KANSAS BOARD OF REGENTS
January 20-21, 2010

2009-2010
Jill Docking, Chair
Gary Sherrer, Vice Chair

STANDING COMMITTEES

Academic Affairs
Gary Sherrer, Chair
Dick Hedges
Janie Perkins
Donna Shank

Fiscal Affairs and Audit Committee
Jerry Boettcher, Chair
Dan Lykins
Christine Downey-Schmidt

Regents Retirement Plan
Dan Lykins, Chair
Jerry Boettcher

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

January 20-21, 2010
Curtis State Office Building
1000 S.W. Jackson, Suite 520
Topeka, KS

Wednesday, January 20, 2010

9:30 – 11:00 a.m.	Board Academic Affairs Standing Committee – *Kathy Rupp Conference Room*
11:00 – 11:30 a.m.	Board Fiscal Affairs and Audit Standing Committee – *Board Room*
10:00 – 12:00 noon	Council of Faculty Senate Presidents – *Kan-Ed Conference Room*
10:30 – 11:00 a.m.	System Council of Presidents – *Suite 530*
11:00 – 12:00 noon	Council of Presidents – *Suite 530*
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 Adjnmt	Students' Advisory Committee – *Kathy Rupp Conference Room*
6:00 p.m.	**Dinner – Board of Regents, State University CEOs and President Robinson** – *Chez Yasu*

Thursday, January 21, 2010

8:00 a.m.	**Breakfast – Board of Regents, President Robinson and Students' Advisory Committee** – *Kathy Rupp Conference Room*
9:15 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

January 20-21, 2010
1000 S.W. Jackson, Suite 520
Topeka, KS

WEDNESDAY, JANUARY 20, 2010

I. CALL TO ORDER — **Chairman Jill Docking**

A. Approve Minutes/Board Meeting on December 16-17, 2009 — *Page 7*

II. GENERAL REPORTS

A. Introductions
B. Report from the Chair — **Chairman Jill Docking**
C. Report from the President and CEO — **President Reggie Robinson**
D. Report from the System Council of Presidents — **President Hammond/President Burke**

III. STANDING COMMITTEE REPORTS

A. Academic Affairs — **Regent Gary Sherrer**
B. Fiscal Affairs and Audit — **Regent Jerry Boettcher**

IV. APPROVAL OF CONSENT AGENDA

A. *Academic Affairs* — **Gary Alexander**
Regent Gary Sherrer — **Vice President for Academic Affairs**

1. Act on Request for Additional Degree Granting Authority for Devry University to offer a Bachelor of Science in Network and Communications Management Degree — *Page 26*

2. Act on Request for Additional Degree Granting Authority for Anthem College to offer an Associate of Science in Accounting Technology and an Associate of Science in Paralegal — *Page 28*

Blake Flanders
Vice President for Workforce Development

3. Act on Request for Degree and Certificate Program Submitted from Community Colleges and Technical Colleges by Barton County Community College for a Certificate in Aided Drafting (CIP 15.1302) — *Page 30*

V. CONSIDERATION OF DISCUSSION AGENDA

A. *Fiscal Affairs and Audit* **Diane Duffy**
Regent Jerry Boettcher **Vice President for Finance and Administration**

1. Review Governor's Budget Recommendations

B. *Other Matters* **Blake Flanders**
Vice President for Workforce Development

1. Receive Report from Kansas Postsecondary Technical Education Authority

Reggie Robinson
President and CEO

2. Receive Enrollment Report on KHEDS (Kansas Higher Education Data System)

THURSDAY, JANUARY 21, 2010

VI. REPORTS

A. Introductions
B. Report from Council of Presidents **President Ed Hammond**
C. Report from Council of Faculty Senate Presidents **Dr. Jeff Burnett**
D. Report from Students' Advisory Committee **Zach Gearhart**
E. Report from Classified and Support Staff Council **Dennis Constance**

VII. APPROVAL OF CONSENT AGENDA

A. *Fiscal Affairs and Audit* **Diane Duffy**
Regent Jerry Boettcher **Vice President for Finance and Administration**

Eric King
Director of Facilities

1. Authorize Transfer of Property at 4350 Shawnee Mission Parkway in Fairway, Kansas – KU *Page 34*

2. Authorize Transfer of Property at 2531 Springfield and 2400 West 38th Avenue in Kansas City, Kansas – KU *Page 36*

3. Authorize Energy Conservation Project – WSU *Page 36*

4. Authorize the University of Kansas Center for Research to Construct Engineering Expansion on State Property – KU *Page 38*

VIII. CONSIDERATION OF DISCUSSION AGENDA

A. *Academic Affairs* **Gary Alexander**
Regent Gary Sherrer **Vice President for Academic Affairs**

1. Act on PSU Request to Revise Academic Calendar Spring 2011 *Page 39*

B. *Fiscal Affairs and Audit*
Regent Jerry Boettcher

1. Receive Report and Recommendations from Fiscal Affairs and Audit Standing Committee *Page 42*

Julene Miller
General Counsel

2. Adopt Bond Resolution – Peters Student Recreation Center – KSU *Page 46*

3. Adopt Bond Resolution – Parking System Project – KUMC *Page 51*

4. Adopt Bond Resolution – Housing Energy Conservation Measures – WSU *Page 57*

5. Adopt Amendments to Update and Clarify Facilities Policy *Page 62*

C. *Other Matters* **Reggie Robinson**
President and CEO

1. Receive Report Regarding Wichita Center for Graduate Medical Education (WCGME) Principals Group

2. Discuss State University Tobacco Use/Sales Policies *Page 76*

IX. EXECUTIVE SESSION – Board of Regents – Matters Relating to Security Measures Pursuant to K.S.A. 75-4319(b)(13) – Safety and Security Measures on the State University Campuses

X. EXECUTIVE SESSION – Board of Regents – Matters Privileged in the Attorney/Client Relationship – Update on Fort Hays State University and Wichita State University Fund Management Reviews

XI. Discuss Fort Hays State University and Wichita State University Fund Management Reviews

XII. ADJOURNMENT

WEDNESDAY, JANUARY 20, 2010

I. CALL TO ORDER **Chairman Jill Docking**

A. Approve Minutes/Board Meeting on December 16-17, 2009

KANSAS BOARD OF REGENTS
MINUTES
December 16-17, 2009

The December 16, 2009, meeting of the Kansas Board of Regents was called to order by Chairman Jill Docking at 1:34 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 PRESENT:
Jill Docking, Chairman
Gary Sherrer, Vice Chairman
Jerry Boettcher
Christine Downey-Schmidt
Dick Hedges
Dan Lykins
Janie Perkins
Donna Shank

APPROVAL OF MINUTES
Regent Lykins moved that the minutes of the November 18-19, 2009 meeting be approved. Following the second of Regent Hedges, the motion carried.

GENERAL REPORTS

REPORT FROM PRESIDENT AND CEO
President Robinson reported that in 2005, Legislative Post Audit reviewed IT security at the University of Kansas, Kansas State University, and Emporia State University. Following a subsequent Legislative Post Audit update report, the Board adopted policy requiring the Board's Fiscal Affairs and Audit Standing Committee to monitor the progress of all Legislative Post Audit Reports. Since the Board took action, the three institutions have responded to those recommendations and earlier this week appeared before the Joint Committee on Information Technology. President Robinson stated that the quality of the three institutional reports was impressive. He also stated the Joint Committee was pleased with the Boards' action on monitoring the responses to Legislative Post Audit recommendations.

As a part of the President's report, Kip Peterson presented a summary of the twelve Business and Industry Roundtable meetings that were held across the state. The purpose of these meetings was to enhance and strengthen the critical link between the state's public higher education system and workforce. Some

common concerns in the roundtable meetings included workforce shortages, students taking on too much debt to finance their higher education, work ethic, and the need to better align K-12 with higher education. Mr. Peterson reported that participants were given a 21 question mail-in survey regarding higher education. Twenty percent of participants responded to it. President Robinson stated this is the first step to following-up on the Business and Industry Roundtables and that additional steps will be taken in the future.

(PowerPoint filed with Official Minutes)

REPORT FROM SYSTEM COUNCIL OF PRESIDENTS

President Hammond reported that members of the System Council of Presidents, Regent Docking, Regent Sherrer and President Robinson met with the Governor last month. SCOPs discussed ways institutions can assist the Governor in his efforts to protect funding for education as the State comes out of the recession. Additionally, SCOPs discussed how to quickly respond to legislative questions as a system.

STANDING COMMITTEE AND P-20 COUNCIL REPORTS

Academic Affairs

Regent Sherrer reported the Board's Academic Affairs Standing Committee (BAASC) discussed the Board's Distance Learning Plan. The plan is being reviewed and updated. Additionally, BAASC discussed program review processes.

Fiscal Affairs and Audit

Regent Boettcher reported the Board's Fiscal Affairs and Audit Standing Committee reviewed the topic Authorize Purchase of Property and Agreement for Construction of Bus Transit Facility-KU, which is on Thursday's Consent Agenda. All the Regents received a letter of complaint alleging violation of Kansas laws in regard to the bidding process. Staff reviewed the complaint and related issues with the Committee. It is the opinion of the Board's General Counsel that the process used did not violate Kansas laws. Regent Sherrer requested removal of the item to the Discussion Agenda on Thursday.

Regent Boettcher reported that the Committee is continuing to work on its report and recommendations related to enhancing audit policies. The plan is to have the recommendations to the Board at its January meeting. Additionally, the Committee is beginning work on enhancing current policies related to Board members' potential conflicts of interest.

P-20 Council

Regent Downey-Schmidt briefed the Board on the P-20 Council meeting held earlier this week. The Council received reports on the core curriculum project and program alignment for technical education. The Council discussed how to align degrees and certificates with industry standards and the remedial education funding concerns. Additionally, the Council formed a Gap Analysis Team to review the gap between high school preparation and college readiness.

Regent Downey-Schmidt reported representatives of the P-20 Council will be meeting with the Governor this week. The Council will take the following three recommendations on the gap between preschool services and school to the Governor: 1) support the inspection of licensed daycares; 2) request funding

for all kindergartens; and 3) registry of resources. The Council would like the Governor to include the recommendations on preschool in his state-of-the-state remarks.

APPROVAL OF CONSENT AGENDA

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

Academic Affairs

ADDITIONAL DEGREE GRANTING AUTHORITY FOR BRYAN COLLEGE

Bryan College received approval to offer an Associate of Applied Science Degree in Medical Laboratory Technician.

CONSIDERATION OF DISCUSSION AGENDA

Academic Affairs

NEW DEGREE GRANTING AUTHORITY FOR UNIVERSITY OF THE ROCKIES

Vice President Gary Alexander reported the University of the Rockies requested degree granting authority for twenty-two degrees. These degrees are attained through on-line distance education programming. Following discussion, Regent Docking moved to approve. Regent Hedges seconded and the motion carried. The following programs were approved:

Master Degrees

1) Master of Science in Psychology – Criminology and Justice Studies Specialization
2) Master of Science in Psychology – Evaluation, Research, and Measurement Specialization
3) Master of Science in Psychology – Health and Wellness Psychology Specialization
4) Master of Arts in Psychology – Executive Coaching Specialization
5) Master of Arts in Psychology – Business Psychology Specialization
6) Master of Arts in Psychology – General Psychology Specialization
7) Master of Arts in Psychology – Mediation and Conflict Resolution Specialization
8) Master of Arts in Psychology – Mental Health Administration Specialization
9) Master of Arts in Psychology – Non-Profit Management Specialization
10) Master of Arts in Psychology – Organizational Leadership Specialization
11) Master of Arts in Psychology – Sports and Performance Psychology Specialization

Doctorate Degrees

1) Doctor of Psychology Program PsyD – Business Psychology Specialization
2) Doctor of Psychology Program PsyD – Criminology and Justice Studies Specialization
3) Doctor of Psychology Program PsyD – Research, and Measurement Specialization
4) Doctor of Psychology Program PsyD – Executive Coaching Specialization
5) Doctor of Psychology Program PsyD – Health and Wellness Psychology Specialization

6) Doctor of Psychology Program PsyD – Mediation and Conflict Resolution Specialization
7) Doctor of Psychology Program PsyD – Mental Health Administration Specialization
8) Doctor of Psychology Program PsyD – Non-Profit Management Specialization
9) Doctor of Psychology Program PsyD – Organizational Consulting Specialization
10) Doctor of Psychology Program PsyD – Organizational Leadership Specialization
11) Doctor of Psychology Program PsyD – Sports and Performance Psychology Specialization

NEW DEGREE GRANTING AUTHORITY FOR ASHFORD UNIVERSITY

Vice President Alexander presented Ashford University's request for degree granting authority for seventeen degrees. These degrees will be offered on-line. Regent Shank moved to approve followed by a second from Regent Docking. The motion carried. The following degrees were approved:

Associate of Arts Degree

1) Associate of Arts in Business

Master Degrees

The education degrees presented here do not lead to licensure

1) Master of Arts in Education – Assessment and Measurement Specialization
2) Master of Arts in Education – Culturally Responsive Education Specialization
3) Master of Arts in Education – Curriculum and Instruction Specialization
4) Master of Arts in Education – Distance Learning Specialization
5) Master of Arts in Education – Early childhood Education Specialization
6) Master of Arts in Education – Educational Technology Leadership Specialization
7) Master of Arts in Education – English Language Learner Specialization
8) Master of Arts in Education – Higher Education Specialization
9) Master of Arts in Education – Teacher Leader Specialization
10) Master of Arts in Education – Teaching and Learning with Technology
11) Master of Business Administration
12) Master of Arts in Organizational Management
13) Master of Public Administration
14) Master of Arts in Health Care Administration

NEW DEGREE GRANTING AUTHORITY FOR CAPELLA UNIVERSITY

Vice President Alexander reported that Capella University requested degree granting authority for 126 degrees. These degrees are attained through on-line distance education programming. Regent Shank made a motion to approve. Followed by Regent Downey-Schmidt's second, the motion carried. The following degrees were approved:

SCHOOL OF EDUCATION

The education degrees presented here do not lead to licensure

Master

1) Master of Science in Education – Curriculum and Instruction
2) Master of Science in Education – Enrollment Management

3) Master of Science in Education – Instructional Design for Online Learning
4) Master of Science in Education – K-12 Studies in Education
5) Master of Science in Education – Professional Studies in Education
6) Master of Science in Education – Leadership for Higher Education
7) Master of Science in Education – Postsecondary and Adult Education
8) Master of Science in Education – Reading and Literacy
9) Master of Science in Education – Training and Performance Improvement

Doctorate

1) Doctor of Education – Educational Leadership and Management
2) Doctor of Philosophy in Education – Curriculum and Instruction
3) Doctor of Philosophy in Education – Instructional Design for Online Learning
4) Doctor of Philosophy in Education – K-12 Studies in Education
5) Doctor of Philosophy in Education – Leadership for Higher Education
6) Doctor of Philosophy in Education – Leadership in Educational Administration
7) Doctor of Philosophy in Education – Postsecondary and Adult Education
8) Doctor of Philosophy in Education – Professional Studies in Education
9) Doctor of Philosophy in Education – Special Education Leadership
10) Doctor of Philosophy in Education – Training and Performance Improvement
11) Doctor of Philosophy in Education – Nursing Education
12) Education Specialist – Curriculum and Instruction
13) Education Specialist – Leadership in Educational Administration

SCHOOL OF BUSINESS AND TECHNOLOGY

Bachelor

1) Bachelor of Science in Business – General Public Administration
2) Bachelor of Science in Business – Accounting
3) Bachelor of Science in Business – Business Administration
4) Bachelor of Science in Business – Finance
5) Bachelor of Science in Business – Health Care Management
6) Bachelor of Science in Business – Human Resource Management
7) Bachelor of Science in Business – Management and Leadership
8) Bachelor of Science in Business – Marketing
9) Bachelor of Science in Business – Project Management
10) Bachelor of Science in Business – Retail Management
11) Bachelor of Science in Information Technology – General Information Technology
12) Bachelor of Science in Information Technology – Health Informatics
13) Bachelor of Science in Information Technology – Information Assurance and Security
14) Bachelor of Science in Information Technology – Network Technology
15) Bachelor of Science in Information Technology – Project Management
16) Bachelor of Science in Information Technology – Software Architecture

Master

1) Master of Business Administration – Finance

2) Master of Business Administration – Accounting
3) Master of Business Administration – General Business Administration
4) Master of Business Administration – Global Operations and Supply Chain Management
5) Master of Business Administration – Health Care Management
6) Master of Business Administration – Human Resource Management
7) Master of Business Administration – Information Technology Management
8) Master of Business Administration – Marketing
9) Master of Business Administration – Project Management
10) Master of Science in Human Resource Management – General Human Resource Management
11) Master of Science in Human Resource Management – Human Capital Management
12) Master of Science in Human Resource Management – Industrial and Labor Relations
13) Master of Science in Human Resource Management – Legal Studies
14) Master of Science in Human Resource Management – General Human Services
15) Master of Science in Human Resource Management – Gerontology
16) Master of Science in Human Resource Management – Health Care Administration
17) Master of Science in Human Resource Management – Management of Nonprofit Agencies
18) Master of Science in Human Resource Management – Social and Community Services
19) Master of Science in Information Technology – Business Analysis
20) Master of Science in Information Technology – Enterprise Software Architecture
21) Master of Science in Information Technology – General Information Technology
22) Master of Science in Information Technology – Health Information Management
23) Master of Science in Information Technology – Information Assurance and Security
24) Master of Science in Information Technology – Network Architecture
25) Master of Science in Information Technology – Project Management
26) Master of Science in Leadership – General Leadership
27) Master of Science in Organizational Development – General Organizational Development

