

# **KANSAS BOARD OF REGENTS**

## **April 16-17, 2008**

### **2007-2008**

Christine Downey-Schmidt, Chair  
Donna Shank, Vice Chair

### **STANDING COMMITTEES**

#### **Academic Affairs**

Donna Shank, Chair  
Dick Hedges  
Gary Sherrer

#### **Fiscal Affairs and Audit Committee**

Janie Perkins, Chair  
Jerry Boettcher  
Jill Docking  
Dan Lykins

#### **CEO Assessment**

Bill Thornton, Chair  
Christine Downey-Schmidt  
Janie Perkins

#### **Regents Retirement Plan**

Dan Lykins, Chair

*The Kansas Board of Regents shall pursue measurable continuous improvement in the quality and effectiveness of the public postsecondary educational system in Kansas, while expanding participation for all qualified Kansans. To achieve that mission, the Board will demand accountability, focus resources, and advocate powerfully.*

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**KANSAS BOARD OF REGENTS  
MEETING SCHEDULE**

April 16-17, 2008  
Curtis State Office Building  
1000 S.W. Jackson, Suite 520  
Topeka, KS

**Wednesday, April 16, 2008**

9:00 – 10:00 a.m. System Council of Chief Academic Officers – *Suite 530*

10:00 – 11:00 a.m. Council of Chief Academic Officers – *Suite 530*

11:00 – 12:00 a.m. Council of Presidents – *Suite 530*

11:00 – 12:00 noon Board Academic Affairs Standing Committee – *Kathy Rupp Conference Rm*

11:00 – 12:00 noon Board Fiscal Affairs and Audit Standing Committee – *Board Room*

11:00 – 12:00 noon Council of Faculty Senate Presidents – *Conference Room A*

12:00 – 1:15 p.m. **Lunch – Board of Regents and President Robinson** – *Conference Room B*

12:00 – 1:15 p.m. Lunch – Council of Chief Academic Officers – *Kathy Rupp Conference Room*

1:30 p.m. **Board of Regents** – *Board Room*

4:00 p.m. or Adjmnt Council of Faculty Senate Presidents – *Conference Room A*

4:00 p.m. or Adjmnt Students Advisory Committee – *Kathy Rupp Conference Room*

6:00 p.m. **Dinner – Board of Regents and President Robinson, and State University Presidents** – *Brick Oven Courtyard Grill, 3030 S.W. Wanamaker, Topeka*

**Thursday, April 17, 2008**

8:00 – 9:15 a.m. Board Academic Affairs Standing Committee – *Kathy Rupp Conference Room*

9:30 a.m. **Board of Regents** – *Board Room*

11:30 a.m. **Lunch – Board of Regents and President Robinson** – *Conference Room B*

**KANSAS BOARD OF REGENTS**  
**AGENDA**  
 April 16-17, 2008  
 1000 S.W. Jackson, Suite 520  
 Topeka, KS

**WEDNESDAY, APRIL 16, 2008**

- I. CALL TO ORDER** **Chairman Christine Downey-Schmidt**
  - A. Approve Minutes/Board Meeting on March 12-13, 2008 *Page 8*
  - B. Approve Special Board Conference Call Meeting on March 25, 2008 *Page 27*
  
- II. REPORTS**
  - A. Introductions
  - B. Report from the Chair **Chairman Christine Downey-Schmidt**
  - C. Report from Other Regents
  - D. Report from the President and CEO **President Reggie Robinson**
  
- III. APPROVAL OF CONSENT AGENDA**
  - A. *Academic Affairs* **Gary Alexander**  
**Regent Donna Shank** **Vice President for Academic Affairs**
    - 1. Approve Request of Vatterott College for an Information Systems Security Program *Page 29*
    - 2. Approve Request of Bellevue University for Additional Degree-Granting Authority for a Master of Business Administration *Page 31*
    - 3. Approve Request of Bellevue University for Additional Degree-Granting Authority for a Bachelor of Science in Healthcare Management *Page 33*
    - 4. Approve Requests of Community Colleges, Technical Colleges, and Technical Schools for Approval of Certificate and Degree Programs *Page 35*

**IV. CONSIDERATION OF DISCUSSION AGENDA**

A. *Academic Affairs*  
**Regent Donna Shank**

**Gary Alexander**  
**Vice President for Academic Affairs**

1. Approve Request of Wright Business School for Degree-Granting Authority for an Associate of Applied Science Degree in Surgical Technology *Page 36*

**Blake Flanders**  
**Vice President for Workforce Development**

2. Approve Request for Merger Agreements for Southwest Kansas Technical School and Northeast Kansas Technical College *Page 38*
3. Approve Request for Application from Salina Area Technical School to Become a Technical College *Page 40*

B. *Other Matters*

**Blake Flanders**  
**Vice President for Workforce Development**

1. Receive Report from Kansas Postsecondary Technical Education Authority
2. Approve Vendor Selection for RFP #11124 Marketing Research, Technical Education *Page 42*

**Kip Peterson**  
**Director of Government Relations and Communications**

3. Receive Legislative Report

C. *CEO Assessment*  
**Regent Bill Thornton**

**President Ed Hammond**  
**Fort Hays State University**

1. Receive Annual Campus Report – Fort Hays State University

**V. EXECUTIVE SESSION – Board of Regents – Personnel Matters Related to Non-Elected Personnel (CEO Assessment) – President Hammond**

**THURSDAY, APRIL 17, 2008**

**VI. REPORTS**

- A. Introductions
- B. Report from Council of Presidents **President Michael Lane**
- C. Report from Council of Faculty Senate Presidents **Dr. Harvey Foyle**
- D. Report from Students' Advisory Committee **Courtney George**

**VII. APPROVAL OF CONSENT AGENDA**

- A. *Academic Affairs* **Gary Alexander**  
**Regent Donna Shank** **Vice President for Academic Affairs**

- 1. Approve Request for a Secondary Major in Biological Engineering (14.999) – KSU *Page 45*

- B. *Fiscal Affairs and Audit* **Diane Duffy**  
**Regent Janie Perkins** **Vice President for Finance and Administration**

**Eric King**  
**Director of Facilities**

- 1. Approve Program Statement for the Replacement of HVAC System at the Engineering Building – WSU *Page 54*
- 2. Approve Program Statement for the Replacement of HVAC System at Grace Wilkie Hall and Grace Wilkie Annex – WSU *Page 54*
- 3. Approve Amendment of Rehabilitation & Repair List for FY 2008 to Replace Synthetic Floor in Ahearn Fieldhouse – KSU *Page 54*
- 4. Approve Amendment of Picken Hall Renovation Project Budget – FHSU *Page 54*
- 5. Approve Amendment of Rehabilitation and Repair List for FY 2008 to Include Remodeling of Several Labs in Smissman Hall – KU *Page 55*
- 6. Approve Purchase of Real Property/1604 S. Joplin Street – PSU *Page 55*
- 7. Approve Purchase of Real Property/214 East Williams – PSU *Page 55*

**VIII. CONSIDERATION OF DISCUSSION AGENDA**

A. *Academic Affairs* **Gary Alexander**  
**Regent Donna Shank** **Vice President for Academic Affairs**

1. Approve Request for Extension Programs in KC Metro – ESU *Page 56*

B. *Retirement Plan Committee* **Madi Vannaman**  
**Regent Dan Lykins** **Staff Affiliate**

1. Reappoint Retirement Plan Committee Members and Adopt the Retirement Plan Committee Charter *Page 57*

2. Approve Recommendations for ING's Fund Investment Option Line-up in the Board's Mandatory Retirement Plan *Page 64*

3. Approve Recommendation for Third Party Administration of the Board's 403(b) Retirement Plans *Page 66*

C. *Other Matters* **Diane Duffy**  
**Vice President for Finance and Administration**

**Reggie Robinson**  
**President and CEO**

1. Receive Information Regarding State University Security Issues—Weapons Policies, Employee Background Checks, Security Consultant RFP *Page 70*

D. *CEO Assessment* **President Michael Lane**  
**Regent Bill Thornton** **Emporia State University**

1. Receive Annual Campus Report – Emporia State University

**IX. EXECUTIVE SESSION – Board of Regents – Personnel Matters Related to Non-Elected Personnel (CEO Assessment) – President Lane**

**X. ADJOURNMENT**

**WEDNESDAY, APRIL 16, 2008**

**I. CALL TO ORDER**

**Chairman Christine Downey-Schmidt**

- A. Approve Minutes/Board Meeting on March 12-13, 2008

**KANSAS BOARD OF REGENTS  
MINUTES  
March 12-13, 2008**

The March 12, 2008, meeting of the Kansas Board of Regents was called to order by Chairman Christine Downey-Schmidt at 1:40 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: Christine Downey-Schmidt, Chairman  
Donna Shank, Vice Chairman  
Jerry Boettcher  
Jill Docking  
Dick Hedges  
Dan Lykins  
Janie Perkins  
Gary Sherrer  
Bill Thornton

**APPROVAL OF MINUTES**

Regent Docking moved that the minutes of the February 13-14, 2008, meeting be approved. Following the second of Regent Perkins, the motion carried.

**INTRODUCTIONS**

President Ed Hammond introduced Dr. Ruksana Kibria, a Fulbright Scholar from the University of Dhaka in Dhaka, Bangladesh. Dr. Kibria is serving as a Visiting Professor at Fort Hays State University this spring.

**REPORTS**

**REPORT FROM CHAIR**

Chairman Downey-Schmidt reported that she and Regent Shank recently enjoyed a concert at Emporia State University where former Regent Janice Debaugé and three other musicians performed. On February 28, Chairman Downey-Schmidt attended the Kansas Educational Leadership Commission, sanctioned by the State Board of Education, to consider development of school leadership. The Commission will be

finalizing its recommendations at an upcoming two-day retreat. The previous evening, Regent Downey-Schmidt attended a presentation by Kasey Pipes at the Dole Institute. The topic related to a civil rights/segregation issue involving former President Eisenhower and was entitled "Ike's Final Battle."

Members of the Board met with the Senate Education Committee for breakfast earlier in the day. Six senators attended. While the current topic of energy dominated, there was discussion related to the teacher shortage and the number of certified teachers who for a number of reasons have chosen not to teach. The Committee was reminded of the need to hold confirmation hearings for the five new Regents appointed by the Governor last summer. There was also brief discussion regarding possible budget increases. The Board will meet with the House Education Committee for breakfast on Thursday morning.

#### REPORT FROM OTHER REGENTS

Regent Perkins shared her recent experience in Garden City where she organized a community event to familiarize individuals with other organizations and the services available. Both the University of Kansas and Kansas State University were represented, complete with mascots. She extended an invitation to other institutions to participate next year.

#### REPORT FROM PRESIDENT AND CEO

President Robinson reported that he has been busy in the statehouse. Recently he testified in opposition to legislation that would repeal the provision that enables certain undocumented immigrants to attend institutions at in-state rates. He noted that broad legislation is pending in both chambers but only in the Senate is there potential for repeal, and he indicated that there is no way to predict action or whether the repeal provision will be included in the language that is included in the vote. Mr. Robinson noted that Vice President Gary Alexander has been busy with the House Education Committee's consideration of new methods of alternative teacher certification. In that regard, a subcommittee has been asked to study the issue more carefully and the Board of Regents will be a part of that review.

Another recent focus for President Robinson has been related to developing strategy to address the shortage of trained engineers in Kansas. Senator Morris and others have concerns and a meeting was convened. The engineering deans developed a white paper, which Senator Morris believes is a starting point for continued discussion. Mr. Robinson expects to work with the engineering deans to prepare for interaction with stakeholders to discuss strategy. He noted that there may be shortages in the engineering field that relate to the two-year sector, and he plans to have a comprehensive review of the needs.

#### REPORT FROM SYSTEM COUNCIL OF PRESIDENTS

President Duane Dunn briefed the Board on the meeting of the System Council of Presidents held earlier in the day. SCOPS received the following update from the System Council of Chief Academic Officers. Plans are underway for a summer retreat that will focus on the millennial student. SCOCAO continued its discussion regarding common reporting of transfer data.

The System Council of Business Officers reported to SCOPS that the Council is working on the development of an FY 2010 budget proposal with the following elements: keeping up, catching up, stepping up, and building up. The keeping up aspect involves using the HEPI information to maintain the purchasing power of institutions. The catching up and stepping up include looking at deficits and an analysis of needed dollars, and the building up is referring to deferred maintenance and the five-year plan. The Council also discussed the unified budget concept.

SCOPS considered the request from Kansas State University and Wichita State University to add to the program offerings available to out-of-state students through the Midwest Student Exchange Program (MSEP). The following programs received endorsement:

Kansas State University

Bachelor in Agronomy  
Master in Regional and Community Planning  
Master in Architecture  
Master in Interior Architecture and Product Design  
Master of Landscape Architecture

Wichita State University

Bachelor of Music: Special Music Education  
Bachelor of Education: Exercise Science  
Bachelor of Science: Forensic Science  
Bachelor of Science: Geology

**APPROVAL OF CONSENT AGENDA**

Regent Perkins moved, with the second of Regent Thornton, that the Consent Agenda be approved. The motion carried.

Academic Affairs

**COMMUNITY COLLEGE, TECHNICAL COLLEGE, AND TECHNICAL SCHOOL  
REQUEST FOR APPROVAL OF CERTIFICATE AND DEGREE PROGRAMS**

Approval was given to the following program requests:

Barton County Community College – a new program in Corrections (CIP 43.0102) at the Associate of Applied Science degree (A.A.S.) level. The degree consists of 68 credits with a budget of \$15,800 funded through partnerships, tuition and fees. The program was developed in conjunction with the Kansas Department of Corrections.

Hutchinson Community College – a new Pharmacy Technician (CIP 51.0805) program at the certificate level. The certificate consists of 32 credit hours with a budget of \$47,000 funded through grants, tuition and fees.

Wichita Area Technical College – a new program in Administrative Office Technology (CIP 52.0408) at the Associate of Applied Science degree (A.A.S.) level. The degree consists of 67 credits with a budget of \$50,000 funded through tuition and fees.

## **CONSIDERATION OF DISCUSSION AGENDA**

### *Fiscal Affairs and Audit*

#### **UPDATE ON KANSAS POSTSECONDARY DATABASE**

Dawn Ressel, Director of Institutional Research, provided an update on the Kansas Postsecondary Database (KSPSD) project. Working through the history of the project, she noted that prior to Senate Bill 345, there was no consistency and no link in the data reported for the state universities, community colleges, and technical institutions. Beginning in 2001, the Institutional Research unit was established and since that date, efforts have been underway to create individual student unit records for a statewide database, to assume responsibility for all KBOR reporting.

The database has been developed in phases to address the inconsistencies and to limit the burden on the institutions. The groundwork was laid by collecting fall census data from each institution, although Ms. Ressel noted that academic year data provides a better reflection of student numbers. Next to be added was data from program inventory, adult basic education, and career and technical education. The project is currently working on the addition of business technology and enrichment courses. A 12-member advisory committee representing all sectors has been established and new modules are pilot tested prior to actual data collection, whenever possible.

Ms. Ressel reported that institutions are benefiting through the increased communication and the data is more consistent. The Board and Board staff also benefit from the larger range of analysis that is available. Using the information that is now in the database, analyses have been conducted on such things as a student tracking report, an institutional list of programs, which will be accessible by high school counselors, and development of a Perkins core indicators report that is required for federal accountability. The student tracking report allows institutions to upload any list of students and receive an aggregate report on whether or not the students enrolled in another sector or graduated from that sector.

Data collection will begin this summer for the business technology & enrichment programs. The information will be used to track students by courses taken instead of program. The data will provide a better overview on issues like career and technical education, as it reflects both how the training is happening and how the institutions are contributing to communities and the support of business and industry. Financial aid data is expected to follow as the next collection.

Working with the Department of Labor (DOL) analyses can be conducted related to employment. Negotiations were completed with the DOL to share graduate information and receive feedback on whether or not the student is employed in Kansas and the wage information.

The Kansas State Department of Education recently established a unit record database (KIDS) and each student in the K-12 system is tracked using an identification number. A representative of the KBOR IR staff has served on the KIDS advisory committee and IR staff from both agencies meet monthly to review overlapping issues between K-12 and postsecondary. An individual was hired in February, 2008 to create a P 2 Career database. Currently a task force is working to identify a way for Kansas postsecondary institutions to gain access to the KIDS identification numbers.

Discussion followed. Responding to a question related to student financial aid information, Ms. Ressel stated that the institutions have different modules for the data. Currently information is available through the student registration module but the student financial aid module, which is linked, will need to be accessed for inclusion in the KSPSD. Ms. Ressel confirmed that the KSPSD information will be used to develop an annual report and establish benchmarks, and will also be a resource for responding to the Five Strategic questions identified by the Board at its retreat. When looking at student financial aid data, information will be available on costs for tuition and housing, Pell Grants, institutional awards, and amount of eligibility for student loans, but will not reflect whether the student took advantage of the loan amount or received loan funds from other entities. However, Ms. Ressel noted that information is available through other sources such as the National Student Loan Clearing House.

(Powerpoint Filed with Official Minutes)

### Other Matters

#### FIVE STRATEGIC QUESTIONS

President Robinson led a discussion related to the five strategic questions endorsed by the Board during its retreat last August. He presented a handout that outlined the goal to move from the established questions to development of a strategic plan for higher education. He noted that the values and goals that will be reflected in the ultimate working document were included in the statement introduced by the Council of Faculty Senate Presidents in February and also are reflective of the system as it is undergoing change. He called attention to the pipeline metaphor where the focus begins with K-12 and moves through postsecondary and on to careers and business and industry. However, engagement with higher education may now be better described metaphorically as a "swirl" rather than a "pipeline" as individuals move in and out of the higher education system with increased opportunities for the adult learner.

To respond to the five sets of questions, Mr. Robinson proposed looking at the data elements that bring framework to the questions and determine the current "location" as the system moves to the desired goal. The question related to *educational systems alignment* can potentially be answered by looking at available data and engagement with K-12 leadership through a group expected to be named by the Governor. Dawn Ressel reported that a pilot study will be undertaken, with the cooperation of the Kansas State Department of Education, by tracking a group of high school seniors moving into postsecondary education to determine if there is criteria to define success. This study will look at whether high school students participating in concurrent enrollment perform better and are more successful than non-participants. Developmental enrollment and success by field will be viewed to see if a student taking developmental math is further behind in another field, such as English. Ms Ressel noted that ACT has a report defining college readiness that is based on ACT subscores. The ACT test has a composite score of 36 but has subcategories of English, math, social studies and reading. Thus, Ms. Ressel proposed looking at the performance level of an individual in an ACT subsection. The ACT composite and subscores can also be evaluated to determine the level at which a student should be referred for remedial coursework. Ms. Ressel cited the example of some states using a composite ACT score of 21 and a student scoring below 21 is referred for remedial courses. A data search can also be conducted on the K-12 assessment scores to determine developmental needs. The findings from such data can help the Board in defining what it means to be "college ready."

Questions followed. Ms. Ressel confirmed that information such as class rank or completion of college preparatory curriculum would be helpful but is generally not available if the individual scored a certain level on the ACT because that is an automatic qualifier and then records are not maintained for rank and curriculum. Another question related to the terminology "college ready" and its implications. Mr. Robinson noted that terminology to refer to the "next stage of educational pursuit" would be more appropriate. Interest was expressed in obtaining other high school-related performance information such as GPA and class rank, in addition to ACT scores.

To respond to the questions related to *participation*, Mr. Robinson noted that it is a challenge to understand what we can do as a system to make the system more accessible for adults to return to higher education. Data is available on how many graduates each year continue for postsecondary education. However, less is known about the pool of adult learners and whether we are satisfied with the number who return for postsecondary education. Participants in adult basic education programs can easily be tracked as they move into postsecondary programs. The Project Next Step administered federally through a Department of Education grant will enhance the opportunities for adults to progress to postsecondary programs. However, Mr. Robinson indicated that there are other adults who may have interest in furthering their education and the number in that pool is difficult to determine and track. He suggested that we might look at the number or percentage of students above a determined age who are choosing to continue education. He expressed interest in 1) determining if interested adult learners are finding a way to access Kansas higher education and 2) identifying ways the institution and the system can be supportive. President Hammond reported that there is data that looks at workforce and census data and analyzes the educational needs by state to determine the workforce needs. It was noted that the data should also include adults who enroll in classes for enrichment type needs.

Moving to the questions regarding *persistence*, Mr. Robinson noted that graduation rate data is flawed because there is no record for transfers who subsequently complete, and a transfer is currently viewed as a failure to the institution the student transfers from and a non-entity to the institution transferred to. But even with its flaws, it is the data that is currently available and will be gathered for this document. Mr. Robinson summarized the data elements that relate to analyzing persistence and graduation rates, and reported that plans are underway to track enrollment and degree completion on a system basis to encompass students who transfer to and from institutions in the Regents system.

The next set of questions related to *outcomes* and Mr. Robinson noted that the data available may be limited because we lack many of the tools. Vice President Alexander will be working with institutional representatives on the definition for the cross-cutting postsecondary skills and competencies that will be the focus of this part of the effort. It was noted that leaders in business and industry should be consulted. Skills in writing, speaking and financial skills are often lacking, despite certificate or degree completion.

The final set of questions related to *alignment* with the Kansas economy and whether graduates are meeting workforce needs and research and discovery is innovative. Data is available from a recent workforce study that can be helpful. Currently there are workforce shortages in areas such as teachers, nurses, engineers and technical fields. Mr. Robinson noted that the need to maintain alignment between education and workforce needs is very challenging. He suggested that it would be helpful to obtain an analysis of key position descriptions in priority industries and called attention to the valuable role that the Technical Education Authority has in this area. Other information that is important relates to federal

research funding and whether Kansas is content with its ranking compared to other states. One way to measure the impact of research would be through information about patent filings.

Mr. Robinson indicated that the goal is to have a document for the Board in April. He will work with the Chair and Vice Chair to develop a plan to get Board input to establish the goals to be pursued.

(Powerpoint Filed with Official Minutes)

### RECESS

Chairman Downey-Schmidt announced a recess at 3:30 p.m. The meeting resumed at 3:45 p.m.

### REPORT FROM KANSAS POSTSECONDARY TECHNICAL EDUCATION AUTHORITY

Vice President Blake Flanders provided an update from the Kansas Postsecondary Technical Education Authority. A new member on the Authority is Dr. Olga Koper, Vice President of Technology and Technical Services at NanoScale Corporation in Manhattan, Kansas. At its recent meeting, the Authority heard presentations from the technical schools that are transitioning and it is expected that those transitions will be in place by July 1, 2008. Dr. Flanders reported that Joe Glassman, Authority Chairman, has written to Chairman Downey-Schmidt expressing support for the institutions and the various transition plans. However, some Authority members have concerns regarding the goal for Salina to transition from School to College status as it relates to sustainability, livelihood in terms of cash reserves, earning accreditation in a timely fashion, board development, and administrative staff development.

In terms of work related to workforce intelligence, the Authority has a committee that has looked at proposals from the universities to do some regional work. A recommendation has been made but arrangements have not been finalized. Statewide information is available but the Authority would like to view the data by regions or rural areas because it may not be a worker shortage for the state, but could be a shortage for a given area.

An RFP for market research will be closing on March 17. The Authority will review the proposals on April 2, and forward its recommendation to the Board for authorization. The vendor chosen will provide recommendations for a comprehensive marketing plan, rather than undertaking the actual marketing.

The Authority has been exploring funding for technical education. Jim Grier, Jack Wempe, and Eddie Estes are serving on a funding committee. Dr. Flanders noted that the Authority is excited about the data being collected by Dawn Ressel and her staff.

Questions followed. Dr. Flanders reported that the Authority funding committee is working closely with the Board's funding committee and will be developing a recommendation. Chairman Downey-Schmidt indicated that she would like to see the recommendation when it is developed and before it comes to the Board for a vote. Responding to a question about marketing, Dr. Flanders noted that some positions, such as nursing, are available in almost every area and high school students are not aware of the wages or amount of training to qualify for some positions. Sometimes there are positions and there is no student interest. Dr. Flanders believes that the information learned from the RFP process will identify areas for marketing success. Another question related to program approvals authorized by the Authority in contrast to approval by the Board of Regents and Dr. Flanders confirmed that the Authority recommendations will

flow to the Board for final consideration. President Robinson reported that Board staff discussed the process for such programs to flow logically to the Board of Regents. Regarding staffing, new positions will become Board of Regents staff who will be working primarily in support of the Authority, without duplicating work of current staff.

