

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

**July 16, 1994**

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

# THE UNIVERSITY OF WYOMING

## Minutes of the Trustees

July 16, 1994

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**THE UNIVERSITY OF WYOMING**  
**Minutes of the Trustees**  
**July 16, 1994**

The Board of Trustees of the University of Wyoming held a regular meeting on Saturday, July 16, 1994 in the Old Main Board Room. Trustees visited the Botany Conservatory/Herbarium and held committee meetings and executive sessions to discuss personnel and litigation matters on Friday, July 15. President John D. "Dave" Bonner called the meeting to order at 9:05 a.m.

**ROLL CALL**

President Bonner asked Trustee

Secretary Saunders to call roll. Those present were: John D. "Dave" Bonner, F. Richard Brown, Deborah Healy Hammons, Harry Lee Harris, Peter M. Jorgensen, Forrest "Frosty" Kepler, Daniel L. Kinnaman, Geraldine "Jeri" Kirk, Walter G. "Jerry" Saunders, and David W. "Bud" Updike, as well as ex-officio members Terry P. Roark and Matthew Ward. Trustee W. Perry Dray and ex-officio members Diana Ohman and Mike Sullivan were unable to attend.

**PRESIDENT'S REPORT**

Prior to committee meetings on Friday,

UW President Terry Roark gave the following report:

- Three University of Wyoming colleges recently received national attention for being among the best in America. The Princeton Review guide to business schools lists the UW College of Business in the top 70 schools. UW is one of only seven institutions selected



to participate in a national program of the National Education Association. According to the National Jurist, the UW College of Law is 14th in America in terms of student satisfaction.

- A new policy will make it easier for Wyoming community college students to transfer to the UW College of Business. Under the new procedure, students who take approved courses from the community colleges that are taught at the junior and senior levels at UW will receive upper division credit at UW when they transfer, provided they earn a "C" or better in the course.

- William J. Gribb, associate professor of geography, is the recipient of a J. William Fulbright Lecturer/Research Scholar Award. He will lecture and conduct research at the University of Zimbabwe from January to November, 1995. Dr. Gabor Vali, professor of atmospheric science, has also received a Fulbright Lecturer/Research Scholar Award. Dr. Vali will be lecturing at two institutions in Hungary.

- By mid-August, residents of Sweetwater County and adjacent communities will be able to listen to UW's KUWR-FM radio broadcasts.

- An analysis of our utility costs shows that we are running well behind comparator institutions both in terms of expenditures and use. Our low costs and use are attributable to relatively inexpensive energy in the area, to a modern power plant, to good building construction, and to energy conservation efforts.

- Formal dedication of the new botany conservatory has been scheduled for 4:00 p.m. Friday, Sept. 16. The conservatory will be named in honor of the late Louis O. Williams and his widow, Terua.

- The number of high school students failing to score at the minimum level on the math placement exam was down this year. Twenty-nine percent of the 1994 high school seniors placed below the minimum level necessary to enroll in a credit math course at UW. This is a slight drop from 31 percent in 1993.

- Peggy Falgien, UW bookstore manager, has been nominated to the board of trustees of the National Association of College Stores.

- Ken Griffin, associate provost for academic affairs, recently received the Outstanding Service Award presented by the Air Force ROTC. The award recognizes extraordinary commitment to UW students and the ROTC program.

Following the report, Trustee Updike asked how many students had taken the math placement exam this year. That information will be forwarded to Trustee Updike.

President Roark also introduced Dr. William Gern, who, upon Trustee approval at this meeting, will serve as Interim Vice President for Research. Dr. Gern has had a distinguished career, and is currently held of the Department of Zoology and Physiology.

**APPROVAL OF MAY 6, 1994 MINUTES** It was moved by Trustee Hammons,  
seconded by Trustee Jorgensen and carried  
that the May 6, 1994 minutes of the Trustees be approved.

## **REPORTS AND RECOMMENDATIONS OF COMMITTEES**

**ACADEMIC AND STUDENT AFFAIRS COMMITTEE** President Bonner asked for a  
report from the Academic  
and Student Affairs committee meeting of July 15, 1994. Committee members Jorgensen,  
Kinnaman, Hammons, and Updike attended the meeting. Trustee Dray was absent.  
Chairperson Jorgensen reported that Provost Karnig gave a report to the committee on the  
process UW uses to evaluate faculty. Provost Karnig presented faculty evaluation materials  
to each Trustee, which included a sample faculty recruitment authorization form, affirmative  
action and offer letter guidelines, reappointment, tenure and promotion schedules and  
procedures, Trustee regulations related to faculty status, as well as other information relating  
to faculty workload and college requirements.

Provost Karnig explained the process in detail, from recruitment to hiring, through  
the review process. Once a faculty person accepts a position and title, job description, and  
dollar amount, final approval is requested from Trustees. A six-year review process then  
begins for tenure-track faculty. Every tenure-track faculty member will be reviewed in their  
first, second, fourth, and sixth year, and in the third and fifth years if necessary. If a faculty

member is denied tenure in the sixth year or earlier, he/she is given a year's terminal employment.

The Center for Teaching Excellence hosts seminars for faculty in general, and will consult with those who are having difficulty or who want to improve their teaching.

During the committee meeting, Trustee Ward questioned how advising is evaluated. Provost Karnig indicated that it was probably the weakest link in the process.

Trustee Updike asked about the process students should follow if they are not able to contact their advisors. Provost Karnig indicated that if students have a problem locating their advisor, they should contact the department head. Associate Provost Powell added that for the last three years, students have been given that information during freshmen seminars. Provost Karnig said that quality advising is an important UW goal. He asked for additional feedback on advising. Trustee Hammons suggested investigating whether it might be appropriate to add advising as part of a UniReg.

Provost Karnig also showed Trustees three looseleaf folders which had been put together for one candidate. Included in the folders was information on referred publications, funded and non-funded grants, details on department, college and university level evaluations, and other materials involved in assessments.

Trustee Jorgensen thanked Provost Karnig for the report, saying it would provide valuable background reading for the Trustees.

**BUDGET COMMITTEE**

President Bonner called on Trustee Harris for a report from the Budget Committee meeting held on July 15. Committee members Hammons, Harris, and Jorgensen, and ex-officio members Bonner and Roark attended the committee meeting, along with other Trustees and University staff. Committee members Brown and Dray were absent. Based on the committee meeting, the following recommendations and reports were presented to the full Board.

**Approval of Contracts and Grants, Gifts and Scholarships**

Based on a recommendation from the Budget Committee, it was moved by Mr. Harris, seconded by Mrs. Hammons, and carried, that the Trustees of the University of Wyoming accept contracts and grants in the amount of \$5,065,346 for the period April 13, 1994, through June 30, 1994, and gifts and scholarships in the amount of \$182,960.57 for the period April 1, 1994, through June 15, 1994. President Roark noted that although it had been a difficult year in federal funding available for grants, UW had set a record for the eighth consecutive year, realizing \$1 million over last year's record.

**Insurance Broker Annual Report**

The annual report for the period ended March 31, 1994, prepared by Arthur J. Gallagher & Company, insurance broker, was presented to the Budget Committee for information only. Vice President Baccari and Bruce Hooper, Director of Risk Management, responded to Trustees' questions.

