A meeting of the Board of Trustees of the University of Vermont and State Agricultural College was held on Monday, March 8, 2010 in room 427A Waterman Building.


MEMBERS ABSENT: Christopher Bray, Johannah Donovan, James Douglas, Debbie McAneny, Bill Ruprecht, and Jeanette White

ALSO PARTICIPATING: Senior Vice President and Interim Provost Jane Knodell, Vice President for Campus and Student Life Thomas Gustafson*, Vice President for Executive Operations Gary Derr, Vice President for Finance and Administration Richard Cate, Interim Vice President for Development and Alumni Relations Kathleen Kelleher, Vice President for Federal, State and Community Relations Karen Meyer, Deputy General Counsel Thomas Mercurio, Alumni Council President Meg Guzewicz* and Faculty Senate President James Burgmeier

*via conference phone

Chair Ian Boyce called the meeting to order at 12:05 p.m.

Election of Board Chair

Chair Ian Boyce presented the following resolution for approval on behalf of the Nominating Committee:

**Resolution Approving Appointment of Board Chair**

RESOLVED, that the Board hereby accepts the recommendation of the Nominating Committee and approves the appointment of Robert Cioffi as Chair, effective immediately.

A motion was made, seconded and unanimously voted to approve the resolution as presented. The meeting was then turned over to Chair Cioffi.

Chair Cioffi publically thanked former Chair Boyce for his service over the last two years.

President’s Report

President Fogel began by reporting that he had the privilege of presenting former Trustee Martha Heath with the well deserved David C. Knapp Award for Trusteeship on March 5, at the 2010 New England Board of Higher Education’s Excellence Awards event in Boston, Massachusetts. Ms. Heath
served two consecutive terms on the UVM Board of Trustees from 1997-2009 and is a current member of the Board of Vermont Student Assistance Corporation.

He next reported on UVM Athletics excellent weekend highlighting that the Men’s Hockey Team skated to a 1-1 tie with UMass-Lowell on Saturday advancing them to the quarterfinals of the Hockey East playoffs. The Vermont Men’s Basketball team had a win over UMBC and New Hampshire and will advance to the America East Championship Game for the sixth time in the last eight years. The Women’s Basketball Team had wins over Albany and Boston University at the America East Women's Basketball Championship and will advance to the title game for the second straight year.

Additionally, on Sunday, March 7, during the America East Conference Basketball Championship, Newman's Own Foundation unveiled the top three grant recipients of the first-ever Campus Community Service Challenge. The top grant of $25,000 was awarded to the Chittenden Emergency Food Shelf in connection with University of Vermont's Campus Kitchen.

President Fogel also reported that the external review panel for the Transdisciplinary Research Initiative (TRI) was on campus last week. While their formal report has not yet been issued, the panel of experts acknowledged that the University has several opportunities to provide global leadership with this initiative. The next step will be for a consultation with the internal final review group.

In concluding his report, President Fogel announced that early enrollment figures for Fall 2010 are looking good. Currently both applications and deposits are up over last year’s figures.

An opportunity for questions was offered. Trustee Claire Ayer asked if there was any follow-up to President Fogel’s letter in response to the resolution the Faculty Senate submitted regarding concerns with the TRI. President Fogel responded that he has not received a formal response to his letter which was issued last Thursday, but anticipates that there will continue to be some faculty who disapprove, or have apprehensions, about the initiative. A majority of this apprehension exists regarding allocation of resources, which will continue to be addressed.

**Action Items**

Chair Cioffi noted that the action items would be presented as a consent agenda for approval and that each request would be introduced separately with an opportunity for discussion.

He presented the first resolution for consideration requesting approval of a housekeeping amendment to the Resolution regarding Board Delegation and Retention of Authority to include the provisions of contracts for goods, equipment or services >1M in section seventeen, which was inadvertently omitted during the review and approval process last month.