### LEGISLATIVE UPDATE

An update on the legislative process was given by Kip Peterson, Director of Government Relations and Communications. He identified the timelines in both the House and Senate for budget and appropriations measures and provided a status report on the following Board 2008 legislative initiatives: SB 403 – Adjustment to Partnership for Faculty of Distinction program cap; SB 404 – Implementation of Kansas Academy of Mathematics and Science; SB 415 – Deferred maintenance program amendments; SB 436 – Local option sales tax to reduce property taxes; HB 2610 – SGF payments to eliminate crumbling classrooms debt; and HB 2611 – University support staff and classified staff benefits clarification.

(Handout Filed with Official Minutes)

### RECESS

The Chairman recessed the meeting at 4:10 p.m.

### RECONVENE

The meeting was reconvened at 8:50 a.m. on Thursday, March 13.

MEMBERS PARTICIPATING: Christine Downey-Schmidt, Chair  
 Donna Shank, Vice Chair  
 Jerry Boettcher  
 Jill Docking  
 Dick Hedges  
 Dan Lykins  
 Janie Perkins  
 Gary Sherrer  
 Bill Thornton

### REPORTS

#### REPORT FROM COUNCIL OF PRESIDENTS

President Michael Lane briefed the Board on the meeting of the Council of Presidents held the previous day. COPS received the following update from the Council of Chief Academic Officers. COCAO approved a variety of programs on first and second reading. COCAO received a report from Vice President Gary Alexander on the alternate teacher certification bills that are pending in the Legislature and Dr. Alexander thanked the Deans of Education for efforts to help respond to the legislative proposals. COCAO drafted a statement to be provided to legislative liaisons for distribution that relates to eligibility of 10<sup>th</sup> grade students to take concurrent enrollment courses.

The Council of Business Officers reported to COPs on discussion at its recent meeting. COBO recommended adoption of a single blended cost for year two of the student health insurance plan and it

is anticipated that the cost for the state university system will increase approximately \$25,000. COBO discussed the policy amendment to increase annual leave accrual for classified employees and recommended to the Council of Presidents that action on the proposal be deferred until the May meeting to 1) await outcome on a bill that is still being considered that would authorize the Board to enhance benefits for employees in the unclassified support staff category; 2) assess the level of support from classified employees at this point; and 3) allow time for the Legislature to address recommendations from the Hay Group regarding classified employee benefits. COPS concurred with this recommendation. COBO recommended (and COPS previously concurred) that Veterans' Day be recognized as a holiday on all campuses. COBO discussed the willingness of the KSU Foundation to participate in a pilot program in the investment of idle funds.

COPs approved the request from Kansas State University to offer a Secondary Major in Biological Engineering. The Council discussed the institutional concealed carry policies. A summary has been developed and COPs recommended that the Board review the current policies and make recommendations, if needed. COPS approved the policy recommendation to establish a Board of Regents Classified and Support Staff Council. Board staff developed a summary on current campus practices related to background checks and COPs reviewed that summary. President Robinson shared a legislative request related to how universities contract for athletic broadcasting rights and discussion followed. President Lane reported that there are league issues involved and some athletic departments are separate corporations. Board staff will be collecting that information.

A question was asked about using text messaging for security alerts, whether sign-up is mandatory, and whether students were signing up to receive text messages. It was reported that both KU and KSU have a voluntary sign-up arrangement, WSU and ESU are working with a firm to provide either a text message or an audio message to the cell phone with no cost, and approximately 70 percent of FHSU students have signed up for the voluntary program. Another question related to establishment of Board policy related to background checks and President Robinson reported that a summary of the university policies and procedures and a summary of the institutional concealed carry policies will be shared with the Board in April. An RFP has been developed for a security consultant to review emergency response plans and there is potential to receive information for background check and concealed carry. Discussion followed about institutional services for mental health.

#### REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS

Dr. Harvey Foyle, Chairman of the Council of Faculty Senate Presidents, reported on the Council meeting the previous day. Once again, COFSP expressed support for the Regents focus on the five strategic questions. COFSP members have discussed building a public agenda for higher education. Additionally, members have reported back to their campuses and will be sharing the most recent five strategic questions powerpoint information with faculty members and will give them a chance to provide input. COFSP expressed support for using data to establish the benchmarks and goals for the future.

#### REPORT FROM STUDENTS' ADVISORY COMMITTEE

SAC Chair Courtney George reported that elections are in process at some campuses and will be upcoming at others. The new SAC members will be identified by May. Students are currently participating in campus budget discussions.

SAC heard a presentation from Dr. Curt Brungardt, FHSU, regarding Kansas Corps. The Committee tabled its discussion on electronic transcript and transfer materials for April because only four members were in attendance. SAC discussed Higher Education Day and made plans for next year. The Committee also discussed the academic calendar and voted to close its discussion on the topic, as well as recommend that Board policy remain as it is.

### **APPROVAL OF CONSENT AGENDA**

Regent Perkins moved that the Consent Agenda be adopted. Following the second of Regent Lykins, the motion carried. The following requests were authorized:

#### *Fiscal Affairs and Audit*

##### **AMENDMENT TO REHABILITATION AND REPAIR LIST FOR FY 2008 TO INCLUDE SUDLER COMPUTER CENTER HVAC IMPROVEMENTS – KUMC**

The University of Kansas Medical Center received approval to amend its Rehabilitation and Repair list for FY 2008 to include Sudler Computer Center HVAC improvements. The project is estimated to cost \$620,000 and will be funded with \$310,000 from Educational Building Funds and \$310,000 from the KU Hospital.

##### **AMENDMENT TO REHABILITATION AND REPAIR LIST FOR FY 2008 TO INCLUDE REPLACEMENT OF LIGHTING DIMMER SYSTEM AND CONTROLS AT THE LIED CENTER – KU**

Approval was given to the University of Kansas to amend its list of Rehabilitation and Repair projects for FY 2008 to include replacement of the lighting dimmer system and controls at the Lied Center. The estimated cost of the project is \$386,800 and will be funded through the master lease program. The master lease funds will be repaid with a combination of Tuition Funds and State General Funds over a period of three years.

##### **AMEND REHABILITATION AND REPAIR LIST FOR FY 2008 TO INCLUDE REMODELING LABS IN HAWORTH HALL - KU**

The University of Kansas was authorized to amend its list of Rehabilitation and Repair projects for FY 2008 to include the remodeling of labs in Haworth Hall. The estimated cost of the project is \$548,700 and will be funded with Tuition Funds.

##### **ARCHITECTURAL PROGRAM FOR STUDENT HOUSING – PSU**

Pittsburg State University received approval of its Architectural Program to renovate the seven existing student dormitories and construct a new student housing complex. The estimated cost per existing building is as follows: Trout Hall (\$1,037,114); Bowen Hall (\$1,036,985); Tanner Hall (\$1,031,723); Tanner Annex (\$1,698,036); Nation Hall (\$2,826,318); Dellinger Hall (\$3,464,373); and Mitchell Hall (\$905,617). The total budget estimate for the renovation work for the seven existing student housing facilities is approximately \$12,000,000.

The new student housing complex would provide an additional 200 beds. The complex would include four buildings with three floors each and two unit size configurations and

the total estimated budget for the new student housing complex is \$9,999,008 (not including land acquisition and parking costs).

The estimated budget to accomplish the renovation and complete the new construction totals approximately \$22 million dollars. It is estimated that annual debt service for a 30-year term on \$22 million in borrowing would require an annual payment of \$1,725,000. Funding to service the annual debt would be derived from the following three primary sources: 1) an overall rate increase in the current and future housing system room and board charges (\$685,000); 2) additional occupancy in the new construction (\$540,000); and 3) annual operating surplus from the University's housing budget (\$500,000). The rate increase would be implemented in a phased manner over four fiscal years beginning in FY 2009 and fulfilling in FY 2012, and would be in addition to the annual normal inflationary increases for room and board rates. All future operational and maintenance costs would be funded with housing revenue.

#### ARCHITECTURAL PROGRAM FOR PARKING IMPROVEMENTS – PSU

Approval was granted to Pittsburg State University for its interrelated projects that include parking lot improvements to core campus locations and the addition of two pedestrian plazas that further the goals of the Campus Master Plan to segregate pedestrian and vehicular traffic. Each proposed project will increase the quantity and quality of student parking. The total budget for these projects is \$4,000,000 (including land acquisition). It is estimated that the annual debt service for a 20-year term on \$4,000,000 in borrowing would require an annual payment of \$350,000. Funding to service this debt would be derived from parking permit sales and parking violation citation revenues. The University will be in year three of a 5-year plan to increase parking permit fees for FY 2009. Revenue is projected to be \$338,000 (FY 2009), \$372,000 (FY 2010), and \$409,000 (FY 2011).

### CONSIDERATION OF DISCUSSION AGENDA

#### *Academic Affairs*

#### REPORT ON IMPLEMENTATION OF QUALIFIED ADMISSIONS

Dr. Kathyne Mueller, Director of Academic Initiatives, presented the annual report on qualified admissions, along with supporting statistical information. She noted that the information is similar to recent years. Dr. Mueller called attention to the table setting out the number of students admitted under the exceptions policy, which confirmed that the universities have honored the ten percent exception window. She explained that in the process of developing qualified admissions regulations, it was determined that additional students will fall in that category in the future so the numbers will be monitored closely.

Statistics were provided for the number of student denials, number of students admitted by qualified admission categories, and number of students admitted who enrolled by qualified admission categories. The information reflected that most students are admitted by the score received on the ACT or SAT exam. Dr. Mueller outlined the other admission options of class rank, GPA in the prescribed qualified

admission precollege curriculum, the 10% exception window, and individuals over twenty-one who have earned a GED or graduated from an accredited Kansas high school.

Questions followed. Dr. Mueller reported that a comprehensive set of web pages is maintained for each Kansas high school with a qualified admissions curriculum and the information is accessible. About three years ago a review of course content began and, as a result, some changes were necessary in English, math, and natural science. She cited the example of the laboratory requirement for the science curriculum. The review found many high schools needed to add more labs to the curriculum to meet the qualified admission standard.

Discussion followed about the student unpreparedness reflected in denials, retention difficulties, particularly for freshmen, and the challenge to the university to help students succeed.

Regent Shank moved, with the second of Regent Lykins, the qualified admissions report for 2006-2007 be adopted. The motion carried.

(Enrollment Report Filed with Official Minutes)

#### STATE UNIVERSITY ADMISSIONS POLICIES

Dr. Mueller briefed the Board on the requirement to have university admissions policies approved. Regulations authorized in 2007 require Board approval of such policies. Universities were given flexibility to customize their policies related to admission of out-of-state applicants, implementation of the 10 percent exception window, establishment of admission categories and related policies, acceptance of transfer credits, and admission of nondegree-seeking applicants. Dr. Mueller reported that the category of provisional admission was established to accommodate students who qualify statutorily but whose academic background suggests the student is at risk. For a student admitted provisionally, there is a probationary period and there may be other restrictions related to the admission.

Discussion followed. Responding to a question about guaranteed admission for a student over twenty-one who has earned a GED or graduated from a home school, Dr. Mueller stated that there is great interest in that, particularly as it relates to individuals who have completed the adult education program administered through the Board office. It was noted that some statutory adjustments may need to be requested.

Regent Docking moved that the university policies be approved for a period of two years to see how they work and to give the Admissions Task Force time to develop recommendations. Following the second of Regent Lykins, the motion carried.

(University Policies Filed with Official Minutes)

#### EXTENSION PROGRAMS IN KC METRO – ESU

Regent Downey-Schmidt moved that Emporia State University be authorized to offer a Bachelor of Science in Health Promotion, a Bachelor of Science in Business: Marketing Major, and a Master of Business Administration in the Kansas City metro area. Following the second of Regent Thornton, the motion carried.

Fiscal Affairs and AuditPOLICY AMENDMENT TO INCREASE ANNUAL LEAVE ACCRUAL FOR STATE UNIVERSITY CLASSIFIED EMPLOYEES

General Counsel Julene Miller reported that the Council of Presidents requested that consideration of the proposed policy amendment to increase annual leave accrual for state university classified employees be delayed until May. However, she briefed the Board on the request. Legislation passed in 2005 authorized the Board to allow any state university to convert classified staff employee positions to unclassified university support staff positions to allow more flexibility regarding compensation and title management, while retaining the leave benefits provided under the State of Kansas civil service system. Legislation was adopted in 2006 that permitted the Board of Regents to adopt policy for classified employees' benefits to be different than other State classified employees by enhancing the annual leave benefits. In 2007, the Board pursued legislation to allow the Board the same flexibility regarding unclassified university support staff benefits that it had been given the year previously regarding classified staff in the Regents system. That measure did not pass in 2007, but has been reintroduced in the Board's 2008 legislative package. Even though legislation has not passed to pursue the enhancement for university support staff, the Council of Presidents directed that steps be taken to develop a recommendation for the enhancement of classified employee benefits.

The Advisory Committee on Retirement and Benefits recommended a policy proposal to the Council of Business Officers for the classified staff, non-exempt employees reporting 80 hours in pay status per pay period and exempt employees reporting any hours in pay status per pay period. The Council of Business Officers endorsed the proposal and recommended that the enhanced benefits be phased in over a two-year period. Because of the pending legislation and the study of employee benefits currently underway by the Hay Group, the Council of Business Officers and Council of Presidents have requested that consideration be delayed until the May 2008 Board meeting. Regent Sherrer noted his desire to receive additional information from the state universities regarding fiscal implications of adopting such a policy and why institutions believe the policy is necessary or desirable.

POLICY AMENDMENT TO RECOGNIZE VETERAN'S DAY AS A HOLIDAY FOR ALL EMPLOYEES AT THE STATE UNIVERSITIES

Regent Hedges moved, followed by the second of Regent Downey-Schmidt, that proposed amendments to the Board of Regents holiday observation policy be adopted. The motion carried. The policy is in Chapter II, Section F.13.e. and will be amended as follows:

Holiday Observations

(1) ~~Regents institutions~~ State universities shall observe the ~~following~~ holidays listed below for all unclassified and classified personnel. For purposes of this section F.13(e), the term classified personnel shall include University Support Staff (USS).

New Year's Day  
 Martin Luther King, Jr. Day  
 Memorial Day  
 Independence Day  
 Labor Day

Veteran's' Day  
 Thanksgiving Day  
 Christmas Day

(2) ~~Unclassified and classified personnel shall be entitled to such other special holidays as may be declared by the Governor. If any listed or special holidays fall during a time when classes are in session, such holidays shall not be observed by unclassified personnel.~~ Classified employees and unclassified non-exempt employees required to work on such holidays shall be afforded compensatory time or compensation ~~in accordance with Civil Service rules and regulations~~ at the rate of one and one-half time for each hour worked. Unclassified exempt staff who accrue annual leave who are required to work on any listed or special holiday shall be afforded equivalent time off at a later date.

(3) ~~Employees within the Regents system~~ Unclassified and classified personnel within the state university system who accrue annual leave shall be entitled to one additional holiday per year to be taken at their discretion, subject to the advance approval of the individual's administrative ~~superior~~ supervisor.

POLICY AMENDMENT TO REMOVE MINISTERIAL PUBLIC RECORDS INSPECTION AND COPYING PROVISIONS FROM THE BOARD'S POLICY MANUAL

Associate General Counsel Theresa Bush briefed the Board on the request to amend the statement of current procedures related to requests for inspection of public records and obtaining copies, which is included in the Policy Manual. She noted that the requests rarely require high level policy decisions and the current policy must be updated each time there is a staff change, an increase in costs, or any amendments to the Kansas Open Records Act (KORA), K.S.A. 45-215, *et seq.*. Ms. Bush reported that the proposed changes are requested to streamline the procedures by identifying the Board's President and CEO as the official custodian and authorizing him to make procedural changes relating to requests for access to or copies of public records, designate appropriate staff as record custodians, and establish fees to cover the cost of providing copies of or access to public records.

Regent Docking moved, with the second of Regent Boettcher, that the Board's policy statement be amended to name the President and CEO as the official record custodian with authority to adjust Board procedures as the need arises, to designate staff to act as record custodians, and to report such changes to the Board. The motion carried. The amended policy is as follows:

Amend Chapter II., Section G.27. as follows:

PROCEDURES RELATING TO REQUESTS FOR INSPECTION OF PUBLIC RECORDS AND OBTAINING COPIES/BOARD OF REGENTS OFFICE (6-27-02)

a. ~~The purpose of this policy statement is to set forth procedures to implement and follow the provisions of the Kansas Open Records Act, K.S.A. 45-215, et seq., with reference to public records.~~ The Board's President and CEO

(1) shall act as the Official Custodian of all public records maintained in the Kansas Board of Regents Office, Suite 520, 1000 S.W. Jackson, Topeka, Kansas 66612-1368;

(2) may make changes to the Board procedures relating to requests for access to or copies of public records and when changes are made shall report those changes to the Board; and

(3) may appoint appropriate staff to act as designated record custodians and/or the designated "freedom of information officer, as set forth and defined by K.S.A. 45-215 et seq."

~~a. The Executive Assistant to the President and CEO shall be the "Official Custodian" of public records maintained in the Board of Regents Office.~~

~~b. The Director of External Affairs shall be the "Local Freedom of Information Officer" for the Board of Regents.~~

b. Public records may be inspected during normal business hours of the Board of Regents Office which are between 8:00 a.m. and 5:00 p.m. Monday through Friday (except holidays and other non-work days authorized by the state).

c. The Board's President and CEO may establish record fees that reflect and are designed to recoup the actual costs of providing copies of or access to public records.

~~d. Fees, in accordance with those established subsection i. of this policy, shall be charged for providing access to and/or copies of public records maintained and located in the Board of Regents Office. All fees must be paid in advance.~~

~~e. If copies of public records are requested, a written request, proof of identity, an advance payment of the required fees shall be requested.~~

~~f. Written request for copies of public records shall state:~~

~~(1) the requester's name and address;~~

~~(2) information sufficient to identify the precise public records being requested; and~~

~~(3) the requester's right of access to the records.~~

~~g. If access to public records or the purpose for which the records are to be used is limited pursuant to state law, the Official Custodian shall request written certification pursuant to K.S.A. 45-220(e), including the following:~~

~~(1) The basis of the requester's right of access to the records; and~~

~~(2) the fact that the requester does not intend to, and will not:~~

~~(i) use any list of names or addresses contained in or derived from the records for the purposes of selling or offering for sale any property or service to any person listed; or~~

~~(ii) sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records for the purpose of allowing that person to sell or offer for sale any property or service to any person listed.~~

~~h. In cases of conflict, the provisions of K.S.A. 45-215, et seq., shall be deemed controlling.~~

~~i. Fees charged for providing access to and/or copies of public records located in the Board of Regents office shall be as follows:~~

~~(1) Staff time in providing access to/inspection of record or coordinating copies in excess of 10 minutes \$15/hour~~

~~(2) Copy of record~~

- ~~(i) Copy produced at Regents' Office in excess of 5 pages \$.05/page~~
- ~~(ii) Copy produced by outside vendor Actual cost~~
- ~~(3) Mailing of record Actual cost of postage~~
- ~~(4) Certification of record \$.50/page~~

### RECESS

Chairman Downey-Schmidt announced a recess at 10:20 a.m. The meeting resumed at 10:35 a.m.

### Other Matters

### PROPOSAL TO ESTABLISH BOARD OF REGENTS CLASSIFIED AND SUPPORT STAFF COUNCIL

President Robinson presented the request to establish a Board of Regents Classified and Support Staff Council. He stated that it would provide classified employees a formal and scheduled opportunity to communicate with the Board regarding issues of concern on campus. The Council of Presidents previously discussed such a council and was supportive, but requested that President Robinson work with classified staff leaders to develop a proposal for a council. Classified senate leaders have reviewed the proposal and have proposed addressing the Board in September (beginning of academic year) and January (just prior to legislative session).

Regent Hedges moved that the proposed policy language to establish a Classified and Support Staff Council be adopted. Following the second of Regent Lykins, the motion carried. The following language was authorized for inclusion in the Policy Manual as new subsection II.A.4.e., with subsequent provisions being renumbered appropriately. (Note: f. "Council on Hospital Governance" was removed as being obsolete.)

#### Classified and Support Staff Council

The Classified and Support Staff Council (CSSC) consists of the duly elected representatives from the Classified Staff (or University Support Staff) Council at each of the State Universities and the University of Kansas Medical Center. Upon invitation from the Chair of the Kansas Board of Regents, CSSC's role is to advise the Board of Regents regarding matters relating to classified staff/university support staff issues and concerns. The general expectation is that CSSC will make a report during the Board's September and January meetings. The CSSC Chair shall be from the same institution as the Chair of the Council of Presidents.

#### e. f. Rotation of Council or Committee Chair

As a general rule, committee and council chairs will rotate annually on July 1 in the following sequence: University of Kansas, Fort Hays State University, Kansas State University, Pittsburg State University, Emporia State University and Wichita State University. Whenever rotation in such manner is impossible for a given committee or council, a chair shall be selected by general election of the members.

f. Council on Hospital Governance

~~(1) The Council on Hospital Governance has delegated authority from the Board of Regents to serve as the governing body for the University of Kansas Hospital and is responsible for the quality of patient care at the University of Kansas Hospital and for assuring that the Hospital carries out its stated mission. The role and purpose of the University of Kansas Hospital is to provide recognized leadership in patient centered care in a technologically superior environment that supports the education of healthcare professionals. The Council ensures the establishment of a medical staff. The Council is responsible for approving the Medical Staff Bylaws and amendments and credentialing of medical staff members. The Council is responsible for conducting an annual evaluation of its own performance.~~

~~(2) The Council on Hospital Governance is composed of the following: Chancellor, Executive Vice Chancellor of the University of Kansas Medical Center, Chief Executive Officer of the University of Kansas Hospital, Chief of Staff, Vice Chief of Staff, Executive Dean of the School of Medicine, two members of the Board of Regents, one member of the~~ **Rev. 11-00-14**

~~Executive Committee of the Medical Staff (as elected by the Executive Committee), the President and Chief Executive Officer of the Board of Regents, the chief operating officer of the University of Kansas Hospital, and a senior representative of Kansas University Physicians, Inc. (KUPI).~~

~~(3) The two members from the Board of Regents shall be appointed by the Board of Regents for staggered three year terms. The senior representative of KUPI shall be appointed by KUPI. All other members of the Council shall serve by title. The Executive Vice Chancellor of the Medical Center shall serve as Chair and the Chief of Staff shall serve as Vice Chair. The responsibility of the Chair shall be to conduct the meeting, and to ensure that appropriate levels of communication are maintained between the Council, the Board of Regents and the Medical Staff. The responsibility of the Vice Chair is to carry out the duties of the Chair in case of his/her absence. The Council shall meet quarterly at the Hospital, and shall have its actions approved by the Board of Regents on a quarterly basis.~~

~~(4) Six members shall constitute a quorum to transact business. Council members shall be notified in writing at least two weeks in advance of each regular meeting. Council members may forward agenda items to the Chair at least ten days before the date of the regular meeting. The Chair shall mail to each member of the Council, at least seven days prior to each meeting, an agenda and supplemental materials. Special meetings may be called by the Chair, or in the Chair's absence, by the Vice Chair, with at least five days notice. Meetings are conducted following Robert's Rules of Order.~~

~~(5) The Chancellor is responsible for appointing the Chief Executive Officer of the Hospital. The Council shall provide consultation to the Chancellor with respect to the selection and appointment of the Chief Executive Officer of the Hospital. The Chief Executive Officer of the Hospital has the authority to direct and coordinate hospital operations in conjunction with the Hospital's mission and subject to Council policies. On an annual basis, a Subcommittee of the Council shall provide an annual performance evaluation of the Chief Executive Officer of the Hospital. The Subcommittee shall be composed of the Chancellor and Executive Vice Chancellor. The Subcommittee shall provide a report of the evaluation to the Council.~~

President Robinson introduced Barbara Nagel, Kansas State University, and Mary Ellen Conley, Emporia State University, who assisted in the development of the proposal.

