

THE UNIVERSITY OF WYOMING
MINUTES OF THE TRUSTEES

February 16, 1991

For the confidential information
of the Board of Trustee

TRUSTEES OF THE UNIVERSITY OF WYOMING

AGENDA

February 16, 1991

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THE UNIVERSITY OF WYOMING

MINUTES OF THE TRUSTEES

February 16, 1991

A regular meeting of the Trustees of the University of Wyoming was called to order by President Sharratt at 11:00 a.m. on Saturday, February 16, 1991. The meeting was preceded by a Committee of the Whole meeting earlier in the day, and committee meetings on February 15. Executive sessions to discuss personnel and litigation matters were held on February 16.

ROLL CALL

The following Trustees were in attendance: John D. (Dave) Bonner, F. Richard Brown, Fort T. Bussart, W. Perry Dray, Deborah Healy Hammons, Peter M. Jorgensen, Geraldine Kirk, Brian Miracle, Mike Schutte, and Bryan Sharratt. Ex officio Trustees Terry P. Roark, Diana Ohman, and David Miller were also in attendance. Trustee Gordon Mickelson participated in committee meetings on February 15 and 16; however he, Trustee David W. Updike, and ex-officio member Governor Mike Sullivan were unable to attend the business session.

APPROVAL OF MINUTES

President Sharratt asked if there were any corrections or additions to the January 19, 1991 minutes. There being none, Mr. Schutte moved that they be approved as circulated. The motion was seconded by Mr. Bonner and it carried.

APPROVAL OF COMMITTEE ACTION

Trustee Dray moved that the recommendations of the Physical Plant, Academic Issues, Personnel, and Community College Relations committee meetings of February 15, 1991 be approved. Trustee Bussart seconded the motion, and it carried.

PHYSICAL PLANT AND EQUIPMENT COMMITTEE

The Physical Plant and Equipment Committee met on February 15, with Committee members Jorgensen, Kirk, and Mickelson and ex-officio members Sharratt and Roark in attendance, along with other Trustees and University staff. Based on the committee meeting, the following recommendations were approved.

City of Lyman Lease Extension

At the January 19 Trustee meeting, a request from the City of Lyman to extend its current lease on University of Wyoming property in the Lyman area through March 31, 1992 was tabled until the February meeting.

On October 15, 1990, the University of Wyoming entered into a one-year lease agreement with the Town of Lyman, leasing 143.916 acres. Actions taken by the Town of Lyman since signing said lease are:

- Extended utilities (natural gas and City water) to the residence located on the property.

Previously the house was serviced by propane for heating purposes, and drinking water had to be hauled since the well water was contaminated.

- Sub-leased the hay meadows and creek bottom, from October 15, 1990 to March 31, 1991 for \$450.00 to Kevin Maxfield. Mr. Maxfield will feed cattle through the

winter.

•Rented the house, \$325.00/month, for period February 1, 1991 to October 15, 1991.

The Town of Lyman is asking for an extension of five and one-half months so the expiration date will be March 31, 1992 rather than October 15, 1991. This extension will allow a sub-lease to utilize the property for winter feeding.

Lee Wickel, Mayor of the Town of Lyman, and Reed Erickson, City Manager, were present at the meeting to discuss this request and to review the Town's future plans for the Lyman property and their future expectations regarding sale of the land by the University. The Town is currently having a study conducted to determine the feasibility of building a golf course and other recreational facilities. Both gentlemen assured the Trustees that the only use of the land being considered is recreational and, if the Trustees were to sell the property to the Town, they would be receptive to a restrictive deed.

Upon a recommendation by the Physical Plant Committee, the lease extension was granted.

Acquisition of Phi Delta Theta Fraternity House

The University has been contacted by a representative of the Phi Delta Theta House Corporation who advised that the Fraternity wishes to sell its house on Fraternity Row. The corporation has requested that the University make an offer for the property.

It is proposed that the University develop a value for the property based on several valuation methods, after which the purchase of the house and land would be negotiated with the corporation. The negotiated purchase price would be adjusted for any amounts the Phi Delta Theta organization owes the University. Any offer made or accepted by the University would be contingent on Trustee approval.

If the University is unable to negotiate an agreement with the corporation, then the University would have the property appraised as called for in the deed provision.

The Physical Plant committee recommended to the Trustees that the University be authorized to proceed with acquisition of the property as outlined above. Authorization was granted.

Progress Report and Change Orders

As a matter of information, the progress reports and change orders on current construction projects were provided to the Physical Plant and Equipment Committee.

American Heritage Center/Art Museum

The Physical Plant and Equipment Committee reconvened at 9:00 a.m., February 16 and dispensed with rules to function as Committee of the Whole.

The following update on the American Heritage Center/Art Museum was provided to the committee by Roger Baalman, Director of Facilities Planning. Antoine Predock, architect for the project, attended the meeting to address the changes that have occurred. Also in attendance was Harold Kester, a director of the University of Wyoming Foundation, who has expertise in the construction industry.

At the end of the design development stage of the project, the programmed design of the facility was significantly in excess of the budget. The cost increases are due to inflation and an artificial inflation expected to result from construction of the Denver airport. The inflationary problems were further aggravated by a delay of nearly a year caused by difficulties in completing the financing for the project. These inflationary costs have exceeded those anticipated in the original estimates developed in 1986.

Several scenarios were developed to reduce the cost of the project, and are presented below. In addition, flexibility in the choice of building finishes is necessary to meet the construction budget. A burnished or sand blasted concrete masonry unit or brick is being considered in lieu of the exposed concrete walls on the exterior of the museum, and alternatives for the finish of the cone are being considered as well. Mr. Predock provided information on the use of lead as a roofing material, and is recommending consideration of its use for the cone. The shift from brick to lead would amount to savings of \$600,000 to \$700,000.

Cost reductions to date include reductions in gross square footage by eliminating the gallery and large display areas in the American Heritage Center, reducing the Art Museum gallery and support space by reconfiguration of the floor plan, reducing the total square footage of manuscript storage, revising structural systems of the building, revising the materials used in the building wall systems and reductions in the amount of site work and landscaping. The final result of the studies will be a facility much the same in appearance.

The artwork of the American Heritage Center will be stored in the Art Museum and be available for the Art Museum gallery displays. The Art Museum will, two or more times each year, mount exhibits from the holdings of the AHC or other western history topics as part of its museum programs.

When all scenarios were studied and estimates did not match the 1986 budgeted figures, it was agreed the equipment budget would be used to offset construction costs. That budget is being verified at this time, and sources of additional funding to restore the revised equipment budget will be identified prior to construction completion. The architect has been instructed to minimize the amount of the construction costs necessary to be offset by the equipment funds.

Some bidding alternates will be used to allow the University to tailor the bid to the budget at the time of contracting. These alternates will be identified in the bidding documents

and bid by the contractors.

Alternatives to begin some construction work earlier are being explored. Fifty percent (50%) completion of the construction documents is expected by March 1, 1991.

A more detailed description of the revisions follows, beginning with an area and cost comparison of the four steps in the project's development including the design competition.

| | 1986 Competition | 1989 Program | 1990 Design Dev. | 1990(REV) |
|----------------------------|---------------------|--------------|---------------------|--------------|
| | 132,270 GSF | 137,142 GSF | 140,560 GSF | 122,780 GSF |
| | \$18,914,610 | \$18,914,610 | \$22,361,610 | |
| Total Project Construction | 13,227,000 | 13,227,000 | 16,674,000 | |
| Cost Equipment | 2,645,400 | 2,645,400 | 2,645,400 | \$18,914,610 |
| Contingency | 661,350 | 661,350 | 661,350 | 14,750,000 |
| Fees & Admin.Costs | 2,380,860 | 2,380,860 | 2,380,860 | 1,122,400 |
| | | | | 661,350 |
| | | | | 2,380,860 |

1990 Revisions Include:

- Delete portions of the landscaping.
- Revise cone structural system.
- Revise estimate areas duplicated with budgeting such as construction contingency, and items anticipated to be equipment items.
- Revise or remove some systems such as snow melt systems, lighting fixture types, cable trays, etc.
- Move approximately 7,500 NSF of archival storage under sculpture court.
- Move approximately 1,500 NSF of museum support space under the sculpture court. The underside of the sculpture court is partially built in the estimate. Therefore, the move would be less costly to the project because totally new additional construction is not required for the space.
- Delete the Heritage Center Director of Exhibits Office and adjacent staging area, approximately 600 NSF.
- Delete gallery and reliquary display areas from the Heritage Center, approximately

3,500 NSF.

