

## **KANSAS BOARD OF REGENTS**

### **MINUTES**

June 15-16, 2011

The June 15, 2011, meeting of the Kansas Board of Regents was called to order by Vice Chairman Ed McKechnie at 12:00 p.m. The meeting was held in the Board offices located in the Curtis State Office Building, 1000 S.W. Jackson, Suite 520, Topeka. Proper notice was given according to law.

**MEMBERS PRESENT:**

Ed McKechnie, Vice Chairman  
Jerry Boettcher  
Christine Downey-Schmidt  
Mildred Edwards  
Tim Emert  
Dick Hedges  
Dan Lykins  
Janie Perkins

### **EXECUTIVE SESSION**

At 12:00 p.m., Regent Edwards moved, followed by the second of Regent Emert, to recess into executive session at 12:15 in Conference Room B for 75 minutes to discuss personnel matters of non-elected personnel. Participating in the executive session were members of the Board and, for portions, President Tompkins. At 1:30 p.m., the meeting returned to open session in the Board Room.

### **APPROVAL OF MINUTES**

Regent Downey-Schmidt moved that the minutes of the May 16, 2011 special meeting and May 18-19, 2011 regular meeting be approved. Following the second of Regent Lykins, the motion carried.

### **INTRODUCTIONS**

President Beggs introduced Wichita State University's new Student Government President, Matthew Onstott, and Interim Provost Keith Pickus. Blake Flanders recognized and thanked Jim Grier and Jack Wempe for their service on the Kansas Postsecondary Technical Education Authority. Vice Chairman McKechnie presented a memento to both of them and thanked them for their years of service.

### **GENERAL REPORTS**

#### **REPORT FROM CHAIR**

Vice Chairman McKechnie thanked everyone for all the work on the various Board projects this year. He also stated the agenda for the Board's August retreat, which will be held in Southeast Kansas near Arcadia, is being developed.

Regent Downey-Schmidt stated that many positive things are happening on the campuses and thanked everyone for their hard work.

#### REPORT FROM PRESIDENT AND CEO

President Tompkins recognized the University of Kansas which received a \$20 million grant from the National Institutes of Health (NIH). He also reported on the 40% funding cut to Kan-ed, which will affect the higher education institutions, libraries, and hospitals. The Kan-ed Advisory Board will be meeting June 24 to look at different options.

#### STANDING COMMITTEE REPORTS

##### Fiscal Affairs and Audit

Regent Boettcher presented the Board's Fiscal Affairs and Audit Standing Committee report. The Committee received the annual Insurance Stewardship Report and discussed the transfer of the EPSCoR program to KBOR, which is an item on Thursday's agenda.

##### Academic Affairs

Regent McKechnie stated the Board's Academic Affairs Standing Committee had a couple of conference calls to discuss appeals of performance agreement recommendations.

#### APPROVAL OF CONSENT AGENDA

Regent Downey-Schmidt moved, with the second of Regent Perkins, the Consent Agenda be approved. The motion carried.

##### Academic Affairs

#### ADDITIONAL DEGREE GRANTING AUTHORITY FOR NATIONAL AMERICAN UNIVERSITY, ASHFORD UNIVERSITY, ITT TECHNICAL INSTITUTE, AND BRYAN COLLEGE

The National American University received approval to offer the following degrees: 1) Bachelor of Science in Nursing, 2) RN-to-BSN, 3) Associate of Applied Science in Clinical Laboratory Technician, and 4) Associate of Science in Nursing.

Approval was given to Ashford University to offer the following degrees:

- 1) Associate of Arts in Early Childhood Education
- 2) Associate of Arts in Military Studies
- 3) Bachelor of Arts in Cultural Anthropology
- 4) Bachelor of Arts in Homeland Security and Emergency Management
- 5) Bachelor of Arts in Human Resource Management
- 6) Bachelor of Arts in Instructional Design
- 7) Bachelor of Arts in International Business
- 8) Bachelor of Arts in Law Enforcement Administration
- 9) Bachelor of Arts in Liberal Arts
- 10) Bachelor of Arts in Military Studies

- 11) Bachelor of Arts in Operations Management and Analysis
- 12) Bachelor of Arts in Organizational Management
- 13) Bachelor of Arts in Political Science and Government
- 14) Bachelor of Arts in Project Management
- 15) Bachelor of Arts in Public Administration
- 16) Bachelor of Arts in Public Relations and Marketing
- 17) Bachelor of Arts in Service Management
- 18) Bachelor of Arts in Social and Criminal Justice
- 19) Bachelor of Arts in Social Science
- 20) Bachelor of Arts in Sociology
- 21) Bachelor of Arts in Sports and Recreation Management
- 22) Bachelor of Arts in Supply Chain Management
- 23) Bachelor of Arts in Sustainable Enterprise Management

ITT Technical Institute received approval to offer the following degrees:

- 1) Associate of Applied Science in Information Systems Administration
- 2) Associate of Applied Science in Computer Forensics
- 3) Associate of Applied Science Construction Technology
- 4) Associate of Applied Science in Web Design
- 5) Associate of Applied Science in Business Administration
- 6) Associate of Applied Science in Business Accounting Technology
- 7) Associate of Applied Science in Accounting
- 8) Associate of Applied Science in Web Design Technology
- 9) Bachelor of Science in Nursing (RN to BSN)
- 10) Bachelor of Science in Accounting
- 11) Bachelor of Science in Business Administration
- 12) Bachelor of Science in Business Accounting Technology
- 13) Bachelor of Science in Technical Project Management
- 14) Bachelor of Science in Criminal Justice Cyber Security
- 15) Master of Business Administration

Approval was given to Bryan College to offer an Associate of Applied Science in Air Conditioning and Refrigeration Technology.