UPDATE ON WICHITA CENTER FOR GRADUATE MEDICAL EDUCATION (WCGME) AT WICHITA AND SALINA

Dr. Barbara Atkinson briefed the Board on the Wichita Center for Graduate Medical Education (WCGME). The Center was created in 1989 as a community-based model to organize, monitor, and run the medical residency programs in Wichita. The Center is a consortium of Via Christi Regional Medical Center, Wesley Medical Center, and KU School of Medicine-Wichita with the two hospital CEOs and Dean of the KU School of Medicine at Wichita serving as the executive committee. This arrangement contrasts with the University of Kansas Medical Center program where the University runs the residency program.

Dr. Atkinson introduced the following individuals: Dr. S. Edwards Dismuke, Dean of the KU School of Medicine at Wichita; Dr. Glenn Cox, Vice Dean and Senior Associate Dean for Educational and Academic Affairs, KUMC and member of the Board; Hugh Tappan, President and CEO of Wesley Medical Center; Laurie Labarca, Interim President and CEO of Via Christi Wichita Health Network; Penny Vogelsang, Chief Operating Officer of WCGME; and Lana Oleen, Director of Governmental Affairs for WCGME.

The majority of funding for WCGME comes from the two hospitals, Wesley Medical Center and Via Christi. The hospitals receive federal funding for both direct and indirect medical education but also contribute hospital funds to the consortium. The Wichita programs are geared toward family practice and the consortium currently has 87 residents in such programs, while training 185 residents in other medical programs. The shared aspect of the program provides residents the opportunity to serve at Wesley, Via Christi, Smoky Hill in Salina and the Veteran's Administration hospital. Students receive medical training for years one and two in Kansas City and Wichita is a site for the third and fourth year, primarily for those interested in family practice. More specialties are available at KUMC, in contrast to those available in Wichita.

Dr. Atkinson reported that the Wichita program has been vital to addressing medical needs in Kansas and 55 percent of those trained in Wichita remain in Kansas, a percentage that is greater than the national average. The primary care focus of the Wichita program contributes to doctors entering the fields of family medicine, pediatrics, general medicine, and internal medicine/pediatrics.

The WCGME program recently requested additional legislative support. According to Dr. Atkinson, the funding need is prompted in part from the medical treatment provided to many Medicaid and uninsured patients by the WCGME residents. Another factor relates to the changing national accreditation standards, which now require scholarly activity and compensation for faculty for teaching and administrative duties. Funds from Medicare and Medicaid for graduate medical education have also been reduced. The WCGME request called for \$9.6 million in 2008 and \$12.5 million in 2009 to provide additional faculty and research staff, compensate for budget shortfall that is currently covered by hospitals, off-site monthly rotations and educational leave and non-clinical educational experience. The Governor included \$1 million in her budget to KUMC for WCGME. The Senate did not include funding and deferred to Omnibus and the House included \$1 million for two years. It is anticipated that the request will be considered during consideration of the Omnibus bill.

Questions and discussion followed. Dr. Atkinson was encouraged to think of the Kansas City and Wichita programs as a team effort to establish oneness, and the great contribution of WCGME to the state was noted. Responding to whether it would be appropriate for KUMC to provide additional funds to WCGME, Dr. Atkinson reported that appropriations are divided by percentage between Kansas City and Wichita, with Wichita having its own budget. She stated that it would be necessary to review the Wichita budget to see how it is managed and then look to any enhancement funds that might be available. Another question related to whether the Wichita hospitals were experiencing a disproportionate amount of Medicaid and uninsured patients compared to hospitals throughout the state. Dr. Dismuke reported that most hospitals use the direct federal funds for medical training programs, while Wesley and Via Christi have also been contributing their indirect federal funds to the pooled medical training fund of WCGME. There is now concern that the indirect federal funds will be cut. WCGME is currently receiving state funds and the recent request is for additional funds.

Regent Sherrer moved that the Board Chair and President establish a subgroup of Regents to develop a more in depth knowledge about WCGME and its issues to ensure that the Board can be appreciative and supportive of its needs and be a partner through KUMC. Regent Docking seconded the motion.

Dr. Atkinson indicated that the arrangement at Wichita is not unique and President Robinson voiced support for becoming more familiar with the changing landscape and increased accreditation expectations that have contributed to the funding need so that the Board can advocate for the needs. Dr. Atkinson noted that this is part of the whole physician workforce plan. WCGME has been working to create strong programs prior to expanding to accommodate training greater numbers. Groups such as the Kansas Primary Care Collaborative Coordinating Commission are focusing on increasing training opportunities.

The vote was called and the motion carried. Chairman Downey-Schmidt will name the committee.

(Powerpoint Filed with Official Minutes)

#### UPDATE ON PRESIDENTIAL ASSESSMENT PROCESS

Regent Thornton reported that the CEO Assessment Committee is working to improve the process and better communicate the expectations. He indicated that the form has been revamped by including an itemization of what each category means. There was discussion about four rankings, as opposed to five. The annual reports will continue to be a part of the process with evidence of achievements and future goals identified. The Chancellor/Presidents were asked to align their written report with the assessment form by specifically addressing each category.

Regent Docking moved that proposed form be adopted with the number of rankings being changed to four instead of five. Following the second of Regent Boettcher, the motion carried. The schedule will be announced in the very near future.

#### ADJOURNMENT

Regent Downey-Schmidt adjourned the meeting at 11:30 a.m.

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Reginald L. Robinson, President and CEO

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Christine Downey-Schmidt, Chair

**KANSAS BOARD OF REGENTS**  
MINUTES  
March 25, 2008

The Kansas Board of Regents held a special meeting by telephone conference call on March 25, 2008. Chairman Christine Downey-Schmidt called the meeting to order at 4:05 p.m. Proper notice was given according to law.

MEMBERS PARTICIPATING: Christine Downey-Schmidt, Chairman  
Donna Shank, Vice Chairman  
Jerry Boettcher  
Jill Docking  
Dick Hedges  
Dan Lykins  
Janie Perkins  
Gary Sherrer

MEMBERS ABSENT: Bill Thornton

**CONSIDER LEGISLATIVE DRAFT TO DEVELOP PILOT PROGRAM FOR INVESTMENT OF STATE UNIVERSITIES' IDLE FUNDS**

President Robinson called attention to legislative language that has been drafted that would authorize the Board to select a state university to undertake a pilot program for investment of its idle funds, excluding State General Funds. Representatives Wilk, Schwartz, and Tafanelli brought forward the idea and the concept was reviewed by the Board's Fiscal Affairs and Audit Committee. The measure would permit a university to enter into an agreement with a foundation/endowment entity to invest core balances available for a period of time exceeding twelve months and establishes requirements and limitations on the pilot program. Among those requirements and limitations is a provision that the invested funds shall not exceed \$40,000,000.

Questions and discussion followed. It was reported that even if a pilot university has funds available above \$40,000,000, the potential investment would be capped at that amount. The discussion confirmed that, given the legislative language used to describe the pilot program, the Board would be authorized to select only one university to participate in this effort. Only that university will be permitted to remove funds from the state's Pooled Money Investment Fund; additional legislation would be required for another university to participate. Concern was expressed about potential risk factor for the Board and it was noted that any agreement would be between the university and the investing foundation. While the Board would be responsible for approving the agreement, it would not be involved in such details as approving the investment decisions.

Regent Perkins moved that the Board express support for the legislation as proposed and authorized Board staff to draft testimony reflecting the Board's support. Following the second of Regent Lykins, the motion carried.

**ADJOURNMENT**

The conference call meeting was adjourned at 4:30 p.m.

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Reginald L. Robinson, President and CEO

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Christine Downey-Schmidt, Chair

**II. REPORTS**

- A. Introductions
- B. Report from the Chair **Chairman Christine Downey-Schmidt**
- C. Report from Other Regents
- D. Report from the President and CEO **President Reggie Robinson**

**III. APPROVAL OF CONSENT AGENDA**

- A. *Academic Affairs* **Gary Alexander**  
**Regent Donna Shank** **Vice President for Academic Affairs**

**1. APPROVE REQUEST OF VATTEROTT COLLEGE FOR AN INFORMATION SYSTEMS SECURITY PROGRAM**

**Summary and Staff Recommendation**

*Staff recommends that Vatterott College be given authority to add Information Systems Security to its program offerings. The Information Systems Security Program is 60 (sixty) weeks in length for a total of 72 quarter credit hours. This program will be awarded on its Wichita campus. 03/11/08*

**Background**

Vatterott College meets the standards of the Kansas Board of Regents and has previously been given degree granting authority and approved to offer multiple programs. The school holds accreditation from the Accrediting Commission of Career Schools and Colleges of Technology (ACCSCCT), an accreditation body approved by the United States Department of Education. This accreditation, according to K.S.A. 74-32,168 of the Postsecondary Educational Institution Act, may be accepted as evidence of compliance with the statutory standards for approval.

The Kansas Private and Out-of-State Postsecondary Educational Institution Act (hereinafter “the Postsecondary Educational Institution Act”) gives the Board of Regents responsibility for conferring degree-granting and non-degree granting authority for private postsecondary educational institutions with physical presence in Kansas. The scope of this responsibility includes most private institutions located in the state of Kansas and extends to all private and public colleges and universities located outside of Kansas that seek to deliver instruction within the state.

Institutions that apply for degree granting status are reviewed according to a process and set of standards required by the Postsecondary Educational Institution Act. These standards include items such as:

- Courses, curriculum and instruction are of such quality, content and length as may reasonably and adequately ensure achievement of the stated objective for which the courses, curriculum or instruction are offered
- Institutions maintain written records of the previous education and training of students and applicant students, and that training periods are shortened when warranted by such previous education and training or by skill or achievement tests

Each institution is required to submit a catalog including descriptions of the programs and courses offered. The catalog also contains a listing of instructors and their credentials and a statement of the objectives of this program. Staff reviews the catalog along with resumes of administrators and instructors.

Another standard item is the record of previous training or education. Schools must publish in their catalog the policy that will apply to previous training, methods of testing previous knowledge, or the transfer of credits from another institution.

**Recommendations**

Staff recommends approval of the Information Systems Security Program. Continued approval is contingent upon a favorable review and action by the Kansas Board of Regents. Any reference in the Vatterott College publications or communication to the Kansas Board of Regents should refer only to the Board's approval of the Information Systems Security Program. Vatterott College must apply annually for their Certificate of Approval to operate a school and provide this program in the state of Kansas. Vatterott College will comply with new regulations which may include regional accreditation when those regulations are in place.

**2. APPROVE REQUEST OF BELLEVUE UNIVERSITY FOR ADDITIONAL DEGREE-GRANTING AUTHORITY FOR A MASTER OF BUSINESS ADMINISTRATION**

**Summary and Staff Recommendation**

*Staff recommends that Bellevue University be given additional degree-granting authority for a Master of Business Administration. KBOR staff has reviewed the coursework and course outcomes of the Master of Business Administration degree and finds it meets KBOR’s standards. Bellevue University demonstrates it has appropriate facilities, equipment, materials, record keeping systems, qualified staff, and adequate space to meet the needs of students enrolled in the proposed degree program. This degree will be awarded on its Johnson County campus.*

3/21/08

**Background**

Bellevue University is accredited by The Higher Learning Commission of North Central Association of Colleges and Schools and participates in the Academic Quality Improvement Program (AQIP) of the Higher learning Commission. Additionally, the business degrees are accredited by International Assembly for Collegiate Business Education. Bellevue University was granted degree granting authority by the Board of Regents and was approved to offer a Bachelor in Management of Health Informatics and a Masters of Science in Health Care Administration in May 2007. Based upon industry requests and demand, they desire to expand their offerings to include a Master of Science in Business Administration and are pleased to support the economic growth in the Kansas City area.

**KBOR Response**

The Kansas Private and Out-of-State Postsecondary Educational Institution Act (hereinafter “the Postsecondary Educational Institution Act”) gives the Board of Regents responsibility for conferring degree-granting authority to private postsecondary educational institutions with physical presence in Kansas. The scope of this responsibility includes most private institutions located in the state of Kansas and extends to all private and public colleges and universities located outside of Kansas that seek to deliver instruction within the state.

Institutions that apply for degree granting status are reviewed according to a process and set of standards required by the Postsecondary Educational Institution Act. The process may include on-site reviews to ensure proper facilities, equipment, materials, and adequate space are available to meet the needs of the student. Other standards include items such as:

- Courses, curriculum and instruction that are of such quality, content and length as may reasonably and adequately ensure achievement of the stated objective for which the courses, curriculum or instruction are offered.
- Maintain written records of the previous education and training of students and applicant students, and that training periods are shortened when warranted by such previous education and training or by skill or achievement tests.

Each institution is required to submit a catalog including descriptions of the programs and courses offered. The catalog also contains a listing of instructors and their credentials and a statement of the

objectives of this program. Staff reviews the catalog along with resumes of administrators and instructors.

**Recommendations**

KBOR staff has reviewed the coursework and course outcomes of the Master of Science in Business Administration degree presented by Bellevue University and finds they meet KBOR’s standards. Bellevue University demonstrates it has appropriate facilities, equipment, materials, record keeping systems, qualified staff, and adequate space to meet the needs of students enrolled in the proposed degree program.

KBOR Staff recommends approval because the degree program has met all the applicable standards that support the request for the Master of Business Administration. Any reference in the institution's publications or communications to the Kansas Board of Regents should refer to the Board's approval of degree granting authority for the Bachelor of Science in Healthcare Management. This institution must apply annually for its certificate of approval to operate a school and grant this degree in the state of Kansas.

**3. APPROVE REQUEST OF BELLEVUE UNIVERSITY FOR ADDITIONAL DEGREE-GRANTING AUTHORITY FOR A BACHELOR OF SCIENCE IN HEALTHCARE MANAGEMENT**

**Summary and Staff Recommendation**

*Staff recommends that Bellevue University be given additional degree-granting authority for a Bachelors of Science in Healthcare Management. KBOR staff has reviewed the coursework and course outcomes of the Bachelor of Science in Healthcare Management degree and finds it meets KBOR standards. Bellevue University demonstrates it has appropriate facilities, equipment, materials, record keeping systems, qualified staff, and adequate space to meet the needs of students enrolled in the proposed degree program. This degree will be awarded on its Johnson County campus.* 3/21/08

**Background**

Bellevue University is accredited by The Higher Learning Commission of North Central Association of Colleges and Schools and participates in the Academic Quality Improvement Program (AQIP) of the Higher learning Commission. Bellevue University was granted degree granting authority by the Board of Regents and was approved to offer a Bachelor in Management of Health Informatics and a Masters of Science in Health Care Administration in May 2007. Based upon industry requests and demand, they desire to expand their offerings to include a Bachelors of Science in Healthcare Management and are pleased to support the economic growth in the Kansas City area.

**KBOR Response**

The Kansas Private and Out-of-State Postsecondary Educational Institution Act (hereinafter “the Postsecondary Educational Institution Act”) gives the Board of Regents responsibility for conferring degree-granting authority to private postsecondary educational institutions with physical presence in Kansas. The scope of this responsibility includes most private institutions located in the state of Kansas and extends to all private and public colleges and universities located outside of Kansas that seek to deliver instruction within the state.

Institutions that apply for degree granting status are reviewed according to a process and set of standards required by the Postsecondary Educational Institution Act. The process may include on-site reviews to ensure proper facilities, equipment, materials, and adequate space are available to meet the needs of the student. Other standards include items such as:

- Courses, curriculum and instruction that are of such quality, content and length as may reasonably and adequately ensure achievement of the stated objective for which the courses, curriculum or instruction are offered.
- Maintain written records of the previous education and training of students and applicant students, and that training periods are shortened when warranted by such previous education and training or by skill or achievement tests.

Each institution is required to submit a catalog including descriptions of the programs and courses offered. The catalog also contains a listing of instructors and their credentials and a statement of the objectives of this program. Staff reviews the catalog along with resumes of administrators and instructors.

**Recommendations**

KBOR staff has reviewed the coursework and course outcomes of the Bachelor of Science in Healthcare Management degree presented by Bellevue University and finds they meet KBOR’s standards. Bellevue University demonstrates it has appropriate facilities, equipment, materials, record keeping systems, qualified staff, and adequate space to meet the needs of students enrolled in the proposed degree program.

KBOR Staff recommends approval because the degree program has met all the applicable standards that support the request for the Bachelor of Science in Healthcare Management. Any reference in the institution's publications or communications to the Kansas Board of Regents should refer to the Board's approval of degree granting authority for the Bachelor of Science in Healthcare Management. This institution must apply annually for its certificate of approval to operate a school and grant this degree in the state of Kansas.

**4. APPROVE REQUESTS OF COMMUNITY COLLEGES, TECHNICAL COLLEGES AND TECHNICAL SCHOOLS FOR APPROVAL OF CERTIFICATE AND DEGREE PROGRAMS**

**Summary and Staff Recommendation**

*Community Colleges, Technical Colleges and Technical Schools request approval for new certificate and degree programs each month. Board office received three program requests to be implemented Spring and Fall 2008 that have met all the criteria and have been subject to the 45 day comment period required by policy. Postsecondary Technical Education Authority recommends the programs. Staff recommends approval.*

03/24/08

**Background**

Community colleges, technical colleges and technical schools submit requests for new certificate and degree programs each month utilizing forms approved by staff. Criteria for new programs include the following:

- Current and projected job openings
- Employer demand for the program
- Student demand for the program
- Analysis of potential impact on enrollment in any similar programs in the region or state
- Description of facilities and equipment available
- Projected program costs
- Membership of a steering/advisory committee for the program
- Measurable program outcomes
- Identification of workplace basic skills and competency profiles for technical courses
- Efforts to collaborate to provide the needed program
- Level of program duplication across institutions, based on Classification of Instructional Program Code (CIP).

In addition, the local governing board has approved the program application and the programs have undergone the 45 day comment period.

**Description of Proposed Programs by Community Colleges/Technical Colleges/Technical Schools**

1. Butler County Community College requests the following new programs:
  - A. Accounting Assistant (CIP 52.0302) at the certificate and Associate of Applied Science degree (A.A.S.) levels. The certificate consists of 33 credit hours and the degree consists of 68 credits with a budget of \$1567.50 funded through tuition and fees. Johnson County Community College and Wichita Area Technical College also have programs under this CIP code. No comments were received concerning this program.
  - B. Surveying Technology (CIP 15.1102) at the certificate and Associate of Applied Science degree (A.A.S.) levels. The certificate consists of 39 credit hours and the degree consists of 64 credits with a budget of \$16,270 funded through tuition and fees. No other colleges have programs under this CIP code. No comments were received concerning this program

The above new certificate and degree programs have been carefully reviewed by staff utilizing the above stated standards and criteria. Copies of the detailed program proposals are available for inspection. Postsecondary Technical Education Authority recommends the programs. Staff recommends approval.

#### IV. CONSIDERATION OF DISCUSSION AGENDA

A. *Academic Affairs*  
**Regent Donna Shank**

**Gary Alexander**  
**Vice President for Academic Affairs**

**1. APPROVE REQUEST OF WRIGHT BUSINESS SCHOOL FOR DEGREE-GRANTING AUTHORITY FOR AN ASSOCIATE OF APPLIED SCIENCE DEGREE IN SURGICAL TECHNOLOGY**

##### **Summary and Staff Recommendation**

*After a thorough site review of the school and its proposed Associate of Applied Science Degree in Surgical Technology, KBOR Staff recommends that Wright Business School be given degree-granting authority for an Associate of Applied Science in Surgical Technology. If approved, this degree will be awarded at their Overland Park campus. KBOR staff collaborated and partnered with other subject matter experts in the field of Surgical Technology to visit the school, review the coursework, course outcomes and externship program. Wright Business School demonstrates they have qualified staff, state of the art facilities, equipment, materials, record keeping systems, and adequate space to meet the needs of students enrolled in the proposed degree program. All findings indicate Wright Business School's proposed degree program meets KBOR's standards.*

*3/19/2008*

##### **Background**

Wright Business School's history dates back to 1921, and they have been accredited since 1982 by the Accrediting Council for Independent Colleges and Schools (ACICS), an approved accrediting agency by the United States Department of Education. This accreditation, according to K.S.A. 74-32,168 of the Postsecondary Educational Institution Act, may be accepted as evidence of compliance with the statutory standards for degree granting approval.

Wright Business School's main campus is located in Overland Park with two branch campuses in Oklahoma City, OK and Tulsa, OK. The branch campuses recently finished their on-site review by a team from the Accrediting Council for Independent Colleges and Schools in March and received outstanding recommendations and approval from ACICS and the state of Oklahoma to continue to offer Associate degrees in Accounting, Software Administration, Business Administration, Information Technology Systems, Medical Office Administration, Insurance Coding, Medical Assistance, and Surgical Technology.

This is the first request for degree granting authority by the main campus in Overland Park. The model for this degree in Associate of Applied Science in Surgical Technology is based on the model approved by ACICS in Oklahoma.

##### **KBOR Response**

The Kansas Private and Out-of-State Postsecondary Educational Institution Act (hereinafter "the Postsecondary Educational Institution Act") gives the Board of Regents responsibility for conferring degree-granting authority to private postsecondary educational institutions with physical presence in Kansas. The scope of this responsibility includes most private institutions located in the state of Kansas and extends to all private and public colleges and universities located outside of Kansas that seek to deliver instruction within the state institutions that apply for degree granting status are reviewed according

to a process and set of standards required by the Postsecondary Educational Institution Act. The process may include on-site reviews to ensure proper facilities, equipment, materials, and adequate space are available to meet the needs of the student. Other standards include items such as:

- Courses, curriculum and instruction that are of such quality, content and length as may reasonably and adequately ensure achievement of the stated objective for which the courses, curriculum or instruction are offered.
- Maintain written records of the previous education and training of students and applicant students, and that training periods are shortened when warranted by such previous education and training or by skill or achievement tests.

Each institution is required to submit a catalog including descriptions of the programs and courses offered. The catalog also contains a listing of instructors and their credentials and a statement of the objectives of this program. Staff reviews the catalog along with resumes of administrators and instructors.

### **Recommendations**

KBOR staff has reviewed the coursework and course outcomes of the Associate of Applied Science in Surgical Technology degree presented by Wright Business School and finds they meet KBOR's standards. Wright Business School also demonstrates it has state of the art facilities, equipment, materials, record keeping systems, qualified staff, and adequate space to meet the needs of students enrolled in the proposed degree program.

KBOR Staff recommends approval because the degree program has met all the applicable standards that support the request for the Associate of Applied Science in Surgical Technology. Any reference in the institution's publications or communications to the Kansas Board of Regents should refer to the Board's approval of degree granting authority for the Associate of Applied Science in Surgical Technology. This institution must apply annually for its certificate of approval to operate a school and grant this degree in the state of Kansas.

**Blake Flanders**  
**Vice President for Workforce Development**

**2. APPROVE REQUEST FOR MERGER AGREEMENTS FOR SOUTHWEST KANSAS TECHNICAL SCHOOL AND NORTHEAST KANSAS TECHNICAL COLLEGE**

**Summary and Recommendations**

*The 2007 Kansas Legislature passed Senate Substitute for HB 2556, which requires the governing bodies of postsecondary technical schools and Northeast Kansas Technical College to submit a plan to merge or affiliate with a postsecondary educational institution, or become an accredited technical college with an independent governing board by July 1, 2008. Final merger plans were received and reviewed by Board staff. Staff recommends Board approval of the following two merger plans: (1) Northeast Kansas Technical College and Highland Community College; and (2) Southwest Kansas Technical School and Seward County Community College, which are to be implemented by July 1, 2008.*

**Background**

2007 Senate Substitute for House Bill No. 2556 established the Postsecondary Technical Authority and required the governing bodies of the following institutions to submit a plan to merge or affiliate with a postsecondary educational institution or become an accredited technical college with an independent governing board by July 1, 2008.

- Northeast Kansas Technical College
- Kansas City Kansas Area Technical School
- Kaw Area Technical School
- Salina Area Technical School
- Southwest Kansas Technical School

K.S.A. 72-4470a required all technical college boards to develop and present a plan to the Board of Regents, on or before July 1, 2005, replacing the existing governing body of technical college with a new governing board, which shall be separate and independent of any board of education of any school district. Five technical colleges submitted transition plans under this provision. Northeast Kansas Technical College chose not to submit a transition plan and, consequently, was the only technical college required to merge or affiliate or become an accredited technical college, under 2007 Senate Substitute for House Bill No. 2556.

