

## **KANSAS BOARD OF REGENTS**

### **MINUTES**

February 15-16, 2006

The February 15, 2006, meeting of the Kansas Board of Regents was called to order by Chairperson Donna Shank at 2:35 p.m. The meeting was held in Board offices located in the Curtis State Office Building, 1000 S.W. Jackson, Suite 520, Topeka. Proper notice was given according to law.

**MEMBERS PARTICIPATING:** Donna Shank, Chairperson  
Nelson D. Galle, Vice Chairperson  
Dick Bond  
Janice DeBauge  
Christine Downey-Schmidt  
Jim Grier  
Dan Lykins  
Janie Perkins

**MEMBERS ABSENT:** Frank Gaines

### **APPROVAL OF MINUTES**

Regent Grier moved that the minutes of the January 18-19, 2006 meeting be approved. Following the second of Regent Galle, the motion carried.

### **INTRODUCTIONS**

In recognition of Career and Technical Education Week, representatives from the Kansas SkillsUSA Postsecondary organization were introduced by Dr. Blake Flanders, Director of Career and Technical Education. SkillsUSA is a national organization providing students the opportunity to learn and demonstrate leadership, workplace, and citizenship skills to complement the occupational skills of the technical education programs. The representatives were: Manual Martinez, Southwest Kansas Technical School in Liberal; Jacob Ellis, Fort Scott Community College; Sarah Hengel, Wichita Area Technical College; Dwayne Hale, Fort Scott Community College; Daniel Collins, Student Advisor at Kaw Area Technical College; Jeff Schellenger, President of the Wichita Area Technical College SkillsUSA Chapter; and faculty representatives, Christopher Parrot, WATC; Butch Garst, SW Kansas Technical School; Steve Vergara, Fort Scott Community College; and Ali Setayesh, Kaw Area Technical School.

### **REPORTS**

#### **REPORT FROM CHAIR**

Chairperson Shank thanked the community college representatives and Phi Theta Kappa for the invitation to the student recognition luncheon earlier in the day. She and other Board members met with community college presidents and trustees prior to the luncheon. Additionally, she

attended the Kansas State University Landon Lecture of President Bush and traveled to Chicago with representatives from Fort Hays State University to attend an AQIP strategy forum.

#### REPORT FROM PRESIDENT AND CEO

President Robinson also attended the meeting with the community college presidents and trustees, as well as the Phi Theta Kappa luncheon. During the past month, he attended a Council for Higher Education Accreditation (CHEA) conference that addressed the topic of accreditation and reauthorization of the Higher Education Act. Additionally, he and other Board staff members have been busy with meetings and legislative hearings at the statehouse. Staff has also solicited information from institutional representatives to respond to legislative inquiries.

#### CONSIDERATION OF DISCUSSION AGENDA

##### *Academic Affairs*

#### CAREER AND TECHNICAL EDUCATION ANNUAL REPORT

The annual report on the Board of Regents Career and Technical Education unit was provided by Dr. Flanders. He stated the mission of providing leadership for the Kansas Career and Technical Education System to meet existing and future skilled workforce needs, and the vision of the CTE unit is to "lead a recognized career and technical education system that prepares a skilled workforce responsive to the immediate and emerging demands of business and industry." Dr. Flanders also identified the seven strategies in place to accomplish the mission/vision in Kansas.

There are a total of 205 career and technical education programs in Kansas. They range from programs to earn an associate degree or technical certificate, an adult, short-term program, an apprenticeship, to the business and industry category. There are 13,644 students participating in Perkins' approved programs delivered at four technical schools, six technical colleges, 19 community colleges, and Washburn University. In FY 2005, the Carl D. Perkins grant totaled almost \$12 million. Of that total, 85 percent went directly to the institution for programs and equipment, 10 percent was used for leadership grants, and 5 percent was used for administration. Statistical information was cited showing academic attainment, skill attainment, program completion, and placement and retention, as well as information related to students enrolled in non-traditional programs.

Regent Perkins moved that the report be accepted. Following the second of Regent Lykins, the motion carried.

(Copy of Powerpoint Presentation Filed with Official Minutes)

#### DISTANCE EDUCATION PLAN

Vice President Bob Masters reported that Senate Bills 345 and 647 required the Board to develop a comprehensive plan for distance education technology. Kansas Digital Learning (KANDL) conducted an initial investigation of common practices in Kansas, and Board staff followed up with a nationwide inquiry of "best practices" through the State Higher Education

Executive Officers (SHEEO) organization. Those inquiries were followed by the efforts of an ad hoc committee formed by the System Council of Chief Academic Officers. The committee plan was approved by SCOCAO and then the System Council of Presidents.