**Internal Audit Activity Conducted in Accordance with the Audit Plan for the Period April 1, 1994 to June 30, 1994**

A report prepared by Mr. Van Jacobson, on the internal audit activity for the period April 1, 1994, through June 30, 1994, conducted in accordance with the audit plan, was presented to the Budget Committee. Mr. Jacobson responded to Trustees' questions, including giving an explanation about tuition waivers for the teacher education program.

Trustee Updike asked for an accounting of KUWR operating costs.

**PERSONNEL COMMITTEE**

President Bonner asked Chairperson Kirk

for a report from the Personnel Committee meeting held on Friday, July 15. Committee members Kirk, Harris, and Kinnaman attended the meeting, along with other Trustees and University personnel, and committee member Dray was absent. Based on committee recommendations, it was moved by Trustee Kirk, seconded by Trustee Harris, and carried that the following items be approved as indicated:

**Faculty Appointments**

**COLLEGE OF ARTS AND SCIENCES**

- b. Michael R. Brown as assistant professor of communication and mass media, effective August 25, 1994, at an annual (9-month) salary of \$33,000. This is a tenure-track appointment contingent upon satisfactory completion of all the requirements for the Ph.D.

- b. William Mark Streib as assistant professor of theatre and dance, effective August 25, 1994, at an annual (9-month) salary of \$17,004. This appointment is a half-time, tenure-track position.
- c. Lou Anne Wright as assistant professor of theatre and dance, effective August 25, 1994, at an annual (9-month) salary of \$17,004. This appointment is a half-time, tenure-track position.
- d. Suzanne Yoakum as assistant professor of physics and astronomy, effective September 1, 1994, at an annual (9-month) salary of \$42,012. This appointment is a tenure-track position.

#### COLLEGE OF BUSINESS

- e. John D. Mittelstaedt as visiting instructor effective August 25, 1994, at an annual (9-month) salary of \$51,000. This appointment is not a tenure-track position.

#### UNIVERSITY LIBRARIES

- f. Dennis Guion as senior assistant librarian, effective June 15, 1994, at a fiscal year (11-month) salary of \$35,004. This position is on an extended term appointment track.

### Academic Professional Appointments

#### COLLEGE OF AGRICULTURE

- a. Marie Elaine Elkin as university extension educator, effective April 25, 1994, at a fiscal (11-month) salary of \$39,000. This appointment is eligible for extended term appointment.

#### COLLEGE OF ARTS AND SCIENCES

- b. Joseph Krafczik as assistant lecturer of modern and classical languages, effective September 1, 1994, at an annual (9-month) salary of \$23,016. This appointment is eligible for extended term appointment.
- c. Diane Travers-Matthews as assistant lecturer of modern and classical languages, effective September 1, 1994, at an annual (9-month) salary of \$23,016. This appointment is eligible for extended term appointment.

### Administrative Appointments

#### OFFICE OF RESEARCH

- a. William A. Gern as interim Vice President for Research, effective August 1, 1994, at a fiscal (11-month) salary of \$92,520. Dr. Gern joined the faculty of the University of Wyoming in 1979 as an assistant professor of zoology and physiology. He was promoted to the rank of associate professor and granted tenure in 1984, and was promoted to professor in 1989. He served as head of the Department of Zoology and Physiology from 1985 to 1994.



COLLEGE OF AGRICULTURE

b. Michael Liebman, interim head of the Department of Home Economics and professor of home economics, effective May 9, 1994, at a fiscal (11-month) salary of \$48,876. Dr. Liebman joined the faculty of the University of Wyoming in 1985 as an associate professor of home economics. He was granted tenure in 1990, and effective July 1, 1994, promoted to professor.

COLLEGE OF ENGINEERING

c. Victor Hasfurther, head of the Department of Civil and Architectural Engineering and professor of civil and architectural engineering, effective July 1, 1994, at an annual (9-month) salary of \$70,980. Dr. Hasfurther joined the faculty of the University of Wyoming in 1969 as assistant professor of civil engineering. He was granted tenure in 1973, promoted to associate professor in 1975, and promoted to professor in 1980.

Change in Title of Associate Provost for Student Affairs

The title of "Associate Provost for Student Affairs" to "Vice President for Student Affairs" was approved, and will acknowledge and clarify the responsibilities of the position and the significance of the Division of Student Affairs to the life of the University. The change will be accompanied by the deletion of the words "Student Affairs" from the provost's title. The vice president for student affairs will continue to report to the provost. No change in salary or duties will accompany the title change.

Adjunct Appointments

COLLEGE OF ARTS AND SCIENCES

- a. Burke Ritchie as adjunct professor of physics and astronomy for a three-year period effective June 8, 1994, through June 7, 1997. Dr. Ritchie is currently a research physicist at Lawrence Livermore National Laboratory, Livermore, California.

COLLEGE OF ENGINEERING

- b. Raymond E. Connin as adjunct instructor of civil and architectural engineering for a one-year period effective January 1, 1994, through December 31, 1994. Mr. Connin is currently a land surveyor with Associated Land Information Services, Cheyenne, Wyoming.
- c. Robert E. Wilson as adjunct assistant professor of electrical engineering for the period effective July 1, 1994 through August 31, 1995. Dr. Wilson has been the Nicholson visiting professor of electrical engineering at the University of Wyoming since 1992.

**Academic Professional Probationary Reappointments**

The following academic professionals reappointments were approved for the 1994-95 year:

**COLLEGE OF ARTS AND SCIENCES**

<u>Name</u>	<u>Department</u>	<u>Rank</u>
Beiswenger, Jane	Zoology and Physiology	Associate Lecturer
Clark, Sandra	English	Assistant Lecturer
Evertz, Kathy	English	Assistant Lecturer
Ibarra, Susan	Modern and Classical Languages	Assistant Lecturer
Keeney, Colin	English	Assistant Lecturer
LeBlanc, Diane	English	Assistant Lecturer
Marron, Margaret	English	Assistant Lecturer
Montopoli, George	Mathematics	Associate Lecturer
Powers, Judith	English	Assistant Lecturer
Stalder, Margaret	Theatre and Dance	Associate Lecturer

Tarantola, Carol	Communication and Mass Media	Associate Lecturer
Williams, John	Zoology and Physiology	Associate Lecturer
Wiltse, Eric	Communication and Mass Media	Assistant Lecturer
Young, Carolyn	English	Assistant Lecturer

#### Change in Assignment

##### COLLEGE OF AGRICULTURE

- a. Virginia B. Vincenti, professor of home economics and head of the Department of Home Economics, reassigned as professor of home economics, effective May 7, 1994.

#### Change in Sabbatical Leave

##### COLLEGE OF ARTS AND SCIENCES

- a. At the December 10-11, 1993, meeting of the Trustees, Benito Chen, professor of mathematics, was granted a sabbatical leave for the 1994-95 academic year.

Professor Chen requested and was granted a postponement of his sabbatical for one year due to family reasons.

Leave of Absence Without Pay

COLLEGE OF ARTS AND SCIENCES

- a. Janet Clark, professor of political science, for the 1994-95 academic year  
for personal reasons.

