration
- U.S. Department of Housing & Urban Development (PHAs)
- Federal Housing Administration

- Federal Financing Bank

(iv) Direct obligations of any of the following federal agencies which obligations are not fully guaranteed by the full faith and credit of the United States:

- Senior debt obligations issued or guaranteed by the Federal National Mortgage Association (FNMA) or Federal Home Loan Mortgage Corporation (FHLMC)
- Obligations of the Resolution Funding Corporation (REFCORP)
- Senior debt obligations of the Federal Home Loan Bank System or Federal Farm Credit System
- Senior debt obligations of other Government Sponsored Agencies

(v) U.S. dollar denominated deposit accounts, federal funds, negotiable and nonnegotiable certificates of deposit and bankers' acceptances with domestic commercial banks which have a rating on their short term certificates of deposit on the date of purchase of "P-1" by Moody's or "A-1" by S&P and maturing not more than 360 calendar days after the date of purchase. (Ratings on holding companies are not considered as the rating of the bank);

(vi) Commercial paper which is rated at the time of purchase "P-1" by Moody's or "A-1+" by S&P;

(vii) Investments in a money market fund rated "AAAm" or "AAAm-G" or better by S&P;

(viii) Pre-refunded Municipal Obligations defined as follows: any bonds or other obligations of any state of the United States of America or of any agency, instrumentality or local governmental unit of any such state which are not callable at the option of the obligor prior to maturity or as to which irrevocable instructions have been given by the obligor to call on the date specified in the notice; and

(A) which are rated, based on an irrevocable escrow account or fund (the "escrow"), in the highest rating category of Moody's or S&P or any successors thereto; or

(B) which are fully secured as to principal and interest and redemption premium, if any, by an escrow consisting only of cash or obligations described in paragraph (a)(ii) above, which escrow may be applied only to the payment of such principal of and interest and redemption premium, if any, on such bonds or other obligations on the maturity date or dates thereof or the specified redemption date or dates pursuant to such irrevocable instructions, as appropriate, and (2) which escrow is sufficient, as verified by a nationally recognized independent

certified public accountant, to pay principal of and interest and redemption premium, if any, on the bonds or other obligations described in this paragraph on the maturity date or dates specified in the irrevocable instructions referred to above, as appropriate;

(ix) Municipal Obligations rated “Aaa/AAA” or general obligations of a state with a rating of “A2/A” or higher by both Moody’s and S&P;

(x) Investment agreements or repurchase agreements (supported by appropriate opinions of counsel); and

(b) The value of the above investments shall be determined as follows:

(i) For the purpose of determining the amount in any fund, all investments credited to such fund shall be valued at fair market value. The Paying Agent shall determine the fair market value based on accepted industry standards and from accepted industry providers;

(ii) As to certificates of deposit and bankers’ acceptances: the face amount thereof, plus accrued interest thereon; and

(iii) As to any investment not specified above: the value thereof established by prior agreement among the Issuer and the Paying Agent.

Section 6.04. Meaning of Mature. For the purpose of any such investment or reinvestment, securities shall be deemed to mature at the earliest date on which the obligor is, on demand, obligated to pay a fixed sum in discharge of the whole of such obligations.

Section 6.05. Accounting for Investments. The securities so purchased as an investment or reinvestment of moneys in any such book account shall be deemed at all times to be a part of the account. Except as herein otherwise provided, any interest or other gain in any book account from any investments and reinvestments in securities and from any deposits of moneys in a Commercial Bank pursuant to this Article shall be credited to the account, and any loss in any book account resulting from any such investments and reinvestments in securities and from any such deposits in a Commercial Bank shall be charged or debited to the account. No loss or profit in any account on any investments or reinvestments in securities or any certificates of deposit shall be deemed to take place as a result of fluctuations in the market quotations of the securities or the certificates of deposit prior to the sale or maturity thereof. In the computation of the amount in any account for any purpose hereunder, except as herein otherwise expressly provided or for rebate purposes, as described in the Tax Compliance Certificate, securities and certificates of deposit shall be valued at the cost thereof (including any amount paid as accrued interest at the time of purchase of the obligation) and other bank deposits shall be valued at the amounts deposited, exclusive of any accrued interest or any other gain to the Issuer until such gain is realized by the presentation of matured coupons for payment, or otherwise. The expenses of purchase, safekeeping, sale and all other expenses incident to any investment or reinvestment of moneys pursuant to this Article shall be accounted for as Operation and Maintenance Expenses.

Section 6.06. Redemption or Sale of Investment Securities. The Treasurer of the University shall present for redemption or sale on the prevailing market at the best price obtainable any securities so purchased as an investment or reinvestment of moneys in any account whenever it shall be necessary so to do in order to provide moneys to meet any withdrawal, payment or transfer from such account. Neither the Treasurer of the University nor any other officer of the Issuer shall be liable or responsible for any loss resulting from any such investment or reinvestment made in accordance with this Resolution.

Section 6.07. Character of Funds. The moneys in the Bond Fund shall consist either of lawful money of the United States, Federal Securities or other securities to the extent permitted by law including, but not limited to, money market funds or proprietary funds of a Commercial Bank as permitted by Section 6.03 hereof. Moneys deposited in a demand or time deposit account in or evidenced by a certificate of deposit of a Commercial Bank pursuant to Section 6.02 hereof, appropriately secured according to the laws of the State, shall be deemed lawful money of the United States.

Section 6.08. Accelerated Payments. Nothing herein prevents the accumulation in any account herein designated of any monetary requirements at a faster rate than the rate or minimum rate provided therefor in Article V, as the case may be; but no payment shall be so accelerated if such acceleration shall cause the Issuer to default in the payment of any obligation of the Issuer pertaining to the Gross Pledged Revenues or the Facilities. Nothing herein requires, in connection with the Gross Pledged Revenues received in any Fiscal Year, the accumulation in any account for the payment in the Bond Year of Bond Requirements due in connection with any series of bonds or other securities payable from the Net Pledged Revenues and herein or hereafter authorized, in excess of such Bond Requirements due in such Bond Year, or of any reserves required to be accumulated and maintained therefor, and of any existing deficiencies, and payable from such account, as the case may be, except as may be otherwise provided herein.

Section 6.09. Payment of Securities Requirements. The moneys credited to any account designated in Article V hereof for the payment of the Bond Requirements due in connection with any series of bonds or other securities payable from the Net Pledged Revenues shall be used, without requisition, voucher, warrant or further order or authority other than is contained herein, or any other preliminaries, to pay promptly the Bond Requirements payable from such account as such securities become due, upon the respective redemption dates, if any, on which the Issuer is obligated to pay such securities, or upon the respective interest payment and maturity dates of such securities, as provided therefor herein or otherwise, except to the extent any other moneys are available therefor.

Section 6.10. Payment of Redemption Premiums. Notwithstanding any other provision herein, this instrument requires the accumulation in any account designated in Article V hereof for the payment of any series of bonds or other securities payable from the Net Pledged Revenues of amounts sufficient to pay not only the principal thereof and interest thereon but also the prior redemption premiums due in connection therewith, as the same become due, whenever the Issuer shall have exercised or shall have obligated itself to exercise a prior redemption option pertaining thereto, except to the extent provision is otherwise made therefor, if any prior redemption premium is due in connection therewith. In such event moneys shall be deposited into such

account in due season for the payment of all such Bond Requirements without default as the same become due.

ARTICLE VII

LIENS AND ADDITIONAL SECURITIES

Section 7.01. First Lien Bonds. The Series 2021 Bonds constitute an irrevocable first lien but not necessarily an exclusive first lien upon the Net Pledged Revenues on a parity with the lien thereon of the other Parity Bonds.

Section 7.02. Equality of Parity Bonds. The Series 2021 Bonds and any other Parity Bonds are equitably and ratably secured by a first lien on the Net Pledged Revenues and shall not be entitled to any priority one over the other in the application of the Net Pledged Revenues regardless of the time or times of the issuance of the Series 2021 Bonds and any other such Parity Bonds, it being the intention of the Issuer that there shall be no priority among the Series 2021 Bonds and any such other Parity Bonds regardless of the fact that they may be actually issued and delivered at different times.

Section 7.03. Issuance of Parity Securities.

(a) While the Series 2012 Bonds and Series 2016 Bonds are Outstanding, nothing herein, subject to the limitations stated in Section 7.08 hereof, prevents the issuance by the Issuer of Additional Bonds payable from the Net Pledged Revenues and constituting a first lien thereon on a parity with, but not prior nor superior to, the first lien thereon of the Series 2021 Bonds, nor prevents the issuance of Additional Bonds refunding all or a part of the Parity Bonds; but before any such Additional Bonds are authorized or actually issued (excluding any refunding Additional Bonds other than any securities refunding subordinate bonds or other subordinate securities as permitted in Section 7.05 hereof):

(i) ***Absence of Default.*** At the time of the adoption of the supplemental instrument authorizing the issuance of the Additional Bonds as provided in Section 7.08 hereof, the Issuer shall not be in default in making any payments required by Sections 5.04 through 5.08 hereof.

(ii) ***Historic Earnings Test.*** The Net Pledged Revenues derived in the Fiscal Year immediately preceding the date of the issuance of such Additional Bonds shall have been at least sufficient to pay an amount equal to 130% of the Combined Maximum Annual Principal and Interest Requirements with respect to the Parity Bonds to be paid during any one Bond Year in which the then Outstanding Parity Bonds and the Additional Bonds proposed to be issued (excluding any reserves therefor) are Outstanding, except as hereinafter otherwise expressly provided. For purposes of this test, Net Pledged Revenues shall be determined after considering payments of Bond Requirements with respect to subordinate securities in such Bond Year as Operation and Maintenance Expenses.

(iii) **Adjustment of Pledged Revenues.** In any computation of such earnings test as to whether or not Additional Bonds may be issued as provided in subsection (b) of this Section, the amount of the Gross Pledged Revenues for the next preceding Fiscal Year shall be decreased and may be increased by the amount of loss or gain conservatively estimated by an independent accountant resulting during the Fiscal Year following the completion of the betterments of, enlargements of, extensions of, and other improvements to the Facilities or any one or combination thereof, to be acquired wholly or in part with all or a portion of the proceeds of such Additional Bonds, to the extent of the estimated gain or loss in revenues from the use of such additional Facilities, after appropriate provision is made for the payment of the Operation and Maintenance Expenses pertaining thereto; but if additional housing Facilities are so to be acquired, such estimate shall not be computed on the basis of more than 80% occupancy.

(iv) **Reduction of Annual Requirements.** The respective annual Bond Requirements (including as such a requirement the amount of any prior redemption premiums due on any redemption date as of which the Issuer shall have exercised or shall have obligated itself to exercise its prior redemption option by a call of bonds for payment then) shall be reduced to the extent such Bond Requirements are scheduled to be paid in each of the respective Bond Years with moneys held in trust or in escrow for that purpose, by any Trust Bank located within or without the State, including the known minimum yield from any investment in Federal Securities.

(b) When the Series 2012 Bonds and Series 2016 Bonds are each no longer Outstanding, nothing herein, subject to the limitations stated in Section 7.08 hereof, prevents the issuance by the Issuer of Additional Bonds payable from the Net Pledged Revenues and constituting a first lien thereon on a parity with, but not prior nor superior to, the first lien thereon of the Series 2021 Bonds, nor prevents the issuance of Additional Bonds refunding all or a part of the Parity Bonds; but before any such Additional Bonds are authorized or actually issued (excluding any refunding Additional Bonds other than any securities refunding subordinate bonds or other subordinate securities as permitted in Section 7.05 hereof):

(i) **Absence of Default.** At the time of the adoption of the supplemental instrument authorizing the issuance of the Additional Bonds as provided in Section 7.08 hereof, the Issuer shall not be in default in making any payments required by Sections 5.04 through 5.08 hereof.

(ii) **Historic Earnings Test.** The Net Pledged Revenues derived in the Fiscal Year immediately preceding the date of the issuance of such Additional Bonds shall have been at least sufficient to pay an amount equal to 110% of the Combined Maximum Annual Principal and Interest Requirements with respect to the Parity Bonds to be paid during any one Bond Year in which the then Outstanding Parity Bonds and the Additional Bonds proposed to be issued (excluding any reserves therefor) are Outstanding, except as hereinafter otherwise expressly provided. For purposes of this test, Net Pledged Revenues shall be

determined after considering payments of Bond Requirements with respect to subordinate securities in such Bond Year as Operation and Maintenance Expenses.

(iii) ***Adjustment of Pledged Revenues.*** In any computation of such earnings test as to whether or not Additional Bonds may be issued as provided in subsection (b) of this Section, the amount of the Gross Pledged Revenues for the next preceding Fiscal Year shall be decreased and may be increased by the amount of loss or gain conservatively estimated by an independent accountant resulting during the Fiscal Year following the completion of the betterments of, enlargements of, extensions of, and other improvements to the Facilities or any one or combination thereof, to be acquired wholly or in part with all or a portion of the proceeds of such Additional Bonds, to the extent of the estimated gain or loss in revenues from the use of such additional Facilities, after appropriate provision is made for the payment of the Operation and Maintenance Expenses pertaining thereto; but if additional housing Facilities are so to be acquired, such estimate shall not be computed on the basis of more than 80% occupancy.

(iv) ***Reduction of Annual Requirements.*** The respective annual Bond Requirements (including as such a requirement the amount of any prior redemption premiums due on any redemption date as of which the Issuer shall have exercised or shall have obligated itself to exercise its prior redemption option by a call of bonds for payment then) shall be reduced to the extent such Bond Requirements are scheduled to be paid in each of the respective Bond Years with moneys held in trust or in escrow for that purpose, by any Trust Bank located within or without the State, including the known minimum yield from any investment in Federal Securities.

Section 7.04. Certification of Revenues—Additional Parity Securities. A written certification by an independent accountant that such annual revenues, when adjusted as hereinabove provided in Sections 7.03(a)(iii) and (iv) and Section 7.03(b)(iii) and (iv) hereof, are sufficient to pay said amounts, as provided in Section 7.03(a)(ii) and Section 7.03(b)(ii) hereof, shall be conclusively presumed to be accurate in determining the right of the Issuer to authorize, issue, sell and deliver Additional Bonds.

Section 7.05. Subordinate Securities Permitted. Nothing herein, subject to the limitations stated in Section 7.08 hereof, prevents the Issuer from issuing other additional securities payable from the Net Pledged Revenues and having a lien thereon subordinate, inferior and junior to the lien thereon of the Series 2021 Bonds and other Parity Bonds.

Section 7.06. Superior Securities Prohibited. Nothing herein permits the Issuer to issue Additional Bonds or other additional securities payable from the Net Pledged Revenues and having a lien thereon prior and superior to the first lien thereon of the Series 2021 Bonds.

Section 7.07. Issuance of Refunding Securities. At any time after the Series 2021 Bonds are issued and remain Outstanding, if the Issuer shall find it desirable to refund any Outstanding bonds or other Outstanding securities payable from and constituting a lien upon any Net Pledged

Revenues, such bonds or other securities, or any part thereof, may be refunded as provided in the University Securities Law.

Section 7.08. Supplemental Resolution. Additional Bonds or other additional securities payable from any Net Pledged Revenues shall be issued only after authorization thereof by an instrument of the Issuer stating the purpose or purposes of the issuance of such additional securities, directing the application of the proceeds thereof to such purpose or purposes, and determining the date, principal amount, maturity or maturities, interest payment dates, designation and numbers thereof, the maximum rate or the rate or rates of interest to be borne thereby, any prior redemption privileges of the Issuer with respect thereto, and other provisions thereof in accordance with this Resolution. All additional securities shall bear such date, shall bear such numbers and series designation, letters or symbols prefixed to their numbers distinguishing them from each other security, shall be payable at such place or places, may be subject to redemption prior to maturity on such terms and conditions, and shall bear interest at such rate or at such different or varying rates per annum and payable on such dates, as may be fixed by instrument or other document of the Issuer.

ARTICLE VIII

MISCELLANEOUS PROTECTIVE COVENANTS

Section 8.01. General. The Issuer hereby particularly covenants and agrees with the Owners of the Series 2021 Bonds and makes provisions which shall be a part of its contract with such Owners to the effect and with the purpose set forth in the following provisions and sections of this Article.

Section 8.02. Performance of Duties. The Issuer shall faithfully and punctually perform, or cause to be performed, all duties with respect to the Gross Pledged Revenues and the Facilities required by the Constitution and laws of the State and various instruments of the Issuer, including, without limitation, the making and collection of reasonable and sufficient fees, rates and other charges for services rendered or furnished by or the use of the Facilities, as herein provided, and the proper segregation of the proceeds of the Series 2021 Bonds and of any securities hereafter authorized and the Gross Pledged Revenues and their application from time to time to the respective accounts provided therefor. The Issuer may contract with third parties to perform specified duties with respect to the Gross Pledged Revenues and the Facilities so long as such contract does not violate any other covenant set forth in this Resolution, including, without limitation, Section 8.29 hereof.

Section 8.03. Contractual Obligations. The Issuer shall perform all contractual obligations undertaken by it toward the sale of the Series 2021 Bonds by the Issuer and their purchase by the Purchaser, and any other agreements relating to the Series 2021 Bonds, the Gross Pledged Revenues, the Series 2021 Improvement Project or the Facilities, or any combination thereof, with any other persons.

Section 8.04. Further Assurances. At any and all times the Issuer shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge, deliver, and file or record all and every such further instrument, act, deed, conveyance, assignment, transfer, other document and

assurance as may be necessary or desirable for the better assuring, conveying, granting, assigning and confirming all and singular the rights, the Net Pledged Revenues, other moneys pledged for the payment of the Series 2021 Bonds and other moneys and accounts hereby pledged or assigned, or intended so to be, or which the Issuer may hereafter become bound to pledge or to assign, or as may be reasonable and required to carry out the purposes of this Resolution and to comply with the Refunding Act and the University Securities Law. The Issuer shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of the Net Pledged Revenues and other moneys and accounts pledged hereunder and all the rights of every Owner of any Series 2021 Bond hereunder, against all claims and demands of all persons whomsoever.

Section 8.05. Conditions Precedent. Upon the date of issuance of any Series 2021 Bonds, all conditions, acts and things required by the Constitution or statutes of the State, including, without limitation, the University Securities Law, or this Resolution, to exist, to have happened and to have been performed precedent to or in the issuance of the Series 2021 Bonds shall exist, have happened, and have been performed; and the Series 2021 Bonds, together with all other obligations of the Issuer, shall not contravene any debt or other limitation prescribed by the State Constitution or statutes.

Section 8.06. Efficient Operation and Maintenance. The Issuer shall at all times operate, or cause to be operated, the Facilities properly and in a sound and economical manner; and the Issuer shall maintain, preserve and keep the same properly or cause the same so to be maintained, preserved and kept, with the appurtenances and every part and parcel thereof in good repair, working order and condition, and shall from time to time make or cause to be made all necessary and proper repairs, replacements and renewals so that at all times the operation of the Facilities may be properly and advantageously conducted. All salaries, fees, wages and other compensation paid by the Issuer in connection with the maintenance, repair and operation of the Facilities shall be reasonable and proper.

Section 8.07. Payment of Governmental Charges. The Issuer shall pay or cause to be paid all taxes and assessments or other municipal or governmental charges, if any, lawfully levied or assessed upon or in respect of the Facilities, or upon any part thereof, or upon any portion of the Gross Pledged Revenues, when the same shall become due, and shall duly observe and comply with all valid requirements of any municipal or governmental authority relative to the Facilities or any part thereof, except for any period during which the same are being contested in good faith by proper legal proceedings. The Issuer shall not create or suffer to be created any lien or charge upon the Facilities or any part thereof, or upon the Gross Pledged Revenues, except the pledge and lien created by this Resolution for the payment of the Bond Requirements due in connection with the Series 2021 Bonds, and except as herein otherwise permitted. The Issuer shall pay or cause to be discharged or shall make adequate provision to satisfy and to discharge within 60 days after the same shall become payable, all lawful claims and demands for labor, materials, supplies or other objects, which, if unpaid, might by law become a lien upon the Facilities, or any part thereof, or the Gross Pledged Revenues; but nothing herein requires the Issuer to pay or to cause to be discharged or to make provision for any such tax, assessment, lien or charge, so long as the validity thereof is contested in good faith.

Section 8.08. Protection of Security. The Issuer and the officers, agents and employees of the Issuer shall not take any action in such manner or to such extent as might prejudice the security for the payment of the Bond Requirements of the Parity Bonds.

Section 8.09. Prejudicial Action Prohibited. No contract shall be entered into nor any other action taken by which the rights of any Owner of any Parity Bond might be prejudicially and materially impaired or diminished.

Section 8.10. Prompt Payment of Bonds. The Issuer shall promptly pay the Bond Requirements of every Series 2021 Bond at the places, on the dates, and in the manner specified herein according to the true intent and meaning hereof.

Section 8.11. Other Liens. Other than as provided herein or in the proceedings relating to the Outstanding Parity Bonds, there are no liens or encumbrances of any nature whatsoever on or against the Facilities, or any part thereof, or on or against the Net Pledged Revenues derived or to be derived.

Section 8.12. Corporate Existence. The Issuer shall maintain its corporate identity and existence so long as any of the Series 2021 Bonds remain Outstanding, unless another body corporate and politic by operation of law succeeds to the powers, privileges, rights, liabilities, disabilities, duties and immunities of the Issuer and is obligated by law to operate and maintain the Facilities and to fix and collect the Gross Pledged Revenues as herein provided without adversely and materially affecting at any time the privileges and rights of any Owner of any Outstanding Series 2021 Bond.

Section 8.13. Competing Facilities. As long as any of the Series 2021 Bonds remain Outstanding, the Issuer shall not grant any franchise or license to any competing facilities, so that the Gross Pledged Revenues shall not be sufficient to meet the minimum requirement of the rate maintenance covenant in Section 8.20 hereof.

Section 8.14. Loss From Condemnation. If any part of the Facilities is taken by the exercise of a power of eminent domain, the amount of any award received by the Issuer as a result of such taking shall be paid into the Capital Fund or another capital account pertaining to the Facilities for the purposes thereof, or shall be applied to the payment of the Outstanding Parity Bonds at maturity or prior thereto if the authorizing proceedings authorize the prior redemption of such securities, or held as a reserve for deposit subsequently into such a capital improvement account or for such prior redemption of securities or for both such deposit and such redemption, as the Issuer may determine.

Section 8.15. Competent Management. The Issuer shall employ experienced and competent management personnel for the Facilities, who shall have full control over the Facilities and shall operate the Facilities for the Issuer, subject to the reasonable control by and direction of the Issuer.

Section 8.16. Employment of Management Engineers. If the Issuer defaults in paying the Bond Requirements of the Series 2021 Bonds or any other securities payable from the Net Pledged Revenues promptly as the same fall due, or in the keeping of the covenant contained in Section 8.20 hereof, and if such default continues for a period of 60 days, or if the Net Pledged

Revenues in any Fiscal Year fail to equal at least the amount of the Bond Requirements of the Outstanding Parity Bonds and any other securities, including all reserves therefor specified in the authorizing proceedings, including, without limitation, this Resolution, payable from the Net Pledged Revenues in the Bond Year, the Issuer shall retain a firm of competent management engineers skilled in the operation of such Facilities to assist the management of the Facilities so long as such default continues or so long as the Net Pledged Revenues are less than the amount hereinabove designated in this Section.

Section 8.17. Fidelity Bonds. Each official of the Issuer or other individual having custody of any Gross Pledged Revenues or of any other moneys pertaining to the Facilities, including, without limitation, bond proceeds, or responsible for the handling of such moneys, shall be bonded at all times in an amount of at least \$100,000, which bond shall be conditioned upon the proper application of such moneys but need not necessarily be limited thereto. The Issuer may provide a single corporate surety fidelity or blanket bond or equivalent commercial insurance covering the officials and individuals required to furnish individual bonds. The costs of each such bond or a reasonably allocated share of the costs of any such blanket bond or equivalent insurance shall be regarded and paid as Operation and Maintenance Expenses.

Section 8.18. Budgets. The Issuer shall annually, and at such other times as may be provided by law, prepare and adopt a budget pertaining to the Facilities.

Section 8.19. Reasonable and Adequate Charges. While the Series 2021 Bonds and any other securities payable from the Net Pledged Revenues, or any of them, remain Outstanding and unpaid, the fees, rates and other charges due to the Issuer for use of or otherwise pertaining to and services rendered by the Facilities to the Issuer and to other users shall be reasonable and just, taking into account and consideration public interests and needs, the cost and value of the Facilities, the Operation and Maintenance Expenses, the proper and necessary allowances for the depreciation thereof, and the amounts necessary to meet the Bond Requirements of all Outstanding Parity Bonds and any other securities payable from the Net Pledged Revenues, including, without limitation, reserves and replacement accounts therefor.

Section 8.20. Adequacy and Applicability of Charges; Rate Maintenance Covenant. There shall be charged against users of service pertaining to and users of the Facilities, including the Issuer, but not necessarily all such users, except as provided in Section 8.21 hereof, such fees, rates and other charges so that the Gross Pledged Revenues shall be adequate to meet the requirements of this and the preceding sections hereof. Such charges pertaining to the Facilities shall be at least sufficient to pay in each Fiscal Year:

(a) ***Operation and Maintenance Expenses.*** An amount equal to the annual Operation and Maintenance Expenses for such Fiscal Year, including in such expenses all Bond Requirements with respect to securities payable from Net Pledged Revenues other than Parity Bonds.

(b) ***Principal and Interest.***

(i) While the Series 2012 Bonds and Series 2016 Bonds are Outstanding, an amount equal to 130% of both the principal of and the interest on

the Series 2021 Bonds and all other Parity Bonds payable in such Fiscal Year including the reserves therefor.

(ii) When the Series 2012 Bonds and Series 2016 Bonds are each no longer Outstanding, an amount equal to 110% of both the principal of and the interest on the Series 2021 Bonds and all other Parity Bonds payable in such Fiscal Year including the reserves therefor.

(c) **Deficiencies.** Any amounts required to meet then existing deficiencies pertaining to any fund or account including the Rebate Account relating to the Gross Pledged Revenues or any securities payable therefrom; but the foregoing rate maintenance covenant is subject to compliance by the Issuer with any legislation of the United States or the State or any regulation or other action taken by the federal government or any State agency or political subdivision of the State pursuant to such legislation, in the exercise of the police power thereof for the public welfare, which legislation, regulation or action limits or otherwise inhibits the amount of fees, rates and other charges due to the Issuer for the use of or otherwise pertaining to and all services rendered by the Facilities, including, without limitation, increases in the amounts of such charges. All of such Gross Pledged Revenues, including any revenues received from the Issuer, shall be subject to distribution to the payment of Operation and Maintenance Expenses, to the payment of the Bond Requirements of all securities payable from the Net Pledged Revenues, including reasonable reserves therefor, and to the funding of the Rebate Account, as herein specifically provided.

Section 8.21. Limitations Upon Free Service. No free service or facilities shall be furnished by the Facilities, except as hereinafter provided. If the Issuer elects to use the Facilities or any part thereof, any such use will be paid for from the Issuer's general fund or from other available revenues other than Gross Pledged Revenues at the reasonable value of the use so made, but during any Fiscal Year in which surplus revenues from the Facilities are available for use pursuant to Section 5.12 hereof, the Issuer need not pay for any such use by the Issuer of any properties which are part of the Facilities or services pertaining thereto. All the income so derived from the Issuer shall be deemed to be income derived from the operation of the Facilities, to be used and to be accounted for in the same manner as any other income derived from the operation of the Facilities.

Section 8.22. Levy of Charges. The Issuer shall forthwith and in any event prior to the delivery of any of the Series 2021 Bonds, fix, establish and levy the fees, rates and other charges which are required by Section 8.20 of this Resolution, if such action is necessary therefor. No reduction in any initial or existing rate schedule for the Facilities may be made:

(a) **Proper Application.** Unless the Issuer has fully complied with the provisions of Article V of this Resolution for at least the full Fiscal Year immediately preceding such reduction of the initial or any other existing rate schedule; and

(b) **Sufficient Revenues.** Unless the Issuer determines that the estimated revenues resulting from the proposed rate schedule for the Facilities, after the schedule's proposed reduction, shall be at least sufficient to pay the sum of:

(i) an amount equal to the Operation and Maintenance Expenses for the next Fiscal Year, including in such expenses all Bond Requirements for such Fiscal Year with respect to securities payable from Net Pledged Revenues other than Parity Bonds; and

(ii) (1) while the Series 2010 Bonds, Series 2011 Bonds, Series 2012 Bonds and Series 2016 Bonds are Outstanding, an amount equal to 130% of both the principal of and the interest on the Series 2021 Bonds and any other Parity Bonds for the next Fiscal Year; and (2) when the Series 2010 Bonds, Series 2011 Bonds, Series 2012 Bonds and Series 2016 Bonds are each no longer Outstanding, an amount equal to 110% of both the principal of and the interest on the Series 2021 Bonds and any other Parity Bonds for the next Fiscal Year.

Section 8.23. Collection of Charges. The Issuer shall cause all fees, rates and other charges pertaining to the Facilities to be collected as soon as reasonable, shall prescribe and enforce rules and regulations or impose contractual obligations for the payment of such charges, and for the use of the Facilities, and shall provide methods of collection and penalties, to the end that the Gross Pledged Revenues of the Facilities shall be adequate to meet the requirements of this Resolution and any other instruments supplemental thereto.

Section 8.24. Maintenance of Records. So long as any of the Series 2021 Bonds remain Outstanding, proper books of record and account shall be kept by the Issuer, separate and apart from all other records and accounts.

Section 8.25. Audits Required. The Issuer, within 90 days following the close of each Fiscal Year, shall initiate the process for an audit for the Fiscal Year of such books and accounts to be made forthwith by an independent accountant, and shall further initiate the process for an audit report showing the receipts and disbursements for each account pertaining to the Facilities or to the Gross Pledged Revenues. All expenses incurred in the making of the audits and reports required by this Section shall be regarded and paid as Operation and Maintenance Expenses.

Section 8.26. Accounting Principles. Books and accounts, and audits thereof, with respect to the Facilities and the Gross Pledged Revenues, shall be currently kept and made, as nearly as practicable, in accordance with the then generally accepted accounting principles, methods and terminology followed and construed for institutions of higher education comparable to the University, except as may be otherwise provided herein or required by applicable law or regulation or by contractual obligation existing on the effective date of this Resolution.

Section 8.27. Insurance and Reconstruction. The Issuer shall at all times maintain fire and extended coverage insurance, worker's compensation insurance (as a supplement to Issuer's participation in the monopolistic workers' compensation program mandated by law), public liability insurance, and all such other insurance as it determines is customarily maintained with respect to facilities of like character against loss of or damage to the Facilities and against public and other liability to the extent reasonably necessary to protect the interests of the Issuer and of each Owner of a Series 2021 Bond or any other security payable from the Net Pledged Revenues, except as herein otherwise provided. If at any time the Issuer is unable to obtain insurance to the extent provided herein, the Issuer shall maintain such insurance to the extent it is reasonably

obtainable. If any useful part of the Facilities shall be damaged or destroyed, the Issuer shall, as expeditiously as possible, commence and diligently prosecute the repair or replacement of the damaged or destroyed property so as to restore the same to use. The proceeds of any such property insurance pertaining to the Facilities shall be payable to the Issuer and shall be applied to the necessary costs involved in such repair and replacement and to the extent not so applied, shall be deposited in the Income Fund as Gross Pledged Revenues. If the costs of such repair and replacement of the damaged or destroyed property exceed the proceeds of such property insurance available for payment of the same, moneys in the Capital Fund and the Income Fund may be used to the extent necessary for such purposes, as permitted by Sections 5.09 and 5.12 hereof.

Section 8.28. Reliability and Payment. Insurance required by Section 8.27 hereof shall be carried with a reliable insurance company or companies authorized to do business in the State or the Issuer may be self-insured if deemed prudent under the circumstances; and the premiums on such insurance, or, in the event of insurance pertaining to the Gross Pledged Revenues or the Facilities, or both, and also to other unrelated revenues or unrelated facilities, or both, an allocable and pro rata share of such premium, shall be paid as Operation and Maintenance Expenses except for any such costs defrayed other than by the Issuer pursuant to contract with it or otherwise.

Section 8.29. Federal Income Tax Exemption. The Issuer covenants for the benefit of the Owners of the Series 2021 Bonds that it will not take any action or omit to take any action with respect to the Series 2021 Bonds, the proceeds thereof, any other funds of the Issuer or any facilities financed or refinanced with the proceeds of the Series 2021 Bonds if such action or omission (a) would cause the interest on the Series 2021 Bonds to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Code or (b) would cause interest on the Series 2021 Bonds to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Code except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under Section 56 of the Code in calculating corporate alternative minimum taxable income. In furtherance of this covenant, the Issuer agrees to comply with the procedures set forth in the Tax Compliance Certificate. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Series 2021 Bonds until the date on which all obligations of the Issuer in fulfilling the above covenant under the Code have been met.

Section 8.30. List of Bondowners. The Paying Agent will keep on file at its Principal Corporate Trust Office a list of the names and addresses of the Owners of all Series 2021 Bonds which are from time to time registered on the registration records in the hands of the Paying Agent as registrar for the Series 2021 Bonds. At reasonable times and under reasonable regulations established by the Paying Agent, said list may be inspected and copied by the Issuer or by the Owners or a designated representative thereof of 10% or more in principal amount of Series 2021 Bonds then Outstanding, such ownership and the authority of any such designated representative to be evidenced to the reasonable satisfaction of the Paying Agent.

Section 8.31. Continuing Disclosure. The Issuer shall comply with its obligations under the Continuing Disclosure Undertaking.

ARTICLE IX

DEFEASANCE

Section 9.01. Defeasance. When all Bond Requirements of the Series 2021 Bonds have been duly paid, the pledge and lien and all obligations hereunder except as specifically provided shall thereby be discharged and the Series 2021 Bonds shall no longer be deemed to be Outstanding within the meaning of this Resolution. There shall be deemed to be such due payment of any Series 2021 Bond when the Issuer has placed in escrow or in trust with a Trust Bank located within or without the State, an amount sufficient (including the known minimum yield available for such purpose from Federal Securities in which such amount wholly or in part may be initially invested to meet all Bond Requirements of such Series 2021 Bond, as the same become due to the final maturity of the Series 2021 Bond or upon any redemption date as of which the Issuer shall have exercised or shall have obligated itself to exercise its prior redemption option by a call of such Series 2021 Bond for payment on such redemption date. The Federal Securities shall become due on or prior to the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the Issuer and such Trust Bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the holders thereof to assure such availability as so needed to meet such schedule.

To accomplish a defeasance of the Series 2021 Bonds, the Issuer shall cause to be delivered (a) an escrow deposit agreement, (b) an opinion of nationally recognized Bond counsel to the effect that the Series 2021 Bonds are no longer “Outstanding” under this Resolution and (c) a certificate of discharge of the Paying Agent with respect to the Series 2021 Bonds; each defeasance opinion shall be acceptable in form and substance, and addressed, to the Issuer and the Paying Agent. Bonds shall be deemed “Outstanding” under this Resolution unless and until they are in fact paid and retired or the above criteria are met.

ARTICLE X

PRIVILEGES, RIGHTS AND REMEDIES

Section 10.01. Owner’s Remedies. Each Owner of any Series 2021 Bond shall be entitled to all of the privileges, rights and remedies provided or permitted in the University Securities Law, and as otherwise provided by law or in equity or by other statute, except as provided in Sections 2.06 through 2.10 hereof, but subject to the provisions herein concerning the pledge of and the covenants and the other contractual provisions concerning the Net Pledged Revenues and the proceeds of the Series 2021 Bonds.

Section 10.02. Right To Enforce Payment. Nothing in this Article affects or impairs the right of any owner of any Series 2021 Bond to enforce the payment of the Bond Requirements due in connection with his Series 2021 Bond at the time and the place expressed in the Series 2021 Bonds.

Section 10.03. Events of Default. Each of the following events is hereby declared an Event of Default:

(a) ***Nonpayment of Principal.*** Payment of the principal of any of the Series 2021 Bonds is not made when the same becomes due and payable, either at maturity or by proceedings for prior redemption or otherwise.

(b) ***Nonpayment of Interest.*** Payment of any installment of interest on the Series 2021 Bonds is not made when the same becomes due and payable.

(c) ***Incapable to Perform.*** The Issuer for any reason is rendered incapable of fulfilling its obligations hereunder.

(d) ***Nonperformance of Duties.*** The Issuer fails to carry out and to perform or in good faith to begin the performance of all acts and things lawfully required to be carried out or to be performed by it under any contract relating to the Gross Pledged Revenues or to the Facilities, or otherwise, including, without limitation, this Resolution, and such failure continues for 30 days after receipt of notice from the Owners of not less than 10% in aggregate principal amount of the Series 2021 Bonds and other Parity Bonds then Outstanding.

(e) ***Bankruptcy.*** The dissolution or liquidation of the Issuer or the filing by the Issuer of a voluntary petition in bankruptcy, or the admission in writing by the Issuer of its inability to pay its debts as they mature, or failure by the Issuer promptly to lift or suspend any execution, garnishment or attachment of such consequence as will impair its ability to carry on its operations generally, or adjudication of the Issuer as a bankrupt or insolvent, or an assignment by the Issuer for the benefit of its creditors, or the application or consent by the Issuer of the appointment of any receiver, trustee or similar officer for it or for all or any substantial part of the Facilities, or such receiver, trustee or similar officer shall be appointed without application or consent of the Issuer, or the entry by the Issuer into an agreement of composition with its creditors, or the institution by or against the Issuer by petition, application, answer, consent or otherwise of any bankruptcy, insolvency, reorganization, arrangement or similar proceeding related to it, under the Federal Bankruptcy Code, as amended, or under any similar act which may be enacted or under any similar state statute.

(f) ***Appointment of Receiver.*** An order or decree is entered by a court of competent jurisdiction with the consent or acquiescence of the Issuer appointing a receiver or receivers for the Facilities or for the Gross Pledged Revenues and any other moneys subject to the lien to secure the payment of the Series 2021 Bonds and other Parity Bonds, or both such Facilities and such moneys, or if an order or decree having been entered without the consent or acquiescence of the Issuer is not vacated or discharged or stayed on appeal within 60 days after entry.

(g) ***Default of Any Provision.*** The Issuer makes any default in the due and punctual performance of any other of the representations, covenants, conditions, agreements and other provisions contained in the Series 2021 Bonds or in this Resolution on its part to be performed (other than Section 8.30 hereof), and if such default continues for 60 days after written notice specifying such default and requiring the same to be remedied is given to the Issuer and the Paying Agent by the Owners of not less than 10%

in aggregate principal amount of the Series 2021 Bonds and other Parity Bonds then Outstanding.

Section 10.04. Remedies for Defaults. Upon the happening and continuance of any Event of Default, as provided in Section 10.03 hereof, then and in every case the Owners of not less than 10% in aggregate principal amount of the Series 2021 Bonds then Outstanding, including, without limitation, a trustee therefor, may proceed against the Issuer to protect and to enforce the rights of any Owner of Series 2021 Bonds and other Parity Bonds under this Resolution by mandamus or by other suit, action or special proceedings in equity or at law, in any court of competent jurisdiction, either for the appointment of a receiver or for the specific performance of any covenant or agreement contained herein for an award of execution of any power herein granted for the enforcement of any proper, legal or equitable remedy as such Owner or Owners may deem most effectual to protect and to enforce the rights aforesaid, or thereby to enjoin any act or thing which may be unlawful or in violation of any right of any Owner of any Series 2021 Bond and other Parity Bonds, or to require the Issuer to act as if it were the trustee of an express trust, or any combination of such remedies. All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Owners of the Series 2021 Bonds and other Parity Bonds then Outstanding. Acceleration of the payment of the principal and interest on the Series 2021 Bonds is not a remedy available to the Owners of the Series 2021 Bonds.

Section 10.05. Receiver's Rights and Privileges. Any receiver appointed in any proceedings to protect the rights of such Owners hereunder, the consent to any such appointment being hereby expressly granted by the Issuer, may enter and may take possession of the Facilities, may operate and maintain the same, may prescribe fees, rates and other charges, and may collect, receive and apply all Gross Pledged Revenues arising after the appointment of such receiver in the same manner as the Issuer itself might do.

Section 10.06. Rights and Privileges Cumulative. The failure of any Owner of any Outstanding Series 2021 Bond to proceed in any manner herein provided shall not relieve the Issuer, or any of its officers, agents or employees of any liability for failure to perform or carry out any duty, obligation, or other commitment. Each right or privilege of any such Owner or trustee thereof is in addition and is cumulative to any other right or privilege, and the exercise of any right or privilege by or on behalf of any Owner shall not be deemed a waiver of any other right or privilege thereof.