There being no questions, Vice President Cate presented the next two action items. The first request seeks to extend a contract approved by the Board last April with New Breed Marketing for services in support of University Continuing Education programs for the period from April 1 through December 31, 2010 for the amount of $504,000. The combined total of both contracts brings the total over the $1,000,000 threshold requiring board approval.
The second request seeks authorization for the administration to negotiate and execute a 5-year contract for the University’s copier services with SymQuest Group, Inc., for the period from April 1, 2010 through December 31, 2014. SymQuest Group was unanimously recommended by the Copier Program Committee from the five vendors who submitted proposals. Factors influencing the selection were SymQuest’s ability to offer two product lines, their demonstrated willingness to work with UVM to achieve the University’s stated goals of consolidation and reduction of equipment, use of existing and new technology to increase efficiency, competitive prices and a commitment to the service and support required by UVM. Additionally, SymQuest is a local company and all operations are locally-based including the call center, technical support and billing.

Chair Cioffi next offered an opportunity for questions regarding the committee and chair assignments distributed earlier today. He noted he was able to speak to all but two trustees in advance of making the assignments and that the ad hoc Committee on Trustee Recruitment has been disbanded as a result of completing its work and that trustee recruitment will continue to be looked at as necessary by the Committee on Board Governance.

Chair Cioffi offered the last resolution approving the Equal Employment Opportunity/Affirmative Action Policy Statement which has been revised to include reference to the Genetic Information Nondiscrimination Act. With this revision, the University announces its commitment to refrain from discriminating again employees or applicants on the basis of genetic information. He noted the Equal Opportunity in Educational Programs and Activities Policy Statement is unchanged.

Trustee Claire Ayer inquired as to why the Equal Opportunity in Educational Programs and Activities Policy was not also being revised to include reference to the Genetic Information Nondiscrimination Act. Deputy General Counsel Thomas Mercurio replied that federal requirements do not require such reference in this particular policy, although it could be considered. The Board agreed to reaffirm both policy statements as presented and the administration agreed to further discuss the possibility of including genetic information in Educational Programs and Activities Policy Statement.

There being no further discussion, the consent agenda was presented for approval:

**Resolution Approving Appointment of Board Chair**

RESOLVED, that the Board hereby accepts the recommendation of the Nominating Committee and approves the appointment of Robert Cioffi as Chair, effective immediately.

**Adoption of Revisions to Resolution Regarding Delegation and Retention of Board Authority**

RESOLVED, that the Board hereby accepts the revision to its Resolution Regarding Delegation and Retention of Board Authority as recommended by the administration, appearing as Attachment A to this resolution.
Resolution Approving Contract with New Breed Marketing

BE IT RESOLVED, that the Vice President for Finance and Administration, in consultation with the Dean of Continuing Education, is authorized to enter into a contract of $504,000 with New Breed Marketing for marketing services in support of University Continuing Education programs and services. The contract covers services from April 1, 2010 through December 31, 2010.

Resolution Awarding Contract for Copier Services

BE IT RESOLVED, that the Vice President for Finance and Administration, or his successor or designee, is hereby authorized to negotiate and execute a contract for the University’s copier services with SymQuest Group, Inc., for the period from April 1, 2010, through December 31, 2014.

Resolution Approving Committee and Chair Appointments

RESOLVED, that the Board of Trustees approves the Committee and Chair appointments for 2010, attached hereto as Attachments B and C.

Resolution Approving Equal Opportunity Statements

RESOLVED, that the Board ratifies the Equal Employment Opportunity/Affirmative Action Policy Statement and the Equal Opportunity in Educational Programs and Activities Policy Statement, both effective as of March 8, 2010, attached hereto as Attachments D and E.

A motion was made, seconded and it was unanimously voted to approve the consent agenda as presented.

Other Business - Executive Session

At 12:29 p.m., Chair Cioffi asked for a motion to enter into executive session for the purpose of discussing contracts. The motion was made, seconded and approved. All in attendance were excused from the meeting with the exception Trustees, Vice Presidents Jane Knodell, Richard Cate, Thomas Gustafson, Kathleen Kelleher and Gary Derr and Deputy General Counsel Tom Mercurio.

Adjournment

The meeting was re-opened to the public at 1:05 p.m. There being no further business the meeting was adjourned.