Doctorate

1) Doctor of Business Administration – Strategy and Innovation
2) Doctor of Business Administration – Global Operations and Supply Chain Management
3) Doctor of Business Administration – Business Intelligence
4) Doctor of Philosophy in Business – Accounting
5) Doctor of Philosophy in Business – General Business
6) Doctor of Philosophy in Organization and Management – General Organization and Management
7) Doctor of Philosophy in Organization and Management – Human Resource Management
8) Doctor of Philosophy in Organization and Management – Information Technology Management
9) Doctor of Philosophy in Organization and Management – Leadership

10) Doctor of Philosophy in Organization and Management – Management Education
11) Doctor of Philosophy in Organization and Management – Project Management
12) Doctor of Philosophy in Information Technology – General Information Technology
13) Doctor of Philosophy in Information Technology – Information Assurance and Security
14) Doctor of Philosophy in Information Technology – Information Technology Education
15) Doctor of Philosophy in Information Technology – Project Management
16) Doctor of Philosophy in Counseling Studies – General Counseling Studies

SCHOOL OF PUBLIC SERVICE LEADERSHIP

Bachelor

1) Bachelor of Science in Public Safety – Criminal Justice
2) Bachelor of Science in Public Safety – Emergency Management
3) Bachelor of Science in Public Safety – Homeland Security
4) Bachelor of Science in Nursing – RN to BSN Degree Completion (post licensure/Associate Degree)

Master

1) Master of Public Administration – General Public Administration
2) Master of Public Health – General Public Health
3) Master of Public Health – Health Management and Policy
4) Master of Public Health – Social and Behavioral Sciences
5) Master of Science in Nursing – Nurse Educator
6) Master of Science in Nursing – Nurse Educator Bridge

Doctorate

1) Doctor of Philosophy in Public Safety – Criminal Justice
2) Doctor of Philosophy in Public Safety – Emergency Management
3) Doctor of Philosophy in Public Safety – Public Safety Leadership
4) Doctor of Public Administration – General Public Administration
5) Doctor of Public Health – Epidemiology
6) Doctor of Public Health – Health Advocacy and Leadership
7) Doctor of Philosophy in Counselor Education and Supervision – General Counselor Education and Supervision

SCHOOL OF PSYCHOLOGY

Bachelor

1) Bachelor of Science in Psychology – General Psychology

Master

1) Master of Science in Psychology – Child and Adolescent Psychology
2) Master of Science in Psychology – Clinical Psychology
3) Master of Science in Psychology – Counseling Psychology

4) Master of Science in Psychology – Educational Psychology
5) Master of Science in Psychology – Evaluation, Research, and Measurement
6) Master of Science in Psychology – General Psychology
7) Master of Science in Psychology – Industrial/Organizational Psychology
8) Master of Science in Psychology – Leadership Coaching Psychology
9) Master of Science in Psychology – Organizational Leader Development
10) Master of Science in Psychology – School Psychology
11) Master of Science in Psychology – Sports Psychology
12) Master of Science in Public Safety – Criminal Justice
13) Master of Science in Public Safety – Emergency Management
14) Master of Science in Public Safety– Public Safety Leadership
15) Master of Science in School Counseling– General School Counseling

Doctorate

1) Doctor of Philosophy in Psychology – Educational Psychology
2) Doctor of Philosophy in Psychology – General Psychology
3) Doctor of Philosophy in Psychology – Industrial/Organizational Psychology
4) Doctor of Psychology – Clinical Psychology

SCHOOL OF HUMAN SERVICES

Master

1) Master of Science in Addiction Counseling – General Addiction Counseling
2) Master of Science in Counseling Studies – General Counseling Studies
3) Master of Science in Marriage and Family Therapy – General Marriage and Family Therapy
4) Master of Science in Mental Health Counseling – General Mental Health Counseling

Doctorate

1) Doctor of Philosophy in Human Services – General Human Services
2) Doctor of Philosophy in Human Services – Health Care Administration
3) Doctor of Philosophy in Human Services – Management of Nonprofit Agencies
4) Doctor of Philosophy in Human Services – Social and Community Services

NEW DEGREE GRANTING AUTHORITY FOR DEVRY UNIVERSITY, KANSAS CITY, MO

Vice President Alexander reported that Devry University in Kansas City, Missouri requested degree granting authority for twenty-four degrees. These degrees will be offered at its Kansas City location. Regent Hedges moved to approve followed by a second from Regent Shank. The motion carried. The following degrees were approved:

Associate Degrees

1) Associate of Applied Science – Network Systems Administration
2) Associate of Applied Science – Web Graphic Design

Bachelor Degrees

1) Bachelor of Science – Business Administration
2) Bachelor of Science – Computer Information Systems
3) Bachelor of Science – Technical Management

Master

1) Master of Accounting and Financial Management
2) Master of Business Administration
3) Master of Human Resource Management
4) Master of Information Systems Management
5) Master of Network and Communications Management
6) Master of Project Management
7) Master of Public Administration
8) Master of Network and Communications Management - Accounting
9) Master of Network and Communications Management - Financial Analysis
10) Master of Network and Communications Management - Business Administration
11) Master of Network and Communications Management - Electronic Commerce Management
12) Master of Network and Communications Management - Entrepreneurship
13) Master of Network and Communications Management - Health Services Management
14) Master of Network and Communications Management - Human Resource Management
15) Master of Network and Communications Management - Information Systems Management
16) Master of Network and Communications Management - Network and Communications Management
17) Master of Network and Communications Management - Information Security
18) Master of Network and Communications Management - Wireless Communications
19) Master of Network and Communications Management - Project Management

NEW DEGREE GRANTING AUTHORITY FOR DEVRY UNIVERSITY, NAPERVILLE, IL CAMPUS

Vice President Alexander reported that Devry University in Naperville, Illinois requested degree granting authority for 33 degrees. These degrees will be offered on-line through its Naperville location. Regent Shank made a motion to approve. Followed by a second from Regent Perkins, the motion carried. The following degrees were approved:

Associate Degrees

1) Associate of Applied Science – Accounting
2) Associate of Applied Science – Electronics and Computer Technology
3) Associate of Applied Science – Health Information Technology
4) Associate of Applied Science – Network Systems Administration
5) Associate of Applied Science – Web Graphic Design

Bachelor Degrees

1) Bachelor of Science – Business administration
2) Bachelor of Science – Computer Information Systems
3) Bachelor of Science – Technical management
4) Bachelor of Science – Biomedical Engineering Technology
5) Bachelor of Science – Computer Engineering Technology
6) Bachelor of Science – Electronics Engineering Technology
7) Bachelor of Science – Game & Simulation Programming

Master Degree

1) Master of Accounting and Financial Management
2) Master of Business Administration
3) Master of Human Resource Management
4) Master of Information Systems Management
5) Master of Network and Communications Management
6) Master of Project Management
7) Master of Public Administration
8) Master of Science in Educational Technology
9) Master of Science in Electrical Engineering
10) Master of Network and Communications Management - Accounting
11) Master of Network and Communications Management - Financial Analysis
12) Master of Network and Communications Management - Business Administration
13) Master of Network and Communications Management - Electronic Commerce Management
14) Master of Network and Communications Management - Entrepreneurship
15) Master of Network and Communications Management - Health Services Management
16) Master of Network and Communications Management - Human Resource Management
17) Master of Network and Communications Management - Information Systems Management
18) Master of Network and Communications Management - Network and Communications Management
19) Master of Network and Communications Management - Information Security
20) Master of Network and Communications Management - Wireless Communications
21) Master of Network and Communications Management - Project Management

REVISION TO GED TESTING RESIDENCY REQUIREMENTS

Vice President Alexander presented information regarding a proposed revision to the regulation governing eligibility to take the general education development (GED) test, (K.A.R. 88-24-1(a)(1). The revision would eliminate the requirement that the individual be a Kansas resident at the time of submitting their application and would assist Kansas adult education programs located near borders in serving individuals who are not Kansas residents but work in Kansas. Regent Docking moved to authorize amending the regulation. Following a second by Regent Shank, the motion carried. The following is the revision to the GED testing regulation that was approved:

88-24-1 Eligibility to take GED test.

(a) Each applicant to take the general education development (GED) test shall meet the following requirements:

~~(1) Be a Kansas resident at the time of submitting the application;~~

ALIGNED AUTOMOTIVE COLLISION AND REPAIR PROGRAM

Vice President Blake Flanders presented the resubmission of the Aligned Automotive Collision and Repair Program recommendations. Institutions were allowed to comment on the proposal. One college indicated they were planning to revise their program in accordance with the aligned curriculum. Another college stated opposition to the recommended alignment proposal; however, the college does not currently offer the program. The Kansas Postsecondary Technical Education Authority re-approved the Aligned Automotive Collision and Repair Program and forwarded it on to the Board for its approval. Following discussion, Regent Hedges moved to approve. Regent Boettcher seconded and the motion carried.

(PowerPoint filed with Official Minutes)

Fiscal Affairs and Audit

GOVERNOR'S JULY AND NOVEMBER ALLOTMENT ACTION IMPACTING THE FY 2010 BUDGET

Allotment action impacting the FY 2010 budget was explained by Vice President Duffy. So far this fiscal year Governor Parkinson has issued two allotments effecting the Regents System. The first, July 2, included an allotment reduction of $15,295,000. The proposed action for this allotment is to allocate the reduction across-the-board. The second, November 20, included an allotment reduction of $7,029,090. The proposed action for this allotment is to allocate the reduction of $1,990,976 across-the-board and to implement the Governor's recommendation to eliminate an "unneeded appropriation for bond payment" related to the Postsecondary Education Institution Infrastructure Loan Program ($5,038,114). Regent Boettcher made a motion to approve the distribution of the allotment reductions as described by staff. Following a second by Regent Perkins, the motion carried.

Other Matters

STATE UNIVERSITY EFFICIENCY TASK FORCE REPORTS

President Robinson reported that the Division of Legislative Post Audit (LPA) conducted efficiency audits of the state university system. The report was presented to the Legislative Post Audit Committee on September 4, 2009. It contained ten recommendations for further study and consideration. Those ten recommendations are as followed: 1) Eliminating or combining low-enrollment course sections; 2) Eliminating or combining academic departments or degree programs; 3) Collaborating with other universities to share course content, teachers, and instructional programs; 4) Increasing the number of courses and programs offered online or through distance learning; 5) Increasing faculty workloads; 6) Modifying the delivery of remedial courses; 7) Maximizing the use of existing classroom and laboratory space; 8) Consolidating or changing administrative functions or processes; 9) Outsourcing non-academic functions; and 10) Reducing energy costs, improving recycling efforts and the like. Each university is to report to the Board its response to these recommendations and whether or not the university will pursue

and implement the recommended actions. Reports presented by Fort Hays State University, Wichita State University, and Emporia State University are summarized below. Reports of the University of Kansas, Pittsburg State University, and Kansas State University are summarized under the Discussion Agenda on Thursday.

RECESS
The Chairman called for a recess at 2:57 p.m. and resumed the meeting at 3:13 p.m.

Fort Hays State University
President Hammond presented Fort Hays State University's Efficiency Report. He called attention to the low-enrollment courses and stated that a fundamental principal within the FHSU mission is to provide a student-centered education in small classes. However, FHSU will closely monitor classes that appear to be under-enrolled. Additionally, President Hammond spoke about the importance of its Virtual Colleges. In FY 2010, FHSU enrolled nearly 8,000 students which accounts for 47% of its credit hours produced. President Hammond stated that FHSU has used the LPA report as a mechanism for bringing new innovations and efficiencies to the forefront.

(Report and PowerPoint filed with Official Minutes)

Wichita State University
The Efficiency Report for Wichita State University was presented by President Beggs. He spoke about departmental mergers and whether or not these were appropriate for the University. President Beggs addressed the issue of expanding the use of distance (on-line) learning for students. He stated that the Task Force was very enthusiastic about expanding on-line learning opportunities. However, the plans that were approved to expand on-line courses were suspended because of budget reductions. President Beggs stated that WSU will continue to reshape its initiatives.

(Report filed with Official Minutes)

Emporia State University
The Efficiency Report for Emporia State University was presented by President Lane. He stated that ESU had several efficiency initiatives identified in the LPA report which were already underway at the time of the audit. President Lane addressed the reports concerns on faculty workloads. In May 2009, he approved a new ESU policy that states the teaching load expectations for ESU faculty. Additionally, President Lane addressed the recommendation to consolidate administrative functions or processes. Currently, ESU has combined several positions and departments which will result in cost savings. President Lane noted that ESU will continue to search for methods to make its operations more efficient.

(Report filed with Official Minutes)

RECESS
Chairman Docking recessed the meeting at 4:33 p.m., to resume the following morning.

RECONVENE
Chairman Docking reconvened the meeting at 8:36 a.m. on Thursday, December 17.

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

INTRODUCTIONS

Dr. Barbara Atkinson from the University of Kansas Medical Center introduced Dr. Heidi Chumley. Dr. Chumley is the Senior Associate Dean for Medical Education.

REPORTS

REPORT FROM COUNCIL OF PRESIDENTS

President Hammond briefed the Board on the Council of Presidents' meeting held the previous day. COPs received a report on the audit process, discussed the billing concerns of the University Press of Kansas, and discussed distance learning. Additionally, COPs reviewed the amendments to the Board's facilities policies. One change was made to the Naming of Buildings provision to require institutions to perform due diligence on all naming opportunities. The amended facility policy will be forwarded to the Board for its consideration at the January meeting. The Council of Chief Academic Officers also presented a report to COPs regarding a proposed amendment to the Board's intellectual property policy.

REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS

Dr. Jeff Burnett, Chair of the Faculty Senate Presidents, thanked the Board for hosting breakfast for the Council earlier in the day. Dr. Burnett reported that the Council continues to work on recruitment and retention of both faculty and students.

REPORT FROM STUDENTS' ADVISORY COMMITTEE

The Students' Advisory Committee report was given by Jonathan Krueger. While the SAC was unable to take any official action at its meeting due to lack of a quorum, Mr. Krueger reported that the SAC is reviewing alternate ways of meeting in December because of finals. The SAC discussed plans for the State Higher Education Day, which will be held in Topeka. Additionally, Mr. Krueger reported that a taskforce is being set up to review how SAC can reach and represent more students on each of the campuses.

Fort Hays State University's Student Body President Brad Stramel recapped what happened on the Fort Hays campus this semester. Mr. Stramel stated that the student body agreed to an 85 cent student fee increase to help support the Tiger Wellness Center. The Student Government Association is going to became part of the Hays Area Chamber of Commerce in the spring semester. This opportunity will allow student to communicate and be involved with area businesses. Additionally, the Student Government is working on recruitment.

AMEND AGENDA

Regent Sherrer made a motion to move the Authorize Purchase of Property and Agreement for Construction of Bus Transit Facility – KU from the Consent Agenda to number 6 under the Fiscal Affairs and Audit Discussion Agenda. Following a second by Regent Boettcher, the motion carried.

APPROVAL OF CONSENT AGENDA

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

Fiscal Affairs and Audit

FY 2010 REHABILITATION & REPAIR LIST – KU

Approval was given to the University of Kansas to reallocate FY 2010 Rehabilitation and Repair funds to address deteriorated mechanical and electrical systems in Lippincott Hall. The source of funding will be transferred from the Wescoe Hall improvements and the FY 2010 Jayhawk Blvd. improvements.

ARRA ALLOCATIONS – KUMC

The University of Kansas received authorization to reallocate ARRA funds to address infrastructure improvement on Level 6 of Delp Hall at the University of Kansas Medical Center.

DESIGN AND EXPAND THE DATA CENTER – KU

Approval was given to the University of Kansas to design and expand the Data Center in the Structural Biology Center. The estimated cost of the project is $250,000. It will be funded with the University of Kansas Center for Research Funds and constructed under K.S.A. 76-759.

CONSIDERATION OF DISCUSSION AGENDA

Other Matters

STATE UNIVERSITY EFFICIENCY TASK FORCE REPORTS

The University of Kansas

Chancellor Gray-Little presented the Efficiency Report for the University of Kansas. Two committees were formed to evaluate the LPA report and a total of 1,055 hours were spent on it. The Chancellor stated that KU routinely evaluates low-enrollment course sections and academic programs. It was noted that KU faculty already teach 9% more student credit hours than peer universities and that increasing teaching workload would require reducing research. Chancellor Gray-Little reported that KU has seen significant savings in administrative efficiencies. The Purchasing Pilot Project has led to $1.76 million in savings. The Chancellor noted that efficiency is an ongoing process but so far the efficiencies implemented for FY 2009-2010 have saved KU $9 million.