Section 10.07. Duties Upon Defaults. Upon the happening of any Event of Default as provided in Section 10.03 hereof, the Issuer, in addition, shall do and perform all proper acts on behalf of and for the Owners of Series 2021 Bonds and other Parity Bonds to protect and to preserve the security created for the payment of the Series 2021 Bonds and other Parity Bonds and to insure the payment of the Bond Requirements promptly as the same become due. If the Issuer fails or refuses to proceed as in this Section provided, the Owner or Owners of not less than 10% in aggregate principal amount of the Series 2021 Bonds then Outstanding, after demand in writing, may proceed to protect and to enforce the rights of the Owners of the Series 2021 Bonds and other Parity Bonds as hereinabove provided; and to that end any such Owners shall be subrogated to all rights of the Issuer under any agreement, lease or other contract involving the Facilities or the

Gross Pledged Revenues entered into prior to the effective date of this Resolution or thereafter while any of the Series 2021 Bonds and other Parity Bonds are Outstanding.

ARTICLE XI

AMENDMENT OF INSTRUMENT

Section 11.01. Privilege of Amendments. This Resolution may be amended or supplemented by instruments adopted by the Issuer in accordance with the laws of the State, without receipt by the Issuer of any additional consideration, but with the written consent of the Owners of not less than 66% in aggregate principal amount of the Series 2021 Bonds and any other Parity Bonds then Outstanding.

Section 11.02. Limitations Upon Amendments. No such instrument shall permit:

(a) ***Changing Payment.*** A change in the maturity or in the terms of redemption of the principal of any Outstanding Series 2021 Bond or any installment of interest thereon.

(b) ***Reducing Return.*** A reduction in the principal amount of any Series 2021 Bond, the rate of interest thereon, or any prior redemption premium payable in connection therewith, without the consent of the Owner of the Series 2021 Bond.

(c) ***Prior Lien.*** The creation of a lien upon or a pledge of revenues ranking prior to the lien or to the pledge created by this Resolution.

(d) ***Modifying Any Bond.*** A reduction of the principal amount or percentages or otherwise affecting the description of Series 2021 Bonds or the consent of the Owners of which are required for any such modification or amendment.

(e) ***Priorities Between Series 2021 Bonds.*** The establishment of priorities as between Series 2021 Bonds issued and Outstanding under the provisions of this Resolution.

Section 11.03. Unanimous Consent. Notwithstanding anything in the foregoing provisions of this Article, the terms and provisions of this Resolution or of any instrument amendatory thereof or supplemental thereto and the rights and obligations of the Issuer and of the Owners of the Series 2021 Bonds may be modified or amended in any respect upon the adoption by the Issuer and upon the filing with the Secretary of the Issuer of an instrument to that effect and with the consent of the Owners of all of the then Outstanding Series 2021 Bonds, such consent to be given as provided in Section 9.03 hereof.

Section 11.04. Exclusion of Issuer's Bonds. At the time of any consent or of other action taken under this Article, the Issuer shall furnish to the Secretary of the Issuer a certificate of the Treasurer of the University, upon which the Issuer may rely, describing all Series 2021 Bonds to be excluded for the purpose of consent or of other action or of any calculation of Outstanding Series 2021 Bonds provided for in this Article, and the Issuer shall not be entitled with respect to

such Series 2021 Bonds to give any consent or to take any other action provided for in this Article, pursuant to Section 1.02(b)(v) hereof.

Section 11.05. Notation on Bonds. Series 2021 Bonds authenticated and delivered after the effective date of any action taken as in this Article provided may bear a notation by endorsement or otherwise in form approved by the Issuer as to such action; and if any such Series 2021 Bond so authenticated and delivered shall bear such notation, then upon demand of the Owner of any Series 2021 Bond Outstanding at such effective date and upon presentation of his Series 2021 Bond for that purpose at the principal office of the Secretary of the Issuer, suitable notation shall be made on such Series 2021 Bond by the Secretary of the Issuer as to any such action. If the Issuer so determines, new Series 2021 Bonds so modified as in the opinion of the Issuer to conform to such action shall be prepared, authenticated and delivered; and upon demand of the Owner of any Series 2021 Bond then Outstanding, shall be exchanged without cost to such Owner for Series 2021 Bonds then Outstanding upon surrender of such Series 2021 Bonds.

Section 11.06. Proof of Resolutions and Bonds. The fact and date of execution of any instrument under the provisions of this Article, the amount and number of the Series 2021 Bonds owned by any person executing such instrument, and the date of his ownership of the same may be proved as provided by Section 9.03 hereof.

ARTICLE XII

MISCELLANEOUS

Section 12.01. Delegated Powers. The Pricing Committee is hereby authorized and directed to take all action necessary or appropriate to the provisions hereof, including without limitation:

- (a) the finalization, execution and delivery of the Authorized Documents;
- (b) the execution of such certificates as may be reasonably required by the Purchaser, relating, among other matters, to:
 - (i) the respective series and designation of Series 2021 Bonds;
 - (ii) the execution of the Series 2021 Bonds;
 - (iii) the tenure and identity of the officials of the Issuer;
 - (iv) if the respective series of Series 2021 Bonds are issued as tax-exempt obligations, the exclusion of interest on the Series 2021 Bonds from gross income for purposes of federal and state income taxation;
 - (v) the application, negotiation and finalization of a rating, if any, and delivered by a nationally recognized rating agency;
 - (vi) the delivery of the Series 2021 Bonds and the receipt of the purchase price; and

(vii) if it is in accordance with fact, the absence of litigation, pending or threatened, affecting the validity thereof;

(c) the assembly and dissemination of financial and other information concerning the Issuer, the University and the Series 2021 Bonds;

(d) the determination as to whether all, a portion or none of the Series 2021 Bonds are to be included as part of the Supplemental Coverage Program; and

(d) the execution of the Pricing Certificate and the Bond Purchase Agreement and the setting of the terms, sale and issuance of the Series 2021 Bonds in accordance with the provisions hereof and in conformity with the parameters set forth herein, which delegated terms shall include: (A) the principal amount of the Series 2021 Bonds; (B) the coupon interest rate or rates on the Series 2021 Bonds; (C) the maturity of the Series 2021 Bonds; (D) provisions for the optional, sinking fund or extraordinary redemption of the Series 2021 Bonds prior to maturity; (E) the purchase price of the Series 2021 Bonds; (F) which of the Trustees's Outstanding Parity Bonds will be refunded, however such bonds may only be refunded if the minimum net present value savings described in Section 3.02.; (G) the selection of the Purchaser of the Series 2021 Bonds; (H) if the Series 2021 Bonds will be issued as taxable and/or tax-exempt obligations, including whether or not the Series 2021 Bonds may convert from taxable to tax-exempt, all as may be necessary to effect the Series 2021 Improvement Project in a manner consistent with this Resolution, including the estimated true interest cost of the Series 2021 Bonds; (I) whether or not the Series 2021 Bonds will be sold pursuant to a competitive or negotiated sale by means of a public offering or pursuant to a private placement or direct placement; and (J) whether or not the Series 2021 Bonds will be subject to DTC's book-entry system. The determinations described herein shall be evidenced by the Pricing Certificate and the Bond Purchase Agreement or a Notice of Sale filed with the Trustees, and except as otherwise expressly provided herein, the terms of the Series 2021 Bonds shall be as set forth in the Pricing Certificate, the Bond Purchase Agreement or a Notice of Sale and the Bond form.

Section 12.02. Evidence of Security Holders. Any request, consent or other instrument which this Resolution may require or may permit to be signed and to be executed by the Owner of any Series 2021 Bonds or holder of other securities may be in one or more instruments of similar tenor and shall be signed or shall be executed by each such Owner or holder in person or by his attorney appointed in writing. Proof of the execution of any such instrument or of an instrument appointing any such attorney, or the holding by any person of the securities pertaining thereto, shall be sufficient for any purpose of this Resolution, except as otherwise herein expressly provided, if made in the following manner:

(a) ***Proof of Execution.*** The fact and the date of the execution by any Owner of any Series 2021 Bonds or the holder of other securities or his attorney of such instrument may be provided by the certificate, which need not be acknowledged or verified, of an officer of a bank or trust company satisfactory to the Paying Agent or of any notary public or other officer authorized to take acknowledgments of deeds to be recorded in the state in which he or she purports to act, that the individual signing such

request or other instrument acknowledged to him the execution thereof, or by an affidavit of a witness of such execution, duly sworn to before such notary public or other officer; the authority of the individual or individuals executing any such instrument on behalf of a corporate holder of any securities may be established without further proof if such instrument is signed by an individual purporting to be the president or vice-president of such corporation with a corporate seal affixed and attested by an individual purporting to be its secretary or an assistant secretary; and the authority of any person or persons executing any such instrument in any fiduciary or representative capacity may be established without further proof if such instrument is signed by a person or persons purporting to act in such fiduciary or representative capacity.

(b) ***Proof of Holdings.*** The amount of Series 2021 Bonds held by any person and the numbers, date and other identification thereof, together with the date of his holding the Series 2021 Bonds, shall be proved by the registration records maintained by the Paying Agent.

Section 12.03. Concerning the Paying Agent. Wells Fargo Bank, National Association, in Denver, Colorado is hereby appointed the Paying Agent and Paying Agent of the Issuer for the payment of the Bond Requirements of the Series 2021 Bonds. If the Paying Agent initially appointed hereunder shall resign, or if the Issuer shall reasonably determine that it is necessary or desirable to remove the Paying Agent, the Issuer may, as long as no event of default exists hereunder, appoint a successor Paying Agent. No resignation or dismissal of the Paying Agent may take effect until a successor is appointed. Each successor Paying Agent shall be a bank or trust company which is a “Trust Bank” as defined in the University Securities Law.

Section 12.04. University Standard Addenda. The provisions contained in Exhibit B with respect to the University’s standard addenda are hereby incorporated and are in full force and effect as if fully set forth herein. It is further intended that in the event of any inconsistency between this Resolution and its other attachments and the provisions contained in Exhibit B, that the terms contained in Exhibit B be construed as final and binding.

[Signatures on the following page]

ADOPTED as of the date first set forth above.

[SEAL]

THE TRUSTEES OF THE UNIVERSITY
OF WYOMING

By: _____
Jeffrey S. Marsh
Chairman

Attest:

By: _____
Michelle Sullivan
Secretary

[Signature Page to Series 2021 Resolution]

EXHIBIT A

FORM OF SERIES 2021 BONDS

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TRUST COMPANY, A NEW YORK CORPORATION (“DTC”), TO THE ISSUER OR ITS AGENT FOR REGISTRATION OF TRANSFER, EXCHANGE, OR PAYMENT, AND ANY BOND ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.

**UNITED STATES OF AMERICA
STATE OF WYOMING**

No. R- _____ \$ _____

**THE TRUSTEES OF THE UNIVERSITY OF WYOMING
FACILITIES REVENUE BONDS
SERIES 2021[SERIES DESIGNATION]**

Interest Rate	Maturity Date	Dated Date	CUSIP
_____	June 1, _____	[_____], 2021	915268 _____

REGISTERED OWNER: CEDE & CO.

TAX IDENTIFICATION NUMBER: 13-2555119

PRINCIPAL AMOUNT: _____ DOLLARS

THE TRUSTEES OF THE UNIVERSITY OF WYOMING (the “Issuer”) for the State of Wyoming (the “State”), a public body duly organized and existing under the Constitution and laws of the State, for value received, hereby promise to pay in lawful money of the United States of America, from the revenues herein described, to the Registered Owner specified above, or registered assigns, on the Maturity Date specified above (unless this bond shall have been called for prior redemption, in which case on the redemption date), the Principal Amount specified above, and interest thereon (computed on the basis of a 360-day year of twelve 30-day months) at the Interest Rate per annum specified above, payable on June 1 and December 1 in each year, commencing on [_____] 1, 2021. Principal of this Bond is payable to the Registered Owner hereof upon maturity or prior redemption hereof and upon presentation and surrender hereof at the principal corporate trust office of Wells Fargo Bank, National Association, located in

Denver, Colorado, or at the principal corporate trust office of any successor paying agent (the "Paying Agent") appointed under the Series 2021 Bond Resolution (the "Resolution") hereinafter referred to. Interest on this bond is payable on each interest payment date or, if such interest payment date is not a business day, the next succeeding business day, by check mailed by the Paying Agent to the person in whose name this bond is registered in the registration records of the Paying Agent, and at the address appearing thereon at the close of business on the fifteenth day of the calendar month whether or not a business day next preceding the interest payment date (the "Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the Registered Owner hereof at the close of business on the applicable Record Date and shall be payable to the Registered Owner hereof at the close of business on a Special Record Date as defined in the Resolution for the payment of any defaulted interest. Such Special Record Date shall be fixed by the Paying Agent whenever moneys become available for payment of the defaulted interest, and notice of such Special Record Date shall be given to the Registered Owner hereof not less than 10 days prior thereto. If the principal of this bond is not paid when due, interest will accrue upon the unpaid principal at the rate hereon from the date of such presentation until such principal shall have been paid in full.

REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH HEREINAFTER, WHICH FURTHER PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF FULLY SET FORTH IN THIS PLACE.

It is hereby certified that all conditions, acts and things required to exist, happen and be performed under the Constitution and laws of the State, and under the Resolution precedent to and in the issuance of this bond, do exist, have happened and have been performed in due time, form and manner, and that the issuance, authentication and delivery of this bond have been duly authorized by the Issuer pursuant to and in accordance with the Constitution of the State.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been duly executed by the Paying Agent.

IN WITNESS WHEREOF, THE TRUSTEES OF THE UNIVERSITY OF WYOMING have caused this bond to be executed in its name and on its behalf by the manual or facsimile signature of its Chairman, and its corporate seal to be impressed or imprinted in facsimile hereon, and to be attested by the manual or facsimile signature of its Secretary and countersigned by the manual or facsimile signature of its Treasurer, all as of the [____] day of [____], 2021.

[SEAL]

THE TRUSTEES OF THE UNIVERSITY
OF WYOMING

By _____
Chairman

COUNTERSIGNED:

By _____
Treasurer

Attest:

By _____
Secretary

FORM OF CERTIFICATE OF AUTHENTICATION

CERTIFICATE OF AUTHENTICATION

Date of Registration and Authentication: _____, 2021

This bond is one of the Series 2021 Bonds of the issue described in the within mentioned Resolution.

WELLS FARGO BANK, NATIONAL
ASSOCIATION, as Paying Agent

By _____
Authorized Officer

[End of Form of Certificate of Authentication]

FORM OF TREASURER'S CERTIFICATE

TREASURER'S CERTIFICATE

I, the undersigned of the Trustee of The University of Wyoming, located in the City of Laramie, in the County of Albany, and in the State of Wyoming, does hereby certify that the within Series 2021 Bond is issued pursuant to and according to law, does not exceed any lawful debt limit of The Trustees of the University of Wyoming, and does not constitute an indebtedness within the meaning of any constitutional or statutory provision or limitation.

IN WITNESS WHEREOF, I have hereunto set my hand as of this ____ day of _____, 2021.

By _____
Treasurer of the Trustees of
The University of Wyoming

[End of Form of Treasurer's Certificate]

ADDITIONAL PROVISIONS

This bond is one of an authorized series of bonds issued under the hereinafter described Resolution designated The Trustees of the University of Wyoming Facilities Revenue Bonds, Series 2021 in the aggregate principal amount of \$ _____ (the “Series 2021 Bonds”) for the purpose of providing moneys: (i) to advance refund all or a portion of the Issuer’s outstanding Facilities Improvement Revenue Bonds, Series 2011A (the “Refunded Bonds”) for the University (the “Series 2021 Improvement Project”), under the authority of and in full conformity with the Constitution and laws of the State, including, without limitation, W.S. 21-17-402 through 21-17-451 (the “University Securities Law”), which is known and cited as the “University Securities Law,” and pursuant to the Resolution, adopted and made a law of the Issuer prior to the issuance of this bond.

This bond is issued pursuant to the University Securities Law; pursuant to Section 21-17-416 of the University Securities Law, this recital is conclusive evidence of the validity of the Series 2021 Bonds and the regularity of their issuance; and pursuant to Section 21-17-446 of the University Securities Law, the Series 2021 Bonds, their transfer, and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof.

The Series 2021 Bonds are subject to optional redemption and mandatory sinking fund redemption prior to maturity as set forth in the Resolution.

Upon any partial prior redemption of the Series 2021 Bonds, Cede & Co., in its discretion, may request the Paying Agent to authenticate a new Series 2021 Bond or shall make an appropriate notation on this Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case this Bond must be presented to the Paying Agent prior to payment.

The Series 2021 Bonds do not constitute a debt or an indebtedness of the Issuer within the meaning of any constitutional or statutory limitation, shall not be considered or held to be general obligations of the Issuer, nor to be obligations general, special or otherwise of the State, nor to be bonds or debt of the State, and shall not be enforceable against the State. The issuance of the Series 2021 Bonds shall not, directly or indirectly or contingently, obligate the State or any political subdivision thereof to levy any form of taxation therefor or to make any appropriations for their payment. The Series 2021 Bonds are special obligations of the Issuer payable and collectible solely out of and secured by an irrevocable pledge of income derived directly or indirectly by the Issuer from the operation and use of the Facilities (as defined in the Resolution) (the “Gross Pledged Revenues”), after provision is made only for the payment of the Operation and Maintenance Expenses of the Facilities (as defined in the Resolution) (such remaining revenues being the “Net Pledged Revenues”).

The Net Pledged Revenues are so pledged for the payment of the Series 2021 Bonds; and the Owner hereof may not look to any general or other fund for the payment of the Series 2021 Bonds except the special funds pledged therefor.

Payment of the Series 2021 Bonds shall be made solely from, and as security for such payment there are irrevocably but not exclusively pledged, pursuant to the Resolution, two special accounts identified as the “University of Wyoming First Lien Revenue Bonds, Interest and Bond Retirement Fund,” and as the “University of Wyoming Pledged Revenues Facilities Capital Improvement and Replacement Fund,” into the first account the Issuer covenants to pay, respectively, from the Net Pledged Revenues, sums sufficient to pay when due the principal of, premium, if any, and interest on the Series 2021 Bonds, any other Outstanding Parity Bonds as defined in the Resolution and any other parity securities subsequently issued by the Issuer and to create and to maintain a reasonable and specified reserve which may be funded in whole or in part with surety bonds for such purpose.

The Series 2021 Bonds are equitably and ratably secured by a lien on the Net Pledged Revenues, and the Series 2021 Bonds constitute an irrevocable and first lien but not necessarily an exclusive first lien upon the Net Pledged Revenues. Bonds and other securities, in addition to the Series 2021 Bonds, subject to expressed conditions, may be issued and made payable from the Net Pledged Revenues having a lien thereon subordinate and junior to the lien, or subject to additional expressed conditions, having a lien thereon on a parity with the lien of the Series 2021 Bonds, in accordance with the provisions of the Resolution.

The Series 2021 Bonds are issuable only as fully registered bonds in denominations of \$5,000 and integral multiples thereof. Series 2021 Bonds may be exchanged for an equal aggregate principal amount of Series 2021 Bonds of the same maturity of other Authorized Denominations as defined in the Resolution, but only in the manner, subject to the limitations and conditions, and upon payment of the charges provided in the Resolution.

This bond is transferable by the Registered Owner hereof in person or by his attorney duly authorized in writing, on the registration records kept at the principal corporate trust office of the Paying Agent, upon surrender of this bond together with a duly executed written instrument of transfer satisfactory to the Paying Agent. Upon such transfer a new fully registered Series 2021 Bond or Bonds of the same maturity, of Authorized Denomination or Authorized-Denominations and for the same aggregate principal amount will be issued to the transferee in exchange herefor, all subject to the terms and conditions set forth in the Resolution.

Except as otherwise provided with respect to Record Dates for the payment of interest, the Issuer and the Paying Agent may deem and treat the Registered Owner hereof as the absolute owner hereof for the purpose of receiving payment and for all other purposes and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

The Paying Agent will not be required to transfer or exchange any Series 2021 Bond during the period of 15 days next preceding any interest payment date, nor during the period beginning on any date of selection of Series 2021 Bonds to be redeemed and ending on the day on which the applicable notice of redemption is given, nor at any time after selection of a Series 2021 Bond for redemption.

In the event that this Bond is called for redemption in part only, upon surrender and cancellation of this bond, a new fully registered Series 2021 Bond or Bonds of the same maturity, of Authorized Denominations, and in an aggregate principal amount equal to the

unredeemed portion hereof shall be executed and delivered by the Paying Agent to the Registered Owner hereof.

The Series 2021 Bonds shall not be transferable or exchangeable, except as set forth in the Resolution.

The Registered Owner of this bond shall have no right to enforce the provisions of the Resolution or to institute action to enforce the covenants therein, or to take any action with respect to any event of default under the Resolution, or to institute, appear in or defend any suit or other proceedings with respect thereto, except as provided in the Resolution. Modifications or alterations of the Resolution, or of any supplements thereto, may be made only to the extent and in the circumstances permitted by the Resolution.

No recourse shall be had for the payment of the principal of or interest on any of the Series 2021 Bonds or for any claim based thereon or upon any obligation, covenant or agreement in the Resolution contained, against any past, present or future officer, agent or employee of the Issuer or any officer or similar official, agent or employee of any successor body, agency or instrumentality, as such, either directly or through the Issuer or any successor body, agency or instrumentality, under any rule of law or equity, statute or constitution or by the enforcement of any assessment or penalty or otherwise, and all such liability of any such officer or similar official, agent or employee as such is hereby expressly waived and released as a condition of and consideration for the execution of the Resolution and the issuance of any of the Series 2021 Bonds.

FORM OF ASSIGNMENT

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ (Tax Identification or Social Security No. _____) the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the records kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatever. The signature must be guaranteed by an eligible guarantor institution as defined in 17 CFR § 240.17 Ad-15(a)(2).

Signature Guaranteed:

Notice: Signature must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

Address of Transferee:

[End of Form of Assignment]

FORM OF PREPAYMENT PANEL

PREPAYMENT PANEL

The following installments of principal or portions thereof of this Bond have been prepaid in accordance with the terms of the Resolution.

Date of Prepayment	Principal Prepaid	Signature of Authorized Representative of DTC
---------------------------	--------------------------	--

[End of Form of Prepayment Panel]

DTC FAST RIDER

This bond shall remain in the custodian's custody subject to the provisions of the Fast Balance Certificate Agreement currently in effect between the custodian and DTC.

[End of Form of Series 2021 Bonds]

EXHIBIT C

UNIVERSITY'S STANDARD ADDENDA

SOVEREIGN IMMUNITY

The University does not waive its sovereign immunity or its governmental immunity by entering into this Resolution and fully retains all immunities and defenses provided by law with regard to any action based on this Resolution.

GOVERNMENTAL CLAIMS

Any actions or claims against the University under this Resolution must be in accordance with and are controlled by the Wyoming Governmental Claims Act, W.S. 1-39-101 et seq. (1977) as amended.

INTERPRETATION

The Parties hereto agree that (i) the laws of Wyoming shall govern this Resolution, (ii) any questions arising hereunder shall be construed according to such laws, and (iii) this Resolution has been negotiated and executed in the State of Wyoming and is enforceable in the courts of Wyoming.

EQUAL EMPLOYMENT OPPORTUNITY

Both parties shall fully adhere to all applicable local, state and federal law, including equal employment opportunity and including but not limited to compliance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and the American with Disabilities Act of 1990. The University's policy has been, and will continue to be, one of nondiscrimination, offering equal opportunity to all employees and applicants for employment on the basis of their demonstrated ability and competence without regard to such matters as race, gender, color, religion, national origin, disability, age, veteran status, sexual orientation, genetic information, political belief, or other status protected by state and federal statutes or University Regulations.

STATE OF WYOMING)
)
COUNTY OF ALBANY)
)
UNIVERSITY OF WYOMING)

I, the duly chosen, qualified and acting Secretary of The Trustees of the University of Wyoming, a body corporate also sometimes designated as the Board of Trustees of the University of Wyoming (the “Issuer”), in the City of Laramie, County of Albany, and State of Wyoming, do hereby certify:

The foregoing pages are true, perfect and complete copies of the record of proceedings of the Issuer had and taken at a lawful and regular meeting thereof held at _____ [a.m./p.m.] [via conference call] on _____, 2021, insofar as said minutes relate to a Resolution authorizing the issuance of “The Trustees of the University of Wyoming Facilities Revenue Bonds, Series 2021” (the “Resolution”).

1. A copy of the Resolution is fully set forth in such minutes.
2. Such copy of the Resolution contained in such minutes is a full, true and correct copy of the original of the Resolution as passed by the Issuer at the designated meeting; and such original Resolution has been fully authenticated by the signatures of the Chairman of the Issuer and of myself as Secretary thereof, sealed with the corporate seal of the Issuer, and made a part of the records of the Issuer.
3. The Chairman and members of the Issuer were present at the meeting; all members present of the Issuer qualified to vote thereon voted on the passage of the Resolution as in such minutes set forth; and the Chairman and all other members of the Issuer, including but not limited to the ex-officio and nonvoting members thereof, were duly notified of such meeting.

[Signature on the following page]

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of The Trustees of the University of Wyoming as of the date first set forth above.

[SEAL]

THE TRUSTEES OF THE UNIVERSITY
OF WYOMING

By: _____
Michelle Sullivan
Secretary

[Signature Page to Exhibit C of the Series 2021 Resolution]

Trustee _____ seconded the motion for the adoption of said Resolution and the roll was called with the following result:

Those voting Aye: _____

Those voting Nay: _____

Those absent: _____

_____ votes having been cast for the adoption of the Resolution, the Chairman thereupon declared the Resolution to have been adopted.

Other business not concerning the Series 2021 Bonds designated in said Resolution was thereon considered and undertaken.

Thereupon there being no further business, the meeting on motion duly made, seconded and unanimously adopted, adjourned.

[SEAL]

THE TRUSTEES OF THE UNIVERSITY
OF WYOMING

By: _____
Jeffrey S. Marsh
Chairman

Attest:

By: _____
Michelle Sullivan
Secretary



UNIVERSITY
OF WYOMING



pfm

University of Wyoming

2021C New Money Issuance Considerations

June 2nd, 2021

PFM Financial Advisors, LLC

4350 North Fairfax Drive
Suite 580
Arlington, VA 22203

pfm.com



Executive Summary

Series 2021AB Transaction

- The University recently executed its Series 2021 A&B bonds through a competitive sale to Citigroup and Robert W. Baird
- **\$18.3** million of cash flow savings were achieved from the redemption of the Series 2010B, 2010C, 2011B, 2012A, and 2012B bonds and the acquisition of Bison Run Village project
- The Series 2021A (tax-exempt) and 2021B (taxable) bonds had all-in TICs of 1.34% and 1.61% and average lives of 7.65 and 6.02 years, respectively

Series 2021C Transaction

- The University can fund the contemplated on-campus student housing, dining and parking project with tax-exempt bonds
- PFM has modeled a 30-year, level debt scenario with two years of interest-only payments
- We have also shown how the new money impacts the University's current debt profile, taken into consideration the results of the recent refundings
- Kutak Rock as bond and disclosure counsel has drafted the bond resolution for the Series 2021 new money issuance, similar to the approved resolution for the 2021 refunding transaction
- The resolution outlines the purpose of the bond issuance, scope and authorization from the Board, and parameters for the bonds, including maximum par amount, interest rate, and final maturity



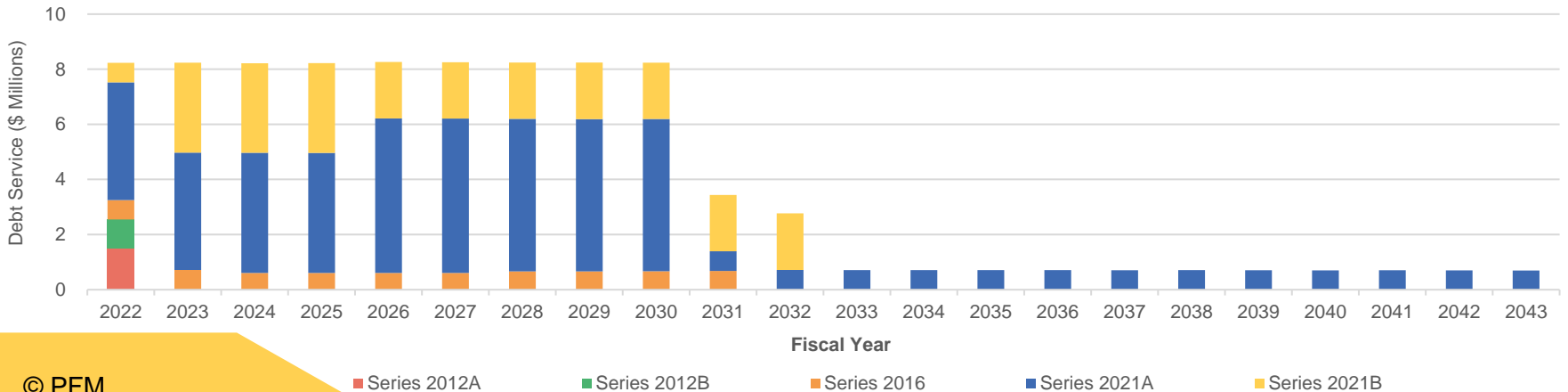
University of Wyoming Debt Profile

- The University has \$70.815 million of bonds outstanding as of June 30, 2021
- Level annual debt service through FY 2030, with reduced debt service until final maturity in FY 2043 when the Bison Run acquisition is paid off
- The University achieved \$18.3 million of cash flow savings, or \$16.8 million of NPV savings, from the Series 2021 AB refundings

University of Wyoming Debt Overview as of June 30, 2021						
Series	Original Par	Outstanding Par	Tax Status	Interest Rate	Call Date	Final Maturity
Series 2012A	29,600,000	1,415,000	Tax-Exempt	3.125% - 5.00%	N/A	6/1/2022
Series 2012B	10,055,000	1,030,000	Tax-Exempt	2.50% - 5.00%	N/A	6/1/2022
Series 2016	7,620,000	5,330,000	Tax-Exempt	3.00% - 4.00%	6/1/2026	6/1/2031
Series 2021A	40,895,000	40,895,000	Tax-Exempt	3.00% - 5.00%	6/1/2031	6/1/2043
Series 2021B	22,145,000	22,145,000	Taxable	2.00%	Make whole call	6/1/2032
Total	\$110,315,000	\$70,815,000				

Excludes the University's notes payable in the outstanding amount of \$3,477,000 as of June 30, 2020

The University of Wyoming Foundation has a line of credit in the outstanding amount of \$7,448,017 and a promissory note of \$5,600,000 as of June 30, 2020

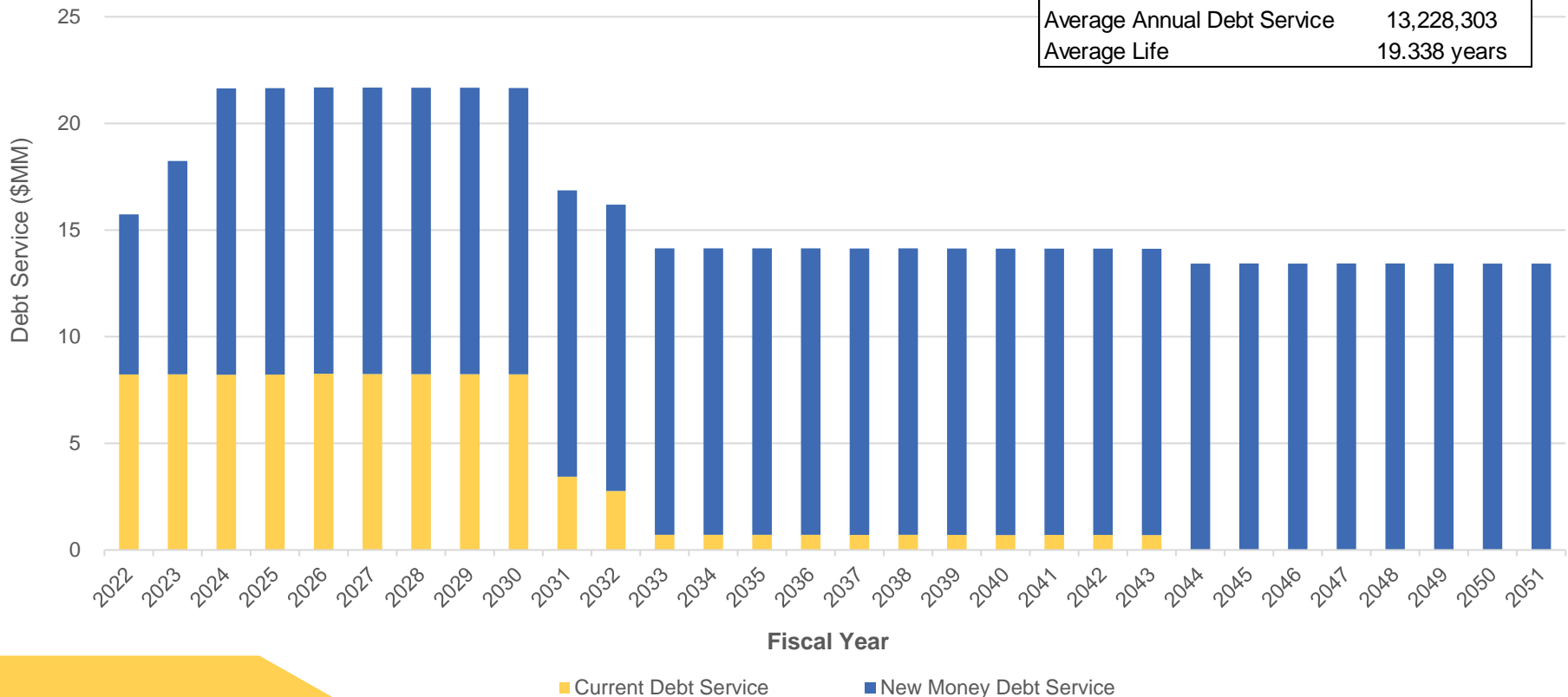




Series 2021C New Money – Plan of Finance

- PFM ran a 30-year, level debt service, new money scenario assuming a \$250 million project. Includes 2 years of interest-only payments
- Results in ~\$13.4 million of annual debt service, increasing the maximum annual debt service (MADS) of the University to \$21.7 million in FY 2026

University of Wyoming - 2021 New Money Bond Summary Statistics	
Dated Date	9/1/2021
All-In TIC	3.194%
Par Amount	200,080,000
Project Fund	250,000,000
Total Debt Service	393,542,000
Average Annual Debt Service	13,228,303
Average Life	19.338 years





Timing

June							July							August							September						
S	M	T	W	TH	F	S	S	M	T	W	TH	F	S	S	M	T	W	TH	F	S	S	M	T	W	TH	F	S
		1	2	3	4	5					1	2	3	1	2	3	4	5	6	7				1	2	3	4
6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12	13	14	5	6	7	8	9	10	11
13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21	12	13	14	15	16	17	18
20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28	19	20	21	22	23	24	25
27	28	29	30				25	26	27	28	29	30	31	29	30	31				26	27	28	29	30			

Activity	Negotiated Sale	Competitive Sale	Negotiated Sale
	With SCP*	No SCP	No SCP
Rating Agency Meeting	Mid June	Mid June	Mid June
Board meeting to approve Financing	Mid June	Mid June	Mid June
Plan of Finance solidified	Mid to Late June	Mid to Late June	Mid to Late June
Underwriter RFP distributed	Late June	-	Late June
Underwriter selection	Early July	-	Early July
Drafting & finalizing bond documents	June & July	Early July	June & July
State Land and Investment Board to approve Financing	Early August	-	-
Publish Preliminary Official Statement	Early August	Early to Mid July	Mid July
Publish Investor Presentation	Early August	N/A	Mid July
One-on-One Investor Calls	Early to Mid August	N/A	Mid to Late July
Bond sale	Mid August	Mid July	Late July
Bond closing – funds delivered	Late August	Late July	Early August



Bond Resolution

- The Resolution authorizes the issuance of University Facilities Revenue and Refunding Bonds Series 2021 to
 - A. Build new residence halls, dining facilities, a parking garage, and other capital projects;
 - B. Reimburse the University for previous expenditures on the student housing project; and
 - C. Pay costs of issuance.
- The Resolution provides for the following:
 - Approves the sale of the Bonds within certain parameters.
 - Establishes parameters for terms of the Bonds.
 - Appoints the Pricing Committee to approve the final terms of the Bonds.
- Parameters set forth in the Bond Resolution include:
 - The aggregate par amount may not exceed \$260 million.
 - The true interest cost may not exceed 5%.
 - The final maturity may not be later than June 1, 2053.



IMPORTANT DISCLOSURES

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AGENDA ITEM TITLE: Approval of modifications to UW Regulation 2-5 (Establishment of a Flexible, Faculty-Approved Teacher Effectiveness Evaluating System), Brown/Evans

SESSION TYPE:

- Work Session
 Education Session
 Information Item
 Other:

[Committee of the Whole – Items for Approval]

Attachments are provided with the narrative.

APPLIES TO STRATEGIC PLAN:

- Yes (select below):
 Driving Excellence
 Inspiring Students
 Impacting Communities
 High-Performing University
 No [Regular Business]

EXECUTIVE SUMMARY:

At the September 2016 Board of Trustees meeting, the Board approved review by UW Administration of UW’s current regulatory structure, to include the following:

- 1) Phasing out presidential directives;
- 2) Defining regulation versus policy/procedure;
- 3) Creating a new “look” and format for the regulations; and
- 4) Updating the substance of the regulations, policies, and procedures as needed, including determining whether there are any substantive gaps.

At the January 2017 Board of Trustees meeting, the University proposed 12 sections for the new ***Governing Regulations and Standard Administrative Policies and Procedures Manual***.

Section 1: Governance and Structure

Section 2: Academic Affairs

Section 3: Athletics

Section 4: Diversity and Equal Opportunity

Section 5: Employment and Ethics

Section 6: Facilities

Section 7: Finance and Business

Section 8: Information Technology

Section 9: Research and Economic Development

Section 10: Safety and Security

Section 11: Student Affairs

Section 12: University Relations

The new structure will involve three levels of policies:

1. Governing Regulations (Level A)
2. Standard Administrative Policies and Procedures (Level B)
3. Department/Unit Administrative Policies and Procedures (Level C)

The Section 2 Academic Personnel Regulations (2-1 through 2-16) include such matters as:

1. Describing academic designations, ranks and terms of appointment applicable to members of the faculty and other academic personnel, and general provisions regarding academic personnel;

2. Outlining University policies on academic freedom, faculty workload, sabbatical and professional development leave, and post-tenure review;
3. Defining University-level standards and outlining procedures for reappointment, tenure and promotion, post-tenure review, and compensation;
4. Establishing procedures for the resolution of academic personnel disputes and for the dismissal of academic personnel; and
5. Providing definitions of academic administrative structures and positions and describing terms of appointments and general provisions regarding academic administrators.

UW Regulation 2-5 outlines the University's system for evaluating teaching effectiveness. The proposed revisions were developed through the collaboration of Academic Affairs and Faculty Senate leadership, with input from a small working group comprised of faculty with expertise and experience in pedagogy and the assessment of teaching effectiveness.

The regulation has been streamlined and updated to reflect evidence-based practices in the assessment of teaching effectiveness. Some of the procedural details and assurances in the current regulation have been removed and will be included in a companion Standard Administrative Procedural (SAP) document.

Proposed changes to UW Regulation 2-5 include:

1. Elaboration on the purpose of a teacher effectiveness assessment system, including the implementation of evidence-based assessment practices that are sensitive to different kinds and styles of teaching and the importance of using multiple measures involving multiple sources of data to assess performance.
2. Definitions to clarify the following terms: Academic Personnel, Comprehensive Evaluation, Evidence-based pedagogies, and Group I classes.
3. Revised policy section to address comprehensive and annual reviews of teaching effectiveness, and types of evidence used in performance reviews.
4. Removal of procedural details that will be addressed in the SAP.
5. Requirement for academic personnel with teaching responsibilities in each academic unit to establish and publish their guidelines for assessing the effectiveness of each faculty member's teaching. Parameters for these guidelines will be included in the SAP.

Per the routing process for UW Regulations, the proposed modifications were provided to the President's Cabinet, Deans and Directors, Faculty Senate, Staff Senate, ASUW, and the Internal Auditor. The Trustees Regulation Committee will discuss this item at the June 2021 Board of Trustees conference call 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 the Board approve modifications to UW Regulations.

