

**THE UNIVERSITY OF WYOMING
MINUTES OF THE TRUSTEES**

December 10, 1988

**For the confidential information
of the Board of Trustee**

THE UNIVERSITY OF WYOMING
Minutes of the Trustees

December 10, 1988

TABLE OF CONTENTS

| | <u>Page</u> |
|--|-------------|
| ROLL CALL ----- | 1 |
| APPROVAL OF MINUTES ----- | 1 |
| RATIFICATION OF EXECUTIVE COMMITTEE ACTION ON NOVEMBER 16, 1988 ----- | 1 |
| ACADEMIC ISSUES COMMITTEE ----- | 2 |
| REPORT ON THE UNIVERSITY OF WYOMING'S EFFORTS IN RECRUITING WOMEN AND MINORITIES ----- | 2 |
| BUDGET COMMITTEE ----- | 4 |
| AUTHORIZATION FOR STOCK TRANSFERS ----- | 4 |
| AUDIT OF REVENUE BOND OPERATIONS, JULY 1, 1987-JUNE 30, 1988 ----- | 4 |
| REPORT TO THE JOINT APPROPRIATIONS COMMITTEE REQUIRED BY CHAPTER 89, SESSION LAWS OF WYOMING, 1988, FOOTNOTE NO. 2 ----- | 6 |
| ANNUAL STATEMENT OF INVESTMENT OBJECTIVES ----- | 8 |
| TUITION INCREASE ----- | 10 |
| RESIDENT STATUS FOR WYOMING NATIONAL GUARD MEMBERS ----- | 14 |
| ACCEPTANCE OF CONTRACTS, GRANTS, GIFTS, SCHOLARSHIPS ----- | 15 |
| STATUS REPORT, GOVERNOR'S FY 1990 UNIVERSITY SUPPLEMENTAL BUDGET RECOMMENDATIONS ----- | 16 |
| QUARTERLY REPORT, ENDOWMENT FUNDS ----- | 16 |

| | <u>Page</u> |
|--|-------------|
| PERSONNEL COMMITTEE ----- | 16 |
| APPOINTMENTS ----- | 16 |
| ADJUNCT REAPPOINTMENT ----- | 17 |
| CLINICAL FACULTY APPOINTMENT ----- | 17 |
| ADMINISTRATIVE APPOINTMENT ----- | 17 |
| CONTINUATION OF PROBATIONARY APPOINTMENTS ----- | 18 |
| SABBATICAL LEAVES ----- | 20 |
| LEAVE OF ABSENCE ----- | 22 |
| RETIREMENTS ----- | 22 |
| SPECIAL FACULTY APPOINTMENT ----- | 23 |
| RESIGNATIONS ----- | 23 |
| CORRECTION OF FACULTY CONTRACT APPOINTMENT ----- | 24 |
| ATHLETIC COMMITTEE ----- | 24 |
| PROFESSIONAL ATHLETICS CAREER COUNSELING ----- | 25 |
| APPRECIATION TO COACH ROACH, STAFF, AND MEMBERS OF THE 1988 FOOTBALL TEAM ----- | 25 |
| HOLIDAY BOWL FINANCES ----- | 25 |
| TELEVISION COVERAGE ----- | 25 |
| COWBOY SHOOTOUT ----- | 25 |
| PHYSICAL PLANT AND EQUIPMENT COMMITTEE ----- | 26 |
| PURCHASE OF WAREHOUSE BUILDING ----- | 26 |
| PARKING AND TRAFFIC ----- | 27 |
| PROGRESS REPORTS AND CHANGE ORDERS ----- | 27 |
| W. R. COE/CHARLES CHACEY KUEHN ESTATE COMMITTEE ----- | 27 |
| QUARTERLY REPORT ----- | 27 |
| COMMITTEE OF THE WHOLE ----- | 27 |

| | <u>Page</u> |
|---|-------------|
| UNIVERSITY OF WYOMING POLICY ON SALE OF GOODS AND SERVICES ----- | 28 |
| REPUBLISHED EDITION OF THE REGULATIONS OF THE TRUSTEES ----- | 28 |
| NATIONAL CENTER FOR HIGHER EDUCATION MANAGEMENT SYSTEMS, INC. PROPOSAL ----- | 29 |
| UNIVERSITY OF WYOMING TECHNOLOGY TRANSFER FOUNDATION ----- | 30 |
| REPORT ON JOINT PROJECT WITH ADVANCED TECHNOLOGIES OF WYOMING, INC. ----- | 30 |
| NEW BUSINESS ----- | 31 |
| ANNOUNCEMENT AND DATE OF NEXT MEETING ----- | 31 |

THE UNIVERSITY OF WYOMING

Minutes of the Trustees
December 10, 1988

A regular meeting of the Trustees of the University of Wyoming was called to order by President Bussart at 1:15 p.m. on December 10, 1988 in the Board Room of Old Main. Committee meetings and an Executive Session dealing with legal and personnel matters were held on December 8, and earlier in the day on December 10.

ROLL CALL

The following Trustees were in attendance:

Bussart, Dray, Kirk, Miracle, Schuster, Schutte, Updike, and ex officio members Roark, Simons, and Skiles. Trustees Chapin, Hinckley, Mickelson, Rochelle, Sharratt, and ex officio member Governor Sullivan were not present.

APPROVAL OF MINUTES

President Bussart asked if there were any corrections or additions to the minutes of the

meeting of October 21, 1988. There were no corrections or additions, and Mr. Updike moved that the minutes of October 21, 1988, be approved as circulated. Mr. Dray seconded the motion, and it carried.

RATIFICATION OF EXECUTIVE
COMMITTEE ACTION ON
NOVEMBER 16, 1988

President Bussart reported on the conference telephone meeting of the Trustees of the

University which was held on November 16, 1988, with Trustees Bussart, Chapin, Dray, Hinckley, Kirk, Mickelson, Miracle, Schutte, Sharratt, Updike, and ex officio members Governor Sullivan, President Roark, Lynn Simons, and Lisa Skiles participating. Trustees Rochelle and Schuster did not participate in the conference call. Also participating in the conference call were Peter Simpson, David Baker, Paul Roach and Dennis Curran.

The telephone conference call was made at the request of President Roark who said there was a need for a policy decision by the Board of Trustees as to the number of people in the official Holiday Bowl party whose travel expenses would be paid from Bowl proceeds, as well as the positions of those people.

The minutes of the conference telephone meeting are included as Enclosure 1, pink.

Mr. Dray moved ratification of the Trustees' action of November 16, 1988, as outlined in Enclosure 1. The motion was seconded by Mr. Updike, and it carried.

ACADEMIC ISSUES COMMITTEE

President Bussart reported on the Academic Issues Committee meeting held on December 8, 1988. Committee members Kirk, Dray, Hinckley, Miracle, Schuster, Sharratt, Simons, Skiles, Updike, and ex officio members Bussart and Roark attended the committee meeting, along with other Trustees and University staff. Based on the committee meeting, the following report was presented to the full Board.

REPORT ON THE UNIVERSITY
OF WYOMING'S EFFORTS IN
RECRUITING WOMEN AND
MINORITIES

Provost Karnig discussed for members of the Academic Issues Committee the University of Wyoming's efforts in recruiting women and minorities. Dr. Karnig said that the University of Wyoming is below the national average in recruiting women and minorities, but modest positive changes are taking place at the University.

Mr. Schuster asked if the University is making an effort to try to identify an effective strategy for dealing with the recruiting issue. Provost Karnig responded that discussions have begun on the academic side, and that a University Committee on Enrollment will be addressing these concerns in the near future. Dr. Karnig said that he will share the charge to the Committee on Enrollment with Trustees of the University of Wyoming.

Mrs. Simons asked for a report on the number of students funded by the joint tribal councils. Dr. James Hurst, Associate Vice President for Student Affairs, responded by saying that currently eight students, including two Shoshone and six Arapahoe, are funded by tribal council funds. In addition, one federal Indian fellowship is available, 16 scholarships are available through federal funds with Project Native, Hearst Scholarships are available to 17 students, and the Bureau of Indian Affairs (BIA) supports seven students, including three Shoshone and four Arapahoe.

Dr. Hurst stated that in March of 1984, the Wyoming Legislature appropriated just over \$3 million for a Centennial Campaign at the University of Wyoming. Those State funds needed a dollar-for-dollar match from outside private and non-government sources to be used. The funds could be used for scholarships, endowed chairs, or distinguished professorships. According to Dr. Hurst, in March of 1985, the University obtained a legislative footnote enabling Tribal governments to be eligible to match the Centennial Campaign funds. In the spring of 1985, the University made the commitment to set aside \$1 million of the Centennial Campaign funds for the Shoshone and Arapahoe Tribes. Dr. Hurst reported that to date, the Arapahoe Tribe has agreed to match \$500,000, leaving \$500,000 yet to be matched. The University of Wyoming established the deadline date of December 31, 1988, as the date that the University would hold the Centennial Campaign fund commitment of \$500,000 for the Shoshone Tribe. Dr. Hurst told members of the Academic Issues Committee the interest earned on the scholarships would be administered by a joint tribal/University of Wyoming committee.

BUDGET COMMITTEE

President Bussart called upon Chairman Schutte for a report from the Budget Committee meeting held on December 8, 1988. Committee members Schutte, Dray, Kirk, Mickelson, Schuster, Sharratt, and ex officio members Bussart and Roark attended the committee meeting, along with other Trustees and University staff. Committee member Chapin was not present. Based on the committee meeting, the following recommendations and reports were presented to the full Board.

AUTHORIZATION FOR STOCK TRANSFERS

Trustee Schutte reviewed for members of the Budget Committee, a request from brokerage firms for certification of resolutions carrying a date within six months of the transaction.

Based on the Budget Committee's recommendation, it was moved by Mr. Schutte, seconded by Mr. Miracle, and carried that Trustees of the University of Wyoming adopt the following resolution:

RESOLVED that the Treasurer of the Board of Trustees and the President of The University of Wyoming, representing the Trustees of The University of Wyoming, a body corporate, are hereby authorized to sell, assign and transfer stocks, bonds, evidences of interest, evidences of indebtedness and/or other obligation, and all other securities, corporate or otherwise, now or hereafter held by this corporation in its own right or in any fiduciary capacity, and to execute any and all instruments necessary, proper or desirable for the purpose; further that any past action in accordance herewith is hereby ratified and confirmed; and further, that any officer of this corporation is hereby authorized to certify this Resolution to whom it may concern.

AUDIT OF REVENUE BOND OPERATIONS, JULY 1, 1987-JUNE 30, 1988

Mr. Schutte told members of the Budget Committee that the audit report prepared by McGladrey & Pullen, Certified Public Accountants, as required by the June 1, 1987, July 15, 1984, July 15, 1986, and November 1, 1987 bond resolutions for the fiscal year ending June 30, 1988, presents the financial statements for certain bond funds of the University taken as a whole, in addition to other supplemental infor-

mation concerning the bond funds. The auditor's report is shown in Enclosure 2, yellow.

During the Budget Committee meeting Mr. Dray asked Mr. Jim Hearn, of McGladrey & Pullen, about items identified in connection with McGladrey & Pullen's examination, as being items of noncompliance with the bond covenants. Enclosure 2, page 22, states in part:

. . . The following items of noncompliance with the bond covenants were noted in connection with our examination:

1. The University does not maintain records relating to pledged revenue showing the number of users by classes or the pledged revenue received from charges by classes of users, and monies otherwise received pertaining to the facilities as required by the bond covenants.

Correspondingly, the auditor's report does not include a statement showing the number of customers per class of users and the revenue per class of users at the beginning and at the end of the audit period as required. . . .

2. The University has not, on or before the first day of July in each year, filed with the purchaser or purchasers, a certificate signed and verified by an officer of the University, stating that the University has complied with the insurance requirement of the bond covenants, listing all policies carried, and also stating that all insurance premiums have been paid.

In addition, the University has not furnished by first-class mail, postage prepaid, within 90 days form the time each audit report is prepared and filed with the University, a copy of such report to the holder of any of the outstanding bonds to each purchaser as required by the bond ordinances. . . .

Mr. Dray asked Mr. Hearn if, in his opinion, the areas of noncompliance were significant. Mr. Hearn said no. Mr. Dray then asked Mr. Hearn if the University's responses to the noncompliance statements were adequate or if further action was required by the Board of Trustees. Mr. Hearn said that the University's responses were adequate, and that no further action was required by the Board of Trustees.

Based on the recommendation of the Budget Committee, it was moved by Mr. Schutte, seconded by Mrs. Kirk, and carried, that Trustees of the University of Wyoming accept the report of McGladrey & Pullen for the June 1, 1978, July 15, 1984, July 15, 1986, and November 1, 1987 bond resolutions.

REPORT TO THE JOINT
APPROPRIATIONS COMMITTEE
REQUIRED BY CHAPTER 89,
SESSION LAWS OF WYOMING,
1988, FOOTNOTE NO. 2

Vice President Baccari presented to members of the Budget Committee, a report to the Joint Appropriations Committee required by Chapter 89, Session Laws of Wyoming, 1988, Footnote No. 2. Mr. Baccari noted that the University's 1989-1990 biennium appropriation for Section I includes a budget footnote that authorizes the University "to transfer, among programs within Section 067, not to exceed ten percent (10%) of the total general fund appropriation for Section 067. This authority extends from July 1, 1988 through June 30, 1990, and within this authority the university president and board of trustees may expend monies for salary increases for full-time faculty members and staff, excluding any non-benefited contract or part-time faculty members or staff. Any transfers made under this section shall be approved by the trustees for the University of Wyoming and reported to the joint appropriations committee." The general fund appropriation for Section 067, excluding the \$2,050,000 appropriated for salaries, was \$148,148,116. The University, with approval of the Trustees, has authority to transfer \$14,814,812 of this amount between programs. To date the Trustees have authorized the transfer of \$534,935.

Vice President Baccari told members of the Budget Committee that the following report to the 1989 Legislature has been prepared for the review and approval of the Trustees.

UNIVERSITY OF WYOMING
 REPORT TO THE 1989 JOINT APPROPRIATIONS COMMITTEE
 OF TRUSTEE AUTHORIZED BUDGET TRANSFERS
 BETWEEN UNIVERSITY PROGRAMS

Chapter 89 of the Session Laws of Wyoming, 1988, footnote number 2 to the budget appropriation for Section 067, University of Wyoming, authorizes the University of Wyoming, with Trustee approval, to transfer up to ten percent (10%) of its general fund appropriation between programs in Section 067. The footnote also directed that all such transfers approved by the Trustees are to be reported to the Joint Appropriations Committee.

The total general fund appropriation provided in Chapter 89 for Section 067, University of Wyoming, is \$148,148,116, and under the authority granted in footnote number 2 the Trustees may approve transfers up to \$14,814,812 between programs. During the period July 1, 1987 through December 31, 1988, the Trustees have approved a total of \$534,935 in transfers.

The following is an itemized report of the amount and purpose for each Trustee approved transfer.

GENERAL FUND TRANSFERS
 BETWEEN SECTION 067 PROGRAMS

| <u>Date</u> | <u>Purpose</u> | <u>Transferred From</u> | <u>Transferred To</u> | <u>Amount</u> |
|-------------|--|-------------------------|------------------------|---------------|
| 8/18/88 | To address accreditation issues in Pharmacy | Human Medicine | Instruction & Research | \$188,576 |
| 8/18/88 | To align faculty & staff positions with current & future assignments | Human Medicine | Instruction & Research | 87,269 |
| 8/18/88 | To align staff positions with current & future assignments | Instruction & Research | General Services | 20,880 |

| | | | | |
|----------|--|--------------------------------|------------------------|------------------|
| 8/18/88 | To fund additional freshman courses resulting from enrollment increase | Human Medicine | Instruction & Research | 96,740 |
| 10/21/88 | To establish Office of Institutional Analysis | Human Medicine | General Services | 64,000 |
| 10/21/88 | To fund part-time salaries to operate microcomputer pods | Human Medicine | Instruction & Research | 36,000 |
| 10/21/88 | Transfer position for Office of Institutional Analysis | Student Services & Student Aid | General Services | <u>41,470</u> |
| | Total transfer through December 31, 1988 | | | <u>\$534,935</u> |

In summary, Vice President Baccari said the University has utilized its transfer authority to meet critical institutional needs and make organizational realignments. Without the flexibility afforded through the transfer process, the University would have been unable to deal with a number of important issues in a timely manner. The University will continue to use its transfer authority through the balance of the biennium with the same attention to financial accountability and programmatic need.