(Report and PowerPoint filed with Official Minutes)

Pittsburg State University
The Efficiency Report for Pittsburg State University was presented by President Scott. He reviewed each of the LPA recommendations and reported what action PSU has taken and what additional steps need to be made. One area in the Efficiency Report that President Scott called attention to was collaboration. PSU has strong relationships with community and technical colleges and serves as a model of collaboration. President Scott did note that the LPA report left out the PSU and Fort Scott Community College's Qualified Admission Program. This program allows students who are not admitted to PSU to enroll in FSCC courses, which are taught on the PSU campus, in order to meet the Regents qualified admission requirements for transfer students. PSU will continue to develop collaborations that enhance as well as strengthen the University.

(Report and PowerPoint filed with Official Minutes)

Kansas State University
President Schulz presented the Efficiency Report for Kansas State University. He stated that KSU is making important progress in enhancing the efficiency of its academic programs and administrative units. One area in the LPA report that President Schulz reported on was maximizing the use of existing classroom and laboratory space. KSU is a land grant institution and many of its lab spaces are unique. However, KSU will conduct an audit of all its classroom spaces to seek more efficiency and will implement a plan for summer school to minimize the number of buildings used. Outsourcing non-academic functions is another area covered in the LPA report. Currently, KSU has outsourced its bookstore, K-State Student Union food service, and vending services. President Schulz stated that KSU will explore feasibility of outsourcing other campus support services.

(Report and PowerPoint filed with Official Minutes)

RECESS
The Chairman called for a recess at 10:24 a.m. and resumed the meeting at 10:38 a.m.

Fiscal Affairs and Audit

REPORT ON PILOT PUCHASING PROJECTS – KU AND FHSU
Following legislative action in 2006, the University of Kansas and Fort Hays State University were designated by the Board to participate in a pilot project for three years, which exempted the two universities from certain state purchasing requirements such as statewide purchasing contracts and state travel services. University representatives reported on the benefits and savings experienced through this pilot project.

Mr. Barry Swanson, Director of Purchasing, University of Kansas, stated that the purchasing pilot program was very successful during FY 2009 with estimated savings in excess of $979,000. The project allowed KU to automate its competitive bid processes and implement the eProcurement software, which allows KU to automate the transactions and processes administered by KU Purchasing Services. In addition to monetary savings, Mr. Swanson reported savings in processing time. The pilot project has been successful for the University and Mr. Swanson recommended pursuing legislation to make the authority permanent and applicable to all state universities.

President Hammond reported that Fort Hays State University has seen a 75% increase in savings from last year to this year. He stated the biggest savings for the University is time. However, one disadvantage for FHSU is its location because occasionally companies will not deliver their products to Western Kansas. President Hammond supports making the project permanent and available to all state universities.

FY 2011 HOUSING AND FOOD SERVICE RATE ADJUSTMENTS SUBMITTED BY STATE UNIVERSITIES (FINAL ACTION)

Vice President Duffy presented the proposed FY 2011 housing and food service rate adjustments for final action. She stated no changes were submitted following the review at the November Board meeting.

Regent Boettcher moved that the requested housing and food service rates for the University of Kansas be approved. Following the second of Regent Downey-Schmidt, the motion carried.

A motion was made by Regent Boettcher, with the second of Regent Docking, to approve the housing and food service rates requested by Kansas State University. The motion carried.

A motion was made by Regent Boettcher to approve the housing and food service rates requested by Wichita State University. Following the second of Regent Hedges, the motion carried.

Regent Boettcher moved that the housing and food service rate proposal from Emporia State University be approved. With the second of Regent Lykins, the motion carried.

Regent Boettcher moved, followed by the second of Regent Downey-Schmidt, that the housing and food service rates proposed by Pittsburg State University be approved. The motion carried.

A motion was made by Regent Boettcher to approve the housing and food service rates proposed by Fort Hays State University. Following the second of Regent Docking, the motion carried.

(Complete Listing of Adjustments Filed with Official Minutes)

BOND RESOLUTION, JAYHAWKER TOWERS – KU

General Counsel Julene Miller introduced a Resolution to authorize the issuance of KDFA Revenue Bonds to finance Phase 2 of the renovations of the Jayhawker Towers. Bonds proceeds are also expected to be used to refund all or a portion of the outstanding Series 1998D Bonds, Series 2002A-1 Bonds, and Series 2005E-1 Bonds. The amount of the Bonds is not to exceed $12,950,000 plus costs and reserves. The Bonds will be secured and debt serviced with Housing System Revenues and may include a Supplemental Security Agreement. Following discussion, Regent Docking made a motion to approve and authorized the Chair and the President and CEO to execute the Resolution. Regent Perkins seconded, and the motion carried.

(Resolution filed with Official Minutes)

ALLOCATIONS OF FY 2011 REHABILITATION AND REPAIR APPROPRIATIONS – SYSTEMWIDE

The FY 2011 allocation for Rehabilitation and Repair appropriations was presented by Eric King, Director of Facilities. He expects that $15,000,000 will be available from the Education Building Fund

and a formula for adjusted gross square feet was used to recommend the percentage of funds available to each institution. Regent Docking moved that the project list for the FY 2011 rehabilitation and repair appropriation be approved. With the second of Regent Perkins, the motion carried. The following summary reflects the authorized totals:

FY 2011 - $15,000,000 (EBF)

	Allocation
The University of Kansas	$4,031,000
The University of Kansas Medical Center	1,687,000
Kansas State University	4,484,000
Wichita State University	1,648,000
Emporia State University	906,000
Pittsburg State University	1,107,000
Fort Hays State University	1,137,000
TOTAL	*$15,000,000*

NAMING OF THE STRUCTURAL BIOLOGY CENTER – KU

Chancellor Gray-Little presented the request to name the Structural Biology Center (SBC). The facility houses several of the University's shared resource labs that have proven successful in terms of services provided and quality of programs supporting analysis of large and small molecular targets. Chancellor Gray-Little made the request to name the Center after Delbert M. Shankel in honor of his 50 years of leadership and service to the University of Kansas. Regent Docking so moved, with a second by Regent Sherrer. The motion carried. The name of the building will by the Delbert M. Shankel Structural Biology Center.

PURCHASE OF PROPERTY AND AGREEMENT FOR CONSTRUCTION OF BUS TRANSIT FACILITY – KU

Vice President Duffy presented the University of Kansas requests for authorization to enter into a contract with Advanco for the purchase of property and the construction of a bus transit facility on that property. The cost of the project will not exceed $4,756,728. It will be funded with Parking and Transit funds which include a student fee of $65.90 per semester and the revenue from a lease agreement with the City of Lawrence. Following discussion, Regent Boettcher moved to approve. Regent Perkins seconded and the motion carried.

The following is the legal description of the property:

> TIMBEREDGE INDUSTRIAL PARK NO 2 SUB LT 3 643.3 X 425.2(I) Legal Description TIMBEREDGE INDUSTRIAL PARK NO 2 SUB A REPLAT OF LOTS 1,2,3 &5 & EXIST RIGHT OF WAY IN TIMBEREDGE INDUSTRIAL PARK LT 3 - Plus 2.061 additional acres that will be carved out of an adjacent parcel (lot 4).

Legal Description Entire Lot 4

LOT 4, TIMBEREDGE INDUSTRIAL PARK, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, AND LYING IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN.

Legal Description of Extracted Parcel Revised

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE S00°03'24"W ALONG THE EAST LINE OF SAID LOT 4, 253.18 FEET; THENCE S44°32'45"E ALONG THE EAST LINE OF SAID LOT 4, 80.00 FEET TO A POINT ON THE RIGHT-OF-WAY OF TIMBEREDGE ROAD; THENCE N89°32'45"W 340.82 FEET; THENCE N00°03'24"E 309.75 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 4; THENCE S89°32'26"E ALONG THE NORTH LINE OF SAID LOT 4, 56.00 FEET; THENCE S89°32'45"E ALONG THE NORTH LINE OF SAID LOT 4, 228.64 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 2.061 ACRES, MORE OR LESS.

Other Matters

REPORT BY THE UNIVERSITY OF KANSAS ON MANAGEMENT REVIEW

University's response to the recent fund management review report for the University of Kansas was presented by Chancellor Gray-Little. The review was performed by BKD. BKD analyzed certain non-State funded accounts administered and/or controlled by Chancellor Robert Hemenway and his direct subordinates. Two of the accounts reviewed reside in the Kansas Athletics, Inc. and the Student Union Corporation of the University of Kansas Medical Center. Chancellor Gray-Little stated that BKD found no inappropriate disbursements of unrestricted funds by the University or affiliated corporations. Additionally, the Chancellor stated that remedies to the findings are underway. These remedies include attaching a copy of the Electronic Statement of Substantial Interests Form to the Athletics conflict of interest form, and at the KUMC student union, internal controls were put into place for cash handling.

REPORT BY PITTSBURG STATE UNIVERISTY ON MANAGEMENT REVIEW

President Scott presented Pittsburg State University is response to the fund management review report recently provided to the Board. Diehl, Banwart, and Bolton analyzed certain accounts administered and/or controlled by President Bryant or his direct subordinates. There were no material findings during the review and only two recommendations. The first recommendation involved the personal use of the president's car. President Scott reported that a vehicle log is being maintained to document personal and work use of the vehicle. The second recommendation involves the payments for cell phones. President Scott stated that the audit committee of the Foundation is currently reviewing the policy on cell phones.

RESOLUTION TO DESIGNATE DR. ROBERT HEMENWAY AS CHANCELLOR EMERITUS FOR THE UNIVERSITY OF KANSAS

President Robinson presented a Resolution that would designate Dr. Robert E. Hemenway as Chancellor Emeritus for the University of Kansas. Regent Boettcher made a motion to approve the Resolution and authorize President Robinson to format the Resolution. Following Regent Perkins second, the motion carried.

(Resolution filed with Official Minutes)

ADJOURNMENT

_____ _____

Reginald L. Robinson, President and CEO Jill S. Docking, Chair

II. GENERAL REPORTS

A. Introductions
B. Report from the Chair **Chairman Jill Docking**
C. Report from the President and CEO **President Reggie Robinson**
D. Report from the System Council of Presidents **President Hammond/President Burke**

III. STANDING COMMITTEE REPORTS

A. Academic Affairs **Regent Gary Sherrer**
B. Fiscal Affairs and Audit **Regent Jerry Boettcher**

IV. APPROVAL OF CONSENT AGENDA

A. *Academic Affairs* **Dr. Gary Alexander**
Regent Gary Sherrer **Vice President for Academic Affairs**

1. ACT ON REQUEST FOR ADDITIONAL DEGREE GRANTING AUTHORITY FOR DEVRY UNIVERSITY TO OFFER A BACHELOR OF SCIENCE IN NETWORK AND COMMUNICATIONS MANAGEMENT DEGREE

Summary and Staff Recommendation

In accordance with KBOR policy, DeVry University is requesting additional degree granting authority for a Bachelor of Science in Network and Communications Management. After a thorough review of the institution's staff qualifications, facilities, record keeping systems, coursework and materials, staff recommends approval. This degree will be offered at the Kansas City, MO campus and at the Naperville, Ill on-line school. *12/18/2009*

Background
DeVry University was founded more than 75 years ago. DeVry University has more than 90 locations in metro areas across the United States and Canada and on-line. The campuses seeking approval to offer the Bachelor of Science in Network and Communications Management degree are located in Kansas City, MO and on-line at Naperville, Ill.
DeVry University is accredited by The Higher Learning Commission of the North Central Association of Colleges and Schools. 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.

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 authorizing schools to deliver instruction in Kansas. The scope of this responsibility includes most private institutions located in the state of Kansas and extends to qualifying private and public colleges and universities located outside of Kansas.

Institutions that apply for degree and non-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 reviewing items such as:

- Courses, curriculum and instruction to ensure quality, content and length are reasonable and adequately achieve the stated objective(s).

- Proper maintenance of student transcripts, attendance records, and proper use of students' achievement records and/or entrance 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 the program(s). Staff reviews these materials, along with resumes of administrators and instructors.

2. ACT ON REQUEST FOR ADDITIONAL DEGREE GRANTING AUTHORITY FOR ANTHEM COLLEGE TO OFFER AN ASSOCIATE OF SCIENCE IN ACCOUNTING TECHNOLOGY AND AN ASSOCIATE OF SCIENCE IN PARALEGAL

Summary and Staff Recommendation

In accordance with KBOR policy, Anthem College is requesting additional degree granting authority for two associate degrees: an Associate of Science - Accounting Technology and an Associate of Science - Paralegal. Both of these degrees are attained through on-line distance education programming. After a thorough review of the institution's staff qualifications, web site platform, record keeping systems, coursework and materials, staff recommends approval. *12/18/2009*

Background

Anthem College is approved to operate in Kansas. The College is requesting additional degree granting authority from the Kansas Board of Regents so it can provide an Associate of Science - Accounting Technology and an Associate of Science - Paralegal.

Anthem College was originally founded in 1965 as the Electronics Institute of Arizona and was purchased by High-Tech Institute in 1982. Since that time, High-Tech Institute purchased several colleges and institutes. Anthem College is the on-line division of High-Tech Institute. The school focuses on careers in the fields of Technology, Allied Health Care, Veterinary Technology, Business Management and Criminal Justice.

Anthem College is accredited by the Accrediting Commission of Career Schools & Colleges (ACCSC), a United States Department of Education approved accrediting agency. 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.

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 authorizing schools to deliver instruction in Kansas. The scope of this responsibility includes most private institutions located in the state of Kansas and extends to qualifying private and public colleges and universities located outside of Kansas.

Institutions that apply for degree and non-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 reviewing items such as:

- Courses, curriculum and instruction to ensure quality, content and length are reasonable and adequately achieve the stated objective(s).

- Proper maintenance of student transcripts, attendance records, and proper use of students' achievement records and/or entrance 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 the program(s). Staff reviews these materials, along with resumes of administrators and instructors.

Blake Flanders
Vice President for Workforce Development

3. ACT ON REQUEST FOR DEGREE AND CERTIFICATE PROGRAM SUBMITTED FROM COMMUNITY COLLEGES AND TECHNICAL COLLEGES BY BARTON COUNTY COMMUNITY COLLEGE FOR A CERTIFICATE IN AIDED DRAFTING (CIP 15.1302)

Summary and Staff Recommendation

Each month community colleges and technical colleges submit requests for the approval of new certificate and degree programs. The Board office received one program request to be implemented in 2010. The program submitted addressed all criteria requested and has been subject to the 14 day comment period required by policy. The program has been reviewed by the Technical Program and Curriculum Committee and the Postsecondary Technical Education Authority recommends approval.
01/05/10

Background
Community colleges and technical colleges submit requests for new certificate and degree programs each month utilizing forms approved by staff. Criteria addressed during the application process include, but are not limited to, the following:

- Student and employer demand for the program
- Current and projected job openings and anticipated wages
- Level of program duplication across institutions, based on Classification of Instructional Program (CIP) code, and any efforts to collaborate to provide the needed program
- Rationale for why collaboration is not a viable option and/or need for a duplicative program
- Program description and designation of required and elective courses
- Measurable program outcomes and course competencies
- Process and frequency for review of program content, level of program success, and process for addressing any areas of concern
- Any specialized accreditation required and/or available for the proposed program
- Faculty qualifications and proposed student to faculty ratio
- Description of facilities and equipment needed and available
- Projected program costs and designation of adequate resources
- Membership of a steering/advisory committee for the program
- Approval by institutional academic committee and local governing board

In addition, the program has undergone the 14 day comment period.

Description of Proposed Programs
Barton Community College requests approval for the following new program:
Computer Aided Drafting, (15.1302) at the Certificate level (21 credit hours). The proposed program is a cooperative effort between Barton Community College, Hutchinson Community College and North Central Kansas Technical College in conjunction with the Kansas Department of Commerce and the Kansas Department of Corrections. This program is designed to provide access to job relevant skills for the offender population in the Ellsworth Correctional Facility, the Larned Correctional Mental Health Facility and the Larned Juvenile Correctional Facility. The program would also be available to

individuals assigned to Community Corrections within the Great Bend area. Students completing the program would be eligible for entry level positions as draftsmen and designers with area employers. Letters of support from area employers indicated a willingness to hire qualified graduates emerging from correctional facilities.

Funds set aside in the Community Based Jobs Training Grant awarded to Barton Community College by the U.S. Department of Labor to provide career and technical training to Kansas Department of Corrections inmates and Juvenile Justice Authority detainees will fund the development of the Computer Aided Drafting Certificate Program. The college has established a base budget for the program which includes $67,151 for equipment, supplies and software. Instructional costs are projected to be $18,800 per year. Anticipated enrollment for the implementation year is 16 full-time and 25 part-time students. While demand statewide for draftsmen is projected to increase by approximately 7% during the 2006-2012 timeframe, demand for draftsmen in Barton's service area is expected to increase by 15%.

While there are numerous educational programs across the state utilizing the same CIP code and offering the same coursework, the proposed program affords access to a "restricted" population. The Board office has received a letter from Manhattan Area Technical College in support of this program, contingent on it not being offered at the Barton satellite campus in Geary County which resides in the area Manhattan Area Technical College serves.