ACTION REQUIRED AT THIS BOARD MEETING:

Board approval, modification, or disapproval of the recommended modifications to the Regulations.

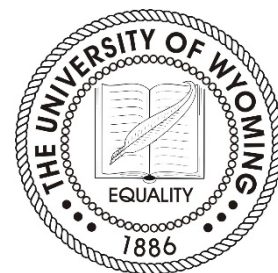
PROPOSED MOTION:

“I move to authorize modifications to UW Regulation 2-5, as presented to the Board”

PRESIDENT’S RECOMMENDATION:

The President recommends approval.

Draft 3-30-21
Incorporated Faculty Senate and campus feedback 6-2-21
FULL REDLINE



UNIVERSITY OF WYOMING REGULATIONS

Subject: ~~Establishment of a Flexible, Faculty Approved Teacher Effectiveness Assessment System~~ Assessing Effective Teaching
Number: UW Regulation 2-5

I. PURPOSE

Effective university teaching focuses on students and their learning. It requires a broad set of specific skills and evidenced-based pedagogies that meet the requirements of the context in which the teaching and learning occur. A judicious teacher effectiveness assessment system recognizes the broad dimensions of teaching, is sensitive to different kinds and styles of instruction and innovation in teaching, and uses multiple measures involving multiple sources of data to assess effectiveness of teaching.

The purpose of a system for ~~evaluation~~assessment of academic personnel's teaching effectiveness and of student learning is twofold:

- A. To provide evidence-based feedback to academic teaching personnel from ~~students and colleagues~~multiple sources to aid in the continuous improvement of student learning, instructional methods, and course content, ~~and student learning~~; and
- B. To provide ~~independent~~ data on teaching effectiveness for consideration in the decision-making processes related to ~~continued employment, salary, reappointment,~~ promotion, tenure, fixed-term, salary, and ~~or~~ awards.

II. DEFINITIONS

Academic Personnel: For the purposes of this Regulation, Academic Personnel includes faculty as defined in UW Regulation 2-1.

Comprehensive Evaluation: A multi-level process used for reappointment, tenure, promotion, fixed term, and extensive post-tenure review.

Evidence-based pedagogies use teaching practices that are based on available research in teaching and learning, practices that have been scientifically shown to foster learning.

Group I Classes: For the purposes of this Regulation, Group I classes include group instruction classes as defined in UW Regulation 2-100.

Draft 3-30-21

Incorporated Faculty Senate and campus feedback 6-2-21

FULL REDLINE

H.III. POLICY

~~The system of regular student and peer evaluation~~

- A.** ~~Regular assessment~~ of teaching effectiveness ~~applies to all courses taught as part of the University curriculum. This system of evaluation~~ applies to all academic personnel, of whatever rank, category, or status, who perform teaching functions within the University. All Group I classes shall have some form of assessment.
- B.** ~~A.~~ ~~Evaluations~~ Assessment by students, peers/colleagues, ~~peers~~, administrators, and self-~~evaluations~~ must reflections shall be included in any comprehensive evaluation of teaching and learning.
- C.** ~~B.~~ ~~Academic teaching personnel should not consider the formal, University-mandated evaluations described below in Section 3 as the only course evaluations permitted. Annual review of teaching shall include administrative assessment and faculty self-reflection. Additional sources of data may be used, consistent with the academic unit and/or college guidelines.~~
- D.** To capture the many dimensions of teaching, multiple types of evidence of effectiveness shall be used, such as teaching awards, peer evaluation, student evaluation, professional development related to teaching, personal reflection, scholarship of teaching and learning, and assessment of student learning outcomes.

IV. FREQUENCY OF ASSESSING TEACHING EFFECTIVENESS

~~III. PROCEDURES FOR MANDATED EVALUATION OF TEACHING~~

~~A. Student Evaluations~~

~~1. Evaluation Forms~~

- a.** ~~Each college or department shall design an instrument for student evaluation of teaching in all courses taught in/by that unit. The chosen instrument shall provide a reasonable opportunity for all students in a course to express their evaluations. More than one college or department may choose to use the same instrument.~~
- b.** ~~Because students and administrators may be utilizing a variety of evaluation instruments, it is important that clear instructions to the students be part of each instrument.~~
- c.** ~~The academic teaching personnel of the relevant unit must approve the instrument used. To encourage an exchange of ideas among colleges and departments, each college and department shall keep a copy of its approved instrument on file in the Faculty Senate office and the Academic Affairs office.~~

Draft 3-30-21

Incorporated Faculty Senate and campus feedback 6-2-21

FULL REDLINE

~~2. Administering evaluations~~

~~a. The evaluations described in this Section are to be administered~~

~~The frequency for assessing teaching shall occur~~ according to the following minimum standard:

~~1)~~

~~A. All non-tenured and non-extended term academic teaching personnel will~~tenure track faculty shall be evaluated in each course taught during their first three years. After that, evaluation will be conducted in at least one course per semester or term in which the individual teaches. If feasible, different courses should be evaluated each year.

~~2)~~

~~B. Tenured assistant or associate professors and extended term~~or fixed term rolling contract academic teaching personnel will be evaluated in at least one course per semester or term in which the individual teaches. If feasible, different courses should be evaluated each year.

~~3)~~

~~C. Tenured full professors will be evaluated in at least one course per year. If feasible, different courses should be evaluated in any two-~~year sequence.

~~b. Mandated evaluations must be given during the last twenty percent of the contact hours of the scheduled course period.~~

~~c. Evaluations must be conducted in a manner that preserves the anonymity and confidentiality of student responses and maintains the integrity of the process. If evaluations described in this sub-section are to be completed in the classroom, an appropriate member of the University community other than the class teacher must administer them.~~

~~3. Processing and Release of Evaluation Results~~

~~a. To preserve the anonymity of students, "open-ended" or "free response" comments shall be typed, either by having departmental staff transcribe handwritten responses, or by having the students provide typed responses. Data relating to the class level or major of the individual student may be collected and reported separately, but shall not be keyed in any way to individual open-ended or free response comments.~~

~~b. Results of student evaluations described shall be released to the teacher and the teacher's immediate supervisor only after the semester or term is completed and final grades have been submitted to the Registrar's office. ["Results" refers to the typed or transcribed responses and compilations of any numerical responses.]~~

Draft 3-30-21

Incorporated Faculty Senate and campus feedback 6-2-21

FULL REDLINE

- ~~e. Original completed student responses (or copies thereof) shall be preserved by the college or department for no less than three (3) years. Except as provided below, the original completed student responses from any student evaluation system shall not be available outside the department. "Results" may be forwarded along with other available evidence regarding teaching performance to the administrative officials or committees duly charged with the responsibility for making decisions regarding the teacher's continued employment, salary, promotion, tenure and/or awards.~~
- ~~d. In the event of an appeal/dispute, any teacher, department/division head, dean, or appropriate committee has the right to provide a written statement to accompany the "results" as they are distributed.~~
- ~~4. After results of the student evaluations have been provided to the teacher, copies of the original completed student responses must be made available to the teacher upon written request to the immediate supervisor.~~
- ~~5. Upon request of the Office of the Vice President for Academic Affairs or the appropriate dean of the college and after written notification to the teacher, the teacher's immediate supervisor shall provide copies of original completed student responses to the administrative officials or committees duly charged with the responsibility for making decisions regarding the individual teacher's continued employment, salary, promotion, tenure and/or awards.~~

~~B. Peer Evaluations~~

V. PROCEDURES FOR ASSESSING TEACHING EFFECTIVENESS

~~Each college or department shall design a process and timeline for peer evaluation of its academic teaching personnel. The right to challenge peer evaluation results or to make a written statement to accompany the results of the evaluation process as they are distributed, is the prerogative of any teacher, department/division head, dean, or appropriate committee.~~

~~A. Academic personnel with teaching responsibilities in each academic unit shall establish and publish guidelines for assessing the effectiveness of each faculty member's teaching.~~

~~B. Assessment procedures and methods chosen by each academic unit shall be consistent with the guidance provided in the Standard Administration Policy and Procedure adopted for the purpose of implementing this regulation.~~

Effective Date: July 1, 2018

Draft 3-30-21
Incorporated Faculty Senate and campus feedback 6-2-21
FULL REDLINE

Responsible Division/Unit: Office of the Provost and Vice President for Academic Affairs

Source: None

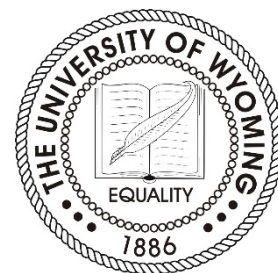
Links: <http://www.uwyo.edu/regs-policies>

Associated Regulations, Policies, and Forms: None

History:

University Regulation 800, Revision 7; adopted 7/17/2008 Board of Trustees meeting
Revisions adopted 3/23/2017 Board of Trustees meeting
Reformatted 7/1/2018: previously UW Regulation 5-800, now UW Regulation 2-5

Draft 3-30-21
FSE to FS 4-19-21
[FS approved as amended 5-3-21](#)



UNIVERSITY OF WYOMING REGULATIONS

Subject: [Establishment of a Flexible, Faculty Approved Teacher Effectiveness Assessment System Assessing Effective Teaching](#)
[Assessing Effective Teaching](#)

Number: UW Regulation 2-5

I. PURPOSE

[Effective university teaching focuses on students and their learning. It requires a broad set of specific skills and evidenced-based pedagogies that meet the requirements of the context in which the teaching and learning occur. A judicious teacher effectiveness assessment system recognizes the broad dimensions of teaching, is sensitive to different kinds and styles of instruction and innovation in teaching, and uses multiple measures involving multiple sources of data to assess effectiveness of teaching.](#)

The purpose of a system for [evaluationassessment](#) of academic personnel's teaching effectiveness and of student learning is twofold:

- A. To provide [evidence-based](#) feedback to academic teaching personnel from [students and colleaguesmultiple sources](#) to aid in the [continuous](#) improvement of [student learning](#), instructional methods, [and](#) course content, ~~and student learning~~; and
- B. To provide [independent](#) data on teaching effectiveness for consideration in the decision-making processes related to [continued employment, salary, reappointment, promotion, tenure, fixed-term, salary, and/or](#) awards.

II. DEFINITIONS

[Academic Personnel:](#) For the purposes of this Regulation, Academic Personnel includes faculty as defined in UW Regulation 2-1.

[Comprehensive Evaluation:](#) A multi-level process used for reappointment, tenure, promotion, fixed term, and extensive post-tenure review.

[Evidence-based pedagogies](#) use teaching practices that are based on available research in teaching and learning, practices that have been scientifically shown to foster learning.

[Group I Classes:](#) For the purposes of this Regulation, Group I classes include group instruction classes as defined in UW Regulation 2-100.

Draft 3-30-21
FSE to FS 4-19-21
FS approved as amended 5-3-21

41
42 **H.III. POLICY**

43 ~~The system of regular student and peer evaluation~~

44 A. ~~Regular assessment~~ of teaching effectiveness ~~applies to all courses taught as part of~~
45 ~~the University curriculum. This system of evaluation~~ applies to all academic
46 personnel, of whatever rank, category, or status, who perform teaching functions
47 within the University. ~~All Group I classes shall have some form of assessment.~~

48 B. ~~A. — Evaluations~~ ~~Assessment~~ by students, ~~peers/colleagues, peers,~~ administrators,
49 and self-~~evaluations — must reflections shall~~ be included in any comprehensive
50 evaluation of teaching and learning.

51 ~~C. B. — Academic teaching personnel should not consider the formal, University-~~
52 ~~mandated evaluations described below in Section 3 as the only course evaluations~~
53 ~~permitted. Annual review of teaching shall include administrative assessment and~~
54 ~~self-reflection. Additional sources of data may be used, consistent with the academic~~
55 ~~unit's guidelines.~~

56 D. ~~To capture the many dimensions of teaching, multiple types of evidence of~~
57 ~~effectiveness shall be used, such as teaching awards, peer evaluation, student~~
58 ~~evaluation, professional development related to teaching, personal reflection,~~
59 ~~scholarship of teaching and learning, and assessment of student learning outcomes.~~

60
61 **IV. FREQUENCY OF ASSESSING TEACHING EFFECTIVENESS**

62
63 ~~**III. PROCEDURES FOR MANDATED EVALUATION OF TEACHING**~~

64 ~~**A. Student Evaluations**~~

65
66 ~~**1. Evaluation Forms**~~

67 ~~a. Each college or department shall design an instrument for student~~
68 ~~evaluation of teaching in all courses taught in/by that unit. The chosen~~
69 ~~instrument shall provide a reasonable opportunity for all students in a course~~
70 ~~to express their evaluations. More than one college or department may~~
71 ~~choose to use the same instrument.~~

72 ~~b. Because students and administrators may be utilizing a variety of evaluation~~
73 ~~instruments, it is important that clear instructions to the students be part of~~
74 ~~each instrument.~~

75 ~~c. The academic teaching personnel of the relevant unit must approve the~~
76 ~~instrument used. To encourage an exchange of ideas among colleges and~~
77 ~~departments, each college and department shall keep a copy of its approved~~

Draft 3-30-21
FSE to FS 4-19-21
FS approved as amended 5-3-21

78 ~~instrument on file in the Faculty Senate office and the Academic Affairs~~
79 ~~office.~~

80 **~~2. Administering evaluations~~**

81 ~~a. The evaluations described in this Section are to be administered~~
82 ~~The frequency for assessing teaching shall occur~~ according to the following minimum
83 standard:

84 ~~1) —~~
85 A. All non-tenured and ~~non-extended term academic teaching personnel will~~ tenure
86 track faculty shall be evaluated in each course taught during their first three
87 years. After that, evaluation will be conducted in at least one course per semester
88 or term in which the individual teaches. If feasible, different courses should be
89 evaluated each year.

90 ~~2) —~~
91 B. Tenured assistant or associate professors and extended term or fixed term rolling
92 contract academic teaching personnel will be evaluated in at least one course per
93 semester or term in which the individual teaches. If feasible, different courses
94 should be evaluated each year.

95 ~~3) —~~
96 C. Tenured full professors will be evaluated in at least one course per year. If feasible,
97 different courses should be evaluated in any two--year sequence.

98
99 ~~b. Mandated evaluations must be given during the last twenty percent of the~~
100 ~~contact hours of the scheduled course period.~~

101 ~~c. Evaluations must be conducted in a manner that preserves the anonymity~~
102 ~~and confidentiality of student responses and maintains the integrity of the~~
103 ~~process. If evaluations described in this sub-section are to be completed in~~
104 ~~the classroom, an appropriate member of the University community other~~
105 ~~than the class teacher must administer them.~~

106 **~~3. Processing and Release of Evaluation Results~~**

107 ~~a. To preserve the anonymity of students, "open ended" or "free response"~~
108 ~~comments shall be typed, either by having departmental staff transcribe~~
109 ~~handwritten responses, or by having the students provide typed responses.~~
110 ~~Data relating to the class level or major of the individual student may be~~
111 ~~collected and reported separately, but shall not be keyed in any way to~~
112 ~~individual open-ended or free response comments.~~

113 ~~b. Results of student evaluations described shall be released to the teacher and~~
114 ~~the teacher's immediate supervisor only after the semester or term is~~

Draft 3-30-21
FSE to FS 4-19-21
FS approved as amended 5-3-21

115 ~~completed and final grades have been submitted to the Registrar's office.~~
116 ~~["Results" refers to the typed or transcribed responses and compilations of~~
117 ~~any numerical responses.]~~

118 ~~e. Original completed student responses (or copies thereof) shall be preserved~~
119 ~~by the college or department for no less than three (3) years. Except as~~
120 ~~provided below, the original completed student responses from any student~~
121 ~~evaluation system shall not be available outside the department. "Results"~~
122 ~~may be forwarded along with other available evidence regarding teaching~~
123 ~~performance to the administrative officials or committees duly charged with~~
124 ~~the responsibility for making decisions regarding the teacher's continued~~
125 ~~employment, salary, promotion, tenure and/or awards.~~

126 ~~d. In the event of an appeal/dispute, any teacher, department/division head,~~
127 ~~dean, or appropriate committee has the right to provide a written statement~~
128 ~~to accompany the "results" as they are distributed.~~

129 ~~4. After results of the student evaluations have been provided to the teacher,~~
130 ~~copies of the original completed student responses must be made available to~~
131 ~~the teacher upon written request to the immediate supervisor.~~

132 ~~5. Upon request of the Office of the Vice President for Academic Affairs or the~~
133 ~~appropriate dean of the college and after written notification to the teacher, the~~
134 ~~teacher's immediate supervisor shall provide copies of original completed~~
135 ~~student responses to the administrative officials or committees duly charged~~
136 ~~with the responsibility for making decisions regarding the individual teacher's~~
137 ~~continued employment, salary, promotion, tenure and/or awards.~~

138 ~~**B. Peer Evaluations**~~

139
140 **V. PROCEDURES FOR ASSESSING TEACHING EFFECTIVENESS**

141 ~~Each college or department shall design a process and timeline for peer evaluation~~
142 ~~of its academic teaching personnel. The right to challenge peer evaluation results or~~
143 ~~to make a written statement to accompany the results of the evaluation process as~~
144 ~~they are distributed, is the prerogative of any teacher, department/division head,~~
145 ~~dean, or appropriate committee.~~

146
147 **A. Academic personnel with teaching responsibilities in each academic unit shall**
148 **establish and publish guidelines for assessing the effectiveness of each faculty**
149 **member's teaching.**

150
151 **B. Assessment procedures and methods chosen by each academic unit shall be**
152 **consistent with the guidance provided in the Standard Administration Policy and**

Draft 3-30-21
FSE to FS 4-19-21
[FS approved as amended 5-3-21](#)

|53

Procedure adopted for the purpose of implementing this regulation.

Effective Date: July 1, 2018

Responsible Division/Unit: Office of the Provost and Vice President for Academic Affairs

Source: None

Links: <http://www.uwyo.edu/regs-policies>

Associated Regulations, Policies, and Forms: None

History:

University Regulation 800, Revision 7; adopted 7/17/2008 Board of Trustees meeting
Revisions adopted 3/23/2017 Board of Trustees meeting
Reformatted 7/1/2018: previously UW Regulation 5-800, now UW Regulation 2-5

AGENDA ITEM TITLE: Approval of modifications to UW Regulation 2-13 (Academic Program Reorganization, Consolidation, Reduction and Discontinuance), Brown/Evans

SESSION TYPE:

- Work Session
- Education Session
- Information Item
- Other:

[Committee of the Whole – Items for Approval]

Attachments are provided with the narrative.

APPLIES TO STRATEGIC PLAN:

Yes (select below):

- Driving Excellence
- Inspiring Students
- Impacting Communities

High-Performing University

No [Regular Business]

EXECUTIVE SUMMARY:

UW Regulation 2-13 outlines a process for recommending academic program reorganization, consolidation, reduction or discontinuance. During spring semester 2021, the President and the Provost recommended changes to this regulation to allow for flexibility in the comprehensive academic program review, along with the following message to the University community:

Due to the unprecedented times that we find ourselves in, the Provost and I are proposing modifications to UW Regulation 2-13 (Academic Program Reorganization, Consolidation, Reduction and Discontinuance). We know that considerable effort from various constituents went in to the revisions adopted in 2018, and I want to thank the UW community for their important contributions and input. From the vantage of 2021, with the global pandemic, budget cuts, revenue loss, and the potential for additional state appropriation reductions, we are seeking flexibility in the upcoming academic program consolidations, reductions, reorganizations, and discontinuances that will be recommended for initiation after the full academic portfolio review is complete in May 2021. We know that these proposed changes will be concerning for some academic personnel. We have limited flexibility at this time, and if we want the University to be a thriving, 21st century land-grant institution that strengthens the most important, future-forward assets of the University, the Provost and I will need the tools that will allow for this vision. While protecting and honoring tenured faculty is of the upmost importance, if projected revenues are insufficient to cover projected expenses, we have to be prepared to make difficult choices that are in the best interest of the University and the State of Wyoming, including decisions that will influence the curricular requirements of the University, accreditation requirements, and other bona fide University need. We look forward to your thoughtful, constructive feedback and insight.

Based on feedback, the President and Provost charged a working group to review the efforts to revise this regulation and provide recommendations for a proposed plan to provide flexibility in retaining faculty in the upcoming program reviews and to protect the institution of tenure. The working group submitted a report on April 2, 2021. From that report, the Trustees Regulation Committee and the President modified the regulation to remove the proposed Section H and instead added language related to “discipline specific expertise.” The Working Group also drafted a Standard Administrative Policy and Procedures (SAP) to complement the regulation.

Per the routing process for UW Regulations, the proposed modifications were provided to the President's Cabinet, Deans and Directors, Faculty Senate, Staff Senate, ASUW, and the Internal Auditor. Faculty Senate endorsed the proposed changes to the regulation, but provided feedback on the SAP. The Trustees Regulation Committee will discuss this item at the June 2021 Board of Trustees conference call 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 the Board approve modifications to UW Regulations.

ACTION REQUIRED AT THIS BOARD MEETING:

Board approval, modification, or disapproval of the recommended modifications to the Regulations.

PROPOSED MOTION:

"I move to authorize modifications to UW Regulation 2-13, as presented to the Board"

PRESIDENT'S RECOMMENDATION:

The President recommends approval.

MEMORANDUM

DATE: October 7, 2020
TO: Provost Anne Alexander & Budget Reduction Working Group
FROM: Revenue Subcommittee Group
RE: Revenue Generation Opportunities at UW

In response to Wyoming's significant revenue shortfalls, UW President Ed Seidel tasked the Budget Reduction Working Group (BRWG) to develop recommendations to address budget cuts and evaluate the impacts to the University. In doing so, the BRWG has developed subcommittees to work on specific aspects of this charge and gain insight from members of the UW community. The General Revenue Subcommittee is charged with the task of developing proposals to increase revenue at the University of Wyoming.

The purpose of this memorandum is to present the subcommittee's proposals for revenue generation at UW in the short-term and long-term.

I. Short-Term Revenue Generation Opportunities

1. Expand Tuition Differential for Graduate and Professional School Programs: Currently, the College of Law's JD program, the College of Business MBA program, and the College of Health & Human Science's Nursing Program charge professional students a tuition differential above the undergraduate and graduate student tuition rates. There are opportunities to establish differential tuition or increase tuition in other units, including the College of Arts & Sciences, the College of Engineering & Applied Science, the College of Business non-MBA programs, and the College of Education. Deans have been instructed to work with the University's Finance office to explore these opportunities for FY22 and beyond.
2. Identify Sponsored Research Opportunities and Provide Assistance with Grant Preparation: It is critical that UW invest in research administrative support by hiring research services personnel in the research-intensive colleges. Research services personnel can help identify sponsored research opportunities across academic units and assist in grant preparation. Hiring personnel dedicated to finding research grant opportunities that play to UW's strengths and making the grant proposal prep process less burdensome would lead to more research awards for the University. The return on investment is high. It is encouraging that leadership has initially proposed zero budget reductions for UW's research support enterprise, but the reality is that more is needed in terms of investments if this portion of UW is to succeed.
3. Acquiring an electronic research administration system: UW should implement processes for grant proposal development and administration that are more attractive for faculty engagement, further reducing the impediments for faculty to develop and act on these proposals. As is the case for increased research services

support, establishing a more efficient process for grant proposal development and administration will generate research awards, which in turn will cover the costs of this modest investment in resources.

II. Long-Term Revenue Generation Opportunities

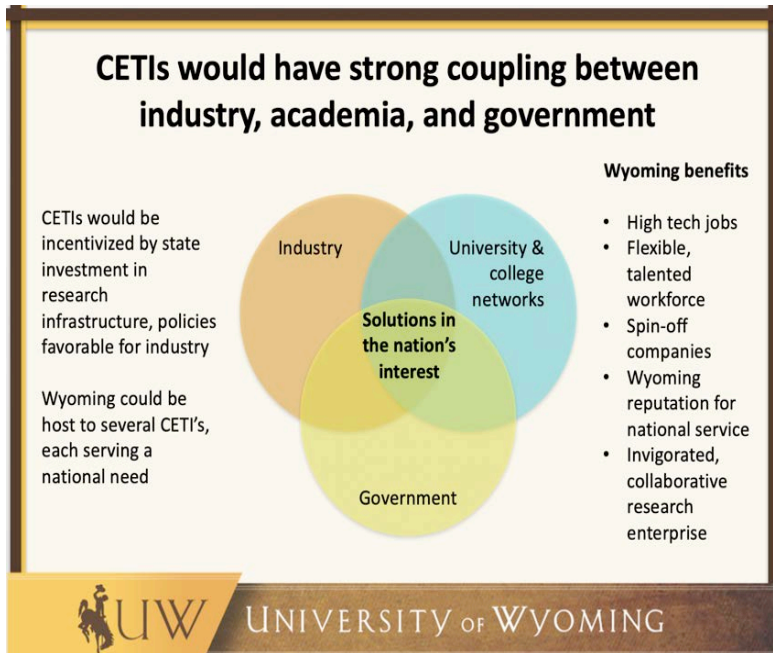
1. Recreation and Outdoor Programming: UW is well-positioned geographically to take advantage of outdoor culture, tourism and recreation. Such an approach is likely to enhance the value proposition of attending UW, particularly by non-resident students. Creating the country's most recreation-centered campus should be a top priority from a revenue generation standpoint, offering classes in cross-country skiing, mountain biking, fly-fishing, climbing, landscape photography, etc., taught by trained professionals. Classes, for example, might consist of seven-to-ten day excursions or expeditions during the summer (e.g., backpacking or climbing in the Wind River Mountains, fly-fishing on the Green River, cross-country skiing in Jackson or Kurt Gowdy National Park) where participants will spend time exploring remote, wild places with a tight-knit community of students and instructors. These excursions do not need to be limited to Wyoming. A climbing course that allows for students to travel to some of the region's top climbing spots – could really drive interest. Courses would emphasize leadership training, team building skills, decision-making under challenging conditions, and wilderness risk management, among other topics. The investment would be significant but Wyoming is ideal for outdoor recreational opportunities.

An opportunity may exist for this type of programming by partnering or collaborating with NOLS in Lander (UW-NOLS) or megabrands like REI, Columbia Sports Wear or Patagonia to implement this programming. Programs would be marketed to companies, organizations and non-UW outdoor enthusiasts who are seeking training, certification or simply course credit for approved outdoor recreational courses.

2. Expanding UW's Work in Grand Teton National Park: Increasing program opportunities (research project, course, or conference) in Grand Teton National Park should be a top priority for the University. Under the Crossing Divides Initiative, the UW Grand Teton Task Force and the UW Office of Research and Economic Development are seeking UW faculty and collaborators to propose major directions for work over the next 10 years centered at Grand Teton National Park, at the UW-NPS facility within the Park and at the historic AMK Ranch on Jackson Lake (<https://uwnps.org/>). Identifying broad themes and activities that could be developed into specific programs offered to UW students and the external community can be an important revenue driver for the University. It is important to encourage participation from all disciplines including the humanities, physical, biological, and social sciences, along with business and policy oriented groups, as well as cross-disciplinary teams. Well-developed plans resulting from this process

are currently eligible for significant seed funding support beginning in summer 2021.

3. Strengthen the UW presence in Washington, D.C.: Systematize how UW presents its priorities and skill sets to our congressional delegation, and to federal agencies. Discussions have begun with President Seidel regarding this. It is unclear if this warrants hiring of new staff, or if smart self-organization will answer the call. In terms of revenue generation, an increased presence of UW in DC will help to further large, multi-disciplinary research grants (assuming concomitant investments in UW's research support systems).
4. Systematizing UW's efforts to attract business partnerships: There is great potential for the University to collaborate and form partnerships with businesses and corporations whose mission and activities align well with the University's priorities. These opportunities may take various forms and allow for combined efficiencies to generate revenue for the University (e.g., a joint venture between the UW Bookstore and Barnes & Noble sharing profits from book and merchandise sales to the public). Important aspects of this include:
 - a. *Promote organizations and processes that connect faculty research & business* – It is important to create forums for sharing ideas and building relationships with corporations. For example, UW has established a UW chapter of SparkGlobal with our nascent Biosciences Hub as its focus. SparkGlobal and other standing forums can serve as an interface connecting industry and university faculty.
 - b. *Invest in Centers for Emerging Technologies and Innovation*
It is important to expand UW's infrastructure required for classified research to facilitate the creation of industry/federal/UW partnerships and form Centers for Emerging Technologies and Innovation (CETI). Many federal agencies are eager to have research universities provide a portal into research on challenges of national interest. There may be an expectation to allow a small portion of that research to be classified, requiring investment in a Secured Classified Information Facility (SCIF; cost ~ \$2M). A SCIF would be an unusual asset that would distinguish UW in the Mountain West region. Our geography makes us a very attractive location to federal agencies for a SCIF. There is great potential to develop a multi-million dollar joint industry/federal/UW partnership in this domain.



c. *Investing in research computing and infusing it in curricula*

It is important to make UW an attractive agent for corporate sponsors to carry out their missions. Investment will be needed, but the payoff in terms of federal and corporate-sponsored research could be large. For example, utilizing the supercomputer at the NCAR-Wyoming Supercomputing Center for business applications could generate revenue by making UW attractive for industrial partnership.

d. *Systematize business courtship efforts between ORED and UW Foundation*

The University and the Foundation should work together to attract corporate partnerships. The benefits of stronger corporate engagement can be great. UW has resources that corporations can use – think Bell Labs of 50 years ago, and their private research enterprises.

5. Expand and grow online programming at UW: The importance of online/distance education has never been greater, particularly for UW's land-grant mission aimed at serving a massive geographic area. In order for UW to serve adequately its educational mission for the state, it is essential to have robust, sustainable and well-resourced online programs, courses, well-trained faculty and appropriate support mechanisms (including many areas of UW in support of remote learning). The COVID-19 pandemic only adds a greater sense of urgency to UW's efforts.

UW's current position in terms of online programs and support are considerably below the standard required to meet current and longer-term online program needs. To get to where we need to be, it will require a comprehensive strategic plan, goals and action steps that are aligned with definitive, on-going resource commitments from UW leadership. If done well, these investments will result in higher program quality, increased demand, better service to the state and key source of revenues for UW.

An UW Online Programs Working Group (OPWG) has been charged to address the pressing and longer-term issues facing UW's online programs and support services. The OPWG is developing a plan for "all things online" at the University of Wyoming.

The importance of investing in digital strategies cannot be understated, but a clear plan with well-supported recommendations for university investment is required. As of early October, the OPWG has done a detailed analysis of how existing online tuition revenues (~\$20M) are being used at the university and what it will take to further grow this key revenue source (including hiring a new AVP for online programs). The OPWG will have a complete report prepared by mid/late October with greater details.

6. Increase International Programming Opportunities:

- a. Strategic partnerships with global institutions: Strategic partnerships that involve collaborative grants with global institutions present some opportunities for long-term revenue generation at UW. The revenue would run through ORED.
- b. Expanding summer abroad courses and fees: It is important to develop additional international courses, add "Education Away" domestic faculty-led travel courses, and investigate higher fee structure per course for all Education Abroad courses. Education Abroad fees are currently comparatively low in order to make the experiences widely accessible to students, but there is some potential to increase student fees for these courses.
- c. Establish partnerships with companies that recruit non-UW students for courses offered by UW abroad: There are opportunities in China, Brazil and other countries to partner with companies that arrange for in-person summer and J-mester courses offered by UW where the course credit is transferrable to the foreign student's home institution. The responsibilities of the university working with the company are to produce faculty to teach at a certain location in the country, along with handling the admissions and transcription processes for the hundreds (or even thousands) of foreign students who enroll in the course. The university is paid either a flat rate per course, or is paid per student credit hour.

Whether forming this type of partnership is in UW's best interests is uncertain but is worth further exploration. There are several benefits that can be gained from this type of international collaboration. First, there is modest, but real, revenue to be gained as foreign student interest in attending or studying at U.S universities remains high. Second, it could become a vehicle for recruiting international students into UW graduate programs. Some students have a great experience with a specific instructor during a summer course and decide to move to that professor's home institution to pursue postgraduate work. In addition, the partnership enables

faculty to travel to another country and teach a group of students native to that country. It is a meaningful international experience. An additional advantage worth mentioning is that the partner company typically handles the payment of faculty, faculty visas (if needed), and in-country logistics, so it is an easier ‘lift’ than mounting 20 additional study abroad courses.

At the same time, such a partnership creates challenges. One is faculty recruitment to participate in teaching foreign students abroad. However, for an institution the size of UW, and given that adjuncts would count as credentialed ‘faculty’ for the purposes of the partnership, this does not seem that difficult. Likely, the more challenging issue is the capacity within the Office of the Registrar and Admissions to handle hundreds of additional applications (non-degree seeking, however, which are generally easier) and transcripts (which are then transferred to other institutions, prompting the need to respond to inquiries about those credits). One possible solution is an agreement internal to UW that a percentage of all the revenue gained, perhaps even as much as half, be turned over to Enrollment Management so that this is not merely an unfunded mandate from their perspective, and instead is viewed as an opportunity for that unit to gain resources as well.

- d. Increase capacity of the English Language Center to offer short-term summer study tours. These regional travel tours can be combined with intensive English and U.S. culture study for groups of students from foreign universities. Summer courses can be arranged by full-time staff but taught by adjunct instructors. Multiple benefits include fostering university to university partnerships, generating revenue for GEO and potentially recruiting international students for UW graduate programs.
 - e. Develop Education Abroad Partnership with the UW Alumni Association to offer global study tours specifically developed for UW alumni that draw on UW faculty and complement the educational mission of the university, and/or invite alumni to join existing UW faculty-led Education Abroad courses.
7. Increase Corporate Sponsorship Opportunities: UW currently contracts with many corporate sponsors, including banks, credit unions, law firms, health service providers, and other businesses for marketing purposes surrounding athletic events and multi-media opportunities. The sponsorship agreements are coordinated through a third party (Learfield) who on some campuses manages the inventory for the entire campus – not just the department of athletics. The University should consider opportunities from competing enterprises (particularly those located in Colorado) to break into the UW sponsorship market as a way to raise revenue. This would require a detailed review of how other campuses who have partnered with these type of marketing firms have benefited, plus conduct a detailed review of the market and demand to be associated with the University of Wyoming. A new agreement could lead to campus-wide sponsorships (for example, UW Athletics has a relationship with Blue Cross Blue Shield of Wyoming). They may also want a

partnership with Half Acre and College of Health Sciences, a one stop shopping approach.

8. Create a Seed Fund for Faculty Innovation and Entrepreneurship Activities: A key potential (unrealized) source for revenue generation at UW is its diverse Faculty, their intellectual property, and firms leveraging those assets in the marketplace. It is important that UW incentivize faculty to be entrepreneurial and innovative in their thinking about new programs and revenue generation for the University. A seed fund to support such activity should be created and made availability to faculty who seek to explore new programs online, abroad or in collaboration with community colleges and other institutions. Some administrative support to process applications for awards, channel seed funding to credible projects, and ensure accountability should be put in place to ensure success, efficiency and overall effectiveness of the programming.
9. Create a CyberRange facility in Laramie. The basic idea is a facility is built for companies to bring in their hardware and software that is then tested, probed, attacked, etc., to check for any vulnerabilities with regard to cybersecurity, privacy info, etc. Companies sign up for some period of time, and as paying members can use the facility as needed. UW comes in to play as our faculty and grad students in COSC and ECE are the main attackers, and we share the subscription revenue with the company that oversees the cyberrange.
10. Expand scope of the Blockchain Center of Excellence and the IOHK Blockchain Lab: These two key blockchain entities at UW could help the state lead in cryptocurrency, blockchain applications and research. Expanded partnerships with blockchain firms will benefit students, faculty, and our state.
11. The 9H Energy Development Project: The 9H Energy development Project (a big solar power and power storage farm owned by a very successful engineering grad from UW) is set to break ground this month outside of Laramie. The owner wants to donate the power for the two engineering buildings (EN and EERB). 9H would insert into the grid the amount of energy the two buildings use, as renewable green energy, and UW would obtain a credit on its power bill. Based on FY 2020 usage and current power rates, it is estimated that UW could saving approximately \$360,000 a year on its utility bill.

Specific issues for 2-13

1. Retirement - what are we allowed and not allowed to do regarding phased retirement?
2. Targeted retirements and severance packages
3. Retain local control regarding **how** to take a budget cut. College leadership knows more about their programs than others outside of the college- let the Colleges make the decision to the extent that Deans and others are willing to do this. College ability to manage cuts varies from unit to unit.
 - a. Deans are not currently involved in the flow chart for how all of this is going to happen. Deans need to play a role.
4. Protect junior faculty - we should not eat our young, but not this way – there has to be a better way.
5. Reinstate mandatory retirement for administrators, faculty and staff (68 yoa). Option to rehire as emeritus for specific functions.
6. Shared governance activity for rifting faculty in case of program consolidation or elimination. This should involve committees at college and university level.
7. Buyouts – severance packages
8. Need to align priorities for strategic changes – need to get faculty on board to help make these change possible – not on board at the moment.
 - a. Along with this, we need to identify the core of the institution – what do we absolutely need both in academic offerings, but also in other services.
 - b. This will help us to identify what should go in this round.
9. Make the cuts and then recalibrate and move the dream forward – this would give us time to do #8.

Ideas for revenue and cost savings

1. Increased tuition will be a fact of life - but offset this to the extent possible for in-state students with scholarship opportunities. We recommend a reevaluation of scholarship allocation model. Allow us to 'stack' scholarships to make UW more attractive to the best in-state students. Colleges need to be able to target scholarships for recruitment purposes. Our ability to maintain college-based scholarships at college level will increase retention.
 - Just as another aside here – I participated in the listening session with parents the other night and there was pretty strong support for raising tuition if it meant that their students could keep getting the education that they were getting. There was a recognition that this could only go so far before we priced ourselves out of the market, but there was support there.
2. Pay cuts for people – a certain percentage under \$150000 and a different percentage for those making more than \$150000.
3. Related to the last one – we seem to be hiring administrators (AVPs) and advisors (guy over in Engineering) while getting rid of people – this seems counterintuitive.
 - a. This goes to my statement about sacrifices. If faculty are going to lose their jobs, some sort of “sacrifice” among administration only seems fair. Right now it seems like we are going in the opposite direction in that regard – they keep hiring like there is no budget cut – or at least that’s the perception.
 - b. Need to look on how we can streamline administration.
4. Lots of support for various types of retirement options.

5. Make departments leaner by streamlining curriculum. Just like the university, there are many departments that try to do everything for everybody within their field. This is why consolidations don't necessarily save us money. We need to understand that within a given field we likely can't teach everything and so we should focus on what we can do well and then streamline the curriculum based on that.
 - a. Streamlining curricula in case another budget cut comes along. Reducing electives (something no one wants to do). But this will free up faculty time to build out programs and seek new sources of revenue. There has to be an accountability measure for faculty to do this that we need to figure out - what I used to do - was to determine, as a baseline - whether a faculty member was bringing in revenue from a variety of sources to cover their salary/benefits - this could be credit hours, online programming, grants, contracts - didn't matter. Those who were generating funds for program had priority when there were funds available for distribution at the department level - including things like GAs.
 - b. Take a look at class sizes - can't keep teaching 4000 level classes with 10 students - not a good use of resources.
6. Provide greater flexibility to cover educational costs through either differential tuition or higher course fees. Need to continue to work with ASUW and others to show what the actual cost of education is.
7. Increase admission requirements. If a student can't meet those, track to community college first. Cost of retention of poor quality student is high. Example - remedial math is already taught by CC - so students would be better off enrolled at LCCC than UW to save costs. This would this be a good model for other readiness issues.
 - a. Work together with them to also get revenue - some innovative ideas out there on how to do this with class sharing.
 - b. However, logistic roadblocks
8. Biggest issue for students is cost, specifically cost of living in Laramie. Need to have larger number of jobs in campus and off campus for students. Some students will not fill out FAFSA and we need to be able to support these students. Need better way to support students who want to work their way through school.
9. Reevaluate named gifts at Foundation. Drop initial gift cut-off from 25K to 5K. This decrease would encourage more named gifts. Possibly this could be done with multi-year pledge/planned to get to the 25k level over a period of years.
10. Add new categories for gifts for separate programs
11. Improve financial tracking system so that we have reliable real-time financial data - right now it is difficult to estimate both available balances and burn rate.
12. Allow colleges to maintain/utilize reserve funds. Sweeping these funds damages morale and programs.
13. Allow colleges to retain/utilize discretionary funds - since these are funds that faculty have 'built up' over time for particular purposes. Does not mean there should not be a plan for using these. Same goes for the establishment and maintenance of Plant accounts (think we are not allowed to have these, although there was discussion last year, am I wrong about this?)
14. Raise funds and develop a plan to transfer athletic program costs off of the block grant. Full cost athletics and then fund from private sources.