Dr. Master responded to a question about decentralization in Theme 4 by noting that each institution and each sector can do its own thing while meeting the accreditation standards, without a centralized common expectation. He also indicated that no one monitors the private institutions. However, institutional registrars verify that transfer courses are from accredited institutions. In closing, he noted that Dr. Steve Crow of the Higher Learning Commission is interested in the plan developed by Kansas because the institutional flexibility meets the needs of HLC.

Regent Galle moved, with the second of Regent Perkins, that the Plan be accepted. The motion carried. The Plan is as follows:

**Kansas Board of Regents  
System-wide Distance Education Plan**

With the advent of the internet and related technologies and the expansion of personal access to both in the last two decades, enhanced environments for learning in the classroom (mediated learning environments) and at a distance from campuses (distance learning) have resulted. The Regents institutions of Kansas have, in a variety of ways, used these new technologies to meet their individual missions and the needs of their students. Technologies for mediated instruction and distance delivery remain very fluid, and methods for the storage of course modules as well as delivery methods vary from one institution to another. Understanding the effective use of these technologies in ways that improve learning and enhance teaching is increasing, but much remains to be learned. Thus, wisdom would indicate that flexibility is imperative for the effective and efficient use of these technologies for distance learning.

At the same time, a number of principles can inform the state in the use of distance learning technologies and:

- (a) Promote a statewide awareness of the distance learning opportunities available through Regents coordinated and governed institutions;
- (b) Establish a commonly held definition of distance education for the governed and coordinated institutions within the Regents system;
- (c) Serve as a clearinghouse for a set of best practices that can be implemented at the discretion of the local institution;
- (d) Endorse the legitimacy of distance education as a viable delivery mode for higher education;
- (e) Leverage institutional access to technology, infrastructure, marketing, and so forth, as needed at the individual institution;
- (f) Educate the Kansas Legislature on the need for state-wide support for distance education opportunities;
- (g) Serve as a means for cooperation and communication on distance education issues among Regents institutions; and,
- (h) Create the opportunity for governed and coordinated Regents institutions to shape the future of distance learning in Kansas in a proactive manner.

### Definition

**Distance education courses** are those in which faculty and students are physically separated in place or time and in which two-thirds or more of the instruction is provided via some form of mediated delivery system (i.e., 10 or more hours of instruction per credit hour are delivered via audio or videotape, live interactive video, CD-ROM, the Internet or World Wide Web, etc.) [KBOR Policy and Procedures Manual, Appendix F: Academic Extension Policies and Procedures]

### General Themes

**Theme 1:** Provide Kansans with an awareness of the use of distance learning technologies at Regents institutions to facilitate public access and the attainment of educational goals.

**Theme 2:** Develop a system-wide database of distance learning courses offered by Regents institutions and promote the offerings at a centralized location on the KSBOR web site.

**Theme 3:** Encourage collaboration among Regents institutions and regional consortia to provide professional development opportunities for faculty and staff to expand their access to training and development in the use of distance learning technologies.

**Theme 4:** Support a policy of decentralization among Regents institutions in the use of distance learning technologies, since for accreditation purposes each institution must adhere to the requirements in the most recent iteration of “**Statement of Commitment by the Regional Accrediting Commissions for the Evaluation of Electronically Offered Degree and Certificate Programs.**” (Appendix 1 and accessible at the Higher Learning Commission web site)

**Theme 5:** Collaboration among Regents institutions to promote “best practices” in the use of distance learning technologies referencing “**Best Practices for Electronically Offered Degree and Certificate Programs.**” (Appendix 1 and accessible at the Higher Learning Commission web site)

**Theme 6:** Facilitate the efficient operation of distance learning consortia that Regents institutions have created or will establish in the state.

**Theme 7:** Facilitate collaborative opportunities among Regents institutions to enhance Kansans’ access to distance learning technologies (e.g. Kan-Ed) and to encourage economies of scale.

**Theme 8:** Serve as a resource site for the most recent national research on the use of distance learning technologies and their impact on student learning.

**Theme 9:** Assist Regents institutions, upon request from the individual institution, in meeting the Higher Learning Commission’s assessment requirements.

(Appendix 1 from Higher Learning Commission Filed with Official Minutes)

*Fiscal Affairs and Audit*FY 2007 TECHNICAL COLLEGES AND SCHOOLS SHORT-TERM FUNDING DISTRIBUTION PLAN

A brief history on the issue of technical colleges and schools funding distribution was given by Vice President Mel Klinkner. He reported that a postsecondary entitlement distribution was used in fiscal years 2000 to 2004 and a block grant model was in place in FY 2005 and 2006. The funding percentage of 2004 was used for both 2005 and 2006. At its June 2005 Retreat, the Kansas Association of Technical Schools and Colleges (KATSC) formed a committee to review how to make the funding align in some fashion with hours taught. KATSC members presented a recommendation for a one-year transition with funding tied to enrollment to Board staff in October 2005. Board staff concurred with the recommendation, but proposed the transition be spread over a three year period to be more equitable. Under the plan, the percentage of total enrollment would determine the adjustment each year based on the previous three year enrollment average.