-Delete 5,000 NSF of manuscript storage. Total holdings for manuscript and artifacts presently is approximately 80,000 cubic feet. At five cubic foot per square foot of floor area, the total volume would require 16,000 square feet. The American Heritage Center will have a total of 18,400 square feet of manuscript storage alone, plus 6,800 square feet of artifact storage. Artifacts include audio visual materials, photograph storage, art, textiles and general artifacts. The gross capability of the storage will be approximately 126,000 cubic feet.

-Delete approximately 1,500 NSF of museum gallery area.

The Art Museum will assist with displays of the Heritage Center by providing short term displays on a periodic basis.

Additional considerations are the inclusion of the Art Museum administration under the cone in the space vacated by the heritage center gallery.

Bidding alternates will allow additive or deductive finishes of the building, space, and systems.

Schedule -

| | |
|-------------------------|----------------|
| Rough grading work | |
| Document Completion | March 15, 1991 |
| Bid Receipt | April 19, 1991 |
| Construction start | May 1, 1991 |
| Construction Completion | June 5, 1991 |
| Building Construction | |
| Document Completion | June 1, 1991 |
| Bid Receipt | July 10, 1991 |
| Construction Start | August 1, 1991 |
| Construction Completion | March 1, 1993 |

Dr. Miracle moved to accept the alterations in the plans for the American Heritage Center/Art Museum and to allow the architect and the University staff to choose the exterior

building materials. The motion was seconded by Mr. Bussart, and it carried.

Mr. Kester was granted permission to review the structural details and was requested to coordinate such review through Mr. Baalman's office.

ACADEMIC ISSUES COMMITTEE

The Academic Issues Committee met on February 15, 1991 with committee members Perry Dray, Chair; Deborah Hammons, Peter Jorgensen, Brian Miracle, Mike Schutte, and Diana Ohman present. The following actions were taken and subsequently approved by the full board:

Change in Name of Zoology/Physiology Program from Wildlife Conservation and Management to Wildlife and Fisheries Biology and Management

The Department of Zoology and Physiology, the Academic Planning Committee of the Faculty Senate, and appropriate administrators proposed that the name of the undergraduate wildlife oriented program be changed from "Wildlife Conservation and Management" to "Wildlife and Fisheries Biology and Management." It was felt that such a name change would give greater clarity and specificity to this undergraduate degree program. It also emphasizes the orientation of the current degree program toward aquatic and fishery resources as opposed to other types of natural resources. The change represents a change in nomenclature only, not in the program itself.

UniReg 408: Guidelines for Establishing Academic Professionals and Accompanying Changes to the Regulations of the Trustees

After extensive campus-wide review and discussion, the proposed University Regulation 408 was endorsed by the Deans' Council, Faculty Senate, and Staff Council. Approval of University Regulation 408 and the attendant changes to the Regulations of the Trustees as

proposed in Enclosure 1, buff was granted. Associate Provost Judy Powell was commended for her efforts in working with various groups to develop the UniReg.

President's Honor Scholarship Criteria Revision

In July 1988, then Provost Robert Houston sent a letter to all Wyoming high school principals which suggested a core curriculum for the President's Honor Scholarship recipients. The Provost and Associate Provost for Student Affairs endorsed the proposal that the University of Wyoming stipulate that an academic core curriculum be a prerequisite for students receiving a President's Honor Scholarship.

Recipients of the President's High School Honor Scholarships are expected to graduate from high school with an academic core curriculum which includes the equivalent of:

- 4 years of English
- 3 years of Math that includes Algebra I, Algebra II, and Geometry
- 3 years of Science with at least one year of laboratory science
- 3 years of Social Studies that includes American History and civics
- 2 years of Foreign Language (if available)
- 1 year of Arts (Music, Art, Drama, Dance)

This criterion shall become effective for individuals whose University matriculation occurs after May 1, 1994. This criterion shall be in addition to any other criteria in effect at the time of selection.

Trustee Schutte asked that there be some flexibility when awarding the scholarships, so that students who do not meet every criteria aren't unfairly penalized. Upon a recommendation by the Academic Issues Committee, the college preparatory core curriculum (or its equivalence) was approved as a requirement of the President's Honor Scholarship, beginning in 1994.

The following items for information were presented:

Wyoming Leadership Award

The Wyoming Leadership Award is designed to be used by the Office of Admissions in its recruiting activities to attract high school and community college student leaders to the University of Wyoming. Beginning with Fall semester 1991, Admissions will begin providing the awards to selected new undergraduate students. Leadership Awards will include a non-renewable one-year stipend of \$200. Half of the award will be deposited to the student's UW account at the beginning of the fall and spring semesters. A maximum of \$10,000 in Leadership Awards will be awarded for the 1991-92 academic year.

Interested students must be admitted to UW and submit a Leadership Award application supplied by Admissions. The basic criteria will be as follows:

1. High school or community college students must have a minimum 2.5 cumulative grade point average.
2. These awards will be reserved primarily for students who are not receiving academic scholarships to attend UW.
3. Students must have a demonstrated record of involvement and leadership in a variety of both school and community activities.
4. Leadership Awards will be used to enhance the diversity of the UW student body.
5. The application deadline for Leadership Awards is April 1.

Award winners will be notified before May 1 in an attempt to reinforce the student's decision to attend UW. The support of high school and two-year college personnel will be solicited to publicize the UW Leadership Award program and to identify candidates for these awards. The Leadership Award program will be evaluated during 1991-92 to determine if it

should be continued and how it will be funded in the future.

College of Engineering Reallocation Alternative

The Dean of the College of Engineering was scheduled to give a report on reallocation alternatives to Trustees at this meeting, but requested and was granted an extension. He will report to the Trustees at their April meeting.

BUDGET COMMITTEE

President Sharratt called on Chairman Bussart for a report from the Budget Committee meeting held on February 15. Committee members Bussart, Bonner, Brown, Dray, Hammons, Mickelson, and Schutte and *ex officio* members Sharratt and Roark attended the committee meeting, along with other Trustees and University staff. Based on the committee meeting, the following recommendations and reports were presented to the full Board.

Audit of KUWR-FM for the Period July 1, 1989 through June 30, 1990

A report of the examination of the accounts and records of KUWR-FM, covering the period from July 1, 1989 through June 30, 1990, prepared by the State Department of Audit, was presented to the Budget Committee. Mr. Jim Painter of the Department of Audit was present at the committee meeting to address questions.

Upon a recommendation from the Budget Committee, Mr. Bussart moved acceptance of the report of the examination of the accounts and records of KUWR-FM for the period July 1, 1989 through June 30, 1990. The motion was seconded by Mr. Bonner and it carried.

Selection of Bond Counsel

The Trustees granted authority, at the December 8, 1990 meeting, for the University to use the legal firm of Herschler, Freudenthal, Salzburg, Bonds & Rideout, P.C. to address questions that might arise during the legislative session regarding the proposed bond issue. Vice President Baccari reported that the University asked the firm to review several matters of concern, and Ms. Bonds, who handles the bond work, was very responsive and helpful.

In anticipation that legislative authority will be granted for the issuance of bonds, and based upon a recommendation of the Budget Committee, Mr. Bussart moved that the firm of Herschler, Freudenthal, Salzburg, Bonds & Rideout, P.C. be retained as bond counsel for the proposed Series 1991 bond issue. The motion was seconded by Mr. Schutte, and it carried.