15. Look to see if there is any way of consolidating/outsourcing other services on campus (i.e. HR, IT, operations, etc.)

Ideas for student recruitment and retention

- 1-Revenue options - retain the 70% distribution for on-line programming. This is a big incentive for developing new programs, including non-credit programs from already generated for-credit content.
- 2-Accelerate development of cross-state educational initiatives - with community colleges. This meets WIN initiative objectives and will allow us to 'share' faculty so that programs across the state are viable.
- 3-Increase enrollment through attraction of out of state students, better financial aid packages and scholarship opportunities for transfer students.
- 4- Move to block transfer.
- 5- Provide academic credit for extension programming. Provide greater opportunities for extension educators to teach following federal guidelines.
- 6-Evaluate opportunities for program charges. For example, develop a model to charge for at least some extension/outreach programming and other services. Develop a model that is considered equitable across the state.
- 8-Make it easy for colleges (reduce institutional barriers) to work together on new interdisciplinary degree programs - this includes degrees issued by two colleges. For whatever state level barriers exist, will need President and stakeholder support to knock barriers down.

**UW Regulation 2-13
Academic Program Reorganization, Consolidation, Reduction and Discontinuance
Report to President Ed Seidel**

April 2, 2021

I. The Charge

President Seidel charged Vice President and General Counsel, Tara Evans to review recent efforts to revise UW Regulation 2-13 (Academic Program Reorganization, Consolidation, Reduction and Discontinuance) and provide recommendations for a proposed plan to provide flexibility in retaining faculty in the upcoming program reviews and to protect the institution of tenure.

II. Working Group Formation and Meetings

President Seidel and Interim Provost Alexander formed a Working Group consisting of faculty members, department heads, directors, deans and administrators to provide input.

The Working Group members are:

Faculty Members: Adrienne Freng, Professor, Criminal Justice and Sociology; Mike Borowczak, Assistant Professor, Computer Science; Rudi Michalak, Lecturer, Physics and Astronomy; Treva Sprout Ahrenholtz, Lecturer, Family and Consumer Sciences

Department Heads and Directors: Benjamin Rashford, Department Head and Associate Professor, Agricultural and Applied Economics; Alan Buss, Director, School of Teacher Education

Deans: Klint Alexander, Dean, College of Law; Brent Pickett, Dean, UW at Casper; John Koprowski, Dean, Haub School

Administrators: Tara Evans, Vice President and General Counsel (Chair); Tami Benham Deal, Vice Provost

The Working Group met and interacted several times from March 22 to April 2, 2021. At the initial meeting, the background, context, and intent of the proposed changes were presented and the group identified key challenges to consider. After several meetings, it was determined that in addition to recommending changes to UW Regulation 2-13, the Working Group would provide recommendations on (1) incentive programs to reduce workforce, contribute to budget reductions, and retain faculty that could be coupled with the upcoming UW Regulation 2-13 process; (2) prioritizing revenue enhancements as well as budget reductions; and (3) requiring a comprehensive review of the non-academic units, similar to what is occurring with the academic portfolio review.

III. UW Regulation 2-13 (Academic Program Reorganization, Consolidation, Reduction and Discontinuance)

After discussing the proposed modifications that went to campus on March 10, 2021, the Working Group's opinion is that the current regulation provides an adequate process to address program reorganization, consolidation, reduction, and discontinuance and provides the flexibility to retain faculty that are uniquely qualified for new positions. However, the Working Group recommends that a Standard Administrative Policy and Procedure (SAP) be drafted to complement the regulation by providing definitions, clarifying process, instituting guard rails, and fostering checks and balances in line with shared governance. Specifically, the Working Group recommends the following detail be included in the SAP:

1. Define the terms "position" and "similar duties," which are contained in sections IV.C and V.C of UW Regulation 2-13. When defining "duties," use "discipline specific expertise," which is broad enough to encompass research/creative activity, teaching, service/outreach and extension, but allows for flexibility in retaining faculty that are uniquely qualified for a new position. When defining "position," add the "discipline specific expertise" required for the position.
2. Create an internal process to re-hire terminated employees into reorganized, consolidated, or new academic programs when possible and appropriate. This process could include:
 - a. A review committee comprised of deans, department heads, and faculty in the terminated unit/college and in the new unit/college.
 - b. Require consultation with relevant academic units to avoid any accreditation issues or unintended consequences.
 - c. An opportunity for any terminated faculty to indicate interest and demonstrate relevant discipline expertise in a new position.
 - d. Clarification that given multiple qualified candidates, sections IV.C and V.C of UW Regulation 2-13 control.
 - e. Provide recommendations to the Provost and President for a final decision.
3. If and when program discontinuance occurs during an academic year, faculty are given every opportunity to receive a similar academic appointment as part the plan for accommodating students currently enrolled in the terminated program. This opportunity will ensure continuance of employment for the full hiring cycle in that discipline.
4. Clarify that if faculty are terminated during the year in which a tenure or promotion decision is made, the process would continue and faculty would receive tenure or promotion if recommended and approved by the Board of Trustees.
5. Provide more detail on the required content for the plan to accommodate students currently enrolled in the terminated program and to accommodate faculty who would be involved in the teach-out program.
6. Require the SAP to be reviewed one year after its approval to assess impacts and metrics and to further refine if needed.
7. Reinforce that if faculty positions are eliminated due to a discontinuance, the faculty member can choose to resign or to take retirement in lieu of termination (standard process, but we could be more transparent about it).

IV. Incentive Programs to Reduce Workforce, Contribute to Budget Reductions, and Retain Faculty

The Working Group recommends considering incentive programs to reduce workforce, contribute to budget reductions, and retain faculty. The Working Group recognizes that the University has faculty who will not be directly impacted by program eliminations but who are flight risks and who we will want to retain. Without retention dollars, the University will need to have alternative strategies for retention. Additionally, the Working Group acknowledges that any type of incentive program would have to be reviewed by the appropriate offices for employment, tax, and financial impacts.

Retirement Incentive Programs

1. Examples of applicability to different segments of employees
 - a. All employees (may contribute to budget reduction but can have non-strategic unintended consequences)
 - b. Employees directly impacted by budget reductions and program eliminations
 - c. Employees who meet other objective criteria (for example, years of service, etc.)
2. Possible approaches
 - a. VSIP-like program – one-time payment of X-month budgeted salary, not to exceed a specific amount. For example, if program elimination finalized in December 2021, one-time payment could be remainder of AY or FY salary plus choice to convert sick leave to a contribution for group health insurance, with option to be hired as temporary lecturer for teach out needs (providing this would be allowed by state retirement rules).
 - b. Ramp-down to Retirement program – allows faculty to transition to retirement by gradually reducing a faculty member’s workload over time; options include:
 - i. Phased retirement contract – allows faculty member who has met certain age and years of service criteria to work half-time at half-salary, while maintaining health insurance and other benefits provided by the University (e.g., office/lab/studio space, access to libraries, Half-acre, etc.) – At Boise State, this is called a “fixed term phased retirement contract.”
 - ii. Partial leave without pay (by reducing the workload by 20-50 percent – thus changing their appointment to 0.8 to 0.5 FTE) – Indiana University has implemented this approach.
 - iii. Combining phased retirement with leave without pay (e.g., at University of Michigan, a phased retirement schedule could include working only certain months of the year combined with certain months as time off. During a period of time off without pay on phased retirement, university contributions for benefits continue. However, faculty must make arrangements to pay their contributions (if any) for these benefits.

Strategies to Retain Faculty in Critical Positions

Examples include:

1. Allow faculty to opt-in to a program that would reduce their AY or FY appointment by one month (e.g., J-term for AY faculty), and subsequently their salary by one month. This could

be coupled with the faculty member using contract or grant funds to provide supplemental pay for that month.

2. Give faculty with research grants greater access to indirect costs/revenues to supplement their salary or to support their research team. (Reference: [UW Regulation 9-2](#))
3. Remove barriers for faculty to receive greater amounts of supplemental pay from their grants and contracts (e.g., allow for more than 1/3 of base salary) – possibly a greater amount if faculty opted to reduce their appointment by one month (e.g., up to 60% of 8-month base salary and up to 50% of 9-month base salary – providing the funding agency does not have the 1/3 limitation).
4. Explore options and/or better communication about consulting (e.g., there is a limit on number of days you can consult providing your university work is not impacted, but is there no limit on amount of pay you can receive for consulting).

V. Revenue enhancements

In concert with identifying cuts related to various reorganizations, consolidations, reductions, and discontinuances of programs, the Working Group recommends that the President also consider various ways to enhance revenues to provide additional avenues to address our current budget situation. Specifically, the Working Group encourages the President to explore recommendations made by the Budget Reduction Working Group (BRWG), as well as others provided within this document. By coupling revenue enhancements with additional budget cuts, the overall impact on the academic mission of the institution can be reduced. See Attachments A and B.

VI. Comprehensive non-academic unit review

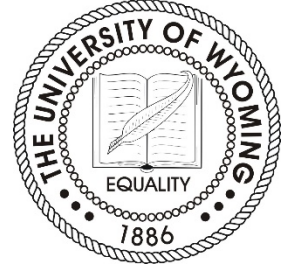
Similar to the academic portfolio review and strategic visioning analysis, the Working Group recommends that the President ask the non-academic divisional units to develop a plan to progressively and critically review services and identify efficiencies that could assist with additional budget reductions and revenue enhancements.

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UNIVERSITY OF WYOMING REGULATIONS

Subject: Academic Program Reorganization, Consolidation, Reduction and Discontinuance

Number: UW Regulation 2-13



I. PURPOSE

To promote and maintain high quality academic programs, the University may over time develop new academic degree programs or reorganize, consolidate, reduce and/or discontinue existing academic programs. The University may reorganize, consolidate, reduce and/or discontinue Academic Programs for educational, strategic, realignment, resource allocation, budget constraints, or combinations of educational, strategic, and/or financial reasons.

II. DEFINITIONS

Academic Personnel: For purposes of this Regulation, Academic Personnel includes non-tenure track academic personnel, academic personnel on a fixed term contract (including extended term academic professionals), tenure track faculty, and tenured faculty as defined in UW Regulation 2-1.

Academic Program: Degree program, department or division of instruction, school or college, interdisciplinary program or unit, or other academic program unit. For the purposes of this Regulation, Academic Program does not include academic courses.

Fixed Term Academic Personnel: For purposes of this Regulation, Fixed Term Academic Personnel shall mean academic personnel on a contract with a term greater than one year, including extended term academic professionals.

Unit: For purposes of this Regulation, Unit refers to an academic department. If there is no academic department, then Unit refers to the next smallest academic grouping, such as School or College.

III. PROCESS FOR RECOMMENDING PROGRAM REORGANIZATION, CONSOLIDATION, REDUCTION OR DISCONTINUANCE

A department, its chair, the dean or director, the Faculty Senate, the Provost and Vice President for Academic Affairs, the President of the University, or the Board of Trustees may request a review and analysis regarding reorganizing, consolidating, reducing or

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discontinuing Academic Programs. The Provost shall make a recommendation to the President. The President in collaboration with the Faculty Senate will review the recommendation. The President or the Provost shall also discuss the recommendation with and solicit feedback from the Academic Personnel and staff in the department or program, the department chair, and the dean of the school or college.

The President shall make a final recommendation to the Board of Trustees to reorganize, consolidate, reduce or discontinue a program within a maximum period of 120 days from the time the initial request was made. The recommendation shall include a plan for program closure, if applicable, identification of tenured faculty and Fixed Term Academic Personnel appointments recommended for termination, and a plan for accommodating students currently enrolled in the program.

A University Standard Administrative Policy and Procedure shall provide guidance for this process.

IV. TERMINATION OF FIXED TERM ACADEMIC PERSONNEL

Termination of Fixed Term Academic Personnel or those Academic Personnel with unexpired term appointments may occur as the result of reorganization, consolidation, reduction or discontinuance of an Academic Program. Once the President has decided to recommend reorganization, consolidation, reduction or termination of an Academic Program, the President shall consult with the Provost and appropriate administrators on termination of appointments of Fixed Term Academic Personnel rostered in the organizational unit under review.

If a Fixed Term Academic Personnel is eliminated due to the reorganization, consolidation, reduction or discontinuance of an Academic Program, the University shall make reasonable efforts to transfer the Fixed Term Academic Personnel to another open and funded position for which the Fixed Term Academic Personnel is qualified and has discipline specific expertise.

In the event that it is determined that the employment of a Fixed Term Academic Personnel must be terminated due to the reorganization, consolidation, reduction or discontinuance of an Academic Program:

- A. Written notice of termination, stating the cause, shall be given as soon as practicable;
- B. When notice of termination of employment is received, the Fixed Term Academic Personnel may appeal the termination pursuant to UW Regulation 2-14, but not the decision to reorganize, consolidate, reduce or discontinue an Academic Program;

Draft 4-8-21

- C. When a position held by a Fixed Term Academic Personnel is terminated, if that position is restored or a new position with similar duties is created within a period of one (1) year following its termination and the Fixed Term Academic Personnel meets the discipline specific expertise required for the restored or new position, the position shall first be offered to the Fixed Term Academic Personnel who formerly held the position, and who was terminated because of the reorganization, consolidation, reduction or discontinuance, at the same salary, rank, and seniority as the Fixed Term Academic Personnel previously held;
- D. Whenever possible, reductions will be accomplished through attrition;
- E. No Fixed Term Academic Personnel will be terminated until the non-Fixed Term Academic Personnel in the Unit have been terminated. Academic Personnel, excluding tenured faculty, shall be terminated in the following order: (1) non-tenure track academic personnel; (2) tenure track faculty; and (3) academic personnel on a fixed term contract;
- F. Those employed full-time have retention priority over those employed on a part-time basis;
- G. Among Fixed Term Academic Personnel in a Unit having equal rank and retention priority, the Fixed Term Academic Personnel with the greatest seniority in the Unit will have retention priority. Seniority will be based first on an employee's academic professional rank and second on total years of full-time equivalent employment in the Unit exclusive of periods of unpaid leave, provided the employee with a break in service of more than four (4) years will not be given credit for service prior to such break; and
- H. A Fixed Term Academic Personnel who is under a performance improvement plan shall be terminated prior to any other Fixed Term Academic Personnel.

V. TERMINATION OF TENURED FACULTY

For the purposes of this Regulation, termination of tenured faculty may occur as the result of discontinuance of an Academic Program. Once the President has decided to recommend discontinuance of an Academic Program, the President shall consult with the Provost and appropriate administrators on termination of appointments of tenured faculty rostered in the organizational unit under review.

If a tenured faculty member is eliminated due to the discontinuance of an Academic Program, the University shall make reasonable efforts to transfer the tenured faculty member to another open and funded position for which the tenured faculty member is qualified and has discipline specific expertise.

Draft 4-8-21

In the event that it is determined that the employment of a tenured faculty member must be terminated due to the discontinuance of an Academic Program:

- A. Written notice of termination, stating the cause, shall be given as soon as practicable;
- B. When notice of termination of employment is received, the tenured faculty member may appeal the termination pursuant to UW Regulation 2-14, but not the decision to discontinue an Academic Program;
- C. When a position held by a tenured faculty member is terminated, if that position is restored or a new position with similar duties is created within a period of one (1) year following its termination and the tenured faculty member meets the discipline specific expertise required for the restored or new position, the position shall first be offered to the tenured faculty member who formerly held the position, and who was terminated because of the discontinuance, at the same salary, rank, and seniority as the tenured faculty member previously held;
- D. Whenever possible, reductions will be accomplished through attrition;
- E. No faculty member with tenure will be terminated until faculty members in the Unit without tenure have been terminated. Academic Personnel shall be terminated in the following order: (1) non-tenure track academic personnel; (2) tenure track faculty; (3) academic personnel on a fixed term contract; and (4) tenured faculty;
- F. Those employed full-time have retention priority over those employed on a part-time basis;
- G. Among tenured faculty members in a Unit having equal rank and retention priority, the tenured faculty member with the greatest seniority in the Unit will have retention priority. Seniority will be based first on an employee's professional rank and second on total years of full-time equivalent employment in the Unit exclusive of periods of unpaid leave, provided the employee with a break in service of more than four (4) years will not be given credit for service prior to such break; and
- H. A tenured faculty member who is under a performance improvement plan shall be terminated prior to any other tenured faculty members.

VI. NOTIFICATION TO EMPLOYEES AND STUDENTS

Draft 4-8-21

Following formal approval of termination plans by the Board of Trustees, the University shall provide notice to all employees whose appointments are to be terminated. For Academic Personnel with nine-month contracts, termination will be effective at the end of the current academic year. For Academic Personnel with twelve-month contracts, termination will be effective at the end of the current fiscal year. For purposes of this Regulation, these notice provisions govern, and any other notice provisions provided by UW Regulations, policies, or procedures do not apply. When notice of termination of employment is received, the tenured faculty member or Fixed Term Academic Personnel may appeal the termination pursuant to UW Regulation 2-14, but not the decision to reorganize, consolidate, reduce or discontinue the academic program.

If classified staff or contractual employees will be eliminated, UW Regulation 5-3 and the Employee Handbook shall govern terminations of classified staff, and the terms of the contract shall govern the termination of any contractual employees, including Athletic employees.

Notwithstanding the above notice provisions, timing for phasing out programs and displacing tenured faculty members or Fixed Term Academic Personnel will be based on institutional needs.

Before terminating a degree program, every reasonable effort will be made to allow students to complete their degrees. Program or campus transfers will be made if mutually acceptable to the student and the receiving department. Students will be provided advising assistance with respect to their academic program options. Students will be notified of program closure and timing for phasing out programs.

Responsible Division/Unit: Office of the Provost and Vice President for Academic Affairs

Source: None

Link: <http://www.uwyo.edu/regs-policies>

Associated Regulations, Policies, and Forms: UW Regulation 2-14 (Appeal Procedures)

Draft 4-8-21

History:

University Regulation 43, Revision 1; adopted 7/17/2008 Board of Trustees meeting
Revisions adopted 9/9/2011 Board of Trustees meeting
Revisions adopted 3/24/2016 Board of Trustees meeting
Reformatted 7/1/2018: previously UW Regulation 6-43, now UW Regulation 2-13
Revisions adopted 7/12/2018 Board of Trustees meeting



Standard Administrative Policy and Procedure

Subject:
Number:

I. PURPOSE

To outline processes for transitioning academic personnel following academic program discontinuance, and procedures and conditions for teach out plans.

II. DEFINITIONS

Academic Program: Degree program, department or division of instruction, school or college, interdisciplinary program or unit, or other academic program unit. Academic Program does not include academic courses.

Fixed-Term Stream Position: A non-tenure track position eligible for or currently with 3- or 5-year fixed-term rolling contract or an extended-term (6-year fixed term).

Program Discontinuance: To permanently close a program and discontinue program activities.

Stopped Out Student: A previously enrolled degree-seeking student who suspended enrollment for one or more fall and/or spring terms and who subsequently seeks to re-enroll.

Teach-Out Plan: A written plan developed by the academic unit and approved by the Provost that provides for the equitable treatment of students when their academic program has been discontinued.

Tenure Stream Position: A position that is either eligible for or currently with tenure.

III. ACADEMIC APPOINTMENTS FOLLOWING PROGRAM DISCONTINUANCE

The Provost shall establish an internal process and transition plan for academic personnel whose positions are discontinued and for those whose jobs are affected by the discontinuance. This process should include a review committee comprised of deans, department heads, and faculty in the terminated unit/college and in the new unit/college. Consultation with relevant academic units will be necessary to avoid any accreditation issues or unintended consequences.

The following considerations shall be addressed in the transition plan:

- The opportunity for terminated faculty to indicate interest in and provide documentation of relevant discipline expertise for consideration in open and funded positions in existing

academic programs, reorganized or consolidated academic programs, or new academic programs.

- Protocol/criteria for determining discipline specific expertise required for new positions.
- Steps consistent with sections IV.C and V.C of UW Regulation 2-13 for maintaining rank and seniority when multiple equally qualified candidates are identified.
- Recommended strategies for supporting academic units, schools and colleges that have programs discontinued
- Process for transferring faculty positions to other academic programs and determining the role of these faculty members in a teach-out.
- Process for submitting recommendations to the Provost and President for a final decision.

A. Tenure, Promotion and Fixed-Term Implications

Program discontinuation will not impact the tenure, promotion and fixed-term rolling contract review process. Faculty who are terminated during the academic year in which a tenure, promotion or fixed-term rolling contract decision is made will receive tenure or promotion if recommended and approved by the Board of Trustees.

Academic units that receive transferred faculty members due to program discontinuance shall incorporate and apply the tenure, promotion and fixed-term rolling contract expectations from the original academic unit as the faculty members transition to the new academic unit. Academic units should establish a reasonable timeframe for full integration of new discipline specific expectations into their unit and college guidance documents.

- B. Resignation and Retirement.** In the event that a faculty position is eliminated due to a discontinuance, the faculty member may choose to resign or to take retirement in lieu of the personnel file reflecting the termination.

IV. THE TEACH-OUT

A. Academic Appointments and the Teach-Out

In accordance with UW Regulation 2-13, when program discontinuance occurs during an academic year, the university will make reasonable efforts to transfer faculty to other open and funded positions for which they are qualified and have discipline specific expertise.

A good faith effort will be made to provide faculty with the relevant expertise to meet instructional needs the opportunity to receive an academic appointment as part of the teach out plan for accommodating students currently enrolled in the terminated program. This opportunity will ensure continuance of employment for the full hiring cycle in that discipline. At the discretion of the university, faculty with responsibilities who have expertise associated with core courses needed for program completion may be granted a limited extension, not to exceed three academic semesters, in their current tenure stream or fixed-term stream appointment at their current salary. This extension would allow for the continuation of scholarship but it may also require a redistribution of teaching load. If there are instructional needs in the faculty member's area of expertise to carry out the teach-out program beyond

three academic semesters, the faculty member may be retained in a non-tenure track position at the same rank (e.g., Associate Professor, Tenured to Associate Instructional Professor).

In the event that faculty members find new positions at other institutions, early resignations will be accepted. Academic units shall have contingency plans for meeting instructional needs should a faculty member who was part of a teach-out plan tender an early resignation.

B. The Teach-Out Plan

The teach-out plan shall be transparent to students, showing how students will be supported through to completion of their degree. Assurance that there is a plan in place to meet the commitment made to students who are in the program, or who are making decisions to enter the University based on the availability of the program, or students who were at one time in the program and have stopped-out is necessary.

The plan shall address how the program will be made available to students for a sufficient time to allow students in the pipeline to complete or to identify an alternative .

Enough detail should be provided in the teach-out plan to assure those reviewing the proposal that a plan to support students is in place, although the exact details may evolve as implementation proceeds. The plan should consider the needs of currently enrolled, prospective, and stopped-out students. A key feature of the teach-out plan is that it should convey how program quality will be maintained and ensured through the teach-out period for enrolled, prospective and stopped-out students.

At minimum, the teach-out plan should include:

1. A list of the specific courses that must be taught, and the sequence in which the courses must be delivered. A justification must be provided for the inclusion of elective courses.
2. A draft schedule, indicating the number of semesters required for the teach-out.
3. The number of students currently in the pipeline and credit hours needed to be completed, and a timeline/matrix for completion.
4. A completed preliminary teach-out faculty roster form that addresses instructional needs and faculty expertise.
5. Identification of possible alternative programs at the University of Wyoming students are likely to consider or may be advised into should they not make adequate progress toward completion of degree during the teach-out period.
6. A list of institutions with similar curricula that students may opt to take courses from in order to complete their program.
7. The name of a primary contact for Admissions to consult with when advising stopped out students.
8. The name of a primary contact for student services, including advising support for enrolled students.

C. Progress Toward Degree and Support During the Teach-Out

In the process of discontinuing a program, every reasonable effort will be made to allow students to complete their degrees. Program or campus transfers will be made if mutually acceptable to the student and the receiving department. Advising assistance with respect to their academic program options, as well as mental health and financial aid counseling, will be available for affected students.

The department or division chairperson, in consultation with advisors and teaching faculty, shall ensure that an academic plan is developed for students that enables them to complete the curricular program requirements within the teach-out period. The teach-out period will vary by program and must be determined by the academic unit and college with approval of the Provost.

Students should expect to take a sufficient number of courses each semester to enable them to complete all requirements within the teach-out period. As the program winds down, planning must be in place for alternative program requirements to current requirements, if needed. Students who do not make adequate progress on their academic plan for the teach-out may be advised into another major. If a course required for the degree is not offered in the teach-out period, students may make arrangements, with the department's consent, to take the course at another institution and transfer the credit, or to arrange with the department to complete the requirements in some other academically appropriate fashion. Students are required to have ongoing contact with their academic advisors and mentors during the teach-out period to ensure that their academic plans are current and consistent with the projected course offerings.

1. Currently enrolled students

Students with a declared major/minor in the program must be supported with courses, advising, and other services to complete the program. The faculty should plan to continue teaching required courses or make reasonable exceptions and course substitutions to those requirements to facilitate student completion of the requirements. In some cases, the faculty may need to adjust program requirements to maintain quality throughout the teach-out period. Such a change in curricular requirements may require approval by the school/college curriculum committee. A change in the timing of course delivery may also be necessary.

2. Prospective students

In accordance with requirements from the Higher Learning Commission (HLC), admission of new students to a discontinued program will cease. Students who have formally signaled an interest in the program by selecting the program on the application for admission (this includes undergraduate new freshman or transfer students or graduate students) or have otherwise been in a formal advising flow preceding declaration of the program will be informed that their program of interest is not available and what other program options are available. Sufficient advance timing must be given for undergraduate programs to assure

that prospective and current students are not making their college choice decisions based on a program that may become unavailable.

3. Stopped-out undergraduate students

Stopped-out undergraduate students will not be re-admitted to an academic program that has been suspended or discontinued. The teach-out plan must describe how stopped-out undergraduate students will be supported to find an appropriate new academic program. Those planning to suspend or discontinue an undergraduate program should consult with the Director of the Advising, Career, and Exploratory Studies Center (ACES) to assist in planning advising considerations.

4. Stopped-out graduate students

Graduate students in an academic program that has been suspended/eliminated, as indicated above, must be notified if contact information for the student is available, and given one semester to reapply and reenroll in their academic program. Those reapplying will be given the opportunity to complete their degree within two academic years of readmission.

V. SUSPENSION OF ADMISSIONS

The Provost may suspend admissions to academic programs that have been recommended for reorganization, consolidation, reduction of discontinuance pending completion of the process outlined in Section III of UW Regulation 2-13.

VI. REVIEW AND NOTIFICATION

The University will notify the Higher Learning Commission (HLC) and provide provisional plans for teaching out academic programs that are being discontinued. Notifications will also be provided to licensing boards, specialized accreditors and the U.S. Department of Education.

This Standard Administrative Policy and Procedure document will be reviewed no later than one year after its approval to assess impacts and to further refine, if needed.

Responsible Division/Unit: Division of Academic Affairs

Source:

Links:

Associated Regulations, Policies, and Forms: UW Regulation 2-13

1 **Faculty Senate Resolution 393, as amended**

2 **Introduced by**
3 **Executive Committee**

4
5 **Resolution in Support of Proposed SAPP Accompanying**
6 **UW Regulation 2-13, Academic Program Reorganization, Consolidation,**
7 **Reduction, and Discontinuance**
8

9 **WHEREAS**, UW Regulation 1-101 establishes three levels of governance policies for the
10 University:

- 11 1) Governing Regulations (Level A),
12 2) Standard Administrative Policies and Procedures (Level B), and
13 3) Department/Unit Administrative Policies and Procedures (Level C); and
14

15 **WHEREAS**, UW Regulation 1-101-VI provides that Standard Administrative Policies and
16 Procedures (SAPP) are promulgated by the President of the University, after soliciting input
17 from the Faculty Senate; and
18

19 **WHEREAS**, the Trustees regulation committee recommended a revision to UW
20 Regulation 2-13, Academic Program Reorganization, Consolidation, Reduction and
21 Discontinuance; and
22

23 **WHEREAS**, the President is seeking input from the Faculty Senate on the new SAPP to
24 accompany UW Regulation 2-13 as proposed by Academic Affairs; and
25

26 **WHEREAS**, a working group consisting of faculty members and administrators developed a
27 comprehensive set of recommendations and procedures for academic programs that may
28 be discontinued under UW Regulation 2-13; and
29

30 **WHEREAS**, this SAPP has important implications to the University Faculty and to the
31 welfare of the University;
32

33 **THEREFORE, BE IT RESOLVED** by the Faculty Senate of the University of Wyoming that
34 Faculty Senate supports the adoption of revisions to the 2-13 SAPP, Academic Program
35 Reorganization, Consolidation, Reduction, and Discontinuance, as proposed by Academic
36 Affairs, with the adoption of the tracked change amendments approved by the Faculty
37 Senate as shown on the attached version.

AUTHENTICATION: *The foregoing Faculty Senate Resolution 393, as amended, duly adopted by the Faculty Senate of the University of Wyoming under date of May 10, 2021, is hereby transmitted to the President of the University of Wyoming for review in accordance with UW Regulations.*



Treva E. Sprout Ahrenholtz
Secretary, Faculty Senate
Dated: May 11, 2021



FS Feedback 5-11-21

Standard Administrative Policy and Procedure

Subject:
Number:

1
2
I. 2 PURPOSE
3
4 To outline processes for transitioning academic personnel following academic program
5 discontinuance, and procedures and conditions for teach out plans.
6

II.7 DEFINITIONS

8
9 **Academic Program:** Degree program, department or division of instruction, school or college,
10 interdisciplinary program or unit, or other academic program unit. Academic Program does not
11 include academic courses.
12

13 **Fixed-Term Stream Position:** A non-tenure track position eligible for or currently with 3- or 5-
14 year fixed-term rolling contract or an extended-term (6-year fixed term).
15

16 **Program Discontinuation:** To permanently close a program and discontinue program activities.
17

18 **Stopped Out Student:** A previously enrolled degree-seeking student who suspended enrollment
19 for one or more fall and/or spring terms and who subsequently seeks to re-enroll.
20

21 **Teach-Out Plan:** A written plan developed by the academic unit and approved by the Provost that
22 provides for the equitable treatment of students when their academic program has been
23 discontinued.
24

25 **Tenure Stream Position:** A position that is either eligible for or currently with tenure.
26

III.7 ACADEMIC APPOINTMENTS FOLLOWING PROGRAM DISCONTINUANCE

28
29 The Provost shall establish an internal process and transition plan for academic personnel whose
30 positions are discontinued and for those whose jobs are affected by the discontinuance. This
31 process should include a review committee comprised of deans, department heads, and faculty in
32 the terminated unit/college and in the new unit/college. Consultation with relevant academic units
33 will be necessary to avoid any accreditation issues or unintended consequences.
34

35 The following considerations shall be addressed in the transition plan:
36

- 37
- The opportunity for terminated faculty to indicate interest in and provide documentation of relevant discipline expertise for consideration in open and funded positions in existing
- 38

- 39 academic programs, reorganized or consolidated academic programs, or new academic
40 programs.
- 41 • Protocol/criteria for determining discipline specific expertise required for new positions.
 - 42 • Steps consistent with sections IV.C and V.C of UW Regulation 2-13 for maintaining rank
43 and seniority when multiple equally qualified candidates are identified.
 - 44 • Recommended strategies for supporting academic units, schools and colleges that have
45 programs discontinued
 - 46 • Process for transferring faculty positions to other academic programs and determining the
47 role of these faculty members in a teach-out.
 - 48 • Process for submitting recommendations to the Provost and President for a final decision.
- 49

50 **A. Tenure, Promotion and Fixed-Term Implications**

51
52 Program discontinuation will not impact the tenure, promotion and fixed-term rolling contract
53 review process. Faculty who are terminated during the academic year in which a tenure,
54 promotion or fixed-term rolling contract decision is made will receive tenure or promotion if
55 recommended and approved by the Board of Trustees.

56
57 Academic units that receive transferred faculty members due to program discontinuance shall
58 incorporate and apply the tenure, promotion and fixed-term rolling contract expectations from
59 the original academic unit as the faculty members transition to the new academic unit.
60 Academic units should establish a reasonable timeframe for full integration of new discipline
61 specific expectations into their unit and college guidance documents.

- 62
63 **B. Resignation and Retirement.** In the event that a faculty position is eliminated due to a
64 discontinuance, the faculty member may choose to resign or to take retirement in lieu of the
65 personnel file reflecting the termination.

66 67 **THE TEACH-OUT**

68 69 **A. Academic Appointments and the Teach-Out**

70
71 In accordance with UW Regulation 2-13, when program discontinuance occurs during an
72 academic year, the university will make reasonable efforts to transfer faculty to other open and
73 funded positions for which they are qualified and have discipline specific expertise.

74
75 A good faith effort will be made to provide faculty with the relevant expertise to meet
76 instructional needs the opportunity to receive an academic appointment as part of the teach out
77 plan for accommodating students currently enrolled in the terminated program. This
78 opportunity will ensure continuance of employment for the full hiring cycle in that discipline.
79 At the discretion of the university, faculty with ~~teaching responsibilities~~ responsibilities who
80 have expertise associated with core courses needed for program completion may be granted a
81 limited extension, not to exceed three academic semesters, in their current tenure stream or
82 fixed-term stream appointment at their current salary. This extension would allow for the
83 continuation of scholarship but it may also require a redistribution of teaching load. If there
84 are instructional needs in the faculty member's area of expertise to carry out the teach-out
85 program beyond three academic semesters, the faculty member may be retained in a non-tenure

86 track position at the same rank (e.g., Associate Professor, Tenured to Associate Instructional
87 Professor).

88
89 In the event that faculty members find new positions at other institutions, early resignations
90 will be accepted. Academic units shall have contingency plans for meeting instructional needs
91 should a faculty member who was part of a teach-out plan tender an early resignation.

92
93

94 **B. The Teach-Out Plan**

95
96 The teach-out plan shall be transparent to students, showing how students will be supported
97 through to completion of their degree. Assurance that there is a plan in place to meet the
98 commitment made to students who are in the program, or who are making decisions to enter
99 the University based on the availability of the program, or students who were at one time in
100 the program and have stopped-out is necessary.

101 The plan shall address how the program will be made available to students for a sufficient time
102 to allow students in the pipeline to complete or to identify an alternative .

103

104 Enough detail should be provided in the teach-out plan to assure those reviewing the proposal
105 that a plan to support students is in place, although the exact details may evolve as
106 implementation proceeds. The plan should consider the needs of currently enrolled,
107 prospective, and stopped-out students. A key feature of the teach-out plan is that it should
108 convey how program quality will be maintained and ensured through the teach-out period for
109 enrolled, prospective and stopped-out students.

110

111 At minimum, the teach-out plan should include:

112

113 1. A list of the specific courses that must be taught, and the sequence in which the courses
114 must be delivered. A justification must be provided for the inclusion of elective
115 courses.

116 2. A draft schedule, indicating the number of semesters required for the teach-out.

117 3. The number of students currently in the pipeline and credit hours needed to be
118 completed, and a timeline/matrix for completion.

119 4. A completed preliminary teach-out faculty roster form that addresses instructional
120 needs and faculty expertise.

121 5. Identification of possible alternative programs at the University of Wyoming students
122 are likely to consider or may be advised into should they not make adequate progress
123 toward completion of degree during the teach-out period.

124 6. A list of institutions with similar curricula that students may opt to take courses from
125 in order to complete their program.

126 7. The name of a primary contact for Admissions to consult with when advising stopped
127 out students.

128 8. The name of a primary contact for student services, including advising support for
129 enrolled students.

- 130 9. The creation of an Office of Student Advocate position within ASUW that is
131 independent of both the respective college and administration so that the student can
132 have effective representation.
133

134 **C. Progress Toward Degree and Support During the Teach-Out**

135

136 In the process of discontinuing a program, every reasonable effort will be made to allow
137 students to complete their degrees. Program or campus transfers will be made if mutually
138 acceptable to the student and the receiving department. Advising assistance with respect to
139 their academic program options, as well as mental health and financial aid counseling, will be
140 available for affected students.

141 The department or division chairperson, in consultation with advisors and teaching faculty,
142 shall ensure that an academic plan is developed for students that enables them to complete the
143 curricular program requirements within the teach-out period. The teach-out period will vary
144 by program and must be determined by the academic unit and college with approval of the
145 Provost. The Provost will provide any necessary resources to fulfill the teach-out process
146 without causing undue time or resource hardships to any other academic units in the respective
147 college or the rest of the university.
148

149 Students should expect to take a sufficient number of courses each semester to enable them to
150 complete all requirements within the teach-out period. As the program winds down, planning
151 must be in place for alternative program requirements to current requirements, if needed.
152 Students who do not make adequate progress on their academic plan for the teach-out may be
153 advised into another major. If a course required for the degree is not offered in the teach-out
154 period, students may make arrangements, with the department's consent, to take the course at
155 another institution and transfer the credit, or to arrange with the department to complete the
156 requirements in some other academically appropriate fashion. Students are required to have
157 ongoing contact with their academic advisors and mentors during the teach-out period to ensure
158 that their academic plans are current and consistent with the projected course offerings.
159

160 **1. Currently enrolled students**

161

162 Students with a declared major/minor in the program must be supported with courses,
163 advising, and other services to complete the program. The faculty should plan to continue
164 teaching required courses or make reasonable exceptions and course substitutions to those
165 requirements to facilitate student completion of the requirements. In some cases, the faculty
166 may need to adjust program requirements to maintain quality throughout the teach-out
167 period. Such a change in curricular requirements may require approval by the
168 school/college curriculum committee. A change in the timing of course delivery may also
169 be necessary.

170 **2. Prospective students**

171 In accordance with requirements from the Higher Learning Commission (HLC), admission
172 of new students to a discontinued program will cease. Students who have formally signaled

173 an interest in the program by selecting the program on the application for admission (this
174 includes undergraduate new freshman or transfer students or graduate students) or have
175 otherwise been in a formal advising flow preceding declaration of the program will be
176 informed that their program of interest is not available and what other program options are
177 available. Sufficient advance timing must be given for undergraduate programs to assure
178 that prospective and current students are not making their college choice decisions based
179 on a program that may become unavailable.

180 **3. Stopped-out undergraduate students**

181 Stopped-out undergraduate students will not be re-admitted to an academic program that
182 has been suspended or discontinued. The teach-out plan must describe how stopped-out
183 undergraduate students will be supported to find an appropriate new academic program.
184 Those planning to suspend or discontinue an undergraduate program should consult with
185 the Director of the Advising, Career, and Exploratory Studies Center (ACES) to assist in
186 planning advising considerations.

187 **4. Stopped-out graduate students**

188 Graduate students in an academic program that has been suspended/eliminated, as
189 indicated above, must be notified if contact information for the student is available, and
190 given one semester to reapply and reenroll in their academic program. Those reapplying
191 will be given the opportunity to complete their degree within two academic years of
192 readmission.

193 SUSPENSION OF ADMISSIONS

194 The Provost may suspend admissions to academic programs that have been recommended for
195 reorganization, consolidation, reduction of discontinuance pending completion of the process
196 outlined in Section III of UW Regulation 2-13.

197 REVIEW AND NOTIFICATION

198 The University will notify the Higher Learning Commission (HLC) and provide provisional plans
199 for teaching out academic programs that are being discontinued. Notifications will also be
200 provided to licensing boards, specialized accreditors and the U.S. Department of Education.
201

202
203 This Standard Administrative Policy and Procedure document will be reviewed no later than one
204 year after its approval to assess impacts and to further refine, if needed.

