ACADEMIC SENATE
AGENDA
February 7, 2011

1. CALL TO ORDER: 3:00 p.m. in 115 C. Roland Christensen Center

2. APPROVAL OF MINUTES: January 10, 2011

3. REQUEST FOR NEW BUSINESS:

4. CONSENT CALENDAR:
   a. Appendix I: Resignations, Administrative and Faculty Appointments
   b. Appendix II: Auxiliary and Limited Term Appointments

5. EXECUTIVE COMMITTEE REPORT:

6. REPORT FROM ADMINISTRATION:

7. REPORT FROM ASUU:

8. NOTICE OF INTENT:
   a. Proposed Revision of Policy 3-111 Independent Consultant/Contractor

9. DEBATE CALENDAR:

10. INFORMATION CALENDAR:
    a. New Rule 3-030C Travel Per Diem
    b. New Rule 3-110A Equipment Leasing
    c. Combined Emphases within the School of Computing and the Department of Film and Media Arts in Game Engineering, Game Production and Game Arts

11. NEW BUSINESS:

12. ADJOURNMENT:
ACADEMIC SENATE MINUTES
January 10, 2011

Call to Order
The meeting of the Academic Senate, held on January 10, 2011, was called to order at 3:04 by James E. Metherall, Senate President. The meeting was held in room 115 C. Roland Christensen Center.

James Metherall gave a couple of administrative announcements regarding the off cycle work from the Personnel and Elections Committee to establish two faculty committees. The first, the Faculty Committee on Governmental and Community Relations has been inactive for a few years. The committee will provide faculty perspective in the legislative process as well as city and community relations. This committee will jointly report to the Senate and the new Vice President, Jason Perry. The second committee, the Student Course Feedback Oversight Committee, will be created as required in Policy 6-100, to establish procedures for implementing new features of the course evaluation system obtaining and publishing student feedback. Anyone interested in serving on either of these committees should contact Nancy Lines.

Roll:

Excused: Gwyndolynn Gentry, Chris Myers, Sean Redmond, Sandy Smith, Michael K. Young
Excused w/out proxy: Bob Allen, Richard Barton, David Blair, Reaz Chaudhuri, Chase Jardine, Chris Peterson, Andrea Rorrer, Orest Symko

Ex-officio: A. Lorris Betz, Robert Flores, John Francis, James Graves, Pat Hanna, Nancy Lines, James Metherall, Paul Mogren, Susan Olson, Octavio Villalpando
Others: Ann Floor, Donna White, Robert Payne, Scott Folsom, Platte Nielson, George Hepner, Rubio Fernando, Patty Davis, Gage Williams, Steve Roens, Kris Hale

Approval of Minutes
The minutes of the Academic Senate meeting on December 6, 2010, were accepted following Robert Flores editorial corrections on a motion from Larry DeVries which was seconded by Bob Fujinami. A motion to approve the minutes as amended was made by Larry DeVries, seconded by Bob Fujinami and unanimously approved.

Request for New Business
Professor Norm Waitzman posed a question regarding guns on campus, which has been under discussion as a result of a recent incident involving campus police protocols. The question—as it is illegal under federal law to carry in a federal building, could the University, since it receives Federal funds, be classified as a federal building. Associate General Counsel Robert Payne was in attendance and was asked about this concept. He explained that a clear answer could not be given without some opportunity to study the law. A motion from Larry DeVries, seconded by Steve Alder, to request the Counsel’s office to consider this issue, was unanimously approved. Robert Payne agreed to discuss the issue with the General Counsel, and to arrange to have the Senate leadership informed if there seemed to be something worth pursuing on this issue..

**Note: Upon further investigation, University General Counsel provided the following definition from United States Code 18 U.S.C. 930(g)(1): The term ‘Federal Facility’ means a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.” Consequently, university buildings do not qualify as Federal Facilities and the university cannot justify using the federal guidelines/laws applied to Federal Facilities for campus facilities.

Consent Calendar
The resignations, retirements, faculty appointments, auxiliary, limited term, and emeritus appointments, appearing in the Appendices dated December 20, 2010 and January 10, 2011, received unanimous approval to forward to the Board of Trustees as proposed by Larry DeVries and seconded by Steve Alder.

Executive Committee Report
Pat Hanna, Executive Committee Secretary, summarized her written report of the December 20, 2010, Executive Committee meeting.

Report from Administration
A. Loris Betz, Senior Vice President of Health Sciences, announced that the Legislative session will begin in two weeks. The opening salvos on the budget from the Governor proposed a budget that will require no further cuts to Higher Education. The one-time money that was used last year to limit the level of the cuts is running out and the Governor proposes the acceleration of collection of taxes from businesses to bring in enough money to cover the deficit. The Legislature, however, does not appear to agree with the Governor’s proposed acceleration of
collection of taxes on businesses. Some of the presidents of the State universities will be meeting with legislators in a couple of weeks to describe how to deal with a proposed 7 percent cut.

The administration is hopeful that there won’t be any additional cuts and is virtually certain that there won’t be any legislative funding for salary increases. The administration is very concerned after having gone two years without salary increases and will be looking at other non-legislative funding sources that could be used. The salary guidelines will not be out until after the legislative session is over.

The senior vice president commented on the open-carry gun issues that have recently been reported in the news. He stated that the University’s policy is consistent with state law in that it allows individuals with lawful permits to carry concealed weapons on campus. University policy does not allow weapons to be carried openly or intentionally displayed by anyone on campus, other than law enforcement officials. He reaffirmed the right of University security personnel to verify an individual’s authority to carry a weapon if the individual displays the weapon. Dr. Betz contended that this Policy was also consistent with state law, but also pointed out that some state bills have been introduced to clarify the rights to openly carry a weapon. He also stated that openly carrying a weapon has a deleterious effect on the educational environment that we need to foster at the University.

Report of ASUU
There was no report from ASUU.