President Robinson presented the plan to the KATSC on November 17, 2005. The plan appeared to be well-received. On January 10, 2006, Wichita Area Technical College asked that Board consideration be removed from the January Board agenda. The Board agreed to pull the proposal from the Consent Agenda. In the interim, Board staff received communication supporting the plan from ten technical institutions, two institutions expressed opposition, and one institution did not comment. Mr. Klinkner indicated that a Career and Technical Education brief that could change funding is currently being discussed and the funding distribution plan being recommended by Board staff is a short-term approach.

Questions and comments followed. Mr. Klinkner stated the funding change to the block grant model was recommended by KATSC. However, after implementation, the disparity in clock hour production compared to funding distribution became apparent.

Regent Galle moved, followed by the second of Regent Shank, that the short-term funding model proposed by Board staff be approved. Discussion followed.

Mr. Klinkner confirmed the new Performance Agreement funding would not impact the adjustment dollars in the proposal. Program costs, qualified faculty, program quality, and program length all contribute to the institutional cost, and Mr. Klinkner noted that the CTE Brief addresses those factors in a long-term model. Regent Downey-Schmidt encouraged the Board to be supportive of WATC as it transitions to the credit hour/funding model and proposed freezing the funding for a year. Another view expressed was that without a funding correlation to enrollment, technical institutions have had no incentive to grow in the past.

Regent Grier called for a vote. The motion carried with two voting in opposition. The table reflecting the postsecondary aid funding plan equity adjustments follows:

**Kansas Board of Regents  
Technical Schools and Colleges  
Postsecondary Aid Funding Plan Equity Adjustments**

	Postsecondary Clock Hours of Enrollment					FY 2006 Funding		Recommended Funding Adjustments			
	FY 2003	FY 2004	FY 2005	3-Yr Avg	% of Total Enrollment	Pro-Rata Share of Eligible PS Aid Funding	% Allocation	Total Equity Adjustment	Postsecondary Aid Allocation Based on 3-Yr Enrollment Avg	% Allocation	Est. Annual Adjustment Over a 3-Yr Period
Flint Hills Technical College	322,728	293,091	313,455	309,758	7.29%	\$1,710,924	6.19%	\$304,196	\$2,015,120	7.29%	\$101,398
Kansas City Kansas Area Technical School	431,468	382,237	458,083	423,929	9.98%	\$3,036,051	10.99%	(\$278,197)	\$2,757,854	9.98%	(\$92,733)
Kaw Area Technical School	382,171	385,141	312,652	359,988	8.48%	\$2,482,261	8.98%	(\$140,373)	\$2,341,888	8.48%	(\$46,791)
Manhattan Area Technical College	347,907	350,501	332,965	343,791	8.09%	\$2,117,270	7.66%	\$119,249	\$2,236,519	8.09%	\$39,750
North Central Kansas Technical College	435,383	501,929	468,489	468,600	11.03%	\$2,690,256	9.74%	\$358,203	\$3,048,459	11.03%	\$119,401
Northeast Kansas Technical College	199,031	191,709	205,704	198,815	4.68%	\$1,077,258	3.90%	\$216,125	\$1,293,383	4.68%	\$72,042
Northwest Kansas Technical College	509,469	415,955	344,979	423,468	9.97%	\$1,935,367	7.00%	\$819,488	\$2,754,855	9.97%	\$273,163
Salina Area Technical School	278,921	294,332	265,836	279,696	6.59%	\$1,672,742	6.05%	\$146,810	\$1,819,552	6.59%	\$48,937
Southwest Kansas Technical School	260,288	214,719	184,401	219,803	5.18%	\$1,440,408	5.21%	(\$10,488)	\$1,429,920	5.18%	(\$3,496)
Wichita Area Technical College	902,067	827,113	511,147	746,776	17.58%	\$6,633,092	24.01%	(\$1,774,969)	\$4,858,123	17.58%	(\$591,656)
Coffeyville Community College Area Technical School	154,338	129,406	147,009	143,584	3.38%	\$836,941	3.03%	\$97,139	\$934,080	3.38%	\$32,380
Hutchinson Community College Area Technical School	173,617	143,110	168,645	161,791	3.81%	\$990,250	3.58%	\$62,275	\$1,052,525	3.81%	\$20,758
Johnson County Community College Area Technical School	157,694	155,846	188,417	167,319	3.94%	\$1,007,945	3.65%	\$80,542	\$1,088,487	3.94%	\$26,847
	<b>4,555,082</b>	<b>4,285,089</b>	<b>3,901,782</b>	<b>4,247,318</b>	<b>100.00%</b>	<b>\$27,630,765</b>	<b>100.00%</b>	<b>\$0</b>	<b>\$27,630,765</b>	<b>100.00%</b>	<b>\$0</b>