Barton Community College, Hutchinson Community College and North Central Kansas Technical College engaged in numerous conference calls with the Kansas Department of Corrections to jointly plan curriculum and share resources in support of the application for and the delivery of services associated with the Community Based Jobs Training Grant. In support of the grant, Hutchinson Community College will be serving the needs of inmates at the Hutchinson Correctional Facility. Barton Community College and North Central Kansas Technical College (NCKTC) have collaborated to augment this proposed program by also offering inmates access to NCKTC's HVAC program.

The above new certificate program has been carefully reviewed by staff utilizing the above stated standards and criteria. Copies of the detailed program proposals are available for inspection.

Recommendation

This program was reviewed by the Technical Program and Curriculum Committee and discussed during the December 18th, 2009 meeting of the Postsecondary Technical Education Authority (TEA). The TEA recommends approval of this program.

The TECHNICAL COLLEGE
MANHATTAN AREA TECHNICAL COLLEGE

November 3, 2009

Received On
NOV 06 2009
Workforce Development
Career Technical Education

Chuck Kater, Ph. D.
Director of Technical Programs & Curriculum
Kansas Board of Regents
1000 SW Jackson Street, Suite 520
Topeka, Kansas 66612-1368

Dr. Kater,

On behalf of Manhattan Area Technical College, we would be pleased to support Barton Community College's proposal to establish a Computer Aided Drafting program in support of the designated prison populations. We applaud these efforts and through firsthand experience I can attest to the fact that such programs do create a positive effect in the reduction of recidivism.

Our support however is contingent on the fact that the proposed program must not be offered at the Barton satellite campus in Geary County which resides within our designated service area. While we are staunch supporters of collaboration we will not support unnecessary duplication of programs or program specific coursework within our region.

We would be pleased to aid Barton Community College in the establishment of this program through the council of our CAD instructors and through the sharing of information should they desire our assistance.

Sincerely,

Robert J. Edleston, Ed.D.
President and CEO

3136 DICKENS AVENUE • MANHATTAN, KANSAS 66503-2499 • 785-587-2800 • 1-800-352-7575 • FAX 785-587-2804

V. CONSIDERATION OF DISCUSSION AGENDA

A. *Fiscal Affairs and Audit* **Diane Duffy**
Regent Jerry Boettcher **Vice President for Finance and Administration**

1. REVIEW GOVERNOR'S BUDGET RECOMMENDATIONS

D. *Other Matters* **Blake Flanders**
Vice President for Workforce Development

1. RECEIVE REPORT FROM KANSAS POSTSECONDARY TECHNICAL EDUCATION AUTHORITY

Reggie Robinson
President and CEO

2. RECEIVE ENROLLMENT REPORT ON KHEDS (KANSAS HIGHER EDUCATION DATA SYSTEM)

THURSDAY, JANUARY 21, 2010

VI. REPORTS

A. Introductions
B. Report from Council of Presidents **President Ed Hammond**
C. Report from Council of Faculty Senate Presidents **Dr. Jeff Burnett**
D. Report from Students' Advisory Committee **Zach Gearhart**
E. Report from Classified and Support Staff Council **Dennis Constance**

VII. APPROVAL OF CONSENT AGENDA

A. *Fiscal Affairs and Audit* **Diane Duffy**
Regent Jerry Boettcher **Vice President for Finance and Administration**

Eric King
Director of Facilities

1. AUTHORIZE TRANSFER OF PROPERTY AT 4350 SHAWNEE MISSION PARKWAY IN FAIRWAY, KANSAS – KU

The University of Kansas requests authorization to accept the transfer of property from the KU Endowment Association.

In 2008, the Hall Family Foundation purchased the property at 4350 Shawnee Mission Parkway in support of the University's cancer initiative and the Johnson County Education Research Triangle (JCERT) sales tax initiative. The Hall Family Foundation has transferred the property to the KU Endowment Association and the KU Endowment now wishes to transfer the property to the Board of Regents for the benefit of the University.

The property includes a three story masonry-framed office structure with no basement. The building was constructed in 1982-83 and contains approximately 74,000 square feet of floor space configured as two offset rectangles. The building has a flat roof.

The University of Kansas plans to renovate and expand the building for use as a Clinical Research Center. Resources provided by the JCERT sales tax will be used to fund the renovations and will support the bonds that will be issued for this project through the Kansas Development Finance Authority. The renovation will include a realignment of interior partitions to meet the clinical, ancillary, and administrative requirements. Existing HVAC, electrical, and other building systems will be replaced to meet current to code requirements and appropriate energy standards. The renovation will also include a new roof, windows and a new public entrance and meeting area with ADA compliant vertical transportation.

The property also includes paved parking on the south, west, and north sides of the building.

A Phase One Environmental Site Assessment has been completed and no environmental concerns were found. The KU Endowment will transfer the property to the Board of Regents for the benefit of the University of Kansas via Special Warranty Deed.

The legal description of the property is as follows:

TRACT 1:

All that part of the Northeast 1/4 of Section 9, Township 12, Range 25, in the City of Fairway, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of Lot 27, of ROSELAND COURT, a subdivision of land in Johnson County, Kansas, as shown on the recorded plat thereof, said point being the intersection of a line drawn parallel with and 495.00 feet East of, as measured at right angles from, the West line of said Northeast 1/4, with the Northerly line of old U.S. Highway No. 50 now called Johnson Drive; thence North 0 degrees 57 minutes 34 seconds East along said parallel line and along the East line of said ROSELAND COURT, a distance of 565.42 feet to the point of beginning of a tract of land to be herein described; thence continuing North 0 degrees 57 minutes 34 seconds East along said parallel line and along the East line of said ROSELAND COURT, a distance of 192.66 feet to the Southeast corner of Lot 10, Block 37, of ROELAND PARK, a subdivision of land in Johnson County, Kansas, as shown on the recorded plat thereof; thence North 0 degrees 25 minutes 52 seconds East along the East line of said ROELAND PARK, a distance of 625.00 feet to a point on the: South line of 55th Street, as now established; thence North 90 degrees 00 minutes 00 seconds East along said South line, a distance of 280.00 feet, thence South 0 degrees 25 minutes 52 seconds West, a distance of 451.89 feet; thence continuing Southerly and Southeasterly along a curve to the left from the last described course as a tangent, having a radius of 285.00 feet, a distance of 220.61 feet; thence continuing Southeasterly, Southerly and Southwesterly along a curve to the right, having a common tangent with the last described curve at the last described point, having a radius of 20.00 feet, a distance of 30.40 feet; thence South 43 degrees 09 minutes 41 seconds West, tangent to the last described curve, a distance of 103.55 feet; thence continuing Southwesterly along a curve to the right from the last described course as a tangent, having a radius of 300.00 feet, a distance of 72.25 feet; thence South 56 degrees 57 minutes 34 seconds West, tangent to the last described curve, a distance of 36.73 feet; thence North 89 degrees 02 minutes 26 seconds West, a distance of 207.56 feet to the point of beginning, except that part in road.

TRACT 2:

A non-exclusive perpetual easement for street, roadway, pedestrian-way and right-of-way purposes for the use of Owners and subtenants and concessionaires and of the customers, invitees, employees, agents, suppliers, visitors, licensees, guests and

contractors as provided in the instrument labeled Declaration of Indentures for Fairway Office Complex, filed in Volume 1810, Page 203 in the office of the Register of Deeds of Johnson County, Kansas.

2. AUTHORIZE TRANSFER OF PROPERTY AT 2531 SPRINGFIELD AND 2400 WEST 38TH AVENUE IN KANSAS CITY, KANSAS – KU

The University of Kansas requests authorization to accept the transfer of properties from the KU Endowment Association.

In December 2001, the Board of Regents authorized the University to enter into a lease agreement with the Kansas University Endowment Association for parking lots located at 2531 Springfield and 2400 West 38th Avenue in Kansas City, Kansas. It was anticipated that the lease would amortize the cost of the acquisition and improvements over a period of six years at an appropriate interest rate. At the end of the lease, the property was to be transferred to the University. The work was completed in late 2003 and the lease was executed effective July 1, 2004. The final lease payment was made in July 2009. The University requests that the Board of Regents authorize the transfer of the properties identified below from the KU Endowment Association to the Board of Regents for the benefit of the University of Kansas. The parking lots will be maintained with KU Medical Center parking fees funds.

The legal description of the properties follows:

<u>2531 Springfield</u>
The West 130 feet of Lots 21, 22, 23 and 24, Block 1, in ROSEDALE PARK, an addition to Rosedale, now in and a part of Kansas City, Wyandotte County, Kansas, together with that part of vacated Cherokee Street lying within the West 130 feet of said Lots 21 and 22.

<u>2400 West 38th Avenue</u>
All of Lot 1, in MARTYS PARK RESURVEY OF LOTS 15-16, a subdivision in Kansas City, Wyandotte County, Kansas.

3. AUTHORIZE ENERGY CONSERVATION PROJECT - WSU

Wichita State University requests authorization to proceed with the energy performance contract with Energy Solutions Professionals that will result in the implementation of the projects detailed herewith that total $5.1 million. The University also requests authorization to work with the Kansas Development Finance Authority on financing for the project.

Background

An investment grade audit has been performed for the WSU housing facilities to identify potential fast-payback energy improvement opportunities, and blend those items with needed facility upgrades. The objective was to determine an economically viable and sustainable approach to reduce operating costs and enhance student comfort. The audit identified the following projects:

Housing Facility	Energy Conservation Measure	Estimated Project Costs
Fairmount Towers	Lighting Improvements	$45,471
Fairmount Towers	HVAC Occupancy Controls	201,037
Brennan Halls II and III	Lighting Improvements	10,571
Brennan Halls II and III	HVAC Occupancy Controls	63,573
Brennan Halls II and III	Occupancy Hallway Sensors	1,860
Brennan Halls II and III	Geothermal Heat Pump System	449,956
Wheatshocker Apartments	Lighting Improvements	9,430
Wheatshocker Apartments	Water Efficiencies	18,313
Wheatshocker Apartments	HVAC Occupancy Controls	231,777
Wheatshocker Apartments	Exhaust Improvements	41,606
Wheatshocker Apartments	Geothermal Heat Pump System	2,556,700
Housing System Costs	Design Engineering, Construction Management and Other Fees	1,451,698
	Total Estimated Installed Cost of Project	$5,081,992

The two largest projects in the list involve geo-thermal heat pump systems in Wheatshocker Apartments and Brennan Halls II and III. The underground pump system for Wheatshocker Apartments will be located on the periphery of the Braeburn Golf Course that is owned by the Wichita State University Board of Trustees. This project is subject to Board of Trustees approval at their February meeting. The underground pump system for Brennan Halls II and III will be located on University-owned property.

Test drills for the geo-thermal well field have been completed with positive results. Results indicate the wells can be dug deeper than expected and that the ground has high conductivity thus leading to fewer holes, lower drilling costs and reduced infringement on the golf course.

Energy Solutions Professionals will guarantee the estimated annual utility cost savings and operational and maintenance cost savings over the life of the financing plan as presented in their proposal.

4. AUTHORIZE THE UNIVERSITY OF KANSAS CENTER FOR RESEARCH TO CONSTRUCT ENGINEERING EXPANSION ON STATE PROPERTY - KU

The University of Kansas requests approval to design and construct an Engineering Expansion as provided under K.S.A. 76-759. The expansion, a Measurement, Materials and Sustainable Environment Center, will be a 34,600-square-foot laboratory incorporating the latest in green technologies and research space for interdisciplinary engineering projects. The project includes four shared core service labs for Fuel Testing, Nano-scale Imaging and Micro-scale Material Testing, Chemical Analysis and an Electromagnetic Chamber. Offices for the Transportation Research Institute (TRI) will provide administrative support for many of the research and outreach programs developed in these labs. Collaborative work spaces are provided on each floor to further support this multi-disciplinary approach to research.

The estimated cost of the project is $21.6 million and will be funded with a $12.3 million grant from the National Institute of Standards and Technology (NIST) Construction Grant Program and $9.3 million from private funds on deposit with the KU Center for Research.
The University will fund future operation and maintenance costs for the building

An architectural program has been prepared and submitted for the project. Staff recommends approval.

VIII. CONSIDERATION OF DISCUSSION AGENDA

A. *Academic Affairs* **Dr. Gary Alexander**
Regent Gary Sherrer **Vice President for Academic Affairs**

1. ACT ON PSU REQUEST TO REVISE ACADEMIC CALENDAR SPRING 2011

Summary and Recommendation

Board of Regents policy requires consideration of academic calendars proposed by the Regents universities for any deviation for reasons other than natural disaster or national emergencies. This month the Board is asked to consider Pittsburg State University's request to change its Spring 2011 "Class Begins" date. The proposed change to the Spring 2011 calendar conforms to existing policies and guidelines. Staff recommends approval. *12/22/09*

Background
Kansas Board of Regents Policy states the following:

1. ACADEMIC CALENDAR (6-19-70; 1-18-90; 5-20-93; 6-25-2009)

a. The Academic Calendar of each institution under the jurisdiction of the Board shall provide for an academic year minimally consisting of two sixteen week semesters totaling no fewer than 146 instructional days plus five final exam days each semester.

b. Each Regents university shall file a three-year Academic Calendar adhering to holidays and breaks approved by the Board. Each institution shall follow the calendar as approved by the Board. Any deviation for reasons other than natural disasters or national emergencies must have prior approval of the Board.

Although current Board policy permits diversity among the universities in the construction of academic calendars, the adoption of common elements by the Board in 1984 and 1990 has forced considerable consistency in the number of instructional days, exam days and vacation days. The remaining variation appears partially rooted in administrative requirements and campus traditions. Some degree of institutional flexibility is important for effective institutional planning in the use of facilities and the management of enrollments and personnel.

Proposed Change to Academic Calendar
Pittsburg State University requests that its Spring 2011 semester start date be changed from the approved date of Thursday, January 13, 2011, to Tuesday, January 18, 2011. The semester end date of Friday, May 03, 2011, would remain the same. The revised Spring 2011 semester date fulfills the requirement of 148 class days for the academic year.

This change is requested because a Thursday to a Monday start facilitates students' moving into residence halls over the weekend, rather than mid-week. This proposed change has proven to be preferable to staff, students and parents.

The proposed change is reflected in the following table by striking through the original date and italicizing the requested date.

Academic Calendar Year, 2010 -2011
Kansas Board of Regents State Universities

Fall, 2010	**KU**	**KSU**	**WSU**	**ESU**	**PSU**	**FHSU**
Classes Begin	Aug 19 Thurs	Aug 23 Mon	Aug 19 Thurs	Aug 18 Wed	Aug 23, Mon	Aug 23 Mon
Classes End	Dec 09 Thurs	Dec 10 Fri	Dec 09 Thurs	Dec 10 Fri	Dec 10, Fri	Dec 10 Fri
Total Instructional Days	75	74	75	76	74	74
Exams Begin	Dec 13 Mon	Dec 13 Mon	Dec 11 Sat	Dec 13 Mon	Dec 13, Mon	Dec 11 Sat
Exams End	Dec 17 Fri	Dec 17 Fri	Dec 17 Fri	Dec 17 Fri	Dec 17, Fri	Dec 17 Fri
Total Exam Days	5	5	6	5	5	6
Total Vacation Days	6	6	6	7	6	6
Spring, 2011	**KU**	**KSU**	**WSU**	**ESU**	**PSU**	**FHSU**
Classes Begin	Jan 21 Fri	Jan 13 Thurs	Jan 18 Tue	Jan 12 Wed	~~Jan 13, Thurs~~ *Jan 18, Tue*	Jan 12 Wed
Classes End	May 12 Thurs	May 06 Fri	May 09 Mon	May 06 Fri	May 06, Fri	May 06 Fri
Total Instructional Days	75	76	75	76	76	77
Exams Begin	May 16 Mon	May 09 Mon	May 11 Wed	May 09 Mon	May 09, Mon	May 07 Sat
Exams End	May 20 Fri	May 13 Fri	May 17 Tue	May 13 Fri	May 13, Fri	May 13 Fri
Total Exam Days	5	5	6	5	5	6
Total Vacation Days	6	6	5	7	6	6

Notes: (a) Wichita State University and Fort Hays State University utilize Saturdays as final exam days and, thus, have a slightly longer exam period.

(b) University of Kansas Fall break October 14 - 17, 2010; Kansas State University Fall break November 22-23, 2010; Wichita State University Fall break October 14 - 15, 2010; Emporia State University Fall break October 14 - 15, 2010; Fort Hays State University Fall break November 22-23, 2010; and Pittsburg State University Fall break October 21 - 22, 2010.

(c) Thanksgiving break is November 24-28, 2010; Martin Luther King Day is January 17, 2011; and Spring break is March 21-27, 2011. [Approved by KBOR June 12, 2008]

B. *Fiscal Affairs and Audit*
Regent Jerry Boettcher

1. RECEIVE REPORT AND RECOMMENDATIONS FROM FISCAL AFFAIRS AND AUDIT STANDING COMMITTEE

Report and Recommendations to the Kansas Board of Regents From the Board's Standing Committee on Fiscal Affairs and Audit

Charge
The Chair of the Kansas Board of Regents charged the Committee to study and develop for full Board consideration, recommendations regarding the regular performance of certain management reviews/audits that relate to the use and expenditure of non-public funds under the control of the state university CEOs and their direct subordinates.

