A meeting of the Executive Committee of the Board of Trustees of the University of Vermont and State Agricultural College was held on Monday, April 13, 2015 at 1:00 p.m., in 427A Waterman Building.

MEMBERS PRESENT: Chair Debbie McAneny, Vice Chair David Daigle, Secretary Joan Lenes**, President Thomas Sullivan, Bill Botzow*, Frank Cioffi*, and Dale Rocheleau

MEMBERS ABSENT: None

OTHER TRUSTEES PRESENT: Bernie Juskiewicz, Curt McCormack, Ed Pagano***, Kesha Ram and Tristan Toleno

REPRESENTATIVES PRESENT: Staff Council Representative Renee Berteau, Student Government Association Representative Aya AL-Namee, and Foundation Representative Chief Executive Officer (CEO) & President of the UVM Foundation Richard Bundy

REPRESENTATIVES ABSENT: Faculty Representative Julie Roberts and Graduate Student Senate Representative Lane Manning

PERSONS ALSO PARTICIPATING: Provost & Senior Vice President David Rosowsky; Vice President for Finance and Treasurer Richard Cate; Vice President for Legal Affairs & General Counsel Francine Bazluke; Vice President for University Relations & Administration Thomas Gustafson; Vice President for Enrollment Stacey Kostell; Coordinator for Student Veteran Affairs David Carlson; Vice Provost for Student Affairs Annie Stevens; and Special Assistant to the President & Director of State Relations Clarence Davis

*via conference call.
** Left the meeting at 2:10 and then joined Executive Session by phone.
***Left the meeting at 1:27 p.m.

Chair Debbie McAneny called the meeting to order at 1:06 p.m.

Chair McAneny acknowledged that Hannah Kearns, a UVM Sophomore, was videoing the meeting for a class project.

Approval of Minutes

Chair McAneny entertained a motion to approve the minutes from the April 1, 2015 meeting. The motion was made, seconded and it was voted to approve the minutes as presented.
Opening Remarks

Chair McAneny recognized that this is Student Government Association President Aya AL-Namee’s last meeting and thanked her for her service. President AL-Namee stated that she has learned immensely from her time as President and thanked the Board for its support and inspiration.

Action Items

At the request of Vice President for Enrollment Stacey Kostell, Coordinator for Student Veteran Affairs David Carlson introduced a resolution approving revisions to the Residency Policy. He explained that the revisions are necessary to bring the University into compliance with Section 702 of the federal Veterans Access, Choice, and Accountability Act of 2014. Under the Policy as revised, covered individuals will be charged tuition at the in-state rate while using certain U.S. Department of Veterans Affairs’ education benefits, even if they would otherwise fail to qualify for in-state status.

Trustee David Daigle asked how many students will qualify. Coordinator Carlson explained that it is hard to determine until students actually apply; however, he stated that he would be surprised if there were more than 50 students who will qualify.

Board Chair McAneny requested that the administration report back to the Board once the financial impact has been determined.

Trustee Joan Lenes acknowledged the importance of this benefit for qualifying veterans.

The following resolution was presented for approval:

Resolution Approving Revisions to Residency Policy

RESOLVED, that the Executive Committee hereby accepts revisions to the Residency Policy as required by Section 702 of the federal Veterans Access, Choice, and Accountability Act of 2014. The newly-revised policy appears as Appendix A to this resolution.

Vice President for University Relations & Administration Thomas Gustafson introduced a resolution approving an extension of the City of Burlington and University of Vermont Letter of Agreement. He explained that there has been some expression of desire to renegotiate the agreement in the future; however, for this year, it was clear that it would be more appropriate to extend the agreement. Vice President Gustafson acknowledged that the agreement has been extended several times in the past. He explained that the total amount of UVM payments to the City under the agreement is 1.3 million, of which $1 million is for fire services. He also noted that the amount is adjusted annually for inflation, with a 3% increase expected for this year.

Chair McAneny asked if there are points that the University is hoping to renegotiate in the future. Vice President Gustafson replied that, at the moment, the University feels all terms are
fair. President Tom Sullivan asked if the University receives an annual report of how the funds are spent. Vice President Gustafson explained that the University does receive a general overview of where the funds are allocated. More specifically, we know that $1 million of the $1.3 million covers fire services, and the remaining $300,000 is spent on police and other various services. The following resolution was presented for approval:

**Resolution Approving Extension of City of Burlington and University of Vermont Letter of Agreement**

RESOLVED, that the Executive Committee hereby authorizes the administration to extend the City of Burlington and University of Vermont Letter of Agreement, which became effective September 26, 2007, for an additional year from the date of its expiration through June 30, 2016.