Retirements

<u>Name</u>	<u>Position</u>	<u>Birth Date</u>	<u>Employment Date</u>	<u>Retirement Date</u>
Callaway, B. Wayne	Associate Professor	04/03/36	09/01/64	05/08/94 with designation as <i>Emeritus</i>
Crowell, Fred B.	University Engineer Facilities Planning	10/08/31	08/01/63	06/01/94 with designation as <u>Retired</u>
Gade, Dolores M.	Associate Professor Lifelong Learning and Instruction	03/09/31	09/01/68	05/07/94 with designation as <i>Emeritus</i>
Lawlor, Martha E.	Assistant Professor University Libraries	05/22/30	06/15/70	06/10/94 with designation as <i>Emeritus</i>
Loendorf, Beverly	Supv. Cashiers Bookstore	06/17/34	07/01/65	07/01/94 with designation as <u>Retired</u>
Lundy, Lyndall L.	Professor Lifelong Learning and Instruction	09/09/32	09/01/68	05/07/95 with designation as <i>Emeritus</i>

President Roark recognized the retirees, thanking them for their service and commending them on their retirement.

#### **Salary Administration Policy for FY 1995**

Formulation of a salary policy for FY 1995 has been a complex issue due to the structure of the enabling legislation. The legislature did appropriate \$1.15 million to the university for each year of the biennium for salary adjustments. The legislation also provided that the university, along with state agencies, be authorized to capture reversions from the 1993-94 biennium to be added to the state appropriation for salary adjustments. The university is also permitted by the legislation to add other funds to a salary adjustment pool.

In addition to the unique nature of the funding arrangements, the legislation also contains language indicating intent with respect to administration of salary funds for FY 1995. That language prohibits general or across-the-board salary adjustments and further specifies the intent of the legislature for employees within the state personnel system to reach ninety percent (90%) of relevant labor markets, with priority given to relieving the problems of compression and inequitable pay.

The University administration has formulated recommendations for a salary policy which addresses both the financial parameters and the intent of the legislation regarding internal and external inequities.

During the Personnel Committee meeting on Friday, President Roark and Vice President for Finance Dan Baccari further explained the proposed salary administration policy and answered questions from Trustees. The administration asked for concurrence as to the procedure at this meeting. A detailed budget recommendation to fund the salary adjustment policy will be presented at the September Trustee meeting when the exact amount of budget reversions from 1993-94 are known and tuition increase revenue can be calculated.

It was suggested by Trustee Hammons that the administration write a letter to Governor Sullivan stating that our understanding of the intent of the legislation is that any salary increases would be permanent.

Based on a recommendation from the Personnel Committee, the following faculty and staff salary adjustment policy for FY 1995 was approved:

ACADEMIC PERSONNEL (Faculty, Academic Professionals, Administrators with faculty rank):

1. All funds for faculty promotions, approved by the Trustees in May, shall be set aside and allocated as the first step.

2. Ten percent of the remaining pool shall be retained in the Provost's office; these funds will be used for special cases of internal and external equity which cannot be addressed by the academic units.

3. Fifty percent of the remaining salary adjustment funds will be directed to resolving internal inequities, including compression;

4. The remaining 50 percent will be devoted to treating external (market) inequities.

Salary adjustments will be based on meritorious performance. The performance of a faculty member, academic professional or administrative officer must be at least satisfactory to qualify for a salary adjustment. Performance assessments for academic personnel will be evaluated through established and customary processes.

#### GRADUATE ASSISTANTS

A salary adjustment pool equal to the percentage amount established for academic personnel will be created to adjust the stipend amount for graduate assistants.

#### CLASSIFIED EMPLOYEES:

FY 1995 salary adjustment funds for classified staff employees shall be allocated as follows:

##### Benefitted Full-Time and Part-Time Employees:

1. A salary adjustment pool equal to the percentage amount applied to academic personnel will be established.

2. A salary compression adjustment will be calculated for all full-time and part-time benefitted employees with more than one year of university service as of



September 30, 1994. The adjustment will be based on a five-step model targeted to achieve 90 percent of salary mid-point for each pay grade. The five steps will be evenly distributed between the minimum salary and 90 percent of the mid-point for each pay grade. A calculated salary for each position will be established based on the length of time an employee has been with the university at the rate of one step for each year of service up to five years. Then the calculated salary for each employee will be compared to the actual salary and adjustments of up to 5 percent will be made if the employee's salary is below the calculated salary.

3. The remaining funds in the classified staff adjustment pool will be allocated to each appointing authority to be used for addressing compression, internal and external equity applying merit and merit-related criteria similar to the plans for academic personnel and non-classified employees.
4. Employees who are in a disciplinary or unsatisfactory work performance status as of October 1, 1994 will not be eligible for salary adjustments. However, if an employee cures the disqualifying status during the fiscal year, and meets all other eligibility criteria, then he/she will be eligible for the compression adjustment.

The 90 percent of mid-point target utilized in the compression adjustment will not be equivalent to the labor market goal specified in the legislation. William Mercer, Inc. is currently conducting a study of the classification system which will include work to

establish market rates for the institution's classified staff. This study is scheduled to be completed after the September Trustee meeting and therefore market data will not be available.

Non-benefitted employees:

Employees in this category are eligible to receive a salary adjustment subject to the same eligibility criteria for classified, benefitted employees. Authorization to grant adjustments is subject to funding availability in unit budgets not to exceed the overall percentage allocated for the full-time adjustment pools.

NON-CLASSIFIED EMPLOYEES (Non-faculty administrators):

1. A salary adjustment pool equal to the percentage amount applied to academic personnel, non-benefitted employees and classified staff positions will be established.
2. Adjustments for non-classified employees shall be allocated on the basis of compression, internal equity, and external equity, utilizing merit and merit-related criteria.

SECTION II SALARY ADJUSTMENTS

Employees paid from Section II budgets (e.g. self sustaining operations and grant funded programs) are eligible to receive a salary adjustment subject to the same criteria as employees paid from Section I. Authorization to grant adjustments is subject to funding availability in unit budgets not to exceed the overall percentage allocated for the

Section I full-time adjustment pool.

All salary adjustments will be implemented October 1, 1994. Employees hired after March 31, 1994 and employees in terminal leave status as of October 1 will not be eligible for merit and merit-related adjustments.

**Employee Suggestion Awards**

Ms. Gloria Flores, Ms. Barbara Sanchez and Ms. Belen Clymer, Custodian Movers for UW Housing, have proposed the use of multi-roll toilet paper dispensers in order to lower maintenance costs and decrease vandalism and theft in the Residence Halls.

This team surveyed students regarding multi-roll toilet paper dispensers and learned they preferred this type dispenser by a 3 to 1 margin. Based upon the survey results, Housing personnel installed several of the dispensers to evaluate whether additional maintenance and service would be required. The results of this pilot study indicated that \$6,548 in savings could be realized by replacing current dispensers in 168 bathrooms.