Objective
The Committee's stated objective is to enhance the current policy structure to carry out the Board's responsibility for governance and oversight of the state universities through an approach that utilizes existing resources and, to the extent possible, minimizes additional costs.

Background
With the resignation of three, long-serving state university presidents, at Kansas State University (KSU), the University of Kansas (KU), and Pittsburg State University (PSU), the Board determined it appropriate for outside and independent accounting firms to review the retiring CEOs' management of the use and expenditure of non-public funds under the control of the CEOs or their direct subordinates. Initially the purpose of the reviews was to assist with the presidential transition process. However, subsequently the Board also requested that similar reviews be conducted at Emporia State University (ESU), Fort Hays State University (FHSU) and Wichita State University (WSU). At the Board's request, these reviews were paid for by the respective University Foundations.

With regard to public funds, Board policy currently requires the state universities to submit a comprehensive financial report for the prior fiscal year. Furthermore, as state agencies, the state universities are included in the State's independent annual comprehensive financial audit. Board policy also requires the state universities to have an internal audit function.

With regard to the private funds of affiliated corporations, K.S.A. 76-721 requires corporations with which the university has a contract and the operations of which are substantially controlled by a state university to annually submit an independent financial audit to the Board of Regents and the Legislative Division of Post Audit. However, typical independent financial audits do not perform the same type of analysis of transactions and review of the inter-relationships between affiliated (controlled and non-controlled) campus entities as was the intention of these management reviews. For affiliated corporations not meeting the substantially controlled criteria of K.S.A. 76-721, there currently is no audit or review requirement of the funds that are under the authority, control or discretion of the university CEO or his or her direct subordinates. State university CEOs are required by Board policy to report annually 1) the

funds provided by an affiliated corporation to the CEO for use at his or her discretion, and 2) income related to or received in conjunction with an absence from the campus.

Summary of Committee Work

The Committee reviewed a background paper prepared by KBOR staff. Regent Boettcher made personal visits to each campus gathering ideas and input from business officers, internal auditors, and other personnel. The Fiscal Affairs and Audit Committee had initial discussions in October with the university business officers. Based on this discussion, staff developed a draft report that was circulated among the university business officers for comments and suggestions. Further discussions were held at the November meeting of the Council of Business Officers. Draft recommendations were discussed by the Fiscal Affairs and Audit Committee in November and December and circulated again for review.

Committee Recommendations

The Fiscal Affairs and Audit Committee submits the following recommendations regarding the regular conduct of management reviews/audits that relate to the use and expenditure of non-public funds under the control of the state university CEOs and their direct subordinates. The goal of these recommendations is to add an additional layer of accountability, review and transparency to what is already required by state law and existing Board policy. The recommendations fall into two categories: (1) those directed to the state university CEOs; and (2) those to the Board of Regents.

1. To the state university CEOs:

    a. Each state university CEO shall maintain on file at the university a current list and description of the non-public, unrestricted funds under his or her direction or that of direct subordinates.

    b. Each state university CEO shall maintain and provide to the Board annually a list of all affiliated corporations (controlled and non-controlled) and a description of their respective governing boards and management structure. (Also see item 2d – definitions in Board policy of university affiliated corporation and a further description of university controlled affiliated corporations and university non-controlled affiliated corporations.)

    c. Each state university CEO shall annually review the roles of direct subordinates in/with all such affiliated corporations for the purpose of identifying potential conflicts of interest, and, if appropriate, initiating a plan to manage potential conflicts of interest and filing the plan with the President and CEO of the Board of Regents. Further, existing Board policy shall be amended to clearly state that the scope of the internal audit function at each state university is to be expanded to include university controlled affiliated corporations, including review of the IRS form 990 with a focus on potential conflicts of interest and fund management across the university and university controlled affiliated corporations. The expectation is that with the cumulative information and analysis performed by the internal auditors at each university, the time and expense of future external audits will be reduced.

    d. Each state university CEO shall request each university non-controlled affiliated corporation to expand the scope of its annual independent audit to include identification of

potential conflicts of interest involving unrestricted, non-public funds under the authority or direction of the CEO of the university or their direct subordinates through an examination of fund transfers and other transactions between and among the university, its affiliated corporations, and external entities reported on statements of substantial interest forms. The Board requests that university non-controlled affiliated corporations report all material findings or weaknesses to the President and CEO of the Board of Regents.

2. To the Kansas Board of Regents:

   a. The Board's Standing Committee on Fiscal Affairs and Audit shall have periodic and regular face-to-face interactions with the state university internal auditors. Under current Board policy, the university internal auditors have a direct line of reporting to the Chair of the Fiscal Affairs and Audit Committee. Board staff shall be responsible, working with the Chair, to develop an annual plan for regular, direct interaction with the university internal auditors. Board policy on the internal audit function will add language requiring the university auditors to submit an annual report to the Committee summarizing last year's activities and audit plans for the coming year in order for the Committee to exercise its oversight role.

   b. The Board shall direct the President and CEO of the Board to annually review roles of the university CEOs in/with all such university affiliated corporations for the purpose of identifying potential conflicts of interest and, if appropriate, initiating a plan to manage any potential conflicts of interest. The Board's Chair and Vice-chair shall approve such plans.

   c. The Board may initiate external management reviews/audits of a state university and/or its controlled corporations at any point in time. However, external management reviews/audits that relate to the use and expenditure of non-public, unrestricted funds under the control of the state university CEOs and their direct subordinates *shall* be conducted when there is a change in the CEO. Such audits shall be performed via Board contract, and financed by a transfer of funds to the Board from the audited institution.

   d. The Board shall amend existing policy and create new definitions in Board Policy to carry out the recommendations approved by the Board, including the following:

      1. Amend existing policy definition of Affiliated Corporation (II.G.6)

      2. Amend existing policy that requires State university CEOs to report annually the funds provided by an affiliated corporation to the CEO for use at his or her discretion and income related to or received in conjunction with an absence from the campus. The Committee recommends that the "absence from campus" language be removed and be added requiring any and all external income to be reported.

      3. Clarify "material financial finding" – KBOR staff will work with COBO and university internal auditors to further define.

4. Adopt new policy definitions for:

   University controlled affiliated corporation – an affiliated corporation, the majority of the board members of which are university personnel and /or the executive director of which is appointed by the university CEO.

   University non-controlled affiliated corporation – an affiliated corporation, of which neither the board nor the management are appointed or otherwise controlled by the university CEO.

   Non-public funds - any funds expended for the benefit of the state university, but not paid through the state's financial system.

Julene Miller
General Counsel

2. ADOPT BOND RESOLUTION – PETERS STUDENT RECREATION CENTER – KSU

Summary and Staff Recommendation

Kansas State University requests that the Board of Regents adopt a Resolution authorizing the issuance of KDFA Revenue Bonds in one or more series in an aggregate amount not to exceed $24,000,000 plus costs and reserves. The purpose of the Bonds is to finance the costs of the expansion and renovation of the Peters Student Recreation Center and to refund all or a portion of the outstanding Series 1993D Bonds. The bonds will be secured and debt serviced with a pledge of Student Fees and a Supplemental Security Agreement. The student fees are supported by a November 2007 student referendum.

The Resolution further authorizes the Chair and the President and CEO to execute the Resolution, a Pledge of Revenues Agreement and/or a supplement to a prior pledge agreement and various other documents relating to the security and payment of such Bonds in such form as is approved by the General Counsel to the Board and necessary to accomplish the purposes set forth in the Resolution and the issuance of the Bonds. Finally, the Resolution authorizes the President of the University to execute the Supplemental Security Agreement. Staff recommends that the Board adopt the Resolution.

Background

The Kansas Development Finance Authority (KDFA), created by the 1987 Kansas Legislature, K.S.A. 74-8901, *et seq.*, has authority to issue bonds on behalf of the State for projects authorized by the Legislature. K.S.A. Supp. 74-8905(b) provides, in part, that:

> The authority may issue bonds for activities and projects of state agencies as requested by the secretary of administration. Research facilities of state educational institutions shall be subject to the provisions of this subsection (b). No bonds may be issued pursuant to this act for any activity or project of a state agency unless the activity or project either has been approved by an appropriation or other act of the legislature or has been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto.

A project to expand and renovate the Peters student recreation center was authorized by the Legislature in Section 114(f), Chapter 124 of the 2009 Kansas Session Laws, which provides:

> In addition to the other purposes for which expenditures may be made by Kansas state university for the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2010 or fiscal year 2011 . . ., expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2010 or for fiscal year 2011 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to expand and renovate the Peters student recreation center: . . *Provided, however,* That expenditures from the moneys received from the issuance of any such bonds for

> such capital improvement project shall not exceed $24,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for payment of principal and interest on the bonds: *And provided further,* That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further,* That debt service for any such bonds for such capital improvement projects shall be financed by the restricted fees fund or any other appropriate special revenue fund or funds.

Pursuant to these authorizations, KDFA proposes to issue Revenue Bonds in an aggregate principal amount not to exceed $24,000,000, plus all amounts required for costs of issuance, costs of interest on such revenue bonds during the construction of the project and any required reserves for the payment of principal and interest on such revenue bonds, for the purpose of funding the bulk of the project.

Kansas State University has asked the Board of Regents to adopt a Resolution authorizing the issuance of KDFA Revenue Bonds in one or more series in an aggregate amount of not to exceed $24,000,000 plus costs and reserves. The purpose of the Bonds is to finance the costs to expand and renovate the Peters student recreation center on the K-State campus. The bonds will be used to fund the bulk of the project and to refund all or a portion of the outstanding Series 1993D Bonds. The bonds will be secured and debt serviced with a pledge of student fees and may include a Supplemental Security Agreement.

The enhancement to the Peters Student Recreation Center includes adding 88,400 square feet of new space as well as modifications to the existing building (which was originally constructed in 1976 and expanded in 1991). The project includes 10,000 square feet of additional space for the cardio and weight room, an extension of the indoor track from 1/8 mile to 1/5 mile, additional multi-purpose activity courts, a 40 foot indoor rock climbing wall, a new entrance on the south side and significant renovation of the existing facility.

In conjunction with the issuance of the proposed bonds, it is necessary to authorize the execution of a Supplemental Pledge of Revenues Agreement between the Board and KDFA, which contains certain covenants and provisions with respect to the pledge of revenues described above, and which will secure and provide for the payment of the revenue bonds. Since KDFA has and will incur expenses in relation to the issuance of the proposed bonds, and subsequent administration of the Resolution and Pledge of Revenues Agreement(s), it will be necessary to execute an Administrative Agreement to provide for reimbursement of those expenses, as well as other documents and certificates necessary to accomplish the purposes set forth in the Resolution and the issuance and delivery of the bonds.

The Board is asked to approve the Resolution (set out in full below) which approves the issuance of the bonds and authorizes the Chair and the President and CEO of the Board to execute the Pledge Agreement and Administrative Agreement in such form as is approved by the General Counsel and to execute any and all other documents and certificates necessary to accomplish the purposes of the Resolution and the issuance of the bonds. Staff recommends approval of the resolution.

Gilmore & Bell, P.C
12/28/2009

RESOLUTION

A RESOLUTION OF THE KANSAS BOARD OF REGENTS APPROVING THE ISSUANCE BY THE KANSAS DEVELOPMENT FINANCE AUTHORITY OF KANSAS DEVELOPMENT FINANCE AUTHORITY REVENUE BONDS, (KANSAS BOARD OF REGENTS – KANSAS STATE UNIVERSITY – STUDENT RECREATION COMPLEX) TO PROVIDE ALL OR A PORTION OF THE FUNDS NECESSARY TO EXPAND, RENOVATE AND EQUIP THE RECREATION CENTER LOCATED AT THE MANHATTAN CAMPUS OF KANSAS STATE UNIVERSITY; AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL PLEDGE OF REVENUES AGREEMENT BETWEEN THE KANSAS BOARD OF REGENTS AND THE KANSAS DEVELOPMENT FINANCE AUTHORITY WHICH CONTAINS CERTAIN COVENANTS AND PROVISIONS WITH RESPECT TO THE PLEDGE OF REVENUES DERIVED FROM STUDENT FEES WHICH WILL PROVIDE FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL SECURITY AGREEMENT BETWEEN KANSAS STATE UNIVERSITY AND THE KANSAS DEVELOPMENT FINANCE AUTHORITY WHICH CONTAINS CERTAIN COVENANTS AND PROVISIONS WITH RESPECT TO THE PLEDGE OF GENERALLY AVAILABLE UNENCUMBERED FUNDS OF THE UNIVERSITY WHICH WILL PROVIDE SUPPLEMENTAL SECURITY FOR THE PAYMENT OF SUCH BONDS; AND AUTHORIZING THE EXECUTION OF VARIOUS OTHER DOCUMENTS RELATING TO THE SECURITY AND PAYMENT OF SUCH BONDS.

WHEREAS, the Kansas Board of Regents (the "Board") is vested under the Constitution and laws of the State of Kansas with jurisdiction and control over Kansas State University (the "University"), and is authorized under such laws to adopt this Resolution and perform, execute and carry out, or cause to be performed, executed and carried out, the powers, duties and obligations of the Board under this Resolution in connection with the University's Chester E. Peters Recreation Complex located on the Manhattan, Kansas campus of the University (the "Complex"); and

WHEREAS, the Board has heretofore determined that it is advisable to expand, renovate and equip the Complex (the "Project"); and

WHEREAS, the Project has been authorized by Chapter 124, Section 114(f) of the 2009 Session Laws of Kansas (the "Act"); and

WHEREAS, the Board has adopted a requirement that state universities will fund annual maintenance, repair and rehabilitation from either gifts, existing university resources, student fees or operating revenues of said facilities and the Board has verified that the University has a plan to do so for the Project;

WHEREAS, the Act authorizes the Kansas Development Finance Authority (the "Authority"), on behalf of the Board, to issue its revenue bonds in one or more series in an aggregate principal amount that provides not more than $24,000,000 for the payment of the costs of the Project, plus all amounts required for costs of issuance, costs of interest on such revenue bonds during the construction of the Project and any required reserves for the payment of principal and interest on such revenue bonds (the "Project Bonds"); and

WHEREAS, the Board hereby finds and determines that it is advisable that the Project Bonds be issued by the Authority on behalf of the Board pursuant to K.S.A. 74-8901 *et seq.* for the purpose of financing the Project and related costs as hereinbefore set forth; and

WHEREAS, prior to the issuance of the Project Bonds, the Authority will receive a request by the Secretary of Administration to issue the Project Bonds to finance the costs of the Project on behalf of the Board; and

WHEREAS, in conjunction with the issuance of the Authority's Kansas Development Finance Authority Revenue Bonds, Series D, 1993 (Kansas Board of Regents – Kansas State University Recreation Complex Expansion Project), dated May 1, 1993 (the "Series D, 1993 Bonds") pursuant to the Authority's Bond Resolution No. 52 (the "Master Bond Resolution"), the Board and the Authority entered into a certain Pledge of Revenues Agreement (the "Master Pledge Agreement"), which contains certain covenants and provisions with respect to the pledge of revenues derived from the Parking System which secures and provides for the payment of the Series D, 1993 Bonds and certain Additional Bonds (collectively, the "Bonds") also to be secured by the revenues derived by the University from the Chester E. Peters Recreation Complex Expansion and Operations Fees; and

WHEREAS, the Project Bonds, will constitute another series of Additional Bonds pursuant to the Master Bond Resolution; and

WHEREAS, in conjunction with the issuance of the Project Bonds it may be beneficial to the Board and the University to authorize the Authority to issue refunding revenue bonds (the "Refunding Bonds") to refund all or a portion of the outstanding Series D, 1993 Bonds; and

WHEREAS, in conjunction with the issuance of the Project Bonds and any Refunding Bonds, it is necessary to authorize the execution of a Supplemental Pledge of Revenues Agreement between the Board and the Authority (the "Supplemental Pledge Agreement"), which amends and supplements the Master Pledge Agreement; and

WHEREAS, the University and the Authority have advised the Board that in order to achieve interest rate savings in connection with the issuance of the Project Bonds and any Refunding Bonds it may be necessary for the University to enter into a Supplemental Security Agreement with the Authority (the "Supplemental Security Agreement"), which will contain certain covenants and provisions with respect to the pledge of generally available unencumbered funds of the University that will secure and provide for the payment of the Project Bonds, any Refunding Bonds and Additional Bonds (as defined therein); and

WHEREAS, it is recognized that the Authority has and will incur additional expenses in relation to the issuance of the Project Bonds and any Refunding Bonds and subsequent administration and

enforcement of the Master Pledge Agreement; and the Board desires to reimburse the Authority for said additional expenses through the execution of an Administrative Service Fee Agreement (the "Administrative Agreement").

NOW THEREFORE, BE IT RESOLVED BY THE KANSAS BOARD OF REGENTS, AS FOLLOWS:

SECTION 1. The Board hereby approves the issuance of the Project Bonds by the Authority on behalf of the Board, in one or more series to finance all or a portion of the costs of the Project in an aggregate principal amount not in excess of the limitations described in the Act. The Board hereby further approves the issuance of the Refunding Bonds by the Authority on behalf of the Board, in one or more series to refund all or a portion of the Series D, 1993 Bonds. The Project Bonds and Refunding Bonds shall be issued substantially in the form and with the repayment terms and provisions contained in the information presented to the Board by the Authority and the University, all as may be approved by the Chair or his/her designate and the General Counsel to the Board.