A motion was made, seconded and the following roll-call vote was taken to approve both of the above resolutions as presented: Bill Botzow – Yes, Frank Cioffi – Yes, David Daigle – Yes, Joan Lenes – Yes, Debbie McAneny – Yes, Dale Rocheleau – Yes, and Tom Sullivan – Yes.

**May Board Meeting Preparations**

Chair McAneny reviewed the May 15-16, 2015, Board meeting scheduled. She reminded the Committee that the May Board meeting coincides with Commencement weekend and encouraged all to participate in as many of the weekend activities as possible.

Chair McAneny introduced the Committee of the Whole agenda. She said that President & CEO of the University of Vermont Foundation Rich Bundy would offer an annual report, in addition to the customary governance leader reports. There are contracts that will likely be presented for approval and the Committee will be asked to approve a revision to the Trustee Conflict of Interest policy. Vice President Gustafson will provide a strategic capital planning update. She also announced that the topic for this meeting’s academic presentation will be Alternative Spring Break. Finally, she noted there are items slated for executive session.

Chair of the Educational Policy and Institutional Resources (EPIR) Committee Bill Botzow previewed the EPIR meeting agenda. He explained that there would be routine and annual reports and a brief update on University communications and marketing efforts. The Committee will receive a presentation of Academic Excellence Goal #8, which is to increase enrollment in graduate and professional programs. The Chair of Faculty Senate’s Curricular Affairs Committee will provide the customary report, which will also include several recommended action items. The Committee will also be asked to adopt revisions to the University Diversity Statement. Discussion will take place regarding tuition for high school enrollment. The meeting will conclude with a Career Services Work Group update and a review of the EPIR work plan.

Budget, Finance & Investment Committee (BFI) Chair David Daigle reviewed the BFI agenda. He noted that the focus of the meeting is to consider the FY 2016 budget proposal. The Committee will also receive a report from the Investment Subcommittee, which will include a recommendation to approve an investor advisement contract. Vice President for Finance and
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Treasurer Richard Cate will provide his customary report and will also present an update on GASB 45 post-retirement medical benefits. Discussion will continue concerning a minimum liquidity policy. The meeting will conclude with a capital project discussion and review of the BFI work plan.

**Executive Session**

At 1:27 p.m., Chair McAneny entertained a motion to enter into executive session to discuss contracts, of which premature general public knowledge would clearly place the University at a substantial disadvantage. She noted that the session would take approximately 40 minutes and that action was anticipated following. Everyone was excused from the meeting with the exception of Trustees; Provost Rosowsky; Vice Presidents Cate, Bazluke & Gustafson; Vice Provost for Student Affairs Annie Stevens; and Special Assistant to the President & Director of State Relations Clarence Davis.

Vice Provost Stevens was excused after the 2nd item.

Vice President Cate was excused after the 3rd item.

At 2:28 p.m., the meeting was re-opened to the public.

The following resolution was presented for approval:

**Resolution Authorizing Retention of Independent Legal Counsel**

RESOLVED, that the Executive Committee hereby authorizes the Vice President for Legal Affairs and General Counsel to retain independent legal counsel on behalf of the Committee to advise a panel convened by the President pursuant to Article 13.10 of the collective bargaining Agreement between the University of Vermont and United Academics (AAUP/AFT).

A motion was made, seconded and the following roll-call vote was taken: Bill Botzow – Yes, Frank Cioffi – Yes, David Daigle – Yes, Joan Lenes – Yes, Debbie McAneny – Yes, Dale Rocheleau – Yes, and Tom Sullivan – Abstain.

**Adjournment**

There being no further business, the meeting was adjourned at 2:30 p.m.

Respectfully submitted,

Joan Lenes, Secretary
Residency

Policy Statement

The Vermont Legislature has established a lower rate of tuition for students who are Vermont residents. These regulations define eligibility requirements for in-state status classification. All students at The University of Vermont and State Agricultural College (UVM) shall be assigned an in-state or out-of-state status classification consistent with these regulations. The establishment of domicile in Vermont is necessary, but not sufficient, for a student to qualify for in-state status.

Reason for the Policy

To define criteria for in-state residency status of students in accordance with Vermont Statute (Title 16, Chapter 75, section p. 2282).

Applicability of the Policy

This policy applies to all University of Vermont students.

Policy Elaboration

In-State Classification Rules

1. Domicile shall mean a person's true, fixed, and permanent home. It is the place at which one intends to remain indefinitely and to which one intends to return when absent.
2. In addition to establishing domicile, an in-state status applicant must reside in Vermont continuously for one full year prior to the semester for which in-state status is sought.
3. A residence or domicile established for the purpose of attending UVM shall not qualify a student for in-state status.
4. An in-state status applicant who applies for admission or registers for class within one year of first moving to the state shall have created a rebuttable presumption that residency in Vermont is for the purpose of attending UVM and/or acquiring in-state status for tuition purposes.