#### DEGREE AND CERTIFICATE PROGRAMS

Dodge City Community College received approval to offer a technical certificate of 35 credit hours and an Associate of Applied Science Degree of 63 credit hours in Building Construction Technology (CIP 46.0415). The estimated start-up cost of the program is \$120,150. The College's general fund and capital outlay will be used to fund the program. Perkins funding will also be sought.

Flint Hills Technical College received approval to offer a technical certificate of 24 credit hours in Welding Technology (CIP 48.0508) and an Associate of Applied Science degree of 62 credit hours in Sustainability Studies (03.0103). The estimated start-up cost for the Welding Technology program is \$97,834. To

fund the program, the College will use a portion of its general operating budget, student tuition and fees, state aid, Perkins funding, and Workforce Solutions Funds. The projected expenses for the Sustainability Studies program is \$127,395, and the College will fund it with tuition, fees, state aid, Perkins, and reallocated existing resources.

Approval was given to Labette Community College to offer a technical certificate (16 credit hours) in Electronic Technology/Technician (CIP 47.0105). The projected start-up cost of the program is \$24,397. Part of the start-up cost will be covered by a SkillsUSA grant program and a \$9,995 award from the Lowe's Corporation. The remaining costs will be covered by reallocating existing institutional resources.

North Central Kansas Technical College received approval to offer an Associate of Applied Science degree (68 credit hours) in Welding Engineering Technology/Technician (CIP 15.0614). This is a collaborative program between Fort Hays State University and North Central Kansas Technical College. The College will have no additional cost.

Approval was given to Pratt Community College to offer a Solar (Photovoltaic) Energy Technology (CIP 15.0505) technical certificate (38 credit hours). The estimated cost of the program is \$84,000, which will be funded by existing institutional funds. The College is also looking at additional funding from the Energy Net program.

Seward County Community College received approval to offer an Associate of Applied Science degree (65 credits) in Corrosion Technology (CIP 15.0611) and two technical certificates in Atmospheric Corrosion (25 credits) and Cathodic Protection (26 credits). A U.S. Department of Education Title V Developing Hispanic-Serving Institutions Grant Program will fund the cost of the program, which will cost \$374,559.

Manhattan Area Technical College received approval to offer an Associate of Applied Science degree (70 credits) in Clinical Medical Laboratory Technician (51.1004). The total projected budget for the program is \$97,073. The College will fund the program with tuition and fees and state aid.

An Associate of Applied Science in Technical Studies (CIP 30.9999) comprised of 60-68 credits was approved for the Kansas System of Community (19) and Technical (6) Colleges. Students completing this degree must complete a minimum of 15 credit hours from at least 2 disciplines that will combine into a joint technical program with a technical focus. The colleges will incur no additional cost to offer this program.

**CONSIDERATION OF DISCUSSION AGENDA***Academic Affairs***HISTORY AND OVERVIEW OF KANSAS' REGULATION OF PRIVATE AND OUT-OF-STATE POSTSECONDARY EDUCATIONAL INSTITUTIONS OPERATING IN KANSAS**

Theresa Schwartz, Associate General Counsel, presented an overview of the Boards' regulatory and statutory responsibilities regarding the Private and Out-of-State Postsecondary Educational Institutions operating in Kansas that are subject to the Kansas Private and Out-of-State Postsecondary Educational Institution Act. In order for these institutions to lawfully operate in Kansas, they must be issued a Certificate of Approval by the Board of Regents. The Board's Private Postsecondary Educational Institution Division is responsible for reviewing each institution to make sure all statutory requirements are met. Once the Board issues a Certificate of Approval, the Division conducts annual reviews to make sure the statutory standards are maintained. If the standards are not maintained or if an institution is operating in Kansas without a certificate, civil and criminal penalties may be pursued. The Board is also authorized to charge fees for certain services. The fee categories and minimum/maximum limits are determined by statute and set in regulation.

(PowerPoint filed with Official Minutes)

**NEW DEGREE GRANTING AUTHORITY FOR CENTRAL MICHIGAN UNIVERSITY AND WICHITA TECHNICAL INSTITUTE**

Gary Alexander, Vice President of Academic Affairs, presented Central Michigan University's and Wichita Technical Institute's request for new degree granting authority. Following discussion, Regent Boettcher moved to approve. Regent Edwards seconded, and the motion carried. The following degrees were approved:

## Central Michigan University

- 1) Bachelor of Science in Community Development
- 2) Bachelor of Science in Administration
- 3) Bachelor of Science in Integrated Leadership Studies
- 4) Bachelor of Science in Psychology
- 5) Bachelor of Applied Arts in Administration
- 6) Master of Arts in Educational Technology
- 7) Master of Science in Administration

## Wichita Technical Institute

- 1) Associate of Applied Science in Computer Technology and Network Administration

**PERFORMANCE REPORTS**

Vice President Alexander stated the performance reports for calendar year 2010 were reviewed by the Board's Academic Affairs Standing Committee. The Committee recommends the following:

Award full funding to the following institutions, were such funding available:

Emporia State University, Fort Hays State University, Kansas State University, Pittsburg State University, University of Kansas, University of Kansas Medical Center, Wichita State University, Allen Community College, Butler Community College, Cloud County Community College, Coffeyville Community College, Colby Community College, Cowley Community College, Dodge City Community College, Fort Scott Community College, Garden City Community College, Highland Community College, Hutchinson Community College, Independence Community College, Johnson County Community College, Kansas City Kansas Community College, Labette Community College, Neosho Community College, Pratt Community College, Seward Community College, Flint Hills Technical College, Manhattan Area Technical College, North Central Kansas Technical College, Northwest Kansas Technical College, Salina Area Technical College, Wichita Area Technical College, Washburn University and its affiliate, Washburn Institute of Technology.