SECTION 2. The Board hereby authorizes and instructs the Chair and President and CEO of the Board to execute the Supplemental Pledge Agreement and the Administrative Agreement, in such form as is approved by the General Counsel to the Board and to execute any and all other documents and certificates necessary to accomplish the purposes set forth in this Resolution and the issuance of the Project Bonds.

SECTION 3. The Board hereby authorizes the President of the University to execute the Supplemental Security Agreement, if necessary, in such form as is approved by the General Counsel to the Board and to execute any and all other documents and certificates necessary to accomplish the purposes set forth in this Resolution and the issuance of the Project Bonds and Refunding Bonds.

SECTION 4. This Resolution shall be in full force and effect from and after its adoption.

CERTIFICATE

We, the undersigned Chair and President and CEO of the Kansas Board of Regents (the "Board"), hereby certify that the foregoing Resolution was lawfully adopted by the Board at its meeting held on January 21, 2010.

KANSAS BOARD OF REGENTS

(SEAL)

By_____
Jill S. Docking, Chair

ATTEST:

By_____
Reginald L. Robinson, President and CEO

3. ADOPT BOND RESOLUTION – PARKING SYSTEM PROJECT – KUMC

Summary and Staff Recommendation

The University of Kansas has asked the Board of Regents to adopt a Resolution authorizing the issuance of KDFA Revenue Bonds in one or more series in an aggregate amount of not to exceed $9,100,000 (Kansas Board of Regents – The University of Kansas Medical Center Parking System Project). The purpose of the Bonds is to finance all or a portion of the costs to make certain improvements to the parking system (Parking Facility No. 4, "the Project") and to refund all or a portion of the outstanding Series 2005E-2 (Kansas Board of Regents - University of Kansas Medical Center Parking Facilities, dated May 24, 2005). The bonds will be secured and debt serviced with a pledge of Parking System Revenues and may include a Supplemental Security Agreement.

The Resolution further authorizes the Chairman and the President and CEO to execute the Resolution, the Pledge of Revenues Agreement or a supplement to a prior pledge agreement, and various other documents relating to the security and payment of such Bonds in such form as is approved by the Chair and the General Counsel to the Board and necessary to accomplish the purposes set forth in the Resolution and the issuance of the Bonds. Finally, the Resolution authorizes the Chancellor of the University to execute the Supplemental Security Agreement.

Staff recommends that the Board adopt the Resolution.

Background

The Kansas Development Finance Authority (KDFA), created by the 1987 Kansas Legislature, K.S.A. 74-8901, *et seq*., has authority to issue bonds on behalf of the State for projects authorized by the Legislature. K.S.A. Supp. 74-8905(b) provides, in part, that:

> The authority is hereby authorized and empowered to issue bonds for activities and projects of state agencies as requested by the secretary of administration. Research facilities of state educational institutions shall be subject to the provisions of this subsection (b). No bonds may be issued pursuant to this act for any activity or project of a state agency unless the activity or project either has been approved by an appropriation or other act of the legislature . . . .

The 2009 Kansas Legislature, at the request of The University of Kansas Medical Center and as approved by the Board, passed legislation authorizing the project and the issuance of bonds to finance the Project. Chapter 124, Section 119(c) of the 2009 Sessions Laws provides:

> In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2010 or fiscal year 2011 as authorized by this or other appropriation act of the 2009 regular session of the legislature or by any appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2010 or fiscal year 2011 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct parking facility #4: *Provided,* That such

capital improvement project is hereby approved for the university of Kansas medical center for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further,* That the university of Kansas medical center may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed $9,100,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further,* That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the parking fees fund or any other appropriate special revenue fund or funds.

Pursuant to these authorizations, KDFA proposes to issue Additional Revenue Bonds under an existing Master Revenue Bond Resolution dated May 24, 2005, in an aggregate amount not to exceed $9,100,000, plus all amounts required for costs of issuance, costs of interest on such revenue bonds during the construction of the project and any required reserves for the payment of principal and interest on such revenue bonds, for the purpose of funding all or a portion of the Project.

The University of Kansas has asked the Board of Regents to adopt a Resolution authorizing the issuance of KDFA Revenue Bonds in one or more series in an aggregate amount of not to exceed $9,100,000 (Kansas Board of Regents – The University of Kansas Medical Center Parking System Project). The purpose of the Bonds is to finance all or a portion of the costs to make certain improvements to the parking system (Parking Facility No. 4, "the Project") and to refund all or a portion of the outstanding Series 2005E-2 (Kansas Board of Regents - University of Kansas Medical Center Parking Facilities, dated May 24, 2005). The bonds will be secured and debt serviced with a pledge of Parking System Revenues and may include a Supplemental Security Agreement.

The University of Kansas Medical Center Parking Facility No. 4 will consist of a multi-level parking facility with the capacity of approximately 600 vehicles on the current surface parking lot at Cambridge and Olathe Boulevard to provide outpatient parking for the new medical office building to be constructed by the KU Hospital Authority.

In conjunction with the issuance of the proposed bonds, it is necessary to authorize the execution of a Supplemental Pledge of Revenues Agreement between the Board and KDFA which contains certain covenants and provisions with respect to the pledge of revenues derived from the operation of the parking system which will secure and provide for the payment of the revenue bonds. Since KDFA has and will incur expenses in relation to the issuance of the proposed bonds, and subsequent administration of the Resolution and Pledge of Revenues Agreement, it will be necessary to execute an Administrative Service Fee Agreement to provide for reimbursement of those expenses, as well as other documents and certificates necessary to accomplish the purposes set forth in the Resolution and the issuance and delivery of the bonds.

The Board is asked to approve the Resolution (set out in full below) which approves the issuance of the

bonds as described above and authorizes the Chair and the President and CEO of the Board to execute the Pledge Agreement and Administrative Service Fee Agreement in such form as is approved by the Chair and the General Counsel and to execute any and all other documents and certificates necessary to accomplish the purposes of the Resolution and the issuance of the bonds. Staff recommends approval of the resolution.

Gilmore & Bell, P.C
12/29/2009

RESOLUTION

A RESOLUTION OF THE KANSAS BOARD OF REGENTS APPROVING THE ISSUANCE BY THE KANSAS DEVELOPMENT FINANCE AUTHORITY OF KANSAS DEVELOPMENT FINANCE AUTHORITY REVENUE BONDS, (KANSAS BOARD OF REGENTS – UNIVERSITY OF KANSAS MEDICAL CENTER - PARKING SYSTEM) TO PROVIDE ALL OR A PORTION OF THE FUNDS NECESSARY TO CONSTRUCT AND EQUIP PARKING FACILITIES AT THE UNIVERSITY OF KANSAS MEDICAL CENTER; AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL PLEDGE OF REVENUES AGREEMENT BETWEEN THE KANSAS BOARD OF REGENTS AND THE KANSAS DEVELOPMENT FINANCE AUTHORITY WHICH CONTAINS CERTAIN COVENANTS AND PROVISIONS WITH RESPECT TO THE PLEDGE OF REVENUES DERIVED FROM THE PARKING SYSTEM, AND WHICH WILL PROVIDE FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL SECURITY AGREEMENT BETWEEN THE UNIVERSITY OF KANSAS AND THE KANSAS DEVELOPMENT FINANCE AUTHORITY WHICH CONTAINS CERTAIN COVENANTS AND PROVISIONS WITH RESPECT TO THE PLEDGE OF GENERALLY AVAILABLE UNENCUMBERED FUNDS OF THE UNIVERSITY OF KANSAS WHICH WILL PROVIDE SUPPLEMENTAL SECURITY FOR THE PAYMENT OF SUCH BONDS; AND AUTHORIZING THE EXECUTION OF VARIOUS OTHER DOCUMENTS RELATING TO THE SECURITY AND PAYMENT OF SUCH BONDS.

WHEREAS, the Kansas Board of Regents (the "Board") is vested under the Constitution and laws of the State of Kansas with supervision and control over the University of Kansas including the Medical Center located in the City of Kansas City, Kansas (the "Medical Center"), and is authorized under such laws to adopt this Resolution and perform, execute and carry out, or cause to be performed, executed and carried out, the powers, duties and obligations of the Board under this Resolution in connection with the Medical Center's parking facilities located on or adjacent to the Medical Center (the "Parking System") and the revenues derived from the ownership and operation thereof; and

WHEREAS, the Board has heretofore determined that it is advisable to construct and equip an additional parking facility described as Parking Facility No. 4 (the "Project") which will become a part of the Parking System; and

WHEREAS, the Project has been authorized by Chapter 124, Section 119(c) of the 2009 Session Laws of Kansas (the "Act"); and

WHEREAS, the Board has adopted a requirement that state universities will fund annual maintenance, repair and rehabilitation from either gifts, existing university resources, student fees or operating revenues of said facilities and the Board has verified that the Medical Center has a plan to do so for the Project;

WHEREAS, the Act authorizes the Kansas Development Finance Authority (the "Authority"), on behalf of the Board, to issue its revenue bonds in one or more series in an aggregate principal amount that provides not more than $9,100,000 for the payment of the costs of the Project, plus all amounts required for costs of issuance, costs of interest on such revenue bonds during the construction of the Project and any required reserves for the payment of principal and interest on such revenue bonds (the "Project Bonds"); and

WHEREAS, the Board hereby finds and determines that it is advisable that the Project Bonds be issued by the Authority on behalf of the Board pursuant to K.S.A. 74-8901 *et seq.* for the purpose of financing the Project and related costs as hereinbefore set forth; and

WHEREAS, prior to the issuance of the Project Bonds, the Authority will receive a request by the Secretary of Administration to issue the Project Bonds to finance the costs of the Project on behalf of the Board; and

WHEREAS, in conjunction with the issuance of the Authority's Kansas Development Finance Authority Revenue Bonds, Series 2005E-2 (Kansas Board of Regents - University of Kansas Medical Center Parking Facilities), dated May 24, 2005 (the "Series 2005E-2 Bonds") pursuant to the Authority's Bond Resolution No. 219 (the "Master Bond Resolution"), the Board and the Authority entered into a certain Pledge of Revenues Agreement (the "Master Pledge Agreement"), which contains certain covenants and provisions with respect to the pledge of revenues derived from the Parking System which secures and provides for the payment of the Series 2005E-2 Bonds and certain Additional Bonds (collectively, the "Bonds") also to be secured by the revenues of the Parking System; and

WHEREAS, the Project Bonds, will constitute another series of Additional Bonds pursuant to the Master Bond Resolution; and

WHEREAS, in conjunction with the issuance of the Project Bonds it may be beneficial to the Board and the University to authorize the Authority to issue refunding revenue bonds (the "Refunding Bonds") to refund all or a portion of the outstanding Series 2005E-2 Bonds; and

WHEREAS, in conjunction with the issuance of the Project Bonds and any Refunding Bonds, it is necessary to authorize the execution of a Supplemental Pledge of Revenues Agreement between the Board

and the Authority (the "Supplemental Pledge Agreement"), which amends and supplements the Master Pledge Agreement; and

WHEREAS, the University and the Authority have advised the Board that in order to achieve interest rate savings in connection with the issuance of the Project Bonds and any Refunding Bonds it may be necessary for the University to enter into a Supplemental Security Agreement with the Authority (the "Supplemental Security Agreement") which will contain certain covenants and provisions with respect to the pledge of generally available unencumbered funds of the University, which will secure and provide for the payment of the Project Bonds, any Refunding Bonds and Additional Bonds (as defined therein); and

WHEREAS, it is recognized that the Authority has and will incur additional expenses in relation to the issuance of the Project Bonds and any Refunding Bonds and subsequent administration and enforcement of the Master Pledge Agreement; and the Board desires to reimburse the Authority for said additional expenses through the execution of an Administrative Service Fee Agreement (the "Administrative Agreement").

NOW THEREFORE, BE IT RESOLVED BY THE KANSAS BOARD OF REGENTS, AS FOLLOWS:

SECTION 1. The Board hereby approves the issuance of the Project Bonds by the Authority on behalf of the Board, in one or more series to finance all or a portion of the costs of the Project in an aggregate principal amount not in excess of the limitations described in the Act. The Board hereby further approves the issuance of the Refunding Bonds by the Authority on behalf of the Board, in one or more series to refund all or a portion of the Series 2005E-2 Bonds. The Project Bonds and Refunding Bonds shall be issued substantially in the form and with the repayment terms and provisions contained in the information presented to the Board by the Authority and the University, all as may be approved by the Chair or his/her designate and the General Counsel to the Board.

SECTION 2. The Board hereby authorizes and instructs the Chair and President and CEO of the Board to execute the Supplemental Pledge Agreement and the Administrative Agreement, in such form as is approved by the General Counsel to the Board and to execute any and all other documents and certificates necessary to accomplish the purposes set forth in this Resolution and the issuance of the Project Bonds.

SECTION 3. The Board hereby authorizes the Chancellor of the University to execute the Supplemental Security Agreement, if necessary, in such form as is approved by the General Counsel to the Board and to execute any and all other documents and certificates necessary to accomplish the purposes set forth in this Resolution and the issuance of the Project Bonds and Refunding Bonds.

SECTION 4. This Resolution shall be in full force and effect from and after its adoption.

CERTIFICATE

We, the undersigned Chair and President and CEO of the Kansas Board of Regents (the "Board"), hereby certify that the foregoing Resolution was lawfully adopted by the Board at its meeting held on January 21, 2010.

KANSAS BOARD OF REGENTS

(SEAL)

By_____
Jill S. Docking, Chair

ATTEST:

By_____
Reginald L. Robinson, President and CEO

4. ADOPT BOND RESOLUTION – HOUSING ENERGY CONSERVATION MEASURES – WSU

Summary and Staff Recommendation

Wichita State University requests authorization to proceed with an energy performance contract with Energy Solutions Professionals that will result in the implementation of the projects detailed herein that total $5.1 million. The University also requests authorization to issue bonds to finance the energy savings and the costs of bond issuance. The bonds will be issued through the Kansas Development Finance Authority and will be secured with housing fees and the energy savings from the projects. Staff recommends approval.

Background

Wichita State University has engaged Energy Solutions Professionals to conduct an investment grade energy audit of the campus housing system. The audit is complete and the University is ready to proceed with the performance contract and the issuance of revenue bonds or such other financing as is identified by KDFA.

The audit identified approximately six categories of energy savings projects in four housing facilities that will result in annual utility savings of approximately $151.000. These projects, which will cost approximately $5.1 million to implement, include energy savings measures such as lighting improvements, water conservation, steam system optimization, and exhaust improvements.

Energy Solutions Professionals will guarantee that the actual amount of energy savings attributable to the energy conservation measure be not less than the cost of the energy conservation measure over the time specified including financing costs.

Housing Facility	Energy Conservation Measure	Project Costs
Fairmount Towers	Lighting Improvements	$45,471
Fairmount Towers	HVAC Occupancy Controls	201,037
Brennan Halls II and III	Lighting Improvements	10,571
Brennan Halls II and III	HVAC Occupancy Controls	63,573
Brennan Halls II and III	Occupancy Hallway Sensors	1,860
Brennan Halls II and III	Geothermal Heat Pump System	449,956
Wheatshocker Apartments	Lighting Improvements	9,430
Wheatshocker Apartments	Water Efficiencies	18,313
Wheatshocker Apartments	HVAC Occupancy Controls	231,777
Wheatshocker Apartments	Exhaust Improvements	41,606
Wheatshocker Apartments	Geothermal Heat Pump System	2,556,700
Housing System Costs	Design Engineering, Construction Management and Other Fees	1,451,698
	Total Estimated Installed Cost of Project	$5,081,992

Total Estimated Utility Savings (year one)	$141,960
Simple Payback	22.68

If the Board authorizes WSU to proceed with the energy performance contract outlined above, the University requests that the Board adopt a Resolution approving the issuance of bonds by the Kansas Development Finance Authority to finance the projects. The Resolution is set forth in full below:

Gilmore & Bell, P.C
01/05/10

RESOLUTION

A RESOLUTION OF THE KANSAS BOARD OF REGENTS APPROVING THE ISSUANCE BY THE KANSAS DEVELOPMENT FINANCE AUTHORITY OF ITS KANSAS DEVELOPMENT FINANCE AUTHORITY REVENUE BONDS, (WICHITA STATE UNIVERSITY HOUSING SYSTEM ENERGY CONSERVATION PROJECT) TO PROVIDE ALL OR A PORTION OF THE FUNDS NECESSARY TO IMPLEMENT ENERGY CONSERVATION MEASURES TO THE HOUSING SYSTEM LOCATED ON OR ADJACENT TO THE CAMPUS OF WICHITA STATE UNIVERSITY; AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL PLEDGE OF REVENUES AGREEMENT BETWEEN THE KANSAS BOARD OF REGENTS AND THE KANSAS DEVELOPMENT FINANCE AUTHORITY WHICH CONTAINS CERTAIN COVENANTS AND PROVISIONS WITH RESPECT TO THE PLEDGE OF REVENUES DERIVED FROM THE HOUSING SYSTEM WHICH WILL PROVIDE FOR THE PAYMENT OF SUCH BONDS; AND AUTHORIZING THE EXECUTION OF VARIOUS OTHER DOCUMENTS RELATING TO THE SECURITY AND PAYMENT OF SUCH BONDS.