Respectfully submitted,

Bill Botzow, Secretary
Resolution Regarding Delegation and Retention of Board Authority

WHEREAS, this Board has, in its Bylaws and through such policies and resolutions as it may issue from time to time, delegated to the President and other officers of the University certain authority and responsibility for the management of the University and its programs, activities and operations; and

WHEREAS, this Board recognizes the need for prompt and timely management decisions made by qualified University personnel, and thus, through such delegations, authorizes officers of the University to negotiate and enter into contracts and other arrangements to facilitate the objectives of University programs and activities and to conduct related operations; and

WHEREAS, in making such delegation, the Board also assigns to such officers responsibility to make informed and prudent decisions in the best interests of the University and to maintain accountability to the Board through prompt and accurate reports on University programs, activities and operations, including their financial status and impact;

NOW, THEREFORE, BE IT RESOLVED that, subject to its retained authority and responsibility for the general oversight of the University, and reserving to itself the power to act on its own initiative as necessary to the fulfillment of its own fiduciary and legal duties, the Board hereby delegates to the President and the officers of the University authority and responsibility to negotiate and enter into contracts and other arrangements to facilitate the objectives of University programs and activities and to conduct related operations, and hereby also recognizes the authority the Board delegates to the Faculty Senate as expressed in the Faculty Senate Constitution and Bylaws, except for the following, which shall require Board approval:

(1) statements of institutional mission, principles and values;

(2) the institutional strategic plan and associated goals, and related strategic financial plans and goals, and all material revisions thereto;

(3) establishment and dissolution of University-affiliated corporations and foundations, and University membership in other corporate entities (but not institutional memberships in professional associations);

(4) appointment of University Trustees to the boards of other corporate entities or public bodies in their capacity as University Trustees;

(5) appointment and employment of the President, appointment of other officers of the Board and the University in accordance with the University Bylaws, and authorization of severance payments in excess of the standard amount University policy specifies for officials who report to the President;
creation or elimination of an academic unit, curriculum, research or service endeavor as defined in Faculty Senate protocols; and approval of faculty medical or other clinical practice plans;

award of honorary degrees;

matters the Faculty Senate may appeal to the Board under the Senate Constitution and Bylaws;

naming of buildings and academic programs;

through its Investment Subcommittee of the Budget, Finance and Investment Committee (“Investment Subcommittee”), selection, retention and termination of investment advisors and managers for the Long-Term Investment Pool; provided that: the Board must itself approve policies for the Long-Term Investment Pool and the Limited Term Asset Pool; the endowment spending rate; the endowment management fee; declaration of financial exigency; and dissolution, merger or the sale or pledge or transfer of all or substantially all of the University’s assets;

the institutional annual budget and the annual audited financial statement;

tuition, room and board rates, student fees, and in-state status regulations for purposes of determining tuition;

purchase, sale, exchange, or transfer of complete or partial interests in real property, regardless of location, at a value that equals or exceeds $500,000; authorization of acceptance of compensation in eminent domain proceedings; the lease or sublease of property with annual or aggregate rental value that equals or exceeds $500,000, and renewals thereof; the pursuit or acceptance of historic preservation designation for University property; and adoption of, and material revisions to, a Campus Master Plan;

payments in lieu of taxes;

issuance of bonds and approval of institutional debt policy;

procurement of loans, lines or credit, or other financing, and performance as surety, in amounts or at a value that equals or exceeds $1,000,000;

contracts for facilities construction or renovation, including change orders and increases in project costs for previously approved projects whose
value in aggregate equals or exceeds $1,000,000; provided that (and subject to the provisions of (18) below), and the purchase or sale of goods, equipment or services > $1,000,000; the Board shall approve all contracts for consulting services whose aggregate value equals or exceeds $250,000, and shall also authorize, through its Investment Subcommittee, the selection and retention of all investment advisors regardless of contract cost;

(18) selection and retention of an independent audit firm to conduct mandatory annual financial attestation and/or compliance audits, regardless of contract cost; contracts at an aggregate cost of $10,000 or more for non-audit consulting services with the independent annual audit firm; and, otherwise, contracts with audit firms for consulting services whose aggregate value equals or exceeds $250,000;