Award 80% funding to Barton Community College, were such funding available.

Regent Edwards moved to adopt the funding recommendations and Regent Perkins seconded. The motion carried.

#### INCREASE IN KANSAS GED TESTING FEE

The proposed increase in Kansas General Education Development (GED) testing fee was introduced by Vice President Alexander. Increasing the testing fee from \$68 to \$85 and the re-take fee from \$68 to a range of \$75-\$85 will allow Kansas GED Testing Centers to cover the increase in operational costs. Those increased costs include the vendor's \$10 per test battery increase in scoring the test and the GED Testing Service \$12 per test battery increase for leasing the test. Regent Lykins moved to approve the increase. Following the second of Regent Edwards, the motion carried.

#### *Fiscal Affairs and Audit*

#### FINAL REPORT ON THE FY 2012 STATE BUDGET

Diane Duffy, Vice President of Finance and Administration, stated the final appropriation bill – Senate Substitute for HB 2014 – was signed by the Governor with two line-item vetoes impacting the KBOR system. The Governor vetoed the proposed 2.5% state employee health benefits program surcharge and a portion of section 175 – the across the board reduction totaling \$5.9 million – allowing the Governor flexibility in where he imposes the reduction. Additionally, Vice President Duffy reported the final language in the appropriation bill regarding the competitive grant program limits the funding only to community colleges. The Governor's original intent of the program was to include all two year colleges.

#### DISTRIBUTION OF SELECTED FY 2012 STATE APPROPRIATIONS TO INDIVIDUAL COMMUNITY COLLEGES, TECHNICAL COLLEGES, AND WASHBURN INSTITUTE OF TECHNOLOGY

Vice President Duffy introduced the proposed FY 2012 distributions for the Vocational Education Capital Outlay Aid (Table 1) and the Technology Grant (Table 2). The FY 2012

appropriation for vocational education capital outlay aid and technology grants is 1.193% less than FY 2011. Following discussion, Regent Boettcher moved to approve both distributions and authorize staff to make any minor technical adjustments to the distribution once the final state appropriations are known and notify the Board. Regent Lykins seconded, and the motion carried. The following distributions were made:

<b>Institution</b>	<b>FY 2011 Funding</b>	<b>Estimated FY 2012 Funding</b>	<b>Increase/ (Decrease)</b>
Coffeyville Community College	\$135,220	\$132,878	(\$2,342)
Cowley County Community College	\$162,485	\$167,611	5,126
Dodge City Community College	\$138,570	\$129,305	(\$9,265)
Flint Hills Technical College	\$130,638	\$132,881	\$2,243
Highland Community College	\$131,688	\$148,510	\$16,822
Hutchinson Community College	\$230,374	\$199,105	(\$31,269)
Johnson County Community College	\$312,307	\$336,752	\$24,445
Kansas City Kansas Community College	\$219,572	\$228,726	\$9,154
Manhattan Area Technical College	\$136,012	\$131,685	(\$4,327)
North Central Kansas Technical College	\$144,451	\$146,940	\$2,489
Northwest Kansas Technical College	\$127,353	\$124,931	(\$2,422)
Pratt Community College	\$133,932	\$133,364	(\$568)
Salina Area Technical College	\$126,526	\$134,122	\$7,596
Seward County Community College	\$134,598	\$123,045	(\$11,553)
Washburn Institute of Technology	\$136,644	\$150,110	\$13,466
Wichita Area Technical College	\$237,078	\$199,380	(\$37,698)
<b>Total</b>	<b>\$2,637,448</b>	<b>\$2,619,345</b>	<b>(\$18,103)</b>

<b>Institution</b>	<b>FY 2011 Technology Grant</b>	<b>FY 2012 Technology Grant</b>	<b>Decrease</b>
Allen County Community College	\$14,337	\$14,168	(\$169)
Barton County Community College	\$19,717	\$19,482	(\$235)
Butler County Community College	\$25,093	\$24,794	(\$299)
Cloud County Community College	\$17,027	\$16,824	(\$203)
Coffeyville Community College	\$17,027	\$16,824	(\$203)
Colby Community College	\$17,027	\$16,824	(\$203)
Cowley County Community College	\$19,717	\$19,482	(\$235)
Dodge City Community College	\$17,027	\$16,824	(\$203)
Fort Scott Community College	\$17,027	\$16,824	(\$203)
Garden City Community College	\$17,027	\$16,824	(\$203)
Highland Community College	\$18,821	\$18,597	(\$224)
Hutchinson Community College	\$25,987	\$25,678	(\$309)
Independence Community College	\$17,027	\$16,824	(\$203)
Johnson County Community College	\$39,432	\$38,962	(\$470)
Kansas City Community College	\$25,987	\$25,678	(\$309)

Labette Community College	\$14,341	\$14,170	(\$171)
Neosho Community College	\$17,027	\$16,824	(\$203)
Pratt Community College	\$12,550	\$12,401	(\$149)
Seward County Community College	\$17,027	\$16,824	(\$203)
Washburn University	\$34,052	\$33,647	(\$405)
<b>TOTAL</b>	<b>\$403,277</b>	<b>\$398,475</b>	<b>(\$4,802)</b>

#### UPDATE ON ECONOMIC DEVELOPMENT INITIATIVES

Vice President Duffy reported on the new economic development initiatives (Competitive Grant, Engineering, and University Research) that the 2011 Legislature authorized. The Kansas Board of Regents was appropriated \$500,000 EDIF for the Competitive Grant Initiative. This program is for community colleges and requires a one-to-one match. It also requires the development of innovative programs with private companies needing specific job skills or meeting other industry needs that cannot be addressed with current funding streams. Although the funds were appropriated to the Board, the program is to be administered by the Secretary of Commerce. Board staff will work with Commerce staff to implement this initiative.