Notice of Intent
Robert Payne, Associate General Counsel, explained the set of proposed policies and procedures recommended or required by Federal law following the 2009 Clery Act federal audit of the University. Policy 1-011 regarding Campus Security, with its accompanying Procedure 1-011A, will provide the appropriate policies and procedures for reporting, collecting and maintaining information about crimes on campus. The proposed Policy 1-012 addressing Student Sexual Assault Prevention and Response replaces the interim rule 5-210 that was put into effect in November 2009 on an expedited basis to address deficiencies in complying with Federal law. Larry DeVries recommended that the proposed policies be amended to address the problem of false accusations being made. A motion to include the recommended provision regarding false accusations was made by Larry DeVries and seconded by Bob Fujinami and approved. A second motion to move this proposal from the Intent to the Debate Calendar was made by Larry DeVries and seconded by Bob Fujinami and approved.

Debate Calendar
There was no further discussion on Policy 1-011, Procedure 1-011A, Policy 1-012 and the repeal of Interim Rule 5-210. A motion from Larry DeVries to approve the proposed policies, as amended to include the provision regarding false accusations, and forward to the Board of Trustees for final approval was seconded by Bob Fujinami and approved unanimously.

George Hepner, chair of the Geography Department, gave a short précis on the proposed discontinuation of the Geography Teaching Degrees. Because of more strict regulations and a lack of student involvement and decreased departmental resources, the department decided to
request its discontinuation. There will be no students impacted by the discontinuance. A motion from Larry DeVries to approve the request and forward to the Board of Trustees for final approval was seconded by Alison Regan and approved unanimously.

Fernando Rubio, chair of the Department of Languages and Literature, presented a short synopsis for the proposed Minor in Portuguese and Brazilian Studies. Of the 21 languages taught in the department, only 11 of those qualify for degrees. The department feels that this minor would benefit a large population in Utah, strengthen our ties with Brazil, and be critical in getting a national research center. BYU currently has the largest program in the nation. John Francis added his support for this proposal. Larry DeVries made a motion to approve the proposed request and forward to the Board of Trustees for final approval which was seconded by Suzanne Darais and approved unanimously.

Information Calendar
There were no questions on the approved emphases in the departments of Anthropology, Biology Majors, Special Education, and Theatre, nor the Undergraduate Council Review of Environmental Studies or the Graduate Council Review of Geography.

New Business
Kris Hale, co-chair of the University’s Child Care Task Force, requested the Senate be informed of the approved Child Task Force Needs Assessment Survey that will be going out on-line. The purpose of the survey is to describe the child care needs of students, staff and faculty, perceptions of met and unmet needs, and levels of satisfaction with available child care resources. Participation is voluntary and no identifying information will be collected about respondents. If you have any questions, please contact Joanne Yaffe (joanne.yaffe@utah.edu).

Adjournment
The meeting adjourned at 3:45 p.m.

Respectfully submitted,

Nancy Lines
APPENDIX I

RESIGNATIONS, RETIREMENTS & APPOINTMENTS

Resignations

1. Dr. Didem Havlioglu, Assistant Professor of Language & Literature, effective December 15, 2010.

2. Dr. Doug Hinson, Associate Professor (Clinical) of Surgery, effective June 19, 2010.

3. Dr. Sheldon Litwin, Professor with tenure of Internal Medicine, effective January 3, 2011.

4. Dr. Jared Tanner, Assistant Professor of Mathematics, effective August 22, 2010.

Retirements

1. Ms. Ceres Birkhead, Associate Librarian with Continuing Appointment in the Marriott Library, member of faculty for 22 years, effective June 30, 2009. (See Emeritus Appointments)

2. Dr. P. Ruben Koehler, Adjunct Professor of Radiology, member of faculty for 11 years, effective June 30, 2010. (See Emeritus Appointments)

3. Dr. James Kushner, Distinguished Professor with tenure of Internal Medicine, member of faculty for 41 years, effective February 1, 2011.

4. Dr. Richard P. Steiner, Professor (Lecturer) of Chemistry, member of faculty for 34 years, effective December 31, 2010. (See Emeritus Appointments)

Administrative Appointments

1. Dr. Alan L. Davis, Director, School of Computing, effective January 1, 2011.

2. Professor Stephen Koester, Chair, Department of Modern Dance, effective January 1, 2011. This supersedes his appointment as Interim Chair of Modern Dance.
Faculty Appointments

ENGINEERING

1. Dr. David Alan Schurig, Associate Professor of Electrical & Computer Engineering, effective January 1, 2011.

   B.S., 1989, University of California
   Ph.D., 2002, University of California

MEDICINE

2. Dr. Mary P. Bronner, Professor of Pathology, effective January 1, 2011.

   B.S., 1984, University of Pennsylvania
   M.D., 1989, Cornell University

3. Dr. Benjamin T. Crookston, Assistant Professor of Family & Preventive Medicine, effective January 1, 2011. This represents a track switch and supersedes his appointment as Visiting Instructor in Family & Preventive Medicine.

4. Dr. Matthew S. Thiese, Assistant Professor of Family & Preventive Medicine, effective January 4, 2011. This represents a track switch and supersedes his appointment as Visiting Instructor in Family & Preventive Medicine.

APPENDIX II

AUXILIARY FACULTY APPOINTMENTS

Auxiliary Faculty Appointments

ENGINEERING

1. Dr. Brittany Coats, Adjunct Assistant Professor of Bioengineering, effective December 17, 2010 and ending June 30, 2011. This is secondary to her tenure track appointment as Assistant Professor of Mechanical Engineering.

2. Dr. Derek J. Dosdall, Adjunct Assistant Professor of Bioengineering, effective December 17, 2010 and ending June 30, 2011. This is secondary to his tenure track appointment as Assistant Professor of Internal Medicine.
3. Dr. Hanseup Kim, Adjunct Assistant Professor of Bioengineering, effective December 17, 2010 and ending June 30, 2011. This is secondary to his tenure track appointment as Assistant Professor of Electrical and Computer Engineering, and is in addition to his appointment as Adjunct Assistant Professor of Mechanical Engineering.