K.S.A. 71-1701 et seq. (originally enacted in 1992) established the authorization for consolidation of vocational schools and community colleges and set forth statutory criteria to be addressed in the consolidation agreements between the governing boards of the two institutions.

Board policy states that any public postsecondary institution that has not achieved accredited status with the Higher Learning Commission of the North Central Association (HLC/NCA) by July 1, 2009, may be subject to loss of degree-granting authority.

The Board requested the institutions submit preliminary plans of action and implementation timelines by January 2008. These institutions complied with the January 2008 reporting deadline and the preliminary plans were discussed during the January 16 Board meeting. At that time the Board determined that the

December 29, 2007 letter from Southwest Kansas Technical School was not acceptable in terms of meeting the Board's directive for submission of a preliminary plan. The Board requested additional information be provided and extended willingness to assist the school in resubmitting acceptable documentation.

The status of Northeast Kansas Technical College and Southwest Kansas Technical School is as follows:

1. In January 2008, Northeast Kansas Technical College submitted a preliminary plan for merger with Highland Community College. A final consolidation plan, outlining the agreements reached for each of the elements required of consolidation agreements in K.S.A. 71-1702(b), was submitted to KBOR in March 2008 and has been reviewed by Board staff. Governance and operational oversight are to be assumed by the Board of Trustees of the Highland Community/Technical College with an effective merger date of July 1, 2008.
2. In January 2008, Southwest Kansas Technical School submitted a letter indicating the institution was unable to reach agreement with Seward County Community College regarding the potential merger and that the institution was still exploring options including seeking technical college status with an independent governing board and/or potential merger with Northwest Kansas Technical College. The Board responded with a letter noting that the institution's response did not satisfactorily satisfy the Board's directive for a transition plan and requested additional information. In February 2008 the governing boards of Southwest Kansas Technical School (USD 480) and Seward County Community College submitted an agreement for consolidation, outlining the agreements reached for each of the elements required of consolidation agreements in K.S.A. 71-1702(b), which has been reviewed by Board staff. Governance and operational oversight are to be assumed by the board of Trustees of the Seward County Community College with an effective merger date of July 1, 2008.

#### **Additional Considerations**

Legal staff has reviewed the documents submitted and has found them to be in compliance with all applicable statutory requirements.

#### **Staff Recommendation**

Staff recommends Board approval of the final merger plans submitted by Northeast Kansas Technical College and Southwest Kansas Technical School, of which are to be implemented by July 1, 2008.

### 3. APPROVE REQUEST FOR APPLICATION FROM SALINA AREA TECHNICAL SCHOOL TO BECOME A TECHNICAL COLLEGE

#### Summary and Recommendations

*The 2007 Kansas Legislature passed Senate Substitute for HB 2556, which requires the governing bodies of postsecondary technical schools and Northeast Kansas Technical College to submit a plan to merge or affiliate with a postsecondary educational institution, or become an accredited technical college with an independent governing board by July 1, 2008. An application for the Salina Area Technical School to become an independent technical college was received and reviewed by Board staff. Staff recommends Board approval of the application submitted by the governing board of the Salina Area Technical School.*

#### Background

2007 Senate Substitute for House Bill No. 2556 established the Postsecondary Technical Authority and required the governing bodies of the following institutions to submit a plan to merge or affiliate with a postsecondary educational institution or become an accredited technical college with an independent governing board by July 1, 2008.

- Northeast Kansas Technical College
- Kansas City Kansas Area Technical School
- Kaw Area Technical School
- Salina Area Technical School
- Southwest Kansas Technical School

K.S.A. 72-4468, enacted in 1994, provided a mechanism for technical schools to transition to technical colleges. Pursuant to that authority, six technical schools chose to be designated as technical colleges. Subsequently, K.S.A. 72-4470a required all technical college boards to develop and present a plan to the Board of Regents, on or before July 1, 2005, replacing the existing governing body of technical college with a new governing board, which shall be separate and independent of any board of education of any school district. Five technical colleges submitted transition plans under this provision. Northeast Kansas Technical College chose not to submit a transition plan and, consequently, was the only technical college required to merge or affiliate or become an accredited technical college, under 2007 Senate Substitute for House Bill No. 2556.

Board policy states that any public postsecondary institution that has not achieved accredited status with the Higher Learning Commission of the North Central Association (HLC/NCA) by July 1, 2009, may be subject to loss of degree-granting authority.

While the Board of Regents encouraged institutions to merge or affiliate with a degree-granting institution, the legislation that was passed reserved the option for technical schools to pursue independent governance. The Board requested the institutions submit preliminary plans of action and implementation timelines by January 2008. All five institutions complied with the January 2008 reporting deadline and the preliminary plans were discussed during the January 16 Board meeting.

The status of the Salina Area Technical School is as follows:

- In January 2008, Salina Area Technical School (SATS) submitted a letter indicating the institution would seek independent technical college status. In February, SATS submitted to KBOR an

application seeking technical college status, which contained responses to each of the statutory requirements indicated in K.S.A. 72-4468(d), with anticipated independent governance by July 1, 2009. The documentation also included an aggressive timeline for seeking HLC/NCA accreditation beginning in September 2008.

**Additional Considerations**

Legal staff has reviewed the documents submitted and finds them to be in with all applicable statutory requirements.

**Staff Recommendation**

Staff recommends Board approval of the application submitted by Salina Area Technical School to become an independent technical college.

B. *Other Matters*

**Blake Flanders**  
**Vice President for Workforce Development**

1. **RECEIVE REPORT FROM KANSAS POSTSECONDARY TECHNICAL EDUCATION AUTHORITY**
  
2. **APPROVE VENDOR SELECTION FOR RFP #11124 MARKETING RESEARCH, TECHNICAL EDUCATION**

**Summary and Recommendation**

*The Postsecondary Technical Education Authority's Marketing Committee released a Request for Proposal (RFP) on February 27, 2008, to further the identified goal of raising awareness and enhancing the image of technical education in Kansas. The Committee has concluded the purchasing process and recommends Corporate Communications Group, Inc. Vendor selection was approved by the Authority on April 2, 2008. The recommendation is forwarded to the Board of Regents for final approval and contract award.*

**Background**

A Marketing Committee was established by the Authority in January. The Committee was tasked with furthering the goal of raising awareness and enhancing the image of technical education in Kansas.

The Committee outlined several projects to accomplish the goal, including the development of an RFP to conduct marketing research. The RFP, approved by the Authority at the February 21, 2008 meeting, requests that vendors:

- conduct marketing research to establish the current state of awareness and image of technical education in Kansas,
- develop recommendations and messages that could be used in an image and awareness campaign, and
- establish a plan and cost estimate to implement an image and awareness campaign.

The RFP was released by the Division of Purchasing on February 27, 2008. Proposals submitted were reviewed and evaluated by Committee members. Three vendors were selected to participate in the interview process.

Vendor interviews were conducted on March 25, 2008, with a majority of Committee members present. Each vendor presented their proposal and answered questions.

Following the interviews, the Committee voted, by majority, to recommend that Corporate Communications Group, Inc. (CCG) be awarded the work as outlined in the RFP. Through its proposal and interview, CCG demonstrated that it has significant expertise in conducting and analyzing the research outlined. It also has experience, and demonstrated success, in plan and messaging development similar in scope to the RFP.

CCG's proposal includes interviews with "Key Informants." This initial research data will be used to develop an audience research report and shape the creative concepts that will be used to improve the image of technical education. Because CCG is focusing resources on groups of professionals

(admissions officers and guidance counselors), a greater share of the contract resources can be expended to test concepts with identified target audiences in a statewide opinion research phase. This approach was unique among the vendors.

CCG also demonstrated that they have an understanding of the environment in which the work will be done, where efforts by the Kansas Board of Regents or Authority will not overpower individual institutions' marketing efforts. CCG has promoted the development of an overarching campaign that enables individuals to understand the value of technical education in Kansas. This message will be based on information gleaned from "Key Informant" interviews and the opinion research conducted at the opening of the project, and informed by data on workforce development priorities, current technical education programming available in the state, and other studies relevant to this issue.

Following Board approval, the RFP will formally be awarded to CCG. RFP work would begin immediately following the Board's approval.

**Kip Peterson**  
**Director of Government Relations and Communications**

**3. RECEIVE LEGISLATIVE REPORT**

C. *CEO Assessment*  
**Regent Bill Thornton**

**President Ed Hammond**  
**Fort Hays State University**

**1. RECEIVE ANNUAL CAMPUS REPORT – FORT HAYS STATE UNIVERSITY**

**V. EXECUTIVE SESSION – BOARD OF REGENTS – PERSONNEL MATTERS RELATED TO NON-ELECTED PERSONNEL (CEO ASSESSMENT) – President Hammond**

**THURSDAY, APRIL 17, 2008**

**V. REPORTS**

- A. Introductions
- B. Report from Council of Presidents **President Michael Lane**
- C. Report from Council of Faculty Senate Presidents **Dr. Harvey Foyle**
- D. Report from Students' Advisory Committee **Courtney George**

**VI. APPROVAL OF CONSENT AGENDA**

- A. *Academic Affairs* **Gary Alexander**  
**Regent Donna Shank** **Vice President for Academic Affairs**

**1. APPROVE REQUEST FOR A SECONDARY MAJOR IN BIOLOGICAL ENGINEERING (14.999) – KSU**

**Summary and Recommendation**

*Universities may apply for approval of new academic programs following the guidelines of Appendix G in the Kansas Board of Regents Policies and Procedures Manual. Kansas State University has submitted an application for approval of a Secondary Major in Biological Engineering (14.9999). The proposing academic unit has responded to all of the requirements of the program approval process. The University of Kansas has a program utilizing this Classification of Instructional Program (CIP) code, Chemical and Petroleum Engineering. The program will be funded through internal reallocation. Board staff concurs with the Council of Presidents and the Council of Chief Academic Officers in recommending approval.*

*03/21/08*

**Background**

<u>Criteria</u>	<u>Program Summary</u>
1. Program Identification (CIP)	Secondary Major in Biological Engineering CIP Code: 14.999: Engineering, Other It would be desirable to avoid using the CIP code 14.9999. However, the closest specific designation would be Biological Engineering, and the appropriate CIP code for that program designation has been assigned to the Department of Biological and Agricultural Engineering. Since the biological engineering CIP code has been assigned and since a secondary major is meant to be interdisciplinary in nature, the use of the Engineering, Other designation (CIP code 14.9999), is proposed.
2. Academic Unit	College of Engineering, in general. Specifically, a board comprised of representatives of participating departments will administer the program. Initially these departments will include the Departments of Biological and Agricultural, Chemical, Civil, Electrical and Computer, and Mechanical Engineering.
3. Program Description	The secondary major in biological engineering proposed will be a collaborative, interdisciplinary program built upon the strengths of the individual departments

	<p>at Kansas State University. The establishment of a secondary major in biological engineering:</p> <ol style="list-style-type: none"> <li>1. would recognize the inherently interdisciplinary nature of the field,</li> <li>2. would permit students to pursue their interest in biological topics independent of their selection of a particular major,</li> <li>3. would provide a common framework from which students can explore interests ranging from premedicine to fermentation, and</li> <li>4. would foster a collaborative environment for students and faculty with interests in these topics.</li> </ol> <p>This secondary major will be an academic program that enables students to be educated in the biological sciences and engineering within their primary major. The career choices for students with these interests are diverse; thus, it is important the program be designed to accommodate a number of professional alternatives. This secondary major is being designed to permit engineering students to better prepare for careers in medicine, biotechnology, bioprocessing, or genetic engineering, among others.</p>
<p>4. Demand/Need for the Program</p>	<p>The increasing importance of biotechnology and bioprocessing will require many engineers to have stronger backgrounds in the biological sciences and related disciplines. For example the American Institute of Chemical Engineers reported that, of the B.S. chemical engineering graduates for the 2001-2002 academic year that accepted industrial positions, 10.3% went to work in the biotechnology/ pharmaceutical sector and another 11.2% were employed in food/consumer products companies. In a recent survey of bioprocessing companies, half of the respondents considered the size of the current labor pool to be only marginally adequate and current job applicants were felt to be under-qualified.</p> <p>The secondary major in biological engineering proposed will permit engineering students to begin to build a background in biologically related topics within the context of traditional engineering disciplines and will not require creation of a new major or department at the University or of additional options or minors within departments.</p> <p>Based on the number of engineering students currently electing to take courses in biochemistry and the biological sciences as well as pursue preprofessional programs such as premed and prepharmacy, it is anticipated that an enrollment on the order of 50 students is reasonable within the next three years.</p> <p>To the best of our knowledge, this would be the only undergraduate program of its type in the state. At the current time, two possibilities exist for biologically-related specializations with engineering departments at Kansas State University.</p> <ul style="list-style-type: none"> <li>•Biological option (Department of Biological and Agricultural Engineering) In addition to the required courses of Principles of Biology and General Microbiology, twelve credit hours are to be selected from an approved list of biology, biochemistry, and chemistry courses.</li> <li>•Bioengineering as an area of specialization (Department of Electrical and Computer Engineering) Students obtain this area of specialization by completing one or two courses in biology or biochemistry. An area of specialization does not provide the students with any documentation of their course of study other than their transcript.</li> </ul> <p>While these approaches indicate the students’ area of interest, it does so within the constraints of their major degree program. For a student to obtain the biological</p>

	<p>option through the Department of B&amp;AE, they must complete the degree requirements of that department; by its very definition, an option is “an approved group of courses creating a specialty within a major field of study” (see the K-State Undergraduate catalogue). For example, a student from mechanical engineering cannot obtain the biological option without completing the B&amp;AE B.S. degree program. As one looks at each of these two choices, they are meeting specific needs within their respective curriculum. Neither provides the breadth or flexibility to address other aspects included within biological engineering or the varied interests and backgrounds of students from other academic departments. It should be noted that similar options exist in two departments at the University of Kansas; but, once again, they do so only within the context of those two departments.</p> <p>The proposed secondary major differs significantly from the above programs in several aspects. The student’s interests in biological problems and applications can be pursued regardless of their primary major course of study. The interdisciplinary nature of the field is built into the course of study. The flexibility of the proposed program allows students to pursue diverse career paths ranging from premedicine to the design of green buildings. The biological subjects will form a significant portion of the content of the program of study proposed; the proposed 24 credit hours of content far exceeds the requirements of the existing biological engineering alternatives. None of the other options available to the student require a capstone course involving either a research or design experience in an area related to the secondary major.</p> <p>Lastly, discontinuance of the Biological option in the Department of Biological and Agricultural Engineering and the Bioengineering area of specialization in the Department of Electrical and Computer Engineering is not being proposed. Students within these departments may find these options attractive, appropriate for their particular career paths, and may not want to complete the additional requirements of the secondary major being proposed. Therefore, it would seem useful to keep these choices available to those students at this time.</p>
<p>5. Comparative /Locational Advantage</p>	<p>A secondary major in biological engineering provides the options needed by the students without creating a new major or academic department. The courses and faculty required already are available. The subject is interdisciplinary by nature, and a secondary major provides recognition of this interdisciplinary quality. Two additional benefits of this approach to students are that:</p> <ol style="list-style-type: none"> <li>1. their use of electives to gain a background in biological engineering is immediately identified through a documented secondary major, and</li> <li>2. they can select a particular engineering major on the basis of their primary interest and at the same time add a biological or biochemical focus through their electives.</li> </ol> <p>There is increasing interests in technologies such as biofuels, biopolymers, and the bioeconomy. The State of Kansas has the resources to strategically position itself in this arena. To do so will require human resources (from several disciplines) that can capitalize our strengths in this area. An interdisciplinary specialization (such as the secondary major proposed) would provide the broadest and strongest base for developing these human resources.</p>
<p>6. Curriculum</p>	<p>Students must complete the following entry-level courses or their equivalent.</p> <p>BIOL 198 Principles of Biology (4)</p>



	<p>the learning objectives below. SLO: Students will demonstrate the ability to address engineering problems having biology, biochemistry, or other life sciences as significant components. SLO: Students will demonstrate the ability to utilize biological concepts and principles so address engineering problems</p> <p>4. Placement of graduates with companies having interests in biobased technologies and in medical schools SLO: 75% acceptance rate of those graduates applying to medical schools SLO: 50% of students seeking industrial employment receive offers from companies having biobased interests</p> <p>5. Each student completing the secondary major will complete an exit interview as a part of the assessment process.</p> <p><b>Note: Since the program is a secondary major, it will not be subject to accreditation by ABET.</b></p>
<p>12. Costs, Financing</p>	<p>No additional costs are anticipated beyond minor internal reallocation.</p>

<p align="center"><b>CURRICULUM OUTLINE NEW DEGREE PROPOSALS Kansas Board of Regents</b></p>			
<p><b>I. Identify the new degree:</b> Secondary Major in Biological Engineering</p>			
<p><b>II. Provide courses required for each student in the major:</b></p>			
	<b>Course Name &amp; Number</b>	<b>Credit Hours</b>	
<b>Core Courses</b>	BIOL 198 Principles of Biology No other specific core courses are required beyond a group of prerequisites that are common to most engineering majors.	4	
			4
<b>Electives</b>	Twenty-four (24) credit hours of elective beyond the prerequisites described in the proposal are required with at least 10 of the 24 hours having biological content. Courses are to be selected from a minimum of three departments. These 24 hours of coursework electives are given below, organized by subject/content area.	24	
	<b><i>Chemistry and Biochemistry Courses</i></b>		
	CHM 531 - Organic Chemistry I	3	
	CHM 350 - General Organic Chemistry	2	
	CHM 351 - General Organic Chemistry Lab OR	3	
	CHM 532 - Organic Chemistry Lab		
	CHM 550 - Organic Chemistry II	3	
	CHM 585 - Physical Chemistry I	3	
	CHM 596 - Physical Methods Lab	2	
	CHM 595 - Physical Chemistry II	3	
	BIOCH 521 - General Biochemistry	3	
	*BIOCH 522 - General Biochemistry Lab	3	
	*BIOCH 755 - Biochemistry I	3	
	*BIOCH 756 - Biochemistry I Laboratory		
	*BIOCH 765 - Biochemistry II		

	<b>Biological Sciences</b> Coursework in the biological sciences (a minimum of 4 hours) may be selected from among the following.		
	BIOL 310 – Bioethics	3	
	*BIOL 340 - Structure and Function of the Human Body	8	
	*BIOL 450 - Modern Genetics	4	
	*BIOL 455 - General Microbiology	4	
	*BIOL 500 - Plant Physiology	4	
	*BIOL 529 - Fundamentals of Ecology	3	
	*BIOL 541 - Cell Biology	3	
	*ASI 533 - Anatomy and Physiology	4	
	·AP 773 – Bioinstrumentation Laboratory	1	
	<b>Engineering Sciences</b> Engineering science coursework (at least 9 hours) may be selected from among the following courses.		
	*BAE 500 - Properties of Biological Materials	2	
	BAE 530 - National Resource Engineering	3	
	BAE 535 - Fundamentals of Structures and Environment Engineering	3	
	*BAE 575 - Fundamentals of Agricultural Process Engineering	3	
	BAE 640 - Instrumentation and Control for Biological Systems	3	
	*BAE 740 - Biomaterials Processing	3	
	*BAE 761 - Natural Treatment Systems (Not offered during the 2006 – 2007 academic year)	3	
	·CE 563 - Environmental Engineering Fundamentals	3	
	CE 565 - Water and Wastewater Engineering	3	
	·CE 766 - Wastewater Engineering: Biological Processes	3	
	CHE 320 - Chemical Process Analysis	2	
	CHE 520 - Chemical Engineering Thermodynamics I	2	
	CHE 521 - Chemical Engineering Thermodynamics II	3	

	CHE 530 - Transport Phenomena I	3	
	CHE 531 - Transport Phenomena II	3	
	CHE 550 - Chemical Reaction Engineering	3	
	ME 573 - Heat Transfer	3	
	*CHE 626 – Bioseparations	3	
	*CHE 715 - Biochemical Engineering	2	
	*EECE 571 - Introduction to Biomedical Engineering	3	
	*EECE 771 - Control Theory Applied to Bioengineering	1	
	EECE 772 - Theory of Techniques of Bioinstrumentation	3	
	EECE 773 - Bioinstrumentation Design Laboratory	2	
	ME 513 - Thermodynamics I	1	
	ME 523 - Thermodynamics II	3	
	ME 571 - Fluid Mechanics I	3	
	ME 523 – Heat Transfer	3	
			24
<b>Research</b>			
<b>Capstone Design Experience</b>	At least three hours of coursework comprised of undergraduate biological engineering research or a design project incorporating biological engineering are required. Any research project having demonstrated biological content and fulfilling the research requirements of a student's honors program will satisfy this requirement. Courses in this list that have biological content can be included in the 10 hours of courses with biological content.		
	<b>Undergraduate research</b>		
	BAE 536 - Agricultural Engineering Design I (2)	2	
	BAE 636 – Agricultural Engineering Design II	2	
	CHE 571 – Chemical Engineering Systems Design II	4	
	<b>CE 585 - Civil Engineering Project (3)</b>	3	
	(Other courses may be included if it can be demonstrated that the student has completed a significant design experience incorporating biological engineering content.)		
			10
<b>Practica</b>			
	<b>Total</b>		38

**IMPLEMENTATION YEAR FY 2007**

Fiscal Summary for Proposed Academic Programs

Institution: Kansas State University

Proposed Program: Secondary Major in Biological Engineering

Part I. Anticipated Enrollment	Implementation Year		Year 2		Year 3	
	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time
A. Full-time, Part-time Headcount:	24		30		40	
B. Total SCH taken by all students in program <sup>1</sup>	144		180		240	
<b>Part II. Program Cost Projection</b>						
A. In implementation year one, list all identifiable General Use costs to the academic unit(s) and how they will be funded. In subsequent years, please include only the additional amount budgeted.						
	Implementation Year		Year 2		Year 3	
Base Budget	-- \$ 0 --		-- \$ 0 --		-- \$ 0 --	
Salaries	-- \$ 0 --		-- \$ 0 --		-- \$ 0 --	
OOE	-- \$ 0 --		-- \$ 0 --		-- \$ 0 --	
Total	-- \$ 0 --		-- \$ 0 --		-- \$ 0 --	

Indicate source and amount of funds if other than internal reallocation:

The needs of this program will be met with existing faculty and courses. Therefore, no new funds are anticipated beyond internal reallocation.

Revised: September, 2003

Approved:

<sup>1</sup>This has been estimated as total SCH per year. The estimate assumes that each student takes 6 credit hours of coursework meeting the requirements of the secondary major per year. It does not reflect the total number of credit hours in which the student is enrolled, but rather the number of credit hours directed toward completing the requirements of the secondary major.