The Department of Commerce was appropriated \$1 million EDIF for FY 2012 to provide competitive Engineering Expansion Grants for programs at the University of Kansas, Kansas State University, and Wichita State University. A three-to-one match is required in the first year. Then in FY 2013, \$10.5 million will be transferred annually for 10 years from ELARF (gaming revenues) and each university (KU, KSU, and WSU) shall receive \$3.5 million annually. The program requires a one-to-one match from non-SGF sources. The Secretary of Commerce in consultation with the Board will approve plans developed by the three universities to increase the number of engineering graduates in the state by 60%.

The University Research Initiative involves the University of Kansas Medical Center's Cancer Center, Kansas State University's animal health research, and Wichita State University's aviation research. The Department of Commerce was appropriated \$5 million for each university. The universities are required to provide a one-to-one match and return-on-investment metrics, which will be evaluated periodically by the Governor's Council of Economic Advisors and the Department of Commerce.

#### DEVELOPMENT OF FY 2013 UNIFIED BUDGET REQUEST

Vice President Duffy recapped the Board's budget requests for the last five years and stated the Board's FY 2013 unified budget request is due on September 15. So far, Board staff has received the following five items for the Board to consider for its budget request: 1) the TEA recommends requesting the full funding gap amount for tiered technical education, 2) KU requests authorization to seek \$1,866,779 in additional funding for the Medical Loan Program, 3) the Council of Business Officers requests a change in budgeting of insurance premium from EBF to State University Operating Budgets, 4) a supplemental request from EBF will be reviewed to make the debt service payment on bonds, and 5) Board staff recommend expanding the Comprehensive Grant Program as part of Foresight 2020. The Board and the university and college leaders will discuss these requests and any others this summer. The Board will take action on its FY 2013 unified budget request at its September meeting.

Other MattersREPORT FROM KANSAS POSTSECONDARY TECHNICAL EDUCATION AUTHORITY

Vice President for Workforce Development, Blake Flanders, presented the Kansas Postsecondary Technical Education Authority report. At its last meeting, the TEA discussed the Board's FY 2013 budget request and recommends requesting the full funding gap amount for tiered technical education with the structure of the recommended request, such as amount per year, to be determined as the community and technical college leaders work with the Board in the development of the Board's budget request. The Members received a report on the formal alignment of Fort Hays State University and North Central Technical College. Additionally, the TEA elected Kathy Howell as their new Chair and Eddie Estes as their new Vice Chair. Vice President Flanders also highlighted the new Associate of Applied Science in Technical Studies for the Kansas System of Community and Technical Colleges, which was approved by the Board on its consent agenda.

RESOLUTION TO APPROVE RECOMMENDATIONS OF THE KANSAS BOARD OF REGENTS TRANSFER AND ARTICULATION TASK FORCE

Vice President Alexander presented the proposed Resolution that contains the recommendations of the Kansas Board of Regents Transfer and Articulation Task Force. Regent Emert moved to approve the Resolution. Regent Hedges seconded, and the motion carried.

(Resolution filed with Official Minutes)

PRIVATE POSTSECONDARY FEE REGULATION AMENDMENTS

Associate General Counsel Schwartz introduced the proposed temporary and permanent private postsecondary fee regulation amendments. The 2011 Legislature amended the statutes dealing with the fee structure that applies to private and out-of-state postsecondary institutions operating in Kansas. The statutory amendments become effective on July 1, 2011. In order for the Board to charge the new fees authorized by the statute, a temporary regulation needs to be adopted followed by the adoption of the permanent regulation. In accordance with the requirements of the Rules and Regulations Filing Act, the Board will need to delay action on the proposed temporary regulation until on or after July 1, 2011. The Board asked staff to move forward with the proposed regulations. A special Board meeting will be held in July to adopt the temporary regulation.

(Regulations filed with Official Minutes)

EXECUTIVE SESSION

At 3:13 p.m., Regent Edwards moved, followed by the second of Regent Emert, to recess into executive session for 45 minutes starting at 3:30 p.m. in Conference Room B to discuss personnel matters of non-elected personnel. Participating in the executive session were members of the Board, President Tompkins, and President Ed Hammond. At 4:15 p.m., the meeting returned to open session in Conference Room B.

**EXECUTIVE SESSION**

At 4:15 p.m., Regent Emert moved, followed by the second of Regent McKechnie, to recess into executive session for 30 minutes to discuss personnel matters of non-elected personnel. Participating in the executive session were members of the Board and President Tompkins. At 4:45 p.m., the meeting returned to open session in the Board Room.

**RECESS**

The Vice Chairman recessed the meeting at 4:45 p.m.

**RECONVENE**

Vice Chairman McKechnie reconvened the meeting at 8:30 a.m. on Thursday, June 16.