(19) the material terms of collective bargaining agreements and, within the context of annual budget preparation and approval, the annual salary pool for non-union-represented employees;

(20) settlement of lawsuits at a cost that equals or exceeds $250,000, regardless of insurance coverage; and authorization to file and/or settle lawsuits in which the Board or a University officer is a named party or a Board-approved policy is in dispute;

(21) all self-governance matters reserved to the Board in the University Bylaws, including without limitation the election, appointment and removal of Board officers, approval of Board Committee appointments, or as otherwise required or permitted by law; and

(22) revisions to University Bylaws; matters required by law, Bylaws, and/or contract; and such other authority as the Board is required to exercise without delegation as a matter of law, or that, in the future and prospectively, it wishes to retain or retrieve in the exercise of its fiduciary duties and sole discretion;

AND BE IT FURTHER RESOLVED that, notwithstanding such delegations, through the President or his designees, the administration shall report periodically on matters of institutional management and operations as the Board may direct and/or as may be appropriate and desirable, including without limitation periodic reporting on gifts and grants; and

BE IT FINALLY RESOLVED, that this resolution shall supersede all preexisting delegations prospectively.

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C = chair  
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### The University of Vermont and State Agriculture College
#### Board of Trustees Other Committees
#### March 2010

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*membership also serves as an Advisory Group for Senior Administration Appointments
**also includes constituency group members
Equal Employment Opportunity/Affirmative Action Policy Statement

Policy Statement

The University of Vermont and State Agricultural College is committed to a policy of equal employment opportunity and to a program of affirmative action in order to fulfill that policy. The University will accordingly recruit and hire into all positions the most qualified persons in light of job-related requirements, and applicants and employees shall be treated in employment matters without regard to unlawful criteria including race, color, religion, ancestry, national origin, sex, sexual orientation, disability, age, positive HIV-related blood test results, status as a disabled or Vietnam Era Veteran, genetic information, or gender identity or expression, as these terms are defined under applicable law, or any other factor or characteristic protected by law.

In addition, the University of Vermont recognizes that discriminatory harassment and sexual harassment are forms of unlawful discrimination, and it is, therefore, the policy of the University that discriminatory harassment and sexual harassment will not be tolerated. The University also prohibits unlawful harassment on the basis of other characteristics protected by law.

Further, employees and applicants will not be subjected to harassment or retaliation because they have engaged in or may engage in the following: filing a complaint or assisting or participating in an investigation regarding alleged discrimination or harassment as prohibited in the policy statement above; filing a complaint or assisting or participating in an investigation, compliance evaluation, or any other activity related to the administration of the Vietnam Era Veterans’ Readjustment Assistance Act of 1974 ("VEVRAA"), Section 503 of the Rehabilitation Act of 1973 ("Rehabilitation Act"), or the Affirmative Action provisions of federal, state or local
law; opposing any act or practice made unlawful by VEVRAA, requiring equal employment opportunities for individuals with disabilities, disabled veterans, or veterans of the Vietnam Era; or exercising any rights under VEVRAA or the Rehabilitation Act.

Sources: Titles VI and VII of the Civil Rights Act of 1964; the Immigration Reform and Control Act of 1986; Title IX of the Education Amendments of 1972; the Equal Pay Act of 1963; the Age Discrimination in Employment Act of 1967; the Age Discrimination Act of 1975; Sections 503 and 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; Section 402 of the Vietnam-Era Veterans Readjustment Assistance Act of 1974; Executive Order 11246 as amended; the Genetic Information Nondiscrimination Act of 2008; the Vermont Fair Employment Practices Act; and such other federal, state and local non-discrimination laws as may apply.

Note: This Statement of Policy is the official University of Vermont Equal Educational Opportunity Policy Statement and supersedes all prior policy statements regarding its subject matter. It may be modified only by written statement issued by the President as Chief Executive Officer of the University or by formal action by the University of Vermont and State Agricultural College Board of Trustees. This Policy Statement is designed to express the University’s intent and commitment to comply with the requirements of federal, state and local non-discrimination laws. It shall be applied co-extensively with such laws, and shall not be interpreted as creating any rights, contractual or otherwise, that are greater than exist under such non-discrimination laws. Persons seeking to participate in educational opportunities offered by the University must consult position and program descriptions to determine criteria for eligibility. All such criteria shall be established in a manner consistent with the legal requirements herein referenced.