Notes:

- 1) The 3-Year Average of Postsecondary Clock Hours of Enrollment is based on FY 2003, FY 2004 and FY 2005.
- 2) The FY 2006 Pro-Rata Share of Eligible Postsecondary Aid Funding is the amount appropriated prior to adjustments due to the Performance Agreements.

Other MattersCOMMUNITY COLLEGE EFFICIENCY MEASURES

President Ed Berger, Hutchinson Community College, and President George Knox, Labette Community College, reported on the efficiency measures in place at the community colleges, noting that the vision of the Kansas Association of Community College Trustees is to be responsive, affordable, accessible, and to provide quality learning opportunities.

Some of the simple efficiencies in the community college system are video conferencing to cut travel expenses, increased use of the web to save on supplies, personnel, and advertising, repair and renovation of equipment and personnel freezes. Leveraged efficiency measures in place include established partnerships within the community to share facilities/personnel, energy conservation programs, and private endowment and grants to fund campus projects. Community colleges are using part-time faculty to save on salary and benefits, combining positions, purchasing in bulk, and refinancing revenue bonds and loans at a lower rate. Some negative efficiencies identified were low salaries, closure of satellite campuses, unmet maintenance needs, and elimination of professional development programs.

(Copy of Powerpoint Presentation Filed with Official Minutes)

RECESS

Chairperson Shank announced a recess at 4:35 p.m., with the meeting to resume the following morning.

RECONVENE

The February meeting of the Board was reconvened on Thursday, February 16, at 9:12 a.m.

MEMBERS PARTICIPATING: Donna Shank, Chairperson  
Nelson D. Galle, Vice Chairperson  
Dick Bond  
Janice DeBauge  
Christine Downey-Schmidt  
Jim Grier  
Dan Lykins  
Janie Perkins

MEMBERS ABSENT: Frank Gaines

AMEND AGENDA

Regent Grier requested that Item V.A.4. Approve Energy Performance Contract-WSU be removed from the Consent Agenda and added to the Discussion Agenda as VI.B.4.

## **REPORTS**

### **REPORT FROM COUNCIL OF PRESIDENTS**

The Council of Presidents received the following report from the Council of Chief Academic Officers. Board staff updated COCAO on the revised Program Review process, which will be an eight-year cycle and will reduce some of the data collection requirements. COCAO approved KU's request to reorganize the Department of Teaching and Leadership creating two smaller departments of Curriculum and Teaching and Educational Leadership and Policy Studies. COCAO approved KUMC's request for a Masters in Clinical Nurse Leader and KU's request for a Bachelor of Science in Unified Early Childhood Education. Additionally, COCAO had a first reading from KSU for a Master of Interior Architecture and Product Design, a Master of Science in Architecture, and a Doctor of Philosophy in Environmental Design and Planning.

The Council of Business Officers' report to COPs included information about a presentation on interpretation and enforcement of fire safety guidelines. COBO reported that Eric King, Director of Facilities, will convene a task force to develop a statement of understanding of fire life safety approvals. COBO also reported on its meeting with Vice President Klinkner on the proposed allocation of block grant funding and faculty salary enhancements for FY 2007.

President Wefald reported that the Council of Presidents endorsed a policy on tenure that would allow a tenure track faculty member in the probationary period to "stop the tenure clock" for the birth or adoption of an infant or preschool child. Additionally, COPs discussed legislation recently introduced that would provide administrative relief and also received a report from the Regents Retirement Committee. Responding to a question, Dr. Wefald reported that COBO plans to review the administrative relief bill and recommend amendments to develop a more comprehensive measure.

### **REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS**

Dr. Tom Herald reported that Council of Faculty Senate Presidents members shared a variety of issues from their respective campus. Four of the topics were implementation of the professorial performance award, concern about the Academic Bill of Rights introduced in the House, the recent discussion of the U.S. Department of Education regarding standardization of some postsecondary education courses, and use of technology to enhance advisement by implementation of an electronic records transfer system throughout the Kansas postsecondary education system, technology that is currently in use in other states. COFSP plans to discuss the electronic records transfer system with Board staff to pursue as a SCOCAO agenda topic.