MEMBERS PRESENT:                      Ed McKechnie, Vice Chairman  
    Jerry Boettcher  
    Christine Downey-Schmidt  
    Mildred Edwards  
    Tim Emert  
    Dick Hedges  
    Dan Lykins  
    Janie Perkins

**APPROVAL OF CONSENT AGENDA**

Regent Boettcher moved, with the second of Regent Edwards, the Consent Agenda be approved. The motion carried.

*Fiscal Affairs and Audit***LEASE AGREEMENT WITH THE KSU FOUNDATION – KSU**

Kansas State University received authorization to enter into a lease agreement with the KSU Foundation to allow the Foundation to build a Feed Mill. Once the principal and interest are retired, the lease will be terminated and the mill will be transferred to KSU.

**ACCEPT PROPERTY – KSU**

Approval was given to Kansas State University to accept the Animal Resource Facility. The future maintenance costs will be paid from grant revenues.

**REPORTS****REPORT FROM COUNCIL OF PRESIDENTS**

The Council of Presidents' report was presented by Chancellor Gray-Little. The Council received an update from the Council of Business Officers (COBO) on the legislative budget and the Governor's vetoes. COBO reported on the property insurance renewal for FY 2012, state health insurance options, and tuition waivers for spouses and dependants. The Council also received a report from the Council of Chief Academic Officers regarding the proposed amendments to the qualified admission regulations. The Council of Presidents recommends

proceeding with the proposed amendments, which are on the agenda for the Board's consideration. However, the Council also requested that concerns expressed by the admission officers be dealt with in the coming year. Additionally, the Council discussed the possibility of including in next year's legislative request a salary increase for classified staff.

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

Tom Vontz presented the Council of Faculty Senate Presidents' report. The Council discussed what their role is with the Board and how they can be more proactive. An assessment mechanism for transfer and articulation was also discussed.

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

Tyler Thompson presented the Students' Advisory Committee report. Mr. Thompson stated the SAC wants to continue to build on the accomplishments from this past year. The SAC will continue to bring higher education issues and messages to the public by engaging communities, writing editorials, and using social media. The SAC is also committed to helping future students and will participate in service projects throughout next year.

#### **CONSIDERATION OF DISCUSSION AGENDA**

##### *Fiscal Affairs and Audit*

#### **FY 2012 TUITION AND FEE PROPOSALS FOR STATE UNIVERSITIES**

Diane Duffy, Vice President for Finance and Administration, introduced , for second reading, the proposed FY 2012 tuition and fee proposals for the state universities. The state universities face approximately \$24 million in overall reduction because of cuts in state funding and required increase costs such as group health insurance. The proposed tuition and fees are projected to raise approximately \$26 million in revenue, which is a net increase of only \$2 million. The Regents are concerned about the affordability of higher education and will continue to work with the Legislature to increase state funding.

Regent Boettcher moved to approve the rates for the University of Kansas as presented in Appendix A. Regent Emert seconded, and the motion carried.

Regent Boettcher moved to approve the University of Kansas Medical Center's rates as presented in Appendix A. Following the second of Regent Lykins, the motion carried.

Regent Boettcher moved, followed by Regent Lykins second, to approve Kansas State University's rates as presented in Appendix A. The motion carried.

Regent Boettcher moved to approve Wichita State University's rates as described in Appendix A. Regent Downey-Schmidt seconded, and the motion carried.

Regent Boettcher moved to approve the rates as described in Appendix A for Emporia State University. Following the second of Regent Perkins, the motion carried.

Regent Boettcher moved to approve Pittsburg State University's rates as detailed in Appendix A. Regent Lykins seconded, and the motion carried.

Regent Boettcher moved to approve Fort Hays State University's rates as presented in Appendix A. Regent Emert seconded, and the motion carried.

(Appendix A filed with Official Minutes)

Regent Boettcher moved to approve KSU's and WSU's existing course fee rates and KU's increases as itemized in the KU proposal. Regent Lykins seconded, and the motion carried.

Regent Boettcher moved to approve the existing tuition structures at KSU, WSU, PSU, and FHSU and the changes described in the proposals for KU's Rock Chalk Scholarship and ESU's International Partnership Tuition Rate and School of Library and Information Management Non-Resident Rate and Per Credit Hour Pricing. Regent Emert seconded. Following discussion, the motion carried.

Regent Boettcher moved to approve the proposed student fees at each of the universities. Regent Downey-Schmidt seconded, and the motion carried.

Regent Boettcher moved to approve KU's request for fee change that exceeds the policy threshold. Following the second of Regent Emert, the motion carried.

(State University Proposed Tuition and Fees filed with Official Minutes)

#### BREAK

The Vice Chairman called for a short break at 9:46 a.m. and resumed the meeting at 10:00 a.m.

#### Other Matters

#### GUIDELINES FOR COORDINATION, OVERSIGHT AND FISCAL MANAGEMENT OF THE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH (EPSCoR)

Vice President Alexander stated the 2011 Legislature transferred the Experimental Program to Stimulate Competitive Research (EPSCoR) from K-Tech to the Kansas Board of Regents. He presented the proposed guidelines for the coordination, oversight and fiscal management for the program. Following discussion, Regent Boettcher moved to adopt the guidelines. Regent Edwards seconded, and the motion carried.