Approval of Contracts and Grants, Gifts and Scholarships

Based on a recommendation from the Budget Committee, it was moved by Mr. Bussart, seconded by Mrs. Kirk, and carried, that the Trustees of the University of Wyoming accept contracts and grants in the amount of \$3,038,993 for the period December 29, 1990 through January 25, 1991.

Based on a recommendation from the Budget Committee, it was moved by Mr. Bussart, seconded by Mrs. Kirk, and carried, that the Trustees of the University of Wyoming accept gifts and scholarships in the amount of \$40,290 for the period December 29, 1990 through January 18, 1991.

The following items for information were presented:

Selection of Auditors for Bond Funds, Federal Contracts and Grants, and Intercollegiate Athletics

Recent changes in federal regulations have significantly expanded the scope of audit work that universities must satisfy in order to remain eligible for federal funding. The new regulations now require that the University contract for the audit of the institution's entire

financial statements, plus the audit of the institution's compliance with federal regulations. In addition, the University is still required to have an annual audit of its bond funds and the Intercollegiate Athletics program. This change will require a substantially greater amount of audit work.

Given the significant change in the extent of future audit work to be done, and the fact that the present audit firm has been engaged for the past five years, it is appropriate to issue Requests for Proposals for selection of an accounting firm to audit the University's fiscal year 1991 financial statements. An outline of the proposed selection process was presented and approved by the Budget Committee.

The process calls for requests for proposals to be distributed to all known Wyoming firms (approximately 125) as well as national firms. It was the consensus of the committee that a request for proposal should not be sent to the State Department of Audit, which might take business away from the private sector. All written proposals will be reviewed and evaluated by a screening committee to select a group of finalists for interview. Oral presentations will be made to the screening committee and a recommended selection will be prepared for Trustee consideration at the April meeting. The audit engagement will be awarded for three years, subject to annual review and approval by the Trustees.

Selection Process for Underwriters

The University's request for legislative authority to issue bonds has been recommended by the Governor and the Joint Appropriations Committee and is progressing through the legislative process. Since it appears that the University will be granted authority to issue bonds as requested, the process for selection of underwriters was approved in order that the University may proceed with the bond issue as soon as legislative authority is granted.

The process calls for issuing a Request for Proposals for underwriting services on March 5, 1991 with deadline for submission of RFP's on April 12. All underwriting proposals will be reviewed and evaluated by the Finance and legal staffs, in conjunction with bond counsel. Three or more finalists will be invited to make oral presentations. The approximate date of bond issuance is June 30, 1991.

Guidelines for 1993-1994 Biennium Budget Request

Guidelines to be provided University departments and colleges for the preparation of the 1993-1994 biennium budget requests were presented to the Budget Committee. The University's budget priorities and objectives for the next biennium, along with other planning criteria, are covered in these guidelines.

Each major unit may submit for consideration by the Budget Advisory Groups and the University Budget Council expansion budgets (excluding salary improvements) which total eight percent of FY 91-92 Section I budgets. Administrators of the units may ask sub-units to prepare expansion budget requests totalling more than eight percent if they wish. The institution's biennial budget requests will be categorized first by broad areas of institutional emphasis (priority focus), and second by specific objectives within each of the areas. For the 1993-1994 period, the following priorities and objectives will be addressed:

(1)IMPROVE EMPLOYEE SALARIES AND GRADUATE STIPENDS

Objective:

- a. Fund increases for faculty and staff salaries as well as graduate stipends consistent with appropriate benchmarks for each group. This includes the third year of a five- year plan to restore faculty salaries to the 50th percentile of AAUP, Category I institutions and benchmarking staff salaries and graduate stipends with appropriate national, regional and local market references.

(2) PROMOTE ACCESSIBILITY AND EXCELLENCE IN UNDERGRADUATE AND GRADUATE PROGRAMS

Objectives:

- (a) Advance the University's ability to recruit, advise, retain and meet the disciplinary and interdisciplinary curricular needs of undergraduate and graduate students.
- (b) Increase state appropriated financial aid programs for undergraduate and graduate students which are designed to attract a highly qualified, diverse student population.
- (c) Enhance support for on-going instructional and service functions which have been eroded by (i) inflationary impacts, (ii) increased workloads and/or (iii) changed circumstances.
- (d) Increase training and development opportunities for faculty and staff.

(3) INCREASE UNIVERSITY OUTREACH ACTIVITIES ACROSS THE STATE

Objectives:

- (a) Utilize telecommunications-based technologies to increase University outreach programs, including credit and non-credit offerings.
- (b) Strengthen research support linking technology transfer with economic development appropriate to the state, especially in natural and human resource areas.

(4) UPGRADE SUPPORT FOR FACILITIES, EQUIPMENT AND OPERATIONS

Objectives:

- (a) Secure funding to purchase and maintain high-technology equipment to meet the educational mission of the institution (e.g., instruction, research and data processing equipment).
- (b) Upgrade academic and administrative computing capabilities consistent with the five-year plans for these facilities.
- (c) Staff and fund support services for existing and/or new facilities and operations.

- (d) Secure adequate funding for risk management and related activities critical to the health and safety needs of the campus community.

(5) EXPAND UNIVERSITY ADVANCEMENT ACTIVITIES

Objectives:

- (a) Increase University revenue raised from alumni, friends of the University and private sector donors.
- (b) Enhance awareness and knowledge--especially among Wyoming residents and University constituencies--of University programs, activities and achievements.

Trustee Dray said he hoped that program priorities numbered one through five did not indicate priority order. President Roark responded that number one was the highest priority and the other four were of equal priority. The Trustees were of the consensus that all five priorities should be equal and that faculty salaries would not be emphasized as the University's top priority.

Monthly Financial Report

The monthly financial report was presented to the Budget Committee for information only.

PERSONNEL COMMITTEE

The following Trustees attended the Personnel Committee meeting held on February 15, 1991: Gordon Mickelson, chair; Peter Jorgensen, and Geraldine Kirk. Committee member David Updike was unable to attend. The following appointments, administrative appointments,

Intercollegiate Athletic reappointments, cancellation of sabbatical leave, extension of faculty appointments, retirement, and leave of absence without pay were approved as indicated.

Appointments

COLLEGE OF ARTS AND SCIENCES

- a. Michael P. Gillingham as Assistant Professor of Zoology and Physiology, effective January 1, 1991 at an annual (9-month) salary rate of \$19,008. This is a half-time tenure track appointment.
- b. Neil F. Humphrey as Assistant Professor of Geology and Geophysics, effective December 28, 1990 at an annual (9-month) salary rate of \$40,008. This is a tenure track appointment.

INTERCOLLEGIATE ATHLETICS

- c. Mike Van Diest as Assistant Football Coach and Lecturer in Intercollegiate Athletics, effective January 21, 1991, through March 31, 1992, at an annual (11-month) salary of \$40,008. This is a non-tenure track appointment.
- d. Larry Korpitz as Assistant Football Coach and Lecturer in Intercollegiate Athletics, effective January 2, 1991, through March 31, 1992, at an annual (11-month) salary of \$50,004. This is a non-tenure track appointment.
- e. Kevin Sumlin as Assistant Football Coach and Lecturer in Intercollegiate Athletics, effective January 10, 1991, through March 31, 1992, at an annual (11-month) salary of \$26,004. This is a non-tenure track appointment.

Administrative Appointments

COLLEGE OF ARTS AND SCIENCES

- a. Caleb M. Clark as Director of International Studies' Undergraduate and Master's

programs and Professor of Political Science for a three-year period, effective January 1, 1991 at an annual (9-month) salary rate of \$48,288.

- b. Ilona Reif as Acting Director of the Administration of Justice Program and Temporary Instructor for the period January 1, 1991 through August 25, 1991 at an annual (11-month) salary rate of \$22,764.