WHEREAS, the Kansas Board of Regents (the "Board") is vested under the Constitution and laws of the State of Kansas with supervision and control over Wichita State University (the "University") and is authorized under such laws to adopt this Resolution and perform, execute and carry out, or cause to be performed, executed and carried out, the powers, duties and obligations of the Board under this Resolution in connection with the University's housing facilities located on or adjacent to the campus of the University (the "Housing System") and the revenues derived from the University's ownership and operation thereof; and

WHEREAS, pursuant to K.S.A. 75-37,125, the Kansas Corporation Commission (the "KCC") has heretofore authorized the University to enter into an Energy Performance Contract with Energy Solutions Professionals (the "Contract") that provides for the installation of energy conservation measures to the Housing System at an estimated cost of $5.1 million (the "Project"); and

WHEREAS, K.S.A. 74-8960 authorizes the Kansas Development Finance Authority (the "Authority"), on behalf of the University, to issue its revenue bonds in one or more series in amounts not in excess of the amounts approved for the Project by the KCC, plus all amounts required for costs of issuance, costs of interest on such revenue bonds during the construction of the Project and any required reserves for the payment of principal and interest on such revenue bonds (the "Project Bonds"); and

WHEREAS, the Board hereby finds and determines that it is advisable that the Project Bonds be issued by the Authority on behalf of the University pursuant to K.S.A. 74-8901 *et seq.* for the purpose of financing the Project and related costs as hereinbefore set forth; and

WHEREAS, prior to the issuance of the Project Bonds, the Authority will receive from the Secretary of Administration a request to issue revenue bonds for the purpose of financing the Project and paying related costs and reserves on behalf of the Board and the University; and

WHEREAS, the Board has adopted a requirement that state universities will fund annual maintenance, repair and rehabilitation from either gifts, existing university resources, student fees or operating revenues of said facilities and the Board has verified that the University has a plan to do so for the Housing System;

WHEREAS, at the request of the Board, the Authority has heretofore, pursuant to its Bond Resolution No. 68 (the "Master Bond Resolution") issued its Kansas Development Finance Authority Revenue Bonds (Kansas Board of Regents - Wichita State University Housing System Project) Series F, 1995, dated as of August 1, 1995, in the original principal amount of $14,055,000 (the "Series 1995 Bonds") to pay for a portion of the costs of making improvements to the Housing System and to refund the University of Wichita Student Housing Revenue Bonds of 1960, Series B, dated October 1, 1960, the proceeds of which were utilized to finance improvements to the Housing System; and

WHEREAS, in conjunction with the issuance of the Series 1995 Bonds, the Board and the Authority entered into a certain Pledge of Revenues Agreement (the "Master Pledge Agreement"), which contains certain covenants and provisions with respect to the pledge of revenues derived from the Housing System which secures and provides for the payment of the Series 1995 Bonds and certain Additional Bonds (collectively, the "Bonds") also to be secured by the revenues of the Housing System; and

WHEREAS, in conjunction with the issuance of the Authority's Kansas Development Finance Authority Refunding Revenue Bonds, Series 2002P (Kansas Board of Regents - Wichita State University Housing System Project), dated October 1, 2002 in the original principal amount of $12,150,000 (the "Series 2002P Bonds") pursuant to the Authority's Supplemental Bond Resolution No. 68-A (the "Supplemental Bond Resolution"), the Board and the Authority entered into a certain First Supplemental Pledge of Revenues Agreement (the "First Supplemental Pledge Agreement"), which contains certain covenants and provisions with respect to the pledge of revenues derived from the Housing System which secures and provides for the payment of the Series 2002P Bonds as Additional Bonds; and

WHEREAS, the Project Bonds, will constitute another series of Additional Bonds pursuant to the Master Bond Resolution; and

WHEREAS, in conjunction with the issuance of the Project Bonds, it is necessary to authorize the execution of a Second Supplemental Pledge of Revenues Agreement between the Board and the Authority (the "Second Supplemental Pledge Agreement"), which further amends and supplements the Master Pledge Agreement; and

WHEREAS, due to current market conditions, the Board and the University may be able to achieve interest rate savings by the Authority issuing refunding revenue bonds (the "Refunding Bonds") to refund all or a portion of the outstanding Series 2002P Bonds; and

WHEREAS, it is recognized that the Authority has and will incur additional expenses in relation to the issuance of the Project Bonds and any Refunding Bonds and subsequent administration and enforcement of the Master Pledge Agreement; and the Board desires to reimburse the Authority for said additional expenses through the execution of an Administrative Service Fee Agreement (the "Administrative Agreement").

NOW THEREFORE, BE IT RESOLVED BY THE KANSAS BOARD OF REGENTS, AS FOLLOWS:

SECTION 1. The Board hereby approves the Project with respect to the University facilities referenced in the Contract and the issuance of the Project Bonds by the Authority on behalf of the Board, in one or more series to finance all or a portion of the costs of the Project in an aggregate principal amount not in excess of the limitations hereinbefore set forth. The Board hereby further approves the issuance of the Refunding Bonds by the Authority on behalf of the Board, in one or more series to refund all or a portion of the Series 2002P Bonds. The Project Bonds and Refunding Bonds shall be issued substantially in the form and with the repayment terms and provisions contained in the information presented to the Board by the Authority and the University, all as may be approved by the Chair or his/her designate and the General Counsel to the Board.

SECTION 2. The Board hereby authorizes and instructs the Chair and President and CEO of the Board to execute the Second Supplemental Pledge Agreement and the Administrative Agreement, in such form as is approved by the General Counsel to the Board and to execute any and all other documents and certificates necessary to accomplish the purposes set forth in this Resolution and the issuance of the Project Bonds and any Refunding Bonds.

SECTION 3. This Resolution shall be in full force and effect from and after its adoption.

CERTIFICATE

We, the undersigned Chair and President and CEO of the Kansas Board of Regents (the "Board"), hereby certify that the foregoing Resolution was lawfully adopted by the Board at its meeting held on January 21, 2010.

KANSAS BOARD OF REGENTS

(SEAL)

By_____
Jill S. Docking, Chair

ATTEST:

By_____
Reginald L. Robinson, President and CEO

5. ADOPT AMENDMENTS TO UPDATE AND CLARIFY FACILITIES POLICY

Summary and Staff Recommendation

Staff has been working with state university business officers and architects to update the facilities section of the Board's Policy Manual. Changes include addition of new statutory authority and processes for deferred maintenance projects and projects funded by non-state moneys, re-ordering of sections for consistency, and clarification of existing provisions dealing with the naming of buildings, energy conservation projects and real property transactions. These amendments have been reviewed by the Council of Business Officers and the Council of Presidents. Both Councils recommend adoption of the proposed policy amendments set forth herein, as does Staff.

Background

With the enactment of 2007 Substitute for Senate Substitute for House Bill No. 2237, dealing with deferred maintenance projects, Board staff began the process of reworking the facilities section of the Board's Policy Manual. A team, comprised of the Chief Business Officers for Fort Hays State University and the University of Kansas, the university architects for Pittsburg State University and the University of Kansas, the Board's Director of Facilities and General Counsel, was formed to review the initial draft and develop further enhancements to the policy.

In addition to the 2007 provisions for deferred maintenance projects, legislative amendments allowing for alternative processes for projects financed with non-state funds, for handling gifts made to the universities, allowing the razing of obsolete buildings and other facilities-related provisions have been included in the proposed amendments to the policy. Further, definitions have been added, subsections have been reorganized, and language changes have been proposed in an effort to clarify existing provisions dealing with such things as the naming of buildings, participating in energy conservation projects and the manner in which various real property transactions are processed.

The Council of Business Officers reviewed, made recommendations, and approved the final version of the proposed policy amendments, and the Council of Presidents reviewed and approved them with one recommended change in the building naming policy. The Presidents' recommended change has been made and is included in the version before you.

Staff Recommendation

Staff recommends adoption of the proposed policy amendments set forth below:

C. FACILITIES

1. <u>PROJECT PLANNING (K.S.A. 76-7,103 and 76-7,105)</u>

   a. <u>Each state university shall maintain a Campus Master Plan that documents concepts and guiding principles for future land use and development of campus facilities and infrastructure.</u>

   b. <u>New Campus Master Plans, or significant modifications to existing Campus Master Plans, shall</u>

(1) address deferred maintenance needs;

(2) include a plan to come into compliance with space utilization standards established by the Board; and

(3) be submitted to the Board for approval.

2. SUMMARY OF APPROVAL REQUIREMENTS

	Board of Regents	Building Committee	Full Legislature		Architec-tural Program required?	Execution process (architect/ contractor)
Capital Improvements > $750,000						
Endowment/Foundation/ Research	approve	advise			yes	Campus
State General Fund	approve	advise	approve (418)		yes	State selection/bid
All Other Non-State Funds	approve	advise			yes	K.S.A. 76-7,125 *et seq* (SB 9)
Revenue Bonds	approve	advise	approve (418)		yes	State selection/bid
Federal Grants	approve	advise			yes	K.S.A. 76-7,125 *et seq* (SB 9)
Educational Building Fund	approve	advise	***[1]		yes	State selection/bid
Rehabilitation and Repair Projects[2]						
Endowment/Foundation/ Research	approve	advise			no	Campus
State General Fund/EBF	approve	advise			no	State selection/bid
All Other Non-State Funds	approve	advise			no	K.S.A. 76-7,125 *et seq* (SB 9)
Federal Grants	approve	advise			no	K.S.A. 76-7,125 *et seq* (SB 9)
Deferred Maintenance						

[1] If new project or major renovation.
[2] Projects < $500,000 require only Director's approval.

Projects						
Infrastructure Maintenance Funds	approve	advise			no	State selection/bid
University Interest	approve	advise			no	K.S.A. 76-7,125 *et seq* (SB 9)
Tax Credits	approve	advise			no	State selection/bid
Energy Performance Contracting	approve	advise				K.S.A. 75-37,111 through 37,114 and 75-37,125
Building Razing	approve	advise[3]				

3. CAPITAL IMPROVEMENT PROJECTS

a. Definitions

(1) Capital improvement projects are those the costs for which exceed $750,000, regardless of funding source, including new buildings, remodeling or alterations, annual maintenance, and utility projects. Deferred maintenance projects are governed by subsection 4., below.

(2) Educational Building Fund, or EBF, means the fund created pursuant to K.S.A. 76-6b01 *et seq*. and funded by the annual mill levy authorized by Article 6, Section 6 of the Kansas Constitution. Moneys in the EBF may only be expended as authorized by K.S.A. 76-6b02.

b. Process

(1) *Initial Request*: ~~The~~ Each state university shall include initial concept requests for authorization of ~~a~~ capital improvement projects ~~and its funding are received by~~ ~~the Board through~~ with the university's ~~legislative requests~~ five year plan submitted to the Board for consideration on April 1 of each year. ~~Capital improvements are generally defined as projects exceeding $750,000 and include new buildings, major remodelings/alterations or significant utility projects.~~ Each project that will require the services of an architect and/or engineer shall have a written ~~architectural~~ program statement included with the request. The request shall identify each anticipated source of funding for the project and, for new improvements for which private moneys are to finance at least 51% of the cost, shall include a plan for paying the annual maintenance and operation costs for the project from either private funds or existing university resources. (K.S.A. 76-790) ~~The Board will determine the projects to be submitted to the Governor and the Legislature. The~~ Each request~~, as~~ approved by the Board~~, is then submitted in the format~~

[3] Not required by law.

~~determined by the State Budget Director and~~ shall be filed with the appropriate state offices on or before July 1 in the format determined by the State Budget Director. ~~An institution~~ Each state university is prohibited from pursuing gubernatorial or legislative approval of any project not previously approved by the Board. (6-24-99; 10-19-06)

(2) *Amendments*: Amendments to the current year capital improvements project list may be submitted to the Board at times other than those specified above. Once approved, each university shall be responsible for ensuring that appropriate legislative approvals are obtained, including advising the Joint Committee on Building Construction.

(3) *Licensed Professional Consultants*: The design and construction administration for all new buildings and major renovations on state property shall be performed by ~~associate architects~~ licensed professional consultants retained in accordance with Kansas statutes. A written program for each building project shall be submitted and approved by the Board and by the Legislature or legislative building committee as set forth in Section 2. before such services are obtained. (9-19-69; 10-19-06)

~~(2)~~ (4) *Architectural Program Statements*: Minimum requirements for architectural program statements include introductions, space projections, space summaries, space descriptions, project budgets, project schedules and new buildings operating costs, ~~and~~ proposed source of funding (or a statement that such will not be requested), and a discussion of the impact the additional space will have on overall campus space. Additional information that the institutions deem necessary may be included. (6-24-99)

~~(3)~~ (5) ~~*Preliminary*~~ *Design Development Plans*: Following Legislative and Board approval of a specific capital improvement project, ~~preliminary~~ design development plans for a building or project and the location of the new building shall be submitted to the President and ~~Chief Executive Officer~~ CEO for review and approval before final plans are prepared. The President and CEO, upon the recommendation of the Director of Facilities, may approve said ~~preliminary~~ design development plans for the Board. (7-22-49; 10-21-83; 9-19-91)

~~(4) *Final Plans and Specifications*: Final plans and specifications of a project must be submitted for Board approval.~~

~~(5) *Construction Contracts*: Board approval of construction contracts is required if there are federal funds involved in the financing of a project.~~

c. Funding

(1) *Funding Sources:* ~~for *Buildings and Construction Projects*~~ Capital improvement projects may be ~~provided~~ paid for from ~~General Revenue~~ state general funds, tuition, educational building funds, revenue bond proceeds (in accordance with Section II.B. of this Policy Manual), restricted fees, research overhead funds and other resources as approved by the Board.

Capital improvement projects that are also approved deferred maintenance projects may be paid for in whole or in part by tuition interest earnings, contributions received pursuant to the

postsecondary educational institution tax credit program (K.S.A. 79-32,261), and other funds earmarked by the Board or Legislature for the purpose of addressing deferred maintenance.

(2) *Federal Grant Requests*: All institutional requests for federal grants for capital improvements shall be submitted to the Board President and CEO ~~of Regents for review and approval~~ before the request is submitted to the appropriate federal agency. (6-23-88);

(3) *Private Funds*: No capital improvement project which is funded in part or totally from private funds may proceed to signature of contract unless and until all private funds have been deposited in an account for the use of the project or a letter of credit has been received by the Board President and ~~Chief Executive Officer~~ CEO that guarantees the availability of the funds necessary to complete the project.

(4) *Fund Raising*: ~~Notification~~ In addition to the project approval required in subsection 3.b.1. of this section, notification of all capital improvement projects to be funded in part or in whole from private resources must be submitted to the Board's President and CEO before fund raising efforts are publicly announced. (9-16-04)

d. Annual Maintenance

Beginning with projects initiated after January, 2007, and except as otherwise specifically provided for by law or approved by the Board, state universities shall not seek new state general funds to finance annual maintenance and operation costs for any new capital improvement project,

~~2.~~ 4. ~~REPAIR &~~ REHABILITATION & REPAIR PROJECTS

a. Definition

Rehabilitation and repair projects are those projects that cost $750,000 or less, including new buildings, remodeling or alterations, annual maintenance, or utility projects. Deferred maintenance projects are governed by subsection 4., below.

b. ~~Process~~ Funding

~~Repair and rehabilitation projects are generally defined as routine maintenance or minor remodeling not exceeding $750,000.~~ The Board receives an annual line item appropriation from the Educational Building Fund for rehabilitation and repair projects. This appropriation is allocated by the Board to the ~~institutions under its control~~ state universities pursuant to an "adjusted square footage" formula, which factors in gross square footage, building age and complexity of the physical plant.

Additionally, the universities may provide funds for rehabilitation and repair projects from state general fund revenues, tuition, restricted fees, research overhead funds and other resources as approved by the Board. (6-24-99; 10-19-06)

Rehabilitation and repair projects that are also approved deferred maintenance projects may be paid for in whole or in part by tuition interest earnings, contributions received pursuant to the

postsecondary educational institution tax credit program (79-32,261), and other funds earmarked by the Board or Legislature for the purpose of addressing deferred maintenance.

~~b.~~ c. Process

The ~~Regents institutions~~ state universities are authorized by the Board and the Legislature to proceed with rehabilitation and repair projects on a fiscal year basis. Upon request of the university with concurrence of the Board's Director of Facilities, the President and ~~Chief Executive Officer~~ CEO has the authority to revise such authorizations during the fiscal year; provided, however, that any project requiring expenditures of ~~$250,000~~ $500,000 or more must be considered by the Board. (6-24-99)

5. 2007 STATE EDUCATIONAL INSTITUTION LONG-TERM INFRASTRUCTURE MAINTENANCE PROGRAM

a. Definitions (K.S.A. 76-7,102)

(1) Deferred maintenance projects are those projects involving the maintenance, construction or rehabilitation of any one or more of the following:

(a) a building located at a state educational institution;
(b) any utility system and other infrastructure relating to such building;
(c) any life-safety upgrade to such building; or
(d) any improvements necessary to be made to such building in order to comply with the requirements of the Americans with Disabilities Act or other federal or state law.