Responsible Division/Unit: Division of Academic Affairs

Source:

Links:

Associated Regulations, Policies, and Forms: UW Regulation 2-13

Faculty Senate Resolution 392

**Introduced by
Executive Committee**

**Resolution in Support of General Counsel Proposed UW Regulation 2-13,
*Academic Program Reorganization, Consolidation, Reduction and Discontinuance***

WHEREAS, at the September 2016 Board of Trustees meeting, the Board approved review by UW Administration of UW's current regulatory structure, to include the following:

- 1) Phasing out presidential directives;
- 2) Defining regulation versus policy/procedure;
- 3) Creating an online manual, including a new "look" and format for the regulations; and
- 4) Updating the substance of the regulations, policies, and procedures as needed, including determining whether there are any substantive gaps; and

WHEREAS, the new structure will involve three levels of policies:

- 1) Governing Regulations (Level A),
- 2) Standard Administrative Policies and Procedures (Level B), and
- 3) Department/Unit Administrative Policies and Procedures (Level C); and

WHEREAS, the University's Routing Process for new or revised UW Regulations includes review by the Chair of the Faculty Senate; and

WHEREAS, the Chair of the Faculty Senate requested that the Faculty Senate Executive Committee review, and that the Faculty Senate approve, some modifications to the regulations proposed by General Counsel; and

WHEREAS, the changes to these Regulations have important implications to the University Faculty and to the welfare of the University;

THEREFORE, BE IT RESOLVED by the Faculty Senate of the University of Wyoming that Faculty Senate supports the adoption of revisions to UW Regulation 2-13, *Academic Program Reorganization, Consolidation, Reduction and Discontinuance* as proposed by General Counsel, with the adoption of the tracked change amendments approved by the Faculty Senate as shown on the attached version.

AUTHENTICATION: *The foregoing Faculty Senate Resolution 392, duly adopted by the Faculty Senate of the University of Wyoming under date of May 10, 2021, is hereby transmitted to the President of the University of Wyoming for review in accordance with UW Regulations.*



Treva E. Sprout Ahrenholtz
Secretary, Faculty Senate
Dated: May 11, 2021

AGENDA ITEM TITLE: Approval of modifications to UW Regulations 1-4 (Shared Governance), 2-300 (Bylaws of the University Faculty), 2-301 (Faculty Senate Bylaws), 2-302 (Establishment of Faculty Senate Committees), 2-303 (Establishment of University Standing Advisory Committees) Brown/Evans

SESSION TYPE:

- Work Session
 Education Session
 Information Item
 Other:
[Committee of the Whole – Items for Approval]

APPLIES TO STRATEGIC PLAN:

- Yes (select below):
 Driving Excellence
 Inspiring Students
 Impacting Communities
 High-Performing University
 No [Regular Business]

Attachments are provided with the narrative.

EXECUTIVE SUMMARY:

At the September 2016 Board of Trustees meeting, the Board approved review by UW Administration of UW’s current regulatory structure, to include the following:

- 1) Phasing out presidential directives;
- 2) Defining regulation versus policy/procedure;
- 3) Creating a new “look” and format for the regulations; and
- 4) Updating the substance of the regulations, policies, and procedures as needed, including determining whether there are any substantive gaps.

At the January 2017 Board of Trustees meeting, the University proposed 12 sections for the new ***Governing Regulations and Standard Administrative Policies and Procedures Manual***.

Section 1: Governance and Structure

Section 2: Academic Affairs

Section 3: Athletics

Section 4: Diversity and Equal Opportunity

Section 5: Employment and Ethics

Section 6: Facilities

Section 7: Finance and Business

Section 8: Information Technology

Section 9: Research and Economic Development

Section 10: Safety and Security

Section 11: Student Affairs

Section 12: University Relations

The new structure will involve three levels of policies:

1. Governing Regulations (Level A)
2. Standard Administrative Policies and Procedures (Level B)
3. Department/Unit Administrative Policies and Procedures (Level C)

UW Regulation 1-4 (Shared Governance) is a proposed new regulation with language aimed at articulating and establishing the University of Wyoming’s strong commitment to the principles and practices of Shared Governance. The proposed regulation expects leadership to seek, listen, consider, and reflect back input in decision-making and to define processes and procedures that

will hold them accountable to students, faculty, staff and other constituents. The proposed language is based on the “aligning priorities” model for shared governance and articulates several fundamental principles, including consultation and communication, service and participation, and responsibility, community, and civility. The President convened a working group to provide him with recommendations for the content of a regulation informed by UW’s Pythian Paper on Shared Governance and the March 2017 AGB White Paper on Charged Governance. This Committee included the following members:

- Michelle Sullivan, Trustee
- Anne Alexander, Interim Provost
- Jacquelyn Bridgeman, Director, School of Culture, Gender & Social Justice
- Warrie Means, Associate Dean, College of Agriculture and Natural Resources
- Adrienne Freng, Department Head, Criminal Justice & Sociology, Faculty Senate Representative
- Melanie Vigil, Multicultural Affairs, Staff Senate Representative
- Courtney Titus, ASUW Vice President, ASUW Representative

Additionally, the Faculty Senate proposed modifications to **UW Regulation 2-300 (University Faculty) and UW Regulation 2-301 (Faculty Senate)**, which provide for the basic organization of the Faculty Senate and how faculty authority is exercised at the University.

UW Regulation 1-101 (UW Regulations and Standard Administrative Policies and Procedures) outlines the process for regulations proposed by the Faculty Senate:

All Regulations proposed by the University Faculty, the Faculty Senate, the faculties of the various colleges and of other academic units, Staff Senate, or University Officers shall be reviewed by the President. The President shall consider the need for such Regulations, the duties and authority of the officer or academic unit proposing the Regulation, possible conflicts with other existing Regulations, and such other matters as the President may deem relevant to the best interests of the University.

As part of the review, the President shall seek input from the Faculty Senate, the Staff Senate, the Associated Students of the University of Wyoming, and any colleges, schools, or units of the University, and/or any officers, University personnel, or committees concerned with the substance of the proposed Regulation.

The President may return the proposed Regulation for further consideration. If the Regulation was proposed by the Faculty Senate, and the Senate, after consideration of the President's views, repasses the Regulation by a three-fourths vote of the members present and voting (there being a quorum of at least two-thirds of the voting members present), the President shall refer the Regulation to the Trustees, at their next regularly scheduled meeting, for final approval, disapproval or other disposition of the Regulation. At this meeting, the Board shall hear the views of the President and the Chair of the Faculty Senate or designee.

Based on this process, the Faculty Senate worked collaboratively with General Counsel, former President Nichols, former President Theobald, President Seidel, and the Trustees Regulation Committee on the attached proposed modifications. All parties agree on these proposed modifications, which include repealing UW Regulation 2-302 (Establishment of Faculty Senate Committees) and UW Regulation 2-303 (Establishment of University Standing Advisory Committees) (the content in these two regulations will be transferred to Faculty Senate Bylaws).

Per the routing process for UW Regulations, the proposed modifications were provided to the President's Cabinet, Deans and Directors, Faculty Senate, Staff Senate, ASUW, and the Internal Auditor. Faculty Senate provided suggested changes to UW Regulation 1-4, which were incorporated into the final version.

The Trustees Regulation Committee will discuss this item at the June 2021 Board of Trustees conference call 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 the Board approve modifications to UW Regulations.

ACTION REQUIRED AT THIS BOARD MEETING:

Board approval, modification, or disapproval of the recommended modifications to the Regulations.

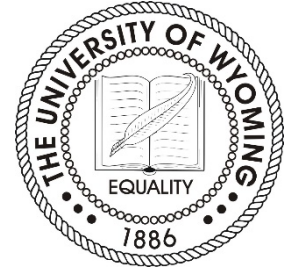
PROPOSED MOTION:

"I move to authorize modifications to UW Regulations 1-4, 2-300, 2-301, 2-302, and 2-303, as presented to the Board"

PRESIDENT'S RECOMMENDATION:

The President recommends approval.

Draft 4-23-21
Incorporated Faculty Senate edits 6-7-21



UNIVERSITY OF WYOMING REGULATIONS

Subject: Shared Governance

Number: UW Regulation 1-4

I. PREAMBLE

This Regulation articulates and establishes the University of Wyoming's strong commitment to the principles and practices of Shared Governance. The University expects leadership to seek, listen, consider, and reflect back input in decision-making and to define processes and procedures that will hold them accountable to students, faculty, staff and other constituents. The University also believes it is the responsibility of these constituents to timely engage in the decision-making process. The University recognizes there are multiple Shared Governance models. Based on University community feedback, the institution has adopted a model of aligning priorities as a way to achieve shared governance.

II. PURPOSE

To outline the best practices and key principles necessary to develop and maintain a culture of robust Shared Governance at the University of Wyoming.

III. DEFINITIONS

Constituents: Students, staff, faculty, administration, and the Board of Trustees.

Shared Governance: Is the process by which various institutional constituents contribute to decision making related to University policies and procedures. Shared Governance is a basic tenet of universities as intellectual communities and represents a philosophy and practice that brings to bear community expertise to inform deliberations and to shape actions. Robust Shared Governance leads to a culture of shared accountability and responsibility for the welfare of the institution that contributes to the institution staying mission centered. Shared Governance is not a substitution for effective leadership. Instead Shared Governance represents a way of carrying out leaders' roles and responsibilities in a manner that involves all relevant stakeholder participation and utilizes the vast combined knowledge of the University community in planning and decision making, while allowing for students, faculty, staff, administration, the Board of Trustees and other constituencies to be transparent and align priorities across the institution.

Draft 4-23-21
Incorporated Faculty Senate edits 6-7-21

IV. POLICY

It is the policy of the University of Wyoming to engage in a system of Shared Governance, which accomplishes the principles set forth in this Regulation. Shared Governance works to create a culture of shared responsibility for the welfare of the institution. It derives from open communication and operates through a system of structural/institutional checks and balances that contributes to the institution staying both collaborative and mission-centered.

The University community supports a Shared Governance model reflecting **Aligning Priorities**. In this model, University constituents align and share priorities through a collaborative and consultative process, which keeps the academic mission of the University at the forefront.

Specific areas of responsibility for the University's communities are indicated in the Wyoming Constitution Article 7, Wyoming Statute 21-17-103, and in the Regulations of the University. In carrying out these responsibilities, members of the University community commit to the philosophies and key principles of Shared Governance outlined in this document, with the understanding and acknowledgement that Shared Governance strengthens the quality of leadership and decision making within our institution and helps bring the very best thinking by all parties to bear on institutional challenges.

A. Key Principles

Shared Governance requires careful attention, generous participation from the wide and diverse University community, and a high level of discourse. Consultation through established structures and also with the broad community, especially in the early stages of discussion and decision-making, utilizes relevant expertise and builds trust across the University.

The power and effectiveness of the University are enhanced when all members of the University community acknowledge these fundamental principles:

- 1. Communication:** Principle of open communication accomplished through dialogue designed to engage and utilize the broad expertise within the University.
- 2. Service and participation:** Principle by which all members of the University are prepared for service through a robust onboarding process and all members take seriously their responsibility to prepare conscientiously for service and to participate in shared governance.

Draft 4-23-21
Incorporated Faculty Senate edits 6-7-21

- 3. Responsibility, community, and civility:** Principle that recognizes that robust Shared Governance requires informed, sustained, civil and respectful participation of all members of the diverse community that makes up the University.

B. Best Practices

To allow for the development of a robust Shared Governance process that becomes embedded within the University system, now and into the future, there are four fundamental Shared Governance best practices:

1. Transparent and frequent communication;
2. Decision-making collaboration;
3. Active faculty, staff, and student engagement in governance activities; and
4. Regular assessment of Shared Governance.

C. Implementation

The University community, including the Board of Trustees, the President's Office, and all divisions and units shall establish processes and procedures to fully implement Shared Governance that involve relevant stakeholder participation and adhere to the key principles and best practices outlined herein. The University community shall regularly evaluate its Shared Governance practices so that all constituents are adhering to this Regulation and timely engaging in the decision-making process. Coming to a shared understanding of these principles, including timely response, is imperative to the success of Shared Governance on campus.

Shared Governance does not limit the powers or authority of students, faculty, staff, academic or administrative officers, the University President or the Board of Trustees, or any unit, department, School, or College, granted by law, the Bylaws of the Trustees, the UW Regulations, or other University policies and procedures. Instead, it complements these powers and authority by emphasizing and cultivating a system of institutional culture of good will, good intentions and commitment to common values. It requires developing ways to engender trust and respect and to periodically recalibrate. When done well, it will allow the University to more effectively meet the challenges it faces both now and in the future.

Draft 4-23-21

Incorporated Faculty Senate edits 6-7-21

Responsible Division/Unit: Office of the President

Source: American Association of University Professors (AAUP); Association of Governing Boards (AGB); Pythian Paper: Shared Governance at the University of Wyoming

References: The “Definition” and “Policy” sections of this regulation rely on concepts and language taken from: Association of Governing Boards (AGB) White Paper. 2017. “Shared Governance: Changing with the Times.”

Further elaboration of the principles and best practices contained in this University Regulation can be found in the following Pythian paper: “Shared Governance at the University of Wyoming: A Pythian Paper” (November 5, 2020).

Links: <http://www.uwyo.edu/regs-policies>

Associated Regulations, Policies, and Forms:

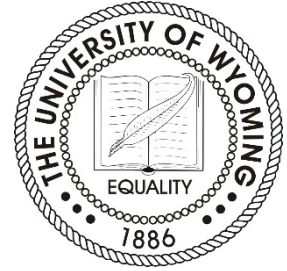
History:

Draft 4-23-21 (full redline comparison to original regulation)

UNIVERSITY OF WYOMING REGULATIONS

Subject: ~~Bylaws of the~~ University Faculty

Number: UW Regulation 2-300



I. PURPOSE

Article 7, Section 17 of the Constitution of the State of Wyoming states that the “legislature shall provide by law for the management of the university, its land and its property by a board of trustees.” Wyoming Statute 21-17-204 states that the “board of trustees shall prescribe rules for the government of the university and all its branches.”

Wyoming Statute 21-17-103 states the following:

The president and professors of the university shall be styled “the faculty”, and may enforce rules and regulations adopted by the trustees for the government of students, reward and censure students as they may deserve, and generally exercise such discipline, in harmony with the regulations, as is necessary for the good order of the institution. The faculty may present to the trustees for degrees and honors such students as are entitled thereto, and in testimony thereof, when ordered by the board, suitable diplomas, certificates or other testimonials under the seal of the university, and the signatures of the faculty. When, in course of time, distinct colleges or departments of the university are duly organized and in active operation, the immediate government of such departments shall, in like manner, be entrusted to their respective faculties.

This Regulation provides for the basic organization and processes through and by which the University Faculty of the University of Wyoming may function in the exercise of its authority and responsibility as ~~prescribed~~proscribed by UW Regulations, ~~these Bylaws are adopted by the University Faculty.~~

Article I. University Faculty

Section 1. Membership

II. DEFINITIONS

Presiding Officer

~~Voting members of the University Faculty shall consist of those persons defined by UW Regulations as members of the University Faculty and whose right to vote is not restricted therein.~~

Draft 4-23-21 (full redline comparison to original regulation)

Section 2. Officers of the Faculty

~~a. — The presiding officer of the University faculty shall be the:~~ The President of the University of Wyoming, or, ~~in his absence, his~~ the President's appointee.

~~b. — The~~

~~Secretary of the University Faculty shall be appointed by the President annually;~~ The Faculty Senate Coordinator shall serve as the Secretary of the University Faculty. The Secretary shall keep the minutes of all University Faculty meetings and shall serve as custodian of all minutes and of communications to and from the University Faculty.

~~Voting members~~Section 3. of the University Faculty: Those persons defined by UW Regulation 2-1 as members of the University Faculty.

III. MEETINGS OF THE UNIVERSITY FACULTY

A. General Meetings and Faculty Actions or Convocations

~~a. —~~

~~Meetings or convocations shall be held at least once each spring and fall semester, on call of the President, or.~~ Meetings may also be held on the call of the Faculty Senate, or that of the University Faculty.

~~b. —~~

B. Meetings called by Faculty Senate

~~Meetings of the University Faculty may be called by not less than 2/3 Quorum. A majority of the Faculty Senate, followed by a written request to the President for a meeting of the University Faculty.~~

C. Meetings called by University Faculty

~~A meeting of the University Faculty may be called by not less than twenty percent (20%) of the University Faculty. If a meeting is sought in response to an action by Faculty Senate, and the University Faculty desires to consider or re-consider the action of the Faculty Senate, a request for a meeting to deliberate the Faculty Senate action shall be made within sixty days of the action of the Faculty Senate. The Faculty Senate or University Faculty will forward a written request for a meeting to the President. Review of the matters raised shall occur at a special University Faculty meeting called for that purpose by the President.~~

D. Quorum ~~duly appointed voting members~~

~~One-fourth of the Voting Members of the University Faculty shall constitute a quorum.~~

~~e. —~~

E. Notice of Meetings or Convocations

Draft 4-23-21 (full redline comparison to original regulation)

Notice shall be given to the University Faculty by the President at least one week in advance of any meeting ~~and such~~ convocation. Such notice shall contain a description of any matters to be presented to the ~~faculty~~ University Faculty for action.

~~d.—~~

F. Voting-

The vote of the majority of the University Faculty present at a meeting at which a quorum is present shall be the act of the University Faculty. University Faculty actions supersede Faculty Senate actions. Voting shall be by voice, show of hands, or by paper ballot as determined by the ~~presiding officer; provided, however, that it~~ Presiding Officer. It shall always be in order to move for a vote by ballot or by mail ballot. The University Faculty may vote to order its members polled by mail to seek opinion.

~~e.—~~

~~Order of Business. Conduct of business shall be in accordance with the most recent revision of Robert's Rules of Order.~~

~~f.—~~ **Vote by Mail Ballot.** If a bill or resolution to be presented to the University Faculty for action has appeared in the notice of a meeting, and if the University Faculty failed to act because of lack of a quorum at a regularly called meeting, then at the discretion of the President, at his discretion or upon written request by the Executive Committee of the Faculty Senate, ~~will initiate~~ a mail ballot will be initiated on said bill or resolution within two weeks after the scheduled meeting. A ~~mail ballot~~ vote may be initiated by ordering ballots sent to the University mailing or other electronic address of each voting member of the University Faculty, with a specified deadline for return of ballots not less than two weeks from the date of issuance. Balloting may also be done via the internet using a Web portal and an appropriate verification system. The ballot will contain a concise explanation and a complete text of the item to be voted upon, ~~with~~ and a specification of the time and place at which the ballots will be opened and counted. The Secretary of the University Faculty shall be present to oversee the opening and counting of the ballots to insure the integrity of the balloting process and secrecy of the ballots consistent with the balloting process. When ballots have been returned by a quorum of the voting members, the vote of the majority shall be the act of the University Faculty.

Section 4. Functions

G. Bills and Resolutions

Following each University Faculty meeting, the Secretary of the University Faculty

~~In accordance with, and subject to, the Regulations shall publish a summary of the Trustees~~ bills and applicable provisions of law, the University Faculty is responsible

Draft 4-23-21 (full redline comparison to original regulation)

~~for the establishment of educational resolutions introduced, action on bills and academic policies for the resolutions, and other significant matters. All bills and resolutions passed by the University as a whole and the promotion of the general welfare Faculty shall be authenticated by the Secretary of the University, its students and the faculty.~~

Article II. Faculty Senate

~~Section Faculty and transmitted to the President for review and forwarded to the Board of Trustees for consideration in accordance with UW Regulation 1;~~
Delegation of Powers

~~-101. The powers conferred upon President may elect to return a bill or resolution to the University Faculty by the Board of Trustees, subject to the limitations stated herein, shall be vested exclusively in the Faculty Senate established by these Bylaws, which body shall act for and in behalf of further consideration. If the University Faculty in again passes the exercise of said powers.~~

Section 2. Objects and Authority

~~In returned bill or resolution by a 3/4 vote, the exercise of its delegated powers, subject to review and approval in accordance with UW Regulations, the Faculty Senate President shall seek to determine and establish educational and academic policies which promote and protect the interests and welfare of the University community and further the full and free development and preservation of scholarly learning, teaching and research, including the following:~~

- ~~a. To establish and review policies relating to undergraduate and graduate curricula and courses of study.~~
- ~~b. To establish and recommend policies relating to general requirements for degrees, diplomas and certificates, and honorary degrees.~~
- ~~c. To establish policies and standards regarding the admission, registration and dismissal of students, and other matters which relate to the education of students.~~
- ~~d. To participate in the formulation and implementation of policy governing the status of faculty, including such matters as appointment, promotion, tenure, academic freedom, dismissal, sabbatical and other leaves of absence, travel allowance, and general economic benefits.~~
- ~~e. To participate in planning for the development, allocation and utilization of the University's human, fiscal and physical plant resources, including the formulation of policies and procedures governing budgetary priorities.~~

Draft 4-23-21 (full redline comparison to original regulation)

~~f. — To consult with the refer the bill or resolution to the Board of Trustees regarding the selection of a President of the University whenever that office shall become vacant. at their next regularly scheduled meeting.~~

~~**Order of Business.** — To propose amendments or additions to the Bylaws of the Trustees and UW Regulations.~~

~~**H. h.** — To provide the means through which any matter of interest to the faculty or pertaining to the~~

~~Conduct for regular non-business University and its purposes may be brought to the Faculty Senate for discussion and appropriate action.~~

~~The listing of the foregoing objectives shall not be construed as being meetings can be flexible in limitation of powers or objectives, nor as limiting the authority of any academic or administrative officer, or any college, department or division, to discharge responsibilities imposed by law or the Bylaws of the Trustees or UW Regulations.~~

~~Section 3. Review of Senate Action~~

~~Any action of the Faculty Senate on any matter shall be subject to review and reconsideration by order. However, when the University Faculty upon written request made to the President by not less than twenty percent (20%) of the members of the faculty. Such request shall be made within fifteen days of the date of action by the Faculty Senate. Review of the matter shall occur at a special faculty meeting called for that purpose by the President after the faculty members have been given at least fifteen days notice of the meeting. The action of a majority of the members of the faculty in attendance at any such meeting, there being a quorum, shall constitute the final action of the University Faculty.~~

~~Section 4. Membership of Senate~~

~~a. The Faculty Senate shall consist of elected members and ex officio members. All voting members of the University Faculty shall be eligible for elected membership to the Senate.~~

~~b. Ex officio members shall be the President of the University, the Vice Presidents of the University, the Deans of Colleges, and the President of the Associated Students of the University of Wyoming or his designated student representative, all having the same privileges as elected members except the right to vote.~~

Draft 4-23-21 (full redline comparison to original regulation)

~~e. — Senators shall be elected by the University Faculty conducts business that results in action, the meeting order shall be in accordance with the following provisions: most recent revision of Robert's Rules of Order.~~

~~1. Representative Units of the University Faculty. The elected members shall be elected by the academic departmental units of the University Faculty. The number of faculty in each department meeting the criteria for the determination of apportionment by the Senate shall be obtained from the Office of Academic Affairs. If a Dean holds status as a faculty member in a department, he is eligible to be elected and to vote. If a Dean is elected as a regular Senator, he will change in status from ex officio to voting member.~~

~~2. Apportionment. Each department of three or more regular full time faculty members shall be entitled to one faculty senator. Those departments having twenty or more regular full time faculty members shall be entitled to two faculty senators.~~

~~3. Election Procedures. Election of members shall be by ballot in accordance with procedures established by each department. Elections shall be held during the spring term of each academic year.~~

~~4. Term of Office. Senators shall be elected for a term of three years beginning effective with the May Trustees' meeting, with approximately one third retiring each year. Members are eligible for re election except during the year following completion of a second consecutive three year term.~~

~~Vacancies may be filled by special election by the affected unit for the unexpired portion of the term vacated.~~

Article III. Organization of Faculty Senate

Section 1. Bylaws

~~The Faculty Senate shall adopt bylaws establishing its internal organization and procedures as deemed necessary, subject to the following directives and limitations:~~

~~a. — The Faculty Senate shall meet, at least monthly, from September through July of each year. All meetings of the Senate shall be open to attendance by any faculty member. A record of proceedings at meetings shall be kept which, upon request, shall be made available to any faculty member under reasonable conditions. The Faculty Senate shall provide for notice in a reasonable form to all the University Faculty concerning pending matters and actions taken.~~

Draft 4-23-21 (full redline comparison to original regulation)

- ~~b. No final action shall be taken by the Senate upon any matter pertaining to the exercise of legislative powers unless the substance thereof has been formally introduced in written form for consideration at a prior meeting of the Senate, or circulated to the Faculty Senate prior to its meeting; provided, however, that this requirement may be waived by consent of three fourths of the members of the Senate present. Normally, the Faculty Senate shall follow a bill procedure.~~
- ~~e. The Senate shall establish and maintain reasonable procedures whereby any individual faculty member may be heard by a committee of the Senate or, at the recommendation of that committee, by the Senate.~~
- ~~d. No vote on any matter pending before the Senate shall be taken unless at least two thirds of the voting members be present; provided that at the June and July meetings, no vote on any matter pending before the Senate shall be taken unless at least one half of the voting members be present.~~
- ~~e. The Faculty Senate shall invite the President of the University to present at least once a year a general message on the state of the University. The Senate shall consider any special recommendations made at any time by the President.~~

~~Section 2. Executive Committee~~

~~An Executive Committee of the Senate may be established which shall have general supervision of the affairs of the Faculty Senate between business meetings and perform such other duties as may be assigned to it by the Faculty Senate. It is subject to the orders of the Faculty Senate and none of its acts shall conflict with action taken by the Faculty Senate.~~

~~Article IV. Committees~~

~~Section 1~~

~~All committees of the University Faculty shall be responsible to the Faculty Senate, and it shall establish or dissolve committees as it deems necessary. The Senate shall establish standing committees for identified areas of continuing faculty concern which shall have responsibility for review, study, and the initiation, or review prior to Senate action, of matters within its area of concern. Every committee shall have a charge in writing from the Senate concerning its function.~~

~~Section 2~~

~~All members of the University Faculty shall be eligible for appointment to Senate committees, but at least one member shall be a senator and the Chairman of every committee shall normally be a senator. The Faculty Senate may appoint students to~~

Draft 4-23-21 (full redline comparison to original regulation)

~~membership on Senate committees, and it may, upon request, appoint faculty members to other than Senate committees.~~

~~Section 3~~

~~The members of standing committees shall serve three year staggered terms and, normally, no member shall succeed himself.~~

~~Section 4~~

~~When appropriate to the functions of a committee, its membership shall be chosen with regard to proportional college representation. Otherwise, committee selections shall be made on the basis of interest or qualifications. When committees are advisory to a University Service Unit, the chief administrator of the unit shall be a member without vote.~~

~~Section 5~~

~~Tenure and Promotion Committee. The Faculty Senate shall establish a promotion and tenure committee to advise the President of the University on matters pertaining to tenure, promotion, reappointment and other related matters.~~

~~Section 6~~

~~In extraordinary circumstances, the makeup and tenure of committees may deviate from Sections 1-5 of Article IV. Such deviation shall be addressed in the definition of a specific committee.~~

~~Article V. General Provisions~~

~~Section 1~~

~~In the exercise of its delegated powers, the Faculty Senate shall endeavor to provide the means by which the governing authorities of the University may be apprised of representative opinion of the University Faculty with due regard given to the general welfare of all elements of the University community. It shall strive to develop and maintain channels of communication between the faculty, administration and students.~~

~~Section 2~~

~~Any legislation previously enacted by the University Faculty shall remain in full force and effect until such time as the Faculty Senate repeals or amends such prior acts, except prior actions of the University Faculty inconsistent with these Bylaws.~~

~~Section 3~~

Draft 4-23-21 (full redline comparison to original regulation)

~~These bylaws may be amended by act of the University Faculty at a duly called meeting or by mail ballot.~~

Effective Date:

Responsible Division/Unit: Office of the Provost and Vice President for Academic Affairs

Source: None

Links:

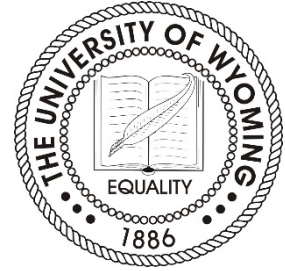
Associated Regulations, Policies, and Forms: UW Regulation 6-701 Faculty Senate

History:

UNIVERSITY OF WYOMING REGULATIONS

Subject: University Faculty

Number: UW Regulation 2-300



I. PURPOSE

Article 7, Section 17 of the Constitution of the State of Wyoming states that the “legislature shall provide by law for the management of the university, its land and its property by a board of trustees.” Wyoming Statute 21-17-204 states that the “board of trustees shall prescribe rules for the government of the university and all its branches.”

Wyoming Statute 21-17-103 states the following:

The president and professors of the university shall be styled “the faculty”, and may enforce rules and regulations adopted by the trustees for the government of students, reward and censure students as they may deserve, and generally exercise such discipline, in harmony with the regulations, as is necessary for the good order of the institution. The faculty may present to the trustees for degrees and honors such students as are entitled thereto, and in testimony thereof, when ordered by the board, suitable diplomas, certificates or other testimonials under the seal of the university, and the signatures of the faculty. When, in course of time, distinct colleges or departments of the university are duly organized and in active operation, the immediate government of such departments shall, in like manner, be entrusted to their respective faculties.

This Regulation provides for the basic organization and processes through and by which the University Faculty of the University of Wyoming may function in the exercise of its authority and responsibility as proscribed by UW Regulations.

II. DEFINITIONS

Presiding Officer of the University Faculty: The President of the University of Wyoming, or the President’s appointee.

Secretary of the University Faculty: The Faculty Senate Coordinator shall serve as the Secretary of the University Faculty. The Secretary shall keep the minutes of all University Faculty meetings and shall serve as custodian of all minutes and of communications to and from the University Faculty.

Voting members of the University Faculty: Those persons defined by UW Regulation 2-1 as members of the University Faculty.

III. MEETINGS OF THE UNIVERSITY FACULTY

A. General Meetings or Convocations

Meetings or convocations shall be held at least once each spring and fall semester, on call of the President. Meetings may also be held on the call of the Faculty Senate, or that of the University Faculty.

B. Meetings called by Faculty Senate

Meetings of the University Faculty may be called by not less than 2/3 majority of the Faculty Senate, followed by a written request to the President for a meeting of the University Faculty.

C. Meetings called by University Faculty

A meeting of the University Faculty may be called by not less than twenty percent (20%) of the University Faculty. If a meeting is sought in response to an action by Faculty Senate, and the University Faculty desires to consider or re-consider the action of the Faculty Senate, a request for a meeting to deliberate the Faculty Senate action shall be made within sixty days of the action of the Faculty Senate. The Faculty Senate or University Faculty will forward a written request for a meeting to the President. Review of the matters raised shall occur at a special University Faculty meeting called for that purpose by the President.

D. Quorum

One-fourth of the Voting Members of the University Faculty shall constitute a quorum.

E. Notice of Meetings or Convocations

Notice shall be given to the University Faculty by the President at least one week in advance of any meeting or convocation. Such notice shall contain a description of any matters to be presented to the University Faculty for action.

F. Voting

The vote of the majority of the University Faculty present at a meeting at which a quorum is present shall be the act of the University Faculty. University Faculty actions supersede Faculty Senate actions. Voting shall

be by voice, show of hands, or by paper ballot as determined by the Presiding Officer. It shall always be in order to move for a vote by ballot or by mail ballot. The University Faculty may vote to order its members polled by mail to seek opinion.

If a bill or resolution to be presented to the University Faculty for action has appeared in the notice of a meeting, and if the University Faculty failed to act because of lack of a quorum at a regularly called meeting, then at the discretion of the President, or upon written request by the Executive Committee of the Faculty Senate, a mail ballot will be initiated on said bill or resolution within two weeks after the scheduled meeting. A vote may be initiated by ordering ballots sent to the University mailing or other electronic address of each voting member of the University Faculty, with a specified deadline for return of ballots not less than two weeks from the date of issuance. Balloting may also be done via the internet using a Web portal and an appropriate verification system. The ballot will contain a concise explanation and a complete text of the item to be voted upon, and a specification of the time and place at which the ballots will be opened and counted. The Secretary of the University Faculty shall be present to oversee the opening and counting of the ballots to insure the integrity of the balloting process and secrecy of the ballots consistent with the balloting process. When ballots have been returned by a quorum of the voting members, the vote of the majority shall be the act of the University Faculty.

G. Bills and Resolutions

Following each University Faculty meeting, the Secretary of the University Faculty shall publish a summary of bills and resolutions introduced, action on bills and resolutions, and other significant matters. All bills and resolutions passed by the University Faculty shall be authenticated by the Secretary of the University Faculty and transmitted to the President for review and forwarded to the Board of Trustees for consideration in accordance with UW Regulation 1-101. The President may elect to return a bill or resolution to the University Faculty for further consideration. If the University Faculty again passes the returned bill or resolution by a $\frac{3}{4}$ vote, the President shall refer the bill or resolution to the Board of Trustees at their next regularly scheduled meeting.

H. Order of Business

Conduct for regular non-business University Faculty meetings can be flexible in order. However, when the University Faculty conducts business that results in action, the meeting order shall be in accordance with the most recent revision of Robert's Rules of Order.

Draft 4-23-21 (clean version)

Effective Date:

Responsible Division/Unit: Office of the Provost and Vice President for Academic Affairs

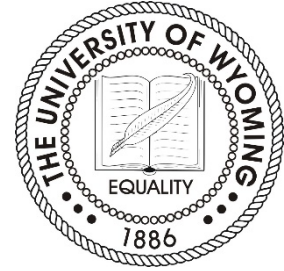
Source: None

Links:

Associated Regulations, Policies, and Forms: UW Regulation 6-701 Faculty Senate

History:

UNIVERSITY OF WYOMING REGULATIONS



Subject: Faculty Senate **Bylaws**

Number: UW Regulation 2-301

I. PURPOSE

Article 7, Section 17 of the Constitution of the State of Wyoming states that the “legislature shall provide by law for the management of the university, its land and its property by a board of trustees.” Wyoming Statute 21-17-204 states that the “board of trustees shall prescribe rules for the government of the university and all its branches.”

Wyoming Statute 21-17-103 states the following:

The president and professors of the university shall be styled “the faculty”, and may enforce rules and regulations adopted by the trustees for the government of students, reward and censure students as they may deserve, and generally exercise such discipline, in harmony with the regulations, as is necessary for the good order of the institution. The faculty may present to the trustees for degrees and honors such students as are entitled thereto, and in testimony thereof, when ordered by the board, suitable diplomas, certificates or other testimonials under the seal of the university, and the signatures of the faculty. When, in course of time, distinct colleges or departments of the university are duly organized and in active operation, the immediate government of such departments shall, in like manner, be entrusted to their respective faculties.

This Regulation describes the basic organization of the Faculty Senate and how faculty authority is exercised at the University.

II. DEFINITIONS

Faculty Senate: Membership to, organization of, and policies and procedures of the Faculty Senate are established in the Faculty Senate Bylaws. The Faculty Senate, subject to review and approval in accordance with UW Regulations, establishes policies governing the teaching, research, creative activity, and service aspects of the University’s academic mission.

Faculty Senate Executive Committee: Membership on the Executive Committee is by election from the Faculty Senate. The offices, organization, policies, and procedures of the

Faculty Senate Executive Committee are established in this Regulation and the Faculty Senate Bylaws.

Faculty Senate Coordinator: The Faculty Senate Coordinator manages and executes the administrative support functions of the Faculty Senate, the Faculty Senate Chair, the Faculty Senate Executive Committee, and the Committee on Committees.

Faculty Senate Standing Committees: Support and report to the Faculty Senate. They may report directly to Academic Affairs when appropriate in accordance with the Faculty Senate Bylaws.

III. DELEGATION OF POWERS

The To establish the Faculty Senate Bylaws.

H. THE UNIVERSITY FACULTY SENATE

A. The Faculty Senate is established by Bylaws of the University Faculty and vested, subject to limitations contained therein, with the powers conferred upon the University Faculty by the Board of Trustees.

Pursuant to such Bylaws, subject to the limitations stated herein, shall be vested in the Faculty Senate and established by this Regulation, which body shall act for and on behalf of the University Faculty, the Faculty Senate shall seek to determine and establish educational and academic policies which promote and protect the interests and welfare of the University community and further the full and free development and preservation of scholarly learning, teaching, and research in the exercise of said powers.

IV. MEMBERSHIP FACULTY RESPONSIBILITIES AND AUTHORITY

These regulations recognize that the faculty's authority is subject to the powers of the Trustees and the President of the University, as prescribed in the Bylaws of the Trustees, and to state and federal law. Consistent with the foregoing, faculty responsibilities include the following:

- A. To establish and review curriculum;
- B. To establish general requirements for conferring degrees and certificates;
- C. To establish standards for admission, retention, dismissal, and education of students;
- D. Participation in formulating and implementing policies governing standards and procedures for faculty appointments, promotion and tenure, post tenure review,

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dismissal, academic freedom, sabbatical leave, employment benefits, and conduct and discipline;

- E. Participation in planning and decisions regarding physical and human resources, space allocation, and budgetary priorities of the University;
- F. Participation on any Financial Exigency Advisory Committee;
- G. To provide input on the selection of a new President and a Provost of the University;
- H. To propose amendments or additions to, provide recommendations on, and be substantially involved in establishing UW Regulations and Standard Administrative Policies and Procedures that have an impact on the academic mission, including but not limited to curriculum, degrees and certificates, and admission, retention, dismissal and education of students;
- I. To provide a means for which any matter pertaining to the academic mission may be brought to the Faculty Senate or the University Faculty for discussion and appropriate action; and
- J. To establish and maintain the Faculty Senate Bylaws.

The Faculty's authority shall not limit the powers or authority of the Board of Trustees, the University President, academic or administrative officers, or any College, department or unit, granted by law, the Bylaws of the Trustees, the UW Regulations, or other University policies and procedures.

III. MEMBERSHIP

V.

The membership of the Faculty Senate is to be determined in accordance with the Bylaws of the University Faculty.

IV. OFFICERS

The officers of the Faculty Senate shall be selected from the elected faculty senators and shall consist of the following: (a) Chair, (b) Chair Elect, and (c) Secretary. The incoming officers shall take office effective with the May Board of Trustees meeting, and their elected members and *ex officio* members. All voting privileges shall be as described below. (In the following paragraphs, the term "Executive Committee" refers to the Executive Committee described in Section 9 of this members of the University Faculty defined in UW Regulation.)

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~~Chair. If the chair's term as a faculty senator expires during the chair's term as chair, the chair's Faculty Senate term shall be extended to last 2-300 shall be eligible for the remainder of the chair's term as chair. While serving as chair, the chair of the Faculty Senate shall not vote on matters decided by vote of the Executive Committee or on matters decided by vote of the Faculty Senate, unless the chair's vote is necessary to break a tie.~~

~~Chair-Elect. After being elected and taking office as chair-elect, the chair-elect shall serve for one year; the chair-elect shall then become chair of the Faculty Senate for the following year. While serving as chair-elect, the chair-elect shall be entitled to vote on matters decided by vote of the Executive Committee and matters decided by vote of the Faculty Senate. If the Faculty Senate term of the chair-elect expires before or during his/her term as chair-elect, the Faculty Senate term of the chair-elect shall be extended to last until the chair-elect has become chair and completed his/her term as chair. membership to the Faculty Senate.~~

~~Secretary. If the secretary's Faculty Senate term does not expire while he/she is serving as secretary, the secretary shall be entitled during his/her term as secretary to vote on matters decided by vote of the Executive Committee and matters decided by vote of the Faculty Senate. If the secretary's Faculty Senate term expires before or during his/her term as secretary, the secretary for the remainder of his/her term as secretary shall remain a voting member of the Executive Committee, and shall attend Faculty Senate meetings but shall not vote on matters decided by vote of the Faculty Senate unless re-elected to a new term as a faculty senator by his/her academic unit.~~

~~V. OFFICERS' DUTIES~~

~~The duties of the officers shall be such as are specified in these Bylaws and as directed by the Faculty Senate. The primary duties of the officers shall be as follows:~~

~~Ex officio members shall be the President of the University, the Vice Presidents of the University, University Deans, the Chair of the Staff Senate, and the President of the Associated Students of the University of Wyoming or designated representative, all having the same privileges as elected members except the right to vote.~~

~~**A.** ~~The Chair shall preside at meetings of the Faculty Senate and of its Executive Committee.~~~~

~~**B.** ~~The Chair-Elect shall preside at meetings of the Faculty Senate and of its Executive Committee in the event of the absence of the Chair, or at his/her request, and shall take on such other Senate tasks as requested by the Chair.~~~~

~~C. The Secretary shall record the roll call, proceedings and votes upon bills of the Faculty Senate, and shall receive and keep all communications and reports to and from the Faculty Senate.~~

~~VI. ELECTION PROCEDURES~~

~~The Chair Elect shall be responsible for soliciting nominations of at least two candidates for each of the offices to be filled. If the Chair Elect is unable after good faith effort to identify at least two candidates for each office to be filled, the Senate may proceed with an election for any office for which there is only one candidate nominated. The Chair Elect shall send a report of these nominations to the Faculty Senate Coordinator who shall cause the names of the nominees to be published at least one week prior to the Senate meeting preceding the election meeting. Additional nominations of officers may be made from the floor at that meeting. All nominations, both from the nominating committee and from the floor, shall be accompanied by a written statement from the candidate regarding background, Senate and University contributions, and goals for the position sought. Such statements should be distributed at the time the candidate is nominated or within one week. At the nominating meeting, candidates for all offices will be introduced and, if time permits, given a chance to speak to the nomination. At the meeting when elections are to be held, voting shall be carried out by written, secret ballot.~~

~~VII. TERM OF OFFICE~~

~~Officers shall be elected at the February meeting of the Faculty Senate, and shall serve for one year beginning at the first regular meeting of the next academic year or at the first summer session meeting, if held, and until, a successor has been duly installed. Any officer may be re-elected for one additional term in the same office. If an officer is filling the unexpired term of a previous officer, the officer's service during that partial term does not count toward the two term limit. The Faculty Senate may declare an office to be vacant whenever an officer is unable, except temporarily, to carry out the duties of his/her office. A vacancy shall be filled for the period to complete the term by special election.~~

~~VIII.VI. EXECUTIVE COMMITTEE~~

~~A. The Executive Committee shall consist of the following: The Chair, the Chair-Elect, the ~~immediate~~Immediate Past-Chair, the Secretary of the Faculty Senate, and four ~~members~~Members-at-large~~Large~~ who shall be elected from the voting membership of the Faculty Senate for staggered two year terms. Any sitting member of the Faculty Senate is eligible to be elected as member at large to the Executive Committee for the following two year term. Should the Faculty Senate term of any Executive Committee member other than the Chair or Chair Elect expire before or during the period in which the member is serving on the Executive Committee, he/she shall remain a voting member of the Executive Committee for the remainder of his/her term on the Executive Committee, and shall attend Faculty~~

Draft 4-23-21 (full redline comparison to original regulation)

~~Senate meetings but shall not vote on matters decided by vote of the Faculty Senate unless re-elected to a new term as a faculty senator by his/her academic unit. The Chairs of the Academic Planning Committee, the Budget Planning Committee, the Committee on Faculty Senate Standing Committees, the FASR&R Committee, the Faculty Development Committee, the Graduate Council, the Library Council, the Student Interaction Committee, the Academic Information Technology Committee, and the University Course Review Committee shall serve as ex officio members of the Executive Committee, with voting rights as specified in UW Regulation 2-302(III)(J).~~

- B. The Chair of the Faculty Senate shall serve as the Chair of the Executive Committee.
- C. The Executive Committee shall have general supervision of the affairs of the Faculty Senate and its standing committees; fix the hour and place, and prepare the agenda for the Faculty Senate meetings; ~~and~~ perform such other duties as are specified in this UW Regulation or the Faculty Senate Bylaws; or perform duties which may be assigned to it by the Faculty Senate.