VICE PRESIDENT FOR INSTITUTIONAL ADVANCEMENT

- c. Peter K. Simpson from Vice President for Development, Alumni Relations, and University Relations, to Vice President for Institutional Advancement, effective 1 March 1991, at no change in salary rate or assigned duties. The new title is supported by members of the University of Wyoming Foundation Board and corresponds more closely to national designations for similar positions than does the current title.
- d. Michael J. Devine as Director of the American Heritage Center, effective July 1, 1991 at an annual (11-month) salary of \$75,000. This is a non-tenure track appointment as an administrative officer of the University.

Intercollegiate Athletic Reappointments

The Trustee policy governing personnel holding academic rank in Intercollegiate Athletics states that all reappointments to the football coaching staff shall be for the annual periods commencing on April 1 of each year. The following reappointments in Intercollegiate Athletics were approved for the period April 1, 1991 through March 31, 1992.

- a. Scott Bruning, Assistant Football Coach and Lecturer in Intercollegiate Athletics.
- b. Dave Butterfield, Assistant Football Coach and Lecturer in Intercollegiate Athletics.
- c. Scott Downing, Assistant Football Coach and Lecturer in Intercollegiate Athletics.
- d. Tom Everson, Assistant Football Coach and Lecturer in Intercollegiate Athletics.

- e. Gordon Shaw, Assistant Football Coach and Lecturer in Intercollegiate Athletics.
- f. Mark Tommerdahl, Assistant Football Coach and Lecturer in Intercollegiate Athletics.

Cancellation of Sabbatical Leave

The following sabbatical leave was cancelled:

COLLEGE OF ARTS AND SCIENCES

- a. At the December 9, 1989 meeting of the Trustees, Walter Langlois, Professor of Modern and Classical Languages, was granted a sabbatical leave for the 1991 spring semester. Professor Langlois requested that this sabbatical leave be cancelled.

Extension of Faculty Appointments

In accordance with the Regulations of the Trustees, Chapter VII., Section 5., the faculty members below, having attained the age of 70 between the time period July 1, 1990 through June 30, 1991, requested an annual extension of their employment. The faculty members were granted an annual extension of their employment.

- a. Mary F. Blackstone, Professor of Law, for the 1991-92 academic year.
- b. Emmett D. Chisum, Professor and Research Historian, for the 1991-92 academic year.

Retirement

The individual listed below requested retirement on the date and under the condition cited. The retirement was approved.

| <u>Name</u> | <u>Position</u> | <u>Birth Date</u> | <u>Employment Date</u> <u>Retirement</u> | <u>Date of</u> |
|-----------------------|-------------------------------|-------------------|---|----------------------------|
| Seeman, Maurice D. | Asst. to Associate Provost | 6/5/30 | 6/28/61 | 3/1/91 with designation |

Leave of Absence Without Pay

The following leave of absence without pay was granted for the period and under the conditions cited.

College of Health Sciences

a. Gary S. Jewell, Assistant Professor of Family Practice-Casper, for the period February 4, 1991 through June 30, 1991, in order to fulfill United States military obligations.

The following information items were presented:

Part-Time Appointments

Part-time appointments were reported to the Trustees for their information.

Appointment of Affiliated Fellow

Upon the recommendation of the Research Coordination Committee of the Faculty Senate and with the support of the Dean of the College of Arts and Sciences and the Director of the University Libraries, the Vice President for Research has named Mary C. Forrester as an Affiliated Fellow of the University of Wyoming for a term of two years, beginning February 1, 1991. Dr. Forrester plans to pursue a project that combines her interests in philosophy and health care.

President Roark reported that increasingly when we hire faculty, they often have a spouse who wants to be active in research. UW will appoint them to what is called "affiliated faculty", which gives them an institutional link. Institutional links are required for some research grants. The person can then write proposals for research, submit them through the Research Office, and if a grant is received, UW monitors that grant. Dr. Forrester is UW's first spousal affiliated

follow.

Resignations

The following resignations were acknowledged by Trustees:

- a. Robert D. Carver, Professor of Agricultural Economics, February 12, 1991.
- b. Edward J. DePuit, Professor of Range Management, May 1, 1991.
- c. Jamie Sue Hinze, Senior Assistant Librarian, January 18, 1991.

One faculty member left the institution for family reasons and is not employed. Two faculty members left because of professional opportunities and substantial salary increases.

Open Admissions

Legislation was currently being considered in the Senate dealing with open admissions. Trustees made a request that the administration provide 1) a model by which UW could be considered, 2) the time frame to present it to the State Board of Education, school districts, and community colleges, and 3) a target date for implementation. During the Academic Issues Committee meeting, Trustee Jorgensen made a motion for the administration to prepare an alternative. Trustee Hammons seconded the motion, and it carried. Provost Karnig said that as much information as possible would be brought to Trustees by the April or May, 1991 meeting.

COMMUNITY COLLEGE RELATIONS COMMITTEE

The Community College Relations Committee met with all members present: Trustee Deborah Hammons, chair; Dave Bonner, Richard Brown, Geraldine Kirk, Brian Miracle, and Diana Ohman. The following report was submitted to the full Board.

**Report from Administration on Senate File 266 and University/Community College
Cooperative Efforts**

Provost Karnig gave a report on University/Community College cooperative efforts. He said that Senate File 266, which had passed the Senate and was currently in the House, is a post-secondary education bill. First, it calls for development of a telecommunication planning team. The team is to develop a report for the legislature by December 31, 1992. Secondly, the bill calls for a post-secondary education task force. In current form, it calls for three representatives from the University, a representative from the Governor's office, a representative from the Department of Education, and representatives from community colleges. The post-secondary education council will be formed by June 30, 1994. There will be \$100,000 to support the post-secondary education council. \$75,000 is to be allocated for community college communication to support community college articulation and articulation between community colleges and the University. Dr. Karnig said that part of the coordinating council's function will be to better disseminate information about University/community college activities. Trustee Bonner asked about a joint admissions agreement between the community colleges and the University. A policy which exists at other universities allows that if a person is admitted to one, they are automatically accepted at the other institution. Provost Karnig and Associate Provost Hurst assured Trustees that the topic was being pursued.

INVESTMENT COMMITTEE

A meeting of the Investment Committee was held on February 15. Committee members Brown,

Bonner and Jorgensen and ex-officio members Sharratt and Roark attended the committee meeting, along with other Trustees and University staff. Based on the committee meeting, the following information items were presented to the full Board.

Quarterly Report, W. R. Coe School of American Studies, W. R. Coe Estate, and Charles Chacey Kuehn Estate Funds

A quarterly report on the status of the W. R. Coe and Charles Chacey Kuehn Estate funds for the quarter ending December 31, 1990 was provided by John A. Vann, Investment Adviser to the Investment Committee.

Quarterly Report, University Endowments

The quarterly investment report on the status of University Endowment funds for the quarter ending December 31, 1990, was provided by John A. Vann, Investment Adviser to the Investment Committee.

Assessment of Fees on Annual Fund Gifts

Vice President Baccari brought to the attention of the Board a recently adopted policy for fund raising for the Annual Fund. Gifts received will be assessed a one-time fee of five percent of the corpus to assist the Development Office with the fund raising activity. The Trustees asked that this item be brought back at the next meeting as an action item for their consideration.

COMMITTEE OF THE WHOLE

Visitation to Theatre Department

The Committee of the Whole visited the Theatre Department on Friday, February 15, 1991, where Department Head Gladys Crane outlined various departmental programs.

Reception for Wyoming Student Scholars, Class of 1991

Trustees presented awards at a reception held in the Foundation House on February 15 for 1990-91 for Trustees' Superior Student Scholarship, Superior Student in Education Scholarship, and National Merit Scholarship recipients.

Approval of Recommendations

It was moved by Trustee Bussart, seconded by Trustee Jorgensen and carried that the following recommendations of the Committee of the Whole be approved.