### **REPORT FROM STUDENTS' ADVISORY COMMITTEE**

SAC Chair, Michael Schlotterbeck, reported on State Higher Education Day held the previous week. The students were pleased with the day and reported 120 to 125 meetings with legislators. At its meeting the previous day, the students discussed Qualified Admissions and the written portion of the ACT. Students will be talking with the appropriate academic affairs personnel to learn more information about plans for implementation.

**APPROVAL OF CONSENT AGENDA**

Regent Grier moved that the Consent Agenda be approved. Following the second of Regent Lykins, the motion carried. The following measures were approved:

*Fiscal Affairs***LEASE AGREEMENT WITH THE KANSAS UNIVERSITY ENDOWMENT ASSOCIATION - KU**

The University of Kansas was authorized to enter into a lease agreement with the Kansas University Endowment Association (KUEA) for repairs to the Geology Field Station near Canon City, Colorado. The property is owned by KUEA and contains 16 small buildings and approximately 36.6 acres. The Departments of Geology and Geography offer courses at the Geology Field Station near Canon City. Repairs estimated to cost less than \$30,000 are needed to the buildings. KUEA will contract for the repairs to be completed and enter into a lease agreement with the University in an amount sufficient to recover the actual costs incurred.

**FINAL PLANS AND SPECIFICATIONS/JARDINE APARTMENTS – KSU**

Kansas State University was given approval of final plans and specifications and also permission to construct Phase I of the Jardine Apartments Redevelopment project on the Manhattan Campus for the Department of Housing and Dining Services. The estimated cost is \$38 million and will be financed by revenue bonds that will be repaid with housing system revenue.

**FY 2006 CAPITAL IMPROVEMENT REQUESTS/INDOOR PRACTICE FACILITY, BRANDEBERRY PRACTICE FACILITY AND FRANK MEYERS BASEBALL FIELD - KSU**

Approval was given to Kansas State University to modify its FY 2006 Capital Improvements plan to include a project to purchase and install artificial turf surfaces in the Indoor Practice Facility, the Brandeberry Practice Facility, and the infield surface at the Frank Meyers Baseball Field operated by the Department of Intercollegiate Athletics. The estimated project cost is \$850,000 and all costs associated with this project will be borne by Intercollegiate Athletic Corporation funds on deposit with the KSU Foundation.

**PROPERTY FROM CITY OF PITTSBURG – PSU**

Pittsburg State University received approval to accept land from the City of Pittsburg, contingent on a warranty deed and acceptable environmental assessment report. The property will be used for the new Kansas Polymer Research Center building site. The legal description of the land is as follows:

The east 236.61 feet of Lot Number One (1) and the West 219.75 feet of Lot Number Two (2) in Block Number One (1) in the Pittsburg Research and Development Park Addition located in Pittsburg, Kansas, according to the recorded plat thereof.

## **CONSIDERATION OF DISCUSSION AGENDA**

### **Academic Affairs**

#### **CHANGE TO POLICY FOR SPOKEN ENGLISH LANGUAGE COMPETENCY OF FACULTY AND GRADUATE TEACHING ASSISTANTS**

Vice President Bob Masters briefed the Board on the request to amend the policy on spoken English competency. Current Board policy requires state universities in Kansas to use the Test of Spoken English (TSE) and Speaking Proficiency English Assessment Kit (SPEAK) to determine English proficiency for both prospective faculty and graduate teaching assistants. Because the Educational Testing Service (ETS) is modifying the TSE, the Council of Chief Academic Officers endorsed a temporary amendment to Board policy to be in place until all the TSE revisions are completed and a new evaluation norm established. Regent Bond moved that the policy be temporarily amended. Following the second of Regent Galle, the motion carried. The following language was approved for inclusion in the Policy Manual, Chapter II, Section F:

#### **3. SPOKEN ENGLISH LANGUAGE COMPETENCY OF FACULTY AND GRADUATE TEACHING ASSISTANTS**

##### **a. Faculty**

All prospective faculty members of Regents institutions, except visiting professors on exchange for one year or less, must have their spoken English competency assessed prior to employment through interviews with not fewer than three institutional personnel, one of whom shall be a student. Faculty shall include all full-time or part-time personnel having classroom or laboratory instructional responsibilities and/or direct tutorial or advisement contact, other than for courses or sessions conducted primarily in a foreign language. An oral interview shall be conducted either face-to-face or by mediated means. Prospective faculty found to be potentially deficient in speaking ability shall be required to achieve a minimum score of 50 on the Test of Spoken English (TSE) or the Speaking Proficiency English Assessment Kit (SPEAK), or equivalent, to be eligible for an appointment without spoken English language remediation conditions. A report detailing the process for interviewing prospective faculty, including the composition of the interview team and scores from the TSE or SPEAK for each candidate, will be submitted to the President/CEO of the Board every other year.