~~**IX.VII. FACULTY SENATE COORDINATOR.**~~

- A. The University President shall appoint a staff member to serve as the Faculty Senate Coordinator. The role of the Faculty Senate Coordinator is the coordination, management, and execution of the administrative support functions of the Faculty Senate, the Faculty Senate ~~chair~~Chair, the Executive Committee, and the Committee on Committees.
- B. The Faculty Senate Coordinator shall be a non-voting member of the Executive Committee and the Committee on Committees.

~~**X. COMMITTEE ON COMMITTEES**~~

~~The Committee on Committees shall be responsible for the following duties:~~

- ~~A. Appointment of faculty members to standing committees as described in UW Regulation 2-302, subject to ratification by the Faculty Senate.~~
- ~~B. Appointment of faculty members to those standing advisory committees as described in UW Regulation 2-303.~~
- ~~C. Nominate faculty members to serve on administrative committees or boards:~~

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- ~~1. For those committees or boards where members are to be selected by the Faculty Senate; and~~
- ~~2. For other committees when requested to do so by an appropriate administrative body.~~

~~D. Be informed of the changes to, formation of, and charges to all committees appointed by the President, or a vice president for consideration, advice, or action upon matters pertaining to general University operations and programs, as distinguished from matters under the cognizance of an individual college; and responsible for the coordination of the activities between Faculty Senate committees and the foregoing committees whenever it appears there may be conflict or duplication in assigned functions or purposes of committees.~~

~~E. Preparation of appropriate bills for adoption by the Faculty Senate describing the duties, powers, membership and functions of all Faculty Senate standing committees and standing advisory committees; and~~

~~F. Maintenance of a continuing review of the need and functioning of Faculty Senate standing committees and standing advisory committees.~~

~~**Composition.** The Committee on Committees shall consist of 11 members selected by this committee and approved by the Executive Committee of the Faculty Senate. Each of the seven colleges (two from Arts and Sciences), the Libraries, the American Heritage Center, and the Office of Distance Education Support/UW-Casper will be given the opportunity to be represented. If representation from any of these areas cannot be found, then the Committee on Committees is directed to select members in as representational fashion as possible. The chair of the Committee on Committees shall serve as an ex officio member of the Executive Committee of the Faculty Senate. The chair elect of the Senate shall be an ex officio member of the Committee on Committees.~~

XI.VIII. STANDING COMMITTEES

The Faculty Senate shall establish standing committees for identified areas of continuing faculty authority and responsibility, which shall have duty for review, study, and the initiation, or review prior to Senate action, of matters within its area of authority and responsibility. Every committee will have a charge from the Faculty Senate Bylaws or in writing from the Senate concerning its function. Standing committees shall be established and disestablished by the Faculty Senate, and they shall be responsible for duties as may be determined by the Faculty Senate.

~~XII. AD HOC COMMITTEES~~

~~The Executive Committee may appoint ad hoc committees from time to time as it deems necessary and proper for furthering the business of the Faculty Senate. Such ad hoc committees may be temporarily assigned as a subcommittee of one of the existing Faculty Senate Bylaws shall define the duties, function, structure, and composition of individual standing committees.~~

~~XIII. COMMITTEE REPORTS~~

~~The chair of each Faculty Senate committee or an appointed representative shall be present at each Faculty Senate meeting, and the Executive Committee may require reports in such form and at such, the structure of subcommittees, times from any committee as it deems necessary and proper for furthering the business of the Faculty Senate. The Executive Committee of the Faculty Senate shall send the agenda and minutes of each Faculty Senate meeting to the chair of each committee.~~

~~XIV. COMMITTEE MEETINGS~~

~~All and reporting of meetings, commencement of service, the election of standing committees, committee officers, the use of alternates and permanent replacements, the use and definition of *ex-officio* members, the use of experts for consultation with the exception of the Reappointment, Tenure and Promotion Committee, shall notify the Faculty Senate Executive Committee, in advance, their meetings and the matters they may have under consideration. These announcements shall be distributed to the Vice Presidents, the Deans, the Department and Division Heads/Chairs, and to all Faculty Senators. Any member or outside of the university, and representation on committees of the interests of the Associated Students of the University Faculty shall be entitled to appear before any standing committee and be heard upon any pending matter or upon matters within the functions and duties of the committee. of Wyoming.~~

~~XV. CHAIRS OF STANDING COMMITTEES~~

~~Chairs of Faculty Senate committees shall be ratified by the Faculty Senate upon nomination by the committee members and upon presentation to the Committee on Committees.~~

~~XVI.IX. MEETINGS~~

Draft 4-23-21 (full redline comparison to original regulation)

The Faculty Senate Executive Committee shall establish ~~in September of each year the time and place for its regular meetings during~~ Faculty Senate meeting dates and times for the year in the spring semester preceding the academic year, and shall call additional meetings when it deems necessary or upon petition by ten or more Senators.

~~XVII.~~ NOTICE OF MEETINGS

~~Notice and agenda of all meetings~~ Meetings of the Faculty Senate shall ~~be published seven days prior to the time of regular meetings, and one day prior to emergency meetings.~~

~~XVIII.~~ JOINT MEETINGS.

~~Upon recommendation of the Executive Committee or by a majority vote of members present at a Senate meeting or responding to a mail ballot, joint meetings may be held with other bodies such as the Student Senate, Staff Senate, or the University Trustees.~~

~~XIX.~~ VOTING LIMITATIONS

- ~~A.~~ No vote shall be called for in the Faculty Senate upon any matter unless the substance thereof has been introduced in written form at a prior meeting or circulated to the Faculty Senate occur not less than one week prior to a meeting by a Senator for action by the Faculty Senate unless it appears to the presiding officer that the matter is not legislative in nature. A Bill or Resolution may be introduced to the Faculty Senate that has not been circulated prior to a meeting upon consent of three-fourths of the members of the Faculty Senate present.
- ~~B.~~ No vote on any matter pending before the Senate shall be taken unless at least two-thirds of the voting members be present.
- ~~C.~~ An academic unit may elect an alternate faculty member, with voting privileges, to replace a Senator representing their academic unit for any Senate meeting at which the Senator cannot attend. Any member attending a Senate meeting as an alternate for an elected Senator shall announce during the roll call that he or she is attending the meeting as an alternate. Such alternates will be counted in the two-thirds quorum required for a vote to be taken on any Senate matter.
- ~~D.~~ Any Senator may appoint any other Senator to act as a proxy and vote for him/her on any Senate matter. Any member attending a Senate meeting as a proxy for an elected Senator shall announce during the roll call that he or she is attending the

Draft 4-23-21 (full redline comparison to original regulation)

~~meeting as a proxy. Senators with proxies acting in their behalf may not be counted toward the two-thirds quorum voting requirement.~~

~~E. When voting on bills, any member may require a show of hands by requesting such action to the presiding officer. A roll call vote can be initiated by a motion with second, undebatable, if the motion is sustained by at least 20 percent of the voting members present.~~

~~**XX. INTRODUCTION OF BILLS (THE TERM "BILL" SHALL INCLUDE "RESOLUTIONS")**~~

~~A. Matters presented for consideration of the Faculty Senate shall normally be introduced in the form of a written bill, the purpose of which is to establish a regulation, make recommendations to other authorities, or accomplish such other objectives as may be appropriate. Each bill shall identify the sponsoring Senator and shall contain a title descriptive of its content and purpose which title shall be read at the time of introduction.~~

~~B. The Faculty Senate Coordinator shall record the introduction of each bill and assign an appropriate identification number to it.~~

~~C. In the absence of consent to vote at the time of introduction, the presiding officer may lay the bill over to the next meeting, refer it to a standing committee for consideration and report, refer it to the Executive Committee for consideration, or take such action as directed by motion from the floor.~~

~~**XXI. COMMITTEE REPORTS ON BILLS**~~

~~At each meeting of the Faculty Senate, any committee possessing bills referred to it shall make a report as to whether it desires to retain the bill for further study or report the bill for Faculty Senate action with its recommendations and any proposed amendment of the committee. The Executive Committee or the Faculty Senate may direct any committee to return a bill to the Faculty Senate for action, and all committees shall advise the Executive Committee, in advance of scheduled meetings, of the bills they will report to the Faculty Senate.~~

~~**XXII. GENERAL FILE AND PROCEEDINGS**~~

~~A. All bills reported by committees or those laid over from prior meetings shall be placed in a general file maintained by the Faculty Senate Coordinator. Bills shall be voted upon in the order received by the Secretary, unless a majority of a quorum~~

Draft 4-23-21 (full redline comparison to original regulation)

~~pass a motion to bring a specific bill from general file before the Faculty Senate for vote.~~

~~**B.** At each meeting of the Faculty Senate, the presiding officer shall call for consideration of bills on general file in the order filed with the Secretary. Bills called from committees by the Executive Committee or the Faculty Senate and bills approved for vote at the time of introduction shall take precedence on general file. A bill returned with presidential disapproval may be introduced for repassage by any member and shall be considered under "unfinished business."~~

~~**C.** Bills and reports of committees shall be read in their entirety, if a motion to such effect is passed by a majority vote.~~

~~**D.** Thereafter it shall be in order for any member to move:~~

~~**1.** To postpone consideration to a certain date.~~

~~**2.** To recommit the bill to a committee.~~

~~**3.** To amend, the form of which motion may be the adoption of committee amendments, or may be independent of such amendments. All amendments shall be reduced to writing if desired by the presiding officer or any member.~~

~~**E.** In the absence of any motions after reading of a bill on general file, or after disposition of motions, the presiding officer shall state the question thus: "This bill (naming it by number), having been read, the question is: 'Shall the bill pass?'" The ayes and nays shall be counted on the vote upon all bills.~~

~~**XXIII. DISPOSITION OF APPROVED BILLS**~~

~~All bills passed by the Faculty Senate shall be authenticated by the Secretary and transmitted to the President of the University of Wyoming for review in accordance with UW Regulations unless review provisions have been initiated by the University Faculty. Upon approval on review, such bills shall become effective for the purposes stated therein, and shall be distributed in such manner as directed by the President of the University.~~

~~**XXIV. DISAPPROVED BILLS**~~

Draft 4-23-21 (full redline comparison to original regulation)

- ~~A. — Except as hereinafter provided, any bills which are disapproved upon review shall be null and void, and the Secretary shall enter the disapproval in the record of proceedings relating to the bill.~~
- ~~B. — A disapproved bill may be returned to the Faculty Senate by the President of the University for reconsideration with regard to specific matters stated by the President. In such event, the bill shall be considered as a newly introduced bill.~~
- ~~C. — Repassage of a bill does not require advanced circulation of the bill and can be introduced by any Senator (bill must be seconded and debatable), but the text cannot be changed in any manner. All disapproved or altered bills will be published in the agenda under announcements for one meeting and reconsideration will occur as unfinished business.~~

~~If the Senate repasses a bill returned by the President by a three fourths vote of the members present and voting, the President shall refer the proposed bill to the Trustees, at their next regularly scheduled meeting, for final approval, disapproval or other disposition. At this meeting, the President shall present her/his views on the proposed bill to the Trustees and the Chair of the Faculty Senate or her/his designated representative shall be invited by the Trustees to represent the views of the Faculty Senate on the proposed bill once per month between September and May, inclusive.~~

~~**XXV.X. PARLIAMENTARY AUTHORITY**~~

~~The rules contained in the most recent Robert's Rules of Order Revised shall govern the Faculty Senate in all cases to which they are applicable and in which they are not inconsistent with these Bylaws this Regulation. Robert's Rules may be suspended upon a 2/3 vote of the senate for a particular non-senate action reason. Order shall return to Robert's Rules once the particular reason is completed.~~

~~**XXVI. REPORT OF SENATE ACTIONS**~~

~~**XI. BILLS AND RESOLUTIONS**~~

~~Following each Faculty Senate meeting, the Executive Committee shall publish a summary of bills and resolutions introduced, matters under consideration by committees, action on bills and resolutions, members absent, and other significant matters.~~

~~**XXVII. COMMUNICATION BY MEMBERS**~~

Draft 4-23-21 (full redline comparison to original regulation)

~~Members of All bills and resolutions passed by the Faculty Senate shall communicate with their constituents by such systematic means as may be available to them such as regular college or academic unit meetings, or meetings called for discussing authenticated by the Faculty Senate business.~~

~~XXVIII. FLOOR PRIVILEGES~~

~~A. Upon the recommendation of a Senate Committee or by approval of a majority of the members present, any person may address the Faculty Senate on a matter pending before it, subject to such time limitations as may be imposed by the presiding officer.~~

~~Upon recommendation of the ASUW Coordinator, transmitted to the President or his/her representative, ASUW Executive Assistants for review and forwarded to the Board of Trustees for Academic Affairs, Housing, and External Affairs shall be allowed to speak on the Senate floor; however, no student officer other than the President of ASUW, as ex officio member of the Senate, may introduce legislation to the Faculty Senate consideration in accordance with UW Regulation 1-101.~~

~~XXIX. BYLAW AMENDMENTS~~

XII. FACULTY SENATE BYLAWS

~~The Faculty Senate Bylaws may be amended by the vote of two-thirds of the members present and voting, provided that the amendment has been proposed by a committee of shall be established and maintained by the Faculty Senate. Approval of and changes to the Faculty Senate and has been circulated to the members of Bylaws requires a 2/3 vote of the Faculty Senate at least one week prior to the a regular meeting at which action on the proposed amendment is to be taken of the Faculty Senate.~~

Effective Date:

Responsible Division/Unit: Office of the Provost and Vice President for Academic Affairs

Source: None

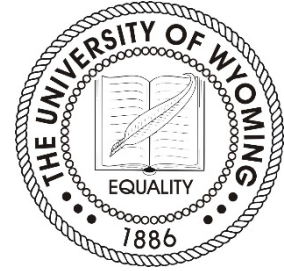
Links:

Associated Regulations, Policies, and Forms: UW Regulation 2-300 University Faculty

History:

UNIVERSITY OF WYOMING REGULATIONS

Subject: Faculty Senate
Number: UW Regulation 2-301



I. PURPOSE

Article 7, Section 17 of the Constitution of the State of Wyoming states that the “legislature shall provide by law for the management of the university, its land and its property by a board of trustees.” Wyoming Statute 21-17-204 states that the “board of trustees shall prescribe rules for the government of the university and all its branches.”

Wyoming Statute 21-17-103 states the following:

The president and professors of the university shall be styled “the faculty”, and may enforce rules and regulations adopted by the trustees for the government of students, reward and censure students as they may deserve, and generally exercise such discipline, in harmony with the regulations, as is necessary for the good order of the institution. The faculty may present to the trustees for degrees and honors such students as are entitled thereto, and in testimony thereof, when ordered by the board, suitable diplomas, certificates or other testimonials under the seal of the university, and the signatures of the faculty. When, in course of time, distinct colleges or departments of the university are duly organized and in active operation, the immediate government of such departments shall, in like manner, be entrusted to their respective faculties.

This Regulation describes the basic organization of the Faculty Senate and how faculty authority is exercised at the University.

II. DEFINITIONS

Faculty Senate: Membership to, organization of, and policies and procedures of the Faculty Senate are established in the Faculty Senate Bylaws. The Faculty Senate, subject to review and approval in accordance with UW Regulations, establishes policies governing the teaching, research, creative activity, and service aspects of the University’s academic mission.

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Faculty Senate Executive Committee are established in this Regulation and the Faculty Senate Bylaws.

Faculty Senate Coordinator: The Faculty Senate Coordinator manages and executes the administrative support functions of the Faculty Senate, the Faculty Senate Chair, the Faculty Senate Executive Committee, and the Committee on Committees.

Faculty Senate Standing Committees: Support and report to the Faculty Senate. They may report directly to Academic Affairs when appropriate in accordance with the Faculty Senate Bylaws.

III. DELEGATION OF POWERS

The powers conferred upon the University Faculty by the Board of Trustees, subject to the limitations stated herein, shall be vested in the Faculty Senate and established by this Regulation, which body shall act for and on behalf of the University Faculty in the exercise of said powers.

IV. FACULTY RESPONSIBILITIES AND AUTHORITY

These regulations recognize that the faculty's authority is subject to the powers of the Trustees and the President of the University, as prescribed in the Bylaws of the Trustees, and to state and federal law. Consistent with the foregoing, faculty responsibilities include the following:

- A.** To establish and review curriculum;
- B.** To establish general requirements for conferring degrees and certificates;
- C.** To establish standards for admission, retention, dismissal, and education of students;
- D.** Participation in formulating and implementing policies governing standards and procedures for faculty appointments, promotion and tenure, post tenure review, dismissal, academic freedom, sabbatical leave, employment benefits, and conduct and discipline;
- E.** Participation in planning and decisions regarding physical and human resources, space allocation, and budgetary priorities of the University;
- F.** Participation on any Financial Exigency Advisory Committee;
- G.** To provide input on the selection of a new President and a Provost of the University;
- H.** To propose amendments or additions to, provide recommendations on, and be substantially involved in establishing UW Regulations and Standard

Administrative Policies and Procedures that have an impact on the academic mission, including but not limited to curriculum, degrees and certificates, and admission, retention, dismissal and education of students;

- I. To provide a means for which any matter pertaining to the academic mission may be brought to the Faculty Senate or the University Faculty for discussion and appropriate action; and
- J. To establish and maintain the Faculty Senate Bylaws.

The Faculty's authority shall not limit the powers or authority of the Board of Trustees, the University President, academic or administrative officers, or any College, department or unit, granted by law, the Bylaws of the Trustees, the UW Regulations, or other University policies and procedures.

V. MEMBERSHIP

The Faculty Senate shall consist of elected members and *ex officio* members. All voting members of the University Faculty defined in UW Regulation 2-300 shall be eligible for elected membership to the Faculty Senate.

Ex officio members shall be the President of the University, the Vice Presidents of the University, University Deans, the Chair of the Staff Senate, and the President of the Associated Students of the University of Wyoming or designated representative, all having the same privileges as elected members except the right to vote.

VI. EXECUTIVE COMMITTEE

- A. The Executive Committee shall consist of the following: The Chair, the Chair-Elect, the Immediate Past-Chair, the Secretary of the Faculty Senate, and four Members-at-Large who shall be elected from the voting membership of the Faculty Senate. The Chairs of the Faculty Senate Standing Committees shall serve as *ex officio* members of the Executive Committee.
- B. The Chair of the Faculty Senate shall serve as the Chair of the Executive Committee.
- C. The Executive Committee shall have general supervision of the affairs of the Faculty Senate and its standing committees; fix the hour and place, and prepare the agenda for the Faculty Senate meetings; perform such other duties as are specified in this UW Regulation or the Faculty Senate Bylaws; or perform duties which may be assigned to it by the Faculty Senate.

VII. FACULTY SENATE COORDINATOR

- A.** The President shall appoint a staff member to serve as the Faculty Senate Coordinator. The role of the Faculty Senate Coordinator is the coordination, management, and execution of the administrative support functions of the Faculty Senate, the Faculty Senate Chair, the Executive Committee, and the Committee on Committees.
- B.** The Faculty Senate Coordinator shall be a non-voting member of the Executive Committee and the Committee on Committees.

VIII. STANDING COMMITTEES

The Faculty Senate shall establish standing committees for identified areas of continuing faculty authority and responsibility, which shall have duty for review, study, and the initiation, or review prior to Senate action, of matters within its area of authority and responsibility. Every committee will have a charge from the Faculty Senate Bylaws or in writing from the Senate concerning its function. Standing committees shall be established and disestablished by the Faculty Senate, and they shall be responsible for duties as may be determined by the Faculty Senate.

The Faculty Senate Bylaws shall define the duties, function, structure, and composition of individual standing committees, the structure of subcommittees, times and reporting of meetings, commencement of service, the election of standing committee officers, the use of alternates and permanent replacements, the use and definition of *ex-officio* members, the use of experts for consultation with or outside of the university, and representation on committees of the interests of the Associated Students of the University of Wyoming.

Chairs of Faculty Senate committees shall be ratified by the Faculty Senate.

IX. MEETINGS

The Faculty Senate Executive Committee shall establish regular Faculty Senate meeting dates and times for the year in the spring semester preceding the academic year, and shall call additional meetings when it deems necessary or upon petition by ten or more Senators. Meetings of the Faculty Senate shall occur not less than once per month between September and May, inclusive.

X. PARLIAMENTARY AUTHORITY

The rules contained in the most recent Robert's Rules of Order Revised shall govern the Faculty Senate in all cases to which they are applicable and in which they are not inconsistent with this Regulation. Robert's Rules may be suspended upon a 2/3 vote of the senate for a particular non-senate action reason. Order shall return to Robert's Rules once the particular reason is completed.

XI. BILLS AND RESOLUTIONS

Following each Faculty Senate meeting, the Executive Committee shall publish a summary of bills and resolutions introduced, matters under consideration by committees, action on bills and resolutions, members absent, and other significant matters. All bills and resolutions passed by the Faculty Senate shall be authenticated by the Faculty Senate Coordinator, transmitted to the President for review and forwarded to the Board of Trustees for consideration in accordance with UW Regulation 1-101.

XII. FACULTY SENATE BYLAWS

The Faculty Senate Bylaws shall be established and maintained by the Faculty Senate. Approval of and changes to the Faculty Senate Bylaws requires a 2/3 vote of the Faculty Senate at a regular meeting of the Faculty Senate.

Effective Date:

Responsible Division/Unit: Office of the Provost and Vice President for Academic Affairs

Source: None

Links:

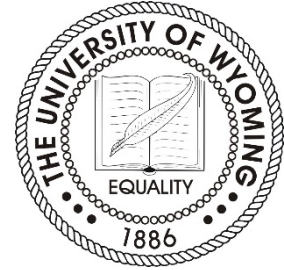
Associated Regulations, Policies, and Forms: UW Regulation 2-300 University Faculty

History:

UNIVERSITY OF WYOMING REGULATIONS

Subject: Establishment of Faculty Senate Committees

Number: UW Regulation 2-302



I. ~~PURPOSE~~

~~This regulation shall establish the standing committees of the Faculty Senate with specific duties and structured as outlined in the following sections pertaining to the individual committees.~~

II. ~~INDIVIDUAL STANDING COMMITTEES~~

~~The standing committees of the Faculty Senate shall consist of:~~

- ~~A. Academic Information Technology Committee~~
- ~~B. Academic Planning Committee~~
- ~~C. Budget Planning Committee~~
- ~~D. Committee on Committees~~
- ~~E. Executive Committee~~
- ~~F. Faculty Academic Standards, Rights and Responsibilities Committee~~
- ~~G. Faculty Development Committee~~
- ~~H. Graduate Council~~
- ~~I. Library Council~~
- ~~J. Reappointment, Tenure and Promotion Committee~~
- ~~K. Student Interaction Committee~~
- ~~L. University Course Review Committee~~
- ~~M. University Studies Committee~~

~~III. GENERAL CHARGE TO COMMITTEES OF THE FACULTY OF THE UNIVERSITY OF WYOMING~~

~~Bylaws of the University Faculty, UW Regulation 3-200, Article IV, Section 1, states "All committees of the University Faculty shall be responsible to the Faculty Senate, and it shall establish or dissolve committees as it deems necessary.~~

~~A. Goals of the Committee Structure~~

~~The system of standing committees of the Faculty Senate of the University of Wyoming is intended to:~~

- ~~1. Be broad enough to encompass all areas of University activity in which faculty are involved on a policy-making level requiring the endorsement of the Faculty Senate, in accordance with UW Regulation 2-300;~~
- ~~2. Be specific enough to consider the problems, grievances, or concerns of each faculty member of the University community;~~
- ~~3. Be advisory to the University administration only in those matters requiring Faculty Senate approval of proposed action; and~~
- ~~4. Provide an effective and efficient legislative committee system to work for the Faculty Senate through the Executive Committee.~~

~~B. General Committee Functions~~

~~The primary function of committees of the faculty shall be to consider bills or proposals submitted to the Senate and assigned to their areas of responsibility. Committees shall be expected, in a reasonable time, to return appropriate recommendations to the Senate for action. Committees shall also initiate and draft bills establishing faculty regulations or recommendations as needs arise in their areas of responsibility. Committee Chairs or their designees shall introduce such bills to the Senate for adoption or other action.~~

~~C. Individual Committee Responsibilities~~

~~The duties of each committee are individually detailed, and incorporated as a faculty regulation. However, the intention of this committee system is to provide a dynamic, timely, and effective aid to the progress of the University. For this reason, each committee is charged with the responsibility for continual review of its delegated duties. If changes of a committee's duties, composition, or existence are deemed advisable, the committee shall make such recommendations to the Faculty Senate through the Committee on Committees.~~

~~D. Sub-committee Structure~~

~~The responsibilities of most faculty committees are intentionally broad in order to prevent duplication of effort and conflicting recommendations. Therefore, it may well be advisable for certain committees to establish sub-committees from their own membership to perform more specialized functions or to handle particular issues within the overall responsibility of the committee. The establishment and dissolution of such sub-committees shall be left entirely to the discretion of the committee concerned.~~

~~E. Meeting and Reporting~~

~~A committee shall generally communicate whenever its responsibilities require that it should, whenever directed to do so by the Faculty Senate, and in during the fall and spring semesters. Reports shall be made to the Faculty Senate at such times as to keep the Senate well informed of committee activity, on call of the Executive Committee of the Faculty Senate, and no less than once per year.~~

~~F. Commencement of Service~~

~~Committee assignments shall be effective with the beginning of the fall semester unless the assignment is otherwise stated. The Senate shall select committee members to fill known vacancies prior to the end of each spring semester. Committee members may succeed themselves on a particular committee (once) with the exception of the Reappointment, Tenure and Promotion Committee. Following the selection of committee members by the Faculty Senate, the Faculty Senate Coordinator shall notify the individual of selection, provide a written copy of the committee charge, and provide the name of the current committee Chair. The committee Chair shall receive notification of the election of new members.~~

~~G. Election of Officers~~

~~By April 15th, each committee shall elect a Chair and such other officers as it deems necessary, to begin service at the start of the fall semester. Each committee shall forward the names of these officers to the Committee on Committees and the Executive Committee. Students shall not be eligible to chair Faculty Senate committees. In the event a committee is left without a Chair, the Committee on Committees' Chair will call the first meeting to elect the Chair.~~

~~H. — Alternate and Permanent Replacement Committee Members~~

~~When a committee member is to be absent from one or more committee meetings and the Chair and/or the committee deems the presence of a temporary replacement to be desirable, the Chair shall select an alternate committee member after consulting the rest of the committee and forward this person's name to the Chair of the Committee on Committees. In the event a permanent replacement is deemed necessary, the Chair of the affected committee shall notify the Committee on Committees and the replacement shall be appointed in the same manner as the original appointment. The replacement shall be appointed to complete the term of the original appointment.~~

~~I. — Absenteeism and Notice of Removal~~

~~In the event that a committee member has failed to attend three consecutive committee meetings, and the committee Chair has determined that such absences have been detrimental to the committee's function, the committee Chair shall petition to the Committee on Committees to recommend to the Executive Committee of the Faculty Senate removal of the non-attending committee member. Upon removal for non-attendance, the vacancy shall be filled in the same manner as the original appointment was made. All permanent committee replacements must be approved by the Faculty Senate. A copy of the petition for removal shall be sent to the offending committee member, and he/she shall have ten days from the date of the petition in which to challenge in writing before the Committee on Committees the committee Chair's determination that he/she has had continuous absenteeism as defined herein. Thereafter, he/she shall be deemed to have waived his/her right to challenge the petition and may be removed.~~

~~J. — Ex officio~~

~~The words "*ex officio*" shall be interpreted as "*ex officio* without vote" throughout UW Regulations 2-301, 2-302, 2-303, unless otherwise stated.~~

~~K. — Expert Consultation~~

~~Committees may seek consultation of experts from within or outside of UW as required.~~

~~L. — Associated Students of the University of Wyoming (ASUW)~~

~~The ASUW representatives on faculty committees shall be appointed by the ASUW Senate but shall not be required to be ASUW Senate members.~~

~~IV. ACADEMIC INFORMATION TECHNOLOGY COMMITTEE~~

~~A. Rationale~~

~~The committee is established to coordinate and to exchange information regarding academic information technology services for the University.~~

~~B. Functions~~

~~The committee shall aid in the establishment of policies for academic information technology services and usage at the University. It shall provide advice in regard to needed information technology capabilities and services for academic purposes, and in this regard to the long range goals of the University. The committee shall endeavor to serve as a channel for communication among the various academic users and providers of academic information technologies.~~

~~C. Powers~~

~~The committee shall serve in an advisory capacity to the President, appropriate vice presidents, deans, or directors on matters pertaining to needed information technology capabilities and services for academic purposes. All committee actions shall be reported to the Faculty Senate regularly.~~

~~D. Composition~~

~~The committee shall consist of 12 voting members. Each of the seven colleges (two from Arts and Sciences), the Libraries, the American Heritage Center, the Office of Distance Education Support/UW Casper, and ASUW will be given the opportunity to be represented. If representation from any of these groups cannot be found, then the Committee on Committees is directed to select members in as representational fashion as possible. The Vice President for Information Technology and Chief Information Officer shall be an *ex officio* member. Committee members shall serve staggered three year terms, except for the student representative, who shall serve a one year term. The Chair of the Academic Information Technology Committee shall serve as an *ex officio* member of the Administrative Information Technology Advisory Committee and the Faculty Senate Executive Committee.~~

~~V. ACADEMIC PLANNING COMMITTEE~~

~~A. Rationale~~

~~The overall development of the University, the determination of academic goals and the establishment of academic priorities are fundamental responsibilities necessarily shared by Trustees, administrative officials, faculty, and students.~~

~~The Academic Planning Committee operates as a forum in which educational directions may be discussed, and specific recommendations developed.~~

~~**B. Functions**~~

~~The committee's function is to review and make recommendations to the Faculty Senate on matters related to the structure and organization of the academic activities of the University. This review will be carried out in the context of the University's comprehensive development. The committee will recommend policies regarding priorities for long range development. It will make recommendations concerning the initiation, quality, modification or termination of academic programs. When changes in programs are related to the University's physical facilities the committee will also make recommendations with respect to them. In making recommendations the committee will take into consideration the educational system and needs of the State of Wyoming as well as University considerations.~~

~~**C. Powers**~~

~~The committee shall receive proposals and requests for recommendations from the Faculty Senate, the President, the Provost and Vice President for Academic Affairs, and the Vice President for Research and Economic Development. The Academic Planning Committee may instigate its own inquiries into areas of academic concern. The committee will forward its recommendations to the Faculty Senate, to the Provost and Vice President for Academic Affairs, and to other appropriate groups or individuals. All substantive committee actions will be reported to the Faculty Senate regularly.~~

~~**D. Composition**~~

~~The Academic Planning Committee will consist of 12 voting members. Each of the seven colleges (two from Arts and Sciences), the Libraries, the American Heritage Center, the Office of Distance Education Support/UW-Casper, and ASUW will be given the opportunity to be represented. If representation from any of these groups cannot be found, then the Committee on Committees is directed to select members in as representational fashion as possible. The Provost and Vice President for Academic Affairs, the Vice President for Research and Economic Development, and Chairs of the Student Interaction Committee, Graduate Council, Budget Planning Committee, and University Course Review Committee shall be *ex officio* members. Faculty representatives shall be selected by the Committee on Committees and shall serve staggered three year terms. The Chair of the Academic Planning Committee shall serve as an *ex officio* member of the Budget Planning Committee and the Executive Committee of the Faculty Senate.~~

~~VI. BUDGET PLANNING COMMITTEE~~

~~A. Rationale~~

~~The overall development of the University, the determination of goals, and the establishment of priorities have significant budgetary consequences for the entire University community. The Budget Planning Committee provides a forum for the faculty to effectively participate in budgetary deliberations.~~

~~B. Functions~~

~~The committee's function is to participate in budgetary planning and related deliberations and make policy recommendations to the Faculty Senate on matters related to the long-term acquisition and disposition of the University's financial resources. These activities will be carried out in the context of the University's comprehensive development. It will act as a resource body to the Academic Planning Committee to provide relevant budgetary insight on the ramifications of proposed program changes as well as the financial impact of physical facilities modifications and additions. In making recommendations the committee will take into consideration the economic realities of the times and the needs of the State of Wyoming as well as University considerations.~~

~~C. Powers~~

~~The committee shall receive proposals and requests for recommendations from the Faculty Senate, the President, the vice presidents, and others authorized by the President. The Budget Planning Committee may instigate its own inquiries into areas of budgetary concern. The committee will represent the faculty in all strategic budget planning and in the budget review process and forward its recommendations to the Faculty Senate, to the Vice President for Administration, and/or to other appropriate groups or individuals. All substantive committee actions will be reported to the Faculty Senate regularly.~~

~~D. Composition~~

~~The Budget Planning Committee shall consist of 13 voting members. Each of the seven colleges (two from Arts and Sciences), the Libraries, the American Heritage Center, the Office of Distance Education Support/UW-Casper, ASUW, and Staff Senate will be given the opportunity to be represented. If representation from any of these groups cannot be found, then the Committee on Committees is directed to select members in as representational fashion as possible. Faculty representatives shall be selected by the Committee on Committees and shall serve staggered four-year terms. The Provost and Vice President for Academic~~

~~Affairs, the Vice President for Administration, and the Chair of the Academic Planning Committee shall be *ex officio* members. The Chair of the Budget Planning Committee shall serve as an *ex officio* member of the Academic Planning Committee and the Executive Committee of the Faculty Senate.~~

~~VII. FACULTY ACADEMIC STANDARDS, RIGHTS, AND RESPONSIBILITIES COMMITTEE~~

~~A. Rationale~~

~~The faculty needs to examine and draft policies which affect the University community and its individual members. The University administration subscribes to the tenet that true education may flourish only when the faculty is both free and responsible; the committee is established to provide a vehicle by which rights are insured and responsibilities defined.~~

~~B. Functions~~

~~The committee shall formulate policies involving the entire University in matters of faculty rights and of faculty responsibility and academic standards for the University and teaching profession. The committee shall be authorized to participate with the President and other appropriate administrative officers in the examination and formulation of policies and procedures relating to the organization and governance of the University's colleges, divisions, and departments whenever these procedures seem likely to affect faculty rights and responsibilities and/or academic units, and shall define the position of the faculty when inconsistencies exist.~~

~~The Committee shall consider general policy issues presented by the faculty and shall hear any individual or groups of individuals when such issues are deemed relevant to faculty rights and responsibilities and academic standards.~~

~~C. Composition~~

~~The Faculty Academic Standards, Rights, and Responsibilities Committee shall consist of 11 members. Each of the seven colleges (two from Arts and Sciences), the Libraries, the American Heritage Center and ASUW will be given the opportunity to be represented. If representation from any of these groups cannot be found, then the Committee on Committees is directed to select members in as representational fashion as possible. Members shall be selected by the Committee on Committees and shall serve staggered three-year terms. The Chair of this committee shall serve as an *ex officio* member of the Executive Committee of the Faculty Senate.~~

~~VIII. FACULTY DEVELOPMENT COMMITTEE~~

~~A. Rationale~~

~~The ongoing development of the faculty is critical to the educational well-being of the University. To maintain and provide the highest level of educational experience, the faculty needs to be afforded the opportunity to learn and implement the latest advances in teaching methodology, and be enabled to compete in the national and international research arena. In order to attract and retain the highest quality faculty, it is necessary to promote an adequate and fair distribution of faculty salaries, and create meaningful incentive and merit systems.~~

~~B. Functions~~

~~This committee will review and make recommendations on all projects, programs, opportunities, and services at the University which assist and facilitate faculty in the performance of their duties in teaching and research. This will include, but is not limited to, faculty development, teaching, and research awards; and patents and copyrights agreements. The committee shall also review salary and compensation distributions within the University, make surveys of faculty opinion when appropriate, assess the influence of salary and compensation policies on the academic functions of the University, and make general recommendations to the Faculty Senate and the Provost and Vice President for Academic Affairs regarding salary distribution and policies affecting merit determination.~~

~~C. Composition~~

~~The Faculty Development Committee shall consist of 11 members. Each of the seven colleges (two from Arts and Sciences), the Libraries, the American Heritage Center, and the Office of Distance Education Support/UW-Casper will be given the opportunity to be represented. If representation from any of these groups cannot be found, then the Committee on Committees is directed to select members in as representational fashion as possible. Members shall be selected by the Committee on Committees and shall serve staggered three year terms. The Provost and Vice President for Academic Affairs, the Vice President for Research and Economic Development, the Vice President for Administration, and the Chair of the Research Advisory Committee shall serve as *ex officio* members without vote. The Chair of this committee shall serve as an *ex officio* member of the Executive Committee of the Faculty Senate.~~

~~IX. GRADUATE COUNCIL~~

~~A. Rationale~~

~~The University Faculty has certain responsibilities for graduate education which may be delegated to a representative group. This Council is formed to act as that representative group. The development and maintenance of graduate programs of high quality is a concern of this Council.~~

~~B. Functions~~

~~The Council shall recommend the broad policies concerning the overall University function in graduate education and the University requirements for graduate degrees. It shall advise the Faculty Senate on any proposed changes in UW Regulations which would affect graduate programs.~~

~~C. Powers~~

~~The Council shall advise on the formulation and review of regulations concerned with graduate education. It shall review proposals and make recommendations to the Provost and the Provost and Vice President for Academic Affairs concerning new graduate programs, substantive changes in existing graduate programs, implementation of changes in graduate programs recommended through program reviews, and deletion of graduate programs.~~