(Guidelines filed with Official Minutes)

#### AMENDMENTS TO MEMORANDUM OF AGREEMENT BETWEEN PITTSBURG STATE UNIVERSITY AND THE KANSAS ASSOCIATION OF PUBLIC EMPLOYEES/SERVICE AND MAINTENANCE WORKER UNIT

Theresa Schwartz, Associate General Counsel, introduced the proposed amendments to the Memorandum of Agreement between Pittsburg State University and the Kansas Association of

Public Employees/Service and Maintenance Worker Unit. Regent Emert moved to approve and authorized the Board Chair to execute the modified agreement. Regent Hedges seconded, and the motion carried.

(MOA filed with Official Minutes)

#### NEW AND AMENDED PERMANENT STATE UNIVERSITY QUALIFIED ADMISSION REGULATIONS

General Counsel Julene Miller introduced the proposed new and amended permanent state university qualified admission regulations. The regulations are based on the Board's Admissions Task Force recommendations, which were approved by the Board at its December, 2010 meeting. The new and amended regulations in Article 29 will pertain to those students who will graduate and/or apply for admission during the next four years. The new Article 29a, which contains all the new "more rigorous" requirements, will pertain to students applying for admission for the 2015 summer session or later. General Counsel Miller stated several comments were received and changes that did not change intent were incorporated into the regulations. However, the comments that contained substantive changes that were not included in the Admissions Task Force's recommendations adopted by the Board will need to be discussed and considered during the next round of amendments. Following discussion, Regent Downey-Schmidt moved to approve the regulations. Regent Lykins seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent McKechnie, Regent Boettcher, Regent Downey-Schmidt, Regent Edwards, Regent Emert, Regent Hedges, Regent Lykins, and Regent Perkins. Motion carried.

(Regulations filed with Official Minutes)

#### AMENDED BOARD OF REGENTS HISTORY STATEMENT AS A PREFACE TO THE BOARD POLICY MANUAL

The proposed amendments to the Board of Regents History in the Board's Policy and Procedures Manual were introduced by General Counsel Miller. Regent Perkins moved to approve and Regent Boettcher seconded. The motion carried. The following amendments were adopted:

#### **A BRIEF HISTORY OF THE KANSAS BOARD OF REGENTS SYSTEM**

- 1913 — ~~Three member Board of Administration created by Kansas Legislature to govern the five state schools of higher education now known as the University of Kansas, Kansas State University, Emporia State University, Pittsburg State University and Fort Hays State University, each of which was previously governed by a separate Board of Regents.~~
- 1917 — ~~Board of Administration took over management of all state institutions, including penal and charitable as well as educational institutions.~~
- 1925 — ~~Legislature separated control of state educational system from that of other state institutions and placed it under the jurisdiction of a governing body of nine members who served without pay.~~

- ~~1939 — Legislature created bi partisan nine member Board of Regents, and added to its jurisdiction the State School for the Deaf in Olathe and the State School for the Blind in Kansas City, as well as two black schools — Western University in Kansas City and Kansas Vocational School in Topeka. The two black schools have since been closed and in 1971 responsibility for the other two schools was transferred to the State Department of Education.~~
- ~~1964 — Wichita State University came under the jurisdiction of the Board of Regents.~~
- ~~1974 — Legislature made provision for a payment of \$35 per meeting day for members of all state boards, including the Board of Regents.~~
- ~~1975 — State Education Commission abolished and responsibility for administering student assistance and federal programs transferred to the Board of Regents. Students' Advisory Committee, consisting of the president of each school's student senate, established to provide student representation at Board meetings and to consult with Regents on policies relating to student affairs.~~
- ~~1976 — Kansas Technical Institute at Salina transferred from the jurisdiction of the State Board of Education to the Board of Regents. In 1988, the name was changed to the Kansas College of Technology.~~
- ~~1991 — Kansas College of Technology was merged with Kansas State University and formally identified as Kansas State University Salina, College of Technology.~~
- ~~1999 — Legislature abolished the Kansas Board of Regents and created the newly re-constituted Kansas Board of Regents which governs the six state universities, supervises the 19 community colleges, 11 technical schools and technical colleges, and Washburn University, and coordinates all of postsecondary education in Kansas.~~

The 1854 Kansas-Nebraska Act established the U.S. territory of Kansas, opening the territory for settlement. Shortly thereafter, the Constitution of 1855 was adopted, bearing the intent of a university system, reading “The General Assembly may take measures for the establishment of a university.”

Kansas was admitted as the 34<sup>th</sup> state to the United States on January 29, 1861.

By 1863, the Legislature had created the first public university, Kansas State Normal School in Emporia, followed in the same year by The University in Lawrence and the Agricultural College in Manhattan. A 1900 Congressional Act provided abandoned military reservation land at Fort Hays to the State for the western branch of the Emporia Teachers College, known as the Western Branch State Normal School, and in 1903, the Legislature established the Normal Training Auxiliary of the Emporia Normal School in Pittsburg.

With five state institutions of higher education, Governor Walter Stubbs appointed a three-member committee in 1911 to study the state schools, colleges and universities, each of which was governed by its own separate board, and to make a recommendation regarding the creation of a single controlling board for all five.

In 1913, after much discussion and debate, the Legislature and the Governor settled on the creation of a centralized three-member Board of Administration to govern the five state schools of higher education. The members of this Board of Administration were appointed by the Governor and confirmed in Executive Session by the Senate. All could be from the same political party and all could be from the same geographic location. They were each paid the sum of \$3,500 per year for their service and had expenses covered. They were charged with overseeing business operations at the universities, providing a biennial report to the Legislature, and hiring the chief executives of the institutions.