1991-1992 Meeting Schedule

Two alternative meeting schedules for July 1991 - May 1992 were presented to Trustees for consideration. Alternative I, shown below, was approved

Alternative I 1991

| | |
|---------------|---------------|
| July 19/20 | January 24/25 |
| September 6/7 | March 13/14 |
| October 25/26 | *May 7/8 |
| December 6/7 | |

* = Commencement on May 9

Trustee Orientations

An orientation for new and other interested Trustees is being planned, and will possibly be held the morning of April 5, 1991 prior to the Trustee committee meetings. There will also be a function for new Trustees and Trustees emeritus this spring.

The Association of Governing Boards orientation is in the planning stages. One suggestion was that it be held in a retreat setting, possibly in another area of the state. President Sharratt will determine costs and other details between now and the time of the next meeting. Trustees determined that the Association of Governing Boards program on trusteeship would be held in lieu of a symposium this year, and that Trustee symposiums be scheduled when needed or every two years.

Changes in Registration Process

Provost Albert Karnig explained proposed registration process changes to the Trustees. A committee was formed last fall to formulate recommendations to facilitate registration, and their report was given to the President and Provost this week. Dr. Karnig indicated that approval of the proposals would result in three different kinds of registration: touch-tone, student terminal access on campus, and in-person registration. The changes requiring Trustee approval were:

1. Students would be required to make a payment of 30 percent of full-time tuition and fees (or the balance if less than the 30 percent figures) four weeks prior to the start of the semester. Academic units will then know how many students are coming to what classes. Classes can then be closed if there is not a large enough enrollment, and additional sections can be opened for those with large enrollments.

2. Allow students to make completed payments as long as four weeks after the first day of classes, which is at the end of the drop/add period. The current policy of short-term, emergency loans will be continued. A declaration system may be instituted for special cases.

Changes would be instituted by fall, 1992. It was moved by Trustee Dray and seconded by Trustee Bussart that the proposed registration changes be approved. The motion carried.

DRAFT - 1/24/91

THE UNIVERSITY OF WYOMING
Laramie, Wyoming
THE UNIVERSITY OF WYOMING
Laramie, Wyoming

UNIREG 408
_____, 1991

UNIVERSITY REGULATION 408

Initiating Authority: Provost and Vice President for Academic and Student Affairs

Subject: Guidelines for Establishing Academic Professionals

- References:
- (a) Regulations of the Trustees, Chapter IV and University Regulation 1, Revision 2
 - (b) Proposal to establish Academic Professionals Classification as circulated by the Provost on November 9, 1990
 - (c) Faculty Senate Resolution ____ (date)
 - (d) Action of the Trustees (date)

1. Purpose. To provide guidelines to establish the Academic Professionals Classification as described and circulated in reference (b) and approved in references (c) and (d).
2. General Information. Enclosure sets forth the basic guidelines to be used in establishing the Academic Professionals Classification.
3. Directive. In accordance with reference (a), this regulation shall be effective upon approval by the President of the University.

Approved:

Terry P. Roark
President

THE UNIVERSITY OF WYOMING
Laramie, Wyoming

UNIREG 174
Revision 5
January 4, 1989

UNIVERSITY REGULATION 174, Revision 5
Initiating Authority: President and Vice President for Finance

Subject: Regulations Governing Staff Employees

Reference: Adopted by the Trustees, October 21, 1988

Enclosures: (a) Appendix A, Policy and Procedure - Staff Discipline
(b) Appendix B, Policy and Procedure - Dispute Resolution
(c) Appendix C, Policy and Procedure - Disciplinary or Termination Appeals

1. Purpose. To establish basic regulations governing staff employees. The Director of Personnel Services is responsible for administering this regulation. This regulation supersedes University Regulation 174, Revision 4, on January 1, 1989.

2. Employment Policy. The policy of the University of Wyoming provides for equitable treatment and equal employment opportunity to all qualified applicants and employees without regard to sex, race, color, age, religion, national origin, political belief, veteran status or handicap. This policy applies to all conditions, terms, and privileges of employment. It shall also be the policy of the University to take affirmative action in recruiting, hiring, and promoting women, minorities, and other persons from protected classes.

3. Directive. All staff employees shall comply with this Regulation. Student employees are excluded from the application or benefits of this Regulation. Provisions of this Regulation are subject to change by action of the Trustees of the University. The President of the University shall authorize a Staff Handbook, for distribution to each affected employee, to administer this Regulation.

4. Staff Designation. Employees of the University appointed to staff positions are designated as professional or general staff employees. Professional staff designation requires either a job related baccalaureate degree, appropriate credential, or experience of such kind and amount as to provide a comparable background. All other staff employees are general staff.

5. Appointment Status. Each appointment to a staff position may be on a continuing, temporary or limited temporary basis. Notice of the employment

basis, anniversary date, benefit eligibility, staff designation, probationary period, position title and starting salary will be given to employees appointed on a continuing or temporary basis via an official appointment letter from the Director of Personnel Services. Persons appointed to limited temporary positions shall be notified of rate of pay, hours of work and length of appointment prior to commencing work. The anniversary date for a staff employee is the date of his or her initial appointment to a continuing or temporary staff position without a break in service of ninety (90) calendar days or more. Starting salary for staff employees is based upon the position's classification, grade, and any other mutually agreed upon considerations.

6. Duties. Each staff employee is expected to perform the general duties and responsibilities as attached to the letter of appointment. A staff employee may be required to perform additional assignments for limited periods of time. Employees are expected to discharge their responsibility in a conscientious manner, complying with University regulations, departmental procedures and supervisor's directives in achieving the objectives of their administrative subunit.

7. Classification. All staff positions are classified and assigned salary grades to reflect the nature of the work performed and the function of the position. University employees may not be assigned additional permanent duties and responsibilities beyond their classification without administrative approval. Positions may be reclassified only by the Division of Personnel Services. Staff position classification decisions may be appealed through an approved classification appeal process when filed within five (5) working days of the receipt of the decision.

8. Work Week and Overtime. Staff employees will normally work a 40-hour five-day week, Monday through Friday. Variations may occur due to work requirements. For University employment purposes, the standard work week is 12:01 a.m. on Sunday through 12:00 p.m. (midnight) the following Saturday night. Part-time work schedules for part-time employees, and farm worker schedules may be authorized by appointing authorities. General Staff employees, except farm workers, are eligible for overtime compensation pursuant to the Fair Labor Standards Act and when authorized by an appointing authority. Professional Staff employees are not eligible for overtime compensation.

9. Benefits. Staff on a continuing or temporary basis and working at least half-time (twenty (20) hours per week for six months or more) are entitled to the appropriate proration of all benefits of staff employment except as limited by the terms of their employment; staff of less than twenty (20) hours per week (limited temporary status) have limited benefits specifically provided. Benefits of University employment are described in the Staff Handbook.

10. Leave. Staff on a continuing or temporary status are entitled to vacation and sick leave unless otherwise stated in their official letter of appointment. In specified instances such as jury or legal duty, voting, work related functions and certain military leave and short-term emergencies these staff may be granted leave with pay. Leave without pay may also be granted to employees. All staff other than those on a limited temporary basis receive leave for official University holidays. Details for staff leave are described in the Staff Handbook.