##### **b. Graduate Teaching Assistants**

All prospective graduate teaching assistants of the Regents institutions shall have their English competency assessed prior to being considered for any employment having classroom or laboratory instructional responsibility and/or direct tutorial responsibilities. The following shall be used to implement this policy:

(1) All prospective graduate teaching assistants, whose first language is not English, must be interviewed and have their competency in spoken English assessed by no fewer than three institutional personnel, one of whom shall be a student. An oral interview shall be conducted either face-to-face or by mediated means.

(2) Any prospective graduate teaching assistant, whose first language is not English, shall be required to achieve a minimum score of 50 on the Test of Spoken English (TSE) or the Speaking Proficiency English Assessment Kit (SPEAK) or equivalent, to be eligible for an appointment without spoken English language remediation.

- (3) All prospective graduate teaching assistants who do not meet the above requirements shall not be assigned teaching responsibilities nor other tasks requiring direct instructional contact with students.
- (4) An exception will be made for courses taught in sign language.
- (5) A report detailing the process for interviewing graduate teaching assistants, whose first language is not English, including the composition of the interview team and scores from the TSE or SPEAK for each candidate, will be submitted to the President/CEO of the Board every other year.

c. General

Regents institutions shall develop implementing policies and procedures for the administration of this policy and shall report to the Board as to the effectiveness of such policy; and may adopt standards additional to those contained herein.

REQUEST FOR APPROVAL OF A NEW BACHELOR OF ARTS AND BACHELOR OF SCIENCE IN CRIME AND DELINQUENCY STUDIES (43.0199) – ESU

Vice President Masters introduced the request of Emporia State University to offer the new degree of Bachelor of Arts and Bachelor of Science in Crime and Delinquency Studies. He reported that COCAO considered the request twice and voted against authorizing the program and subsequently forwarded the measure to COPs. COPs referred the proposal back to COCAO for further consideration, but the outcome remained unchanged. The Board's Academic Affairs Standing Committee reviewed the information and voted to forward the proposal to the Board.

Responding to a question, KSU Provost Duane Nellis was asked to comment on the vote of COCAO. He indicated that the program was duplicative, with six other similar programs already available in the system; while students need this degree for employment opportunities, students with a Sociology degree qualify for those same career opportunities; and the campus communities felt that the existing programs were already meeting the workforce demands associated with the degree in Kansas.

As Chair of the Academic Affairs Committee, Regent DeBauge reported on the Committee's review of the request. The Committee considered the issue of duplication and considered cost, demand, community need, university well-being, positive and negative aspects of competition, and the type of program. She noted that there is no formula to use as one contemplates the number of desirable programs. She cited programs where duplication would be inappropriate such as professional schools, most doctoral programs, and undergraduate programs such as glassblowing, due to the costs and the small number of students enrolled in such programs. The Committee noted that there is no additional cost connected to the request, there were numerous requests, there was a great deal of community support, the number of students across the state, and the probable future of workforce needs. Again, Regent DeBauge indicated that there are not written guidelines to address the issue of duplication, but the Committee has requested that Board staff develop some general criteria. Committee member, Regent Lykins, reported that law firms and the corrections field look for qualified individuals with such a degree. Regent Downey-Schmidt stated that she would like to see an objective measurement instrument available to help in determining whether to approve a new program.

Questions and comments followed. The issue of the Board overturning a recommendation made by a council was mentioned and whether as a policy board, this would set the standard of having the Board review each degree proposal. Regent Shank responded that the Board is always the final decision maker and the Board's Academic Affairs Committee does look at all of them. President Schallenkamp indicated that the request is not a new program for the University, because it is already available, but instead it is a change from the social services track to the criminal justice track.

Regent Galle moved that on the recommendation of BAASC, the request of Emporia State to offer a Bachelor of Arts and Bachelor of Science in Crime and Delinquency Studies be approved. Following the second of Regent Lykins, the motion carried.

### Fiscal Affairs and Audit

#### NAME BUILDING-FOOTBALL FACILITY - KU

The University of Kansas recommended that the new football facility be named in recognition of the support from Dana and Sue Anderson and their four children, Jerry, Dana Jr., Jenee, and Justin. The project involves construction of a new football complex adjacent to Memorial Stadium, which would include offices, academic areas, a weight room, locker rooms, an audio-visual room, meeting rooms, a cardio room, a hydrotherapy room, a nutrition area, and a display area. Regent Grier asked about provisions for maintenance, and the Chancellor indicated the University has not requested maintenance support from the State for athletic buildings. Regent Bond moved that the facility be named the Anderson Family Football Complex. With the second of Regent Lykins, the motion carried.