By 1917, a new Board of Administration was created, comprised of the Governor and three members appointed by the Governor. This new Board of Administration took control of seven educational institutions (the five state schools as well as the School for the Deaf and the School for the Blind) as well as the penal, correctional, and charitable institutions of the State. Board members continued to receive a salary of \$3,500 per year and were given the authority to hire one paid secretary. New provisions for the Board also set forth methods for contracting with vendors, drafting policy, setting guidelines for chief executives and business officers of the institutions, and providing purpose and direction for the Board.

Following an episode of unprecedented political meddling in higher education by the Governor and Board of Administration,<sup>1</sup> in 1925 the Legislature again separated control of the state higher education system from the other state institutions and created the first entity equivalent to the modern-day Board of Regents. This was a body of nine citizen members, appointed by the Governor, who served without pay, met on a statutory schedule, and governed the five state institutions of higher education. This act dissolved the Board of Administration.

Just eight years later, responding to sentiment that the Board was not aggressive enough in support of the schools, the 1933 Legislature adopted a resolution directing the Board of Regents to make a “thorough survey” of the five state institutions of higher education. The purpose of this study was to help develop a plan for coordination and unification. The survey covered topics from state funding (\$2.80 per capita in 1932) to the history and purposes of the institutions themselves. The results of this survey helped to spur the 1939 changes to the Board.

In 1939, the Legislature recreated the nine-member Board of Regents as a bi-partisan board, each member of which would serve a staggered four-year term. Also at this time, the Legislature added to the Board’s jurisdiction the State School for the Deaf and the State School for the Blind, as well as Western University and Kansas Vocational School, two Black schools.<sup>2</sup> The Governor was to appoint members to the Board and the Senate would confirm them. Five of the members

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<sup>1</sup> See The Hectic Birth of the Board of Regents, Fred Ellsworth, University of Kansas Alumni Magazines (January and February, 1964).

<sup>2</sup> Control of the School for the Deaf and School for the Blind was later transferred to the State Department of Education. The two Black schools were closed during the mid-twentieth century.

were appointed from the same party as that receiving the highest votes for Secretary of State, while the remaining four were from the party receiving the second highest votes. This legislation also gave the Board the power to appoint and remove executive heads, deans, professors, teachers, or other employees at the institutions it governed.

The Educational Building Fund, which receives receipts from a 1.0 statewide mill levy on property, was authorized by a constitutional amendment in 1918, but the first levy was not made until 1942. The Educational Building Fund levy has been at least 1.0 mill since 1955.

In 1964, Wichita State University was brought under the Board of Regents, bringing the number of state universities governed by the Board to six.

Kansas voters approved a Constitutional amendment in 1966 to provide for a nine-member Board of Regents and its supervision and control of public institutions of higher education.<sup>3</sup> The Kansas Constitution now requires that members of the Board be appointed by the Governor, confirmed by the Senate, serve four-year, staggered terms of office, and be representative of each congressional district.

The 1974 Session of the Legislature made provision for a payment of \$35 per meeting day stipend for the members of all state boards, including the Board of Regents.

Just one year later, in 1975, the responsibility for administering student assistance and federal programs was transferred from the State Education Commission to the Board of Regents. Additionally, the Legislature enacted a statute calling for the creation of the Students' Advisory Committee, consisting of the president of each state university's student senate. This committee was established to provide student representation at Board meetings and for consultation with the Regents on policies and issues relating to students.

During 1976, oversight of the Kansas Technical Institute at Salina was transferred from the State Board of Education to the Board of Regents and in 1988 the name of the Technical Institute was changed to the Kansas College of Technology. By 1991, the Kansas College of Technology had merged with Kansas State University and renamed the Kansas State University-Salina, College of Technology.

In 1996, the Legislature introduced the concept of Qualified Admissions, requiring that students seeking admission to the six state universities meet one of three requirements or be admitted as an exception to these requirements.

The next notable change to the Board of Regents occurred in 1999 with the passage of Senate Bill No. 345. This bill recreated the Board of Regents into what it is today, a body that governs the state universities, supervises the community colleges, technical colleges/schools, and Washburn University, and coordinates all postsecondary education in Kansas. Senate Bill 345 also transferred responsibility for adult basic education, GED testing and regulation of private

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<sup>3</sup> See The Education Amendment to the Kansas Constitution, Kansas Legislative Council, Publication No. 256 (December 1965).

and out-of-state higher education institutions from the Department of Education to the Board of Regents.

The KAN-ED Act, the purpose of which is to provide for a broadband technology-based network to which schools, libraries and hospitals may connect for broadband internet access and intranet access for distance learning, was enacted in 2001, charging the Board with creation of such a network.

By 2008, plans were finalized for the last of the area vocational and area vocational-technical schools to either merge or affiliate with existing public institutions of higher education or seek individual accreditation as a technical college. The resulting Board of Regents system included six state universities, nineteen community colleges, six technical colleges and one municipal university.

In 2009, House Bill 2197 transferred the authority to set Qualified Admission requirements for the six state universities from the Legislature to the Board of Regents.

#### AMENDMENTS TO BOARD POLICY MANUAL TO ADDRESS FEDERAL PROGRAM INTEGRITY RULE REQUIREMENTS FOR STATE COMPLAINT PROCESS

General Counsel Miller presented the proposed amendments to the complaint process in the Board's Policy and Procedures Manual. These amendments will address and meet the requirements of the new federal Program Integrity Rules. Following discussion, Regent Downey-Schmidt moved to approve. Regent Edwards seconded, and the motion carried. The following amendments were adopted:

### **G. GENERAL POLICY**

#### 1. GENERAL POLICY

- a. The Board of Regents is a policy making and not an administrative body. It is bi-partisan by law and non-political by tradition. Just as the Kansas institutions of higher education should not be subjected to political pressures, so should the Board be protected against political pressures. (4-23-65)
- b. All policies and procedures adopted by any ~~Regents institution~~ state university, whether or not such policy or procedure requires Board approval, shall be in conformity with the policies and procedures of the Board and the laws of Kansas and the United States.