4. Dr. Jeffrey C. Wolchok, Research Assistant Professor of Bioengineering, effective December 17, 2010 and ending June 30, 2011.

   B.S., 1992, University of California
   M.S., 1995, University of California
   Ph.D., 2009, University of Utah

MEDICINE

5. Dr. Timothy R. Lapine, Adjunct Professor of Pediatrics, effective January 1, 2011 and ending June 30, 2011. This supersedes his appointment as Adjunct Associate Professor of Pediatrics, and is in addition to his appointment as Adjunct Professor of Pathology.

6. Dr. Ryan G. O’Hara, Assistant Professor (Clinical) of Radiology, effective January 1, 2011 and ending June 30, 2011.

   B.S., 1997, University of Montana
   M.D., 2001, University of Washington

7. Dr. Shayne R. Squires, Adjunct Instructor in Radiology, effective January 1, 2011 and ending June 30, 2011.

   B.S., 1993, Brigham Young University
   M.S., 1995, University of Utah
   M.D., 2000, University of Washington

PHARMACY


   B.S., 2002, Brigham Young University
   Pharm.D., 2006, Creighton University
APPENDIX III

EMERITUS APPOINTMENTS

Emeritus Appointments

1. Ms. Ceres Birkhead, Associate Librarian Emerita in the Marriott Library, member of faculty for 22 years, effective July 1, 2009. (See Retirements)

2. Dr. P. Ruben Koehler, Adjunct Professor Emeritus of Radiology, member of faculty for 11 years, effective July 1, 2010. (See Retirements)

3. Dr. Richard P. Steiner, Professor (Lecturer) Emeritus of Chemistry, member of faculty for 34 years, effective January 1, 2011. (See Retirements)
INTENT CALENDAR
Academic Senate – February 7, 2011
Executive Committee – January 24, 2011

Checklist & coversheet form—for submitting to Academic Senate Executive Committee
Proposal for addition/revision of University Regulation.
(Rev.2010-09-20)

1. Regulation(s) involved (type, number, subject): Policy 3-111, Independent Consultant/Contractor Prof. Svcs.

Agreements

2. Responsible Policy Officer (name & title): Arnie Combe – VP for Admin. Services

3. Contact person(s) for questions & comments (name, email, phone#): Jeffrey West, AVP – Finance, jeff.west@admin.utah.edu, 1-7520

4. Presenter to Senate Exec (if different from contact person. name, phone#):

5. Approvals & consultation status.
   a. Administrative Officers who have approved (VP/President, name & date): President’s Cabinet 11/18/2010
   b. Committees/Councils/other Officers consulted: Council of Academic Deans 12/16/2010

6. Check YES or NA (not applicable) of documents submitted--- (In digital form. Preferred file format MS Word doc. Special exception allowed for PDF format if previously arranged.)
   YES Explanatory memorandum (key points of proposal, rationale).
   YES VP/Presidential approval signatures (separate sheet, or affixed to memo cover).
   YES Text of proposed Regulation addition/revision.
   YES (If revision of existing Regulation) text changes are clearly marked, using permanent font markings (not MS Word ‘Track’ Changes non-permanent markings).

Date submitted to Senate Office: 1/13/2011

The Executive Committee will consider whether the proposal is ready for presentation to the full Senate, and if so will schedule it for a subsequent Senate meeting either as i) a matter of academic significance—set on the “Intent” & “Debate” Calendars over two monthly meetings with final “approval” voting at the second, or ii) not academically significant—set on the “Information” Calendar for a single monthly meeting, with opportunity for questions and recommendations. See Policy 1-001 http://www.regulations.utah.edu/general/1-001.html; Rule 1-001 http://www.regulations.utah.edu/general/rules/R1-001.html; Senate procedures http://www.admin.utah.edu/asenate/index.html. Further information—Senate Office: Nancy Lines 581-5203 nancy.lines@utah.edu.
Executive Summary
Revision 5 of Policy 3-111
Independent Consultant and Independent Contractor Professional Service Agreements
November 19, 2010

One of the major recommendations coming out of the recent internal audit of the Accounts Payable Department was as follows – “We recommend that . . . Financial & Business Services review and revise the wording of Policy 3-111 to provide clear guidance to departments hiring individuals that may not fit the definition of ‘employee’. . .”

After several months of discussion and review of the policy amongst several administrative offices (including the Office of General Counsel), and representatives of the Institutional Policies Committee (IPC), the policy has been revised to clarify requirements for classification as an independent contractor, and the circumstances under which they may be engaged. Specific wording has been added to provide assistance in distinguishing between an independent contractor and an employee, and clarifying language has been added on selecting and contracting with such individuals or entities.

Changes to the policy are intended to provide clear guidance on whether an individual should be treated as an employee rather than an independent contractor, to ensure compliance with tax laws.

Approved:  
Arnold B. Combe  
Vice President for Administrative Services
Policy 3-111: Independent Consultant and Independent Contractor Professional Service Agreements Service Contracts with Individuals and Other Legal Entities, Revision 5 (DRAFT) Effective date [upon approval by Board of Trustees]

I. Purpose and Scope

A. To outline University policy governing the use of agreements for the services of independent consultants and certain Independent Contractors.

B. To describe the requirements for classification as an Independent Contractor.

C. To describe the process under which campus units may engage Independent Contractors, including those circumstances under which campus units must involve Procurement & Supply Management.

D. The policy and Procedures set forth herein apply to securing the services of independent consultants and independent professional persons with respect to all University activities, except as provided in paragraph III.E.2.