This suggestion was evaluated and recommended by the Director of Housing. It was further recommended by the Personnel Committee that Ms. Flores, Ms. Sanchez and Ms. Clymer be granted, based upon the suggestion award guidelines, a cash award of \$655 to be divided equally between them. Funding for this award is to be paid from a residence hall operating account.

Mr. Richard Johnson, Manager - University Licensing Office submitted a recommendation for installation of screening between the wading and main swimming pools in Half Acre Gymnasium. Recently Mr. Johnson was at the facility with his child and noticed other children in the wading pool attempting to see if they could fit through the opening. By adding screening between the pools, water is still allowed to pass through and the possibility of a child getting stuck in the opening is eliminated.

This suggestion was evaluated by the Director of Physical Plant, Risk Management and the Manager of the Half Acre facilities. Physical Plant will install the new screening during regularly scheduled maintenance of the pools in December, 1994.

Because this suggestion improves safety conditions on campus, Mr. Johnson is eligible for an award. Based upon the guidelines of the Employee Suggestion Award Program, annual leave may be awarded for adopted suggestions which result in intangible benefits to the institution. Based on a recommendation of the Personnel Committee, Mr. Johnson was granted one day of annual leave for his suggestion to improve safety conditions at the swimming pool in Half Acre Gymnasium.

**Part-Time Appointments**

The following part-time appointments were reported to the Trustees for their information:

<u>Name</u>	<u>Department</u>	<u>Rank</u>	<u>_____</u>
<b><u>COLLEGE OF ARTS AND SCIENCES</u></b>			
Bair, Julene (08/29/94-05/12/95)	English	Temporary Assistant Lecturer	
Black, Douglas (08/29/94-05/12/95)	English	Temporary Assistant Lecturer	
Cole, Virginia (08/29/94-05/12/95)	English	Temporary Assistant Lecturer	
Grimm, George (08/29/94-05/12/95)	English	Temporary Assistant Lecturer	
McIrvin, Michael (08/29/94-05/12/95)	English	Temporary Assistant Lecturer	
Reid, E. Shelley (08/25/94-06/30/95)	English	Temporary Assistant Lecturer	
Reitinger, Douglas (08/29/94-05/12/95)	English	Temporary Assistant Lecturer	
Sherman, Kermit Gary (08/24/94-05/12/95)	Administration of Justice	Temporary Assistant Lecturer	
Stebbins, Christine (08/29/94-05/12/95)	English	Temporary Assistant Lecturer	

COLLEGE OF BUSINESS

Nelson, Frank Ralph (08/26/94-12/22/93)	Management and Marketing	Temporary Assistant Lecturer
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UW/CC CENTER

Ketchum, Ronald Lee (07/01/94-06/30/95)	Political Science	Temporary Assistant Lecturer
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Resignations

The following resignations were reported to the Trustees for their information:

- a. Somesh Choudhury, assistant professor, School of Pharmacy, effective May 7, 1994.
- b. Derek J. Hodgson, Vice President for Research and professor of chemistry, effective July 31, 1994.
- c. Dennis Ingrisano, associate professor of speech pathology and audiology, effective May 9, 1994.
- d. Eric N. Johnson, assistant professor of accounting, effective May 7, 1994.
- e. J. David Mason, assistant professor of accounting, effective June 30, 1994.
- f. Don M. Parks, assistant professor of management and marketing, effective May 7, 1994.
- g. Eugene A. Pilotte, associate professor of economics and finance, effective August 31, 1994.

All faculty members resigned to accept positions at other academic institutions.

**Progress Report - Program Reduction/Elimination Policy**

The University of Wyoming Trustees have expressed the belief that we must remain flexible in adding, reducing, and/or eliminating academic programs, especially during times in which legislative allocations are unlikely to increase.

In response to a Trustee request, a review was undertaken to determine whether comparator institutions have policies dealing with reduction of personnel due to program reductions or eliminations. The review of 17 NCHEMS and western comparator universities found that 13 have policies focused on the reduction of personnel, including tenured faculty, when academic programs are reduced or eliminated. Summary information was provided to Trustees.

In accord with the Trustees' request, the administration began to explore policy changes that will address the question of personnel reductions emanating from reducing or eliminating academic programs. Options under consideration would require modification of Trustee and University regulations.

It is the administration's plan that faculty and staff be consulted as draft policy statements -- modelled on those at other universities -- are formulated and before Trustees consider adopting any new policies or processes dealing with academic program reduction.

Trustees were also provided a report on tenured and tenure-track faculty attrition during the Personnel Committee meeting.

**PHYSICAL PLANT AND EQUIPMENT COMMITTEE**

President Bonner called on Chairman

Updike for a report from the

Physical Plant and Equipment Committee meeting held on July 15. Committee members

Updike, Jorgensen, Kepler, and Kirk, and ex-officio members Bonner 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.

**Construction Contract, Minerals Research and Reclamation Center (MRRC)**

The MRRC construction project was advertised in May with the receipt of bids on June

21, 1994. Two bids were received. The bidders were Groathouse Construction, Laramie,

Wyoming, and Westates Construction, Sheridan, Wyoming.

The bids received, which are valid for 30 days, were as follows:

	Groathouse	Westates
Base Bid:	\$ 13,647,000	\$ 13,760,000
Alt. No. 6 (Deduct renovation existing building)	928,000	900,000
Alt No. 7 (Deduct renovation existing Lecture Hall)	75,000	72,000
Alt No. 10 (Deduct plastic pipe in lieu of glass pipe)	153,000	99,000
Alt NO. 11 (Delete steam humidification)	114,000	96,500
Alt No. 12 (Delete evaporative humidification)	50,000	33,000



\* Note: Alternates 6 and 7 cannot both be deducted. Alternate 7 is included in Alternate 6.

The budget, as funded by the Abandoned Mines Reclamation Program, is as follows:

Total Project:		\$ 17,900,000
Construction		
New	\$ 9,196,030	
Renovation	1,033,900	
Remote facility	252,770	
		10,482,700
Design (including survey & geotechnical)		1,105,130
Contingency		575,340
Equipment		4,930,740
Other (conservatory design and construction)		513,000
Administration		293,090

The low bid of \$13,647,000, submitted by Groathouse Construction of Laramie, Wyoming, exceeded the allotted budget for this project by \$3,164,300.

Subsequent to receiving the bids, members of Gorder/South Group, Architects, the Geology Department and the Facilities Planning office engaged in review of the bid for construction and the overall budget for this project in an effort to bring the entire project into budget.

A recommendation to proceed with the project was prepared based on three considerations: 1) acceptance of alternates bid by the contractor to delete certain work and materials from the project, 2) transfer of funds from the equipment budget to the construction budget and 3) further cost reductions through issuance of change orders.

A summary of the recommendation is as follows:

CONSTRUCTION CONTRACT

Base bid	\$13,647,000
Less alternates:	
No. 6, renovation of existing building	928,000
No. 10, Delete glass pipe in lieu of plastic pipe	153,000
No. 11, Delete steam humid. sys.	50,000
No. 12, Delete evap. humid. sys.	<u>114,000</u>
Construction contract	\$12,402,000

CONSTRUCTION BUDGET

Original construction budget	\$10,482,700
Transfer equipment funding	1,150,000
Supplemental funding (bond surplus)	<u>769,000</u>
Adjusted budget	\$12,402,000

This recommendation will be adjusted further by issuance of change orders. Members of the team mentioned above have identified items for possible deduction from the project. These items are being analyzed against pricing information from Groathouse Construction. We anticipate this exercise to result in further deductions in the range of \$750,000 to \$800,000.