Based on the Budget Committee's recommendation, it was moved by Mr. Schutte, seconded by Mrs. Kirk, and carried, that Trustees of the University of Wyoming approve the report of biennial transfers as presented above for transmittal to the Joint Appropriations Committee.

ANNUAL STATEMENT OF
INVESTMENT OBJECTIVES

Vice President Baccari told members of the Budget Committee that the investment policy of the Trustees for the University endowment portfolio requires that the Investment Advisor shall annually present for consideration and approval by the Budget

Committee, an Annual Statement of Investment Objectives, including revisions when conditions merit.

During the Budget Committee meeting, Mr. Schutte, Mr. Updike, and Mr. Dray raised questions and asked for clarification on the University of Wyoming Endowment Portfolio, Investment Plan with respect to Investment Guidelines and Investment Objectives as shown in Enclosure 3, blue. The concerns included the function of the Investment Manager; the maximum risk acceptance level of this plan; the cash income requirements of the endowment portfolio; and the University drawing \$55,200 during FY 1989 in equal quarterly installments. Vice President Baccari said the Investment Plan would be rewritten to address the concerns.

Mr. Schuster asked why there was no reference in the Investment Plan to the policy that the Trustees had previously adopted with respect to companies doing business in South Africa. He noted that exclusion of the Trustees' South African policy could result in a misunderstanding by the Investment Manager of the Trustees' position on this matter. Mr. Schuster asked that the decision previously adopted by the Trustees to divest of all equities in corporations doing business in South Africa, and to prohibit the investment in such equities in the future, be specifically incorporated into the Investment Plan, in addition to Item F. Investment Guidelines, Enclosure 3.

Mr. Schuster asked Vice President Baccari if the University was currently in compliance with the requirement about not investing in companies doing business in South Africa. Mr. Baccari replied that the University of Wyoming was in compliance with the requirement in all cases except one which recently came to Mr. Baccari's attention. Mr. Baccari said that the University of Wyoming will divest from that company in a prudent manner.

Following discussion, it was moved by Mr. Schutte, seconded by Mrs. Kirk, and carried, that Trustees accept the University of Wyoming Endowment portfolio, Investment Plan as shown in Enclosure 3, with the understanding that it will be rewritten for clarification and to include reference to the Trustees' policy with respect to South Africa, and brought back to the Trustees within the next few months.

TUITION INCREASE

President Roark discussed with members of the Budget Committee, the proposal to increase full-time tuition per semester at the University of Wyoming by \$50 for resident students and \$182 for non-resident students, effective fall semester 1989. Dr. Roark said that an estimated \$1,000,000 in additional net revenues would be generated by the proposed tuition increases. Dr. Roark said that the increase is requested to provide funding to address the University's most urgent budget needs. The additional revenues have not as yet been earmarked for any specific budget needs, according to President Roark, but it is anticipated that all of the funds would be used to help fund salary increases for the University's faculty and staff.

The following table, which was given to the Budget Committee, shows the University's present schedule of tuition and mandatory fees and the proposed changes to that schedule:

| | <u>Current Charges</u> | <u>Proposed Charges</u> | <u>Change</u> |
|--|------------------------|-------------------------|---------------|
| <u>Full-Time Enrollment (12 thru 20 hours)</u> | | | |
| Resident Student: | | | |
| Tuition | \$329.50 | \$379.50 | \$50.00 |
| Non-Resident Student: | | | |
| Tuition | \$1,215.50 | \$1,397.50 | \$182.00 |

Part-Time Enrollment (less than 12 hours)

Resident Student:

| | | | |
|-------------------|---------|---------|--------|
| Tuition, Per Hour | \$35.00 | \$41.00 | \$6.00 |
|-------------------|---------|---------|--------|

Non-Resident Student:

Students Taking 4 Hours or Less

| | | | |
|-------------------|---------|---------|--------|
| Tuition, Per Hour | \$35.00 | \$41.00 | \$6.00 |
|-------------------|---------|---------|--------|

Students Taking More Than 4 Hours
But Less Than 12 Hours

| | | | |
|-------------------|----------|----------|---------|
| Tuition, Per Hour | \$108.00 | \$127.00 | \$19.00 |
|-------------------|----------|----------|---------|

Summer Session (Resident & Non-Resident)

| | | | |
|-------------------|---------|---------|--------|
| Tuition, Per Hour | \$31.59 | \$37.59 | \$6.00 |
|-------------------|---------|---------|--------|

Extended Studies

Resident Student:

| | | | |
|--------------------------|---------|---------|--------|
| Tuition, Per Credit Hour | \$35.00 | \$41.00 | \$6.00 |
|--------------------------|---------|---------|--------|

Non-Resident Student:

| | | | |
|--|---------|---------|--------|
| Tuition, Per Credit Hour Taking 4 or Less Credits | \$35.00 | \$41.00 | \$6.00 |
|--|---------|---------|--------|

| | | | |
|--|----------|----------|---------|
| Tuition, Per Credit Hour Taking More Than 4 Credits | \$108.00 | \$127.00 | \$19.00 |
|--|----------|----------|---------|

Correspondence Courses (Resident &
Non-Resident)

| | | | |
|--------------------------|-------|---------|--------|
| Tuition, Per Credit Hour | 35.00 | \$41.00 | \$6.00 |
|--------------------------|-------|---------|--------|

It was noted that the present tuition rates have been in effect since the fall semester 1988.

The current total amount of tuition and mandatory fees assessed full-time enrolled students for the academic year is \$863 for resident students and \$2,635 for non-resident students. The requested tuition increase will raise these total tuition and mandatory fee amounts to \$963 and \$2,990, respectively.

The overall annual cost for a resident to attend the University is estimated to be \$3,993 for residents and \$5,765 for non-residents. These estimates represent the estimated cost to cover a student's essential needs. The tuition increase would raise these costs to \$4,093 and \$6,129 for each, or an increase of 2.5 percent for residents and 5.9 percent for non-residents.

President Roark told members of the Budget Committee that the proposed increase in tuition will still place University of Wyoming charges for tuition and mandatory fees far below the national average for public four-year institutions. The average annual rate for academic year 1988-89, as reported in the Higher Education & National Affairs bulletin, is \$1,566, compared to Wyoming's present rate of \$863.

The proposed rates are also substantially less than the average annual rates of the University's two comparator groups; the first group includes 14 western universities and the second 20 land-grant universities. The University of Wyoming's annual tuition and fees is the lowest in each comparator group, averaging in each case approximately half of the comparator average rate.

President Roark told members of the Budget Committee that the growing pressure to keep University salaries and benefits competitive, coupled with the economic inability of the state to appropriate funds for the foreseeable future sufficient to allow the University to address its employee compensation problems, simply requires the institution to look to tuition revenues to help sustain the quality faculty and programs the citizens of Wyoming expect.

During general discussion in the Budget Committee meeting, Mr. Sharratt said the University of Wyoming is operating under a constitutional mandate that says tuition should be kept as low as possible. He referred to his December 6 letter to the Board of Trustees regarding proposed increases in resident and non-resident tuition. Mr. Sharratt said he was concerned that the University is now,

and would be continuing, to subsidize non-resident students much more than it subsidizes students who are Wyoming residents.

President Roark responded during the Budget Committee meeting by saying he was concerned about doubling the tuition over such a short time span; the effect such an increase would have on intercollegiate athletics; the potential to decrease the number of minority students coming to the University of Wyoming from out of state; and noted State Auditor Jack Sidi's proposal to consider removing the out-of-state tuition charge.

Mr. Sharratt suggested the Trustees might want to consider the possibility of phasing in tuition for new enrollments rather than raising tuition for those currently enrolled.

Mr. Schutte said he believed that students who are non-residents should not bear the burden. He felt tuition should be raised even more than has been proposed. Mr. Schutte said that he has recently talked with many parents and students about a proposed tuition increase on the basis that the University has to take care of its faculty. He said that he has had some meetings with Senator Stroock and Representative Wallis and members of the Joint Appropriations Committee and he believes that the University needs to take the step to raise tuition.

During committee discussion, Miss Skiles said the students find themselves in a serious dilemma. She said that while many express concern over a tuition increase, they also recognize the need to retain and attract quality faculty and staff.

Mr. Updike expressed concern about the legislature not providing adequate funding, and then the University asking students to make up for some of the funding.

Mr. Dray said he felt now is a unique opportunity with parents, students, and legislators around the state to seek additional revenues to attract faculty. He believes the University should consider asking for greater tuition increases.

Mrs. Simons told members of the Budget Committee that out-of-state tuition has been an historic concern. She said she felt that it was very important to broaden the experiences of Wyoming students. Mrs. Simons also said that the constitutional mandate states that tuition shall be as nearly free as possible.

Mr. Hinckley noted that historically, the Wyoming State Legislature has been responsible for funding the University of Wyoming.

Mr. Schutte said that he believes the legislature is concerned, but is just not able to fund the entire state.

Based on a recommendation from the Budget Committee, it was moved by Mr. Schutte, seconded by Mr. Dray, and carried, that Trustees of the University of Wyoming approve a tuition increase of \$182 per semester for non-resident students, effective fall semester 1989.

Based on a recommendation from the Budget Committee, it was moved by Mr. Schutte, seconded by Mr. Dray, and carried, that Trustees of the University of Wyoming approve a tuition increase of \$50 per semester for full-time resident students, effective fall semester 1989. It is noted that Mr. Sharratt voted no.

The administration's proposal that the University adopt a five-year plan to reduce the difference in tuition rates between the University and its comparators over the next five years to 75 percent of the comparators' average rate was withdrawn by President Roark, and will be resubmitted in the future.

RESIDENT STATUS FOR
WYOMING NATIONAL GUARD
MEMBERS

Mr. Dray told members of the Budget Committee that Major Rodekohl, of the Wyoming National Guard, recently met with President Roark and members of the University administration to discuss the possibility of providing benefits to Wyoming National guardsmen that are comparable to those offered in other states. One of

the key benefits provided in a number of states is resident status to out-of-state students. The benefit would parallel the resident status provision presently offered all active duty service personnel.

Mr. Dray said the University is supportive of the concept as presented by the National Guard. There is no threat of a financial shortfall based on the present complement of five non-resident students. Mr. Dray noted that there is an untapped potential in western Nebraska and northern Colorado who could infuse additional enrollments and related financial support to the University that otherwise would not attend.

During Budget Committee discussion, the question as to the legality of granting resident status to Wyoming National Guard members was raised. Mr. Dray responded by saying that the Wyoming National Guard is an entity of the State of Wyoming and for that reason it is felt that the Guard and its members can be distinguished.

Based on a recommendation from the Budget Committee, it was moved by Mr. Schutte, seconded by Mr. Dray, and carried, that Trustees of the University of Wyoming grant to all actively enrolled members of the Wyoming National Guard, resident status for tuition purposes at the University of Wyoming, effective fall semester 1989.

ACCEPTANCE OF CONTRACTS,
GRANTS, GIFTS, SCHOLARSHIPS

It was moved by Mr. Schutte, seconded by Mrs.

Kirk, and carried, that Trustees of the

University of Wyoming accept contracts and grants in the amount of \$1,685,806 for the period October 1, 1988 through November 15, 1988; and gifts and scholarships in the amount of \$221,208.04 for the period September 30, 1988 through November 14, 1988.

STATUS REPORT, GOVERNOR'S
FY 1990 UNIVERSITY SUPPLEMENTAL
BUDGET RECOMMENDATIONS

Mr. Schutte noted that the status report,
Governor's FY 1990 University Supplemental

Budget Recommendations, was provided for the information of the Trustees.

QUARTERLY REPORT,
ENDOWMENT FUNDS

As an item for information only, a copy of

Stein Roe & Farnham's report for the quarter

ended September 30, 1988, as well as additional analyses provided by Boettcher &
Company, was made available to members of the Budget Committee.

PERSONNEL COMMITTEE

President Bussart reported that the Personnel

Committee met as a Committee of the Whole on

December 8, 1988. Those in attendance included Bussart, Dray, Hinckley, Kirk,
Mickelson, Miracle, Schutte, Sharratt, Updike, and ex officio members Roark,
Simons, and Skiles, along with members of the University staff. Trustees
Chapin, Rochelle, Schuster, and ex officio member Governor Sullivan were not
present.

During the Committee of the Whole meeting of the Personnel Committee, Mr.
Dray moved approval of the following appointments; adjunct reappointment; clini-
cal faculty appointment; administrative appointment; continuation of proba-
tionary appointments; sabbatical leaves; leave of absence; retirements; and
special faculty appointment. The motion was seconded by Mr. Hinckley, and it
carried.

APPOINTMENTS

The following appointments were approved
under the conditions cited.

COLLEGE OF EDUCATION

1. Norma C. Decker as Temporary Assistant Professor of Curriculum and
Instruction, effective August 22, 1988 at an annual (9-month) salary
rate of \$23,604. This is a non-tenure track appointment.

2. Sharon B. Greenlee as Lecturer of Curriculum and Instruction, effective August 22, 1988 at an annual (9-month) salary rate of \$12,000. This is a non-tenure track appointment.

INTERCOLLEGIATE ATHLETICS

3. Paul R. Bridgers as Lecturer in Intercollegiate Athletics and Head Swim Coach, effective September 1, 1988 at an annual (11-month) salary rate of \$27,000. This is a non-tenure track appointment.

4. Jeanne Fleck as Lecturer in Intercollegiate Athletics and Assistant Swim Coach, for a ten-month period effective September 15, 1988 at an annual (11-month) salary of \$16,008. This is a non-tenure track appointment.

ADJUNCT REAPPOINTMENT An adjunct appointment carries no tenure rights or salary. The following adjunct reappointment was approved under the condition cited.

1. Robert D. Gehrz has been recommended by the appropriate administrative officials for reappointment as Adjunct Professor of Physics and Astronomy for the period October 1, 1988 through September 30, 1991.

CLINICAL FACULTY APPOINTMENT The following clinical faculty appointment, in support of student programs, in the School of Human Medicine for a three-year period, effective November 1, 1988, was approved.

| <u>Name</u> | <u>Clinical Title</u> | <u>Location</u> |
|-------------------|--|-----------------|
| Kroupa, Steven E. | Clinical Faculty in Family Practice/Psychology | Cheyenne |

ADMINISTRATIVE APPOINTMENT The following administrative appointment was approved as indicated.

DIVISION OF STUDENT AFFAIRS

1. John F. Nutter as Director, Student Financial Aids, effective November 1, 1988 at an annual (11-month) salary rate of \$40,008.