This policy does not apply to arrangements with Independent Contractors otherwise covered by University policy, including:

1. Services of building or general contractors, architects, engineers and design consultants for construction projects, pursuant to Appointment of architects, engineers and design consultants engaged in accordance with the applicable provisions of Policy 3-101

2. Contracted services provided by nonfederal funds as follows:
   a. Contracted services acquired through Procurement & Supply Management.
   b. Appointment of a consultant by or with the approval of the Board of Trustees, the president or a vice president.

3. The procurement of services of contractors other than professional persons or independent consultants

4. Contracted entertainment services where a formal entertainment agreement is prepared and submitted as documentation to support payment from nonfederal funds. Payments to faculty (regular or auxiliary, including adjunct faculty), who would always fall under the employee category, pursuant to Policy 5-001.

II. Definitions

For purposes of this Policy, the term below shall have the following meaning:

“Independent Contractor” means an individual who satisfies the Independent Contractor classification criteria set forth in this Policy, or other legal entity performing work or services for the University.

A. Employer-Employee Relationship:
   A relationship that exists when the University has the right (whether or not it exercises the right) to supervise and control the manner of performance as well as the result of the service.

B. Independent Contractor Relationship:
   A relationship that exists when the University has the right to control only the result of the service, not the manner of performance.

C. Responsible Administrative Officer:
   A University officer holding a position as department head or director or higher rank who exercises immediate line responsibility over the project director or other person requesting authorization to enter into an agreement to engage the services of an independent consultant or independent contractor.

D. Independent Consultant:
III. Policy

A. General: The use of consulting and professional service agreements under this Policy and Procedure is expected to be infrequent and primarily for the purpose of solving clearly delineated problems of short-term duration, or to provide specific expertise not otherwise available. Engagements of this type are typically finite in length rather than continuously renewed. For continuously renewed engagements, consult the Office of General Counsel.

1. Selection of individuals to perform such services shall be made on the basis of qualifications, resources, experience, needs of the University and cost to the University.

2. An Employee of the University, business operated by an employee of the University may be engaged as a consultant or to provide professional services as an Independent Contractor only if the contract services to be performed (a) are not within the normal performance expectations of the University arising from the employee's University position; (b) are to be performed outside of the normal working time and work assignment of the employee and not under the direction, supervision, or control of the University; (c) do not involve a conflict of interest prohibited by the Utah Public Officers' and Employees' Ethics Act or University Policy (see Policy 1-006); and (d) are to be provided across departmental lines, i.e., are not to be performed for an officer or principal investigator who holds an appointment in the same academic department or other operating unit as the Independent Contractor; and e) the employee would otherwise qualify as an Independent Contractor under this Policy based upon the nature of the work to be performed. Although a business operated by an employee that meets all of these criteria may be paid as an Independent Contractor, no University employee may receive compensation from the University for work performed for the University other than as an employee - through payroll.

3. The specialized and unique qualifications required of independent consultants and independent professional service contractors are incapable of being evaluated on a comparative basis in relation to objective criteria or specifications. Accordingly, the selection of such individuals shall be made on an informal basis and without competitive bids or proposals.

4. Any agreement for the services of an Independent contractor or independent professional Contractor, which is not excluded from this policy by Section III.F.2 above, shall be prepared in the approved standard form (see Consultant/Independent Contractors Agreement Attachment A). Covered by this Policy shall comply with the contracting requirements set forth at Section III.C. below.

4. The Agreement is binding upon the University only if it is signed by the project director or other authorized officer and by the Responsible Administrative Officer. An Independent Contractor is not permitted to hire employees of the University to perform services covered by the agreement.

B. Contracting requirements for Independent Contractors:

1. Due to the specialized and unique nature of the services performed, the selection of Independent Contractors will generally be done on an informal basis and without competitive bids or proposals. However, any "significant transaction" (as defined by Procedure xx-xx), or other significant commitment of University resources, must be approved by the Director of Procurement and Supply Management and/or Office of General Counsel, unless otherwise approved by the cognizant vice president or the Office of Sponsored Projects.

2. Except as otherwise exempted from this Policy, all contracts with Independent Contractors must be in a form approved by the Director of Procurement and Supply Management or the Office of General Counsel. The University's Professional Services/Consulting Agreement form found at [see link] is an approved form of agreement for consulting and professional services, except for those categories identified at Sections III.D. and E., below.
3. Contracts with Independent Contractors for medical, legal, accounting, and other unique professional services, and all Independent Contractor contracts using a form other than the University's Professional Services/Consulting Agreement form referenced at Section III.B.2, above, must have the approval of the Director of Procurement and Supply Management and/or the Office of General Counsel.

4. All contracts with Independent Contractors must be signed in compliance with Policy 3-004 regarding Processing and Signing of Official Documents.

5. A purchase order may not be used in lieu of an Agreement required by this Policy and Procedure as a means of securing and paying compensation for the services of an Independent Contractor or an independent professional service contractor. An honorarium payment may not be used in lieu of an Agreement required by this Policy and Procedure as a means of paying compensation for services to the University. (See Policy 3-062.)

6. An honorarium payment may not be used in lieu of an Agreement required by this Policy and Procedure as a means of paying compensation for services to the University. (See Policy 3-062.)

7. Contracts for small dollar transactions and occasional services where an Independent Contractor is engaged for periods of less than one month and for an amount less than $1,000, are exempted from any requirement under Sections III.C.1 and 2 to provide Accounts Payable or Tax Services evidence to support an Independent Contractor classification.

C. Additional Requirements When Contracting with Individuals as Independent Contractors

1. The University complies with federal and state laws and regulations on Independent Contractor classification and related requirements. If a University department engages an individual or sole proprietorship (rather than a corporation or other legal entity that is not a sole proprietorship) to perform services as an Independent Contractor, the department must supply the necessary evidence to support this classification over the presumption of employee classification. The Tax Services Office is the final arbiter of classification status.