B. *Fiscal Affairs and Audit*  
**Regent Janie Perkins**

**Diane Duffy**  
**Vice President for Finance and Administration**

1. **APPROVE PROGRAM STATEMENT FOR THE REPLACEMENT OF HVAC SYSTEM AT THE ENGINEERING BUILDING – WSU**  
 Wichita State University requests approval of the program statement for the replacement of HVAC systems at the Engineering Building. This is an approved Deferred Maintenance project, and the initial funding for engineering design and preparation of construction documents was approved for FY 2008 by the Joint Committee for State Building Construction on August 22, 2007. The latest cost estimate for system replacement is \$2,098,718.
2. **APPROVE PROGRAM STATEMENT FOR THE REPLACEMENT OF HVAC SYSTEM AT GRACE WILKIE HALL AND GRACE WILKIE ANNEX – WSU**  
 Wichita State University requests approval of the program statement for the replacement of HVAC systems at Grace Wilkie Hall and Grace Wilkie Annex. This is an approved Deferred Maintenance project, and the initial funding for engineering design and preparation of construction documents was approved for FY 2008 by the Joint Committee for State Building Construction on August 22, 2007. The latest cost estimate for system replacement is \$2,527,534.
3. **APPROVE AMENDMENT OF REHABILITATION & REPAIR LIST FOR FY 2008 TO REPLACE SYNTHETIC FLOOR IN AHEARN FIELDHOUSE – KSU**  
 Kansas State University requests approval to amend its FY 2008 Rehabilitation and Repair plan to include the replacement of the synthetic floor surface in Ahearn Fieldhouse. The original material was installed nearly 30 years ago. Repeated attempts have been made to patch the flooring in multiple locations. The cost to replace the flooring with a full-depth synthetic material is estimated at \$350,000. Funding for the project will be provided by Athletic Department funds on deposit at the Kansas State University Foundation.
4. **APPROVE AMENDMENT OF PICKEN HALL RENOVATION PROJECT BUDGET – FHSU**  
 Fort Hays State University requests authorization to increase the project budget for the Picken Hall Renovation project from \$4.8 million to \$5.39 million. The existing east entry of the original 1904 structure consists of (2) separate stairwells, located at each end of the central façade. The proposed increase in budget will fund a 1,600 S.F. building addition, which will provide a new, singular main entrance to the east elevation. The 2.5 story addition will match the existing character and detail of Picken Hall's east entrance. This is an approved Deferred Maintenance project, with deferred maintenance allocations accounting for \$3,845,000 of the required funding. FHSU will be responsible for the remaining finish upgrades and building addition costs. The value of the FHSU funding is calculated to be \$1,545,000. Fort Hays State University will also advise the Joint Committee on State Building Construction of the increased cost.

**5. APPROVE AMENDMENT OF REHABILITATION AND REPAIR LIST FOR FY 2008 TO INCLUDE REMODELING OF SEVERAL LABS IN SMISSMAN HALL – KU**

The University of Kansas requests approval to remodel lab rooms 158, 159 and 164 in Smissman Hall. The remodeling work includes removal of deteriorated ceiling, flooring, mechanical components, cabinets and select walls. The project also includes the installation of new mechanical components, emergency electrical power circuits, new lighting, ceiling, epoxy and vinyl flooring and new cabinets with associated utility connections. The estimated cost of the project is \$373,200 with KUEA gift funds (\$186,600) and Educational Building Funds (\$186,600).

**6. APPROVE PURCHASE OF REAL PROPERTY/1604 S. JOPLIN STREET – PSU**

Pittsburg State University requests authorization to proceed with requisite procedures provided by K.S.A. 76-147 relative to the purchase of real property located adjacent to the main campus. The house on this property will be razed and the land converted to campus parking. The purchase will initially be made from existing University funds with reimbursement from parking bond proceeds which will be issued in FY09. Purchase price is to be negotiated at no more than \$62,000 as supported by two separate appraisals. Final acquisition is contingent upon Board staff approval and is expected to occur during July, 2008.

Kenneth and Cheryl Giefer – 1604 South Joplin Street, Pittsburg, KS.

Legal Description: The South 50.5 feet of the East 60 feet of Lot One (1), Block Seven (7) in Broadway Park Addition to the City of Pittsburg, Crawford County, Kansas.

**7. APPROVE PURCHASE OF REAL PROPERTY/214 EAST WILLIAMS – PSU**

Pittsburg State University requests authorization to proceed with requisite procedures provided by K.S.A. 76-147 relative to the purchase of real property located adjacent to the main campus. The house on this property will be razed and the land converted to campus parking. The purchase will initially be made from existing University funds with reimbursement from parking bond proceeds which will be issued in FY09. Purchase price is to be negotiated at no more than \$91,350 as supported by two separate appraisals. Final acquisition is contingent upon Board staff approval and is expected to occur during July, 2008.

Jim and Nancy Bishop – 214 East Williams, Pittsburg, KS.

Legal Description: The West 10 feet of Lot One (1), and the East 40 feet of Lot Three (3), Block Seven (7) in Broadway Park Addition to the City of Pittsburg, Crawford County, Kansas.

**VII. CONSIDERATION OF DISCUSSION AGENDA**

A. *Academic Affairs*  
**Regent Donna Shank**

**Gary Alexander**  
**Vice President for Academic Affairs**

**1. APPROVE REQUEST FOR EXTENSION PROGRAMS IN KC METRO – ESU****Summary and Recommendations**

*In accordance with KBOR policy, Emporia State University has requested approval of three degree programs to be offered in the Kansas City metro area. Staff has reviewed the proposals and recommends approval.*

3/19/08

**Background**

In June 2007 the Board authorized amending the geographic jurisdiction policy to require Board review and approval, rather than approval by institutions in that service area, for programs in the Kansas City Metropolitan area. The policy language was developed by staff and approved by COCAO and COPS. In November 2007 the Board approved the amended policy language.

Appendix F, Section 4a.8 requires that all “off-campus face-to-face academic extension courses and programs which are not part of an approved academic extension specialty program and offered outside an institution’s geographic service area in the Kansas City metropolitan area must be approved by the Board and require additional documentation concerning need/demand and a justification for any duplication.”

Emporia State University has submitted the following programs to be offered face-to-face at its Johnson County metro center. Staff has been in conversation with representatives from ESU and has reviewed the final documentation. Staff recommends approval of the following three programs:

- Master of Science in Curriculum and Instruction (CIP 13.0301). ESU reports that this program has been offered in conjunction with the Olathe school district as well as in collaboration with Kansas City Kansas Community College (KCKCC) with an average of 21 students participating. Survey data supports that students prefer face-to-face instruction at the ESU metro center. ESU also indicates that three additional school districts have expressed interest in partnering with the university to provide the degree to their employees.
- Master of Science in Educational Administration (CIP 13.0401). ESU reports that there are an average of 20 potential students identified each semester and that they prefer face-to-face instruction at the ESU metro center. Surveys of current students also indicate a majority (60) prefer face-to-face instruction at the ESU metro center rather than online.
- Master of Science in Special Education with Adaptive Concentration (CIP 13.1001). ESU reports that there has been ongoing interest in this program and a strong need for teachers in this area in light of teacher shortages across the state. In addition program capacity has recently increased and survey data indicate that over 195 students are interested in the program offered through ESU and would prefer courses that are offered face-to-face at the ESU metro center.

B. *Retirement Plan Committee*  
**Regent Dan Lykins**

**Madi Vannaman**  
**Staff Affiliate**

**1. REAPPOINT RETIREMENT PLAN COMMITTEE MEMBERS AND ADOPT THE RETIREMENT PLAN COMMITTEE CHARTER**

**Summary and Staff Recommendation**

*To fulfill the Board's fiduciary responsibility for the KBOR Mandatory Retirement Plan, appropriate management and periodic review of the investment options provided under the Plan are required. In July 2005, the Board delegated responsibility for plan administration and investment oversight to the Retirement Plan Committee (RPC). The Committee began work on the Board's Mandatory Plan in October 2005, culminating in Plan consolidation in 2006. In April 2007, the Board approved a one year extension of all RPC member appointments because of work facing the RPC. Appointments for four members will expire on June 30, 2008. Staff recommends the re-appointment of the four RPC members whose terms will expire so that they can serve the remaining two years of the three year terms associated with the positions those members are filling. Also, staff recommends the adoption of a charter for the RPC in order to outline items such as a mission statement and principal functions.*

**The Kansas Board of Regents Retirement Plan**

The KBOR Retirement Plan is an essential component of the benefits and compensation package available to faculty and staff who serve at the six state universities and the KBOR Office. The Plan has four components: (1) a mandatory 403(b) retirement plan; (2) a voluntary 403(b) retirement plan; (2) a long term disability plan; and (4) a phased retirement plan.

**Mandatory Retirement Plan**

The Board's Mandatory Retirement Plan was established by the Kansas Legislature under Internal Revenue Code Section 403(b) in 1962 to provide retirement income for faculty and unclassified employees at the state universities. The creation of the KBOR plan allowed eligible employees an alternative to KPERS, which was established the same year.

Then, as now, the KBOR retirement plan is an essential tool used to attract and retain quality faculty and unclassified employees to the state universities and to the KBOR Office. With features such as portability and immediate vesting, the KBOR retirement plan offers aspects that are different from KPERS and are more attractive and essential in the competitive environment of higher education.

Each eligible employee is required to contribute a percentage of their compensation to the Mandatory Plan (currently 5.5%). The employer, a State university or the KBOR Office, is required to contribute an additional percentage to the Mandatory Plan (currently 8.5%). Thus, employees have a total of 14% of their compensation directed as pretax contributions to their retirement.

In 2006, the Board approved the RPC recommendation to consolidate the Mandatory Retirement Plan from four vendors to two. The vendors who were eliminated were Lincoln National and Security Benefit Group; the vendors who were retained are ING and TIAA-CREF. The consolidation was effective on December 30, 2006. As of December 31, 2007, total accumulations in the Mandatory Plan were \$2.370 billion dollars.

**Retirement Plan Committee**

The Board created and appointed the Retirement Plan Committee (RPC) in June 2005. The RPC is composed of representatives from the Board itself, the Council of Presidents (COPs), the Council of Business Officers (COBO) and ACORB (Advisory Committee on Retirement and Benefits). Subject matter experts from the campuses provide additional expertise. The RPC duties include oversight of the Mandatory Retirement Plan, its administration and its investments, as well as responsibility for creating and reviewing plan documents and investment provider agreements, implementing an investment policy with performance standards, and reviewing the investment performance on a semi-annual basis. Deloitte Consulting has been hired by the Board to work closely with the RPC and to provide consulting services regarding the oversight of investment options.

The RPC is comprised of nine voting members, representing each of the institutions, with staggered three year terms. The RPC is currently chaired by Regent Lykins. We have also benefited from the knowledge, experience and insight provided by Regent Boettcher, who has been attending and participating in RPC meetings on a volunteer basis. In 2005, the Board appointed all RPC members to two or three year terms beginning in 2005. In April 2007, the Board extended each member's appointment by an additional year so that the RPC would be able to utilize the knowledge it had gained to address the final 403(b) regulations that were to be issued that fall.

The four RPC members whose one year extensions expire on June 30, 2008, are:

- Dr. Ed Hammond, President of Fort Hays State University, representing COPs
- Lindy Eakin, University of Kansas Vice Provost, representing COBO
- Gary Leitnaker, Kansas State University Assistant Vice President, and
- Rick Robards, Kansas University Medical Center Director of Human Resources, representing Human Resource Directors/ACORB.

**Work Accomplished**

The RPC has recommended for the Board's approval various plan documents including a Mandatory Plan Document, an Investment Policy Statement and Investment Provider Agreements. In the fall of 2006, the Board approved consolidation of the Mandatory Plan from four Investment Providers to two and the RPC coordinated activities related to that action.

The RPC continues to meet with the consultant, Deloitte Consulting, twice annually to review the funds in the Board's Mandatory Plan to ensure that they continue to meet the specifications outlined in the Investment Policy Statement.

**Work To Be Accomplished This Year**

In the fall of 2007, the IRS issued final 403(b) regulations with a January 2009 effective date. The RPC has been working with the Board's consultant, Deloitte Consulting, as well as the two Mandatory Retirement Plan providers, ING and TIAA-CREF, to chart our course in order to ensure timely compliance with the regulations that place greater administrative oversight and responsibilities on Plan Sponsors such as KBOR as well as more accountability for the Voluntary 403(b) vendors.

The current RPC members whose appointments are expiring have all been asked to “re-up” because of the knowledge and expertise they have gained by serving on the Committee.

Staff recommends that the Board approve the extension of the appointments for the above four RPC members so that they can serve out the remaining two years of the current three year appointments associated with the positions those members are filling.

**Retirement Plan Committee Charter**

Deloitte Consulting drafted the attached Committee Charter in response to an RPC inquiry about documentation of best practices for retirement plan committee activities.

The Charter is concise and provides general information about RPC composition, a mission statement and principal functions, delegation to sub-committees, resources and authority and meetings. This Charter also will serve as a communication resource for interested parties who may want to know about the RPC functions.

**Retirement Plan Committee Charter**

**For**

**Kansas Board of Regents Mandatory Retirement Plan**

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DISCUSSION DRAFT

**Introduction**

The Kansas Board of Regents (KBOR) has constituted and established a Retirement Plan Committee (the “Committee”) with authority, responsibility, and specific duties as described in this Retirement Plan Committee Charter for the KBOR Mandatory Retirement Plan.

**Composition**

In accordance with Section II.A.4.a.(3)(b) of the Board’s Policy Manual, the Committee shall consist of members appointed by the Board from the State Universities and a current Regent. The Committee shall include subject matter experts from the state universities and members from any of the following departments at the state universities or Board Office:

- Human Resources
- Benefits
- Legal
- Business and Finance

**Conflict of Interest**

Committee members generally should not have a substantial interest in any funds that are offered in the Mandatory Retirement Plan or in any Investment Providers that offer products in the Mandatory or Voluntary Retirement Plan. In this context, “substantial interest” means:

- (1) ownership by an individual or an individual’s spouse, either individually or collectively, within the preceding 12 months, of a legal or equitable interest exceeding 5% of a fund’s assets or the ownership of a Investment Provider;
- (2) an individual or an individual’s spouse holding a position of officer, director, associate, partner or proprietor for the management of a fund or an Investment Provider; or
- (3) an individual’s or an individual’s spouse’s current or former employment within the preceding 12 months associated with the management of a fund or with an Investment Provider.

Members shall complete a Statement of Substantial Interest, as developed by the Kansas Governmental Ethics Commission, or provide a copy thereof, on an annual basis to report any substantial interests that could interfere with the exercise of independent action and judgment as a Committee member.

If a member has a substantial interest in a fund or Investment Provider, he or she may still serve on the Committee, but must agree to withdraw from any portion of a Committee meeting at which his or her interests are discussed and must abstain from any vote affecting that substantial interest.

**Mission Statement and Principal Functions**

The Committee's basic responsibility is to carry out its fiduciary responsibilities and certain administrative responsibilities as it relates to the Kansas Board of Regents Mandatory Retirement Plan.

Specifically, the Committee shall be responsible for the following:

- Ensure that proper due diligence is conducted in the selection of investment managers and/or investment funds.
- Monitor and evaluate performance results achieved by the investment managers.
- Establish effective communication procedures between investment managers, investment funds, external parties (such as consultants), Plan participants and campus administrators and the Committee.
- Develop and periodically review investment policies and procedures.
- Provide ongoing communications with the Board.
- Conduct periodic Committee meetings.
- Retain independent outside experts, as needed, to assist in the development and monitoring of the overall investment program.
- Administer and carry out the provisions of the plans.
- Delegate appropriate individuals and engage third parties to carry out plan provisions where appropriate.
- Approve and adopt plan documents and material amendments and modifications (subject to any further approval requirements of the Board).
- Approve amendments and interpretations of plan provisions other than those indicated above.
- Address questions concerning the eligibility, provisions, and features of the plans, including elections, contributions and benefits.
- Ensure required notices and information are distributed to participants.
- Establish procedures for enrollment, payroll deductions, distributions, and rollovers under the plan.
- Such other duties and responsibilities as may be assigned to the Committee, from time to time, by the Board, or as designated in plan documents and/or investment policy statement.

**Delegation to Sub-committee**

The Committee may delegate any of its responsibilities to a sub-committee comprised of one or more members of the Committee.

**Resources and Authority of the Committee**

In discharging its responsibilities, consistent with Board decisions, the Committee shall have full access to any relevant records of the Board and may retain outside consultants to advise the Committee. The

Committee may also request that any employee of the State Universities, outside counsel or any other person meet with any members of, or consultants to, the Committee, or provide other assistance to the Committee in the discharge of duties. The Committee shall have the resources and authority appropriate to discharge its duties and responsibilities. The Committee shall have the authority and responsibility to recommend engagement of or termination of any outside consultant and to recommend approval of the terms of any such engagement and the fees of any such consultant. The Board retains final decision making authority.

### **Meetings**

The Committee will meet at least semi-annually to carry out its responsibilities. Meetings may be called by the Chairperson of the Committee. Written minutes of each meeting shall be duly filed in Committee records.

A majority of the members of the Committee at the time in office shall constitute a quorum for the transaction of business at any meeting. Resolutions or other actions made or taken by the Committee shall require the affirmative vote of the majority of the members attending a meeting (in person or by telephone).

The Committee may elect to designate a sub-committee(s) to meet more frequently to address relevant issues prior to presenting recommendations back to the full Retirement Plan Committee.

### **Evaluation**

This charter will be reviewed and assessed by the Committee periodically and any proposed changes shall be submitted to the Board for approval.

## 2. APPROVE RECOMMENDATIONS FOR ING'S FUND INVESTMENT OPTION LINE-UP IN THE BOARD'S MANDATORY RETIREMENT PLAN

### Summary and Staff Recommendation

*To fulfill the Board's fiduciary responsibility for the KBOR Mandatory Retirement Plan, appropriate management and periodic review of the investment options provided under the Plan are required. In April 2007, the Board approved the Vendor Management Document which addresses the protocol for proposed fund changes by the two vendors (ING and TIAA-CREF), the guidelines for submission of fund changes, the Investment Policy Statement criteria that will be used to assess the proposed fund as well as the subjective evaluation criteria. In January, 2008, ING submitted a request for fund line-up changes to the Retirement Plan Committee (RPC). Based upon information provided to the RPC by ING at the February 2008 meeting, the RPC recommends that the Board approve adding two new ING funds as investment options available to Plan participants. These additions represent funds in asset classes that are not currently represented in the ING fund line-up, they are the types of funds currently available in TIAA-CREF's fund line-up, and they are two solidly performing funds. The two new funds that the RPC recommends the Board approve as investment options are (1) "PIMCO Real Return-A" as a new fund addition in the Inflation Protection Bond area and (2) "PAX World Balanced" as a new fund addition in the Socially Responsible Investing area.*

### Vendor Management Document

In April 2007, the Board approved the Retirement Plan Committee (RPC) Vendor Management Document to address the protocol for fund changes proposed by the two vendors (ING and TIAA-CREF) including the guidelines for submission of fund changes, the Investment Policy Statement criteria that will be used to assess the proposed fund (such as adherence to investment objective; three and five year performance relative to benchmark and relative to median peer group manager; risk and value added statistics; qualitative factors such as assets under management, manager tenure, organizational structure and stability, investment management process; and fees and expenses) as well as the subjective evaluation criteria.

Under the provisions of the Vendor Management Document, ING submitted a letter to the RPC requesting consideration of funds for inclusion or replacement within the ING investment options for the Board's Mandatory Retirement Plan.

Brad Tollander with Deloitte Consulting screened each of the investment options against the KBOR Mandatory Retirement Plan Investment Policy Statement to determine whether they met the minimum requirements for possible consideration. It was determined that each of the funds met those requirements.

At its February 2008 meeting, the RPC discussed with Mr. Tollander whether each of the ING recommended funds are designed to meet an asset class that is not presently available for ING participants, whether comparable product line-ups between the two vendors should be offered, and whether including the new funds would result in there being too many funds offered to participants (causing the Plan to become oversaturated and resulting in so many choices that the Plan becomes duplicative or too confusing to participants).

Based upon his analysis of the funds and the discussion with the RPC, Mr. Tollander made the following recommendations to the RPC:

- A. Do not add the *ING Global Real Estate–A fund* as a replacement for the current ING Real Estate Fund that will offer broader global exposure to both domestic and foreign real estate. With an inception date of November 5, 2001, ING did not believe it had a sufficient enough history to present to the RPC during the initial review back in May 2006. The RPC is concerned that because emerging markets are beginning to “resemble a bubble” as was stated in Deloitte’s Economic and Market Review summary, switching to global exposure may have a detrimental impact to investors. Deloitte Consulting indicated they did not know whether the best benchmarks and peer groups were being used to capture correct information. Even though this fund has sound long-term performance, because there is a fair amount of uncertainty in both domestic and foreign markets, the current fund should not be replaced at this time.
- B. Do not add the *Allianz NFJ Small Cap Value–A fund* as a replacement for the current Lord Abbett Small Cap Blend fund. Deloitte believes the current fund has been improperly categorized by ING, as it is a small cap blend and not a small cap value offering. Given this, Deloitte recommends that the RPC not consider replacing the fund at this time assuming it is categorized as a small cap blend offering.
- C. Do not add the *ING FMR Diversified Mid Cap-Service fund* as a replacement for the current ING AllianceBernstein Mid Cap Growth fund which has had some recent performance difficulties. As the Investment Policy Statement looks at performance over a longer period of time, Deloitte recommends that the RPC continue to monitor performance of the fund but not replace it at this time.
- D. Add the *PIMCO Real Return-A fund* – as a new fund addition in the Inflation Protection Bond area. This fund has demonstrated strong trailing, rolling and risk-adjusted performance results over the past several years; TIAA-CREF participants currently have access to a Treasury Inflation Protected Securities (TIPS fund) while ING participants do not; and TIPS are unique to other bond offerings since their coupon payments and underlying principal are automatically increased to compensate for inflation as measured by the consumer price index.
- E. Add the *PAX World Balanced fund* – as a new fund addition in the Socially Responsible Investing area. This fund has demonstrated strong trailing, rolling and risk-adjusted performance relative to the benchmark and median peer group manager and TIAA-CREF participants currently have access to a socially responsible investment option while ING participants do not.

The RPC recommends to the Board that two new ING funds be added to the investment options available to Plan participants as they represent funds in asset classes that are not represented in the current ING fund line-up, they are available in TIAA-CREF’s fund line-up, and they are two solidly performing funds: (1) the “*PIMCO Real Return-A (PRTNX)*” as a new fund addition in the Inflation Protection Bond area and (2) the “*PAX World Balanced (PAXWX)*” as a new fund addition in the Socially Responsible Investing area. If this addition is approved by the Board, written information about these two new investment options, that will become available effective July 1, 2008, will be shared with Plan participants.

The RPC does not recommend replacing the three other funds proposed by ING, at this time, as the RPC did not find significant reasons to make those changes. Although three of ING’s proposed fund replacements are not recommended for approval by the Board, the RPC will inform ING that they can resubmit proposed changes during the next annual cycle for consideration.

### 3. APPROVE RECOMMENDATION FOR THIRD PARTY ADMINISTRATION OF THE BOARD'S 403(b) RETIREMENT PLANS

#### Summary and Staff Recommendation

*The IRS issued new 403(b) regulations which are effective January 1, 2009. The regulations will impact KBOR's oversight responsibilities for its two Retirement Plans. In order to ensure operational compliance with the regulations, the Retirement Plan Committee (RPC) queried the two Mandatory Plan vendors, ING and TIAA-CREF, about their third party compliance solutions. The RPC recommends that ING's product, Planwithease.com, be approved because it best addresses the regulation compliance requirements; it is currently being utilized by various other Plan Sponsors and vendors; it will handle all transactions, including transfers and distributions, which comprise the vast majority of actions for which KBOR must ensure operational compliance; it offers additional educational opportunities for Plan Participants; and it will provide proactive, tailored reporting to assist KBOR with Plan oversight. The RPC recommends that KBOR approve a contract with ING for utilization of the Planwithease.com program in order to assist KBOR in complying with the increased oversight duties now imposed by the new federal regulations.*

#### Internal Revenue Service (IRS) 403(b) Regulations

In 2007, the IRS issued new 403(b) regulations, the first comprehensive 403(b) regulations since 1964. These new regulations apply to all 403(b) plans, including governmental plans like KBOR's that are not subject to ERISA. These regulations are generally effective January 1, 2009, and require Plan Sponsors, such as KBOR, to have a higher level of involvement with and responsibility for their 403(b) plans than ever before.

The regulations position 403(b) plans to look more like 401(k) plans in both form and operation. Action previously taken by the Board already addresses some of the new requirements, such as establishing an appropriate default fund for Plan Participants who do not make an election and establishing and maintaining a Plan document for the Mandatory Plan. The Retirement Planning Committee (RPC) currently is working with Ice Miller to update the Mandatory Retirement Plan Document and to finalize a draft Voluntary Retirement Plan Document.

Pursuant to the new regulations, the IRS is placing 403(b) programs under more scrutiny to make sure that all distributions meet IRS requirements. The distributions include loans, hardship withdrawals, qualified domestic relations orders and fund transfers. The new 403(b) regulations will require KBOR, as the Plan Sponsor, to be more involved in overseeing distributions, developing appropriate Plan documentation and ensuring the Plan is administered in compliance with the regulations.