CONTINUATION OF
PROBATIONARY APPOINTMENTS

The following members in their second year of service were reappointed for the year

1989-90.

| <u>Name</u> | <u>Department</u> | <u>Academic Rank</u> |
|-------------------------------------|-------------------------------------|----------------------|
| <u>COLLEGE OF AGRICULTURE</u> | | |
| Aung, Taing | Plant, Soil & Insect Sciences | Assistant Professor |
| Brown, Donna M. | Home Economics | Assistant Professor |
| Groose, Robin W. | Plant, Soil & Insect Sciences | Assistant Professor |
| Medeiros, Lydia | Home Economics | Assistant Professor |
| Rule, Daniel C. | Animal Science | Assistant Professor |
| Weigel, Randolph R. | Cooperative Extension Service | Assistant Professor |
| <u>COLLEGE OF ARTS AND SCIENCES</u> | | |
| Alijani, Ghasem S. | Computer Science | Instructor |
| Aronstein, Susan L. | English | Assistant Professor |
| Ashley, David J. | Sociology | Assistant Professor |
| Baena, Julio | Modern & Classical Languages | Assistant Professor |
| Calloway, Colin G. | History | Assistant Professor |
| Cawley, Robert M. | Political Science | Associate Professor |
| Flynn, Francis W. | Psychology | Assistant Professor |
| Fuzessery, Zoltan M. | Zoology & Physiology | Assistant Professor |
| Gross, Richard R. | Journalism and Telecommunication | Assistant Professor |
| Hobart, Sylvia A. | Mathematics | Assistant Professor |
| Hodgson, Lee | Theatre and Dance | Assistant Professor |

| | | |
|---------------------------|------------------------------|---------------------|
| Holt, Philip G. | Modern & Classical Languages | Assistant Professor |
| Krishnaswamy, Ravinder P. | Computer Science | Assistant Professor |
| Millar, Frank E. | Communication | Associate Professor |
| Nightingale, Narina | Psychology | Assistant Professor |
| Torry, Robert L. | English | Assistant Professor |

COLLEGE OF COMMERCE AND INDUSTRY

| | | |
|------------------------|-------------------------|---------------------|
| Barczyk, Casimir C. | Business Administration | Assistant Professor |
| Collins, Allison B. | Accounting | Assistant Professor |
| Forster, Bruce A. | Economics | Professor |
| Malone, John D., Jr. | Accounting | Assistant Professor |
| McCahon, Cynthia S. | Business Administration | Assistant Professor |
| Pearson, Thomas C. | Accounting | Assistant Professor |
| Pilotte, Eugene A. | Business Administration | Assistant Professor |
| Snook-Luther, David C. | Business Administration | Assistant Professor |
| Wright, Thomas A. | Business Administration | Assistant Professor |

COLLEGE OF EDUCATION

| | | |
|--------------------|--|---------------------|
| Rezabek, Landra L. | Educational Foundations and Instructional Technology | Assistant Professor |
|--------------------|--|---------------------|

COLLEGE OF ENGINEERING

| | | |
|----------------------|------------------------|---------------------|
| Chowdhury, Badrul L. | Electrical Engineering | Assistant Professor |
| Englert, Sue E. | Electrical Engineering | Assistant Professor |
| Mase, George T. | Mechanical Engineering | Assistant Professor |
| Matthews, Michael A. | Chemical Engineering | Assistant Professor |

COLLEGE OF HEALTH SCIENCES

| | | |
|--------------------|--------------------|---------------------|
| Bruyere, Harold J. | School of Pharmacy | Assistant Professor |
| Ford, Dawn C. | School of Pharmacy | Assistant Professor |
| Holt, Gary A. | School of Pharmacy | Assistant Professor |

| | | |
|--------------------------|------------------------|---------------------|
| Jewell, Gary S. | Family Practice/Casper | Assistant Professor |
| Leder, Sharon N. | School of Nursing | Assistant Professor |
| Ogburn-Russell, Linda L. | School of Nursing | Assistant Professor |

UNIVERSITY LIBRARIES

| | | |
|---------------------|-----------|----------------------------|
| Avery, Christine C. | Reference | Senior Assistant Librarian |
|---------------------|-----------|----------------------------|

SABBATICAL LEAVES

The following faculty members were granted sabbatical leaves during the 1989-90 academic

year, as indicated, subject to available funds.

1. Dr. Rollin Abernethy, Associate Professor of Plant, Soil and Insect Sciences, for the period fall 1989 through August 1990.
2. Dr. Edward Clennan, Associate Professor of Chemistry, for spring semester 1990.
3. Dr. James Collins, Professor of Educational Foundations and Instructional Technology, for the 1989-90 academic year.
4. Dr. Michael Day, Associate Professor of Educational Administration and Adult Education, for spring semester 1990.
5. Dr. Paul Dunham, Jr., Professor of Physical and Health Education, for the 1989-90 academic year.
6. Dr. Richard Ewing, Professor of Mathematics and Petroleum Engineering, for fall semester 1989.
7. Dr. Robert George, Associate Professor of Zoology and Physiology, for spring semester 1990.
8. Dr. William Gern, Associate Professor of Zoology and Physiology, for spring semester 1990.
9. Mr. Fred Gersten, Professor of Music, for spring semester 1990.
10. Dr. John Gruenfelder, Professor of History, for fall semester 1989.

11. Dr. Joe Hagan, Associate Professor of Political Science, for fall semester 1989.
12. Dr. Klaus Hanson, Associate Professor of Modern and Classical Languages, for spring semester 1990.
13. Dr. Henry Harlow, Associate Professor of Zoology and Physiology, for the 1989-90 academic year.
14. Dr. Fred Homer, Professor of Political Science, for spring semester 1990.
15. Dr. David Jaeger, Professor of Chemistry, for fall semester 1989.
16. Dr. Paul Johnson, Associate Professor of Physics and Astronomy, for spring semester 1990.
17. Dr. Charles Mason, Associate Professor of Economics, for spring semester 1990.
18. Dr. John Nydahl, Professor of Mechanical Engineering, for fall semester 1989.
19. Ms. Patricia Pattison, Associate Professor of Business Administration, for fall semester 1989.
20. Mr. David Reif, Professor of Art, for the 1989-90 academic year.
21. Dr. Stephen Ropp, Professor of Political Science, for fall semester 1989.
22. Mr. Jim Rose, Associate Professor of Civil Engineering, for spring semester 1990.
23. Mr. Joel Selig, Professor of Law, for the 1989-90 academic year.
24. Dr. Audrey Shalinsky, Associate Professor of Anthropology, for spring semester 1990.
25. Dr. Pavel Sigalov, Associate Professor of Modern and Classical Languages, for fall semester 1989.

26. Dr. Arthur Simpson, Professor of English, for spring semester 1990.
27. Dr. Joan Smith-Sonneborn, Professor of Zoology and Physiology, for spring semester 1990.
28. Dr. Ronald Surdam, Professor of Geology and Geophysics, for fall semester 1989.
29. Dr. Harley Thronson, Associate Professor of Physics and Astronomy, for the 1989-90 academic year.
30. Dr. Sadrul Ula, Associate Professor of Electrical Engineering, for the 1989-90 academic year.

Trustees expressed concern at the number of sabbatical leaves requested at the December 1988 Trustees' meeting. It was suggested that sabbatical leaves could be early warnings of the intent of some faculty to leave the University. It was requested that Provost Karnig consider a system whereby faculty going on sabbatical leaves could be contacted to find out if they are looking elsewhere, and what, if anything, can be done to retain them at the University of Wyoming.

LEAVE OF ABSENCE

The following leave of absence without pay was granted for the period and under the con-

dition cited.

1. Sheree B. Pilotte, Instructor of Business Administration, for the period October 1, 1988 through December 21, 1988, for health reasons.

RETIREMENTS

The following retirements were approved on the dates and under the conditions cited.

| <u>Name</u> | <u>Position</u> | <u>Birth Date</u> | <u>Employment Date</u> | <u>Date of Retirement</u> |
|-----------------------|---|-------------------|------------------------|--|
| Fowler, Keith L. | Plant Mechanic/ Operator II Central Energy Plant | 4/1/27 | 5/22/63 | 1/3/89 with designation as <u>Retired</u> |
| Henderson, Charles E. | Asst. Manager Central Energy Plant | 12/5/31 | 7/1/62 | 1/26/89 with designation as <u>Retired</u> |

SPECIAL FACULTY APPOINTMENT Regulations of the Trustees, Chapter V,
Section 3(a)(3) states, with respect to

Temporary Appointments:

If an individual is reappointed for a sixth consecutive year to a temporary position, such reappointment shall remain in effect for so long as the temporary position is authorized, and the letter of reappointment shall so advise the individual and shall set forth those factors other than budget which would cause termination of the position and the individual's appointment.

Dr. Donald Parker, Dean of the College of Commerce and Industry, noted that this provision works a hardship in administering the academic program of the College of Commerce and Industry where teachers or researchers--frequently individuals possessing special skills but without the credentials or desire to qualify for tenure track appointments--must be terminated after five years.

As an exception to the Regulations of the Trustees, Trustees authorized the Dean and/or the President of the University to enter into a special three-year, non-tenure track term contract with Elizabeth Fornstrom, College of Commerce and Industry, which sets out terms and conditions of employment for Ms. Fornstrom which are different from those imposed by Trustee Regulations for other University faculty.

RESIGNATIONS

The following resignations were acknowledged by the Trustees.

1. Ann G. Davidson, Supply Assistant Professor of Nursing, December 21, 1988.
2. Kenneth E. Harrison, Assistant Professor of Accounting, December 21, 1988.
3. G. Dean Haxby, Assistant Professor of Human Medicine, November 4, 1988.
4. Gerald M. Maas, Assistant Professor of Physical and Health Education, December 31, 1988.

Three faculty members left the University to accept positions at other academic institutions: one left for family reasons and a 15 to 20 percent salary increase, one left for a 22 percent salary increase, and one left to improve research production. One faculty member left the University for family reasons.

CORRECTION OF FACULTY
CONTRACT APPOINTMENT

The following correction of faculty contract appointment was acknowledged by the Trustees.

At the September 16, 1988 Trustee Meeting, Suzanne M. Leary was appointed as an Assistant Professor of Law on a nine-month basis. It should be noted this appointment is on an 11-month basis.

ATHLETIC COMMITTEE

President Bussart called upon Chairman Dray for a report from the Athletic Committee meeting held on December 8, 1988. Committee members Dray, Kirk, Mickelson, Miracle, Skiles, Updike, and ex officio members Bussart and Roark attended the committee meeting, along with other Trustees and University staff. Committee member Rochelle was not present. Based on the committee meeting, the following report was presented to the full Board.

PROFESSIONAL ATHLETICS
CAREER COUNSELING

The Athletic Committee heard a report from Coach Paul Roach on professional athletics career counseling. Coach Roach said the National Collegiate Athletic Association (NCAA) recently informed President Roark of NCAA Constitution 3-1-(h)-(4)-(vi), which permits a member institution to provide counseling services regarding a future professional athletics career to student-athletes through a three-person panel appointed by the institution's chief executive officer (or his or her representative from outside the athletics department). President Roark has authorized such a committee for the University of Wyoming.

APPRECIATION TO COACH
ROACH, STAFF, AND MEMBERS
OF THE 1988 FOOTBALL TEAM

On behalf of the Trustees of the University of Wyoming, Mr. Dray extended highest appreciation for the efforts of Coach Roach, his staff, and members of the 1988 football team for what they accomplished for the State of Wyoming and the University of Wyoming in terms of goodwill.

HOLIDAY BOWL FINANCES

The Athletic Committee heard a report from Coach Paul Roach regarding estimated income and expenditures for the 1988 Holiday Bowl.

TELEVISION COVERAGE

As an item for information only, Coach Paul Roach discussed estimated 1988-89 television coverage and revenues with members of the Athletic Committee.

COWBOY SHOOTOUT

The Cowboy Shootout scheduled for December 29-30, 1988 in Casper, Wyoming was briefly discussed with members of the Athletic Committee. It was noted that much enthusiasm has been generated for the shootout, and ticket sales have been going well. Trustees Updike and Chapin, along with administrators Vice President

Baccari, Associate Vice President Barden, Mr. Joe Dowler, and Mr. Vern Shelton plan to attend the shootout.

PHYSICAL PLANT AND
EQUIPMENT COMMITTEE

President Bussart reported on the Physical Plant and Equipment Committee meeting held on December 8, 1988. Committee members Hinckley, Kirk, Sharratt, and ex officio members Bussart and Roark attended the committee meeting along with other Trustees and University staff. Committee members Chapin, Rochelle, and Schuster were not present. Based on the committee meeting, the following recommendation and report was presented to the full Board.

PURCHASE OF WAREHOUSE
BUILDING

Members of the Physical Plant and Equipment Committee heard a report from Vice President Baccari regarding the purchase of a warehouse building. Mr. Baccari said that for the past several years the University has leased a facility to accommodate the storage needs of numerous departments. Recently the University was informed by the owner of the present facility that the current lease would not be renewed. The University has been asked to vacate by January 1, 1989.

Vice President Baccari said that a search of the properties in Laramie available for lease has failed to secure any facility which would both meet the University's needs and fall within the University's financial capabilities. During this investigation, a vacant building was discovered which would serve our purposes well but is available only for purchase.

The Small Business Administration has title for this structure and is anxious to have it purchased. The building is located at 372 West Lyons. It is an 8,380 square foot metal building with approximately 1,300 square feet of office space contained within it. The structure sits on a 300 foot by 145 foot lot with 8,200 square feet of paved parking area and has been zoned I-2 Industrial. The tax appraisal shows a value for the facility at \$247,844. The

estimated replacement cost for the structure is \$335,200 (figuring 8,380 s.f. at \$40 per s.f.).

Vice President Baccari told members of the Physical Plant and Equipment Committee that the S.B.A.'s asking price for this facility is \$100,000.

Based on a recommendation from the Physical Plant and Equipment Committee, it was moved by Mr. Updike, seconded by Mr. Dray, and carried, that Trustees of the University of Wyoming authorize the Vice President for Finance to negotiate with the University of Wyoming Foundation for a lease/purchase agreement to acquire the property.

PARKING AND TRAFFIC

In the interest of time during the Physical Plant and Equipment Committee meeting, the parking and traffic item for discussion was deferred to the January 13-14, 1989 Trustees' meeting.

PROGRESS REPORTS AND CHANGE ORDERS

As a matter of information only, Progress Reports and Change Orders were provided to the members of the Physical Plant and Equipment Committee.

W. R. COE/CHARLES CHACEY KUEHN ESTATE COMMITTEE

President Bussart reported on the meeting of the W. R. Coe/Charles Chacey Kuehn Estate Committee held earlier in the day on December 10, 1988. Committee members Mickelson and Schutte, and ex officio members Bussart and Roark, attended the committee meeting, along with other Trustees and University staff.

QUARTERLY REPORT

As a matter of information, the quarterly investment report for the quarter ending September 30, 1988 was presented to the Trustees of the University of Wyoming.

COMMITTEE OF THE WHOLE

President Bussart reported on the meeting of the Committee of the Whole held earlier in the day on December 10, 1988. Those present were Trustees Bussart, Dray, Kirk, Mickelson, Miracle, Schuster, Schutte, Sharratt, Updike, and ex officio members

Roark, Simons, and Skiles. Trustees Chapin, Hinckley, Rochelle and ex officio member Governor Sullivan were not present.

UNIVERSITY OF WYOMING
POLICY ON SALE OF GOODS
AND SERVICES

The Committee of the Whole heard a brief report by President Roark regarding the

University of Wyoming Policy on Sale of Goods and Services. Dr. Roark noted that for some time, the University has been developing a policy statement on the sale of goods and services to insure that the University meets the legitimate needs of its academic community while respecting the role of private business. The draft policy has been reviewed by the academic deans and other administrators. Wyoming's community colleges are considering a similar policy statement.

Based on a recommendation from the Committee of the Whole, it was moved by Mr. Dray, seconded by Mr. Schutte, and carried, that Trustees of the University of Wyoming approve the draft policy statement as shown in Enclosure 4, salmon.