2. An individual may be retained as an Independent Contractor only if a determination has been made in accordance with this Policy that the individual qualifies as an Independent Contractor. Independent contractor classification is subject to compliance with Internal Revenue Service guidelines. A determination of Independent Contractor status must be completed prior to any engagement for services and before payments can be made - by completing the Independent Contractor Classification Checklist and following the conclusions of the Checklist. Such Checklist may change from time to time based on changing Internal Revenue Service guidelines. The Checklist must be completed by an individual with firsthand knowledge of the nature of the services to be performed and signed by the appropriate Account Executive. Questions regarding interpretation of the Checklist should be directed to Tax Services.

3. If a determination is made that a person previously classified as an Independent Contractor should have been paid as an employee – through payroll, the department will be responsible for any employment taxes, penalties and interest, and appropriate administrative costs. Further, the department may be required to retroactively award certain benefits such as retirement contributions, workers compensation, or other employee benefits consistent with payment as an employee – through payroll.

4. Employee/Independent Contractor Classification Checklist (see Consultant/Independent Contractor Agreement) must be duly executed before payment for consulting or professional services can be made to an independent consultant or independent contractor. Such agreements are appropriate under the following conditions:

   a. When specifically authorized in the provisions of a contract or grant and payment is from restricted funds.

   b. When paid from general and development funds, and a determination has been made by a Responsible Administrative Officer that the services are special, temporary or highly technical in nature, and cannot be performed economically or satisfactorily by existing University personnel during the course of their normal University responsibilities or duties.

4. An Independent consultant or Contractor may not be used to direct or carry out any major portion of an academic or research program. Only University employees may engage the services of an individual to direct or to participate extensively in a continuing academic or research program that person must be employed through established university employment procedures.

5. Independent consultants and independent contractors, as such, are not employees, by definition, and shall not be entitled to employee benefits. They shall not be described
or recognized other than as “Consultants or Independent Contractors” in any published reports or other documents relating to the services covered by the agreement.

D. Requirements for Guest Lecturers and Performers

Except as otherwise exempted from this Policy, all contracts with guest lecturers and performers must be in a form approved by the University’s Risk Manager or the Office of General Counsel. The University’s Guest Lecturer/Performer Agreement form found at [see link] is an approved form of agreement for guest lecturers and performers.

E. Special Rules for Sponsored Projects

The following additional procedures must be followed for an agreement funded in whole or in part through restricted accounts (designated federal funding):

1. After Before approval and signature under Section III.E.2 paragraph (b), every agreement must be transmitted sent to the Office of Sponsored Projects for its review and approval to assure compliance with sponsor requirements, federal regulations, and final approval and signature by the vice president for research or designee.

2. When the vice president for research or designee is satisfied that the agreement has been duly executed by the university and the consultant or contractor, a photocopy of the original fully signed agreement, together with a copy of all supporting documents shall be transmitted to the Accounts Payable Office. The original agreement and supporting documents shall be kept on file in the Office of Sponsored Projects.

3. An independent consultant or professional service contractor may not hire any employees of the University to perform any services covered by the Agreement. In addition, if the work is to be performed in connection with a federal contract or grant, no federal employee may perform any work as or for an Independent consultant or professional service Contractor in connection with a federal contract or grant without first obtaining the express written approval of the responsible federal contracting agency.

G. Procedures

Written Agreement for Services

H. Required Documentation

1. Documentation required with each request for payment of services covered under this policy must include the following:

a. A completed Payment Request signed by the appropriate administrative officers. The signature of the officers signifies and acknowledges that performance has been rendered in accordance with the contract. Except as provided in paragraph 2, consultant services and independent professional contractor services will be charged to accounts 62100 through 62121.

b. If the consultant or independent professional contractor is an employee of the university, payment must be requested on an additional compensation form and submitted to payroll for processing. These payments must be charged to accounts 50800 through 50821.
A copy of the executed agreement for services, as defined in Section III.F.1., which provides for:

i. Nature and extent of services.
ii. Compensation and reimbursement of expenses.

In addition to the requirements of paragraph 1, requests for payment of consultant or professional service contract charges from designated federal funds must be accompanied by:

b. A statement indicating in what respects any services charged to a federal contract or grant will benefit the project.

c. An invoice supplied by the contractor or consultant which specifies:

i. The date the work was performed.
ii. A specific description of the nature of the services rendered.
iii. The hourly or daily billing rate, and the total amount claimed to be due.
iv. Reimbursable expenses, if any, with supporting vouchers.

IV. Rules, Procedures, Guidelines, Forms and Other Related Resources

A. Rules [reserved]
B. Procedures [reserved]
C. Guidelines [reserved]
D. Forms

1. Professional Services/Consulting Agreement
2. Independent Contractor Classification Checklist
3. Guest Lecturer/Performer Agreement

E. Other Related Resources [reserved]

V. References

A. Policy 1-006, Conflict of Interest
B. Policy 3-004, Processing and Signing Official Documents
C. Policy 3-062, Honorarium Payments
D. Policy 3-101, Solicitations of Bids, Proposals and the Award of Procurement Contracts
E. Policy 5-001, Personnel Definitions
F. Policy 5-204, Remunerative Consultation and Other Employment Activities
G. Policy 5-403, Additional Compensation and Overload Policy

VI. Contacts

Acting as the Policy Owner, the Office of the Director for Procurement & Supply Management is responsible for answering questions regarding the application of this Policy. Specific questions related to classification for tax purposes should be directed to the Tax Services office. Acting as the Policy Officer, the Office of the Vice President for Administrative Services has the authority to allow exceptions to this policy.

VII. History

Renumbering: Renumbered as Policy 3-111 effective 9/15/2008 – formerly known as PPM 4-14

A. Current version (Rev. 5): Effective date Feb. 8, 2011

   Approved by:

   Background information for Revision 5 [link]

B. Earlier versions

Revision 4: Editorially changed term “Check Request” to “Payment Request,” updating content to current payment tool terminology; April 27, 2010.

Revision 4: Editorially changed to update format, owner, and officer updated; August 17, 2009.