Currently, fund transfers from the KBOR Mandatory Retirement Plan are limited for active employees, as delineated in the KBOR Plan Document. Funds can be transferred only to the two approved vendors, ING and TIAA-CREF. After separation from employment is documented, transfers from the KBOR Mandatory Retirement Plan to any vendor are permitted. Under the KBOR Voluntary Retirement Plan, funds can be transferred from the approved vendors to any other vendor without KBOR involvement.

The IRS has stated its belief that it is impossible for a Plan Sponsor to comply with the new 403(b) regulations if Plan assets are transferred to vendors over which the Plan Sponsor has no control. However, the final 403(b) regulations require, among other things, that the Plan Sponsor and the vendor

enter into data sharing agreements to ensure that each have the information needed to comply with the 403(b) regulations (e.g., information regarding the Participant's employment status, hardship withdrawals, contribution amounts and plan loans).

### **IRS 403(b) Regulation Compliance Responsibilities**

The IRS will require that 403(b) Plan Sponsors share, on an ongoing basis, Plan Participant information (e.g., hire and termination dates) and that approved vendors share, on an ongoing basis, Plan Participant account information (e.g., account values across all retirement plans, whether there are any other loans outstanding or hardship withdrawals approved).

Because the seven state universities and the Board Office do not have the qualified staff to meet the additional administrative burdens, the RPC reached out to the two Mandatory Plan vendors, ING and TIAA-CREF, to inquire about solutions to help us achieve operational compliance. Those vendors are the only two companies available in the KBOR Mandatory Retirement Plan.

KBOR, as Plan Sponsor, can lawfully delegate roles and responsibilities to third parties as part of the Plan. If such duties are delegated, KBOR will retain ultimate responsibility for its 403(b) Plans, and the contract with the third party administrator will have indemnification provisions. The third party administrator will not have discretionary authority or control over the KBOR Plan or its assets; it will only perform functions as delegated by KBOR.

The third party administrator will perform compliance functions required under the 403(b) regulations, including the following:

1. Create a central repository of Plan Participant data which will include demographic and contribution data from the KBOR state universities and Board Office and Plan Participant account data from the approved 403(b) vendors.
2. Enter into data sharing agreements with the approved 403(b) vendors so that Plan Participant information is available to determine eligibility for all distribution requests including loans, hardship withdrawals, transfers and distributions after termination of employment.
3. Prior to approval, ensure that all distribution requests meet eligibility requirements and/or limitations under the IRS regulations and the KBOR Mandatory or Voluntary Plan document.
4. Provide tailored, periodic reports to KBOR staff to document transactions and special reports to alert KBOR staff to any issues impacting compliance or vendor non-responsiveness.

### **Third Party Administration Options**

The RPC received information about the 403(b) compliance solutions from ING at the November 15, 2007, and from TIAA-CREF at the March 11, 2008, meeting. At its March 25, 2008, meeting the RPC discussed the options.

Both vendors have national reputations and status, will adhere to strict security standards and will develop data sharing standards for Plan Sponsor and vendor information. Both compliance solutions are being offered without cost because of the statute of the KBOR Plan in terms of assets and prestige.

Highlights about TIAA-CREF's compliance solution:

1. TIAA-CREF characterized their proactive compliance solution as a business-to-business solution, with no Plan Participant interaction required. Their focus is to make the process easy and not to add additional responsibilities to Plan Participants.
2. All 51 of KBOR's approved 403(b) vendors will be able to access information in the TIAA-CREF database to determine eligibility for loans and hardship withdrawals. Thus, KBOR will have greater exposure to misuse or non-compliance, as representatives from all of the 51 vendors will have to comply with IRS regulations and KBOR Plan rules.
3. The current design only will address loan limits and hardship withdrawals which represent a distinct minority of distributions relative to transfers and other distribution requests. KBOR would have to address compliance for transfers and other distributions using another process.
4. KBOR staff will review reports, perhaps daily, to determine if there are issues; currently there are no plans to provide proactive reporting to alert KBOR to issues that arise.
5. Work on this solution began in late 2007. It will be piloted in the 3<sup>rd</sup> quarter of 2008 with a select group of clients and a large scale rollout is scheduled to begin in the 4<sup>th</sup> quarter of 2008. KBOR can request to be one of pilot organizations.

Highlights about ING's Planwithease.com (PWE) compliance solution:

1. Development of this solution started three years ago and is approximately 85% complete. As of mid-March, seven Plan Sponsors were using PWE with an additional 22 in progress. Thirty-two vendors are using PWE, with an additional 13 in the testing stage. Outreach is being made to additional Plan Sponsors and vendors.
2. PWE will handle loans and hardship withdrawals as well as transfers and other distributions to ensure compliance with the KBOR plan documents and IRS regulations.
3. Participants will initiate distribution requests directly with PWE. Vendors will provide information to PWE but will not have access to information. Only one entity, PWE, will be delegated responsibility to comply with IRS regulations and KBOR Plan rules; the other approved vendors will not be able to access the data nor make approval for distributions.
4. The PWE website also will include educational information about retirement planning, financial education and financial calculators to help participants manage their own retirement savings under the KBOR 403(b) Plans.
5. Proactive reporting, tailored to KBOR's needs, will be available to ensure KBOR is alerted to any issues. KBOR will have full access to multiple plan data reports (including Participant data) and Plan information to monitor plan balances, withdrawals, loans and contribution limits.

**RPC Recommendation for Third Party Administrator for 403(b) Compliance**

The RPC recommends that the Board approve ING's Planwithease.com option because it will best address the regulation compliance requirements; it is currently being utilized by various other Plan Sponsors and vendors; it will handle all transactions, including transfers and distributions, which comprise the vast majority of actions for which KBOR must ensure operational compliance; it offers additional on-line educational opportunities for Plan Participants and it will provide proactive, tailored reporting to assist KBOR with oversight of the Plan.

Planwithease.com will function like a person in a University's benefits office, creating a central repository for Participant account data provided by the vendors and Participant demographic and contribution data from the KBOR state universities and Board Office. A Plan Participant will initiate a distribution request on-line and Planwithease.com will check the database for the Participant's information, across all

vendors, for total fund balance, loan amounts available, and employment status. It will look at and process all hardship withdrawals, loans and other distributions according to IRS regulations and limitations and the KBOR Plan documents. Based upon a Plan Participant's specific data, Planwithease.com will determine if the requested distribution is allowed under the IRS regulations and the KBOR Plan document. If so, it will provide the requesting Plan Participant with written approval to provide to the 403(b) vendor. If the Participant does not qualify for a distribution, Planwithease.com will not provide the Participant the written documentation necessary to obtain such a distribution. Approval of all distributions is required in order to comply with the IRS regulations.

The Planwithease.com data will be on a totally separate mainframe/server from its parent, ING. ING representatives will not have access to the Planwithease.com data. A unique service team will be utilized for Planwithease.com business and will not handle ING retirement product business. The purpose of Planwithease.com is to assist Plan Sponsors, such as KBOR, in assuring that a Participant who is requesting a distribution is eligible to for that distribution.

If approved, KBOR staff will work with Planwithease.com to secure service agreements that stipulate that the data only can be used to respond to participant initiated distribution requests, annual limit monitoring or for other reporting requested by KBOR and will not be used in any other way or by any vendor, including ING.

KBOR staff will also work with the selected vendor to include language in the contract stipulating that no fees for this third party service will ever be assessed to Plan Participants, to KBOR or to the state universities, now or in the future. Appropriate liability or indemnification information will be contained in the contract with the third party administrator to address non-compliance with the KBOR plan document and/or IRS regulations and limitations.

C. Other Matters

**Reggie Robinson  
President and CEO**

**1. RECEIVE INFORMATION REGARDING STATE UNIVERSITY SECURITY ISSUES—WEAPONS POLICIES, EMPLOYEE BACKGROUND CHECKS, SECURITY CONSULTANT RFP**

*Summary*

*Over the course of the last few months and in conjunction with the Board’s effort to determine how the state universities are handling a number of security related issues, Board staff has accumulated information regarding campus weapons policies, particularly those surrounding implementation of concealed carry laws, and employee background check policies. Below is a compilation of the information, summarized, that has been collected to date. Also, the specifications page of the Request for Proposals that was posted March 21, 2008, is included below. This information is intended to inform the Board’s discussion of these topics.*

**Impact of Concealed Carry Legislation on Campus Weapons Policies**

**Pertinent Statutory and Regulatory Provisions**

**75-7c01. Personal and family protection act; citation of act.** K.S.A. 2007 Supp. 75-7c01 through 75-7c18, and amendments thereto, shall be known and may be cited as the personal and family protection act.

**75-7c02. Definitions.** As used in the personal and family protection act:

- (a) "Attorney general" means the attorney general of the state of Kansas.
- (b) "Weapon" means handgun, pistol or revolver.
- (c) "Athletic event" means athletic instruction, practice or competition held at any location and including any number of athletes.

**75-7c10. Same; posted places where carrying concealed weapon not authorized; penalties for violations.** (a) Provided that the premises are conspicuously posted in accordance with rules and regulations adopted by the attorney general as premises where carrying a concealed weapon is prohibited, no license issued pursuant to this act shall authorize the licensee to carry a concealed weapon into:

- ... (10) any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education;
- ... (14) any community college, college or university facility;
- ... (22) any place in violation of K.S.A. 21-4218, and amendments thereto.
- (b) Violation of this section is a class A misdemeanor.

**75-7c11. Same; restrictions on carrying on certain property, when; penalties for violations; posting of property.** (a) Nothing in this act shall be construed to prevent:

(1) Any public or private employer from restricting or prohibiting by personnel policies persons licensed under this act from carrying a concealed weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, except that no employer may prohibit possession of a firearm in a private means of conveyance, even if parked on the employer's premises; or

(2) any private business or city, county or political subdivision from restricting or prohibiting persons licensed under this act from carrying a concealed weapon within a building or buildings of such entity, provided that the premises are posted, in accordance with rules and regulations adopted by the attorney general pursuant to this section, as premises where carrying a concealed weapon is prohibited.

(b) Carrying a concealed weapon in violation of any restriction or prohibition allowed by subsection (a), if the premises are posted in accordance with rules and regulations adopted by the attorney general, is a class B misdemeanor.

(c) The attorney general shall adopt rules and regulations prescribing the location, content, size and other characteristics of signs to be posted on premises where carrying a concealed weapon is prohibited pursuant to subsection (a) of K.S.A. 2007 Supp. 75-7c10 and paragraph (2) of subsection (a) of K.S.A. 2007 Supp. 75-7c11 and amendments thereto.

**75-7c17.** . . . (d) This act shall be liberally construed. This act is supplemental and additional to existing constitutional rights to bear arms and nothing in this act shall impair or diminish such rights.

**21-4218. Unauthorized possession of a firearm on the grounds of or within certain state-owned or leased buildings and county courthouses.** (a) *Possession of a firearm* on the grounds of or in the state capitol building, within the governor's residence, on the grounds of or in any building on the grounds of the governor's residence, within the state office building at 915 Harrison known as the Docking state office building, within the state office building at 900 Jackson known as the Landon state office building, within the Kansas judicial center at 301 West 10th, *within any other state-owned or leased building if the secretary of administration has so designated by rules and regulations and conspicuously placed signs clearly stating that firearms are prohibited within such building*, . . . is possession of a firearm by a person other than a commissioned law enforcement officer . . . who brings a firearm into, or possesses a firearm within, the state capitol building, any state legislative office, any office of the governor or office of other state government elected official, any hearing room in which any committee of the state legislature or either house thereof is conducting a hearing, the governor's residence, on the grounds of or in any building on the grounds of the governor's residence or the Landon state office building, Docking state office building, Kansas judicial center, county courthouses unless otherwise allowed, or any other state-owned or leased building, so designated.

. . .

(c) Violation of subsection (a) is a class A misdemeanor. . . .

**K.A.R. 1-49-11 Possession of firearms prohibited.** The provisions of K.S.A. 1992 Supp. 21-4218, as amended, with respect to possession of firearms shall apply to all state-owned or leased buildings in which the agency or agencies occupying the building have conspicuously placed signs clearly stating that firearms are prohibited within that building.

### **Explanation of the Concealed Carry Statutes** (KBOR Counsel’s perspective)

The Personal and Family Protection Act (Act) deals only with the authority to carry certain *concealed firearms* (handguns, pistols and revolvers<sup>1</sup>) by those licensed under the Act to do so. The Act does not directly address other types of weapons, possession of a firearm other than in a concealed manner, or possession or use of firearms by someone not licensed under the Act.<sup>2</sup>

Originally, the law provided that licensees were not authorized to carry a concealed firearm “into” certain listed places, including “any community college, college or university facility,” and no posting was required for these listed places. Violation of that provision constituted a class A misdemeanor. Additionally, both public and private employers were authorized to restrict or prohibit licensees from carrying concealed firearms while on the premises of the employer’s business,<sup>3</sup> and any entity owning or operating a business premises open to the public could restrict or prohibit licensees from carrying a concealed firearm while on such premises.<sup>4</sup> In both these latter instances, the premises had to be clearly posted and violation constituted a class B misdemeanor.

The 2007 Kansas Legislature made several significant changes to these provisions. First, the places specifically listed in the Act, including “any community college, college or university facility,” must now be “posted in accordance with rules and regulations adopted by the attorney general as premises where carrying a concealed weapon is prohibited” before any criminal penalty for carrying a concealed firearm on such premises can attach. Second, while public and private employers may still restrict or prohibit their employees from carrying a concealed weapon while on the premises of the employer’s business, it does not appear that the provision dealing specifically with employers<sup>5</sup> allows them to restrict or prohibit the carrying of such firearms by non-employees;<sup>6</sup> moreover, the new language specifically precludes employers from prohibiting “possession of a firearm in a private means of conveyance, even if parked on the employer’s premises.”<sup>7</sup> Third, now only private businesses, cities, counties and “political subdivisions”<sup>8</sup> may restrict or prohibit licensees from carrying concealed weapons “within a building or buildings of such entity” pursuant to K.S.A. 75-7c11(a)(2).

The intent of the 2007 amendments was to prohibit cities<sup>9</sup> from further restricting the places within which people licensed by the State to carry a concealed weapon could do so, and to clarify that the Legislature intended to preempt the field in this area to ensure uniformity of the rules across the State. Senator Journey, the author of 2007 House Bill No. 2528 as introduced, testified that “House Bill 2528 was drafted in response to circumstances in which the legislature clearly expressed its intent to prohibit municipalities and counties from regulating individuals licensed under Kansas statutes to possess a

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<sup>1</sup> K.S.A. 2006 Supp. 75-7c02(b).

<sup>2</sup> *See, e.g.*, K.S.A. 2006 Supp. 21-4204, K.S.A. 21-4204a, K.S.A. 2006 Supp. 21-4218, K.S.A. 2006 Supp. 12-16,124, as amended by 2007 HB 2528, § 1, K.S.A. 72-89a01.

<sup>3</sup> K.S.A. 2006 Supp. 75-7c11(a)(1).

<sup>4</sup> K.S.A. 2006 Supp. 75-7c11(a)(2).

<sup>5</sup> K.S.A. 2006 Supp. 75-7c11(a)(1), as amended by 2007 HB 2528, § 6(a)(1).

<sup>6</sup> However, entities that are employers may still use the provisions of K.S.A. 2006 Supp. 75-7c10 and 75-7c11(a)(2), both as amended, to reach non-employees.

<sup>7</sup> We note that no posting is required under this provision; rather, employers are to convey the restriction or prohibition by means of personnel policies.

<sup>8</sup> This term is not defined for purposes of this Act.

<sup>9</sup> *See* K.S.A. 2006 Supp. 12-16,124 and 75-7c17, as amended by 2007 HB 2528, §§ 1, 7.

firearm on their person when away from their home or fixed place of business.”<sup>10</sup> However, the actual language of the amendments is not limited to cities, and at least one conferee understood the 2007 amendments, as introduced, to prohibit “cities and even private entities . . . from posting their property against the carrying of weapons. . . . Amendments in the House committee returned some authority to public and private employers for posting their properties[, but t]his allowance extended only to buildings, not any other property owned by an employer, including parking lots.”<sup>11</sup>

Apparently, the new requirement for posting of places listed in K.S.A. 2006 Supp. 75-7c10 was sought in an effort to provide licensees with fair notice that the list was being changed,<sup>12</sup> which was, ironically, something that did not ultimately come to fruition.

Thus, we are left with this:

- In order to prohibit licensees from carrying concealed firearms into any community college, college or university facility under the provisions of K.S.A. 2006 Supp. 75-7c10(a)(14), the premises must be conspicuously posted in accordance with the regulations promulgated by the Attorney General.<sup>13</sup>
- K.S.A. 2006 Supp. 75-7c10(a) is otherwise unchanged.<sup>14</sup>
- The provisions of K.S.A. 2006 Supp. 75-7c11(a)(1), dealing with the rights of employers to restrict or prohibit the carrying of concealed firearms on their premises, were amended to:
  - Limit the employer’s authority to address employees only, and not others who might enter the employer’s place of business;<sup>15</sup>
  - Prohibit employers, acting under the provisions of K.S.A. 75-7c11(a)(1) as amended, from restricting their employees’ possession of a firearm in a private means of conveyance, even if parked on the employer’s premises;
- The provisions of K.S.A. 2006 Supp. 75-7c11(a)(2), dealing with the rights of property owners to restrict or prohibit the carrying of concealed firearms on their premises, were amended to:
  - Limit the property owner’s authority to the restricting of carrying concealed firearms within buildings only; and
  - Limit the entities authorized to restrict possession of concealed firearms in their buildings to private businesses, cities, counties and political subdivisions.

<sup>10</sup> Minutes, Senate Committee on Federal and State Affairs, March 22, 2007, Attachment 3.

<sup>11</sup> Minutes, Senate Committee on Federal and State Affairs, March 22, 2007, Attachment 9.

<sup>12</sup> *Supra*, note 10.

<sup>13</sup> K.A.R. 16-11-7. See <http://www.ksag.org/files/shared/conceal.carry.signage.pdf>.

<sup>14</sup> There was an attempt to add two places where it would always be prohibited to carry a concealed weapon: Enclosed property (other than a parking lot) having one or more controlled access points that was in existence and permanently fenced prior to the Act taking effect; and enclosed property (other than a parking lot) having one or more controlled access points that may be entered only upon paying an admission fee or charge. This proposed amendment did not pass.

<sup>15</sup> The provision now reads: “Nothing in this act shall be construed to prevent: (1) Any . . . employer from restricting or prohibiting *by personnel policies* persons licensed under this act from carrying a concealed weapon while on the premises of the employer’s business or while engaged in the duties of the person’s employment by the employer, except that no employer may prohibit possession of a firearm in a private means of conveyance, even if parked on the employer’s premises; . . .” K.S.A. 2006 Supp. 75-7c11(a)(1), as amended by 2007 HB 2528, § 6(a)(1) (emphasis added). Posting of an employer’s premises is no longer required, see K.S.A. 2006 Supp. 75-7c11(c), as amended.

- K.S.A. 21-4218 and K.A.R. 1-49-11 may be used to prohibit possession of any type of firearm, by any person,<sup>16</sup> concealed or not, in buildings posted in accordance with “conspicuously placed signs clearly stating that firearms are prohibited within such building.”

**Summary of Concealed Carry Posting Policies at State Universities** (information gathered from university attorneys)<sup>17</sup>

**With Regard to the AG Sign Directed at Persons Licensed to Carry a Concealed Weapon**

All six state universities and the KUMC campus have either already posted all buildings/facilities or are in the process of doing so; WSU, KU Lawrence campuses (including KLETC), KUMC, ESU, FHSU and PSU are posting *all entrances* to all buildings whereas KSU has apparently not chosen to do so.

KU-Lawrence, FHSU and KSU have also posted *vehicular entrances* to their campuses; PSU is considering this, if they can figure out a way to do it. WSU and ESU are not posting open areas on campus.

KUMC has posted parking garages; PSU is considering posting parking lots. WSU and ESU are not posting parking lots. Those campuses which are posting their vehicular entrances are apparently not posting their parking lots, although placement of additional signs is under consideration at KSU.

**With Regard to Signs Directed to the Public at Large (would apply to licensees as well as anyone not licensed to carry a concealed weapon)**

KU-Lawrence, KUMC, PSU, FHSU and ESU have posted broader signs to prohibit carrying of all weapons (with exception for authorized and properly stored hunting weapons at FHSU), in accordance with each campus’s zero tolerance policy. WSU has not posted any signs other than that designated by the Attorney General because the Sedgwick County District Attorney has taken the position that the AG sign would be sufficient notice (under K.S.A. 21-4218) that other firearms, whether possessed by licensed individuals or non-licensed individuals, concealed or un-concealed, are prohibited as well. KLETC will not post the broader signs prohibiting the carrying of all weapons since training requires the open possession of certain weapons.

**Enforcement Tools**

In the event the penalties of the concealed carry act cannot be utilized (because the individual is not a licensee, the weapon involved is not a concealed handgun covered by the act, local authorities decline to prosecute, or otherwise), all expressed the belief that their weapons policies can be enforced as to students through the student code of conduct; WSU, KU, ESU and FHSU believe such policies can be enforced as to employees via employment policies (except WSU and ESU believe they cannot keep employees from keeping licensed weapons in their vehicles on employee parking lots); WSU, KU, ESU and FHSU believe trespass statutes can be used to enforce the provisions as to the general public.

<sup>16</sup> See 75-7c10(a)(22).

<sup>17</sup> Because these policies are constantly evolving, some information contained herein may not continue to be current.

There is a difference of opinion among the university attorneys regarding the benefits and/or implications of posting open areas and parking lots. Decisions have been made based on interpretation of the law, policy considerations and factual circumstances.