REPUBLISHED EDITION OF THE
REGULATIONS OF THE TRUSTEES

Mr. David Baker presented to the Committee of the Whole, a draft of the 1988

Republished Edition of the Regulations of the Trustees. During committee discussion, Mr. Schuster addressed Chapter V. Faculty, Section 1. ACADEMIC FREEDOM, of the draft with respect to the antiquated and sexist language used in the Section. Specifically, Mr. Schuster asked that the Section be rewritten to reflect appropriate language. Mr. Miracle asked that the *** in Section 1. be deleted, or that proper reference be made with respect to what they represent.

Based on a recommendation from the Committee of the Whole, it was moved by Mr. Miracle, seconded by Mr. Schuster, and carried that the draft of the Republished Edition of the Regulations of the Trustees be tabled; that it be rewritten and presented to the Trustees at their January 13-14, 1989 meeting.

NATIONAL CENTER FOR
HIGHER EDUCATION MANAGEMENT
SYSTEMS, INC. PROPOSAL

President Roark told members of the Committee of the Whole that the National Center for Higher Education Management Systems, Inc. (NCHEMS) submitted a proposal to conduct an audit of the University of Wyoming. Dr. Roark said the audit would focus on resource allocations and administrative staffing patterns.

Trustees expressed concern that they had not been contacted for their input by NCHEMS consultants prior to the development of the proposal. During discussion of Committee of the Whole, it was questioned whether NCHEMS was the best management firm for the University of Wyoming to work with and whether the proposal needs to be refined. It was noted that the University needs to select the right firm to answer the right questions. Some Trustees felt the NCHEMS proposal was not comprehensive and would not involve a sufficiently thorough study of the University.

Following more discussion, it was decided that the Trustees would contact Mr. Schutte as soon as possible with input, questions, concerns, and comments they would like to see addressed in a management audit of the University. Mr. Schutte would then pass the comments on to President Roark who would give them to NCHEMS.

It was further decided that the Trustees would meet with NCHEMS consultants to discuss the proposal for one half day during the January Trustees' meeting.

Based on a recommendation of the Committee of the Whole, it was moved by Mr. Schuster, seconded by Mr. Miracle, and carried, that Trustees of the University of Wyoming authorize the President of the Board, in conjunction with the President of the University, to meet with legislators to seek their input as to format and content of the audit; and that the President of the Board and the President of the University name an ad hoc Trustee committee that is specifically involved in the management study to interface with the management team before the study begins to make certain the concerns of the Trustees are

addressed in the audit; and that the ad hoc Trustee committee continue working closely with the management consultants during the course of the examination to insure continual feedback to the Trustees.

Based on a recommendation from the Committee of the Whole, it was moved by Mr. Miracle, seconded by Mr. Schuster, and carried, that the proposal submitted by the National Center for Higher Education Management Systems, Inc. be tabled.

UNIVERSITY OF WYOMING
TECHNOLOGY TRANSFER
FOUNDATION

The Committee of the Whole heard a presentation by Vice President DeVries on the University of Wyoming Technology Transfer Foundation.

Based on a recommendation from the Committee of the Whole, it was moved by Mr. Schutte, seconded by Mrs. Kirk, and carried, that the Trustees of the University of Wyoming approve the University of Wyoming Technology Transfer Foundation per the Articles of Incorporation and Bylaws as shown in Enclosure 5, green.

Based on a recommendation from the Committee of the Whole, it was moved by Mr. Schutte, seconded by Mr. Dray and carried, that the Trustees of the University of Wyoming name the following individuals as directors of the University of Wyoming Technology Transfer Foundation: Albert Karnig, Daniel Baccari, Samuel Hakes, Ralph DeVries, one Trustee to be named by the President of the Board of Trustees, and Hal Herron, business person from Riverton, Wyoming.

REPORT ON JOINT PROJECT WITH
ADVANCED TECHNOLOGIES OF
WYOMING, INC.

The Committee of the Whole heard a report on a joint project with Advanced Technologies of Wyoming, Inc. Dean Sam Hakes introduced Mr. Rolf Ruppenthal, the principal officer of Advanced Technologies of Wyoming (ATW), Inc. who presented a video tape on ATW. Mr. Ruppenthal said the significance of the joint effort would be that the results of this research will be applied in Wyoming and would generate jobs and open new opportunities for other businesses in Wyoming.

During the Committee of the Whole meeting, Mr. Schuster expressed concern with respect to liability issues and exclusivity arrangement with ATW/UWTF for production of bus components.

Based on a recommendation from the Committee of the Whole, it was moved by Mr. Schuster, seconded by Mr. Miracle, and carried, that Trustees of the University of Wyoming request the Special Assistant to the President to give the Trustees a very thorough analysis of the liability issue related to equity positions held by UWTF in companies like ATW, and investigate what occurs when an institution becomes a stockholder in these arrangements at other institutions.

NEW BUSINESS

It was moved by Mr. Dray, seconded by Mr. Schutte, and carried, that the Board of Trustees not review the faculty grievances of Ms. Sheryl McRoberts, and Dr. Patricia Boyer, Dr. Hilliard Chesteen, and Dr. James Wiebler. Mr. Miracle voted no.

President Bussart told the Trustees that President Roark's employment contract expired June 30, 1988. It was moved by Mr. Schuster, seconded by Mrs. Kirk, and carried, that Trustees of the University of Wyoming extend President Roark's employment contract to June 30, 1989.

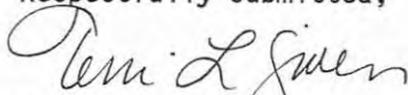
It was moved by Mr. Schuster, seconded by Mr. Dray, and carried, that Trustees of the University of Wyoming form a standing Committee of the Whole for Agenda 2000, with the understanding that the committee report at each Trustee meeting concerning progress on Agenda 2000.

**ANNOUNCEMENT AND DATE OF
NEXT MEETING**

The next meeting of the Trustees is scheduled for January 13-14, 1989, at Laramie County

Community College in Cheyenne, Wyoming. There being no further business to come before the Trustees, the meeting was adjourned at 1:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terri L. Given".

Terri L. Given
Deputy Secretary

MINUTES OF CONFERENCE TELEPHONE MEETING
OF THE TRUSTEES OF THE UNIVERSITY OF WYOMING

November 16, 1988

A telephone conference meeting of the Trustees of the University of Wyoming was held on November 16, 1988, at 4:10 p.m. with Trustees Bussart, Chapin, Dray, Hinckley, Kirk, Mickelson, Miracle, Schutte, Sharratt, Updike, and ex officio members Governor Sullivan, President Roark, Lynn Simons, and Lisa Skiles participating. Trustees Rochelle and Schuster did not participate in the conference call. Also participating in the conference call were Dr. Peter Simpson, Mr. David Baker, Mr. Paul Roach, and Mr. Dennis Curran.

SEA WORLD HOLIDAY BOWL President Roark said that there was a need for a policy decision by the Board of Trustees as to the number of people in the official Holiday Bowl party whose travel expenses would be paid from Bowl proceeds, as well as the positions of those people. President Roark noted that the Western Athletic Conference (WAC) will pay for four people and their spouses to attend the Holiday Bowl, with those people being the President (Terry Roark), the faculty representative to the Conference Council (Joe Geraud), the coach (Paul Roach), and the athletic director (Paul Roach). Since the coach and the athletic director are the same individual, President Roark said he would propose that he speak to the WAC and suggest that the Special Assistant to the President (David Baker) be allowed to attend. President Roark said that the WAC Council will be voting on December 14 on whether or not to increase the party from 150 persons to 225 persons. These persons would include the team, the coaches, the band, and the pepsters. Their travel expenses would be paid from Bowl proceeds before distribution to the rest of the Conference.

Coach Roach said it was his understanding that the money allocated for individuals but not used would be included in receipts awarded to the participating

team. Coach Roach said that if the party number remains at 150, a working budget of about \$445,000 would produce a balance of about \$100,000 after expenses. If, on the 14th, the WAC proposal to increase the party to 225 passes, he would expect a working budget of \$480,000, with a net profit to the University of approximately \$135,000.

Coach Roach said that the Holiday Bowl guarantee to Wyoming is \$750,000 while the guarantee to the other team is \$850,000. He explained that the \$100,000 differential is due to WAC co-sponsorship of the Holiday Bowl.

Coach Roach suggested that the University may wish to consider using the same protocol for bowl invitations as is used by other universities. He said that the recommended policy used by other universities involves 9 categories and includes such people as the president of the University, the vice presidents, Trustees, outstanding faculty members, the Governor and his wife, the speaker of the State House of Representatives and the President of the State Senate.

Coach Roach thanked the Trustees for the opportunity to provide his personal feelings and financial expectations with regard to the Holiday Bowl and left the conference call at 4:35 p.m. for football practice.

Each member of the Trustees was given an opportunity to express his/her opinions about the Holiday Bowl.

Pete Simpson told those participating in the conference call that he had formed a task force to study the Holiday Bowl and that he had talked to Joe Dowler, Brian Miracle and others. He said the recommendation of the task force was to invite a minimum group of people who would have their expenses paid.

President Roark said that when he attended the Council of Presidents' WAC meeting this past summer he urged the presidents to develop a policy with regard to bowl trips, but no policy was developed. Dr. Roark said that when he spoke

with WAC Commissioner Joe Kearney, he was told that the University of Wyoming is on its own with respect to a policy.

Following discussion, it was agreed by the Trustees that President Roark, Coach Roach, Mr. Baker, and Mr. Geraud, along with their spouses, attend the Holiday Bowl at the expense of the Western Athletic Conference. It was also agreed that the band and the pepsters would attend.

Governor Sullivan said that it should be recognized that there is an obligation on the part of the University and the state to support the Holiday Bowl and the Holiday Bowl Committee. Governor Sullivan said he agreed with Pete Simpson that the official party be kept to a minimum.

Following further discussion, it was moved by Dr. Miracle and seconded by Mr. Sharratt that the Board of Trustees be extended an invitation to attend the Holiday Bowl with all expenses paid; and that seven additional people be selected by the President of the University and the President of the Trustees to attend with all expenses paid.

Mr. Mickelson left the conference call at 5:15 p.m.

After further discussion, Mr. Dray moved to amend Dr. Miracle's motion to limit the number of people in the official party whose expenses would be paid to include 10-12; and that those 10-12 individuals be selected at the discretion of the President of the University and the Athletic Director. The motion to amend was seconded by Mr. Hinckley. The motion to amend carried with 5 voting yes and 4 voting no.

The amended motion to allow the President of the University and the Athletic Director to designate 10-12 people in the travel party whose expenses would be paid carried, with Dr. Miracle and Mr. Schutte voting no.

The question as to where the official party would be headquartered in San Diego was left to the University administration. It was emphasized that the Holiday Bowl should be projected in a positive way beginning with the initial

news release. It was also noted that any Trustee, whether he/she pays his own way or not, should be included in official functions at the Holiday Bowl.

President Roark said that Pete Simpson's office would coordinate with the President's office, all the details of the Holiday Bowl trip, and that each Trustee would be contacted and asked about travel arrangements, hotel accommodations, game tickets, etc. President Roark said that he would like Kevin McKinney, Athletics; Dennis Curran, Governor's Press Secretary; and Bill Young, University News Service, to coordinate the press release.

Trustee President Bussart thanked everyone for participating in the conference call, and the telephone conference was adjourned at 5:40 p.m.

Respectfully submitted,



Terri L. Given
Deputy Secretary

UNIVERSITY OF WYOMING
CERTAIN BOND FUNDS

FINANCIAL REPORT

JUNE 30, 1988

C O N T E N T S

| | Page |
|--|-----------|
| INDEPENDENT AUDITORS' REPORT ON THE FINANCIAL STATEMENTS | 1 |
| FINANCIAL STATEMENTS | |
| Balance sheet | 2 and 3 |
| Statement of revenue, expenditures and changes in fund balances | 4 |
| Statement of current fund revenue, expenditures and other changes | 5 |
| Notes to financial statements | 6-11 |
| INDEPENDENT AUDITORS' REPORT ON THE SUPPLEMENTARY INFORMATION | 12 |
| SUPPLEMENTARY INFORMATION | |
| Schedule of net pledged revenue | 13-15 |
| Capital expenditures | 16 |
| Debt service requirements of the July 15, 1984, July 15, 1986 and November 1, 1987 bond resolutions | 17 and 18 |
| Schedule of insurance coverage | 19 and 20 |
| INFORMATION REQUIRED BY BOND RESOLUTIONS | |
| Accounting procedures, practices and method of operations including compliance with requirements of bond resolutions and subsequent years' budget | 21-23 |

McGLADREY & PULLEN

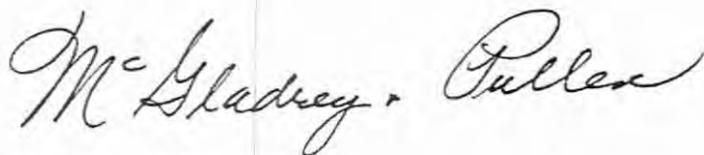
Certified Public Accountants and Consultants

To the Board of Trustees
University of Wyoming
Laramie, Wyoming

We have examined the combined balance sheet of certain Bond Funds of the University of Wyoming established by the June 1, 1978, July 15, 1984, July 15, 1986 and November 1, 1987 bond resolutions of the University of Wyoming as of June 30, 1988, and the related statements of revenue, expenditures and changes in fund balances and current fund revenue, expenses and other changes for the year then ended. Our examination was made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

As explained in Note 1 to the financial statements, the accompanying financial statements present only the Bond Funds established by the June 1, 1978, July 15, 1984, July 15, 1986 and November 1, 1987 bond resolutions of the University of Wyoming and are not intended to present fairly the financial position and results of operations of the University of Wyoming as a whole in conformity with generally accepted accounting principles.

In our opinion, the financial statements referred to above present fairly the financial position of Bond Funds established by the June 1, 1978, July 15, 1984, July 15, 1986 and November 1, 1987 bond resolutions of the University of Wyoming as of June 30, 1988, and the revenue, expenditures and changes in fund balances and the current fund revenue, expenditures and other changes for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.



Cheyenne, Wyoming
September 30, 1988

UNIVERSITY OF WYOMING
CERTAIN BOND FUNDS

BALANCE SHEET
June 30, 1988

ASSETS

Current funds

Unrestricted:

| | |
|---------------------|----------------|
| Cash | \$ 1,469,271 |
| Accounts receivable | 780,494 |
| Inventories | 910,857 |
| Prepaid expenses | <u>208,191</u> |

Total current funds \$ 3,368,813

Plant funds

Unexpended:

| | |
|-----------------------------|---------------------|
| Cash | \$ 839,157 |
| Accrued interest receivable | 49,880 |
| Investments | 6,407,745 |
| Total unexpended | <u>\$ 7,296,782</u> |

Renewals and replacement, cash \$ 1,288,820

Retirement of indebtedness:

| | |
|----------------------------------|---------------------|
| Cash | \$ 678,043 |
| Prepaid expenses | 482,988 |
| Due from other funds (Note 7) | 1,800,589 |
| Total retirement of indebtedness | <u>\$ 2,961,620</u> |

Total plant funds \$11,547,222

See Notes to Financial Statements.