The \$1,150,000 transfer of equipment funding is based on a recommendation by the Geology Department. The transfer eliminates two pieces of equipment estimated at \$600,000 and \$350,000 and equipment for the reconstructed library in the amount of \$200,000. If the library is not reconstructed the equipment will not be needed. The Geology Department will

pursue funding opportunities, such as matching grants, for replacement of the deleted equipment. A request to transfer equipment funds to the construction budget was submitted to and approved by Gary Beach, Administrator, Wyoming Department of Environmental Quality.

Based on a recommendation from the Physical Plant and Equipment Committee, Mr. Updike moved approval to award a contract to Groathouse Construction of Laramie, Wyoming, for construction of the Minerals Research & Reclamation Center in the amount of \$12,402,000. The motion was seconded by Mr. Kepler, and it carried.

**Selection of Land Surveying and Geotechnical Engineering Services, Environmental Simulation Facility (ESF)**

The University of Wyoming publicly advertised in May the Request for Qualifications to provide surveying services on the site of the proposed environmental simulation facility. Three responses were received. The consensus ranking of the respondents and recommendation of the ESF planning team is as follows:

1. Banner Associates, Laramie
2. Worthington, Lenhart and Carpenter, Inc., Casper
3. Coffey & Associates, Laramie

Based on a recommendation from the Physical Plant and Equipment Committee, Mr. Updike moved that the ranking of the surveyors be accepted and an agreement be negotiated for the surveying services on the environmental simulation facility. The motion was seconded by Mr. Kinnaman, and it carried. Trustee Kepler abstained from voting to avoid any conflict of interest.

The University of Wyoming publicly advertised in May the Request for Qualifications to provide geotechnical engineering services on the site of the proposed environmental simulation facility. Three responses were received. The consensus ranking of the respondents and recommendation of the ESF planning team is as follows:

1. Empire Laboratories, Cheyenne, Wyoming
2. Inberg Miller Engineers, Cheyenne, Wyoming
3. Hadley & Hollingsworth, LTD, Casper, Wyoming

Based on a recommendation from the Physical Plant and Equipment Committee, Mr. Updike moved that the ranking of the geotechnical engineers be accepted and an agreement be negotiated for the geotechnical engineering services on the environmental simulation facility. The motion was seconded by Mr. Kinnaman, and it carried. Trustee Kepler abstained from voting due to a conflict of interest.

### Oil and Gas Lease

The Estate of Phillip C. Brown bequeathed to the University nine producing oil or gas units and oil, gas and mineral interests in 46 sections of Hot Springs and Park counties, Wyoming. Apache Corporation, through TUNOil Corporation, wishes to purchase an oil and gas lease on the one-tenth mineral interest UW has in three of the above-named sections in Hot Springs County (Enclosure 1). The offer is a bonus consideration of \$3,000 (\$75 per net mineral acre) for a three-year paid-up lease which will provide for a one-eighth landowners royalty.

The three sections in question are located some eight miles north and five miles west of the present Grass Creek Oil Field and within approximately two miles of Wyoming State Highway 120.

Trustee Hammons reported that she had been in contact with the State Land Board and that they now receive a one-sixth landowners royalty on mineral leases.

Based on a recommendation from the Physical Plant and Equipment Committee, Mr. Updike moved approval of a counter-offer to TUNOil Corporation of \$3,000 for a three-year paid-up lease with a one-sixth landowners royalty. The motion was seconded by Mr. Kepler, and it carried.

#### **Authorization to Proceed with Construction Documents for Livestock Teaching Arena**

The Trustees gave authorization at the March 1994 meeting for the University to proceed with planning and design of a new Animal Science Livestock Teaching Arena costing approximately \$1 million. Over the last two months the University planning team and the architect/engineer (Banner Associates) have met on several occasions to create a plan for the entire development necessary to support the operations of a teaching and rodeo arena.

The planning team proposes to construct the facility in phases. The first phase of development calls for the construction of the basic arena, at an approximate cost of \$1 million, which would provide enclosed space and limited facilities. Future phases provide for addition of facilities to the arena, expansion of parking and construction of an outdoor arena, stalls and

pens as funds become available. A copy of the planning team's master plan for the facility was presented.

The planning team presented a plan for the maintenance and operation costs of the facility. This included \$92,800 per year for operation and maintenance, \$10,000 per year for marketing, and \$25,000 per year for a manager, for a total cost of \$127,800 per year. Proposed funding would be 50 percent from rental income and fund raising support and 50 percent appropriated funds.

The College of Agriculture is close to meeting its goal of matching the \$500,000 appropriation for the project, and funds for the first phase of construction should be in hand in the near future. Therefore, based on a recommendation from the Physical Plant and Equipment Committee, Mr. Updike moved that authorization be granted to proceed with preparation of construction documents for the first phase of the Animal Science Livestock Teaching Arena to include options that could be accepted at the time the project is bid to permit acceptance of a project with available funds, and with the understanding the first phase will not be advertised for construction until approved by the Trustees. The motion was seconded by Mrs. Kirk.

A motion by Mrs. Hammons to amend the motion to request the planning committee to revise the plan for operation and maintenance of the facility and to submit a more specific plan for meeting the operation and maintenance budget was withdrawn.

Mr. Jorgensen moved to table the original motion. The motion was seconded by Mr. Harris, and it carried. Mr. Kepler abstained from voting.

A motion by Mr. Jorgensen to look at alternative locations prior to the next Trustee meeting and to further request that provisions for operation and maintenance be further developed died for lack of a second. Dr. Saunders moved to request a detailed business plan for providing for maintenance and operations of the facility prior to the next meeting, and that reconsideration of the project be contingent upon receipt of a satisfactory plan. Mr. Jorgensen seconded the motion, and it carried. Mr. Kepler abstained from voting.

#### Sale of University Property to Laramie Regional Airport Board

The Laramie Regional Airport Board is currently leasing from the University three parcels of land it needed to expand runway clear zones. It now wishes to purchase these lands, and has offered the University \$26,000 for them. This offer is based on an appraisal prepared for the airport board. The University declined to sell the lands until it obtained its own appraisal of the property.

The University appraisal, which was prepared by DeGooyer and Associates, Inc. of Green River, Wyoming, set the value of the three parcels, which consists in the aggregate of 133.80 acres, more or less, at \$73,100. The cost to the University for the appraisal was \$5,185.

The University's appraisal was submitted to the airport board on June 16 along with the University's offer to sell the three parcels of land for \$78,285 (the appraised value of the land plus the cost of the appraisal), subject to the approval of the Trustees.

The airport board has forwarded the University's appraisal to the FAA for its consideration and approval, which is required since the FAA provides nearly all of the funding for land acquisition for expansion of runway clear zones. The airport board has not yet received a reply from the FAA regarding the University's offer.