### **Campus by Campus Breakdown of Concealed Carry Posting Policies**

#### **WSU**

- All entrances to all University buildings on campus are posted with AG signs
- All entrances to all University buildings/facilities at other University locations are posted with AG signs
- Not posting broader signs as local prosecutor has advised AG signs are sufficient for purposes of K.S.A. 21-4218 posting
- Not currently posting signs at vehicular entrances to campus or other University locations
- Not posting parking lots
- Not posting open areas
- Believes University can use student Code of Conduct to prevent students from carrying concealed weapons on campus (including parking lots)
- Believes University can prohibit its employees from carrying concealed weapons while on premises of the University or while otherwise engaged in scope of employment (except for parking lots)
- Believes University can use trespass statute to otherwise ask guests/visitors carrying concealed weapons to leave campus (More precisely, WSU believes the trespass statute may be used to enforce any unauthorized possession of firearms on campus—those covered by the concealed carry laws and those that are not)
- Not certain uniform approach would best serve WSU

#### **KUMC**

- All building entrances posted with AG sign
- All building entrances posted with broader KU sign
- Parking garages posted with AG sign and KU sign, but not focusing on parking with respect to employees

#### **KU Lawrence**

- All entrances to campus posted with AG signs
- All entrances to campus posted with broader sign
- Have posted buildings/facilities most heavily used by visitors (field house, union, parking department)
- In the process of posting all entrances to all buildings
- Not focusing on parking lots
- Remains committed to “zero tolerance for firearms” policy (sanctions could range up to dismissal of employees, expulsion of students, trespass action)

**FHSU**

- All entrances to all facilities posted with AG sign
- All entrances to campus and off-campus buildings posted with broader sign, informing reader of University policy
- University policy is “zero tolerance for unauthorized firearms” on campus, with limited exceptions for hunting weapons that are checked into residence hall; will take case-by-case approach to options if someone caught carrying a concealed weapon in a parking lot
- Does not believe a uniform approach is warranted; different communities, surrounding areas

**PSU**

- All entrances to all buildings/facilities posted with AG signs
- All buildings posted with broader sign (no guns or weapons on campus)
- Are posting parking lots as “facilities”
- Situation makes it difficult to post entrances, but considering it if can find a way
- Weapons policy prohibits weapons on campus or in dorms; students can be disciplined for violation of policy
- Position on uniformity depends on what the uniform sign would look like; want something tasteful and that does minimal detraction from beauty of campus

**ESU**

- All entrances to all buildings and athletic facilities posted with AG signs
- All entrances to all buildings posted with broader signs
- Not posting parking lots
- Not posting open areas
- Has a weapons policy, with follow through in Student Conduct Code, appropriate employment actions and reports to law enforcement if needed, required and lawful
- Believes trespass may be used in conformance with AG’s FAQ, at <http://www.ksag.org/content/page/id/90>

**KSU**

- All campus entrances posted
- In the process of posting all buildings
- Policy prohibits weapons on campus; can be enforced through Student Code of Conduct
- Believes these matters should be left to the individual campuses

**SUMMARY OF STATE UNIVERSITY RESPONSES TO  
BACKGROUND CHECKS FOR PROSPECTIVE UNIVERSITY EMPLOYEES INFORMATION  
GATHERING SURVEY**

**TABLE I  
CATEGORIES OF EMPLOYEES SUBJECT TO LISTED CHECKS**

	<b>FHSU</b>	<b>PSU</b>	<b>KSU</b>	<b>WSU</b>	<b>ESU</b>	<b>KUMC</b>	<b>KU</b>
<b>Credit Check</b>	Police & Security		Police, Security, child care teachers, Nuclear Eng. & BRI (all)		Police, Pres., Foundation CEO		Police & Security
<b>Other Finan-Cial</b>	Police & Security		Police & Security		Police, Pres., Foundation CEO		Police & Security
<b>Crim. History</b>	Police & Security	Police	Police, Security, child care teachers, Nuclear Eng. & BRI	Police, child care and clinical site students & faculty	Police, Pres., Foundation CEO, Center for Early Childhood Ed. Director & Lead Teachers, Facilities	<u>All</u> incl. students admitted to prof. schools	Police & Security, unclass. professional, bursars, cashiers, USS, student hourly
<b>Sex Off. Reg.</b>	Police & Security	Police	Police & Security, child care teachers, Nuclear Eng. & BRI	Police, child care, clinical students & faculty	Police, Pres., Foundation CEO	<u>All</u> incl. students admitted to prof. schools	Police & Security, unclass. professional, bursars, cashiers, USS, student hourly

<b>Ref/ Creden- -tials</b>	Reference on <b>all</b> (except student) positions	<b>All</b>	Reference on <b>all</b> positions	Reference on <b>all</b> positions, Credentials on some	Reference on <b>all</b> positions, Credentials on police	<b>All</b> incl. students admitted to prof. schools	Reference on <b>All</b>
<b>Driving Record</b>	Police & Security	Police	Police & Security, child care teachers, Nuclear Eng. & BRI	Police & CDLs	Police, Pres., Foundation CEO		Police & Security; KLETC checks all staff
<b>Other types of checks</b>			Nuclear Eng. & BRI— FBI check & SSN trace; police & security — Face-book (character)	Police— KLETC records; GEAR UP—abuse & neglect registry; some eng. faculty and clinical students & faculty— SSN verification	Police— Verification of ID & other matters	Police undergo more extensive background than others; OIG/Med Faculty— fraud data based check	Police & Security— personal inter-views

[Note: **All**: Refers to categories surveyed—Administrators, faculty, university police, other security personnel, registrars/bursars, other financial officers, and student employees. Some campuses do not have all positions; for instance, PSU, WSU and ESU do not have security officers other than their university police.]

**ADDITIONAL INFORMATION**

When background checks are conducted, to the extent allowed by law each university takes into consideration all years for which information is available (except WSU’s clinical site supervisors, for whom 7 years are considered). In other words, there is generally no limit on how long ago an incident may have occurred. Only FHSU and KSU indicated that they would consider juvenile records.

Each university indicates the information that is collected is used when considering first-time hires as well as re-hires. The Medical Center indicated that it would also use the information when considering promotions, and KU-Lawrence indicated it uses the information when considering promotions for DEA labs.

Whether information discovered from a background check results in automatic rejection of an applicant for employment seems to depend largely on the type of position being filled or work to be done, rather than the nature of information discovered.

Each university indicates that they inquire about criminal history on employment application forms for classified positions. KU also inquires on USS, unclassified professional staff and hourly employees. KSU, WSU, ESU and KUMC indicate they inquire for all positions for which they use a standard application form.

### **UNIVERSITY RECOMMENDATIONS FOR EXPANDING CURRENT BACKGROUND CHECK PRACTICES**

#### **FHSU**

Not interested in expanding on current practices or initiating a [uniform] background check policy.

FHSU has several concerns with expanding current practices regarding background checks. First, conducting criminal and/or credit history checks may have a chilling affect on the number of interested candidates. A second concern is that criminal and other background history does not always fully inform a decision on a candidate, and qualified persons may be excluded from employment simply based on past history. Third, FHSU is concerned that obtaining and possessing information such as credit history may result in more exposure to liability, and hiring decisions the University makes in light of an applicant's background may give rise to liability as well. Fourth, conducting extensive background checks will create more expense and is likely to significantly increase the time spent reviewing candidates, and may also cause delays in hiring decisions. Finally, FHSU's faculty is unionized, and objections from FHSU-AAUP concerning extensive background checks would be anticipated.

#### **PSU**

PSU is interested in implementing background checks for new hires of unclassified faculty and staff. PSU is not considering implementing background checks of student employees. At some point in the future, PSU may be interested in implementing background checks of classified employees.

The level of the check that that PSU is proposing will vary with the position, but will at the least be a criminal history, sex offender registry, and reference/credentials. Likely positions that require driving would also be subject to a driving record check. PSU will also consider implementing a credit/financial check for employees who deal with money.

The information would be used on a case by case basis at the new hire stage.

**KSU**

KSU supports a system-wide policy that defines covered prospective employees and provides guidance for disposition of information gathered.

All prospective employees (excluding student employees)

- Sex Offender Registry
- Financial – occasionally
- Education Verification
- Felonies and misdemeanors (State & County)

**WSU**

While no actions are currently planned, Dr. Beggs and his administrative staff are giving consideration to or addressing the following:

- A. Asking faculty to provide a “self-report” on criminal convictions.
- B. University Housing is interested in conducting background checks for Housing staff.
- C. The Division of Administration and Finance is interested in conducting background checks for positions dealing with University funds and/or accounting matters.

WSU would prefer that any decisions regarding the imposition of background checks for University employees should be determined locally. Any sort of system of required background checks for employees should be relevant, job-related, fair and consistently applied. Also, any requirements in these regards should be cognizant of the “obstacles” noted below.

Decisions regarding the conduct of employee background checks involve:

- Questions of expense
- Questions about violations of privacy
- Potential constitutional issues for public universities
- Questions about keeping such information secure
- Questions about impact on hiring/recruitment of faculty/employees
- Questions about impact on hiring/recruitment of students
- Questions about possible discriminatory impacts
- Questions about “conditions of employment” for purposes of PEERA discussions
- Questions about the University’s obligation to educate and provide opportunity
- Questions about determining the relevance of a criminal conviction to the requirements of a particular position
- Questions about individuals having “paid their debt to society” and deserving of seeking to improve their lot in life
- Questions about compliance with the Fair Credit Reporting Act

**ESU**

ESU will be adding senior administrators to the categories requiring background checks, whenever there is turnover in positions. It is anticipated that individuals at the Provost/Vice Presidential level will be subject to all seven of the background categories included in the survey. It is anticipated that newly hired Deans would be subject to background checks for credit and arrest record.

ESU would not be recommending background checks for all faculty. The expenditure in dollars and time would make such a venture cost prohibitive. Additionally, many part time faculty are hired after the classes actually begin, making background checks on those individuals irrelevant.

### **KUMC**

KUMC believes the institution's current practices represent sound management practices and due diligence when hiring faculty/staff/students. KUMC is not interested in expanding to include credit/financial history or other inquiries not now a part of the background check.

Note: KUMC has been performing background checks for more than 4 years using a state approved vendor, Validity Screening Solutions. Their services are electronic, easy to use and to search, and we typically receive results within 72 hours (exclusive of weekend/holidays). They recently re-negotiated the contract for criminal background services, and Validity was again the successful vendor. The statewide contract is available for use by any state agency. The cost to have Validity perform a background check is typically around \$50. Faculty checks are slightly higher due to the addition of the OIG/Medicare fraud database. There are a few variables in the cost due to prospective employee's multiple surnames or where a state levies a charge to release criminal history information from their data base. The other common charge that adds cost is from colleges and universities who have outsourced the educational verification function. Most schools charge an additional \$5-10 that is passed along by Validity.

Analysis of reports containing convictions is performed by a group consisting of the Director of Human Resources, Director of Equal Opportunity, and Associate General Counsel. Where reports involve prospective faculty members, the group is expanded to include the Vice Chancellor for Academic Affairs. Convictions are reviewed for their relative seriousness, length of time since adjudication, and relationship to the job that will be performed. In KUMC's health care and educational environment, they are particularly sensitive to convictions pertaining to violence, sex crimes, and drug related offenses.

### **KU**

HR/EO is exploring options for expanding KU's current practices/policy.

HR/EO would like it to apply to all employees, including criminal history, sex offender registry, reference/employment verification, & if applicable to the job: driving records & financial history.

The University of Kansas, Lawrence, is beginning a review of existing policy on background checks with a view to implementing it as a condition of all offers of employment. KU-Lawrence would welcome guidance from the Regents in this effort.

**RFP FOR SECURITY CONSULTANT  
SECTION 4  
SPECIFICATIONS**

1. The State of Kansas is issuing this Request for Proposal to obtain competitive responses from vendors to provide Crisis Management Safety and Security Plan Review, per the attached specifications, for the Kansas Board of Regents, Topeka, KS.
2. Term of Contract: The term of this contract is from the Date of Award through June 30, 2009, with two (2) additional one (1) year renewals by written agreement of the parties.
3. Background/History  
Kansas Board of Regents is responsible for assuring the quality of public postsecondary education in the State of Kansas. The nine-member Board oversees one system of higher education for the entire state, serving as the governing board for six state universities and the coordinating board for 19 community colleges, ten technical schools and colleges and one municipal university. (A complete listing of schools governed or coordinated by the Board can be found at <http://www.kansasregents.org/institutions/index.html>.)

Immediately subsequent to the deadly shootings at Virginia Tech on April 16, 2007, the Kansas Board of Regents directed the six state university CEOs, and encouraged the other public institutions of higher education, to begin reviewing their campus safety and security plans in light of that tragic event. All of the state universities have acted to install and implement new communications equipment and software allowing them to “mass-mail” warnings to students via text messages, pop-up e-mails, voice-mails, public announcements or other means. All universities have also been re-considering their weapons policies and are implementing the new concealed carry posting requirements under the Kansas Personal and Family Protection Act and, at the direction of the Board of Regents, officials at the state universities have been reviewing the topic of employee background checks.

The Kansas Board of Regents has approved a Checklist for Crisis Management. That Checklist is intended to provide guidance to the state universities in crisis preparation and management planning. The Checklist addresses a number of different crisis topics, including appointment of a crisis management team, prevention and intervention, assessment, crisis response and post-event actions that should be considered.

The Board of Regents believes that a review of the Checklist for Crisis Management, and what the state universities have done in response thereto, is now appropriate.

Each of the six state university campuses is unique in terms of its enrollment, physical size, geographic location within the state, age and condition of facilities, etc. For these reasons it has been determined that “one size does not fit all” when it comes to campus security planning and use of cookie cutter security plan templates has been avoided.

For additional information regarding each state university, see the 2007 State University Data Book at the following website:

<http://www.kansasregents.org/download/news/Databook%202007.pdf>

The Fall 2006 Inventory of Physical Facilities and Space Utilization is available at the following website: <http://www.kansasregents.org/download/facilities/2006%20Complete%20Report.pdf>

**4. Scope of Work - Mandatory Services:** Contractor shall review Kansas Board of Regent’s Crisis Management Checklist for completeness

Contractor shall review each of the six state university’s security “plans” and “procedures,” which may require the contractor to gather follow up information at the discretion of the Procurement Negotiating Committee or authorized representative from the Board of Regents, necessary to complete review (looking at existing crisis, communication, and risk policies, tools, and their implementation). The focus should be on processes rather than environmental design and condition of the physical plant/facilities.

**5. Scope of Work - Optional Services** (provide pricing for these services; the Board may choose to exercise one or more of these options)

- a. Visit and assess each of the six state university’s campuses and campus facilities providing a report with a summary of survey results.
- b. Review each of the six State University’s weapons policies providing a report with recommendations.
- c. Review or make recommendations regarding each of the six State University’s policies on employee background checks
- d. Provide an hourly rate for which Universities may, at the University’s option, obtain additional related security consulting services.

**6. Services to be Provided**

- a. Professional expert review, analysis and evaluation (audit) of Board’s Checklist for Crisis Management and the six campus safety and security plans.
- b. Determine whether each plan employs best practices in the area of campus safety and security and, if not, indicate where weaknesses may exist and recommend any modifications necessary to mitigate risk of crises occurring and enhance response to crises. Recommendations should take into account resource limitations of each University as well as other factors affecting the institution’s capacity to implement the recommendations.
- c. Consideration should be given to general security protocols, as well as issues specific to university campuses, such as Clery Act and Family Educational Rights and Privacy Act (FERPA) compliance.
- d. Provide examples of “best practices” from comparable state universities’ security plans.

- e. While considerations relating to National Institute of Management Systems (NIMS) may be appropriate, the Contractor should keep in mind that the purpose of the individual institutions' crisis plans may be to coordinate a response to events on or affecting the campus rather than to coordinate community-wide relief efforts.

**7. Methodology**

- a. Describe your firm's approach to providing and managing the services described in this RFP.
- b. Detail your firm's ability, depth of experience, and expertise as it relates to the project.
- c. Bidders are instructed to provide details regarding experience in working with Crisis Management Plans for postsecondary education.
- d. Provide information that demonstrates your firm's capacity and capability to perform work, including any specialized services.

**8. Deliverables**

- a. A written report commenting on the effectiveness of the Checklist for Crisis Management, containing any suggested revisions recommended by the Contractor and the estimated cost of implementing those recommendations.
- b. A written report detailing the review and evaluation done for each campus, listing specific areas needing additional attention and suggesting solutions for addressing each specified area of concern.
- c. Oral presentations of contractor's findings to the Board of Regents, the Board's President and CEO and either the Council of Presidents or the System Council of Presidents may be required as well.
- d. Throughout the term of the contract, communicate necessary information to the KBOR representatives. Additionally, contractor must be available to respond to questions as needed.

- 9. Timeline:** Respondents to this RFP will submit a recommended timeline for work identified and that timeline will be negotiated with the successful bidder

- 10. State Resources to be Provided:** An on-site contact for each campus will be made available to supply information, respond to inquiries and otherwise assist the consultant as necessary. Access to information required by contractor will be provided as needed to prepare its report to the greatest extent allowed by law.

- 11. Evaluation Criteria:** In addition to the evaluation criteria on page 10 number 11 the following may also be taken into consideration:

- a. Experience in reviewing and auditing crisis management plans and making appropriate assessments and recommendations for Post Secondary education.
- b. Bidders demonstrated understanding of scope and focus of the project.

D. *CEO Assessment*  
**Regent Bill Thornton**

**President Michael Lane**  
**Emporia State University**

**1. RECEIVE ANNUAL CAMPUS REPORT – EMPORIA STATE UNIVERSITY**

**IX. EXECUTIVE SESSION – BOARD OF REGENTS – PERSONNEL MATTERS RELATED TO NON-ELECTED PERSONNEL (CEO ASSESSMENT) – President Lane**

**X. ADJOURNMENT**

April 16-17, 2008

## **COUNCIL OF PRESIDENTS**

Kansas Board of Regents Offices

1000 S.W. Jackson

Suite 520

Topeka, Kansas

11:00 a.m.

Suite 530

1. Approve Minutes of Meeting Held March 12, 2008
2. Report from Council of Chief Academic Officers – Dr. Rod Sobieski
3. Report from Council of Business Officers – Ray Hauke
4. Budget Issues – Update/Discussion
5. Operating Grant
6. Pay Plan
7. Kan-ed

**COUNCIL OF PRESIDENTS**  
**Kansas Board of Regents Offices**  
**March 12, 2008**  
**4:00 p.m.**  
**Suite 530**

Members in Attendance:

President Don Beggs, Wichita State University  
President Tom Bryant, Pittsburg State University  
President Ed Hammond, Fort Hays State University  
Chancellor Robert Hemenway, University of Kansas  
President Mike Lane, Emporia State University  
Provost President Duane Nellis, Kansas State University

1. Meeting convened at 4:20 p.m.
2. Approve January 16, 2008, **Minutes approval moved by President Hammond, seconded by President Bryant, Approved**
3. Report from Council of Chief Academic Officers – Dr. Rod Sobieski
  - a. Approved a variety of programs on first and second reading
  - b. Discussed Alternate Teacher Certification proposals in legislature.
  - c. Drafted a statement to give to all Legislative Liaisons on 10<sup>th</sup> grade concurrent enrollment. **Recommend approval moved by President Hammond, seconded by President Bryant, Approved (Handout)**
4. Report from Council of Business Officers – Ray Hauke
  - a. **Student Health Insurance** – COBO recommends adoption of the SIAC recommendation to move to a blended rate. This will add approximately \$25,000 to the University costs. **Approval moved by President Hammond, seconded by President Beggs, Approved (Handout)**
  - b. **Policy Amendment to Increase Annual Leave Accrual for Classified Employees:** COBO recommends that the Board discuss this item as scheduled today but delay formal action until its May 15, 2008 meeting. The reasons for suggesting this delay are threefold. First, COBO/COPS endorsement of the proposal included advocacy for passing legislation clarifying the authority of the Board of Regents to establish benefits for employees in the Unclassified Support Staff category. HB 2611, which includes such clarifying language has been tabled by the House Education and Budget Committee. Second, it remains unclear at this point the extent to which the change is supported by classified employees, the proposed delay, would allow the institutions time to clarify the position of applicable Classified employee groups. Finally, the timing for bringing this before the Board may be awkward, related to a Legislative session, in which the Hay Group recommendations have yet to be addressed and funded. **COPS recommends concurrence with COBO recommendation moved by Chancellor Hemenway, second by President Hammond. Motion passed.**
  - c. COBO recommends approving Veterans Day as a Holiday on all campuses. **Previously recommended and implementation language is consistent with previous COPS action.**
  - d. Pilot institution for idle funds investment KSU. Regent Boettcher will work with Board staff on a possible bill.

5. Request for approval, Secondary Major in Biological Engineering by KSU
  - a. **President Hammond, second by President Bryant. Motion passed**
6. Discussion of University Conceal & Carry Policies
  - b. President Robinson introduced the summary document he distributed and asked for a discussion among presidents. COPS discussed the issue and the variety of approaches. Question: Do we think it makes sense for universities to do “different things.” Yes, because there are differing views of County DA’s.
  - c. **Staff compiled current practices and KBOR may review this report and provide additional guidance if necessary.**
7. Proposal to Establish a Board of Regents Classified & Support Staff Council.
  - d. **Moved by President Hammond, second by President Beggs. Motion passed**
8. Background Checks – Reviewed current practices on campuses as accumulated by staff.
9. President Robinson discussed a Legislative request about how Universities contract their athletic broadcasting rights. How have Universities with incorporated athletics corporations done it? Can the University give the rights to the athletic corporation? Does University have to bid these contracts if they let them? (Some conference memberships require some rights be given to the conference.) Board staff will gather the information.
10. Adjourned 4:55 p.m.

## System Council of Chief Academic Officers

Wednesday, April 16, 2007  
9:00 a.m. – 10:00 a.m.  
Room 530  
Curtis State Office Building  
1000 SW Jackson  
Topeka, Kansas

### A G E N D A

1. Approve Minutes of March 12, 2008
2. Update on SCOCAO Retreat Speakers – Sheree Utash
3. Continuation of Discussion on Common Data Elements for Reporting of Transfer Information from the Four-Year Universities to the Two-Year Colleges – Sheree Utash
4. Common Learning Outcomes for Associate and Baccalaureate Degrees
5. Other Business

MEETING DATE (FY 2008)
May 14-15, 2008
June 11-12, 2008
September 17, 2008
October 15, 2008
November 19, 2008
December 17, 2008
January 14, 2009
February 18, 2009
March 18, 2009 <i>(subject to change due to Spring Break)</i>
April 15, 2009
May 20, 2009
June 24, 2009

**System Council of Chief Academic Officers  
Draft Minutes**

**Wednesday, March 12, 2008  
10:00 a.m.  
Room 530  
Curtis State Office Building  
Topeka, KS**

The System Council of Chief Academic Officers met in Room 530 of the Curtis State Office Building, 1000 S. W. Jackson, Topeka, Kansas, at 10:00 a.m.

**Members Present:**

Sheree Utash, Cowley County Community College  
Gary Miller, Wichita State University  
Cynthia Rapp, Seward County Community College  
Joe Burke, Labette Community College  
Kathleen McClauskey-Fawcett substituting for Richard Lariviere, University of Kansas  
Steve Loewen, Flint Hills Technical College  
Gary Alexander, KBOR  
Rod Sobieski, Emporia State University  
Duane Nellis, Kansas State University  
Steve Scott, Pittsburg State University  
Larry Gould, Fort Hays State University  
Kim Krull, Cloud County Community College

**Members Absent:**

Robin Bowen, Washburn University

**Board Staff:**

Kathryne Mueller, KBOR  
Roxanne Kelly, KBOR  
Jacqueline Johnson, KBOR  
Theresa Bush, KBOR  
Dawn Ressel, KBOR

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**1. Approve Minutes of February 13, 2008**

The minutes were approved as submitted.

**2. SCOCAO Retreat Speakers**

Sheree Utash updated SCOCAO members regarding speakers for the retreat. She has been in contact with several individuals who were recommended but they are not available to speak in May. Potential topics

include "crisis management in the classroom" and "creating learning spaces for the millennial students." Another topic to consider is the "relationship between community colleges and four-year institutions." SCOCAO indicated that "learning spaces for the millennial students" is a timely topic.

Just a reminder that this year's KCIA/SCOCAO Retreat has been scheduled for the afternoon of Thursday, May 29, 2008 and the morning of Friday, May 30, 2008 at the Hotel at Old Town, Wichita, Kansas. A block of rooms is available and the contact information is: Hotel at Old Town, First and Mosley, 830 E. 1st Street, Wichita, KS 67202, Ph. 316.267.4800, ph. 877.265.3869, Fax 316.267.4840. SCOCAO will meet Thursday afternoon and KCIA will meet Friday morning.

Sheree Utash will keep SCOCAO informed about the speaker for the retreat.

### **3. Discuss Common Data Elements for Reporting of Transfer Information from the Four-Year Universities to the Two-Year Colleges**

KCIA met in February and discussed the common data sets. One of the better reports received from the four-year universities is Wichita State University's report. WSU's report comes from its registrar's office. The two-year colleges would like to receive the same data from all of the four-year universities. Gary Miller indicated that he will provide a template of the database. The four-year universities could potentially provide this type of report each fall.

SCOCAO will discuss common data sets again at the April 2008 SCOCAO meeting.

### **4. Other Business**

#### **Vice President for Academic Affairs - Introduction**

Gary Alexander is the new Vice President for Academic Affairs at the Kansas Board of Regents. His official first day was February 18, 2008. We are glad to have him join us.

#### **Core Outcomes Report**

A meeting will be scheduled for Gary Alexander, Sheree Utash and Gary Miller to meet for the purpose of discussing the Core Outcomes Project.

There was no other business the meeting adjourned at 10:15 a.m.