~~D. Composition~~

~~The Graduate Council shall consist of 17 members, 15 of whom shall be members of the faculty distributed among the colleges as follows: Agriculture and Natural Resources 2, Arts and Sciences 4, Business 2, Education 2, Engineering and Applied Science 2, Health Sciences 2, Law 1. Two graduate students chosen by the Council shall also be members. College representatives shall be chosen by each college in a manner similar to that used to elect members of college reappointment, tenure and promotion committees (see UW Regulation 2-7.) College representatives shall have terms of office of three years. Student members shall have one year terms of office. If possible, college representatives shall have staggered terms. *Ex officio* members of the Graduate Council shall include: the Provost and Vice President for Academic Affairs, the Vice President for Research and Economic Development, the Director of the American Heritage Center, and the Dean of University Libraries or their designees. The Associate Vice President for Graduate Education will serve as liaison with the Office of Academic Affairs. The Chair of this Council shall serve as an *ex officio* member of the Executive Committee of the Faculty Senate. The Chair of this Council or designee shall serve on the Academic Planning Committee and the University~~

~~Course Review Committee of the Faculty Senate.~~

~~X. LIBRARY COUNCIL~~

~~A. Rationale~~

~~It is important to create a broad, active, and strong Library Council to address the difficult and vital issues of resources, technology, and the open and effective communication between the Libraries and the University.~~

~~B. Functions~~

~~The Library Council will bring University needs and concerns to the Dean of the Libraries and to the Provost and Vice President for Academic Affairs, and will advise them concerning these issues. The Library Council will issue an annual report that is distributed to the Provost and Vice President for Academic Affairs, the Dean of the Libraries, the Faculty Senate and the ASUW concerning its recommendations for changes in the Libraries' strategic plan, organization, and principles for allocation of resources.~~

~~C. Powers~~

~~The Library Council will report to the Provost and Vice President for Academic Affairs and advise the Dean of the Libraries on library issues.~~

~~D. Composition~~

~~The Library Council shall consist of 13 voting members, which are to include one representative from each of the seven colleges (two from Arts and Sciences) and the Libraries, one American Heritage Center archivist, one undergraduate and one graduate student, one non-University representative appointed by the Provost and Vice President for Academic Affairs (this person should be knowledgeable in library issues). *Ex officio* members with vote shall include the Provost and Vice President for Academic Affairs, the Dean of the Libraries, the Vice President for Information Technology, and the Vice President for Research and Economic Development. The Chair shall be an *ex officio* member of the Faculty Senate Executive Committee. The representatives from the colleges, the Libraries, and the American Heritage Center shall be elected by their respective units, and the student members shall be selected by ASUW and by the graduate students, respectively. Members shall serve three-year staggered terms, and the Chair shall be a faculty member.~~

~~XI. REAPPOINTMENT, TENURE AND PROMOTION COMMITTEE~~

~~A. Rationale~~

~~The faculty has the inherent right and responsibility to advise the President and the Trustees of the University in matters relating to one or several of its members regarding tenure, promotion, dismissals, and reappointment.~~

~~B. Functions~~

~~The committee shall advise the Provost and Vice President for Academic Affairs on matters pertaining to tenure, promotion, dismissals, and reappointment.~~

~~C. Powers~~

~~The committee shall serve in an advisory capacity to the Provost and Vice President for Academic Affairs. Where broad policy issues are involved, and questioned, the committee shall refer such issues directly to the Faculty Senate.~~

~~D. Composition~~

~~The Reappointment, Tenure and Promotion Committee shall consist of at least 17 members excluding the vice presidents, the deans, the associate and assistant deans, the directors, and the department or division heads/chairs. Two tenured faculty members shall be elected from each of the following five colleges: Agriculture and Natural Resources, Business, Education, Engineering and Applied Science, and Health Sciences; four from the College of Arts and Sciences; one from the College of Law, one extended term faculty member elected from the Libraries; and one extended term faculty member elected from the American Heritage Center. The University Reappointment, Tenure and Promotion Committee has the authority to appoint one or more academic professional(s) to its committee. The Provost and Vice President for Academic Affairs shall be an *ex officio* member. Members who have served a three year term cannot succeed themselves. Replacements (temporary or permanent) shall be determined in the same manner as the original appointments.~~

~~E. Frequency of Meetings~~

~~The committee shall meet at the request of the Provost and Vice President for Academic Affairs and at all other times that the Chair of the committee deems necessary.~~

~~XII. STUDENT INTERACTION COMMITTEE.~~

~~A. Rationale~~

~~The policies which determine the scholastic standards of the University of Wyoming and which regulate other areas of scholastic affairs are of basic concern to the faculty.~~

~~B. Functions~~

~~The committee shall formulate and review policies and procedures in the broad area of undergraduate student academic affairs, including but not limited to scholastic probation and suspension of students, evaluation and recognition of credit, credit hour requirements, grades, honor roll, honor graduation, all University degree requirements, University admissions standards, and University student scholarships. The committee shall provide advice in regard to needed services and programs for both foreign students studying at the University of Wyoming and University of Wyoming students studying at foreign institutions. It shall also help formulate long range goals for international education. Additionally, the committee shall recommend general policy for the University's financial aid program, review its operation and provide recommendations to sustain its orderly function and development.~~

~~C. Composition~~

~~The Student Interaction Committee shall consist of 13 members. Each of the seven colleges (two from Arts and Sciences; none from the College of Law), the Libraries, the American Heritage Center, and ASUW (four representatives) will be given the opportunity to be represented. If representation from any of these groups cannot be found, then the Committee on Committees is directed to select members in as representational fashion as possible. The Provost and Vice President for Academic Affairs, the Executive Director of International Student Services, the Director of Admissions, the Registrar, and the Director of Student Financial Aid shall be *ex officio* members without vote. Faculty representatives shall be selected by the Committee on Committees and shall serve three year staggered terms. The Chair of the Student Interaction Committee shall serve as an *ex officio* member of the Academic Planning and Executive Committees of the Faculty Senate.~~

~~XIII. UNIVERSITY COURSE REVIEW COMMITTEE~~

~~A. Rationale~~

~~The University Course Review Committee is established to monitor and~~

~~implement the University course review process as described in UW Regulation 6-806, Section II, Part E.~~

~~B. Functions~~

~~When considering course additions, revisions or deletions to the University curriculum, the University Course Review Committee shall be responsible for insuring that all of the requisite endorsements have been obtained (UW Regulation 2-116, Section II, Part E.), that the proposal does not present any unjustified duplication with other academic units, and that the request is consistent with the current University guidelines regarding courses. The University Course Review Committee is additionally charged with the development and maintenance of the Course Review Guidelines (see UW Regulation 2-116, Section III), and with the routine examination and maintenance of the Course Review Process itself.~~

~~C. Powers~~

~~The University Course Review Committee shall make its recommendations relating to the addition, revision, and deletion of courses to the Provost and Vice President for Academic Affairs. These recommendations will be rendered in the context of the University's comprehensive development. In making these recommendations, the University Course Review Committee will take into consideration the Wyoming community colleges and the educational needs of the State of Wyoming as well as University considerations. All committee actions will be reported to the Faculty Senate regularly.~~

~~D. Composition~~

~~The University Course Review Committee will consist of the representatives from each of the seven colleges. Each college will select its own representative along with an alternate. If representation from any of these colleges cannot be found, then the Committee on Committees is directed to select members in as representational fashion as possible. The Chair of the University Studies Committee, the Chair of the Graduate Council, the Registrar, the Dean of the Libraries, the Director of the American Heritage Center, an ASUW representative, and the Coordinator of Community College Articulation shall be *ex officio* members without vote. The Chair is an *ex officio* member of the Academic Planning Committee and the Executive Committee of the Faculty Senate.~~

~~**XIV. UNIVERSITY STUDIES COMMITTEE** (See also UW Regulation 2-105, “University Studies Program.”)~~

~~**A. Rationale**~~

~~The University Studies Program requires completion of specific requirements in identified areas of study in accordance with criteria approved by the University Faculty Senate. In cooperation with the Board of Trustees and academic administrators, the Faculty Senate is responsible for making decisions regarding curriculum.~~

~~**B. Functions**~~

~~The University Studies Committee shall:~~

- ~~1. Oversee an assessment process for the University Studies Program;~~
- ~~2. Define the philosophy, learning outcomes desired, and criteria for courses in the relevant areas of study, with Faculty Senate approval;~~
- ~~3. Identify and approve courses for the Program;~~
- ~~4. Consult with and advise academic departments concerning the needs and requirements of the Program;~~
- ~~5. Grant approval of alternative courses or pilot programs to fulfill University Studies requirements for a limited time;~~
- ~~6. Appoint *ad hoc* sub-committees as needed to accomplish the goals of UW Regulation 2-105, III.B.1-5. and to select and review courses that meet the criteria approved by the Faculty Senate.~~
- ~~7. Develop and maintain appropriate linkages with the Academic Planning Committee, the Faculty University Course Review Committee, and the Student Interaction Committee, with particular regard to new courses or modification of courses considered for approval as meeting requirements of the Program.~~
- ~~8. Make reports and recommendations to the Faculty Senate as may be deemed appropriate or as requested.~~
- ~~9. Consider and grant such waivers of requirements of the University Studies Program to petitioning students as warranted by unusual and extenuating circumstances, upon recommendation of the University Studies Coordinator (see UW Regulation 2-105).~~

C. ~~Composition~~

~~The committee shall consist of 11 voting members. Members of the University Studies Committee will include one academic personnel member from each of the six undergraduate colleges (two from Arts and Sciences), the Libraries, the Office of Distance Education Support/UW Casper, and one of the non-college academic units (e.g., the American Heritage Center or Honors Program). A student designated by ASUW shall be a voting member. Each college or group will elect their own representatives, and these names will be forwarded to the Executive Committee of the Faculty Senate for approval. Faculty representatives shall serve staggered three-year terms. *Ex officio* members of the committee shall include: the First Year Seminar Coordinator and the Communications Coordinator; representatives from the offices of: the Provost and Vice President for Academic Affairs, the Registrar, the Academic Planning Committee, the Deans' Council, Academic Advising, and the Wyoming community colleges. *Ex officio* members do not have a vote. Vice presidents, deans, associate and assistant deans, and directors shall not be eligible to serve on the committee.~~

~~The committee shall elect its chairperson. The Chair or his/her designee shall serve as an *ex officio* member of the University Course Review Committee. The University Studies coordinator shall serve as secretary of the committee and maintain a record of the minutes of meetings. The Executive Committee of the Faculty Senate shall fill temporary vacancies on the University Studies Committee.~~

Responsible Division/Unit: ~~Office of the Provost and Vice President for Academic Affairs~~

Source: ~~None~~

Links: ~~<http://www.uwyo.edu/regs-policies>~~

Associated Regulations, Policies, and Forms: ~~UW Regulation 2-301 (Faculty Senate Bylaws)~~

History:

~~University Regulation 702; adopted 5/6/2009 Board of Trustees meeting~~

~~Revisions adopted 9/17/2010 Board of Trustees meeting~~

~~Revisions adopted 11/18/2010 Board of Trustees meeting~~

~~Revisions adopted 9/13/2013 Board of Trustees meeting~~

~~Revisions adopted 9/12/2014 Board of Trustees meeting~~

~~Revisions adopted 3/25/2015 Board of Trustees meeting~~

~~Revisions adopted 3/24/2016 Board of Trustees meeting~~

~~Revisions adopted 3/23/2017 Board of Trustees meeting~~

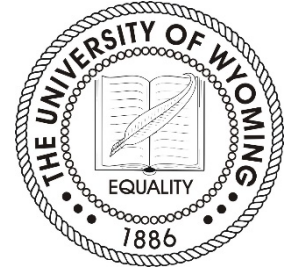
~~Revisions adopted 1/18/2018 Board of Trustees meeting~~

~~Reformatted 7/1/2018: previously UW Regulation 6-702, now UW Regulation 2-302~~

~~UNIVERSITY OF WYOMING REGULATIONS~~

~~**Subject:** Establishment of University Standing Advisory Committees~~

~~**Number:** UW Regulation 2-303~~



~~I. PURPOSE.~~

~~This regulation shall establish standing advisory committees with specific duties and composition as specified in the following sections for each individual committee.~~

~~II. RESEARCH ADVISORY COMMITTEE.~~

~~**A. Rationale.** Active participation in research by members of the University faculty, staff, and student body helps to fulfill several of the essential elements of the University's mission: 1) to advance the general knowledge of mankind; 2) to stimulate the creativity of the University's faculty, staff, and student body; 3) to enhance the University's learning environment; and 4) to improve the national and international stature of the institution. Research efforts at the University will benefit greatly from guidance that is compatible with the educational elements of the University's mission. Simultaneously, in order to sustain growth and development for all members of the University community, research efforts must encourage the other elements of the University mission.~~

~~**B. Functions.** The committee shall work to strengthen the University by coordinating the general research effort and shall work to elevate the research standing of the University, nationally and internationally. In order to be effectively knowledgeable about the various aspects of research at the University, the committee shall maintain an awareness of the aims and objectives of the Office of Research and Economic Development. The committee shall provide continuing evaluation of the process of administrative review of proposals for grants and contracts and shall act to provide suggestions for the most efficient means of completing this process. The committee shall act as the liaison between the faculty and the University administration on matters pertaining to research. The committee shall act in an advisory capacity to the Faculty Senate and to the University administration, specifically to the Faculty Development Committee and the Vice President for Research and Economic Development, respectively, on matters pertaining to research. "Research" shall be construed to include all of the various forms which are taken by research in the various departments and units of the University. "Matters pertaining to research" shall be construed to include the following topics, but is not limited to these topics: research proposals, research grants and contracts, patents, copyrights, conflicts of interest which involve research, and awards for research excellence. The committee shall review such proposals as may be directed to their attention by the Vice~~

~~President for Research and Economic Development, including, but not limited to, all proposals which are submitted for the Faculty Grant in Aid program and the Challenge Grant program. It shall make recommendations to the Vice President for Research and Economic Development with regard to the distribution of funds which are allocated for these programs. The committee shall review such nominations for awards as may be directed to their attention by the Vice President for Research and Economic Development.~~

~~**C. Powers.** The committee's dual responsibility is to the faculty and to the administration. It shall act in an advisory capacity: a) to the President of the University; b) to the Vice President for Research and Economic Development; c) to the Faculty Senate; and d) to other appropriate officials and bodies.~~

~~**D. Composition.** The committee shall consist of 11 voting members. Each of the seven colleges (two from Arts and Sciences), the Libraries, the American Heritage Center (Archivists), and the Office of Distance Education Support/UW Casper will be given the opportunity to be represented. If representation from any of these groups cannot be found, then the Committee on Committees is directed to appoint members in as representational fashion as possible. The Provost and Vice President for Academic Affairs and the Vice President for Research and Economic Development shall be *ex officio* members. Faculty members shall be appointed by the Committee on Committees and shall serve three-year staggered terms. The chair of the Research Advisory Committee shall serve as an *ex officio* member of the Faculty Development Committee of the Faculty Senate.~~

~~**Responsible Division/Unit:** Office of the Provost and Vice President for Academic Affairs~~

~~**Source:** None~~

~~**Links:** <http://www.uwyo.edu/regs-policies>~~

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

~~**History:**~~

~~University Regulation 703, Revision 2; adopted 7/17/2008 Board of Trustees meeting
Revisions adopted 9/17/2010 Board of Trustees meeting
Revisions adopted 11/18/2010 Board of Trustees meeting
Revisions adopted 3/24/2016 Board of Trustees meeting
Revisions adopted 3/23/2017 Board of Trustees meeting
Revisions adopted 1/18/2018 Board of Trustees meeting
Reformatted 7/1/2018: previously UW Regulation 6-703, now UW Regulation 2-303~~

AGENDA ITEM TITLE: Approval of modifications to UW Regulation 6-4 (Use of University Buildings, Grounds and Services), Brown/Evans

SESSION TYPE:

- Work Session
 Education Session
 Information Item
 Other:

[Committee of the Whole – Items for Approval]

Attachments are provided with the narrative.

APPLIES TO STRATEGIC PLAN:

- Yes (select below):
 Driving Excellence
 Inspiring Students
 Impacting Communities
 High-Performing University
 No [Regular Business]

EXECUTIVE SUMMARY:

At the September 2016 Board of Trustees meeting, the Board approved review by UW Administration of UW’s current regulatory structure, to include the following:

- 1) Phasing out presidential directives;
- 2) Defining regulation versus policy/procedure;
- 3) Creating a new “look” and format for the regulations; and
- 4) Updating the substance of the regulations, policies, and procedures as needed, including determining whether there are any substantive gaps.

At the January 2017 Board of Trustees meeting, the University proposed 12 sections for the new ***Governing Regulations and Standard Administrative Policies and Procedures website.***

Section 1: Governance and Structure

Section 2: Academic Affairs

Section 3: Athletics

Section 4: Diversity and Equal Opportunity

Section 5: Employment and Ethics

Section 6: Facilities

Section 7: Finance and Business

Section 8: Information Technology

Section 9: Research and Economic Development

Section 10: Safety and Security

Section 11: Student Affairs

Section 12: University Relations

The new structure will involve three levels of policies:

- 1) Governing Regulations (Level A)
- 2) Standard Administrative Policies and Procedures (Level B)
- 3) Department/Unit Administrative Policies and Procedures (Level C)

Attached is the following Section 6 Facilities regulation (with a summary of the proposed modifications):

- **UW Regulation 6-4 (Use of University Buildings, Grounds, and Services):** Modifications to clarify the use of signs, posters, banners and fliers and the use of service animals.

Per the routing process for UW Regulations, the proposed modifications to the regulations were provided to the President's Cabinet, Deans and Directors, Faculty Senate, Staff Senate, ASUW, and the Internal Auditor.

The Trustees Regulation Committee will discuss this item at the June 2021 Board of Trustees conference call 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 the Board approve modifications to UW Regulations.

ACTION REQUIRED AT THIS BOARD MEETING:

Board approval, modification, or disapproval of the recommended modifications to the Regulations.

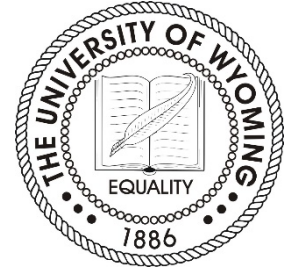
PROPOSED MOTION:

"I move to authorize modifications to UW Regulation 6-4, as presented to the Board"

PRESIDENT'S RECOMMENDATION:

The President recommends approval.

Draft 2-19-21



UNIVERSITY OF WYOMING REGULATIONS

Subject: Use of University Buildings, Grounds and Services

Number: UW Regulation 6-4

I. POLICY

It is the policy of the University of Wyoming to permit the use of University buildings and grounds and equipment by internal and external users, as defined within this policy, if such use is consistent with the University's primary purposes, i.e. instruction, research and public service. The University retains the right to determine which activities are consistent with its primary purposes.

II. TYPES OF USE

- A. Internal vs. External Users.** The types of uses permitted may depend on whether the person seeking to use the space is considered an “internal” user or an “external” user. Categorization of whether one is an “internal” or “external” user under this Regulation is solely determined by the University.
1. “Internal users” include: Academic or administrative departments or units of the University; Student organizations recognized by the University pursuant to UW Regulation 11-4; Faculty and staff of the University, active or retired; Organizations formally affiliated with the University, such as the University of Wyoming Foundation and University of Wyoming Alumni Association.
 2. “External users” include persons, entities or organizations other than those defined as “internal users,” whose activities are consistent with the University’s primary purposes.
- B. Use of Assigned Space for UW Colleges and Departments.** University buildings and space assigned or reassigned to deans of individual colleges or to administrative officers of other individual units shall be used exclusively for University instructional, research and service functions, or for purposes authorized in this Regulation. UW Regulation 6-7 sets forth the process for reallocation or change in assigned spaces.
- C. Use by Internal Users for non-University Purposes.** University buildings and grounds and equipment shall not be used by an internal user for personal or private purposes unrelated to University purposes. Internal users who are using University

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buildings or grounds or equipment as a private citizen may have use of said buildings, grounds or equipment as an external user but only in accordance with the procedures set forth in this Regulation. Use of University buildings and equipment by internal users for outside consulting is permitted only in accordance with Presidential Directive 2-1996-1 and the applicable policies set forth by Academic Affairs.

- D. Emergencies.** University buildings and grounds may be used during a natural disaster or state or local emergency when authorized by the President or President's designee, as specified in any applicable Memorandums of Understanding or contracts with other entities, or as set forth in Wyoming or Federal law.

E. Signs, Posters, Banners and Fliers. The time, place, and manner of free expression activities may be regulated to prevent unreasonable interference or conflict with the educational, research, housing, or other legitimate functions of the University, including the normal use by others of public areas. Similarly, the University must preserve the visual integrity of campus by providing a framework for planning and displaying temporary posters, signs and banners to ensure their usefulness and effectiveness, while minimizing visual clutter, litter, potential damage to property, disruption of campus operations, and unnecessary costs.

External users who seek to publicize activities or advertise events as described in this section may only use specifically designated University spaces or locations, and must seek advanced written approval by the Vice President of Administration in consultation with the applicable departmental office. Solicitation or the posting of handbills without University approval is strictly prohibited.

E.F. Prohibited Uses By External Users. The University shall not, except by written authorization of the President of the University, or designee, make University buildings and grounds available to external users for the following uses or activities:

1. Any interests operated primarily for profit, such as but not limited to private, personal or commercial interests;

~~2. Sales, solicitation, advertising, and promotional activities; external users who seek to publicize activities or advertise events may only use specifically designated University bulletin boards and should contact the applicable departmental offices to seek advanced written approval for any type of posting;~~

- ~~3.~~2. Political campaigning by, or for, candidates who have filed for public office; and

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4.3. Political campaigning for ballot measures.

F.G. Filming and Photography. Use of University buildings and grounds for filming and photography is permitted in accordance with the UW Filming and Photography Policy as posted on the University of Wyoming Division of Administration website.

III. SCHEDULING

- A.** The following process and rules apply to use of University buildings and grounds, as applicable, by internal users:
- 1.** Use of University buildings and grounds, as applicable, must be scheduled in accordance with all applicable University Regulations and policies, including but not limited to the process and procedures set forth in the Central Scheduling Policy posted on the University Central Scheduling website.
 - 2.** Normal operating hours of administrative and academic department offices are 8:00 a.m. to 5:00 p.m., Monday through Friday. Summer operating hours of administrative and academic department offices are 7:30 a.m. to 4:30 p.m., Monday through Friday. Individual departments and units may also set their individual normal operating hours outside of those listed above as defined by that department or unit.

IV. FEES

- A.** Users may be assessed fees, charges and/or deposits for use of University buildings and/or grounds, as set forth in the University Fee Book or applicable Presidential Directives.
- B.** Any request for a reduction or waiver of any portion, or all, of a fee, charge or deposit shall be submitted to the Vice President for Administration, who shall make the final determination.

V. ALTERATIONS OR IMPROVEMENTS

Internal and external users are expressly prohibited from making any alterations or improvements or performing maintenance to University buildings or grounds. All construction, alterations, improvements or maintenance to University buildings or grounds shall be performed exclusively by, or through, ~~the University Physical Plant~~ UW Operations or the Facilities Planning Office. All alterations or improvements or maintenance shall be requested through Physical Plant UW Operations in the process set forth on the Physical Plant-UW Operations website. University departments, employees or offices authorizing or permitting any alterations or improvements to University facilities in violation of this

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directive shall be responsible for all subsequent costs resulting from such unauthorized alterations or improvements.

VI. CONDITIONS OF USE

All persons or groups, whether internal or external, using University buildings, grounds or equipment shall follow all University Regulations and applicable city, county, state or federal ordinances and statutes. In addition, the following conditions apply to all use of University buildings and grounds and equipment:

A. Access to Public versus non-public areas of the University. University faculty, administrative and staff personnel, and students are permitted access to public areas of the University and, when engaged in a University-authorized or assigned activity, to non-public areas of the University. Members of the general public who are not University employees or students are permitted access to the public areas of the University, provided such access is consistent this Regulation. Members of the general public who are not University faculty or administrative or staff personnel or students are prohibited from use of non-public areas of the University, except upon authorization of the person-in-charge.

B. Animals. University employees, students, and members of the general public are prohibited from bringing any animal, including but not limited to, dogs, cats and birds, into University buildings. However, animals are permitted in University buildings as follows:

1. Individuals with disabilities who are ~~legally disabled, and whose disability requires the use of a service animal accompanied by a service animal as defined by the Americans with Disabilities Act;~~ or
2. Individuals with disabilities ~~who are legally disabled~~ who have been approved ~~pursuant to~~ the University ~~process allowing to have~~ an emotional support or assistance animal ~~to be present only while they are in their~~ University-owned or leased housing facility as provided by the Fair Housing Act; or
3. Individuals who are engaged in an authorized University instructional, research, public service or athletic activity requiring the presence of animals; or-
4. Individuals who reside in University housing facilities that have been specifically designated by the University as pet friendly. The Vice President for Students Affairs, or designee, is responsible for establishing and administering policies and procedures governing the Pet Friendly Housing Policy.

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The University reserves the right to remove or require the removal of any animal that poses a direct threat to the health or safety of others, is not housebroken, is in violation of any University policy, or otherwise disrupts the use of campus grounds or facilities.

- C. Bicycles, motorcycles, mopeds, scooters, skateboards, and roller skates.** University employees, students, and members of the general public are prohibited from operating, using, or storing any bicycles, motorcycles, mopeds, scooters, skateboards, roller skates or other similar devices in a University building, except when expressly permitted by the Vice President for Administration or designee. Use of bicycles and non-motorized vehicles is subject to the parameters set forth in UW Regulation 6-5.
- D. Dangerous weapons.** No dangerous weapon may be stored or carried in or upon University facilities. Any person carrying a dangerous weapon in a University facility is required to relinquish the weapon to the UW Police Department voluntarily or upon request. The weapon will be returned when the person leaves the University facility, unless the UW Police Department determines that the weapon should be retained in an investigation. If a person carrying a dangerous weapon refuses to relinquish the weapon, the person shall be denied access to University facilities. Nothing in this paragraph prevents the carrying of weapons for the following reasons: (1) by authorized Peace Officers as defined and authorized by Wyoming Statutes; (2) by individuals directly transporting weapons to and from the weapons storage facility ; or (3) pursuant to official University business and University-approved activities, including activities conducted by ROTC cadets under the direct and immediate supervision of ROTC faculty members, activities conducted by registered student organizations with the written permission of the Vice President for Student Affairs; and other University activities with the written permission of the responsible vice president. University students, faculty, and staff may be subject to disciplinary action for violation of this paragraph, up to and including termination. All persons violating this paragraph may also be subject to criminal sanctions in accordance with Wyoming law.
- E. Equipment and Services.** Internal and external users authorized to use University buildings are required, except as otherwise authorized by the Vice President for Administration or designee, to utilize University services and equipment when using University buildings. The University may impose reasonable restrictions on the use of such services and equipment when such restrictions are necessary to avoid interruption of the University's primary functions.
- F. Right to reassign or substitute Buildings or Grounds.** The University reserves the right to impose such requirements on the use of University buildings and grounds as it may deem necessary and reasonable and reserves the right to reassign

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or substitute buildings or grounds as available and in the best interests of the University.

- G. Sound amplification.** Sound amplification is permitted at all times in University buildings and on University grounds during the hours of 11:45 a.m. to 1:00 p.m. and 5:00 p.m. to 6:00 p.m., provided that the written authorization for the event, indoors or outdoors, includes approval for an internal or external user to use sound amplification. The University may grant exceptions to this directive through the Vice President for Administration or designee.

VII. SANCTIONS

Failure of an internal or external user to comply with the provisions of this Regulation may, at the University's sole discretion, result in a cancellation of authorization to use University buildings, grounds or equipment, in a loss of scheduling privileges, or in disciplinary sanctions pursuant to UW Regulations and policies.

VIII. ADMINISTRATION

The Vice President for Administration, or designee, is the University administrative officer responsible for the implementation of this Regulation.

Responsible Division/Unit: Division of Administration

Source: None

Links: <http://www.uwyo.edu/regs-policies>

Associated Regulations, Policies, and Forms: Appendix to UW Regulation 6-4 (Definitions); Service and Assistance Animals for Individuals with Disabilities at the University of Wyoming

History:

University Regulation 178, Revision 2; adopted 7/17/2008 Board of Trustees meeting
Revisions adopted 9/12/2014 Board of Trustees meeting
Revisions adopted 6/15/2016 Board of Trustees meeting
Revisions adopted 11/18/2016 Board of Trustees meeting
Reformatted 7/1/2018: previously UW Regulation 2-178, now UW Regulation 6-4

AGENDA ITEM TITLE: Approval of modifications to UW Regulation 9-2 (Indirect Cost Policy), Brown/Evans

SESSION TYPE:

- Work Session
 Education Session
 Information Item
 Other:

[Committee of the Whole – Items for Approval]

Attachments are provided with the narrative.

APPLIES TO STRATEGIC PLAN:

- Yes (select below):
 Driving Excellence
 Inspiring Students
 Impacting Communities
 High-Performing University
 No [Regular Business]

EXECUTIVE SUMMARY:

At the September 2016 Board of Trustees meeting, the Board approved review by UW Administration of UW’s current regulatory structure, to include the following:

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Section 10: Safety and Security

Section 11: Student Affairs

Section 12: University Relations

The new structure will involve three levels of policies:

- 1) Governing Regulations (Level A)
- 2) Standard Administrative Policies and Procedures (Level B)
- 3) Department/Unit Administrative Policies and Procedures (Level C)

Attached is the following Section 9 Research regulation (with a summary of the proposed modifications):

- **UW Regulation 9-2 (Indirect Cost Policy):** Modifications to refine the indirect cost distribution to include research enterprise institutional obligations (contractual/legal obligations, research infrastructure/compliance requirements, and programmatic research

needs), colleges, departments, and the Office of Research and Economic Development (for high priority strategic research initiatives). This new proposed distribution better aligns with institutional obligations and provides greater transparency in the use of indirect costs.

To facilitate review of this Regulation, President Ed Seidel charged a Working Group to provide recommendations for a proposed new distribution of indirect costs at the University of Wyoming. Attached is the final report of that Working Group, which were incorporated into the attached version.

Per the routing process for UW Regulations, the proposed modifications to the regulations were provided to the President's Cabinet, Deans and Directors, Faculty Senate, Staff Senate, ASUW, and the Internal Auditor.

The Trustees Regulation Committee will discuss this item at the June 2021 Board of Trustees conference call 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 the Board approve modifications to UW Regulations.

ACTION REQUIRED AT THIS BOARD MEETING:

Board approval, modification, or disapproval of the recommended modifications to the Regulations.

PROPOSED MOTION: [Trustee Brown to provide motion.]

"I move to authorize modifications to UW Regulation 9-2, as presented to the Board"

PRESIDENT'S RECOMMENDATION:

The President recommends approval.

UW Regulation 9-2 (Indirect Costs) Report to President Ed Seidel

January 31, 2021

I. The Charge

President Seidel charged Vice President and General Counsel, Tara Evans to review recent efforts to revise UW Regulation 9-2 (Indirect Costs) and provide recommendations for a proposed new distribution of indirect costs at the University of Wyoming.

II. Working Group Formation and Meetings

President Seidel and Vice President Evans formed a Working Group consisting of faculty members, department heads, directors, associate deans, deans and administrators to provide input.

The Working Group members were:

Faculty Members: Dan Wall, Faculty Senate Representative, Professor of Molecular Biology; Mike Borowczak, Assistant Professor, Computer Science

Department Heads and Directors: Scott Seville, Department Head and Professor Zoology/Physiology and Director of Wyoming INBRE; Brent Ewers, Director of Wyoming NSF EPSCOR and Biodiversity Institute and Professor of Botany

Deans/Associate Deans: Barbara Rasco, Dean, College of Agriculture; Danny Dale, Interim Dean, College of Arts and Sciences; David Jones, Dean, College of Health Sciences; David Bagley, Interim Associate Dean, College of Engineering and Applied Sciences

Administrators: Tara Evans, Vice President and General Counsel (Chair); Ed Synakowski, Vice President for Research and Economic Development; Diana Hulme, Associate Vice President for Research; David Jewell, Associate Vice President for Financial Affairs; Comfort Brownell, Senior Director, Office of Sponsored Programs; Jim Ahern, Associate Vice Provost for Graduate Education

The Working Group met regularly from October 2020 through January 2021. At the initial meeting, a historical account of the regulation review and revision process to date was presented and the group identified key challenges to consider. After several meetings, it was determined that in addition to recommending an indirect cost distribution, the Working Group would also examine the broader questions of how to (1) promote and enhance research at UW and (2) determine how indirect funds from sponsored programs can be best used to maintain and grow UW's research enterprise. To accomplish this, the Working Group developed a spreadsheet titled *Baseline Services needed to sustain and build UW Research Enterprise and meet compliance and contractual obligations—i.e., what would be expected at peer institutions*. The Working Group also developed and administered a department head survey to better understand departmental/unit research efforts and funding by discipline. Both matters are described below.

III. Baseline Services Needed to Sustain and Build UW Research Enterprise and Meet Compliance and Contractual Obligations

Before discussing specific indirect cost distribution percentages, the Working Group took a step back to evaluate where investments to sustain the research enterprise are needed. The research enterprise cannot grow without adequate staff resources to support basic services for campus and ensure research compliance. The Office of Research and Economic Development (ORED) staffing shortage was confirmed through a November 2020 study conducted by an outside consulting firm (Attain). UW hired Attain to write a request for proposals (RFP) to solicit vendors of electronic research administration systems. To determine the requirements for the RFP, Attain conducted a series of interviews with ORED pre-award, compliance, and technology transfer staff; Office of Sponsored Programs (OSP) post-award staff; department business managers; and faculty researchers. The interviews asked for strengths and weaknesses in campus research services. The overwhelming weakness voiced in the interviews was that ORED is sorely understaffed. As a comparison, universities with similar annual research expenditures to UW (Boise State University and University of Idaho) have double the number of pre-award and compliance staff.

The Working Group started with a spreadsheet created by ORED in September 2020 that showed immediate staffing needs. That spreadsheet contained staff positions needed to bring ORED to a baseline level of staffing along with other positions needed to ensure research compliance with federal and UW regulations and policies. The goal of the spreadsheet was to create a hiring plan over time to bolster staffing for research on campus.

With input from members of the Working Group, the staffing spreadsheet has grown to 43 positions (See Attachment A). The spreadsheet categorizes these positions based on the three criteria listed below. Each position could fall into one or more of the three categories:

1. Compliance – the position is needed to ensure UW compliance with federal, state, local and UW regulations and policies.
2. Sustain – the position is needed to bolster staffing to avoid overwork and burnout of current staff.
3. Obligation – the position is needed to meet a legislative or contractual obligation.

Any position that met the compliance criteria received a score of “1” as a top hiring priority. Ideally, top priority positions would be hired within the first half of fiscal year 2022. Hiring of Priority 2 positions would be in the latter half of FY22 or early FY23. Priority 3 positions would be hired in FY23 or beyond. Priority “2” or “3” would be hired based on timing of infrastructure and resource availability to accommodate the position. For example, several of the priority 2 positions tied to the Science Initiative building cannot be hired until completion of the building. Funding for positions tied to the EPSCoR program depend on when grant funding either runs out and UW is then obligated to sustain the position, or funding becomes available when a new EPSCoR award is received. When grant funding runs out for one position, other sources of funding will be needed to bridge the position until more grant funding is available. Some positions cannot start until grant funding becomes available.

To hire the staff listed in Attachment A will require several millions of dollars of funding – and salaries are an ongoing expense. As Attachment A shows, the Priority 1 hires cost an estimated

\$1.193 million in salary (plus fringe). Priority 2 hires add another \$1.709 million followed by another \$1.543 million to accommodate Priority 3 hires. (None of these numbers include any cost of living adjustments over time.)

It is important to note that the Working Group does not expect UW to fully bear the costs of all the positions shown in Attachment A. As shown in the “Notes” column of the spreadsheet, some of these positions will be able to pay for themselves through user fees collected for a particular research service or through indirect cost return from sponsored project work; however, most of these positions will need initial investment by the institution until the position can become partially or fully sustained by external fees and/or funding.

Attachment A distinguishes each position by expected fiscal year of hire, and type and duration of funding source. This information is coded as follows in Attachment A:

21 -- >IC 22 -- >IC 23 -- >IC	Indicates the fiscal year in which the position would be hired (21, 22, or 23) and that it would be funded exclusively by indirect cost return for the duration of the position.
22 -- >\$ 23 -- >\$	Indicates the fiscal year in which the position would be hired (22 or 23) and that it would initially be funded by indirect costs and eventually be supported by another revenue source (fees, grant funding, private funds, etc.).

IV. Department Head Survey

The Department Head survey contained the following questions pertaining to their field:

1. What types and sources of external funding are available?
2. What are the typical budget sizes for external grants/contracts written by PIs?
3. Are there practices used to free up faculty time for research?
4. Is there a policy or program to mentor assistant professors in grantsmanship?
5. Are faculty required to obtain external grants for tenure & promotion?
6. How is research activity (grants/publications/national service/recognition) evaluated among your faculty?
7. Is there a mechanism(s) to incentivize research among faculty?
8. How are indirect funds used or distributed within your unit?

31 departments/schools/units responded out of a total of 46. The following are key take home points:

1. ≥90% receive funding from Federal and State Sources. 75% from private sources.
2. Majority of typical grants from units ≥\$100K; ≤\$100K - 6 total
3. 24/31 have mechanisms to free faculty time for research.
4. Research activity reviewed as formalized process for T&P in all 31 units.
5. IDR uses: start-ups (2/31); PI (4/31); PI/Dept split (7/31); Seed grants (3/31); No IDR (2/21); Dept discretion (teaching/equipment/maintenance/travel/bridge funding/start-ups/temp faculty) (11/31).

Although the Working Group is not necessarily suggesting any action be taken, it does note that there is considerable variability across campus in how indirect funds are used. Additionally, the Working Group recommends that ORED and Academic Affairs address the following areas that were identified by the survey as weak:

1. Majority (19/31) have no program to mentor assistant professors in grantsmanship.
2. Majority (17/30), grants are not required for T&P.
3. Mechanism to incentivize research among faculty: No (10/31); Yes (21/31)

Addressing these three areas could advance the research enterprise at UW for potentially little monetary cost (see Attachment B for complete survey results).

Based on responses from the survey and discussions held within the Working Group, there was a consensus that to expand the research enterprise at UW, actions are needed to promote and reward a culture of research excellence. Such actions are needed at departmental, college and ORED levels. Therefore, to emphasize and support the research enterprise at all three levels, adjustments to indirect cost distribution are suggested below.

V. Indirect Cost Distribution

The Working Group was provided a spreadsheet with examples of indirect cost distributions at peer institutions (see Attachment C). The distributions varied widely among institutions. The Working Group then examined several different distribution scenarios, starting with the current distribution: Colleges receive 5% of indirect cost returns, Departments receive 15%, and the remaining 80% is divvied up by ORED (General Fund 75% and ORED 5%).

After initially reviewing the current distribution and several other scenarios, the Working Group identified challenges related to the “general fund” distribution and “special” distributions. The “general fund” distribution has developed over decades of informal agreements to use indirect costs to pay for certain obligations and included the following two categories of support:

University Support	Research compliance/infrastructure support
Environmental Health and Safety	AMK Ranch
Graduate Tuition Budget	Animal Care Vet and Institutional Review Board
Library Support	Audit Reserve and A-133 Audit
VP Administration	Single/A-133 Audit
VP Administration - Physical Plant	Core Facility Support
Washington Representation	Electronic Research Admin (Maintenance, IT Support)
	EPSCoR Support
	Patent and Licensing Expenses
	Research Computing Infrastructure Grant
	NCAR Annual Payment
	Sponsored Programs Staffing
	USDA Retiree Fund

The Working Group notes that the term “general fund” has created confusion among campus constituents and a lack of transparency about the use of indirect cost recovery. The Working Group recommends re-titling “general fund” as “Research Enterprise Institutional Obligations.” These institutional obligations will generally fall into three categories:

1. Contractual/legal obligations
2. Research infrastructure/compliance requirements
3. Programmatic research needs

The Working Group reviewed and refined the obligations and recommends that these refined obligations be assigned as follows:

ORED	Finance & Administration	Academic Affairs	Sunset (new funding source identified)
AMK Ranch – Overhead	Single/A-133 Audit	Graduate Tuition Budget	Washington Representation
Animal Care and Institutional Review Board	Sponsored Programs Staffing	Library Support	VP Administration
Core Facility Support	VP Administration – Physical Plant Overhead (now UW Operations)		USDA Retiree Fund
EPSCoR Support			Audit Reserve
Patent and Licensing Expenses			Environmental Health and Safety
NCAR Annual Payment			
Research Computing Infrastructure			
Electronic Research Admin (Maintenance, IT Support)			

The Working Group recommends that these refined obligations continue to be paid by indirect cost recovery and be outlined and published in a Standard Administrative Policy and Procedure (SAP) or guidance document for transparency purposes.