#### **Progress Report, Projects in Design, and Change Orders**

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

**INVESTMENT COMMITTEE** President Bonner called on Chairman Kepler for a report from the Investment Committee meeting held on July 15. Committee members Kepler and Saunders and ex-officio members Bonner and Roark attended the committee meeting, along with other Trustees and University staff. Committee member Dray was absent. Based on the committee meeting, the following recommendation was presented to the full Board.

#### **Change of Investment Limitation for Brandes Investment Management**

The Investment Policy of the University of Wyoming provides that "no more than 10 percent of the total investment in equities can be concentrated in any one market segment or industry." This provision is part of the policy to diversify investments to minimize the risk of



damaging fluctuations in any area of the market.

Brandes Investment Management, the University's equity manager for investments in the international market, has requested, through John Vann, authorization to increase this limitation to 20 percent. Their request is based on the following analysis provided by John Vann.

The fiduciary guidelines established by ERISA state it is prudent to restrict investments in certain industries to a limit of 25 percent. For example, the oil industry could be sub-classified into domestic, international, exploration and service categories; however, from an industry viewpoint it is all the oil industry. The utility industry could be sub-classified into electric, water, telephone and communications. Again, it is still the utility industry.

Brandes has made a point unique to their investment philosophy. Many of the international markets are concentrated in building the framework for their national infrastructure. As a result, Mexico has a thriving telephone utility which offers investment opportunities, as well as opportunities in water management, power generation and road building. These when classified as an industry are all utilities.

In order to provide investment stability, Brandes has requested authorization to invest up to 20 percent in any one industry to permit investment in safer, and often government sponsored, industries which are expanding. This request is recommended by John Vann.

Based on a recommendation from the Investment Committee, Mr. Kepler moved approval of Brandes' request for authorization to invest up to 20 percent in any one industry. The motion was seconded by Dr. Saunders, and it carried.

**DEVELOPMENT COMMITTEE** President Bonner called on Trustee Kepler for a report from the Development Committee meeting of July 15, 1994. Trustees Kepler, Hammons, and Saunders attended that meeting; Trustee Brown was absent.

Trustee Kepler reported that President Roark briefed the committee on capital projects, approved projects, and current fiscal year fund raising. President Roark stated that there had been no change in capital projects except for the livestock teaching arena, and no change in approved projects since his last report. Although the dollar amount raised so far is less than last year, the number of donors has increased.

#### **COMMUNITY COLLEGE AND OUTREACH COMMITTEE**

President Bonner called on chairperson Hammons for a report from the Community College and Outreach Committee meeting held on July 15, 1994. Committee members Hammons, Kirk, and Kinnaman attended that meeting.

As an item for information to the committee, Associate Provost Powell reported on efforts of the University Outreach Council and presented a comprehensive report and five-year plan for University of Wyoming outreach.

Because outreach was identified by Trustees as a top priority for UW, the Outreach Council was formed in October of 1992. Provost Karnig charged the Outreach Council to (1) develop a shared vision for outreach, (2) develop strategies for closer cooperation and coordination among units, (3) recommend ways in which there can be greater efficiencies and

economies in the delivery of outreach programs, and (4) serve as an advisory body to recommend policies and procedures regarding outreach matters.

Associate Provost Powell reported that the council met regularly to pursue the charge, and submitted periodic reports of efforts, accomplishments, and recommendations to the administration. Some of the accomplishments included preparation of a directory of outreach personnel and services, which were distributed statewide to outreach units and employees, distribution of University bulletins to county offices, training for all cooperative extension personnel regarding agreements, academic programs, and cooperative extension, all in an effort to create greater efficiency and cost effectiveness to provide more and better outreach.

The resulting June 1994 report of the council listed four major recommendations:

1. A proposal for an overall organizational structure for university outreach;
2. A proposal to centralize student services for university-wide outreach, including those of Education/WIDT;
3. A new management model which would provide funds for faculty instruction to colleges and departments, in cooperation with the faculty and the outreach unit; and
4. A proposal for the outreach units to rebate a percentage of the outreach tuition funds back to the academic units.

If the university administration and governing bodies accept the recommendations of the Outreach Council, the Council could begin implementation of the five-year plan in Fall of 1995.

Provost Karnig praised Judy Powell and the Outreach Council's report, saying that outcomes will be reviewed on a yearly basis.

During the committee meeting, Trustee Updike suggested that the university aircraft usage and cost be revisited so that reinstituting use of the aircraft to fly instructors to teach classes be considered.

Trustee Hammons said that the report was well received by the committee, and asked Associate Provost Powell to extend thanks from Trustees to the Outreach Council for their efforts. The committee will look forward to continuation of those efforts.

#### **COMMITTEE OF THE WHOLE**

The Committee of the Whole met on Friday, July 15, to review the following two action items, which were subsequently approved during the full board meeting:

#### **Election of Member to University of Wyoming Research Corporation Board of Directors**

It was moved by Trustee Kirk, seconded by Trustee Harris, and carried that William A. Gern, Interim Vice President for Research, be appointed to the University of Wyoming Research Corporation Board of Directors effective August 1, 1994.

**Amendment to UNIREG 35 - Appeals Procedures**

At the March 5, 1994 meeting of the Trustees, Special Assistant to the President David Baker was directed to prepare a supplement to UniReg 35 considering concerns of the Trustees, with particular attention to due process and timeliness. The procedure, which is modelled after the due process hearing accorded in tenured teacher terminations under Wyoming statutes, has the following features:

- Hearing is held by an impartial hearing officer experienced in higher education, labor and employment matters.
- Grievants may choose their hearing officers from a panel of qualified individuals designated through the Faculty Senate.
- Grievants shall have access to all evidence being relied upon to support the decision to terminate their appointments.
- The hearing officer shall forward findings and recommendations directly to the Trustees.
- Time frames established by the process will allow cases to be concluded within 90 days of the filing of an appeal.

Based upon a recommendation of the Committee of the Whole, it was moved by Trustee Harris, seconded by Trustee Kinnaman, and carried that the supplement to UniReg 35, financial exigency termination grievance process be approved.

The revised supplement to UniReg 35, financial exigency termination grievance process, is attached as Enclosure 2.

Trustee Hammons asked how new or changed UNIREGs were disseminated. They are prepared by the University legal office and then distributed to all deans, directors, and department heads. It is then up to those units to distribute them further. President Roark suggested that in the future especially important UNIREGs also be published in the Pulse.

#### **UNFINISHED BUSINESS**

Trustee Kepler asked for a list of projects that the administration thinks is included in and excluded from the new policy regarding operation and maintenance funding. President Roark indicated that a list had been prepared, but he had not had a chance to review it. He offered to circulate the list at a future date. It was requested that the list be read into the minutes of the September meeting.

#### **NEW BUSINESS - PUBLIC COMMENTS**

Staff Council chair Pat Wolfenbarger reported that the name of Staff Council will be changed to Staff Senate. He reported that a staff recognition endowment fund-raising goal of \$100,000 by December 1998 is being pursued. The endowment is intended to provide a permanent fund for Staff Recognition Day and to provide staff awards. Staff Council has been working with the Development Office to ensure that it is done in accordance with their guidelines. Mr. Wolfenbarger also distributed a year-end report from outgoing president Randi Johnson.