- LIABILITIES AND FUND BALANCES

| | |
|---|---------------------|
| Current funds | |
| Unrestricted: | |
| Accounts payable | \$ 432,704 |
| Due to other funds (Note 7) | 1,800,589 |
| Accrued liabilities | 179,806 |
| Other | 27,491 |
| Fund balance, undesignated | <u>928,223</u> |
| Total current funds | <u>\$ 3,368,813</u> |
| Plant funds | |
| Unexpended: | |
| Fund balances - restricted | <u>\$ 7,296,782</u> |
| Renewals and replacement: | |
| Fund balance - restricted | <u>\$ 1,288,820</u> |
| Retirement of indebtedness: | |
| Accrued bond interest payable (Note 7) | \$ 1,755,589 |
| Matured bond principal outstanding (Note 7) | 45,000 |
| Fund balances - restricted | <u>1,161,031</u> |
| Total retirement of indebtedness | <u>\$ 2,961,620</u> |
| Total plant funds | <u>\$11,547,222</u> |

UNIVERSITY OF WYOMING
CERTAIN BOND FUNDS

STATEMENT OF REVENUE, EXPENDITURES AND CHANGES IN FUND BALANCES
Year ended June 30, 1988

| | Current Funds | Unexpended | Plant Funds Funds for Renewal and Replacement | Funds for Retirement of Indebtedness |
|--|-----------------------|---------------------|--|--|
| Revenue and other additions: | | | | |
| Sales and services of auxiliary enterprises | \$ 12,316,503 | \$ - | \$ - | \$ - |
| Investment income | 2,208,503 | 353,440 | 55,679 | 776,437 |
| Government royalty | 10,666,955 | - | - | - |
| Government permanent land income | 47,720 | - | - | - |
| Issuance of bonds | - | 6,562,965 | - | 796,111 |
| Other income | 932,087 | - | - | 11,112 |
| Reimbursement for overhead costs | 900,000 | - | - | - |
| Total revenue and other additions | <u>\$ 27,071,768</u> | <u>\$ 6,916,405</u> | <u>\$ 55,679</u> | <u>\$ 1,583,660</u> |
| Expenditures and other deductions: | | | | |
| Unrestricted expenditures | \$ 11,232,190 | \$ - | \$ - | \$ - |
| Interest on indebtedness | - | - | - | 3,160,551 |
| Retirement of indebtedness | - | - | - | 9,215,000 |
| Other fund deductions | - | - | 3,924 | 113,715 |
| Expended for plant facilities | - | 1,138,614 | 101,209 | - |
| Total expenditures and other deductions | <u>\$ 11,232,190</u> | <u>\$ 1,138,614</u> | <u>\$ 105,133</u> | <u>\$ 12,489,266</u> |
| Transfers among funds - additions/(deductions): | | | | |
| Mandatory, principal and interest | \$ (911,125) | \$ - | \$ - | \$ 911,125 |
| Other fund transfers (Note 2) | (15,625,603) | 47,156 | 420,546 | 3,361,684 |
| Total transfers | <u>\$(16,536,728)</u> | <u>\$ 47,156</u> | <u>\$ 420,546</u> | <u>\$ 4,272,809</u> |
| Net increase (decrease) for the year | <u>\$ (697,150)</u> | <u>\$ 5,824,947</u> | <u>\$ 371,092</u> | <u>\$ (6,632,797)</u> |
| Fund balances at June 30, 1987 | <u>1,625,373</u> | <u>1,471,835</u> | <u>917,728</u> | <u>7,793,828</u> |
| Fund balances at June 30, 1988 | <u>\$ 928,223</u> | <u>\$ 7,296,782</u> | <u>\$ 1,288,820</u> | <u>\$ 1,161,031</u> |

See Notes to Financial Statements.

UNIVERSITY OF WYOMING
CERTAIN BOND FUNDS

STATEMENT OF CURRENT FUND REVENUE, EXPENDITURES
AND OTHER CHANGES
Year ended June 30, 1988

| | |
|---|----------------------|
| Revenue: | |
| Sales | \$ 8,105,302 |
| Dormitory and apartment rentals | 4,211,201 |
| Interest | 2,208,503 |
| Government royalty | 10,666,955 |
| Other revenue | 979,807 |
| Reimbursement for overhead costs | <u>900,000</u> |
| Total revenue | <u>\$ 27,071,768</u> |
| Expenditures and mandatory transfers: | |
| Cost of sales or rentals | \$ 4,656,766 |
| Salaries | 2,813,088 |
| Maintenance and repair | 778,278 |
| Operating expenses | 2,984,058 |
| Mandatory transfers, principal and interest | <u>911,125</u> |
| Total expenditures and mandatory transfers | <u>\$ 12,143,315</u> |
| Other transfers, non-bond fund transfers | <u>\$ 15,625,603</u> |
| Net (decrease) in fund balances | <u>\$ (697,150)</u> |

See Notes to Financial Statements.

UNIVERSITY OF WYOMING
CERTAIN BOND FUNDS
NOTES TO FINANCIAL STATEMENTS

Note 1. The Reporting Entity, Description of Funds and
Significant Accounting Policies

REPORTING ENTITY

The financial statements present only the Bond Funds established by the June 1, 1978, July 15, 1984, July 15, 1986 and November 1, 1987 bond resolutions of the University of Wyoming and are not intended to present fairly the financial position and results of operations of the University of Wyoming taken as a whole in conformity with generally accepted accounting principles.

The financial statements include the "bond funds" which were created or continued by the University of Wyoming Facilities Refunding Revenue Bonds, Series June 1, 1978 Second Lien Special Purpose Revenue Bonds, July 15, 1984 Series B Facilities Revenue Bonds, the Series July 15, 1986 Facilities Refunding Revenue Bonds and the Series November 1, 1987 Facilities Revenue Bonds.

These "bond funds" include operations from the following:

- The University Bookstore
- The Student Union
- Food Service Facilities
- Housing Facilities
- Interest income on idle funds
- Government royalties
- Permanent land income
- Fees and games
- Utility income
- Telecommunications

DESCRIPTION OF FUNDS

The accounts of the Bond Funds are organized on the basis of funds, each of which is considered to be a separate accounting entity. The operations of each fund are accounted for by providing a separate set of self-balancing accounts. The various funds are grouped as follows in the financial statements:

Combined Income and Operations Accounts (Current Funds):

The resolutions establish an income account to be credited for gross pledged revenue as defined therein and an operations and maintenance account to be charged for reasonable, necessary expenses for operating, maintaining, and repairing certain facilities with pledged revenue.

NOTES TO FINANCIAL STATEMENTS

Project Acquisition Funds (Unexpended Fund):

The Project Acquisition Funds were created to pay for all costs incidental to the financing and acquisition of the projects authorized by the Bond Resolution.

Capital Fund (Renewals and Replacement Fund):

The Capital Fund, created by the June 1, 1967 Bond Resolution and continued by subsequent resolutions, is required to receive a minimum of 2% of net pledged revenue to maintain a continuing reserve of \$500,000. No payment to this fund is required unless withdrawals reduce the fund balance below the minimum reserve requirement.

Retirement of Indebtedness Funds:

1978 Sinking Fund:

Under the 1978 Bond Resolution, the University's Sinking Fund received semi-annual transfers from the Current Fund to the extent required to provide for the payment of the Series 1978 Bonds which matured and were paid at June 1, 1988. The remaining fund balance of \$12,406 was transferred to the unexpended plant fund on June 8, 1988.

1978 Second Lien Bond Fund:

The 1978 Second Lien Bond Fund was utilized for payment of matured interest coupons and bonds issued under the June 1, 1978 Bond Resolution.

Reserve Fund:

The Reserve Fund, created by the June 1, 1967 Bond Resolution and continued by subsequent resolutions, must be sufficient enough to fund the combined maximum annual principal and interest requirements of all First Lien securities required to be paid from pledged revenue unless surety bonds are maintained to fund the reserve requirement. The bonds have been obtained by the University.

Second Lien Reserve Fund:

The Second Lien Reserve Fund, created by the June 1, 1978 Bond Resolution, maintained an amount of at least \$400,000. This amount would be available for payment of an installment of interest due or for any Sinking Fund deposit should any deficiency have occurred in the Second Lien Bond Fund through the Series 1978 Bond maturity date of June 1, 1988. The balance needed for the bond retirement of \$207,068 was transferred to the bond payment account. The remaining balance of \$234,730 was transferred to the unexpended plant fund.

NOTES TO FINANCIAL STATEMENTS

Series B 1984 Bond Fund:

The Series B 1984 Bond Fund is utilized for payment of matured interest and bonds issued under the July 15, 1984 Bond Resolution.

Series 1986 Refunding Bond Fund:

The Series 1986 Refunding Bond Fund is utilized for payment of matured interest and bonds issued under the July 15, 1986 Bond Resolution.

Series 1987 Bond Fund:

The Series 1987 Bond Fund is utilized for payment of matured interest and bonds issued under the November 1, 1987 Bond Resolution.

SIGNIFICANT ACCOUNTING POLICIES

Basis of accounting:

The financial statements of the University of Wyoming funds created or continued by the bond resolutions have been prepared on the accrual basis.

Since the bond resolutions do not require presentation of the investment in plant fund, it is not included within the financial statements.

The statement of current fund revenue, expenses, and other changes is a statement of financial activities of bond related funds for the current reporting period. It does not purport to present the results of operations or the net income or loss for the period.

To the extent that revenue funds are used to finance plant assets, the amounts so provided are accounted for as nonmandatory transfers to the investment in plant fund.

Fund accounting:

In order to ensure observance of limitations and restrictions placed on the use of the resources available to the University, the accounts of the University are maintained in accordance with the principles of "fund accounting." This is the procedure by which resources for various purposes are classified for accounting and reporting purposes into funds that are in accordance with specified activities or objectives and bond resolutions. Separate accounts are maintained for each fund.

NOTES TO FINANCIAL STATEMENTS

Fund balances are restricted in accordance with the bond resolutions. Restricted funds may only be utilized in accordance with the purposes established by the bond resolutions. Undesignated fund balances, although not restricted through bond resolutions, will remain available as additional reserve for debt service as directed by the Board of Trustees.

All gains and losses arising from the sale, collection, or other disposition of investments and other noncash assets are accounted for in the fund which owned such assets. Ordinary income derived from investments is accounted for in the fund owning such assets, except for interest income on idle University of Wyoming current operating funds, which is specifically identified as pledged revenue and included in current funds.

Inventories:

Inventories are stated at the lower of cost or market. Cost is determined principally by the first-in, first-out and retail methods.

Investments:

Investments are stated at cost. Premiums and discounts are amortized over the life of the particular investment.

Note 2. Other Fund Transfers

The University transfers the revenue in excess of bond requirements as permitted by Section 513 of the bond resolutions. These transfers are used for general University operations.

Note 3. Investments

At June 30, 1988, investments are made up of pooled investments, primarily FHL and FNMA discount notes.

Note 4. Outstanding Bond Issues

The University Bond Funds have the following bond issues outstanding at June 30, 1988.

NOTES TO FINANCIAL STATEMENTS

Series June 1, 1978 Special Purpose Revenue Bonds:

These bonds were originally issued for the purchase of the University's mainframe computer. Under the June 1, 1978 Bond Resolution, the University's Current Fund made semiannual transfers to the Sinking Fund to provide for the payment of the Series June 1, 1978 bonds at maturity. The outstanding principal balance of \$7,365,000 matured at June 1, 1988. The unredeemed balance at June 30, 1988 is \$45,000.

Series B - July 15, 1984 Facilities Improvement Revenue Bonds:

The proceeds from these bonds, after the payment of issuance costs, are being used to construct and equip an Animal Science/Molecular Biology building on the University of Wyoming campus. The outstanding principal balance at June 30, 1988 is \$7,950,000.

Series July 15, 1986 Facilities Refunding Revenue Bonds:

In July, 1986 the University issued \$32,710,000 Facilities Refunding Revenue Bonds, Series July 15, 1986. The proceeds of these bonds, net of the underwriter's discount and cost of issuance, were used to purchase U.S. Government Securities which have been placed in escrow to provide funding to pay all future principal and interest on the Series A - May 15, 1984 Facilities Refunding Revenue Bonds with a current outstanding principal balance of \$21,130,000.

The July 15, 1986 escrow funds are held by independent trustees and are not included in the accompanying financial statements.

Series November 1, 1987 Revenue Bonds:

The proceeds from these bonds, after the payment of issuance costs, are being used to purchase and install a telecommunications system on the University of Wyoming Campus. The outstanding principal balance at June 30, 1988 is \$7,600,000.

Aggregate maturities of the long-term debt at June 30, 1988 are as follows:

| | |
|-------------|---------------------|
| 1989 | \$ 2,000,000 |
| 1990 | 2,530,000 |
| 1991 | 3,055,000 |
| 1992 | 3,030,000 |
| 1993 | 3,250,000 |
| Later years | 34,395,000 |
| | <u>\$48,260,000</u> |

NOTES TO FINANCIAL STATEMENTS

Note 5. Major Source of Revenue

The University of Wyoming Pledged Revenue Fund received \$10,666,955 from the State of Wyoming for its share of Federal mineral royalties. This represents approximately 39% of the total revenue pledged to secure the Bond Funds.

Note 6. Commitments

The unexpended plant funds at June 30, 1988 are funds from the Series B 1984 and November 1, 1987 bond issues. These funds will be used in the construction of the new Animal Science/Molecular Biology building and University telecommunications system. Various commitments exist concerning these construction projects.

Note 7. Due to and from Other Funds and Accrued Interest Payable

The amount due to and from other funds representing accrued interest payable and matured bond principal outstanding is made up of the following:

| | |
|---|--------------------|
| Amortization of bond discount on capital appreciation bonds | \$1,583,867 |
| Accrued interest payable on bonds paying interest currently | <u>171,722</u> |
| | \$1,755,589 |
| Matured bond principal outstanding | <u>45,000</u> |
| | <u>\$1,800,589</u> |

The capital appreciation bonds mature semi-annually from December 1, 1992 through June 1, 2000. The amortization of discount will accrue to a maximum of \$6,237,860 at December 1, 1992, and decrease as the capital appreciation bonds are redeemed.

McGLADREY & PULLEN

Certified Public Accountants and Consultants

To the Board of Trustees
University of Wyoming
Laramie, Wyoming

Our examination was made for the purpose of forming an opinion on the financial statements of certain bond funds of the University of Wyoming taken as a whole. The supplementary information is presented for purposes of additional analysis and is not a required part of the financial statements. Such information, except for that portion marked "unaudited", on which we express no opinion, has been subjected to the auditing procedures applied in the examination of the financial statements of certain bond funds of the University of Wyoming and, in our opinion, is fairly stated in all material respects in relation to the financial statements taken as a whole.