11. Probationary Appointments. Commencing with initial employment, all staff on a continuing or temporary basis are required to serve a probationary period of one (1) year. Staff who are promoted, transferred, reassigned, or reappointed (after a break in University service of ninety (90) calendar days or more) may be required to serve another evaluation period. Notice of the probation shall be given in writing to the employee by the appointing authority. During probation staff shall be evaluated and given feedback on their performance. Staff shall have the opportunity to meet with the supervisor and/or appointing authority to discuss the evaluation. Staff may place objections or comments concerning the evaluation in their personnel file. Staff employees seeking promotions who are unsuccessful in meeting conditions of their probation will be reinstated in their former position if it is open or they will be given priority consideration for rehiring as new positions for which they are qualified become available. New staff on initial probation and reappointment staff on probation may be terminated when such action is deemed to be in the best interest of the University. Any probationary period may be extended or reduced for a period of up to six (6) months when the cognizant vice president determines that such would be in the best interest of the University.
12. Involuntary Reassignment. In unusual circumstances such as for disciplinary action, redistribution of a unit's workload or assignments, reduction in force, poor employee performance, or in the best interest of the University an employee may be involuntarily reassigned.
13. Performance Planning. During the months of October or November each year, supervisors will meet with each employee to establish goals and objectives for job performance, discuss strengths and weaknesses, and identify training needs, and potential for promotion. Supervisors shall use accomplishments resulting from this annual meeting as a significant element in salary adjustment recommendations for their employees. Supervisors shall be evaluated by their administrative superiors, in part, on their attentiveness to this requirement.
14. Promotions and Transfers. The University actively encourages Staff members to seek promotion and career advancement in order to retain Staff whose valuable experiences can further its mission and goals. Staff members seeking promotion or transfer shall be given consideration over other persons not already employed by the University, to the extent such promotions or transfers conform to the University's Affirmative Action Plan.
15. Work Performance. When a Staff employee's performance is first recognized as less-than-satisfactory and is not resolved through informal discussion, the supervisor must prepare a written performance appraisal and establish a performance improvement plan to be evaluated on a regular basis for up to ninety (90) days until the employee's performance improves or he or she is dismissed.
16. Discipline. The University adheres to the principle of corrective action through progressive discipline for cause. Normal progressive disciplinary action will be oral warning, written reprimand or probation, suspension, and termination of employment but may vary with the seriousness of the problem or the accumulation of offenses. Cause is defined as those

actions, omissions or behaviors which are detrimental to the operations of the University or impair University missions, purposes and objectives as an institution of higher education. Cause for immediate termination may include but is not limited to refusal or inability to perform assigned duties, misconduct, and insubordination. Disciplinary procedures shall be established by the Trustees.

17. Dispute Resolution. The University recognizes the right of staff employees to express differences of opinion and to seek fair and timely resolution on a non-adversarial basis of any dispute for which an exclusive internal procedure for redress is not otherwise provided. A dispute is defined as a dissatisfaction which occurs when an employee considers that any condition of employment is unjust, inequitable, or a hinderance to effective operations. Every effort shall first be made to resolve any dispute as quickly as possible on an informal basis. Disputes which are not resolved informally on a timely basis shall be submitted to mediation in accordance with dispute resolution procedures established by the Trustees.

18. Termination. All staff may be separated from service for cause. Staff with limited temporary appointments may be terminated during their employment at the discretion of the appointing authority with appropriate notice. Terminations of employment of Staff employees with continuing appointments may be appealed pursuant to hearing procedures established by the Trustees.

19. Retrenchment. All staff may be separated from service when positions are discontinued because of insufficient funding, lack of work, program changes, or mandated changes in the structure of departments, divisions, or other University administrative units. Employees being retrenched shall be given as much advanced notice as possible.

20. Emergency Closures. In extreme emergency conditions the President of the University or a designee shall determine which functions of the University, if any, shall be suspended. Positions or persons determined to be "essential" shall be required to report to work. No other employees may report to work. General staff employees required to report to work shall be compensated at a rate of time and one half. All other employees shall be compensated at their normal rate of pay with no deductions in accrued leave. If an employee's work functions are temporarily suspended after the employee has reported for work, and no alternative assignments are available, the employee shall receive his/her regular pay for the period of the temporary suspension.

21. Retirement. Staff retirements are subject to provisions of the Wyoming Retirement System and Trustee regulations. A Staff employee planning to retire shall notify the appointing authority in writing as soon as possible prior to the anticipated retirement date and shall consult with the Office of Personnel Services to be informed of benefits and obligations.

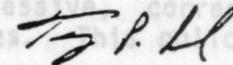
22. Employment Record. Each staff employee shall have an employment record in the form of a personnel file in the Division of Personnel Services. All staff employees may review their own personnel file except as restricted by law; and may insert in their personnel file written responses, comments or objections of reasonable length to any material in their file.

Subject: Policy and Procedure - Staff Discipline

Reference: Policy adopted by the Trustees, October 21, 1988

APPROVED: January 6, 1989

Purpose. To establish a procedure for progressive disciplinary alternatives, and appeal for staff employees effective January 1, 1989.



Terry P. Roark
President

General. Disciplinary actions shall only be instituted for just cause.

Cause. All employees are responsible for carrying out their responsibilities honestly, in good faith, and with a reasonable amount of diligent care. Cause is defined as those actions, omissions or behaviors of staff employees which are detrimental to the operations of the University or which impair University missions, purposes, and objectives as an institution of higher education. Disciplinary action, including reprimand, suspension, demotion, and termination of employment, may be applied to employees for violation of University rules and regulations, and/or for work related offenses which include but are not limited to dishonesty, drunkenness, absenteeism, damage to state property, unauthorized use of University property, refusal to work, sexual harassment, carelessness, assault, insubordination, discourteous treatment of other employees or the public, and neglect of duty. Cause for immediate termination may include but is not limited to refusal or inability to perform duties, misconduct, and insubordination.

Penalties. The penalties which may be imposed in disciplinary actions shall be reasonable, timely, related in severity to the seriousness of the offense, and designed to correct the behavior or problem.

a. The University believes in the principle of corrective action and follows the policy of progressive disciplinary action for offenses such as unexcused absences or tardiness, loafing or wasting time, etc. A written reprimand will normally precede action to suspend or terminate the employment of a staff member for such offenses. The normal progressive disciplinary action will be an oral warning, written reprimand or probation, suspension, and termination of employment.

b. A written reprimand will not be used against an individual in decisions affecting promotion, suspension, or termination after twelve (12) months from the effective date of the reprimand, providing there has been no intervening reprimand or disciplinary action during the twelve (12) months. A written reprimand will therefore be noted as cancelled in an individual's personnel records after the 12-month period free of reprimand or disciplinary action has elapsed.

APPENDIX A TO UNIREG 174, REVISION 5 (January 1, 1989)

Initiating Authority: Trustees of the University

Subject: Policy and Procedure - Staff Discipline

Reference: Policy adopted by the Trustees, October 21, 1988

1. Purpose. To establish a procedure for progressive, corrective discipline, alternatives, and appeal for staff employees. This policy is effective January 1, 1989.

2. General. Disciplinary actions shall only be instituted for just cause.

3. Cause. All employees are responsible for carrying out their responsibilities honestly, in good faith, and with a reasonable amount of diligent care. Cause is defined as those actions, omissions or behaviors of staff employees which are detrimental to the operations of the University or which impair University missions, purposes, and objectives as an institution of higher education. Disciplinary action, including reprimand, suspension, demotion, and termination of employment, may be applied to employees for violation of University rules and regulations, and/or for work related offenses which include but are not limited to dishonesty, drunkenness, absenteeism, damage to state property, unauthorized use of University property, refusal to work, sexual harassment, carelessness, assault, insubordination, discourteous treatment of other employees or the public, and neglect of duty. Cause for immediate termination may include but is not limited to refusal or inability to perform duties, misconduct, and insubordination.

4. Penalties. The penalties which may be imposed in disciplinary actions shall be reasonable, timely, related in severity to the seriousness of the offense, and designed to correct the behavior or problem.

a. The University believes in the principle of corrective action and follows the policy of progressive disciplinary action for offenses such as unexcused absences or tardiness, loafing or wasting time, etc. A written reprimand will normally precede action to suspend or terminate the employment of a staff member for such offenses. The normal progressive disciplinary action will be an oral warning, written reprimand or probation, suspension, and termination of employment.

b. A written reprimand will not be used against an individual in decisions affecting promotion, suspension, or termination after twelve (12) months from the effective date of the reprimand, providing there has been no intervening reprimand or disciplinary action during the twelve (12) months. A written reprimand will therefore be noted as cancelled in an individual's personnel records after the 12-month period free of reprimand or disciplinary action has elapsed.