Revision 4: Effective March 11, 2002.
INFORMATION CALENDAR
Academic Senate – February 7, 2011
Executive Committee – January 24, 2011

Checklist & coversheet form—for submitting to Academic Senate Executive Committee

Proposal for addition/revision of University Regulation.
(Rev.2010-09-20)

1. Regulation(s) involved (type, number, subject): Rule 3-030C, Travel Per Diem (meals & incidentals)
2. Responsible Policy Officer (name & title): Arnie Combe – VP for Admin. Services
3. Contact person(s) for questions & comments (name, email, phone#): Jeffrey West, AVP – Finance, jeff.west@admin.utah.edu, 1-7520
4. Presenter to Senate Exec (if different from contact person. name, phone#):
5. Approvals & consultation status.
   a. Administrative Officers who have approved (VP/President, name & date): President’s Cabinet 11/18/2010
   b. Committees/Councils/other Officers consulted: Council of Academic Deans 12/16/2010
6. Check YES or NA (not applicable) of documents submitted—-(In digital form. Preferred file format MS Word doc. Special exception allowed for PDF format if previously arranged.)
   YES Explanatory memorandum (key points of proposal, rationale).
   YES VP/Presidential approval signatures (separate sheet, or affixed to memo cover).
   YES Text of proposed Regulation addition/revision.
   NA (If revision of existing Regulation) text changes are clearly marked, using permanent font markings (not MS Word ‘Track’ Changes non-permanent markings).

Date submitted to Senate Office: 1/13/2011
The Executive Committee will consider whether the proposal is ready for presentation to the full Senate, and if so will schedule it for a subsequent Senate meeting either as i) a matter of academic significance—set on the “Intent” & “Debate” Calendars over two monthly meetings with final “approval” voting at the second, or ii) not academically significant—set on the “Information” Calendar for a single monthly meeting, with opportunity for questions and recommendations. See Policy 1-001 http://www.regulations.utah.edu/general/1-001.html; Rule 1-001 http://www.regulations.utah.edu/general/rules/R1-001.html; Senate procedures http://www.admin.utah.edu/asenate/index.html. Further information—Senate Office: Nancy Lines 581-5203 nancy.lines@utah.edu.
EXECUTIVE SUMMARY

New Administrative Rule associated with Policy 3-030.

R3-030C Travel Per Diem (meals & incidentals)

As part of President Young's "efficiencies initiative", a committee was formed to identify where the University could be more efficient or reduce the costs of some of our processes. One area that was identified was in the reimbursements we provide to travelers for meals. Our current Travel policy allowed for reimbursement to occur even when the traveler did not actually incur any out-of-pocket costs. Examples of this are when a conference or seminar provides meals as part of the registration fee. This new Rule tightens up the policy language to ensure the University is not paying twice for the same meal. The Rule is presented in memo form, as allowed by Section III.C.3 of University Rule 1-001 – Oversight and Development of University Regulations.

Approved:  

Arnold B. Combe, VP for Administrative Services
Date: February 8, 2011

To: Deans, Directors, Department Chairs, Unit Business Officers, and Travel Coordinators

From: Jeffrey J. West, Associate Vice President for Financial & Business Services

Subject: Travel Per Diem (meals & incidentals) – New Administrative Rule associated with Policy 3-030

**RULE:** Beginning March 1, 2011, per diem reimbursements will be provided for only those meals for which a University traveler actually incurred out-of-pocket costs.

This Rule serves as clarification of the intent of University Travel Policy 3-030 regarding reimbursement of meal expenses while on travel status - specifically where the University may have been paying for an expense that was not incurred. University travelers should deduct, according to the tables available on the Travel Services web site, the estimated value of meals provided by any other party while on travel status. Examples of meals to be deducted from a per diem claim include meals provided while participating in a publicized event, such as a conference, workshop, seminar, etc.; and would also include any meals provided by other parties associated with the business purpose of the trip. Incremental costs incurred for personal reasons (for example, vacation time added to the business trip) should not be included in your reimbursement request.

**BACKGROUND/DOCUMENTATION:** Per Policy 3-030, business travelers may be reimbursed for the cost of meals while on travel status using one of two methods:

1. actual expense incurred; or
2. a per diem allowance

Actual meal costs will continue to be reimbursed when documented with original receipts as described in Policy 3-030, not to exceed $50 or 120% of the federal per diem rate (whichever is greater). Alternatively, the per diem method of reimbursement allows travelers to claim a published per diem rate while on travel status without retaining receipts. Per Diem rates used for this purpose are established and maintained by the U.S. Government, and may be accessed through the University Travel Services web site. These published per diem rates vary by destination and date, and include an allowance for both specific meal values as well as incidental expenses.

**IMPLEMENTATION:** Departmental leadership is primarily responsible for compliance with this Rule and for scrutinizing a reimbursement request to ensure proper deductions have been made. Travel Services will provide training and support to departments in how this Rule can best be effectively administered.

Questions regarding this Rule may be directed to the Travel Services Manager. See the “contact us” link at www.travel.utah.edu.
Proposal for addition/revision of University Regulation.

(Rev.2010-09-20)

1. Regulation(s) involved (type, number, subject): **Rule3-110A, Equipment Leasing**
2. Responsible Policy Officer (name & title): **Arnie Combe – VP for Admin. Services**
3. Contact person(s) for questions & comments (name, email, phone#): **Jeffrey West, AVP – Finance, jeff.west@admin.utah.edu, 1-7520**
4. Presenter to Senate Exec (if different from contact person. name, phone#): ______________
5. Approvals & consultation status.
   a. Administrative Officers who have approved (VP/President, name & date): **President’s Cabinet 11/18/2010**
   b. Committees/Councils/other Officers consulted: **Council of Academic Deans 12/16/2010**
6. Check YES or NA (not applicable) of documents submitted--- (In digital form. Preferred file format MS Word doc. Special exception allowed for PDF format if previously arranged.)
   - YES Explanatory memorandum (key points of proposal, rationale).
   - YES VP/Presidential approval signatures (separate sheet, or affixed to memo cover).
   - YES Text of proposed Regulation addition/revision.
   - NA (If revision of existing Regulation) text changes are clearly marked, using permanent font markings (not MS Word ‘Track’ Changes non-permanent markings).