McGladrey & Pullen

Cheyenne, Wyoming
September 30, 1988

UNIVERSITY OF WYOMING
CERTAIN BOND FUNDS

SCHEDULE OF NET PLEDGED REVENUE
Year Ended June 30, 1988

| | <u>University Bookstore</u> | <u>Student Union</u> | <u>Washakie Food Services</u> |
|-------------------------------------|---------------------------------|--------------------------|-----------------------------------|
| Gross pledged revenue: | | | |
| Sales | \$ 3,993,774 | \$ 765,469 | \$ 3,346,059 |
| Dormitory and apartment rentals | - | - | - |
| Interest | - | 8,804 | - |
| Government royalty | - | - | - |
| Reimbursement for overhead costs | - | - | - |
| Other income: | | | |
| Fees and games | - | 438,480 | - |
| Utility sales | - | - | - |
| Permanent land fund | - | - | - |
| Miscellaneous | 9,149 | 641 | 18,819 |
| | <u> </u> | <u> </u> | <u> </u> |
| Total | \$ 4,002,923 | \$ 1,213,394 | \$ 3,364,878 |
| Operation and maintenance expenses: | | | |
| Cost of sales or rentals | \$ 2,941,336 | \$ 226,718 | \$ 1,179,377 |
| Salaries | 430,404 | 552,570 | 961,383 |
| Maintenance and repair | 8,179 | 64,373 | 128,769 |
| Operating expenses: | | | |
| Administrative assessment | 43,225 | 8,750 | 127,400 |
| Bad debts | 2,248 | - | 38,000 |
| Garbage removal | - | - | 9,660 |
| Insurance | 1,786 | 15,710 | 13,546 |
| Laundry | - | 2,784 | 8,463 |
| Other payroll costs | 96,285 | 111,718 | 180,310 |
| Parts and supplies | 53,705 | 55,399 | 164,000 |
| Rent | 43,500 | - | - |
| Travel | 17,577 | - | 10,251 |
| Utilities | 9,076 | 23,146 | 60,097 |
| Real estate taxes | - | - | - |
| Miscellaneous | 46,663 | 54,586 | 30,705 |
| | <u> </u> | <u> </u> | <u> </u> |
| Depreciation expense | 14,967 | 35,292 | 59,220 |
| Loss (gain) on sale of equipment | 1,490 | 3,624 | - |
| | <u> </u> | <u> </u> | <u> </u> |
| Total | \$ 3,710,441 | \$ 1,154,670 | \$ 2,971,181 |
| Net pledged revenue | <u> </u> | <u> </u> | <u> </u> |
| | \$ 292,482 | \$ 58,724 | \$ 393,697 |

| <u>Housing Facilities</u> | <u>Other Revenue</u> | <u>Total</u> |
|-------------------------------|--------------------------|---------------------|
| \$ - | \$ - | \$ 8,105,302 |
| 4,211,201 | - | 4,211,201 |
| - | 2,199,699 | 2,208,503 |
| - | 10,666,955 | 10,666,955 |
| - | 900,000 | 900,000 |
| - | - | 438,480 |
| - | 240,072 | 240,072 |
| - | 47,720 | 47,720 |
| 85,415 | 139,511 | 253,535 |
| <u>\$4,296,616</u> | <u>\$14,193,957</u> | <u>\$27,071,768</u> |
| | | |
| \$ 309,335 | \$ - | \$ 4,656,766 |
| 868,731 | - | 2,813,088 |
| 576,957 | - | 778,278 |
| 521,236 | - | 700,611 |
| 65,373 | - | 105,621 |
| 44,208 | - | 53,868 |
| 72,610 | - | 103,652 |
| 24,931 | - | 36,178 |
| 202,210 | - | 590,523 |
| 129,930 | - | 403,034 |
| - | - | 43,500 |
| - | - | 27,828 |
| 618,173 | - | 710,492 |
| 23,200 | - | 23,200 |
| 33,841 | 19,756 | 185,551 |
| <u>\$3,490,735</u> | <u>\$ 19,756</u> | <u>\$11,232,190</u> |
| 100,307 | - | 209,786 |
| (2,022) | - | 3,092 |
| <u>\$3,589,020</u> | <u>\$ 19,756</u> | <u>\$11,445,068</u> |
| | | |
| <u>\$ 707,596</u> | <u>\$14,174,201</u> | <u>\$15,626,700</u> |

UNIVERSITY OF WYOMING
CERTAIN BOND FUNDS

SCHEDULE OF NET PLEDGED REVENUE (Continued)
Year Ended June 30, 1988

| | |
|---|---------------------|
| Net pledged revenue | <u>\$15,626,700</u> |
| Maximum annual debt service requirement (fiscal 1991): | |
| Principal | \$ 3,055,000 |
| Interest | <u>1,645,058</u> |
| | <u>\$ 4,700,058</u> |
| Excess of net pledged revenue over maximum debt service requirement | <u>\$10,926,642</u> |
| Percentage of net pledged revenue to maximum debt service requirement | <u>332%</u> |
| Percentage of net pledged revenue to current debt service requirements | <u>412%</u> |

UNIVERSITY OF WYOMING
CERTAIN BOND FUNDS

CAPITAL EXPENDITURES
For the Year Ended June 30, 1988

| | <u>Furniture and Equipment</u> |
|---|--|
| Capital expenditures made from current funds: | |
| Downey Hall | \$ 3,066 |
| Crane - Hill Hall | 15,309 |
| McIntyre Hall | 3,483 |
| Orr Hall | 3,483 |
| White Hall | 3,483 |
| Student apartments | 97,297 |
| University bookstore | 157,118 |
| Student Union | 27,568 |
| Washakie Recreation Area | 2,027 |
| Washakie Center - food service | 252,195 |
| Spanish Walk apartments | <u>27,664</u> |
| Total capital expenditures | <u>\$592,693</u> |

UNIVERSITY OF WYOMING
CERTAIN BOND FUNDS

DEBT SERVICE REQUIREMENTS OF THE JULY 15, 1984,
JULY 15, 1986 AND NOVEMBER 1, 1987 BOND RESOLUTIONS
June 30, 1988

| Fiscal Year Ending June 30, | July 15, 1984 Bond Resolution (Series B 1984) | | |
|-----------------------------------|--|---------------------|---------------------|
| | Principal | Interest | Total |
| 1989 | \$ 2,000,000 | \$ 700,425 | \$ 2,700,425 |
| 1990 | 2,150,000 | 532,425 | 2,682,425 |
| 1991 | 2,650,000 | 344,300 | 2,994,300 |
| 1992 | 1,150,000 | 105,800 | 1,255,800 |
| 1993 | - | - | - |
| 1994 | - | - | - |
| 1995 | - | - | - |
| 1996 | - | - | - |
| 1997 | - | - | - |
| 1998 | - | - | - |
| 1999 | - | - | - |
| 2000 | - | - | - |
| 2001 | - | - | - |
| 2002 | - | - | - |
| 2003 | - | - | - |
| | <u>\$ 7,950,000</u> | <u>\$ 1,682,950</u> | <u>\$ 9,632,950</u> |

| July 15, 1986 Bond Resolution (Series 1986) | | | November 1, 1987 Bond Resolution (Series 1987) | | | Combined Annual Requirement |
|--|---------------------|---------------------|---|---------------------|---------------------|-----------------------------------|
| Principal | Interest | Total | Principal | Interest | Total | |
| \$ - | \$ 763,862 | \$ 763,862 | \$ - | \$ 560,076 | \$ 560,076 | \$ 4,024,363 |
| - | 763,863 | 763,863 | 380,000 | 560,076 | 940,076 | 4,386,364 |
| - | 763,862 | 763,862 | 405,000 | 536,896 | 941,896 | 4,700,058 |
| 1,450,000 | 763,863 | 2,213,863 | 430,000 | 511,380 | 941,380 | 4,411,043 |
| 2,795,000 | 675,050 | 3,470,050 | 455,000 | 483,000 | 938,000 | 4,408,050 |
| 2,795,000 | 675,050 | 3,470,050 | 485,000 | 452,060 | 937,060 | 4,407,110 |
| 2,795,000 | 675,050 | 3,470,050 | 520,000 | 418,110 | 938,110 | 4,408,160 |
| 2,795,000 | 675,050 | 3,470,050 | 560,000 | 380,670 | 940,670 | 4,410,720 |
| 2,795,000 | 675,050 | 3,470,050 | 600,000 | 339,230 | 939,230 | 4,409,280 |
| 2,795,000 | 675,050 | 3,470,050 | 645,000 | 294,230 | 939,230 | 4,409,280 |
| 2,795,000 | 675,050 | 3,470,050 | 695,000 | 245,210 | 940,210 | 4,410,260 |
| 2,795,000 | 675,050 | 3,470,050 | 750,000 | 191,696 | 941,696 | 4,411,746 |
| 2,750,000 | 624,425 | 3,374,425 | 805,000 | 133,196 | 938,196 | 4,312,621 |
| 2,960,000 | 412,300 | 3,372,300 | 870,000 | 69,600 | 939,600 | 4,311,900 |
| 3,190,000 | 182,970 | 3,372,970 | - | - | - | 3,372,970 |
| <u>\$32,710,000</u> | <u>\$ 9,675,545</u> | <u>\$42,385,545</u> | <u>\$ 7,600,000</u> | <u>\$ 5,175,430</u> | <u>\$12,775,430</u> | <u>\$64,793,925</u> |

UNIVERSITY OF WYOMING
CERTAIN BOND FUNDS

SCHEDULE OF INSURANCE COVERAGE
June 30, 1988
(Unaudited)

1. Policy Number: INPD1-34-19-000 - Primary
INPD1-80-53-80-9 Excess over
general liability and auto
Insurer: Insurance Company of North America
Expiration date: March 17, 1989
Risks covered and amount:
All risks, including fire, theft
Blanket per schedule on file
(90% coinsurance clause) \$393,406,292
Bodily injury and property damage
liability combined, each occurrence \$ 3,000,000
Business interruption \$ 2,700,000
2. Policy Number: HO 0887869
Insurer: Insurance Company of North America
Expiration date: March 17, 1989
Risks covered and amount:
All vehicles:
Bodily injury and property damage:
Each payment \$ 3,000,000
Each occurrence \$ 3,000,000
Medical payments:
Each payment \$ 5,000
3. Policy Number: 3F57358700
Insurer: Kemper Group
Expiration date: May 1, 1989
Risks covered and amount:
Money orders and counterfeit currency \$ 50,000
Depositors' forgery \$ 700,000
Cash on location per schedule \$200 - \$1,500,000
4. Policy Number: 3XN-020-554-01
Insurer: Kemper Group
Expiration date: July 1, 1989
Risks covered and amount:
Blanket property loss, property damage liability,
bodily injury and defense, settlement, supplementary
payments coverage over specified power and electrical
equipment, each per accident \$ 3,000,000

McGLADREY & PULLEN

Certified Public Accountants and Consultants

To the Board of Trustees
University of Wyoming
Laramie, Wyoming

We have examined the financial statements of certain Bond Funds of the University of Wyoming and have issued our report thereon dated September 30, 1988. The following comments are presented as specified by the bond resolutions. The information has been subjected to the audit procedures applied in the examination of the financial statements and supplementary data.

Accounting Procedures, Practices and Methods of Operation

The accounting procedures and practices established for the University of Wyoming as a whole are applied to the auxiliary enterprises. Revenue is received by the University cashier and is deposited in the general bank account. Expenditure vouchers are processed and paid through the University business office. Purchases and payrolls for the auxiliary enterprises are processed under the same systems in use for the University, except that the bookstore issues its own purchase orders. The University records are maintained on a cash basis. The auxiliary enterprises maintain their own books of account on the accrual basis which are reconciled monthly to the University records.

The business office has established income funds for the purpose of accounting for revenue pledged for the bond issues. For accounting convenience, separate operation and maintenance funds, as prescribed by the bond resolutions, have not been established since the expenses are similarly accounted for by charging them to separate accounts in the income funds.

The Division of Service and Auxiliary Enterprises has the responsibility for the management of food services and the bookstore. The Division has its own staff of trained managers, food service personnel, accountants, etc. Management of all dormitories and student apartments is the responsibility of the Director of Housing. The management of the Wyoming Union is the responsibility of the Director of the Wyoming Union. Budget and accounting responsibilities for all dormitories, student apartments and the Wyoming Union is the responsibility of the Division of Service and Auxiliary Enterprises.

Compliance With Requirements of Bond Resolutions

The accounting procedures and practices of the University conform to the requirements of the bond resolutions in all material respects.

The following items of noncompliance with the bond covenants were noted in connection with our examination:

1. The University does not maintain records relating to pledged revenue showing the number of users by classes or the pledged revenue received from charges by classes of users, and monies otherwise received pertaining to the facilities as required by the bond covenants.

Correspondingly, the auditors' report does not include a statement showing the number of customers per class of users and the revenue per class of users at the beginning and at the end of the audit period as required.

Response

The University maintains records it considers necessary for the prudent management of each facility. Since "classes of users" is not defined by the bond resolutions, and the term is so ambiguous, the University is at a loss as to what to report. However, the following list is an example of the type of records that are kept, and are available for examination:

- Occupancy of Residency Halls and Apartments
- Number of individuals on different Food Service board plans
- Customer counts in the Bookstore and Union
- Singles vs. families in Apartments
- Faculty/Staff vs. students in Apartments
- Freshman, sophomores, juniors, seniors and graduates in Residence Halls
- Males vs. females in Residence Halls
- Number of doubles or singles in Residence Halls
- Number of guests in Residence Halls
- Number eating each meal in Food Service
- Food Service participation rate
- Percentage of Bookstore credit card or charge sales
- Student Union Fees

2. The University has not, on or before the first day of July in each year, filed with the purchaser or purchasers, a certificate signed and verified by an officer of the University, stating that the University has complied with the insurance requirement of the bond covenants, listing all policies carried, and also stating that all insurance premiums have been paid.

In addition, the University has not furnished by first-class mail, postage prepaid, within 90 days from the time each audit report is prepared and filed with the University, a copy of such report to the holder of any of the outstanding bonds to each purchaser as required by the bond ordinances.

Response

The University has, as a matter of prudent management, consistently renewed or rebid the insurance policies in adequate time to prevent any lapse in coverage. An annual certificate of insurance has not been filed with the purchaser or purchasers of the University bonds. The University has no record of the purchaser or purchasers; however, annual certificates of insurance will be sent to the paying agents. For similar reasons, the University annually sends the bond audit report only to the paying agents. Certificates of insurance and audit reports are available upon request.

Subsequent Year's Budget

Based on information contained in the approved budget for the year ending June 30, 1989, the rates, fees and other charges will produce net pledged revenue in an amount of at least 130% of the year's debt service requirements. Because the budget is based on assumptions and estimates, and since some assumptions inevitably will not materialize, and unanticipated events may occur, we can express no opinion on the achievability of the budget.

McGladrey & Pullen

Cheyenne, Wyoming
September 30, 1988

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UNIVERSITY OF WYOMING ENDOWMENT PORTFOLIO

Investment Plan

July 1, 1988 - June 30, 1989
1989 Fiscal Year

Introduction

This investment plan is set forth to clearly state the investment policy, guidelines and objectives of the Trustees of the University of Wyoming (hereafter referred to as "the University"). It also serves to establish a clear understanding of the same between the University and the Investment Manager and gives the Investment Manager an understanding of the guidelines, limitations and direction that the University feels are most appropriate for this portfolio. Each quarter the University will review the Manager's progress in meeting the plan's investment objectives. It is the intent of this investment plan to be sufficiently specific to be meaningful but, also, flexible enough to be practical.

Policy

The overall investment direction is to maximize the return consistent with the risks that the University is willing to accept as stated herein. The Investment Manager must contact the Vice President for Finance or designee at the University of Wyoming prior to any buy or sell orders.

- I. Investment of the Endowment Portfolio. The endowment portfolio shall be invested under the provisions of this policy.
 - A. For the permanent endowment funds, the Investment Manager shall be guided by an investment philosophy and discipline which provides well-researched selection and liquidation of equities and/or cash equivalents according to changing economic and stock market conditions.
 - B. A portion of the endowment portfolio may be invested in fixed-income securities. The investment in fixed income securities shall be made with a low degree of default risk, a low degree of price risk resulting from changes in the level of interest rates, and a high degree of marketability (unless the maturity is short term).
 - C. Funds may be transferred from the permanent endowment funds in the endowment portfolio managed by the Investment Manager to the Deputy Treasurer for investment in fixed-income securities, or vice-versa, upon the expressed authorization of the chairperson of the Budget Committee only.
 - D. The general characteristics of equity selection will be for safety of principal, liquidity, income and growth. Fixed income investments generally should not exceed 90 percent of the total assets of the managed accounts. Fixed income investments in bonds shall not be rated

less than -A- by Moodys or Standard and Poors. The general characteristics of fixed income investments shall be stability of income and stability of market value. Constant management of fixed income securities is essential to optimize total return. The percentage of the total assets of the managed accounts invested in cash equivalents should vary considerably, depending on the prevailing economic and stock market conditions.