## Council of Chief Academic Officers

Wednesday, April 16, 2008  
10:00 a.m. – 11:00 a.m.  
Room 530  
Reconvene Noon to 1 p.m.  
Kathy Rupp Conference Room  
Curtis State Office Building  
1000 Jackson Street Suite 520  
Kansas Board of Regent

### A G E N D A

1. Approve Minutes of March 12, 2008
2. Act on New Program Requests
  - a. ESU – Request Approval of a Masters of Accounting and Information Systems (52.0301) SECOND READING
  - b. WSU – Request Approval of a Bachelor of Science in Bioengineering (14.0501) SECOND READING
  - c. FHSU – Request Approval of a Bachelor of Business Administration in International Business and Economics (45.0605) SECOND READING
  - d. FHSU – Request Approval of a Bachelor of Business Administration – Tourism and Hospitality Management SECOND READING
  - e. KSU – Request Approval of a Master of Arts in Theatre (50.0501) SECOND READING
  - f. KSU – Request Approval of a Master of Science in Dietetics (19.0501) SECOND READING
  - g. KSU – Request Approval of a Master of Science in Gerontology (30.1101) SECOND READING
  - h. WSU – Request Approval of a Bachelor of Science in Dental Hygiene (51.0602) SECOND READING
3. Act on Program Requests
  - a. KU – Informational item: Correction of the Name of a New Minor from Latino to Latino/a
  - b. KU – Request Approval of a Minor Public Policy in the U.S. within Existing BS degrees in Political Science
  - c. KU – Request Approval of a Concentration Animal Health within the Existing Masters of Business Administration degree
  - d. KU – Request Approval of a Name Change for an Existing Academic Unit and the Name of the M.A. Degree Program (from Indigenous Nation Studies Program to Global Indigenous Nations Studies Program and from Indigenous Nations Studies to M.A. in Global Indigenous Nations Studies)
  - e. KSU - Request Approval of a Name Change from Leadership Studies Programs to the School of Leadership Studies

**4. Review of Board Policy, F. Faculty and Staff 3. Spoken English Language Competency of Faculty and Graduate Teaching Assistants (SPEAK/TSE) in light of ETS changes – Allen Rawitch**

**5. Other Business**

<b>MEETING DATES</b>	<b>AGENDA MATERIALS DUE</b>	<b>LUNCH ROTATION</b>
September 19, 2007	August 29, 2007 at noon	KSU
October 17, 2007	September 26, 2007 at noon	WU
November 14, 2007	October 24, 2007 at noon	KUMC
December 19, 2007	November 27, 2007 at noon	KCIA
January 16, 2008	December 21, 2007 at noon	PSU
February 13, 2008	January 23, 2008 at noon	ESU
March 12, 2008	February 20, 2008 at noon	WSU
April 16, 2008	March 26, 2008 at noon	KU
May 14, 2008	April 23, 2008 at noon	FHSU
June 11, 2008	May 21, 2008 at noon	KSU

**COUNCIL OF CHIEF ACADEMIC OFFICERS**

Wednesday, March 12, 2008  
10:30 a.m. – 11:00 noon  
Room 530  
Reconvene Noon to 1:00 pm  
Kathy Rupp Room  
Curtis State Office Building  
1000 SW Jackson Street  
Topeka, Kansas

**MINUTES**

The Council of Chief Academic Officers met in Room 530 of the Curtis State Office Building on March 12, 2008 at 10:30 a.m. and reconvened in the Kathy Rupp Conference Room of the Kansas Board of Regents, 1000 SW Jackson, Topeka, Kansas, at noon.

**Members Present:**

Rod Sobieski, Interim VPAA, ESU, Chair  
Kathleen McCluskey-Fawcett  
for Richard Lariviere, Provost, KU  
Duane Nellis, Provost, KSU  
Gary Alexander, KBOR

Gary Miller, Provost, WSU  
Larry Gould, Provost, FHSU  
Steve Scott, VPAA, PSU  
Allen Rawitch, VCAA, KU Med Ctr

**Members Absent**

Robin Bowen, VPAA, WU

**Staff Present**

Kathyrne Mueller, Roxanne Kelly, and Jacqueline Johnson

**Agenda clarification:** The Council of Chief Academic Officers Agenda in the March 2008 Board Agenda materials on page 106 has an item that needs to be removed. It is Item **3. b. KU – Informational item: correction of the name of a new minor from Latino to Latino/a.** This item will be placed on the April 2008 COCAO agenda when supporting documentation is available.

**Approve February 13, 2008 COCAO Minutes**

Dr. Nellis moved and Dr. Scott seconded the motion to approve the Minutes of February 13, 2008. The motion carried unanimously.

**Act on New Program Requests**

Rod Sobieski added the addendum item 1:

- WSU – Request Approval of a Bachelor of Science in Dental Hygiene (51.0602) FIRST READING**
- ESU – Request Approval of a Masters of Accounting and Information Systems (52.0301) FIRST READING**
- WSU – Request Approval of a Bachelor of Science in Bioengineering (14.0501) FIRST READING**

- FHSU – Request Approval of a Bachelor of Business Administration in International Business and Economics (45.0605) FIRST READING**
- FHSU – Request Approval of a Bachelor of Business Administration – Tourism and Hospitality Management FIRST READING**
- KSU – Request Approval of a Master of Arts in Theatre (50.0501) FIRST READING**
- KSU – Request Approval of a Master of Science in Dietetics (19.0501) FIRST READING**
- KSU – Request Approval of a Master of Science in Gerontology (30.1101) FIRST READING**

Send any comments and questions to the appropriate university vice president for academic affairs prior to the April 2008 COCAO meeting. **WSU – Request Approval of a Bachelor of Science in Dental Hygiene (51.0602); ESU – Request Approval of a Masters of Accounting and Information Systems (52.0301); WSU – Request Approval of a Bachelor of Science in Bioengineering (14.0501); FHSU – Request Approval of a Bachelor of Business Administration – Tourism and Hospitality Management; KSU – Request Approval of a Master of Arts in Theatre (50.0501); KSU – Request Approval of a Master of Science in Dietetics (19.0501); KSU – Request Approval of a Master of Science in Gerontology (30.1101)** will be on the April 2008 COCAO agenda for second reading.

#### **Act on Program Requests**

Please note that attachment for item a. is attachment 10 and the attachment for item b. is attachment 9.

- KU – Request approval to change the name of an existing degree in the KU School of Business**
- KU – Request approval of correction of the name of a minor within an existing BA degree in Psychology**

Plus addendum items 2. a. and b.:

- KSU – Request Approval to Change the Name of Two Existing Degrees in the College of Education**
- KSU - Request Approval to Change the Name of an Existing Degree in the College of Engineering**

There was no discussion. Dr. Miller moved and Dr. Nellis seconded the motion to approve the above program requests. Motion carried unanimously.

#### **Informational Item (from Addendum)**

**KSU - Informational Item: KSU is dropping the General Curriculum Option in Biological and Agricultural Engineering**

There was no discussion. This is an informational item and no action is required.

#### **Alternative Teacher Certification**

Gary Alexander reported on the alternative teacher certification issue as follows: 1) Board Academic Affairs Standing Committee is reviewing the Butler Community College proposal. 2) Gary is getting acquainted with the education deans and scheduling meetings with them. 3) The House Education Subcommittee has tabled House Bill 2903. 4) There is a draft House Concurrent Resolution regarding the

alternative teacher certification. 5) There will be further discussions with Kansas State Department of Education regarding this issue.

Discussion followed: 1) The teacher preparation programs are heavily regulated at the four-year universities. The alternative teacher certification programs should also be heavily regulated and meet the same standards. 2) There needs to be accountability in place. 3) Will the license awarded in our alternative certification program be permanent? 4) Potential salary scale is flexible with the university programs but the school districts lock the salary scale for the alternative certifications. 5) The district certificates do not automatically transfer to other districts. It takes an approval process. 6) Kansas is a partnership state with NCATE using the NCATE standards. 7) Kansas needs to do a better job of marketing – using clear statements that the lay person will understand. 8) There is a shortage in math and science teachers but overall there are plenty of teachers available. 9) It is difficulty to follow the education degree programs in the university catalogs. 10) COCAO's immediate response is that they do not support lower standards.

### **COCAO Retreat**

COCAO discussed the possibility of having a retreat to discuss upcoming issues. The Council decided by consensus that it will continue to use the lunch meeting time for discussions and there is no need for a retreat at this time.

COCAO recessed until noon.

### **Meeting reconvened at noon in the Kathy Rupp Conference Room.**

### **Other Business**

#### **Council of Chief Academic Officers Position on Concurrent Enrollment SB 421**

Sheree Utash provided copies of the KCIA position on concurrent enrollment. Discussion followed: 1) KCIA has discussed its insights and concerns about concurrent enrollment. 2) Sheila Frahm is working with the community colleges regarding their concerns. 3) The Olathe School District proposed the legislation. 4) COCAO members need to share the following statement with their legislative liaisons.

Dr. Gould moved and Dr. Nellis seconded the motion that the Council of Chief Academic Officers affirms existing concurrent enrollment policy for the State of Kansas.

Rationale:

The current policy allows for exceptions.

In addition we have the following concerns:

- o The maturity and social readiness of 10th grade students
- o The acceptance of concurrent enrollment transfer credit for 10th grade students from the Regents universities
- o The academic readiness of 10th grade students that do not have an IEP with regards to their reading, English and math skills
- o Currently high school students are limited to 24 credit hours of concurrent enrollment, if they began taking classes at the 10th grade level then we believe this number would need to be increased and this we believe will cause concern from both secondary and post secondary education sectors
- o If high school students are indeed allowed to take a greater number of concurrent hours we have a concern that at the end of their high school education they may not even consider a two year community college, rather feel as though they have enough hours to not look at this educational sector as a viable option and go directly to the four year universities
- o Finally, with the regulations we must follow for high school teacher educational credentials for concurrent enrollment, we presently struggle with the availability of qualified instructors and this would indeed increase that struggle.

Motion carried.

This motion will be shared with the Council of Presidents today.

Dr. Nellis moved and Dr. McCluskey-Fawcett seconded the motion to adjourn. Motion carried.

There being no other business the meeting adjourned at 1:00 p.m.

Sincerely,

Rod Sobieski  
Interim Vice President for Academic Affairs,  
Emporia State University

**COUNCIL OF FACULTY SENATE PRESIDENTS  
(COFSP)  
Agenda  
April 16, 2008**

11:00 am to 12:00 pm  
Conference Room A

4:00 pm or Adjournment  
Conference Room B

1. Call Order
2. Approval of Minutes of the March 12, 2008 meeting
3. University Reports:
  - A. Emporia State University
  - B. Fort Hays State University
  - C. Kansas State University
  - D. Kansas University
  - E. Kansas University Medical Center
  - F. Pittsburg State University
  - G. Wichita State University
4. Unfinished Business
  - COFSP Response to President Robinson's revised Five Strategic Questions and Agenda from the KBOR March 12, 2008 meeting.
5. New Business
6. Announcements
7. Adjournment

**Minutes**  
**Council of Faculty Senate Presidents (COFSP)**  
**March 12, 2008**

Meeting began at 11:00 am

Attendance:

Harvey Foyle, Emporia State University  
Daniel Kulmala, Fort Hays State University  
Brenda Frieden, Pittsburgh State University  
Richard (Rick) Levy, University of Kansas  
Cynthia S. Teel, University of Kansas Medical Center  
Silvia Carruthers, Wichita State University  
Frank Spikes, Kansas State University  
Susan Carlson, KU Med Center  
Gary Alexander, Vice President for Academic Affairs  
Kathyrne Mueller, Director of Academic Initiatives

1. Announcements and Discussion

- a. Harvey Foyle suggested that we address the following issues for our meeting:
  - KBOR's Five Strategic Initiatives
  - Statement on Liberal Arts Education
- b. Considerable discussion ensued concerning each institution's response to the Kansas Board of Regent's Five Strategic Initiatives and how Faculty Senate would address these initiatives. COFSP members used Gary Alexander's presence to offer information about each institution's faculty senate activities and operations.

2. Reports

- a. Silvia Carruthers, Wichita State University:  
No report
- b. Frank Spikes, Kansas State University:  
The Faculty Senate at Kansas State University has been involved in a number of initiatives since the Council of Faculty Senate Presidents last met. These include but are not limited to the following matters.
  - Received and considered a proposal to modify the academic calendar.
  - Continued to participate in the development of the new five year tuition plan.
  - Continued to participate in the funding review and analysis for the K-State Union.
  - Continuing to finalize the language for the revised University grievance process that will appear in the *University Handbook*.
  - Participated in a campus technology focus group discussion of faculty technology needs.
  - Initiated plans for Faculty Senate Leadership transition in May/June 2008.

- c. Susan Carlson, University of Kansas Medical Center:  
The KUMC Faculty Steering committee met 1/22/08 and finalized the agenda for the 1/25/08 Faculty Assembly meeting. Discussion points for the Assembly meeting will include updates about the new KBOR mission statement, the 5 strategic questions, and the amended policy manual statement about teaching evaluation. Additional items for Assembly meeting will include discussion about faculty participation on Medical Center committees and proposed updates to the KUMC faculty handbook. The Steering Committee is examining strategies to promote visibility and viability of the Committee, with the goal of enhancing faculty involvement in faculty governance and in facilitating and refining communication processes between administration and faculty.
- d. Richard E. Levy, University of Kansas:  
Governance at KU is in the final phase of the year, with a number of matters coming to fruition and planning underway for major initiatives next year. Key items to report include:
- The Faculty Senate unanimously endorsed the Council of Faculty Senate President's Statement on the Value of Higher Education.
  - The University and Faculty Senates will be considering a number of specific proposals between now and the end of the year, including revisions to procedures for selecting department chairs and revisions to procedures for resolving allegations of scholarly misconduct.
  - The governance Task Force on Learner Outcomes will continue to study the evaluation of student learning and is expected to bring forward comprehensive recommendations in the Fall.
  - Planning is underway for a comprehensive revision to the Handbook for Faculty and Other Unclassified Staff through the creation of a governance task force charged with reviewing and reconceiving the handbook as a web-based document consisting of descriptive context with links to the actual policies.
- e. Brenda Frieden, Pittsburgh State University:  
The "Statement on the Value of Higher Education", authored by the Council of Faculty Senate Presidents, was shared with the Senate. Senators were asked to review and share any thoughts with the Faculty Senate President. The Five Strategic Questions, from the Kansas Board of Regents, and a draft of Table of Contents was also shared with the Senate. The SGA President spoke to the Senate regarding the advising survey established by the Board of Regents Student Advisory Council and the USA Today Readership Program. Last month the Faculty Association presented a panel discussion on collaboration among departments and colleges, and in April will host a discussion on Face Book and My Space. The NSSE survey is underway. Other discussion items were tuition, book rental, and inclement weather policies.

- f. Dan Kulmala, Fort Hays State University:  
The faculty senate at FHSU recently passed two recommendations: a new definition of scholarship and a response to the Dare to Dream initiative concerning a foreign language requirement. Continued items on the agenda include:
- The Writing Across the Curriculum Program report (Finished March 17, 2008)
  - CoursEval3 as a database for collecting and maintaining teaching and course evaluation information
  - University-wide annual evaluation of chairs and deans
  - Dare to Dream initiative concerning entrepreneurialism.
  - Recommendation for assessing and re-doing the General Education Program
  - KBOR's Five Strategic Questions and assigning the task to the Council of Institutional Effectiveness
- g. Harvey Foyle, Emporia State University:  
ESU's Faculty Senate continues to review President Reggie Robinson's Five Strategic Questions and additional documents. Senators visited with their respective faculties and provided additional ideas to provide input to COFPS. President Robinson's latest PowerPoint version of the questions was distributed to the ESU Faculty Senate for input. The new ESU General Education program is being examined by the Faculty Senators and campus faculty. At the April 1st Faculty Senate meeting the General Education program change will be voted upon.
3. New Business:
- a. Discuss KBOR's response to the Liberal Arts Statement in the Value of Higher Education document.
  - b. Continue the discussion on each institution's response to the Five Strategic Questions outlined by KBOR. Gather more input from the participating Regents institutions.
4. Old Business:
- a. No Old Business was discussed.
5. Adjournment:
- a. Meeting adjourned at 12:35 pm.

**Students' Advisory Committee to the Kansas Board of Regents**

**Meeting Agenda**

**April 16, 2008**

**4:00 p.m. or Adjournment**

**Kathy Rupp Conference Room**

**Topeka, KS**

- I. Introductions
- II. Approval of Minutes
- III. University Reports
  - a. Emporia State University
  - b. Fort Hays State University
  - c. Kansas State University
  - d. Kansas State University – Salina
  - e. Pittsburg State University
  - f. University of Kansas
  - g. Wichita State University
- IV. Old Business
  - a. Textbook Legislation
  - b. Finalize Kansas Corps Presentation for KBOR May Meeting
  - c. Transition material/packet for 2008-2009 Students' Advisory Committee
  - d. E-transcripts
- V. New Business
- VI. Announcements
- VII. Adjournment

**Students' Advisory Committee to the Kansas Board of Regents**

**Meeting Agenda  
March 12, 2008  
4:00 p.m. or Adjournment  
Topeka, KS**

*Meeting Called to Order at 3:42 pm by President George*

- I. Introductions
  - a. Zach Gearhardt-New LD from WSU.
  
- II. Approval of Minutes
  - a. *Minutes approved*
  
- III. University Reports
  - a. Emporia State University-Elections for ASG. Polls close at 4 pm today. Have experienced some difficulties with the polling of students through Blackboard. Allocated \$44,000 from EOF. Looking for a new lawyer for Free Legal Counseling to students. USA Today program has been revisited. There was a discrepancy in the nature of the funding for this program. Unsure of the nature of the funding and costs.
  - b. Fort Hays State University-Soccer Resolution on Second Reading. Senate failed on floor 23-4. Two weeks later, a new proposal from Dr. Hammond without the addition of soccer program. The news media has been hounding Senators. Allocated \$545,000 to student organizations. Last year, an increase in student fees bumped the total amount available. Money also received from the virtual college. EOF will be on second reading this week. Elections will be in April. Currently do not have a Presidential/Vice-Presidential candidate.
  - c. Kansas State University-NA
  - d. Kansas State University Salina-NA
  - e. Pittsburg State University-Dr. Bryant discussed new student health center, looking at construction for the fall of this year. It will involve a \$17 student fee increase over the course of the next couple years. Private money was not sufficient to cover all costs. Activity and Athletics fees going into first reading tonight. Activity fees will be staying the same. Athletic fees will increase average of \$10 per person. Allocations finished last week, about \$25,000. Elections beginning. Campaigning will begin after Spring Break. Eddie Penner is the sole candidate at this point.
  - f. University of Kansas-NA
  - g. Wichita State University-Elections are coming up, third week of April. Already encountered issues. Currently have Zach Gearhardt running as well as potentially one more. Second reading of EOF last week, approved \$187,000. This is a \$12,000 increase from last year. Student Fee hearings begin tomorrow and Friday. Requesting a \$600,000 increase from last year, mainly due to minimum wage increase. Projected next year budget is about \$8.1 million. President Crouse will not be able to attend the April meeting.

## IV. Old Business

- a. Higher Education Day 2008 De-Brief: Begin with a unified front and a very timely fashion of arrival as well as professionalism. The day was full with other lobbying efforts going on. Make sure contact with the Capitol is made. More planning on the part of the buttons. Have some sort of unifying theme for organizations.

## V. New Business

- a. Kansas Corps: Mr. Curt Brungardt-Met one month ago and had largest planning meeting. Compiled a draft proposal. Looking for input from Student Advisory Committee. Looking at having a small, specialized group that is well trained for immediate response to disaster. Kansas Corp would serve as a centralized office for a sort of confederation of participating universities. Each school can decide on which events they will be able to participate in. Loose network that will fit better to the opportunities of the students to give to community service. Student Advisory Committee will have opportunity to help appoint a student advisory council for Kansas Corps. This group would promote and make major decisions on projects. Kansas Corps will be the centralized coordinating agency in the network. It will work closely with Kansas Campus Compact. Both an independent organization and part of Kansas Campus Compact. Universities will be responsible for recruiting volunteers. Universities will also be responsible for a contact on their campus. Good relationships with non-profits. Training of volunteers will be organized by the Kansas Corps staff. Kansas Corps will also serve as a resource for schools who want to develop some sort of a community service program. Kansas Corps will not be requesting funding for the fiscal year 2009. Looking to implement four service events throughout the state within the next year. Schools who participate in events would share in the cost of transporting volunteers and Kansas Corps would reimburse 50% of the costs of transport. A test run will run on 19 April 2008 in Melvern, Kansas. It has an area that used to be a landfill, now it is being turned into a hiking/biking trail and an outdoor classroom. Will be cleaning up the area. Right now, KU, KSU, WSU, FHSU, Butler CCC, Allen County, Hesston, Kaw Area Technical School, have all committed to participating. Will have Press there and will encourage students to wear school sweatshirts to show that students can come together to make a positive difference. Looks like there will be 75-80 volunteers. Would like SAC to be a partner to help continue and develop this program. Asking that SAC present this proposal to KBOR in May. Asking for an endorsement of the concept as well as budget consideration in FY 2010. Would like financial support and endorsement by KBOR. Asking SAC to provide further input on proposal and program. If the Board of Regents chooses not to fund in FY2010, the program will have to look elsewhere for funding. This is a unique program as there is not another program like this in the nation. Adding this small program will have a tremendously positive impact for the State of Kansas. Will rely heavily on implementation year. If members of SAC could be at the Pilot Project on 19 April 2008, it would certainly carry more weight for the Board.
- b. E-Transcripts: Tabled, *Moved President Crouse, seconded President Gillogly. Passed*
- c. Transition material/packet for 2008-2009 Students' Advisory Committee: Tabled, *Moved President Crouse, seconded President Gillogly. Passed.*

d. Thoughts or discussion about Academic year:

*President George: KU has brought up question of academic year and looking at changing from days to hours.*

*President Crouse: Currently not an issue on our radar.*

*President Gillogly: Do not see it as a problem. Why do they want this?*

*President Crouse: They feel that they could cut back on number of days total in classroom while maintaining same amount of instruction period.*

*President Gillogly: Wanting more break time is not something that is valid enough to change the entire structure of the academic year. There are benefits to having a longer break.*

*President Johnson: One local reporter discussed the issue after hearing point from KU. Student opinion was overwhelmingly against proposition to change to hours instead of days.*

*LD Jonathan Eastman: The time requirement would lengthen the class period, but there would not be a significant change in coursework. It would actually add to the load of work.*

*President Crouse: Move to not pursue issue.*

*President Johnson: Seconded.*

*President Gillogly: It is SAC's recommendation that the Board Policy on instructional days remain as is.*

*Motion carried.*

e. Text Books:

*President George: Have looked into taxation of textbooks. Last year, KU pushed tax-free textbooks. The bill died in committee last year. The Regents are upset that KU is averting the Board and that KU is going on a different direction from SAC.*

*LD Tyler Hughes: It is my opinion that they did not directly approach the tax-free textbooks on Higher Education day but rather that they segued into that topic.*

*President Crouse: We can look into text-book costs and shop for the best price.*

*President Johnson: It is generally up to the professors to decide on whether or not to change text-books.*

*President Gillogly: We should make sure and discuss this when KU and KSU are present.*

VI. Announcements: President Crouse will be absent next month.

VII. Adjournment

*Moved by President Johnson. Seconded by President Crouse. Adjourned 4:35 pm*

**KANSAS BOARD OF REGENTS  
MEETING DATES AND DEADLINES FOR SUBMISSION OF AGENDA ITEMS  
FY2007 – 2008**

**FY 2008**

<b>Board of Regents Meeting Dates</b>	<b>Agenda Material Due to Board Office</b>
August 21-23, 2007 Retreat	
September 19-20, 2007 (Topeka)	August 29, 2007 at noon
October 17-18, 2007 (Topeka)	September 26, 2007 at noon
November 14-15, 2007 (Topeka)	October 24, 2007 at noon
December 19-20, 2007 (Topeka)	November 27, 2007 at noon
January 16-17, 2008 (Topeka)	December 21, 2007 at noon
February 13-14, 2008 (Topeka)	January 23, 2008 at noon
March 12-13, 2008 (Topeka)	February 20, 2008 at noon
April 16-17, 2008 (Topeka)	March 26, 2008 at noon
May 14-15, 2008 (Topeka)	April 23, 2008 at noon
June 11-12, 2008 (Topeka)	May 21, 2008 at noon

**FY2009**

<b>Board of Regents Meeting Dates</b>
August 26-28, 2008 Tentative Retreat
September 17-18, 2008 (Topeka)
October 15-16, 2008 (Topeka)
November 19-20, 2008 (Topeka)
December 17-18, 2008 (Topeka)
January 14-15, 2009 (Topeka)
February 18-19, 2009 (Topeka)
March 18-19, 2009 (Topeka) <i>Subject to change due to Spring Break</i>
April 15-16, 2009 (Topeka)
May 20-21, 2009 (Topeka)
June 24-25, 2009 (Topeka)

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Donna Shank, Vice Chair

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Regents Retirement Plan

Dan Lykins, Chair

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