- c. When it is necessary to suspend or terminate the employment of a staff member, such action will be taken within a maximum of ten (10) work days following discovery of the last alleged infraction which led to the suspension or termination, unless considerable investigation is required for protection of the individual or the University, and notice is provided to the employee of the investigation.
- d. Recommendations for the termination of a staff member's employment should be discussed with the Director of Personnel Services or designee prior to initiating such action, wherever possible. An appointing authority may, however, immediately suspend an employee when the health or welfare of employees, students, or patients require such action, when an employee's conduct or performance demands immediate action, or when University property is endangered.
5. Disciplinary Procedure.
- a. Informal Resolution. The appointing authority must authorize any disciplinary action other than oral warnings. Before disciplinary action is imposed, the manager (as well as other supervisory personnel deemed appropriate by the appointing authority) shall meet with the affected employee to discuss the problem(s), with written notification of such meeting to the Director of Personnel Services.
- b. Notice. The appointing authority, after consultation with the Director of Personnel Services, shall inform the employee in writing of the disciplinary action imposed and the reason within five (5) working days of the informal meeting. If an interim suspension is to be imposed, this shall also be included. This notification shall be given to the employee personally by the manager or sent to the employee by certified mail.
- c. Employee Response. An employee shall have the right to respond in writing within five (5) work days from receipt of notice. The employee also has the right within the same five (5) days to schedule a meeting with the appointing authority to discuss the imposed discipline. On the basis of the employee's response and the meeting, the appointing authority may decide on any changes in the disciplinary action. A final written disciplinary decision shall be given the affected employee personally by the appointing authority or by certified mail within five (5) work days after the meeting.
- d. Appeals. A final written disciplinary decision may be contested by the employee through the dispute resolution process by filing with the Employment Practices Officer no later than five (5) working days from receipt of the decision for actions other than termination of employment. Appeal of all terminations of employment shall be brought pursuant to the University's Termination Hearing Procedure. An employee may elect to appeal a suspension or demotion involving loss of compensation pursuant to either the University's Termination Hearing Procedures or the

University's Dispute Resolution Procedure. Termination of employment of staff employees on new employee probation are not subject to appeal, nor is the termination of any staff employee with limited temporary appointment.

6. Resignation. At any time during the disciplinary process an affected staff employee may offer to resign, and if such offer is accepted by the appointing authority, the employee's official reason for termination shall be recorded as a resignation.

7. Notice of End of Discipline. The appointing authority shall notify the employee, in writing, upon successful completion of disciplinary action relating to probation, suspension or involuntary reassignment, with a copy to the Director of Personnel Services.

8. Disposition of the Disciplinary Record. The record of disciplinary proceedings shall be confidential, and the Director of Personnel Services shall be the custodian thereof.

9. Alternatives to Disciplinary Action

(1) Programs. In lieu of a disciplinary action, an employee may be offered, as a condition of employment, the option to enter certain structured rehabilitative treatment programs and/or medical/psychiatric care programs for specified durations.

(2) Mental and Physical Incapacity. In lieu of a disciplinary action, an employee may be required to undergo a medical examination arranged by the University at University expense to determine the employee's ability to continue his/her employment. If the employee is not capable, the employee may be transferred, placed on leave without pay or separated from service.

a. Dispute: A dissatisfaction which occurs when an employee considers that any condition of employment is unjust, inequitable, or a hindrance to effective operations.

EXCLUSIONS: Civil rights complaints properly addressed under the process provided in University Regulation 4; appeals of position classifications or performance appraisals, terminations of limited temporary employees in non-benefited positions and terminations of staff employees serving their initial probationary period; dismissals; and, unless specifically requested by the employee, suspensions or demotions involving loss of compensation.

b. Staff Employee: A professional or general staff employee of the University appointed to and serving in a position pursuant to the Regulations of the Trustees of the University of Wyoming and specifically excluding post doctoral fellows, graduate assistants and student employees.

APPENDIX B TO UNIREG 174, REVISION 5 (January 1, 1989)

Initiating Authority: Trustees of the University

Subject: Policy and Procedure - Dispute Resolution

References: (a) University Regulation 37 (Staff Grievance Procedure)

(b) Regulations of the Trustees, Chapters IV and VI

1. Directive. This policy, which was adopted by the Trustees on October 21, 1988, replaces University Regulation 37 on January 1, 1989.

2. Purpose. The University recognizes the right of staff employees to express differences of opinion and to seek fair and timely resolutions of employment disputes. The University encourages open communication and will not tolerate reprisals, harassment or discrimination against any employee because of participation in this dispute resolution process. This regulation establishes the exclusive internal process to provide University Staff employees a prompt and efficient review and resolution of disputes.

3. Supervisory Responsibility. All levels of University supervisory personnel, to the best of their ability, shall inform, listen to, and counsel with employees on all relevant matters and make their best efforts to contribute to informal resolution of any dispute.

4. Definitions

a. Dispute: A dissatisfaction which occurs when an employee considers that any condition of employment is unjust, inequitable, or a hindrance to effective operations.

EXCLUSIONS: Civil rights complaints properly addressed under the process provided in University Regulation 4; appeals of position classifications or performance appraisals, terminations of limited temporary employees in non-benefited positions and terminations of staff employees serving their initial probationary period; dismissals; and, unless specifically requested by the employee, suspensions or demotions involving loss of compensation.

b. Staff Employee: A professional or general staff employee of the University appointed to and serving in a position pursuant to the Regulations of the Trustees of the University of Wyoming and specifically excluding post doctoral fellows, graduate assistants and student employees.

c. Official Records: Only the written dispute submission, supporting documents submitted to the arbitrator, and the arbitrator's report, shall be considered the official records of any dispute.

5. Employment Practices Officer. The Employment Practices Officer shall administer this dispute resolution process and shall be available to all parties to facilitate informal resolutions.

6. Time Limits. All prescribed time limits shall be adhered to by the parties. Time limits may be extended by the arbitrator in the interest of arriving at a prompt resolution. All parties shall be immediately notified of any change in time limits.

7. Procedure

a. Step One -- Consultation with individual(s) involved

The disputing staff employee should first attempt to resolve any dispute informally within ten (10) days of its occurrence with appropriate supervisory personnel.

b. Step Two -- Involvement of the Employment Practices Officer

Any University employee with a problem may consult with the Employment Practices Officer. The Employment Practices Officer shall be available to assist all parties to resolve a dispute at any point in the process prior to submission for formal resolution. All employees, including supervisory personnel, shall participate in any meeting called by the Employment Practices Officer for the purpose of effecting informal resolution of a dispute.

If the matter cannot be resolved in a face-to-face meeting between the individuals involved, the specific issue, including the personal difficulty created, shall be submitted in writing by the disputing staff employee to the Employment Practices Officer as a formal dispute. The two parties shall have up to ten (10) work days from the date of submission of a dispute to resolve it prior to submission of the dispute for formal resolution.

c. Step Three -- Formal Resolution

The University shall engage the services of an arbitrator assigned to each dispute through an established agency providing labor/management conflict resolution services. An arbitrator shall be assigned immediately upon submission of a dispute, and shall promptly schedule a hearing based upon the availability and caseload of the arbitrator.

The arbitrator shall conduct fact-finding as needed and, within twenty (20) work days, recommend an equitable resolution of the dispute which shall be final and binding upon both parties, shall be acknowledged in writing by the parties, and shall not be subject to further internal appeal. In formulating a resolution to the dispute, the arbitrator shall submit a report summarizing

the facts of the matter and the reasons for the determination. Copies shall be made available to the parties, the appropriate appointing authority, the Director of Personnel Services and the President of the University or the President's designee. All resolutions must conform with University rules and regulations and with applicable statutes.