#### 2. COMMUNICATIONS WITH THE BOARD

- a. Communications relating to policy and administrative matters are to be directed to the Board from each campus through the Chancellor or President. However, any group may petition the Board in writing through the President and Chief Executive Officer of the Board.

- b. All communications pertaining to institution or Board activities or responsibilities between campus officials and Board members shall be copied to the President and Chief Executive Officer of the Board. (9-18-70)

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10. EXTERNAL GRIEVANCE PROCEDURE COMPLAINT PROCESS

- a. Each state university shall establish and enforce explicit procedures to address student grievances and complaints alleging university activity, or a university employee act or omission, that is proscribed by Board or institutional policies. Each state university shall create, maintain, and advertise an office of ombudsman or similar single point of contact to assist students in determining the appropriate university procedure for initiating a particular complaint or grievance.
- b. To address complaints for which there is no other applicable institutional procedure, the chief executive officer of each ~~Regents institution~~ state university shall designate an office at the Vice Chancellor or Vice President level at ~~each institution~~ each campus for the purpose of receiving and evaluating complaints ~~or charges from nonemployees~~ alleging conduct by employees of the ~~institution~~ university that is proscribed by Board or institutional policies.
- b- (1) Upon receipt of a written, formal and signed complaint ~~or charge~~ pursuant to this subsection 10.b., the designated official shall notify the chief executive officer of the ~~institution~~ university ~~and of the Board~~ and the employee(s) ~~charged~~ complained about, and shall investigate the merits of the complaint. If the designated official determines that the complaint has merit, that official shall proceed to resolve it through administrative channels if possible.
- e- (2) If it is impossible for the complaint ~~or charge~~ to be resolved by the designated official through administrative channels, the issue shall be referred to the chief executive officer of the university ~~for presentation to the~~ who shall appoint an appropriate institutional committee ~~for hearing~~ to hear the complaint.
- d- (3) The hearing committee shall forward its recommendation to the chief executive officer of the university for review. The chief executive officer shall accept, reject, or modify the recommendation of the hearing committee ~~and shall inform the Board of the recommendation of the hearing committee along with a statement of the action taken thereon by the chief executive officer.~~
- e- (4) This procedure shall not negate any other policy ~~or afford additional rights~~ relating to the processing of claims or charges of proscribed conduct which may be made by persons directly involved with or affected by the operation and management of the university. ~~This procedure is applicable only to any individual without current access to an established institutional grievance procedure.~~

- c. If after exhausting all available institutional grievance or complaint processes a student's complaint remains unresolved, the student may make a complaint to the Board office, in writing, by completing and submitting such forms as may be required by the Board.

(1)The Board will not accept the following types of complaints:

(a) Complaints that are submitted anonymously;

(b) complaints related to matters that are the subject of pending or threatened litigation, or that have already been adjudicated by the courts;

(c) complaints that allege wrongful acts by a person or entity other than a state university or employee of a state university acting in their capacity as a university employee;

(d) complaints regarding actions or matters occurring more than 2 years prior to the submission of the complaint; and

(e) complaints concerning a student's grades or examination results.

(2) Upon receiving a written complaint containing all requisite information, the Board office will conduct the following review:

(a) Determine if the state university has a process for addressing the complaint;

(b) determine if the university process was followed;

(c) determine if the university resolution was reasonable.

- d. Complaints alleging violation of laws that another state agency is charged with enforcing may be made directly to that other state or federal agency. Following the process outlined in paragraph c. shall not be considered a requirement for such complaints. Making such a complaint to the Board shall be considered as the complainant's consent to authorize the Board to forward the complaint to the appropriate enforcing entity. (5-15-81)

#### FY 2012 BOARD CHAIR AND VICE CHAIR

Regent Hedges moved to elect Regent Ed McKechnie as Chairman of the Board for FY 2012. With the second of Regent Perkins, the motion carried.

Regent Downey-Schmidt moved to elect Regent Tim Emert as Vice Chairman. Following the second of Regent Lykins, the motion carried.

**ANNOUNCEMENTS**

Regent McKechnie thanked Dr. Michael Lane for his years of serves as President of Emporia State University. He also thanked Regent Boettcher and Regent Hedges for their years of service on the Board of Regents. The terms of both Regents expire this month, but both are eligible for reappointment by the Governor.

**EXECUTIVE SESSION**

At 10:55 a.m., Regent Edwards moved, followed by the second of Regent Lykins, to recess into executive session for 1 hour and 45 minutes starting at 11:05 a.m. in Conference Room B to discuss personnel matters of non-elected personnel. Participating in the executive session were members of the Board, President Tompkins, and, for a portion of the discussion, President Kirk Schulz. At 12:50 p.m., the meeting returned to open session in Conference Room B. Regent Edwards moved, followed by the second of Regent Emert, to extend the session for 25 minutes. At 1:15 p.m., the meeting returned to open session in Conference Room B.

**ADJOURNMENT**

The Chair-Elect adjourned the meeting at 1:20 p.m. in the Board Room.

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Andy Tompkins, President and CEO

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Ed McKechnie, Chair-Elect