Date submitted to Senate Office: **1/13/2011**

The Executive Committee will consider whether the proposal is ready for presentation to the full Senate, and if so will schedule it for a subsequent Senate meeting either as i) a matter of academic significance—set on the “Intent” & “Debate” Calendars over two monthly meetings with final “approval” voting at the second, or ii) not academically significant—set on the “Information” Calendar for a single monthly meeting, with opportunity for questions and recommendations. See Policy 1-001 [http://www.regulations.utah.edu/general/1-001.html](http://www.regulations.utah.edu/general/1-001.html) ; Rule 1-001 [http://www.regulations.utah.edu/general/rules/R1-001.html](http://www.regulations.utah.edu/general/rules/R1-001.html) ; Senate procedures [http://www.admin.utah.edu/asenate/index.html](http://www.admin.utah.edu/asenate/index.html). Further information-- Senate Office: Nancy Lines 581-5203 nancy.lines@utah.edu.
EXECUTIVE SUMMARY

New Administrative Rule associated with Policy 3-110

R3-110A Equipment Leasing

As part of President Young's "efficiencies initiative", a committee was formed to identify where the University could be more efficient or reduce the costs of some of our processes. One area that was identified was in the practice of leasing (rather than purchasing) certain equipment. Our current policy on Leasing/Rental of Property provided little information on what the cost impact (both dollars and time) might be for leasing vs. purchasing of equipment. This new Rule tightens up the policy language to ensure the University is acting in a prudent and cost effective manner when making these types of decisions. The Rule is presented in memo form, as allowed by Section III.C.3. of University Rule 1-001 – Oversight and Development of University Regulations.

Approved: __________________________

Arnold B. Combe, VP for Administrative Services
Date: January 24, 2011
To: Campus Business Officers
From: Jeffrey J. West, Associate Vice President for Financial and Business Services
Subject: Equipment Leasing – New Administrative Rule associated with Policy 3-110

In order to clarify the intent of language contained in Policy 3-110 III.B., Leases of Equipment or Other Types of Property; and to ensure that funds used in acquiring equipment for use in offices, labs and other areas are procured in a prudent and cost effective manner, this new Administrative Rule is issued.

BACKGROUND: The option to lease rather than buy equipment is sometimes offered by vendors. Leasing can appear to be an attractive option; but care should be exercised in any such analysis, inasmuch as the specifics of a leasing agreement can be complex and difficult to evaluate. In some cases, such as procurement of very expensive equipment likely to quickly become obsolete, or when capital funds are not available, a lease may, in fact, be the best choice. In other cases, such as federally sponsored research grants where the authorized budget allows for leasing of equipment, but not purchasing – then of course the federal rules apply. But in general, the use of equipment leases at the University is not encouraged nor supported. The University Hospital & Clinics take this a step further by severely restricting the use of leases. While there may be certain situations in which leasing is still desirable, it should be understood that the costs associated with leasing are generally substantially more than with an outright purchase.

Leasing presents problematic issues for the University in the following areas:
- Finance charges
- Contract terms that favor the supplier
- Timely legal review required of all contracts
- Difficulty in termination of leases
- Commitment of funds beyond current fiscal year

Additionally, leasing arrangements have often been entered into by campus departments prior to review by the Purchasing Department and/or the Office of General Counsel. These arrangements often put the University at a legal and financial disadvantage/risk.

RULE: Because of the impact on overall costs from these contracts, the University will continue to discourage equipment leases, and requires the following for ALL such contracts entered into:
1. Approval of Cognizant Vice President
2. Letter of justification explaining why a lease is the best option for acquiring equipment
3. Cost analysis comparing lease vs. purchase
4. Agreement by the leasing company to use a “preapproved” lease contract provided by the University, instead of their own contract

You are encouraged to seek assistance from the Purchasing Department if you are considering a lease arrangement. They are trained to help you make the best decision for your particular circumstances.
7 December 2010

David W. Pershing
Senior Vice President for Academic Affairs
Park Bldg, Room 205
Campus

Dear Vice President Pershing,

Enclosed is the proposal for Graduate Emphases within the School of Computing and Department of Film and Media Arts which was approved by the Graduate Council on November 29, 2010. Included in this packet are the proposal, letters of support, and signature page.

Please forward this packet to the President’s Office for his signature before being forwarded to the Academic Senate to be placed on the information calendar for the next meeting of the Senate.

Sincerely,

Charles A. Wight
Dean, The Graduate School
10.4.1. Signature Page to Accompany Proposals Providing Board Notification - This signature page, with all appropriate signatures included, must be attached to proposals submitted for Board notification.

Institution Submitting Proposal:

College, School of Division affected:

Department(s) or Areas(s) affected:

Change Description:

Proposed Beginning Date:

Institutional Signatures (as appropriate):

\[ \text{Department Chair, Martin Berzins} \quad \text{School of Computing} \]

\[ \text{Department Chair, Kevin Hanson} \quad \text{Film and Media Arts} \]

\[ \text{Dean, Richard Brown} \quad \text{College of Engineering} \]

\[ \text{Dean, Raymond Thomas-Jones} \quad \text{College of Fine Arts} \]

\[ \text{Dean of the Graduate School, Charles A. Wight} \]

\[ \text{Chief Academic Officer} \]

\[ \text{President, Michael Young} \quad \text{Date} \]

12/23/10
re: Graduate Emphasis in Game Engineering within the School of Computing

Dear Chuck and Graduate Council Members,

As a part of our Entertainment Arts and Engineering interdisciplinary Master Games Studio we are proposing the creation of a Graduate Emphasis in Game Engineering for the Master of Computing degree within the School of Computing. The attached proposal outlines the details of our request. This proposal has been approved by both the School of Computing’s and College of Engineering’s curriculum committees and we also strongly endorse the proposal.