#### ARCHITECTURAL PROGRAM/ENGINEERING RESEARCH LABORATORY – WSU

Eric King, Director of Facilities, briefed the Board on the proposal to amend the Wichita State University architectural program for the Engineering Research Laboratory Building, a project included in the University Research and Development Enhancement Act. The University previously received approval to add \$4 million for an icing tunnel in the Laboratory Building and the funds were included in a 2005D series of bonds. Subsequently, WSU learned that the business community could not generate enough usage of the icing tunnel to warrant the cost. A provision in the bond transcript allows WSU to call any portion of the \$4 million without penalty on April 1, 2006. WSU plans to call \$1 million in bonds, contingent on the Board's approval to permit Pittsburg State University to assume the remaining \$3 million in debt service.

Regent DeBauge moved, with the second of Regent Perkins, that Wichita State University be authorized to amend its architectural program with its plan to call \$1 million in bonds on April 1, 2006 and contingent on the Board's approval to permit Pittsburg State University to assume the remaining \$3 million in debt service. The motion carried. The project budget will revert to the original \$10 million budget.

#### ARCHITECTURAL PROGRAM/KANSAS POLYMER RESEARCH CENTER – PSU

Regent Bond moved that Pittsburg State University be authorized to amend its architectural program for the Kansas Polymer Research Center, a project included in the University Research and Development Enhancement Act, and assume \$3 million in debt service through a 2005D

revenue bond issued to Wichita State University for another research project. Approval of the request would complement a \$2 million private gift and \$.5 million in sponsored research/parking funds for a total of \$5.5 million. Following the second of Regent Lykins, the motion carried.

ENERGY PERFORMANCE CONTRACT – WSU

Regent Downey-Schmidt moved that Wichita State University be authorized to proceed with a lease-purchase agreement and performance contract with Custom Energy Services, L.L.C. for a period of 15 years that will result in energy saving measures projected to save \$1,173,811 annually. With the second of Regent Perkins, the motion carried.

RESOLUTION FOR ENERGY PERFORMANCE CONTRACT – WSU

Regent Perkins moved, followed by the second of Regent Bond, that the Board President and CEO be authorized to execute a Resolution endorsing the plan of WSU to enter into a Master Lease/Purchase Agreement with Customs Energy Services, L.L.C. for energy savings. The motion carried.

(Resolution Filed with Official Minutes)

Other Matters

RESOLUTION TRANSFERRING CERTAIN FUNDS DERIVED FROM KDFA REVENUE BONDS, SERIES 2005D (KANSAS BOARD OF REGENTS – SCIENTIFIC RESEARCH AND DEVELOPMENT FACILITIES PROJECTS); AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL AGREEMENT BETWEEN THE BOARD AND PITTSBURG STATE UNIVERSITY AND AN ADDENDUM TO SUPPLEMENTAL AGREEMENT BETWEEN THE BOARD AND WICHITA STATE UNIVERSITY AND VARIOUS OTHER DOCUMENTS RELATING TO THE SECURITY AND PAYMENT OF SUCH BONDS – WSU & PSU

Regent Grier moved that the Chair and President and CEO of the Board be authorized to execute supplemental agreements, amendments to supplemental agreements, and other documents as approved by the General Counsel, to effectuate the Board's previous action to transfer \$3 million of bond indebtedness from a 2005D series bond from Wichita State University to Pittsburg State University to be used for the PSU Kansas Polymer Research Center. Following the second of Regent Bond, the motion carried.

(Resolution Filed with Official Minutes)

RESOLUTION APPROVING CERTAIN ADDITIONAL OBLIGATIONS OF THE BOARD IN CONJUNCTION WITH PREVIOUSLY ISSUED KDFA REVENUE BONDS (KANSAS BOARD OF REGENTS – FORT HAYS STATE UNIVERSITY HOUSING SYSTEM REFUNDING AND RENOVATION PROJECT), SERIES 2003D-1 TO FINANCE IMPROVEMENTS TO THE HOUSING SYSTEM OF FORT HAYS STATE UNIVERSITY; AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL PLEDGE OF REVENUES AGREEMENT; AND AUTHORIZING THE EXECUTION OF VARIOUS OTHER

DOCUMENTS RELATING TO THE SECURITY AND PAYMENT OF SUCH ADDITIONAL OBLIGATIONS – FHSU

General Counsel Prewitt briefed the Board on the request to adopt a Resolution approving the incurrence of additional obligations under the terms of the Pledge Agreement entered between the Board and the Kansas Development Finance Authority in the issuance of KDFA's 2003D-1 series housing system revenue bonds. The Resolution was necessitated by the relationship between Fort Hays State University and Uniplace, LLC, a Colorado Limited Liability Company. Uniplace constructed housing on the FHSU campus and contracted with the University to collect and deposit the rental funds in the University accounts, and then send payments to Uniplace. The Resolution incorporates an Additional Obligations Certification, which has been executed by the FHSU Vice President for Administration and Finance.