5. A domicile or residency classification assigned by a public or private authority other than UVM neither qualifies nor disqualifies a student for UVM in-state status. Such classification may be taken into consideration, however, in determining the student’s status at UVM.

6. It shall be presumed that a student who has not reached the age of majority (18) holds the domicile of his/her parents or legal guardian(s).

7. Receipt of financial support by a student from his/her family shall create a rebuttable presumption that the student's domicile is with his/her family, regardless of whether the student has reached the age of 18.

8. A student who has not reached the age of 18 whose parents are legally separated or divorced shall be rebuttably presumed to hold the domicile of the parent with legal custody.

9. A student of parents legally separated or divorced may be granted in-state status if a noncustodial or joint custodial parent is domiciled in Vermont and has contributed more than 50 percent of financial support for at least one year prior to the semester for which in-state status is sought.

10. The burden of proof as to eligibility for in-state status rests with the student. Eligibility must be established by clear and convincing evidence.

Residency Rules for Members of the Armed Forces and Their Family Members - In compliance with the Higher Education Opportunity Act, the following rules and definitions apply for members of the armed forces, their spouses and dependent children:

1. A member of the armed forces who is on active duty for a period of more than 30 days and whose domicile or permanent duty station is in Vermont, or his or her spouse or dependent children, will be charged tuition at the in-state rate.

2. The member of the armed forces or his or her family member eligible for in-state tuition under this paragraph will continue to be eligible for in-state tuition as long as the individual is continuously enrolled, even if there is a subsequent change in the permanent duty station of the member to a location outside of the State of Vermont.

3. For purposes of this Rule for members of the armed forces the following definitions apply:

   a. “Armed Forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

   b. “Active duty for a period of more than 30 days” means active duty under a call or order that does not specify a period of 30 days or less.

   c. “Active duty” means full-time duty in the active military service of the United States and includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.
Residency Rules for V.A. Beneficiaries – In compliance with section 702 of the Veterans Access, Choice, and Accountability Act of 2014, individuals using certain Department of Veterans Affairs education benefits will be charged tuition at the in-state rate if the individual:

1. is a covered veteran who lives in Vermont and enrolls in the University within three years of discharge from a period of active duty service of ninety days or more;

2. is a covered spouse or child using a veteran’s transferred benefits, who lives in Vermont and enrolls in the University within three years of the transferor veteran’s discharge from a period of active duty service of ninety days or more; or

3. is a covered spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship, who lives in Vermont and enrolls in the University within three years of the Service Member’s death in the line of duty following a period of active duty service of ninety days or more.

Definitions

In-state status: eligible for Vermont resident tuition rate

Procedures

In-State Status Classification Documentation:
1. The student must submit with the Application for In-State Status all relevant information.
2. The classification decision shall be made by the Residency Officer based upon information furnished by the student, information requested of the student, and other relevant information available consistent with University policies and procedures and legal guidelines.
3. Additional documents and/or verification may be requested.
4. The student's failure to produce information requested may adversely affect the decision for in-state status.
5. A student or others furnishing information may request the deletion of irrelevant private data from documents.
6. A determination of in-state status is valid only if a student actually enrolls for the semester in question. If a student does not enroll, they must submit a new and timely Application for In-State Status for subsequent semesters.

Appeal of In-State Status Classification:
The decision of the Residency Officer must be appealed in writing to the Residency Appellate Officer within thirty (30) calendar days of the date of the Residency Officer's written decision. Appeal to the Residency Appellate Officer is the final internal appeal at UVM.

In-State Status Reclassification:
1. A student who does not qualify for in-state status classification may reapply for such classification once each semester by submitting the Application for In-State Status to the Residency Officer.
2. In-state status reclassification becomes effective for the semester for which the successful application was made, provided that the Application for In-State Status was received on or before the last day to add/drop classes for that semester. An application may be submitted as early as 75 days in advance of the first day of classes for a semester or as requested by the Residency Officer. Approved residency reclassification will not be applied retroactively to previous terms.

Re-Examination of Classification Status:
Classification status may be re-examined upon the initiative of the Residency Officer in the exercise of sound discretion. Circumstances such as periodic enrollment may be cause for re-examination. An in-state student who leaves Vermont may be required to re-apply and re-establish residency upon returning.

Forms

Application for In-State Status
http://www.uvm.edu/~rgweb/forms/download/app_in_state.pdf

Contacts

Questions related to the daily operational interpretation of this policy should be directed to:
Residency Officer
Registrar@uvm.edu
802-656-8515

Residency Appellate Officer
Residency.Appeals@uvm.edu
802-656-1394

The Vice President for Enrollment Management is the official responsible for the interpretation and administration of this policy.

Related Documents / Policies

None

Effective Date

Approved by the Executive Committee of the Board of Trustees on April 13, 2015