8. Implementation. Administrative action shall be taken to implement resolutions within ten (10) work days following final submission by an arbitrator.

9. Disposition of the Dispute Records. The Employment Practices Officer shall be the custodian of the official records of all dispute resolution proceedings. The official records of a dispute resolution shall not be released to the public except as required by law.

Consisting of suspension, demotion involving loss of compensation or termination of employment, a continuing employee may file a petition for review with the Employment Practices Officer. The petition shall include a brief statement of the events giving rise to the discipline or termination of employment and the relief sought. Disciplinary actions consisting of suspension, or demotion involving loss of compensation may be appealed through the University's Dispute Resolution Process at the request of the employee. Copies of the petition shall be sent to the appointing authority, Personnel Services and the University Attorney. If an employee does not petition for review within the time prescribed, there shall be no other or further right to appeal, and the discipline or termination of employment shall stand.

(b) Within ten (10) days of receipt of the petition, the hiring department shall file a written response with the Employment Practices Officer. The response shall include a brief statement of the cause(s) for the discipline or termination of employment. Copies of the response shall be sent to the employee. If the hiring department does not respond within the time prescribed, the action shall be rescinded.

(c) Within three (3) days of receipt of the appointing authority's response, the Employment Practices Officer shall submit the appeal to a Hearing Officer with notice to the parties. The Hearing Officer shall be appointed from an approved list of Hearing Officers subscribed to by the University. The University shall provide stenographic services. Any legal costs incurred by the employee for the hearing shall be borne by the employee. The Hearing Officer shall conduct all aspects of the appeal and hearing, and shall receive and rule on all pleadings and motions.

(d) Hearing Officer's Authority

(i) The purpose of the hearing is to determine whether there exists good cause for the discipline or termination of employment. The Hearing Officer shall decide, based upon all of the evidence produced at the hearing and upon no other basis, whether the allegations made in support of the action are true and, if true, whether they fairly and reasonably constitute grounds for the action taken under the Rules and Regulations of the University.

(ii) The Hearing Officer shall affirm or reverse the decision of discipline.

APPENDIX C TO UNIREG 174, REVISION 5 (January 1, 1989)

Initiating Authority: Trustees of the University

Subject: Policy and Procedure - Disciplinary or Termination Appeals

1. Directive. The following policy and procedure for disciplinary or termination appeals which was adopted by the Trustees on October 21, 1988, is effective January 1, 1989.

(a) Within ten (10) work days of receipt of a notice of discipline consisting of suspension, demotion involving loss of compensation or termination of employment, a continuing employee may file a petition for review with the Employment Practices Officer. The petition shall include a brief statement of the events giving rise to the discipline or termination of employment and the relief sought. Disciplinary actions consisting of suspension, or demotion involving loss of compensation may be appealed through the University's Dispute Resolution Process at the request of the employee. Copies of the petition shall be sent to the appointing authority, Personnel Services and the University Attorney. If an employee does not petition for review within the time prescribed, there shall be no other or further right to appeal, and the discipline or termination of employment shall stand.

(b) Within ten (10) days of receipt of the petition, the hiring department shall file a written response with the Employment Practices Officer. The response shall include a brief statement of the cause(s) for the discipline or termination of employment. Copies of the response shall be sent to the employee. If the hiring department does not respond within the time prescribed, the action shall be rescinded.

(c) Within three (3) days of receipt of the appointing authority's response, the Employment Practices Officer shall submit the appeal to a Hearing Officer with notice to the parties. The Hearing Officer shall be appointed from an approved list of Hearing Officers subscribed to by the University. The University shall provide stenographic services. Any legal costs incurred by the employee for the hearing shall be borne by the employee. The Hearing Officer shall conduct all aspects of the appeal and hearing, and shall receive and rule on all pleadings and motions.

(d) Hearing Officer's Authority

(i) The purpose of the hearing is to determine whether there exists good cause for the discipline or termination of employment. The Hearing Officer shall decide, based upon all of the evidence produced at the hearing and upon no other basis, whether the allegations made in support of the action are true and, if true, whether they fairly and reasonably constitute grounds for the action taken under the Rules and Regulations of the University.

(ii) The Hearing Officer shall affirm or reverse the decision of discipline.

(e) Hearing

(i) Within twenty (20) days of the appointment of the Hearing Officer, the Hearing Officer must open a hearing or render a decision, without a hearing, based solely on the written record. Any disposition made without a hearing shall be in accordance with Rule 56 of the Wyoming Rules of Civil Procedure.

(A) If the issues raised by either or both parties are such that further proceedings are unnecessary, the Hearing Officer shall submit a written decision to the University's Vice President for Finance with copies to both parties.

(B) If the issues raised by either or both parties are such that further proceedings are necessary, the Hearing Officer shall initiate a hearing.

(ii) General Provisions for a Hearing

(A) A hearing shall be conducted in accordance with applicable provisions of the Wyoming Administrative Procedure Act and the Wyoming Rules of Civil Procedure.

(B) The Hearing Officer shall establish a file and docket the case. A case file shall be made up of all documents, evidence, transcripts and exhibits pertaining to the case.

(C) If a party does not appear at the hearing, the Hearing Officer may base a decision on a consideration of the documents filed and on the presentation of the case by the party present.

(D) All University employees called upon by the Hearing Officer to testify shall be excused from their duties while participating in the hearing and shall suffer no reprisals for their participation in a hearing.

(E) The expense of the hearing shall be borne by the University.

(iii) The hearing shall be opened by the Hearing Officer with an announcement of the docket number and the title of the matter and case to be heard. Motions and any other preliminary matters shall be heard and decided by the Hearing Officer.

(iv) Opening statements may be made and each of the parties may offer rebuttal evidence within the discretion of and by order of the Hearing Officer.

(v) Presentation of evidence and witnesses shall proceed with the University first and then the employee. Witnesses may be cross-examined. Exhibits offered by the University shall be in consecutive numerical order, prefixed by the letter "A". Evidence offered by the employee shall be in consecutive numerical order, prefixed by the letter "B".

(vi) At the conclusion of the hearing, closing statements may be made by the parties and/or designated representatives. The time for oral arguments may be limited by the Hearing Officer.

(vii) After the hearing is concluded, the Hearing Officer will dismiss and excuse all witnesses and declare the hearing closed. Either party may submit written briefs to the Hearing Officer within five (5) days of the adjournment of the hearing.

(viii) Within fifteen (15) days of adjournment of the hearing, the Hearing Officer shall file with the University's Vice President for Finance a written decision and order containing Findings of Fact, Conclusions of Law, and a decision.

UNIVERSITY REGULATION 37 DELETED JANUARY 1, 1989 AND REPLACED
BY APPENDIX B OF UNIVERSITY REGULATION 174. FOR DISPUTE
RESOLUTION POLICY SEE APPENDIX B OF 174.

Faculty Grievance Appeal

The Trustees of the University of Wyoming received for review a faculty grievance appeal from Dr. Richard F. Deckro.

During the Committee of the Whole meeting of February 15, 1991, Trustees discussed the possibility of reviewing the matter in executive session. Trustee Bonner moved that the item be tabled, Trustee Hammons seconded the motion, and it carried.

Trustee Brian Miracle made a motion in the business meeting that, since the Board felt that they did not have enough information to act on the appeal by Dr. Richard Deckro, the appeal be taken under advisement until further information was received. Trustee Bussart seconded the motion and it carried. Trustee President Sharratt will communicate directly with Dr. Deckro.

ADJOURNMENT AND DATE OF NEXT MEETING

The business meeting adjourned at 12:10 p.m. Trustees then met in executive session to discuss litigation and personnel matters. The next meeting of the Trustees is scheduled for April 5-6, 1991.

Respectfully Submitted,

Electronic signature not available.

Donna J. Mecham
Deputy Secretary