- E. The Investment Manager will be responsible for the making and the implementation of all investment decisions regarding the assets of the managed accounts. It is the opinion of the Committee that guidelines contained herein will not prevent the Investment Manager from attaining the stated objectives.
- F. The following guidelines must be integrated into the investment objectives and should not prevent the Manager from attaining the stated objectives.
 - 1. At the time when a security falls to a market value of 5% below the cost value, the situation should be carefully scrutinized.
 - 2. The Investment Manager must incorporate a contingency plan for the resurgence of inflation and adjust the portfolio accordingly.
- G. The Investment Management organization should implement selling action when, in its opinion, liquidation of securities must be made because of new events or changes in the investment attractiveness or marketability of any investments.
- H. Not more than 10% of the equities portion of the endowment portfolio shall be concentrated in any particular industry. Certificates of deposit in banks and savings and loans shall not be deemed as an investment in the banking and savings and loan industry. The test of any industry shall be made as of the date an investment is made.
- I. An amount not to exceed 3% of the outstanding shares of a company may be purchased. All stock shall be of investment grade.
- J. Under the provisions of this policy it is permissible for the Deputy Treasurer to realize losses in the endowment portfolio provided such action is consistent with the University's investment goals.

Investment Guidelines

- A. The University believes it should be the function of the Investment Manager to allocate the assets of the account among common stocks, bonds, convertible bonds and cash reserves.
- B. Cash reserves should be invested in interest bearing securities, free of risk of loss, price fluctuation and should be instantly saleable.
- C. Investments may be chosen from NYSE, regional exchanges and the National Over-the-Counter market.

- D. All assets must have readily ascertainable market value and be easily marketable.
- E. The following are prohibited transactions or assets:
 - 1. Commodity trading including all futures contracts
 - 2. Purchasing of letter stock
 - 3. Short selling
 - 4. Option trading
- F. When the Trustees adjudge that corporate policies or practices cause substantial social injury, the Trustees, as responsible and ethical investors, shall give independent weight to this factor in the investment of the endowment portfolio.
- G. The University desires that the investments of the plan be adequately diversified to reduce risk and comply with current regulations. The interpretation of "adequate" diversification will be left to the Investment Manager.

Investment Objectives

- A. The maximum risk acceptance level of this plan is 10% at any time and not a market cycle. For practical purposes the compliance with this risk standard will be reviewed quarterly and be computed as loss in portfolio value since the last quarter with a positive return.
- B. The primary fiduciary responsibility of the Trustees of the University of Wyoming in investing and managing the University endowment portfolio is to maximize the financial return of these resources at prudently acceptable levels of risk.
- C. Through the investment of the endowment portfolio, permanently endowed gifts and/or quasi-endowment gifts will be managed to provide income and growth of the portfolio for current and future University programs and operations.
- D. The investment of the endowment portfolio shall be managed to support the financial requirements of the University's various programs and services and to protect the endowment portfolio from inflationary erosion. Therefore, it is the goal of the Trustees of the University of Wyoming to manage the University portfolio and the endowment portfolio in a manner that will:
 - 1. Emphasize the safety and liquidity of invested University portfolio and endowment portfolio funds;
 - 2. Preserve and maintain the real purchasing power of the principal in the endowment portfolio;
 - 3. Produce a yield which would be considered acceptable by conservative investment managers; and

4. Produce, whenever possible, interest/dividend income from the endowment portfolio in excess of the annual program requirements. The interest/dividend income in excess of annual program requirements will be credited to the individual accounts in order to build principal.
- E. As identified, the cash income requirements of the endowment portfolio are \$170,000. It shall be the objective of the manager to provide a portion of that amount in relation to the ratio the endowment portfolio has under management, the balance provided by the fixed income portfolio not being managed. In addition, the corpus should grow at a rate to exceed the growth of the Consumer Price Index provided by the fixed income portion not being managed.
- F. The University will draw \$55,200 during FY 1989 in equal quarterly installments.
- G. All cash flow requirements may be met with interest, dividends or realized capital gain.
- H. The performance and risk of the portfolio shall be monitored and a quarterly report made to the University by an independent investment advisor. This report should include:
 1. Progress toward investment objectives over a three year time horizon, a single quarter being too short a time for judgment.
 2. Risk adjusted returns in excess of the capital asset pricing line and preferably greater return than the S&P 500 with less risk.
 3. Time weighed returns.
 4. A complete audit of transactions and dividends.

There are three primary contacts representing the University. They are as follows:

| | | |
|---|----------------|--|
| Mike Schutte Chair, Budget Committee | (619) 582-2234 | 6125 Caminito Sacate San Diego, California |
| Daniel L. Baccari Vice President for Finance | (307) 766-3306 | University of Wyoming Box 3314, University Station Laramie, WY 82071 |
| Art Blackinton Director, Fiscal Operations | (307) 766-5766 | University of Wyoming Box 3314, University Station Laramie, WY 82071 |

UNIVERSITY OF WYOMING
POLICY STATEMENT, GUIDELINES, AND RESOLUTION
ON EDUCATIONAL BUSINESS ACTIVITIES

The University of Wyoming offers a broad spectrum of instruction, research, services and related activities responsive to the needs of the citizens of the state. The requirement that the University continue to provide services to the state that enhance the quality of life, provide economic development opportunities, instill appreciation for the cultural arts, and be accessible to all citizens of the state presents a unique set of challenges. The University has met these challenges through its commitment to provide quality education, services, and activities.

University leaders realize, however, that small businesses have become increasingly concerned about the involvement by the state's educational institutions in activities and endeavors that are viewed by some as outside their mission. Unfortunately, the extent to which higher education is involved in such activities has been misperceived, thereby exaggerating the impact of such endeavors on small business. Furthermore, there are current state and federal laws and regulations governing tax consequences of the educational business activities of our institutions, and these laws and regulations are adequate to address the issues raised by the small business community.

To further assist in the self-regulation of educational business activities, the University has adopted this "Policy Statement and Guidelines on Educational Business Activities." This policy and related guidelines are presented to clearly state our understanding and sensitivity to the concerns that have been expressed and our firm commitment to ensure that we recognize our responsibility for implications of actions taken when educational business activities are created and operated to serve students and the state.

STATEMENT OF POLICY

In carrying out its mission, the University of Wyoming finds that it is often necessary to charge fees for providing goods and services that enhance, promote, or support its instructional, research, service, and other educational and support functions in order to meet the needs of the students, faculty, staff, and members of the public participating in institutional events. Educational business activities, however, are to be established and carried on only when pursuant to and consistent with the University's mission statement approved by the University's Board of Trustees.

Page 2
POLICY STATEMENT AND GUIDELINES
ON EDUCATIONAL BUSINESS ACTIVITIES

Each educational business activity pursued by the University of Wyoming must meet the following conditions:

1. The activity is deemed to be an integral part in the fulfillment of the institution's teaching, research, or service mission or other educational support activities.
2. The activity is aimed at providing a necessary good or service at a reasonable price, on reasonable terms, at a convenient location and time.
3. The activity is carried out primarily for the benefit of students or governmentally mandated constituencies, but with sensitivity to the total community.
4. The University will carefully review and fully comply with applicable laws and regulations pertaining to such activities.
5. The University will consult with employer advisory committees on any professional or occupational education program whereby it is necessary for the University to operate a business function in conjunction with training programs.

RESOLUTION

The Board of Trustees of the University of Wyoming recognizes that the business activities of the University must be increasingly sensitive to the small business community, while at the same time provide quality goods and services to the population served by the University.

THEREFORE BE IT RESOLVED THAT THE UNIVERSITY OF WYOMING WILL:

1. enforce Board policies regarding educational activities as set forth in this document;
2. pay income tax on appropriate business services and activities as required by statute and enforceable regulations and revenue rulings;
3. explore additional ways in which needed products and services may be provided by established local or state businesses, and;
4. convey to our state representatives that current law is adequate and that any modification must take into consideration the important missions including instruction, research and service functions that the University is expected to perform and provide for students, faculty, staff, and the state as Wyoming's only four-year University and land-grant institution.

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B Y L A W S
OF
THE UNIVERSITY OF WYOMING TECHNOLOGY TRANSFER FOUNDATION
(A Nonprofit Corporation)

ARTICLE I. OFFICES

Section 1. Principal Office. The principal office of the corporation shall be located in Albany County, Wyoming, at an address to be designated by the Board of Directors. The corporation may have such other offices, either within or without the State of Wyoming, as the Board of Directors may determine or as the affairs of the corporation may require from time to time.

Section 1.2. Registered Office. The corporation shall have and continuously maintain in the State of Wyoming a registered office, and a registered agent whose business office is identical with such registered office, as required by the law of the State of Wyoming. The registered office may be, but need not be, identical with the principal office in the State of Wyoming, and the address of the registered office may be changed from time to time by the Board of Directors.

ARTICLE II. PURPOSES OF THE CORPORATION

Section 2. Purposes of the Corporation. The corporation shall have the purposes set forth in the Articles of Incorporation which include the scientific, educational and charitable purpose of promoting, conducting, encouraging, and facilitating, for the benefit of the University of Wyoming and in the public interest, the research, the development, and dissemination of knowledge and the application of knowledge in all fields of learning including, but not limited, to science, technology, medicine, pharmacy, engineering, natural resources, energy, business, and education.

Subject to any contract, grant, gift, or similar restriction, any funds, property, or assets acquired or realized by the corporation and not necessary for expenditure to support the foregoing purposes shall be used exclusively for the scientific, educational, and charitable purposes of assisting the University of Wyoming in achieving its educational objectives, as the Board of Directors shall direct.

In pursuing its stated purposes, the corporation shall have all powers granted to it by law; but the pursuit of its purposes by the exercise of its powers shall be contained within the framework and subject to the limitations provided in the Articles of Incorporation, as they may be amended from time to time.

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ARTICLE III. TAX MATTERS

Section 3.1. Source of Funds. Funds for the performance of the corporation's purpose shall normally be derived in substantial part from one or more of the following sources: The United States, the State of Wyoming, political subdivisions of the State of Wyoming, revenues from programs and activities of the Foundation (including programs and activities administered by the Foundation on behalf of and for the benefit of the University of Wyoming), and direct or indirect contributions from the general public. The corporation also shall be organized and operated in a manner designed to avoid being a private foundation as defined by Section 509 of the Internal Revenue Code of 1954, as it now exists or may be amended hereafter. In furtherance of the aforementioned goals, the corporation shall faithfully observe its purposes declared in Article 3 of the Articles of Incorporation, and the corporation shall not participate in activities (1) prohibited for organizations exempt under Section 501 (c)(3) of the Internal Revenue Code of 1954 as it now exists or may be amended hereafter, or (2) prohibited for an organization to which contributions are deductible under Section 170 (c)(2) of the Internal Revenue Code of 1954 as it now exists or may be amended hereafter. In elaboration, the corporation shall be nonprofit, charitable, scientific, and educational as heretofore provided, with no part of the earnings inuring to the benefit of any trustee, officer, private shareholder, or other individual (except reasonable compensation for services actually rendered and payments and distributions in furtherance of the purposes set forth in Article 3 of the Articles of Incorporation), with no substantial part of the activities being carrying on propaganda or otherwise attempting to influence legislation, and with no participation in or intervention in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Furthermore, upon dissolution or other winding up of its affairs, the assets of the corporation shall be distributed exclusively to the University of Wyoming located at Laramie, Wyoming, to be used for educational purposes.

Section 3.2. Maximum Federal Tax Benefits. In order to assure its donors maximum federal income tax deductions and deduction carryforwards, the corporation shall be organized and operated in a manner designed to comply with the provisions of Sections 170 (b)(1)(A) and 170 (d) of the Internal Revenue Code of 1954 as it now exists or may be amended hereafter.

ARTICLE IV. GOVERNANCE OF THE CORPORATIONS' AFFAIRS

Section 4.1. Board of Directors; No Members. The corporation's sole governing body shall be a board of directors consisting of six (6) members. The corporation shall have no members, either voting or nonvoting. The terms of directors shall be as set forth in Article 8 of the Articles of Incorporation and Section 4.5 of these bylaws.

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Section 4.2. First Election of Members of the Board of Directors. Upon adoption of these bylaws by the initial board of directors named in the Articles of Incorporation, the following procedure shall be utilized to name the members of the Board of Directors: The members of the initial Board of Directors shall be deemed elected to the Board of Directors by the initial Board of Directors. The chairman of the initial Board of Directors shall obtain majority agreement of the initial Board of Directors for the details concerning the calling of a meeting for the purposes of electing the remainder of the members of the Board of Directors. At that meeting, a majority of the initial Board of Directors shall constitute a quorum and a majority vote shall be sufficient for action, except that a majority of the initial board, not merely a majority of a quorum, must agree on the election of directors. The initial Board of Directors shall elect sufficient directors to fill the positions of the Board of Directors as required by Sec. 4.1 above, after subtracting the number of members of the initial Board of Directors. When the members of the Board of Directors elected or deemed elected pursuant to this section have accepted their positions, the duties of the initial members of the Board of Directors shall cease.

Section 4.3. Organizational Meeting of the Board of Directors. Upon accepting their duties, the members of the Board of Directors shall among themselves determine by majority vote a time and place of an organizational meeting of the Board of Directors. At such meeting, the director who was the chairman of the initial Board of Directors shall preside over the meeting until the chairman of the board has been elected, and the election of a chairman of the board shall be the first order of business of the organizational meeting. Other matters to be covered at the organizational meeting shall include the elections of officers, the adoption of a plan of operation, authorization of commencement of proceedings to obtain appropriate tax rulings, and such other business as the Board of Directors shall deem appropriate to the commencement of the affairs of the corporation.

Section 4.4. Qualifications of Directors. A majority of the directors shall consist of officers of the University of Wyoming, and shall include the President or Vice-President of Research of the University. At least one director shall be a member of the Office of Research and International Programs.

Section 4.5. Term of Directors; Election of Board of Directors; No Cumulative Voting. Directors shall be elected for three-year terms which shall be so arranged by the board that the terms of office of not more than two directors will expire each year. Upon the end of a term of a director, the successor shall be elected at the annual meeting of the Board of Directors by vote of the then existing Board of Directors; provided that a director may be re-elected for an indefinite number of terms. A director shall be elected by a majority vote of the members of the Board of

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Directors, not merely a majority vote of those constituting a quorum. There shall be no cumulative voting on any matters whatsoever. All directors shall serve until their successors have been elected and accepted office except in cases of resignation or removal.

Section 4.6. Resignation of Directors. A director may resign at any time by giving written notice of such resignation to the Board of Directors.

Section 4.7. Removal of Directors. Any director may be removed from office by the affirmative vote of two-thirds (2/3) of those constituting a quorum, at any regular or special meeting called for that purpose. Any such director proposed to be removed shall be entitled to at least five (5) days' notice in writing by mail of the meeting at which such removal is to be voted upon, and shall be entitled to appear before and be heard at such meeting.

Section 4.8. Vacancies. Any vacancy occurring on the Board of Directors shall be filled by the affirmative vote of a majority of the remaining directors, not merely a majority of a quorum, at any regular or special meeting. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office. Any director position to be filled by reason of an increase in the number of directors shall be filled in the same manner as a vacancy with the term of office to be set forth in these bylaws.

Section 4.9. Quorum; Majority Vote. At all meetings of the Board of Directors, the presence of a majority of the directors shall be necessary to constitute a quorum for the transaction of business; provided, however, if vacancies on the board shall cause less than a majority of the directors set forth in the bylaws to be then serving, then, attendance of all the then existing directors at a meeting for the sole purpose of filling such vacancies shall be sufficient for a quorum. The act of a majority of the directors present at any meeting at which there is a quorum shall be the act of the Board of Directors; provided, however, this sentence is subject to the modifications set forth in Sections 4.2, 4.5, and 4.8 concerning the election of directors, Section 4.7 concerning removal of directors, Article XI concerning the amendment of these bylaws and the amendment of the Articles of Incorporation, and Article XII dealing with dissolution.

Section 4.10. Chairman. At all meetings of the Board of Directors the chairman of the board shall preside, or if he is absent, the president, or in his absence the executive vice president shall preside, or if he is also absent, a temporary chairman chosen from among the directors shall preside.