Contacts

Questions regarding this policy statement or compliance with its provisions may be directed to:

Executive Director
Diversity & Equity Unit/Office of Affirmative Action and Equal Opportunity
University of Vermont
428 Waterman Building
Burlington, VT 05405
(802) 656-3368

Questions may also be directed to government agencies having oversight and enforcement authority with respect to the referenced laws. A complete listing of such agencies may be obtained from the Office of Affirmative Action and Equal Employment Opportunity.

The President is the University official responsible for the interpretation and administration of this policy.
Related Documents/Policies

Equal Opportunity in Educational Programs and Activities Policy Statement
http://www.uvm.edu/~uvmppg/ppg/student/equaledu.pdf

Sexual Harassment Policy – Employees
http://www.uvm.edu/~uvmppg/ppg/hr/sexharasemp.pdf

Procedures for Investigating and Resolving Discrimination Complaints

Effective Date

Approved by:

____________________  President  ______________
Daniel M. Fogel  Date

____________________  Chair Board of Trustees  ______________
Robert Cioffi  Date
Equal Opportunity in Educational Programs and Activities and Non-Harassment

Policy Statement

The University of Vermont and State Agricultural College is committed to a policy of equal educational opportunity. The University therefore prohibits discrimination on the basis of unlawful criteria such as race, color, religion, national or ethnic origin, age, sex, sexual orientation, marital status, disability, or gender identity or expression, as those terms are defined under applicable law, in admitting students to its programs and facilities and in administering its admissions policies, educational policies, scholarship and loan programs, athletic programs, and other institutionally administered programs or activities made available to students at the University. The University also prohibits harassment, as defined in the Vermont Statutes at Title 16, section 11(a)(26). Unlawful harassment is a form of discrimination and is therefore prohibited. Sources: Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Vermont Public Accommodations Act; and such other federal, state, and local non-discrimination laws as may apply.

Note: This Statement of Policy is the official University of Vermont Equal Educational Opportunity Policy Statement and supersedes all prior statements regarding its subject matter. It may be modified only by written statement issued by the President as Chief Executive Officer of the University or by formal action by the University of Vermont and State Agricultural College Board of Trustees. This Policy Statement is designed to express the University's intent and commitment to comply with the requirements of federal, state and local non discrimination laws. It shall be applied co-extensively with such laws, and shall not be interpreted as creating any rights, contractual or otherwise, that are greater than exist under such non discrimination laws. Persons seeking to participate in educational opportunities offered by the University must consult position and program descriptions to determine criteria for eligibility. All such criteria shall be established in a manner consistent with the legal requirements herein referenced.
Contacts

Questions regarding this policy statement or compliance with its provisions may be directed to:

Dean of Students
University of Vermont
41-43 South Prospect Street
Burlington, VT 05405
(802) 656-3380

or to:

Executive Director
Diversity & Equity Unit/Office of Affirmative Action and Equal Opportunity
University of Vermont
428 Waterman Building
Burlington, VT 05405
(802) 656-2909

Questions may also be directed to government agencies having oversight and enforcement authority with respect to the referenced laws. A complete listing of those agencies may be obtained from the Office of Affirmative Action and Equal Opportunity.

The President is the University official responsible for the interpretation and administration of this policy.

Related Documents/Policies

Equal Employment Opportunity/Affirmative Action Policy Statement
http://www.uvm.edu/~uvmppg/ppg/general_html/affirm.pdf

Harassment – Students
http://www.uvm.edu/~uvmppg/ppg/student/studentharas.pdf

Procedures for Investigating and Resolving Discrimination Complaints

Sexual Harassment Policy – Students
http://www.uvm.edu/~uvmppg/ppg/student/sexharassstudent.pdf
## Effective Date

Approved by:

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