Matthew Ward, ASUW President, reported that he and ASUW Vice President Beth Cawiezell had been participating in an internship for the past 10 weeks. Mr. Ward reported that UW student was selected as a Truman scholar, and Brett Walter was named as a finalist. Mr. Ward distributed his itinerary for his upcoming trip to Israel. ASUW is working on writing a constitution in hopes of creating a new Jewish student organization. There will also be a new ex-officio position on ASUW for international students. He will provide a long-term report to Trustees at their September meeting. Trustees are scheduled to meet with students during their next meeting.

Trustee Hammons reported that the long-range planning committee had a list of concerns and after review, decided that they should be assigned to relevant committees. She anticipates standing committees discussing them and that the full board should complete a long-range plan by the October meeting. One item was informational technology and the long-range plan for that both on- and off-campus. A report from Bill Walden, Assistant to the President for Information Technology, will be requested in that regard, probably at the September meeting. The business of the committee will probably be completed by October. It has been determined that further clarification of UW's mission statement needs to be done.

President Bonner announced that because of Homecoming activities scheduled for Saturday, October 22, the October meeting date will be moved to Thursday and Friday, October 20 and 21. There is a possibility that the December meeting may be changed from December 9-10 to December 16-17.

Trustee Updike asked that outreach personnel coordinate with University Relations to enhance UW's image. Trustee Updike was also told that there will be an attempt to involve Cowboy Joe, Alumni, and other groups in outreach.

President Bonner said that a tentative list of 1994-95 Trustee liaison assignments to colleges is being reviewed and will be circulated before the September meeting.

#### ADJOURNMENT AND DATE OF NEXT MEETING

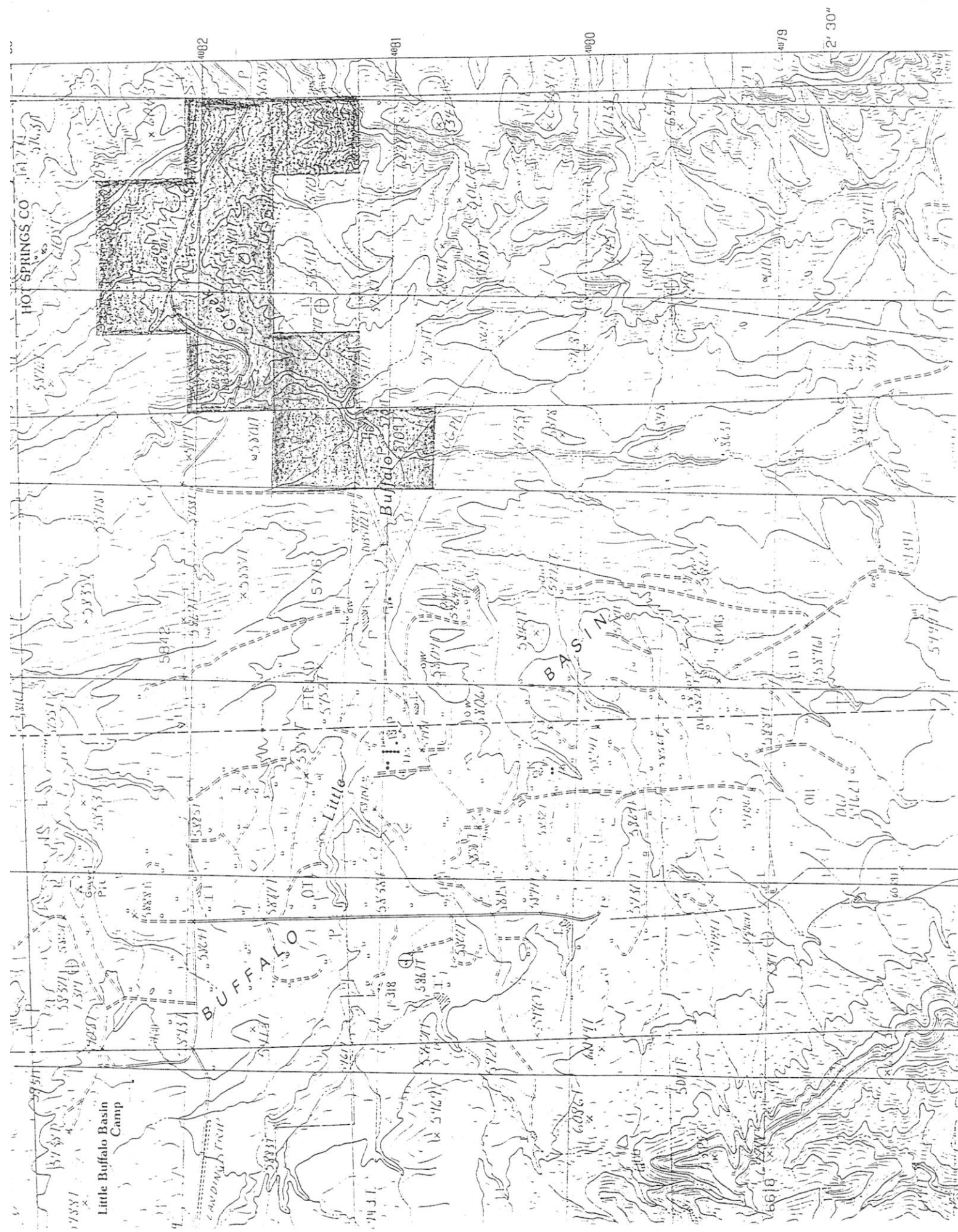
There being no further business to come before the Trustees, upon a motion by Trustee Harris, seconded by Trustee Jorgensen, and carried, the meeting adjourned at 10:30 a.m. The next meeting will be September 16-17, 1994.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Donna J. Mecham".

Donna J. Mecham  
Deputy Secretary





## REVIEW AND HEARING OF TERMINATIONS OF EMPLOYMENT BY REASON OF FINANCIAL EXIGENCY UNDER UNIVERSITY REGULATION 41

### § 1. RIGHT TO REVIEW AND HEARING

Any tenured faculty member whose employment is terminated pursuant to a Financial Crisis Plan adopted by the Board of Trustees pursuant to University Regulation 41 shall have the right to a hearing before an independent Hearing Officer.

The rights of staff employees whose employment is terminated pursuant to a Financial Crisis Plan adopted by the Board of Trustees are governed by University Regulation 174.

### § 2. NOTICE OF REQUEST FOR HEARING

A person who has a right under this Regulation to appeal termination of employment pursuant to a Financial Crisis Plan may appeal by delivering a written notice of request for hearing to the Office of the Provost within ten (10) days of receiving notice of termination of employment.

The notice shall state with particularity the grounds to be relied upon by the appellant.

Filing a notice of request for hearing shall not act to delay the termination of employment.