Questions followed. Ms. Prewitt confirmed that the University's role is to collect rents, deposit them in the University account, and then forward payment to Uniplace; however, the University incurs no liability if Uniplace encounters a negative financial experience. The University will receive the housing facility free and clear once the transaction with Uniplace is completed. Ms. Prewitt further noted that Board policy requires that arrangements such as this receive Board approval in advance.

Regent Grier moved that the Resolution be approved. Following the second of Regent Downey-Schmidt, the motion carried.

(Resolution Filed with Official Minutes)

RECESS

Chairperson Shank announced a recess at 10:30 a.m. The meeting resumed at 10:48 a.m.

LEGISLATIVE UPDATE

Mr. Kip Peterson, Director of Government Relations and Communications, provided a report on the 2006 legislative activity. To understand the magnitude, he noted that by the end of Thursday, the 28<sup>th</sup> day of the session, Board staff will have provided 34 pieces of testimony, written 30 detailed fiscal notes, with 64 legislative measures of possible interest/impact to the Board being included in the tracking process. He continued with a status report on the following Board initiatives: S.B. 331/Technical College Transition, S.B. 332/State University Purchase of Insurance, S.B. 333/Delegation of Purchasing Authority, S.B. 375/Board Retirement Plan Clarification, H.B. 2572/Proprietary Schools Statutory Clean-Up, H.B. 2574/Disposition of Bequests, H.B. 2575/Concurrent Enrollment Amendments and H.B. 2593/Student Healthcare Insurance Procurement.

Questions followed. S.B. 331/Technical College Transition calls for a technical college not seeking independent governance to revert to being a technical school. S.B. 332/State University Purchase of Insurance, if adopted into law, would permit the state universities to purchase any kind of insurance independent from the Committee on Surety Bonds and Insurance.

(Legislative Update Filed with Official Minutes)

Vice President Mel Klinkner reported on the House Education Budget Committee recommendations for FY 2007. Discussion centered on the prospect of \$150,000 being added for a Masters in Nursing program at Fort Hays State University. Regents expressed the need to have any such appropriation be distributed by the Board for the benefit of more institutional nursing programs.

(Committee Recommendations Filed with Official Minutes)

### ESU SEARCH PROCESS

Chairperson Shank announced that she has asked Regent DeBauge to serve as Chair of the Search Committee. Procedural recommendations regarding the ESU presidential search were distributed and Board members discussed the pros and cons of working with a search firm and identifying the members of the search committee.

Following the discussion about the merits of the search process recommendations, Regent Grier moved that selected recommendations be adopted. Following the second of Regent Downey-Schmidt, the motion carried. The following recommendations were adopted:

1. **Authority to Select the Search Committee.** The Search Committee Chair shall have the responsibility of identifying and selecting members of the ESU Presidential Search Committee, subject to final approval of the full Board. The Board's expectation is that the Committee will include approximately 15 members, with a diverse array of representatives from the following university and community constituencies: Faculty, staff, alumni/foundation, students, Board of Regents, and the Emporia community.
2. **Search Committee Charge.** The Charge that will generally guide the work of the Committee is set out in an attached document.
3. **"Statement of Leadership Characteristics."** Among the Committee's early responsibilities is the development of a "Statement of Leadership Characteristics" or position description for the ESU Presidency. This Statement will describe the characteristics that are being sought as the Presidential search is conducted. Using the current position description as a starting point, the Committee shall develop and present to the Board for final approval its recommendation for the Statement of Leadership Characteristics that will guide this search.

Board members then considered the provision of using an executive search firm. Regent Bond moved, followed by the second of Regent Downey-Schmidt, that a search firm be used. The motion carried with two members opposing. The following recommendation was adopted:

4. **Use of Executive Search Firm.** An executive search firm will be engaged to provide consultation and assistance to the Committee and the Board in the conduct of this Presidential search. The search Committee Chair is authorized to work with Board staff to acquire the services of such a firm.

Members of the Board plan to meet by telephone conference call to confirm proposed appointees to the Presidential Search Committee.

**RESOLUTION HONORING JORDAN HAINES**

Regent Grier moved that the Board pass a Resolution thanking the spouse and family of the late Jordan Haines for his service to higher education and to the Kansas Board of Regents as a member. Following the second of Regent Bond, the motion carried.

**ADJOURNMENT**

Chairperson Shank adjourned the meeting at 11:55 a.m.

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Reginald L. Robinson, President and CEO

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Donna L. Shank, Chairperson