Based on a review of the historical costs and future needs, the Working Group recommends the following indirect cost distribution:

Unit	Percent of total indirect cost recovery
Research enterprise institutional obligations	Total of 30% split as follows: 15% to ORED 10% to the Division of Finance and Administration 5% to the Office of Academic Affairs
Colleges	5% (note that this maintains the current distribution)
Departments	15% (note that this maintains the current distribution)
ORED for high priority strategic research initiatives	50%

A minority of the Working Group recommended that the indirect cost distribution allocate more to Colleges (10% instead of 5%) to strengthen strategic opportunities for Colleges, and less to ORED (45%). This minority nevertheless firmly supports the majority's view that ORED be provided resources to enhance the research enterprise at UW.

Consequences of eliminating and reorganizing distributions from the general fund.

The proposed reorganization of the general fund will free up substantial indirect cost funds for ORED to decide how those funds should be used. Current estimates are that these funds will exceed \$2 million/year and will fall under the new category of "high priority strategic research initiatives." Such funds could be used for new ORED hires or other high priority research initiatives across campus.

VI. Special Distributions

The Working Group recommends the University establish a process for requesting a "special" distribution (for example, based on federal agency requirements, interdisciplinary research projects that require institutional investment for success, industry contracts, etc.). The Working Group recommends that the Regulation identify that there will be a process, but that the process be outlined in a SAP.

The Working Group notes there are several legacy "special distributions," most of which had not been reviewed by the Board of Trustees as required by the Regulation:

1. D. Smith - Award Specific (effective FY20)
2. Piri - Board Approved
3. Nathanielsz - Internal to Research
4. WYSAC - General Fund 50%, Dept 50%
5. King Air & Facility - General Fund 38%, Dept 52%, College 5%, RO 5%
6. INBRE - General Fund 47%, Dept 48%, College 2%, RO 3%

The Working Group recommends that these legacy distributions be re-reviewed, and when appropriate redistributed, under the new SAP.

VII. Strategic Initiatives

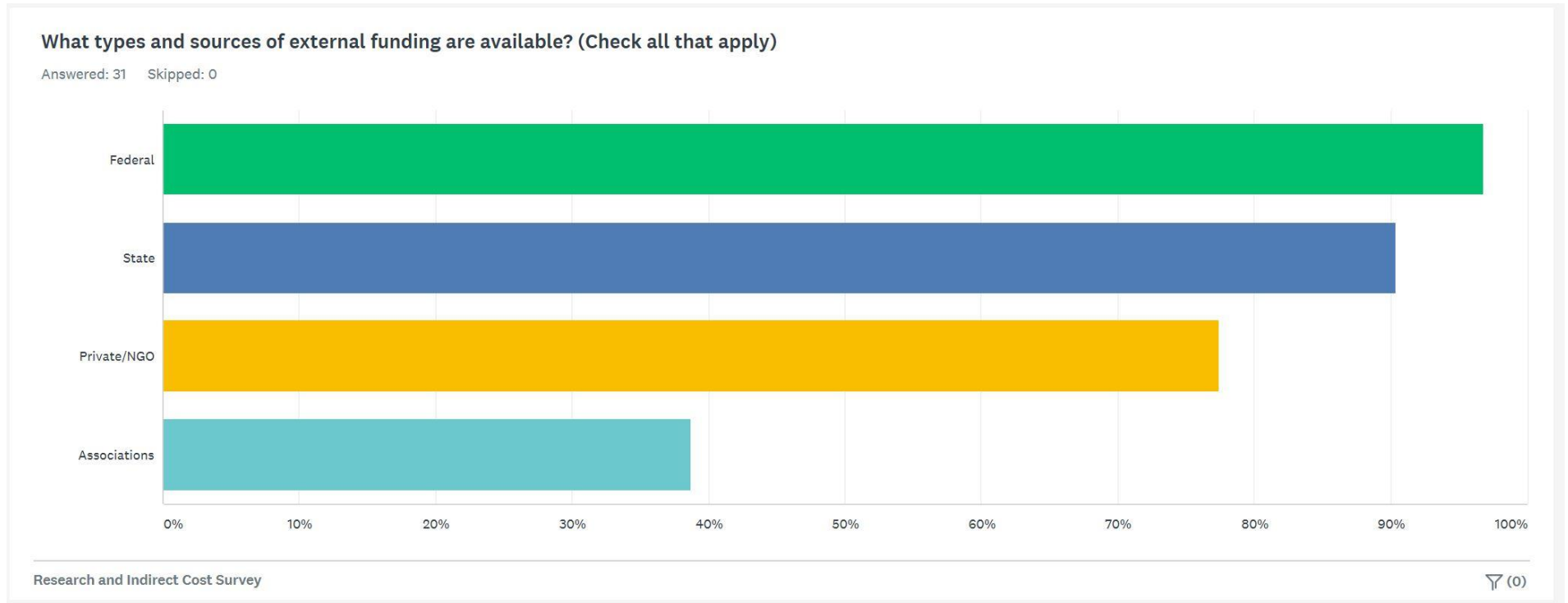
Finally, the Working Group recommends that ORED develop a SAP to oversee the distribution of the fund dedicated to high priority strategic research initiatives (50% of the indirect cost distribution as outlined above).

Baseline Services needed to build and sustain UW Research Enterprise and meet compliance and contractual obligations—i.e. what would be expected at peer institutions										
Unit	Position	Priority	Number of Positions	Compliance*	Obligation**	Sustain+	Investment funding FY start (->IC continuous Indirect; -->\$ = conversion to other revenue source)	Salary+fringe (individual)	Salary+ fringe (total)	Notes
ORED	Electronic Research - Administrator	1	1	X	X	X	21-->IC	\$114,750	\$114,750	
ORED	Conflict of Interest Coordinator	1	1	X	X	X	21-->IC	\$114,750	\$114,750	
ORED	ARCC - Director	1	1	X	X	X	21-->IC	\$198,900	\$198,900	
ORED	ARCC - Syst Admin	1	1	X	X	X	21-->IC	\$114,750	\$114,750	
ORED	TTO - Patent Agent	1	1	X	X	X	21-->IC	\$114,750	\$114,750	
ORED	SI – Building Manager	1	1	X	X	X	21-->IC	\$137,700	\$137,700	
ORED	ORED Res Coord (Hire 1/yr over 3 yrs)	1	3	X	X	X	21-->IC	\$68,850	\$206,550	
OSP	OSP Communication-Outreach & Training	1	1	X	X	X	21-->IC	\$91,800	\$91,800	
OSP	OSP Cash Management Supervisor	1	1	X	X	X	21-->IC	\$99,450	\$99,450	
	Sub-total Priority 1		11					\$1,055,700	\$1,193,400	
ORED	TTO - Licensing Manager	2	1		X	X	22-->IC	\$114,750	\$114,750	
ORED	TTO – Office Associate	2	1		X	X	22-->IC	\$58,140	\$58,140	
ORED	TTO – Business Develop Assoc	2	1		X	X	22-->IC	\$114,750	\$114,750	
ORED	TTO – Business Development Assoc	2	1		X	X	22-->IC	\$114,750	\$114,750	
ORED	SI - Greenhouse Manager	2	1		X	X	22-->\$	\$99,450	\$99,450	potential for user^ fees, portion of ICs, to offset salary cost
ORED	SI – CASI Manager	2	1		X	X	22-->\$	\$114,750	\$114,750	potential for user^ fees, portion of ICs, to offset salary cost
ORED	ORED – Lab Animal Mgr	2	1		X	X	22-->\$	\$114,750	\$114,750	potential for user^ fees, portion of ICs, to offset salary cost
ORED	ORED – Assoc VP Econ Develop	2	1		X	X	22-->IC	\$244,800	\$244,800	
ORED	ORED Comm Market	2	1			X	22-->IC	\$99,450	\$99,450	
ORED	ORED Grant Proposal Editor	2	1				22-->IC	\$91,800	\$91,800	
ORED	ARCC/RMH Digital Collections Curator	2	1		X	X	22-->IC	\$97,500	\$97,500	Not exclusively on ORED budget
ORED	AMK Executive Director	2	1				22-->IC	\$300,000	\$300,000	Endowed position thru UW Foundation
ORED	AMK Administrative Associate (full time, benefited staff)	2	1			X	22-->\$	\$61,000	\$61,000	potential for external funding and user^ fees to offset salary cost
ORED	AMK Associate Director (summer salary + 25% job description)	2	1		X	X	22-->\$	\$52,000	\$52,000	potential for external funding and user^ fees to offset salary cost
ORED	AMK Office Assistant (part-time, hourly)	2	1		X	X	22-->\$	\$10,000	\$10,000	potential for external funding and user^ fees to offset salary cost
ORED	AMK Summer Staff (hourly)	2	1-4		X	X	22-->\$	\$22,000	\$22,000	potential for external funding and user^ fees to offset salary cost
	Sub-total Priority 2		15					\$ 1,709,890	\$ 1,709,890	
ORED	Electronic Research - Coordinator	3	2		X	X	23-->IC	\$91,800	\$183,600	
ORED	ARCC – Research User Consult	3	3			X	23-->IC	\$114,750	\$344,250	
ORED	Research Coordinator Corporate	3	3			X	23-->IC	\$76,500	\$229,500	
ORED	ORED College Res Coord	3	2				23-->IC	\$68,850	\$137,700	
ORED	ORED Grants Accountants (Hire 1/yr over 3 yrs)	3	3			X	23-->IC	\$76,500	\$229,500	
ORED	Core facilities faculty admin	3	1		X	X	23-->\$	\$99,450	\$99,450	potential for user^ fees to offset salary cost
ORED	EPSCoR budget admin	3	1		X	X	23-->IC	\$99,450	\$99,450	currently covered, part of funded proposal IDR request
ORED	Genome Tech Lab Manager	3	1		X	X	23-->IC	\$105,000	\$105,000	currently covered on grant, required for sustainability after grant
ORED	EcoBGC Lab Manager	3	1		X	X	23-->IC	\$114,750	\$114,750	currently covered on grant, required for sustainability after grant
	Sub-total Priority 3		17					\$ 847,050	\$ 1,543,200	
	TOTAL		43					\$ 3,612,640	\$ 4,446,490	
	* Compliance-meets national, state, and local regulation, guidelines, and policy									
	**Obligation - the position is needed to meet a legislative or contractual obligation									
	+ Sustain-alleviate workforce issues and burnout									
	^Users include PIs using direct dollars from grants, private industry, others									

UW Regulation 9-2: Indirect Cost Policy

Department Research and Indirect Cost Survey

Question 1:



Question 2:

What are the typical budget sizes for external grants/contracts written by PIs?

Answered: 31 Skipped: 0

200,000

\$300K

6,000.00-10,000.00

500,000

all sizes

\$300,000

\$284K per faculty per year, plus \$2.5M per year for the King Air Cooperative Agreement, plus \$15.8M over 5 years for the NSF Mid-Scale grant

\$50,000

50,000

\$200-400K annual funding (annual basis for this question is really important to survey data)

5,000

\$7,500 - \$3.5M range; typical \$300,000

\$2000-1.5 million

\$1,500,000

can vary a lot

\$200,000/year total costs (and up), usually run 3 to 5 years if awarded

500k

Ranges up to \$700,000

100,000.00

\$25,000 - \$100,000

Vary from small (\$1,000s) to large NIH/NSF (\$100K to \$1-2M) per year

\$100k

\$150,000 - \$500,000

10000-5000000

These range widely - we'll regularly receive small contributions around \$1,000 to \$5,000, and also Federal grants in the \$200,000 to \$500,000 range. And almost everywhere in between.

~\$100k/yr

5,000 - 100,000+

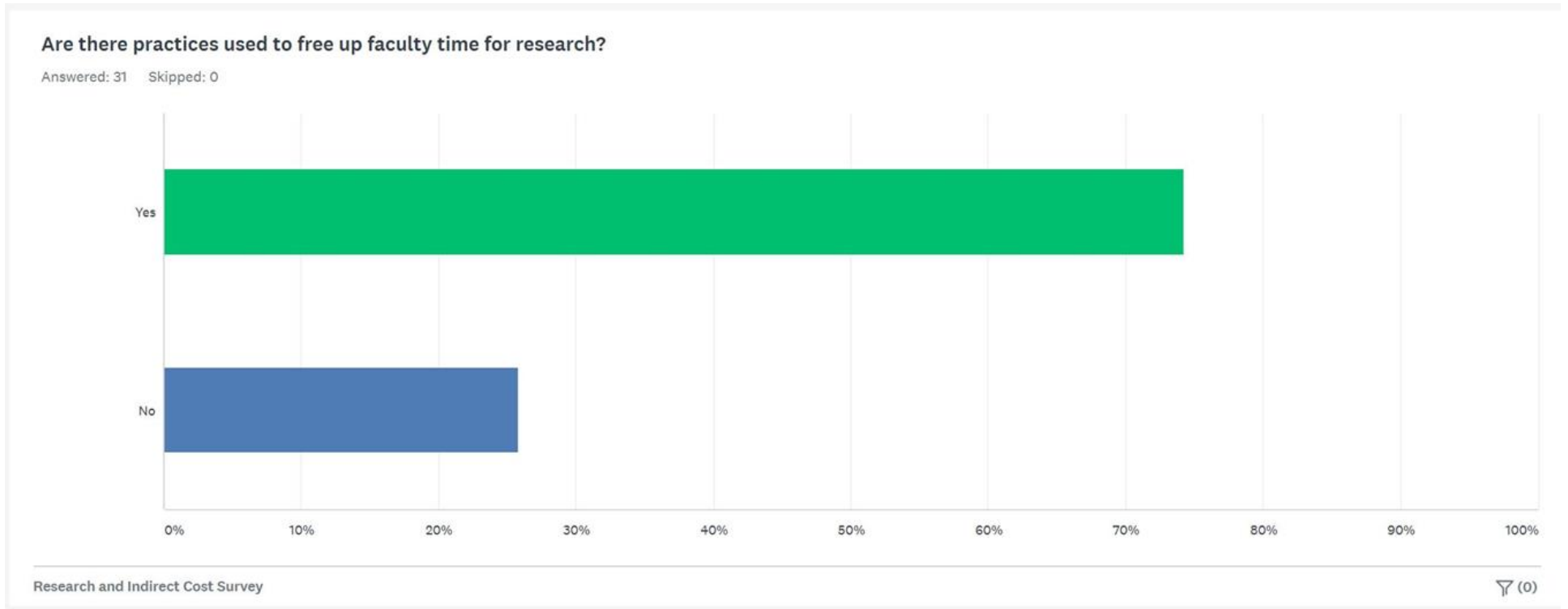
I'm not sure there is a "typical". We have cooperative agreements with state agencies/NGOs that are typically less than \$10k, and NSF projects for several million. Average is probably skewed towards the lower end - around \$100k

20-200k

\$5000 - \$750,000

500000

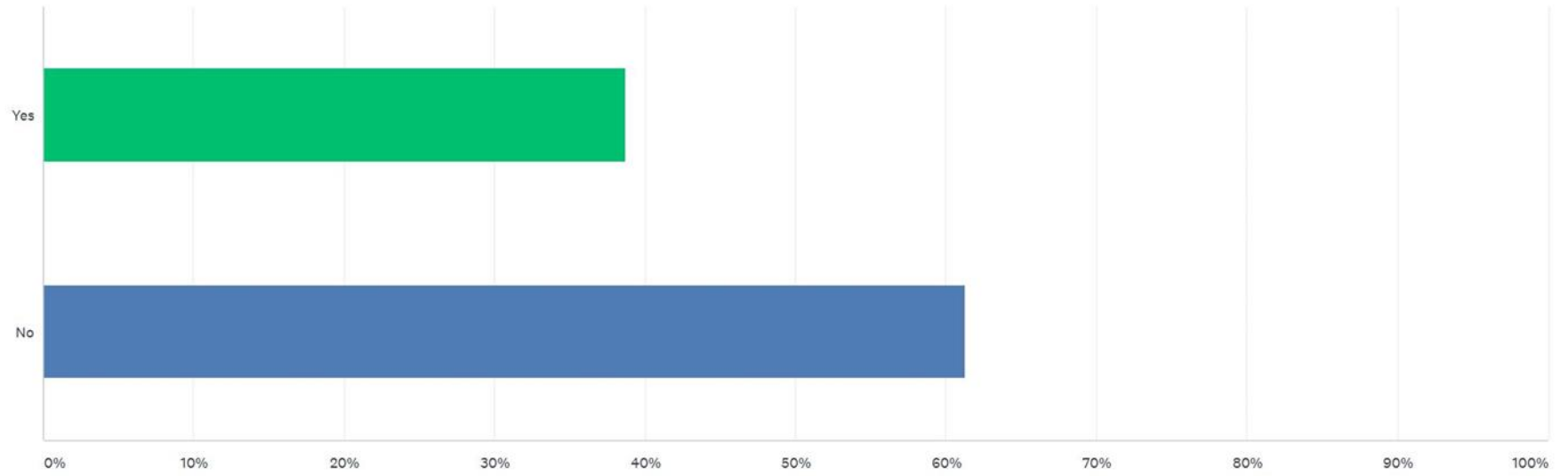
Question 3:



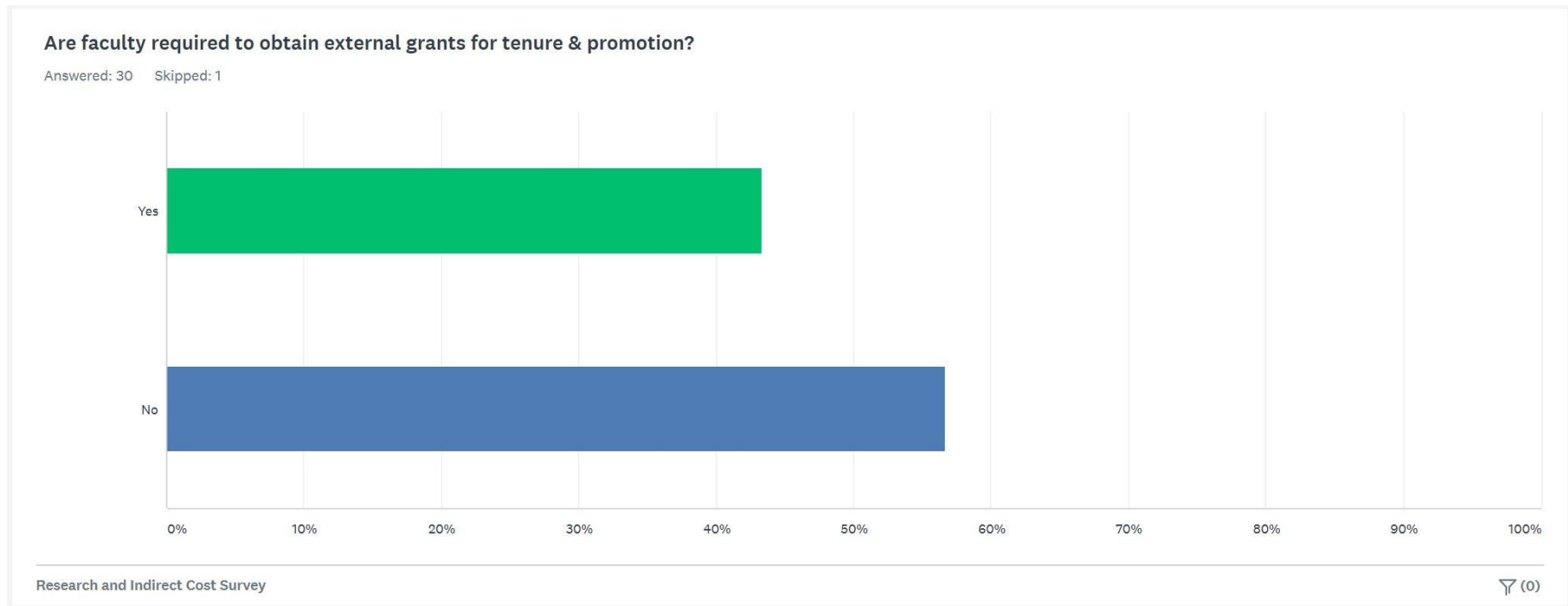
Question 4:

Is there a policy or program to mentor assistant professors in grantsmanship?

Answered: 31 Skipped: 0



Question 5:



Question 6:

How is research activity (grants/publications/national service/recognition) evaluated among your faculty? Is it a formalized process in annual reviews, ten...

Answered: 31 Skipped: 0

Yes: ormalized process in annual reviews, tenure, promotions and raises

We evaluate all of the above, i.e., grants, publications, and national service/recognition. Yes, it is a formalized process. We also use our faculty research expectation in such a process.

It is a part of our annual review, tenure and promotion criteria

Publication expectations evaluated annually and in P&T

Yes it is the primary subject in annual reviews and T&P reviews. Ideally this is both quantitative (counting) and qualitative (reading and evaluating the work, and looking for impacts).

Yes. We have an official metrics document that applies to these questions

yes. It is part of the annual review, and core to the RTP process.

Annual reviews, RTP

formalized in annual reviews, RT&P.

Formalized process during annual and T&P reviews. We have a standards document.

Yes

Yes to all of the above

Formalized in annual reviews

Yes, formalized process in annual reviews, T&P.

While we're all in the same discipline, there is enough diversity in publication standards that we normalize number of publications by focusing in on obtaining grants from competitive programs, such as NIH and NSF. If you can get a grant there and renew it, you've proven you're productive within the field. That prevents "bean counting" by people who don't know the field and can not judge the impact of the research.

It is taken very seriously in all of the above, but evaluated subjectively

Part of the annual reviews and tenure and promotion

Established benchmarks

Formalized in annual reviews

For tenure and promotion the individual must publish 2 peer reviewed articles/yr over a 3 year period. They must compete for external funding and receive enough support to run their research projects. They must be developing as a recognized national/international scholar.

yes, formalized. annual reviews

Formalized and based on quantitative details, e.g number of proposal written and funding

Part of promotion and tenure process

Formalized evaluation through T&P process and annual reviews, taking into account research productivity metrics (publications, presentations, recognition, awards, and grant success). Since I've been at this university, I can only remember 2 times when merit played any role in raises. This is a sore spot for a LOT of faculty, and leading to unsustainable levels of compression among our top senior faculty.

Research activity is a formally evaluated component to almost all of our tenure-track faculty annual evaluations. However, this is not done using a numerical rubric, but rather is considered using a holistic approach.

Yes, it is a part of our RTP expectations and annual reviews, including credit for publications and how the securing of external funds has promoted faculty and student scholarship and learning. We have note formalized it as a specific factor in raises given the general limited opportunity for merit based raise processes across campus.

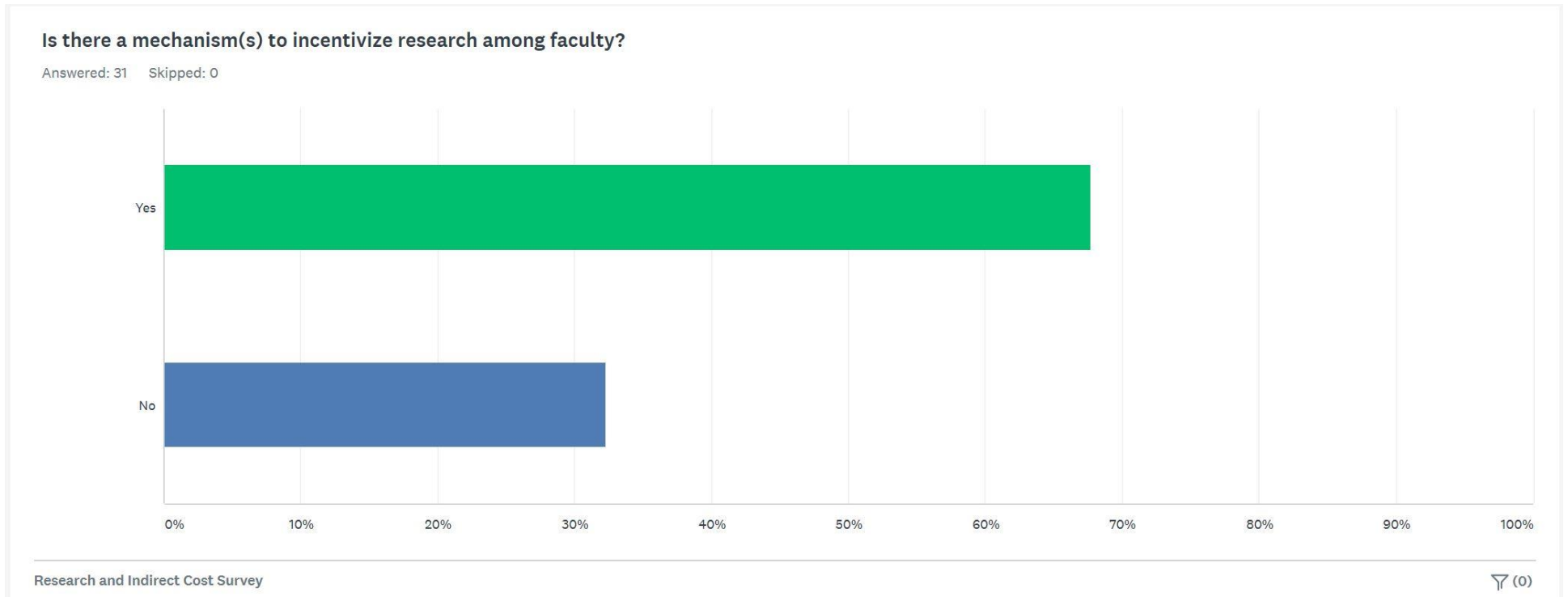
We evaluate based on our T&P standards, which are not formulaic. Individual reviewers consider numbers, quality, participation in national service, etc., and weigh everything collectively.

We don't have a rubric and de-emphasize impact factors as in our field most good journals have low / moderate impact factors. Faculty performance is evaluated based on our perceived impact of the work locally and nationally.

It is a formalized component of RTP and discussed in annual reviews with supervisors

what raises? we do formal annual reviews and the regular RTP process

Question 7:



Question 8:

How are indirect funds used or distributed within your unit?

Answered: 30 Skipped: 1

to the department, to cover expenses related to teaching or to support new lines of research and/or equipment

It is used as new faculty startup funds.

We do not receive indirect funds from our grants

Split evenly between dept and PI

Department Head's control. Mostly to support research: Grad student travel; equipment.

There is no policy at present, so it is generally at the discretion of the department head according to unit needs as well as some level of support for faculty travel, lab support, etc.

It is vital to ATSC that IC return to the Departments is not reduced from the current default of 15%. We use our research-grant-based IC funds mainly to support three things: Firstly, our accounting services, which are not covered by State funds. In fact, the ATSC business manager is 100% soft-money. Note that accounting services cannot be added as a direct cost on a grant. Secondly, we use the IC to support ATSC computer services. Our linux servers and data storage systems are purchased through IC funds, as agencies do not allow such expenses as direct costs (unless they are used exclusively for a specific research project). Our IT support person is partially funded through IC return. Our data service in support of the operation of the King Air as a National Facility, and in support of faculty and student's work on the NWSO in Cheyenne, would not be possible without this computer hardware and IT support. Finally, we distribute a fixed fraction of the IC generated by faculty and returned to ATSC, to individual faculty, in support of research initiatives of their choice, e.g. to buy things they cannot charge to a federal grant (e.g., laptops or other computer equipment), or to develop a new research proposal. Clearly, the modus operandi in ATSC depends on the return of (at least) 15% of the IC to the Departments. In addition, special IC distributions for existing cooperative agreements with funding agencies, such as the cooperative agreement with NSF to operate the King Air as a National Facility, need to be honored, as the IC return to the Dept may be an intrinsic part of the budget to operate that facility. For instance, for the King Air, only 75% of the salaries of the pilots, mechanic, engineers and technicians that operate that aircraft and its instruments are covered directly by NSF, with the negotiated understanding that the rest can be covered by a special IC distribution.

Small seed grant program

Small seed grants, overseen by a small college-wide committee

Informal policy since 2013 when I assumed the director position. Return the maximal amount of indirect funds to the PI generating them. This averages 65% but often is >80%. Major unit wide initiatives benefitting many team members over the past 3 years have necessitated slightly low indirect fund returns to PIs in the past 3 years.

Department head authorizes expenditures, typically for delays in setting up award budgets, bridge funding or exploration of new research concepts/proposals

They are distributed back to the grant writer to use to support their research

Seed funding for new research projects and/or cost share

n/a

Indirect funds are kept in a departmental pool and used to finance a robust departmental research seminar (outside speakers), bridge funding for faculty between grants, shared equipment purchases and maintenance, and our share of startup for new faculty.

half goes to the department and half to the PI

Distributed to PI and coPI

Temporary faculty, development funds

Previously, they were all used for supports services. Now, we can reserve them for projects of strategic importance.

Department 15% is split evenly between investigator and department.

Distributed from the college to PIs to be used for general research purposes

They are included in a Department account, and the Department head approves requests from faculty.

15% to dept and 5% to college

Used almost entirely to fund startup packages over the last decade or so, plus a little to maintain & repair major research equipment.

They are split with the PIs 50/50. The Department uses the funds to support equipment/supplies needed for research endeavors or to support graduate student between PI grants. It is grossly inadequate for this purpose, and consequently experimental faculty are heavily exposed if equipment breaks. The PIs usually use their portion of indirect for travel related to their research (pre-COVID). This type of discretionary funding is difficult to acquire otherwise.

Currently the center holds all of those funds centrally. As one of our few sources of discretionary funds, we use these funds for many different purposes, from covering center-wide computing infrastrucure needs to professional development to funding start-up costs.

See 8 - in general 100% of IDCs are distributed to the individual that generates them. As budgets have gotten tighter and grants more competitive, we have considered "taxing" IDC at the department level to support department wide research activities.

90% to faculty currently

At present, it is through negotiation between the unit head and individual faculty

100% to the department (after the dean's office and research office cut)

Question 9:

Please tell us your Department or Unit name.

Answered: 31 Skipped: 0

Division of Communication Disorders

Physics & Astronomy

Theatre & Dance

Psychology

Civil & Architectural Engineering

Chemical Engineering

Atmospheric Science (ATSC)

School of Counseling, Leadership, Advocacy and Design

School of Teacher Education

Kinesiology and Health

Music

Wyoming Institute for Disabilities (WIND)

Family & Consumer Sciences

School of Energy Resources

Management & Marketing

Molecular Biology

Electrical and Computer Engineering

WWAMI Medical Education

Social Work

Wyoming Natural Diversity Database

Zoology and Physiology

Economics

Petroleum Engineering.

College of Agriculture and Natural Resources

Plant Sciences

Mechanical Engineering

WyGISC

Agricultural and Applied Economics

vet sciences

Haub School of Environment and Natural Resources

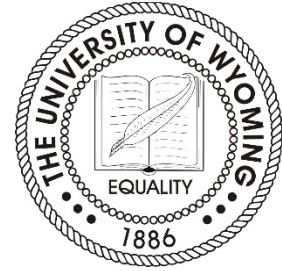
Computer Science

University	Principal Inv.	Department	College	Determined by	President/Provost	Admin. & Finance	Other	Spon. Prog. Adm.	VPR
University of Idaho	5%	15%	30%	50%	Research Council				
University of Nevada-Reno	7.75%	7.75%	7.75%	60.25%	Res.&Innovation	4.88%	7.12%		
University of Rhode Island			21.79%	13.85	To unrest. Budget	2.20%	16%	43.19%	2.97%
Utah State University		30%		70%	Allocated for Research support by VPR				
University of Maine	100%	if IDC collected < \$8.3m							
	90%	to Pj,Department and School if >\$8.3M collected							
Montana State University	10%	30%	10%						10%
University of Montana									50%
College based			27%						73%
Center/Institute			32%						68%
Rural Institute			35%						65%
Coop Wildlife Research			42%						58%
Flathead Lake Bio Station			50%						50%
South Dakota State				10%	Audit risk mgmt fund capped at \$.5m	90%	to be used for research infrastructure & improvement		
Kansas State			42.79% Dean/Dept.	49.76	Central (VP adm. Preadw offc., Intl. Pgrms IT, Start up fds., Grad School, VPR)		3.38% Library		4.37%
Univ. of Nebraska-Lincoln				\$700,000	Univ. genl. Operating fund		\$2,000,000 Library		
				1/3 of remainder for strategic res. initiatives			1/3 of remainder goes to univ. costs assoc. w/research		
				1/3 of the remainder goes to Pj's, college/department					
Washington State Univ.		15%	8%	66%	Univ. & Campus Support		7% Library		4%
Colorado State			32.25%	51%	Univ. Genl. Fund	0.75%			6.25%
				4%	Res. Bldg. Fund				
				1.65%	Core Facilities				
				1.10%	Pgms of Res Excellence				
University of North Dakota			36%			50%			14%

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UNIVERSITY OF WYOMING REGULATIONS

Subject: Indirect Cost ~~Policy~~Rates and Distribution
Number: UW Regulation 9-2



I. PURPOSE

To define the indirect cost rates and distributions for costs that cannot be specifically attributed to an individual project.

II. DEFINITIONS

I. INDIRECT COSTS

Federally-negotiated Indirect Cost Rate: A documented understanding between the University and the Department of Health & Human Services concerning the rates that may be used to support the University's claim for facilities and administrative (F&A) costs and fringe benefits costs on grants and contracts with the Federal Government.

Indirect Costs: Indirect costs (also known as F&A costs or "overhead") are those costs incurred by an institution for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Some examples include, but are not limited to, library operations, utility costs, depreciation of buildings and equipment, operations and maintenance costs, grants and contract administration and accounting, and general administrative expenses for central offices.

~~are revenues that the University receives from two sources. One source is the indirect cost rate applied to University research funded in whole or in part by government entities or the private sector, i.e. "externally funded research." The other source is indirect costs associated with federal or other grant funding that does not involve a research grant or contract. The indirect cost rate for these grants is typically specified in the grant.~~

Sponsored Research: All research and development activities that are sponsored by Federal and non-Federal agencies and organizations. This includes activities involving the training of individuals in research techniques (commonly called research training) where such activities utilize the same facilities as other research and development activities and where such activities are not included in the instruction function.

Research and Development: Research is a systematic study directed toward fuller scientific knowledge or understanding of the subject studied. Development is the

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systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices, systems, or methods, including design and development of prototypes and processes.

Sponsored Instruction: Instructional or training activity established by grant, contract or cooperative agreement.

Other Sponsored Activities: Programs and projects financed by Federal and non-Federal agencies and organizations which involve the performance of work other than instruction and organized research. Examples of such programs and projects are health service projects and community service programs.

H.III. INDIRECT COST RATES FOR EXTERNALLY FUNDED RESEARCH

A. Federally and Privately Funded Sponsored Research, Sponsored Instruction, and Other Sponsored Activities

~~Except as provided in subparagraphs H.B. and C. of this paragraph, the indirect cost rate for all federally and privately externally funded Sponsored Research, Sponsored Instruction and Other Sponsored Activities shall be the federally negotiated approved indirect cost rate for federally funded research at the time the research agreement is executed.~~

B. State or Not for Profit Funded Research

The indirect cost rate for ~~all~~ Sponsored Research, Sponsored Instruction, and Other Sponsored Activities funded by an agency or governmental subdivision of the state of Wyoming shall be twenty percent (20%), except that this rate may be modified with the approval of the ~~Board of Trustees~~ Vice President for Research and Economic Development for the best interests of the University.

~~The indirect cost rate for Sponsored Research, Sponsored Instruction and Other Sponsored Activities funded by The President of the University also may approve a different rate for research contracts with government entities of other states or with not for profit organizations which provide services to Wyoming citizens shall be specified in the grant or contract by the Vice President for Research and Economic Development. The President shall provide a report to the Board at each meeting regarding contracts for which a different rate has been approved.~~

C. State of Wyoming Matching Funds

No indirect costs shall be assessed on funds appropriated by the State of Wyoming designated to match federally or privately externally funded Sponsored Research, Sponsored Instruction or Other Sponsored Activities at the University.

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III-IV. DISTRIBUTION AND EXPENDITURE OF INDIRECT COSTS

- A. ~~Twenty-five percent (25%)~~ Fifty percent (50%) of the ~~indirect~~ costs derived from each ~~externally funded Research grantsponsored project~~ for each fiscal year shall be distributed ~~in the subsequent fiscal year at least quarterly~~ as follows:
- ~~1.~~ 1. Thirty percent (30%) to fund research enterprise institutional obligations, including contractual and legal obligations, research infrastructure and compliance obligations, and programmatic research needs. This 30% will be allocated one-half (15% of the whole) to the Office of Research and Economic Development, one-third (10% of the whole) to the Division of Finance and Administration, and one-sixth (5% of the whole) to the Office of Academic Affairs, and will be updated and posted annually by the Office of Research and Economic Development.
 - ~~1.2.~~ 2. Fifteen percent (15%) to the department or program in which the Principal Investigator (PI) is located. If there are multiple PI's, the Vice President for Research and Economic Development shall allocate the funds among the PIs in consultation with them. These funds shall be used as the department or program determines to stimulate research and to relieve impact on the department or program. The Vice President for Research and Economic Development will report annually to the Board of Trustees on expenditures by each department or program receiving funds under this subdivision A.1.
 - ~~2.3.~~ 3. Five percent (5%) to the college or similar level unit in which the department or program is located. These funds shall be used as the college or similar level unit determines to stimulate research and to relieve impact on the college or similar level unit. The Vice President for Research and Economic Development will report annually to the Board of Trustees on expenditures by each college or similar level unit receiving funds under this subdivision A.2.
 - ~~3.~~ 4. ~~Five percent (5%) to the Office of Research and Economic Development. These funds shall be used as provided in subparagraph B. of this paragraph.~~
- B. ~~Except as otherwise provided in subparagraph C. of this paragraph, all other indirect costs from whatever source derived for each fiscal year, and the revenue from subdivision III.A.3. The remaining fifty percent (50%) shall be distributed in the subsequent fiscal year at least quarterly, and accounted for by the Vice President for Research and Economic Development, as follows:~~
- ~~1.~~ 1. First, to fund operational costs in the Office of Research and Economic Development, including the Office of Sponsored Programs and the

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~~Research Products Center, in accordance with a budget approved by the Board of Trustees; and-~~

- ~~2. Second, to fund high priority strategic research initiatives, in accordance with a budget approved by the Board of Trustees and as outlined in a Standard Administrative Policy and Procedure (SAP).~~

~~Any remainder shall be transferred to the Special Projects Reserve Account.~~

- ~~1. To fund institutional research infrastructure including, but not limited to, the AMK Ranch, research computing, and institutional compliance responsibilities regarding human research and animal care, in accordance with a budget approved by the Board of Trustees.~~
- ~~2. To fund required match necessary for participation in major federal research programs, including, but not limited to EPSCOR, National Institutes IDeA, in accordance with a budget approved by the Board of Trustees.~~
- ~~3. To defray the impact of the University's research operation and of administering non-research grants, an amount to the Division of Administration, in accordance with a budget approved by the Board of Trustees.~~
- ~~4. To fund faculty start-up costs and otherwise support faculty research, such as providing required matchings or purchase of equipment to support research, in accordance with a budget approved by the Board of Trustees.~~
- ~~5. To replenish the federally recommended research audit reserve account to levels approved by the Board of Trustees upon recommendation of the Vice President for Research and Economic Development in consultation with the Vice President for Administration, and with the approval of the President.~~

- ~~C. Indirect costs related to an institutional award derived from an externally funded research agreement may be distributed in a manner different from that specified in subparagraphs A. and B. of this paragraph if theupon Vice President for Research and Economic Development approval. Any other distribution must be according to a Standard Administrative Policy and Procedure (SAP)Board of Trustees approves a different distribution method at the time Board approves the research agreement.~~
- ~~D. To the extent indirect cost revenues are greater than the amounts budgeted under subdivisions B.1. through B.6., the Vice President for Research and Economic Development, in consultation with the Vice President for Administration and with the approval of the President, shall submit a plan for the use of those funds to the Board of Trustees for approval.~~

Draft 4-26-21

Responsible Division/Unit: Division of Research and Economic Development

Source: None

Links: <http://www.uwyo.edu/regs-policies>

Associated Regulations, Policies, and Forms: None

History:

UW Regulation 1-102(I)(Q), Attachment F adopted Minutes of the Trustees, January 22, 2016

Revisions adopted 4/20/2016 Board of Trustees meeting

Revisions adopted 5/12/2016 Board of Trustees meeting

Moved to new UW Regulation 9-2 on 6/12/2019 Board of Trustees meeting (effective 7/1/2019)