### § 3. GROUNDS FOR APPEAL

Grounds for appeal shall be limited to whether the decision to terminate employment was based upon some improper factor or criterion, including:

- A. Conduct, expressions or beliefs by the appellant which are protected constitutionally or by the principles of academic freedom;
- B. Factors proscribed by applicable state or federal law regarding fair employment practices;
- C. Improper selection of the individual to be terminated, as a result of any of the following which had a substantial impact upon the decision to terminate:

- (1) Failure to follow procedures or criteria required by University Regulation 41;
- (2) Failure to consider available data relevant to the role of the appellant in the University.
- (3) Reliance upon unfounded or arbitrary assumptions of fact;
- (4) Reliance upon other immaterial or improper factors.

#### § 4. PARTIES TO APPEAL

The parties to appeal shall be:

- A. Appellant -- the tenured faculty member who has received notice of termination of employment pursuant to a Financial Crisis Plan.
- B. Respondent -- the Provost and Vice President for Academic Affairs of the University.

#### § 5. HEARING OFFICERS

##### A. Designation of Hearing Officers

A panel of Hearing Officers shall be identified in advance of any elimination of positions and maintained by the University upon recommendation of a committee of three tenured faculty members appointed by the Faculty Senate. Hearing Officers shall be impartial individuals who are experienced in higher education, labor and employment matters. No Hearing Officer shall be engaged who is not a member of said panel.

##### B. Selection by the Faculty Member

Any faculty member who requests a hearing shall be provided a list of designated Hearing Officers immediately upon receipt of any request for hearing by the Provost. Within five (5) days the faculty member shall select any member on the list of Hearing Officers, subject to the personal availability of the Hearing Officer.

## § 6. SCHEDULING AND NOTICE OF HEARING

A hearing shall be scheduled by the Hearing Officer to commence not less than fifteen (15) nor more than thirty (30) days following appointment of the Hearing Officer. The parties shall be notified in writing of the time and place of the hearing not less than ten (10) days prior to the hearing.

## § 7. PRE-HEARING CONFERENCE

The Hearing Officer shall convene a pre-hearing conference with the parties not less than five (5) days preceding any scheduled hearing. The purpose of the pre-hearing conference shall be to exchange lists of witnesses to be called by either party; to identify, examine or arrange for copying of any documentary or other real evidence; to make any requests for pre-hearing discovery which shall be ruled upon by the Hearing Officer and to receive any further instructions as determined by the Hearing Officer.

Any failure by a party to furnish names and addresses of witnesses, to disclose documentary or other evidence, or to furnish information identified at the pre-hearing conference shall be ruled upon by the Hearing Officer, who may order disclosure, grant a continuance of the hearing, or impose appropriate sanctions including not allowing undisclosed witnesses to testify or not admitting undisclosed evidence at the hearing.

## § 8. HEARING

### A. Rights of Parties

An appellant shall have access to the evidence on which the administration intends to rely to support the decision to terminate the appointment, and the parties shall be guaranteed the following minimal procedural safeguards:

- (1) To be present in person at all phases of the hearing
- (2) To be represented by counsel or other representatives
- (3) To testify and to present witnesses and other evidence in the party's behalf
- (4) To rely upon the administration of the University, insofar as it is possible for it to do so, to secure the cooperation of witnesses

(5) To confront and cross-examine witnesses brought by either party and testifying in person

(6) To have access without charge to a verbatim record of the hearing, which may be a sound recording

(7) To record the hearing through a court reporter or other means, at the party's own cost

(8) To receive a written copy of the findings of fact and decision of the Hearing Officer

**B. Hearing Procedure**

The order of proceedings at the hearing shall be:

(1) The parties may make a brief opening statement to the Hearing Officer setting forth the grounds for the appeal and summarizing the evidence which the party intends to introduce.

(2) The appellant shall present witnesses and other evidence in support of the appeal.

(3) The Hearing Officer shall determine whether the appellant has presented a prima facie case to support the grounds for appeal. If no prima facie case has been made, the Hearing Officer shall dismiss the appeal.

(4) The respondent may present witnesses and other evidence to support the recommended termination decision.

(5) The appellant may present evidence in rebuttal.

(6) The parties may make a brief argument in summation.

**C. Admissibility of Evidence**

Formal rules of judicial evidence shall not apply at the hearing. Reception of evidence shall be informal and all relevant and material evidence shall be received at the discretion of the Hearing Officer. Witnesses at the hearing shall testify under oath or affirmation. The Hearing Officer shall rule upon any objections to evidence.



D. Adjournment of Hearing

Reasonable adjournments of the hearing may be granted by the Hearing Officer to enable either party to respond to evidence as to which a valid claim of surprise is made.

E. Representation and Costs

The appellant may be represented by himself or herself, by legal counsel or any other representative of choice. The administration shall be entitled to utilize the University's legal resources. Administrative costs of the hearing shall be borne by the University. Any cost incurred by the appellant in preparing the hearing or securing representation shall be borne by the appellant.

F. Confidentiality

The hearing shall be private and restricted to such persons as shall be permitted by the Hearing Officer unless the appellant requests not later than at the pre-hearing conference that the hearing shall be public.

§ 9. DECISION

On the basis of all of the evidence received at the hearing, the Hearing Officer shall make findings and recommendations as follows:

- A. The Hearing Officer shall consider whether one or more of the improper factors listed in Section 3 hereof entered significantly into the decision to terminate, and shall make a finding thereof. If the Hearing Officer finds that improper factors may have entered into the decision to terminate, but further finds that the same decision would have been reached had the improprieties not occurred, the Hearing Officer shall make a finding thereof.
- B. Within twenty (20) days following the conclusion of the hearing, the Hearing Officer shall forward the findings and recommendations to the Board of Trustees with copies to the appellant, the Provost and Vice President for Academic Affairs, and the President of the University.

§ 10. REVIEW BY THE BOARD OF TRUSTEES

If a faculty member whose employment is recommended for termination does not request a hearing, that termination shall be deemed proper and shall be acted

upon by the Board of Trustees upon recommendation of the President of the University. The case of any faculty member who receives a hearing pursuant to this University Regulation shall be acted upon by the Board of Trustees as follows:

- A. The Board of Trustees shall review the findings of fact and recommendation submitted by the Hearing Officer and within twenty (20) days after receipt, issue a written order to either terminate the faculty member or to retain the faculty member. If the Board terminates the faculty member's employment over a recommendation by the Hearing Officer for retention, the written order of the Board shall include a conclusion together with reasons supported by the record. A copy of the order shall be provided to the faculty member and a copy shall be entered into the University records pertaining to the faculty member. Any action by the Board pursuant to this subsection shall be approved by the majority of the members of the Board of Trustees.
- B. Appeals may be taken from the order of the Board of Trustees to the District Court. An electronic recording of the hearing proceedings may serve as the official transcript, but upon appeal the District Court may request a written transcript of the proceedings. The cost of transcribing the record shall be borne equally by the faculty member and the University.

#### § 11. EFFECT OF RESCISSION OF DECISION TO TERMINATE EMPLOYMENT

Rescission of a decision made under University Regulation 41 to terminate the employment of a tenured faculty member shall not prevent further proceedings pursuant to a Financial Crisis Plan which may affect continuation of the employment of the tenured faculty member.

#### § 12. CALCULATION OF TIME

In calculating period of time, Saturdays, Sundays, University holidays and legal holidays shall be excluded.