We ask that you approve this proposal and thank you for your support, your advice and your help.

Sincerely,

[Signature]

Martin Berzins
Director, School of Computing

[Signature]

Richard Brown
Dean, College of Engineering
Section I: Action

We propose three graduate emphases:

- The School of Computing proposes to offer a graduate emphasis in Game Engineering within the existing Master of Computing degree.
- The Department of Film and Media Arts proposes to offer a graduate emphasis in Game Production within the existing Master of Fine Arts degree.
- The Department of Film and Media Arts proposes to offer a graduate emphasis in Game Arts within the existing Master of Fine Arts degree.

Entertainment Arts and Engineering (EAE) is the overarching term we use to describe the interdisciplinary work between the School of Computing and the Department of Film and Media Arts in the areas of video games, computer animation, special effects, etc. A key feature of EAE is its interdisciplinary nature. Students from both departments work closely together throughout their academic careers. This partnership of engineer and artist reflects the state of the entertainment business world where artists and engineers constantly work together on a daily basis. In 2010, an undergraduate emphasis in EAE was approved for bachelor’s degrees in each department.

In the fall of 2010, we created a graduate version of EAE, focused on video games. We call this Entertainment Arts and Engineering: Master Games Studio (EAE:MGS). EAE:MGS is designed to provide master's level students with an education to be successful in the game industry, both immediately and into the future as the industry continues to evolve. The academic experience includes an intense focus on industry application that incorporates both theory and research. There are three emphases - Game Engineering, Game Arts and Game Production. Students in the game engineering emphasis are awarded the MS in Computing degree from the School of Computing, while students in the game arts and production emphases are awarded the MFA degree from the Department of Film and Media Arts.

The curriculum is designed in a pure cohort model of four semesters spread over two years. During each of the first three semesters, all students take two joint classes (each is 3 credits). The design classes provide all students with the theoretical and practical understanding of video games. The project classes begin with learning how to rapidly prototype games and conclude with a large-scale, two-semester, large-team project.

<table>
<thead>
<tr>
<th>First Fall Semester</th>
<th>First Spring Semester</th>
<th>Second Fall Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>Game Design I</td>
<td>Game Design II</td>
<td>Game Design III</td>
</tr>
<tr>
<td>Game Project I</td>
<td>Game Project II</td>
<td>Game Project III</td>
</tr>
</tbody>
</table>

Also, during those three semesters, students take emphasis specific classes. Students in the School of Computing Game Engineering emphasis take game engineering classes which instruct students in the technical aspects of video games from game engines to graphics, artificial intelligence, and novel input devices (all are 3 credits):

<table>
<thead>
<tr>
<th>First Fall Semester</th>
<th>First Spring Semester</th>
<th>Second Fall Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>Game Engineering I</td>
<td>Game Engineering II</td>
<td>Game Engineering III</td>
</tr>
</tbody>
</table>
Students in The Department of Film and Media Arts Game Production emphasis take three production classes that teach how to run a team, the game production pipeline, testing strategies, employee contracts and the business of games. They are also expected to take three graduate elective courses in Film and Media Arts plus Intro to Graduate Studies.

<table>
<thead>
<tr>
<th>First Fall Semester</th>
<th>First Spring Semester</th>
<th>Second Fall Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>Game Production I (3)</td>
<td>Game Production II (3)</td>
<td>Game Production III (3)</td>
</tr>
<tr>
<td>Elective (4)</td>
<td>Elective (4)</td>
<td>Elective (4)</td>
</tr>
<tr>
<td>Intro to Graduate Studies (1)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Students in The Department of Film and Media Arts Game Arts emphasis take three arts classes that focus on fundamental consideration for the look of games through 3D modeling and character animation. They are also expected to take three graduate elective courses in Film and Media Arts plus Intro to Graduate Studies:

<table>
<thead>
<tr>
<th>First Fall Semester</th>
<th>First Spring Semester</th>
<th>Second Fall Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>Game Arts I (3)</td>
<td>Game Arts II (3)</td>
<td>Game Arts III (3)</td>
</tr>
<tr>
<td>Elective (4)</td>
<td>Elective (4)</td>
<td>Elective (4)</td>
</tr>
<tr>
<td>Intro to Graduate Studies (1)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In the final spring semester, all students do an internal or external internship (9 credits) and a take class to write a research paper (3 credits).

<table>
<thead>
<tr>
<th>Second Spring Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internship</td>
</tr>
<tr>
<td>Research Paper</td>
</tr>
</tbody>
</table>

School of Computing students will take at least 39 credit hours and Department of Film and Media Arts students will take at least 52 hours.

Section II: Need
We have created an industrial advisory board of leading members of the video game business with members from inside and outside of the state of Utah representing large and small video game companies. They have indicated that students who graduate with Master’s degrees will be highly sought after. They also say that the “branding” as provided by the proposed emphases provides future employers with a mechanism to easily identify future employees. They see these EAE:MGS graduates entering the workforce as individuals who are highly prepared and have the specific skills employers desire. Colleagues at other universities offering similar master’s programs have told us that even non-video game employers highly value the skills exhibited by students graduating from their programs.
Section III: Institutional Impact
The institution will gain approximately 50 new graduate students per year when the program is fully operational. The departments involved will take on some additional administrative tasks.

Section IV: Finances
The current financial impact on the School of Computing and the Department of Film and Media Arts is equivalent to two FTE staff and associated administrative support from each sponsoring department. Long-term, the emphasis will be supported primarily through a combination of differential tuition and student credit hour funding that will become the basis for permanent funding, the details of which will be determined by the office of the Associate Vice President for Budget and Planning in concert with the sponsoring departments.