Section 4.11. Annual Meeting. The Board of Directors shall meet annually within three (3) months after the end of the fiscal

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year of the corporation at such time and place as the chairman of the board or the president shall annually designate for the purpose of electing directors and conducting such other business as shall properly be before the meeting. After the election of directors has concluded, the officers of the corporation may be elected by the newly constituted Board of Directors if all newly elected directors are present, or if they consent thereto in writing executed either before or after the annual meeting.

Section 4.12. Special Meetings. Special meetings of the Board of Directors may be called by the chairman of the board, the president, or any vice president and must be called by any of them on the written request of any member of the board.

Section 4.13. Notice of Meetings. Notice of all board meetings, except as herein otherwise provided, shall be given by mailing the same at least three (3) days or by telegraphing the same at least one (1) day before the meeting to the usual business or residence address of the director, but such notice may be waived by any director. Regular meetings of the Board of Directors may be held without notice at such time and place as shall be determined by the board. All notices of a special meeting shall set forth the time, place and purpose of the meeting.

Section 4.14. Waiver of Notice. A required notice of any meeting of the Board of Directors may be waived by any director in writing, signed either before or after the meeting. Attendance by a director at any meeting shall constitute waiver of notice thereof, except that, such attendance shall not constitute a waiver of notice if a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Section 4.15. Proxy Voting. There shall be no proxy voting.

Section 4.16. Compensation of Directors. Directors shall not receive any stated salary for their services as such, but by resolution of the Board of Directors reasonable expenses of attending any meeting or performing any other act may be allowed. The Board of Directors shall have power in its discretion to contract for and to pay to directors rendering unusual or special services to the corporation special compensation appropriate to the value of such services.

Section 4.17. General Powers. The Board of Directors shall have and shall exercise all of the powers of the corporation set forth in the Wyoming Nonprofit Corporation Act, the articles of incorporation, the bylaws, and all other laws, whether statutory or common law. The Board of Directors shall have the authority to delegate appropriate authority to the corporation's officers and other agent.

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Section 4.18. Committees. The Board of Directors may designate by resolution one or more committees, each of which shall consist of two or more directors, which committee or committees, to the extent provided in the creating or subsequently appropriate resolution shall have and may exercise the authority of the Board of Directors in the management of any segment of the activities of the corporation; provided, however, no such committee shall have the authority of the governing Board of Directors in reference to amending, altering, or repealing the bylaw selecting, appointing or removing any member of such committee or any director or officer of the corporation; amending the Articles of Incorporation; adopting a plan of merger or consolidation with another corporation; authorizing the sale, lease, exchange, mortgage or pledge of all or substantially all of the property or the assets of the corporation; authorizing the voluntary dissolution of the corporation or revoking proceedings therefore; adopting a plan for the distribution of the assets of the corporation on dissolution; or amending, altering or repealing any resolution of the governing Board of Directors. The designation and appointment of any such committee and the delegation thereto of authority shall not operate to relieve the governing board, or any individual director, of any responsibility imposed upon it or him by law.

Section 4.19. Advisory Board of Directors. The Board of Directors may by resolution create an advisory Board of Directors to be called by that name or any other name the resolution shall set forth. The members of the advisory board shall be selected for one or more of the following purposes or such other purposes or a combination thereof as the Board of Directors shall by resolution declare: To provide advice to the Board of Directors, to provide honor to the person selected to the advisory board, to provide persons who will serve the purpose of the corporation, and to provide fund raising personnel.

ARTICLE V. OFFICERS

Section 5.1. Officers. The officers of the corporation shall be a president, as many vice presidents as the Board of Directors shall elect, a secretary, a treasurer, and such assistant or subordinate officers as the Board of Directors shall nominate and elect. Any person may hold any two offices except those of president and vice president or president and secretary. New officers may be added at any time. Any officer may be removed at any time by a majority vote of the Board of Directors, but, such removal must, in the directors' judgment, be in the best interest of the corporation, and such removal shall be without prejudice to the contract rights, if any, of the officers so removed; election or appointment of an officer shall not of itself create contract rights. An officer need not be a member of the Board of Directors.

Section 5.2. Election, Term of Office, and Qualifications. The officers shall be elected annually by the Board of Directors

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from among such persons as the Board of Directors may see fit, at the first meeting of the Board of Directors after the annual meeting of directors of the prior board of the corporation.

Section 5.3. Vacancies. In case any office of the corporation becomes vacant by death, resignation, retirement, disqualification, or any other cause, the Board of Directors may elect an officer to fill such vacancy, and the officer so elected shall hold office and serve until the first meeting of the Board of Directors after the annual meeting of the prior Board of Directors next succeeding and until the election and qualification of his successor.

Section 5.4. President. In the absence of the Chairman of the Board, the president shall preside at all meetings of the Board of Directors. He/she shall have and exercise general charge and supervision of the affairs of the corporation and shall do and perform such other duties as may be assigned by the Board of Directors.

Section 5.5. Executive Vice President. At the request of the president, or in the event of his/her absence or disability, the executive vice president shall perform the duties and possess and exercise the powers of the president and to the extent authorized by the law the executive vice president shall have such other powers as the Board of Directors may determine, and shall perform such other duties as may be assigned by the Board of Directors.

Section 5.6. Secretary. The secretary shall have charge of such books, documents, and papers as the Board of Directors may determine and shall have the custody of the corporate seal. He/she shall attend and keep the minutes of all the meetings of the Board of Directors and members of the corporation. He/she shall attend to the matter of notices and waivers of notice of meetings. He/she shall, with the assistance of the treasurer, file all reports required by tax laws by the Wyoming Nonprofit Corporation and the Articles of Incorporation and these By-Laws. He/she shall keep a record, containing the names, alphabetically arranged, of all persons who are directors, advisory directors, officers and employees of the corporation, showing their places of residence. He/she may sign with the president or any vice president, in the name and on behalf of the corporation, any contracts or agreements authorized by the Board of Directors, and when so authorized or ordered by the Board of Directors, may affix the seal of the corporation. He/she shall, in general, perform all of the duties incident to the office of secretary, subject to the control of the Board of Directors, and shall do and perform such other duties as may be assigned by the Board of Directors. Any assistant secretary shall assist the secretary and shall serve in the absence of the secretary.

Section 5.7. Treasurer. The treasurer shall have the custody of all funds, property and securities of the corporation, subject

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to such regulations as may be imposed by the Board of Directors. He/she shall assist the secretary in filing all reports required above. He/she may be required to give bond for the faithful performance of his/her duties, in such sum and with such sureties as the Board of Directors may require. When necessary or proper he/she may endorse on behalf of the corporation for collection checks, notes, and other obligations, and shall deposit the same to the credit of the corporation at such bank or banks or depository as the Board of Directors may designate. He/she shall sign all receipts and vouchers together with such other officer or officers, if any, designated by the Board of Directors. He/she shall sign all checks of the corporation and all bills of exchange and promissory notes issued by the corporation, except in cases where the signing and execution thereof shall be expressly designated by the Board of Directors or by these bylaws to some other officer or agent of the corporation. He/she shall make such payments as may be necessary or proper to be made on behalf of the corporation. He/she shall enter regularly on the books of the corporation to be kept by him/her for the purpose, full and accurate account of all monies and obligations received and paid or incurred for or on account of the corporation, and shall exhibit such books at all reasonable times to any director or officer on application at the offices of the corporation. He/she shall, in general, perform all the duties incident to the office of treasurer, subject to the control of the Board of Directors.

ARTICLE VI. AGENTS AND REPRESENTATIVES.

The Board of Directors may appoint such agents and representatives of the corporation with such powers and to perform such acts or duties on behalf of the corporation as the Board of Directors may see fit, so far as may be consistent with these bylaws, to the extent authorized or permitted by law.

ARTICLE VII. CONTRACTS.

The Board of Directors, except as in these laws otherwise provided, may authorize any officer or agent to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to a specific instance and unless so authorized by the Board of Directors, no officer, agent, or employee shall have any power or authority to bind the corporation by any contract or engagement, or to pledge its credit, or render it liable pecuniarily for any purpose or to any amount.

ARTICLE VIII. FISCAL YEAR.

The fiscal year of the corporation shall commence on July 1 of each year and end on June 30.

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ARTICLE IX. PROHIBITION AGAINST SHARING IN CORPORATE EARNINGS.

No director, officer, or employee of or member of a committee or person connected with the corporation, or any other private individual shall receive at any time any of the net earnings or pecuniary profit from the operations of the corporation, provided, that this shall not prevent the payment to any such person of such reasonable compensation for services rendered to or for the corporation in effecting any of its purposes as shall be fixed by the Board of Directors; and no such person or persons shall be entitled to share in the distribution of any of the corporate assets upon the dissolution of the corporation. All directors of the corporation shall be deemed to have expressly consented and agreed that upon such dissolution or winding up of the affairs of the corporation, whether voluntary or involuntary, the assets of the corporation, after all debts have been satisfied, then remaining in the hands of the Board of Directors, shall be distributed, transferred, conveyed, delivered and paid over to the University of Wyoming at Laramie, Wyoming.

ARTICLE X. INVESTMENTS.

The corporation shall have the right to retain all or any part of any securities or property acquired by it in any manner whatsoever, and to invest and reinvest any funds held by it, according to the judgment of the Board of Directors, without being restricted to the class of investments which a director is or may hereafter be permitted by law to make or any similar restriction provided, however, that no action shall be taken by or on behalf of the corporation if such action is a prohibited transaction or would result in the denial of the tax exemption under Section 503 or Section 504 of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended.

ARTICLE XI. AMENDMENTS TO BYLAWS AND ARTICLES OF INCORPORATION.

Section 11.1 Bylaws. The Board of Directors shall have power to make, alter, amend, and repeal the bylaws of the corporation by affirmative vote of two-thirds (2/3) of the board, not merely two-thirds (2/3) of a quorum.

Section 11.2. Articles of Incorporation. The Board of Directors shall have power to amend the Articles of Incorporation of the corporation by affirmative vote of two-thirds (2/3) of the board, not merely two-thirds (2/3) of a quorum.

ARTICLE XII. DISSOLUTION.

The Board of Directors shall have power to dissolve the corporation in accordance with the provisions of law. Such dissolution shall be two-thirds (2/3) vote of the directors in office, not merely two-thirds (2/3) of those constituting a quorum. The requirement of such a two-thirds (2/3) vote shall

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remain even if said Act is amended to provide for permissible dissolution by a lesser vote than herein set forth.

ARTICLE XIII. MISCELLANEOUS.

Section 13.1. Seal. The Board of Directors shall adopt a seal for such use as required by law and as directed by the Board of Directors.

Section 13.2. Loans to Officers and Directors. No loans shall be made to any officer or director.

Section 13.3. Indemnification of Directors and Officers. The corporation shall indemnify any and all persons who may serve or who have served at any time as directors or officers, and their respective heirs, administrators, successors, and assigns, against any and all expenses, including amounts paid upon judgments, counsel fees, and amounts paid in settlement (before or after suit is commenced), actually and necessarily incurred by such persons in connection with the defense or settlement of any claim, action, suit, or proceeding in which they, or any of them are made parties, or a party, or which may be asserted against them, or any of them, by reason of being or having been directors or officers or a director or officer of the corporation.

ARTICLE XIV. BOOKS AND RECORDS.

Section 14.1. Minutes and Accounts. The corporation shall keep minutes of the proceedings of its Board of Directors and all committees having any of the authority of the Board of Directors, and shall also keep correct and complete books and records of account. All books and records of the corporation may be inspected by any Director or his designee for any proper purpose at any reasonable time.

Section 14.2. Audits and Reports. The Board of Directors shall cause an annual inspection or audit of the accounts of the corporation to be made by a competent accountant to be selected by the Board. At least once each year, the Chairman of the Board of Directors shall make a report to the Trustees of the University of Wyoming, which shall include a complete detailed statement of the business and affairs of the corporation during the preceding year.

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ARTICLES OF INCORPORATION
OF
THE UNIVERSITY OF WYOMING
TECHNOLOGY TRANSFER FOUNDATION
(A Nonprofit Corporation)

The undersigned Terry P. Roark, acting as incorporator of a nonprofit corporation organized under Wyoming Statutes (1977) §§17-6-101 to 17-6-117, as amended, hereby executes and verifies the following Articles of Incorporation:

1. Name. The name of the corporation is THE UNIVERSITY OF WYOMING TECHNOLOGY TRANSFER FOUNDATION.

2. Term of Existence. The corporation shall have perpetual existence.

3. Purpose.

(a) The corporation is organized exclusively for educational and scientific purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1954, or the corresponding provisions of any future United States Internal Revenue Law. To the extent not inconsistent with those purposes, the corporation shall have all powers prescribed by the nonprofit corporation law of the State of Wyoming, including all powers necessary or incidental to the fulfillment of the purposes of the corporation, and may engage in any activity not prohibited by the laws of the United States or the State of Wyoming. The general nature of the purposes, powers, and activities of the corporation shall include, but not be limited to, the following:

(1) To further the educational, research, developmental, and public service objectives of the University of Wyoming by receiving and channeling gifts, grants, contracts, services, equipment, and income for the use and/or benefit of the University of Wyoming, and to aid, directly or indirectly, the University of Wyoming in fulfilling its educational, research, developmental, and public service purposes.

(2) To conduct interdisciplinary research and development activities for government agencies, public and private foundations, other colleges and universities, and/or other entities or persons both corporate and individual.

(3) To compliment the basic and/or applied research activities currently or more appropriately assigned to the University of Wyoming.

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(4) To disseminate and exchange scientific knowledge and information through technical reports, journal publications, symposia, workshops, short courses, and scientific meetings.

(5) To solicit, receive, and utilize funding from federal, state, and local government sources, as well as from the private sector, in support of the aforementioned research and development objectives.

(b) Notwithstanding any other provision of these Articles, the corporation shall not carry on any activity not permitted to be carried on (1) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), or (2) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

(c) No substantial part of the activities of the corporation shall be devoted to the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

(d) No part of the assets or net earnings of the corporation shall inure to the benefit of, or be distributed to, any of its directors, officers, or other private individuals, except that the corporation shall be authorized and empowered to pay reasonable compensation for services actually rendered to or for the corporation or payments in furtherance of carrying out one or more of its purposes.

4. Management. The affairs and management of the corporation shall be under the control of a Board of Directors consisting of not less than three (3) nor more than fifteen (15) members, as the Bylaws of the corporation may from time to time provide.

5. Stock. The corporation shall issue no capital stock, and it shall be a non-membership corporation, governed as stated above.

6. Limitations of Liability and Loans. No officer or Director of this Corporation shall be individually liable for the debts or obligations of the Corporation. No loans shall be made by the Corporation to any of its Directors or officers.

7. Initial Registered Office/Agent. The address of the corporation's initial registered office is Room 201, Old Main, University of Wyoming, Laramie, Wyoming 82071; and the name of its initial registered agent at such address is Ralph DeVries.

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8. Initial Directors. The names and addresses of the initial Directors, who shall serve in such capacity until their successors are appointed and take office in accordance with the Bylaws of the corporation, are as follows:

9. Distribution of Assets on Dissolution. In the event of dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, transfer all of the assets of the corporation to the University of Wyoming, provided that the University of Wyoming shall at that time qualify as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law). Any such assets not so disposed of shall be disposed of by the State District Court of Albany County, Wyoming, exclusively for the educational and scientific purposes of the corporation, or to such organization or organizations as the Court shall determine which are organized and operated exclusively for such purposes.

10. Incorporator. The name and address of the incorporator is Terry P. Roark, P.O. Box 3434, University Station, Laramie, Wyoming 82071.

IN WITNESS WHEREOF, I have hereunto set my hand, this ____ day of _____, 19____.

Incorporator

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STATE OF WYOMING)
) SS
COUNTY OF ALBANY)

The foregoing instrument was acknowledged before me this
_____ day of _____, 19_____, by
_____.

Witness my hand and official seal.

(SEAL)

Notary Public

My commission expires:

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