(2) Deferred maintenance projects shall not include:

(a) construction of new buildings;
(b) the maintenance, repair, reconstruction or rehabilitation of any building used as an athletic facility, residential housing or other auxilliary that does not directly support the delivery of academic pursuits; or
(c) the maintenance, repair, reconstruction or rehabilitation of the residence of the president or chancellor of a state university.

(3) 2007 State educational institution long-term infrastructure maintenance program refers to K.S.A. 76-7,101 through 76-7,107, and amendments thereto. This program was enacted by the Legislature in 2007 to address funding for state university deferred maintenance projects and provides for demand transfers by the Director of Accounts and Reports from the state general fund to the infrastructure maintenance fund in fiscal years 2009, 2010, 2011 and 2012. The 2007 Legislature also enacted a tax credit program (K.S.A. 79-32,261) and expanded availability of university interest earnings (K.S.A. 76-719(c), (d), (e)) to assist with funding deferred maintenance projects.

b. Process (K.S.A. 76-7,103 and 76-7,105)

(1) Each state university shall maintain a list of deferred maintenance projects that have been approved by the Board. The list shall prioritize the most critical deferred maintenance projects and reflect the deficiencies identified in the Board's 2007 or subsequent deferred maintenance studies. The listed projects shall not:

(a) provide for additional space requirements;
(b) reflect new program requirements or changes of use; or
(c) include exceptional levels of finish, equipment or other similar enhancements.

(2) Requests for changes to the Board approved list of deferred maintenance projects shall be submitted to the Board for consideration and approval. Each request for a change shall include justification for adding the project as one of the university's priority deferred maintenance needs. The state universities are authorized by the Board and the Legislature to proceed with deferred maintenance projects on a fiscal year basis. Upon request of the university with concurrence of the Board's Director of Facilities, the President and CEO has the authority to revise such authorizations during the fiscal year; provided, however, that any project change requiring expenditures of $500,000 or more must be considered by the Board.

(3) Each state university shall provide quarterly status and expenditures reports to the Board. The report shall include information showing the progress made during the reporting period to reduce the university's deferred maintenance backlog as identified in the university's Board approved deferred maintenance projects list, and information showing the effect that the expenditures have had on the campus of the university. The original estimate for each project shall remain constant, however actual expenditures shall also be shown.

(4) Each state university, in coordination with the Board office, shall advise and consult with the Joint Committee on State Building Construction before expending any moneys from the Infrastructure Maintenance Fund, or from any account of accounts of the Infrastructure Maintenance Fund of the university.

(5) Each state university, in coordination with the Board office, shall advise and consult with the Joint Committee on State Building Construction before expending any moneys received by the university as a contribution that qualifies as an income tax credit pursuant to the postsecondary educational institution tax credit program.

(6) Any project in excess of $750,000 must have a written program statement and design development for the project must be approved by the Board.

c. Funding (K.S.A. 76-7,103, 76-7,104, 76-719(c), (d), (e) and 79-32,261)

Allocations of funds from the Infrastructure Maintenance Fund will be based on a maintenance allocation formula that factors gross square footage, building age, and complexity of each university's physical plant. Such funds, as well as funds in each state university's deferred maintenance support fund, may be used only to help finance Board approved deferred maintenance projects on the state university's list. Projects that exceed the strict scope of the deferred maintenance initiative due to program changes, additional space requirements, and

expectations for exceptional levels of finish, equipment, etc. will require other funding sources above and beyond the state-provided deferred maintenance pool of funding.

6. ENERGY CONSERVATION MEASURES (K.S.A. 2009 Supp. 75-37,125)

a. Definition

Energy conservation measure means an energy study, audit, improvement or equipment which is designed to provide energy and operational cost savings at least equivalent to the amount expended by the participating state university for such energy study, audit, improvement or equipment over a period of not more than 30 years after the date such improvement or equipment is installed or becomes operational.

b. Process

(1) When an energy conservation measure is to be financed with revenue bond proceeds pursuant to K.S.A. 2009 74-8960, the applicable processes for approval of and issuance of revenue bonds shall be followed.

(2) When an energy conservation measure is to be financed by means other than with revenue bond proceeds pursuant to K.S.A. 2009 74-8960, the provisions of K.S.A. 2009 Supp. 75-37,125 and any other applicable statutory provisions shall be followed and the project shall be presented to the Board for approval prior to entering into any contract, lease-purchase agreement or other financing arrangement.

7. OBSOLETE BUILDINGS (K.S.A. 76-7,108)

Each state university shall evaluate all buildings in the university's inventory to determine if any building is obsolete. If a building is found to be obsolete, the state university shall request approval of the Board to retire the building from service and shall make a recommendation to the Board regarding the prudence of razing the building. Such recommendations shall include all pertinent information such as a justification statement, costs and funding source(s), environmental issues and anticipated use of the vacated property.

~~3~~.8. INSPECTIONS

a. State Fire Marshal

~~An~~ Except as provided in this subsection, an annual inspection of all buildings at ~~institutions under the jurisdiction of the Board~~ each state university shall be made by the State Fire Marshal with copies of the inspection report to be sent to the ~~institution~~ university. Within 30 days of receipt, the ~~institution~~ state university shall provide a written summary of the State Fire Marshal's annual inspection report and the ~~institution's~~ university's response thereto to the President and ~~Chief Executive Officer~~ CEO of the Board; provided, however, that any notice of citation, potential sanction, violation, cease and desist order or hazard requiring follow up by the ~~institution~~ state university shall be immediately reported to the President and CEO. (9-27-57; 6-27-91)

In lieu of the State Fire Marshal conducted inspection provided above, a state university may enter into a memorandum of agreement with the State Fire Marshal pursuant to the State Fire Marshal Commissioned Inspector Act, K.S.A. 31-701 *et seq*. Annual inspections conducted by a university commissioned inspector shall be performed in accordance with the Act and the university's memorandum of agreement.

b. Department of Administration

Each state university shall obtain such Department of Administration inspections for new construction or renovation as are required by Chapter 7, Section 5 of the Department's 2009 Building Design and Construction Manual, as amended.

c. Boiler and Other Inspections Required by Law

Each state university shall provide for such boiler and other inspections as are required by law. (K.S.A. 44-913 *et seq*.)

~~4.~~ 9. NAMING OF BUILDINGS

a. Authority for Naming

The naming of any state university building is the province of the Board of Regents. The authority to re-name or remove the name of any state university building also resides in the Board. Any documentation used by any state university or affiliate corporation of any state university for fund raising purposes shall clearly state that proposed names are subject to Board action, and shall reserve to the Board the right to remove any name bestowed upon a facility. Possible reasons for removal of a name include, but are not limited to, circumstances causing damage to the reputation of the university, change of law regarding naming authority, or if the building is razed or given over to a new use.

b. Criteria

(1) Generally, buildings are named for distinguished individuals who have made extraordinary contributions of a scholarly, professional, or public service nature related to the university's mission.

(2) In some cases, buildings may be named for major donors to the construction of the building.

(3) Before forwarding a name to the Board for consideration, the state university shall undertake a thorough degree of due diligence to avoid commercial influence or conflict of interest.

(4) Buildings will not be named for sitting presidents, chancellors or Board members.

c. Process

Buildings shall be named by the Board upon the recommendation of the chief executive officer of the ~~Regents institution and the committee of the whole considering items related to facilities~~ state university. At the time the agenda item is submitted, the name shall not be included; however, the state university shall send the proposed name and a brief narrative ~~shall be sent~~ individually to Regents and the President and ~~Chief Executive Officer~~ CEO ~~at least one week prior to~~ in accordance with the timeline for sending agenda materials to the Board office for the Board meeting at which the name is to be considered. No public communication of a proposed name shall be made until the name is presented for consideration to the open meeting of the ~~Committee~~ Board. (2-18-83) (6-24-99)

~~5.~~10. PRIVATE HOUSING (6-28-07)

Unless directly authorized to do so by the Board, state universities shall not do any of the following:

(1) enter into agreements, written or verbal or implied relating to private housing;

(2) give preference to any owner or operator of private housing;

(3) guarantee occupancy in or payments for private housing; or

(4) provide public funds for the supervision, maintenance or operation of private housing. (6-24-99)

~~6.~~11. REPORTS DUE

A listing of required submittals and their respective due dates is included in Appendix C and incorporated herein.

~~7.~~12. LAND TRANSACTIONS (6-28-07)

a. Leases (Including Oil and Gas Agreements)

(1) All leases of real property ~~must~~ shall be approved by ~~either Board or~~ university counsel as to form, ~~and~~ shall be approved by the Board in accordance with paragraph (4) of this subsection, and shall be approved by other state agencies where required by ~~statute~~ law. (K.S.A. 75-3739(l), 75-3743, ~~and~~ 75-3744, and 76-165)

(2) No real property owned or controlled by the state of Kansas shall be leased unless a notice of intention to lease said property has been published at least thirty days prior to execution of any documents; provided, however, that this requirement shall not be imposed on leases with another state agency or a political subdivision. (K.S.A. 75- 430a(d)).

(3) No lease of land for the production of oil, gas or other minerals shall be for a period of more than ten years and so long as oil, gas or other minerals are produced in paying quantities thereon, ~~and~~ shall be awarded only upon competitive bids pursuant to K.S.A. 76-165, and shall

retain to the state a royalty interest of not less than one-eighth part of all oil, gas or other minerals produced. When a state university leases land for the production of oil, gas, sand, gravel or any other mineral, the university shall provide information to the state geological survey in accordance with K.S.A. 76-323b. (K.S.A. 76-164 through 76-168)

(4) State university leases of state-owned property to third parties not associated with the state university may be executed by the state university's chief executive officer without Board approval unless

(a) the lease involves construction on state property;

(b) the lease is an oil, gas or mineral lease covered by K.S.A. 76-165;

(c) the lease is for a term of more than 10 years; or

(d) the lease is for an amount in excess of $25,000 per year.

(5) Leases with state university endowments, foundations, and other related organizations are governed by subsection ~~(e)~~. below.

b. Easements

(1) The state universities' chief executive officers~~,~~ shall act on behalf of the Board in granting or conveying right-of-way easements across any land under the custody and control of the Board. Easements may be granted with or without receiving consideration therefore, and may permit use of the land for purposes of access, convenience or necessity and such other right-of-way purposes as are customarily related to such easements. (K.S.A. 74-3264 and 75-2131)

(2) Easement documents must be submitted to the Attorney General for approval as to form (K.S.A. 74-3264 and 75-2131). (6-27-96)

c. Sale of Real Property

(1) All sales of real property owned or controlled by the Board of Regents or a state university must be authorized by the legislature and approved by the Board of Regents following receipt of the appraisals required by law. ~~Such legislative authorization includes~~ K.S.A. 74-3254 may serve as pre-authorization by the legislature to dispose of certain devises. (K.S.A. 75-3043a and 74-3254) (10-19-06)

(2) No real property owned or controlled by the Board of Regents or a state university shall be sold unless a notice of intention to sell said property has been published at least thirty days prior to execution of any documents. (K.S.A. 75-430a(d))

(3) No real property owned or controlled by the Board of Regents or a state university shall be sold, and no transaction for the sale of such property shall be closed, until the property has been

~~appraised as required by law. (K.S.A. 75-3043a).~~ surveyed as required by law. (K.S.A. 75-6611)

(4) Sales of real property to state university endowments, foundations, and other related entities are governed by subsection ~~(e)~~. below.

d. Acquisition of Real Property

(1) The Board of Regents may acquire real property necessary to properly maintain and carry on a state university or the business thereof. ~~All purchases of real property must be authorized by the Legislature and approved by the Board of Regents~~ (K.S.A. 76-147)

(2) State universities shall submit a description of all properties which they desire to purchase, or otherwise acquire, to the Board for approval. Such description shall include a legal description of the property, anticipated use and the estimated cost of purchase and any cost relating to the razing or renovating and maintaining such property.

(3) No real property shall be purchased by the Board of Regents or a state university until the property has been appraised as required by law, and the purchase price shall not exceed the appraised value. (K.S.A. 75-3043a and 76-147) Prior to purchase, a warranty deed and ~~favorable~~ environmental assessment will be required. Exceptions to the requirement for a warranty deed may be made by the Board President and CEO. (10-19-06)

(4) Each state university shall record all deeds to real estate acquired, and any other instruments relating to the acquisition required by law to be recorded, with the register of deeds of the county where the real estate is located. All original instruments relating to land acquisitions shall be maintained in the Board office. (K.S.A. 75-3516)

(5) Acquisition of real property from state university endowments, foundations, and other related organizations are governed by subsection ~~(e)~~. below.

e. Real Property Transactions with State University Endowments, Foundations and Other Related Organizations

(1) State university endowments, foundations and other related organizations~~, including the Wichita State University Board of Trustees,~~ are organized under the laws of the State of Kansas and exist to support the state universities. While state law and organizational charters typically impose upon these related organizations special responsibilities for the administration of property received by the organizations, this policy shall establish the basis for all real property transactions described herein between all related organizations, the state universities and the Board. For purposes of this subsection e., the term "related organizations" includes all state university affiliated corporations as defined in Section II.G.6. of this Policy Manual

(a) ~~Sale and Transfer of Ownership:~~ The approval of the Board of Regents shall be required prior to the acceptance by a state university of any gift of property from any related organization.

(b) In the event any related organization desires to sell to the Board or the university properties held by the related organization as a result of purchase, or a gift or devise which conveyed unrestricted and unqualified fee to the related organization, the purchase price shall not be more than the highest appraised value as determined by two independent real estate appraisers. (K.S.A. 76-147)

(c) ~~Real Estate Trades:~~ Where trades of real property between the state and any related organization may benefit the state university and disposal of the state property has been approved by the Legislature, the Board of Regents may authorize the state university to negotiate a trade of the realty. The valuation of the related organization's property shall be determined by two independent real estate appraisers ~~in the same manner as that of state properties~~. (K.S.A. 76-147)

(d) ~~Leasing:~~ Leases of real property by the state universities from any related organizations shall be subject to the approval of the Board and to the following limitations:

(i) If the related organization holds properties in unrestricted accounts for which no remuneration is required under its fiduciary responsibility, or if the property is held on the basis of a gift or devise which so permits, the related organization may make the property available to the state university on a no-fee basis.

(ii) Any occupancy by the state university shall be subject to a written agreement.

(iii) For properties held by any related organization as investments for eventual development by the state university, the rental cost shall not exceed an amount calculated to amortize the investment, or the market value in a case where the state university seeks to occupy a property previously leased by the related organization on a private or commercial basis.

(e) State university transfers of real property received by devise to the state university's endowment or foundation in accordance with K.S.A. 2009 Supp.74-3254 shall be subject to approval by the Board and any conditions imposed by the testator.

(2) Construction of Buildings: When any related organization constructs a building on the organization's property for the state university's use and at the request of the state university, the state university is authorized to enter into lease agreements on an amortizing basis, subject to the advance approval of the Board of Regents. (6-28-90)

(3) Issuing Bonds: In the event any related organization proposes or is requested to issue bonds and the proceeds will be used to fund construction or improvement upon Board owned

property, the state university having possession of the property shall obtain Board approval of the project before the bond issuance process is initiated. (9-18-97)

G. GENERAL POLICY

6. AFFILIATED CORPORATIONS

a. Affiliated corporations are incorporated entities, whether controlled or non-controlled by the university, ~~which~~ that are funded solely or primarily by monies other than state funds and ~~whose~~ the purpose of which is to enhance or support the mission and activities of ~~the institution~~ a state university. Affiliated corporations include, but are not limited to, alumni associations, incorporated student unions, ~~boards of trustees~~ Wichita State University Board of Trustees, endowment associations and athletic corporations.

b. ~~Institutions~~ State universities shall not increase state funding for the operation of affiliated corporations beyond normal program maintenance increases without prior approval of the Board. (3-16-64; 2-15-85; 12-20-90)

C. *Other Matters* **Reggie Robinson**
President and CEO

1. RECEIVE REPORT REGARDING WICHITA CENTER FOR GRADUATE MEDICAL EDUCATION (WCGME) PRINCIPALS GROUP

2. DISCUSS STATE UNIVERSITY TOBACCO USE/SALES POLICIES

Summary and Recommendation

During its October meeting, the Board of Regents entertained a request from then-State Senator David Wysong that the Board formally endorse legislation he had introduced that would essentially put in-place a broad, statewide, indoor smoking ban. While the Board did not opt at that time to endorse the legislative proposal, its presentation did trigger Board interest regarding the current status of state university smoking and tobacco sale policies. A summary regarding those matters is presented below. Staff recommends Board discussion regarding these issues, and that the Board direct the State University Council of Presidents (COPs) to offer its views/recommendation regarding whether the Board should adopt a policy that bans, system-wide, the on-campus sale of tobacco products COPs should present its recommendation during the March 2010 Board meeting

Background

During its October meeting, the Board of Regents entertained a request from then-State Senator David Wysong that the Board formally endorse legislation he had introduced that would essentially put in-place a broad, statewide, indoor smoking ban. While the Board did not opt at that time to endorse the legislative proposal, Senator Wysong's presentation did trigger Board interest regarding the current status of state university smoking and tobacco sales policies.

Presented below is information gathered by KBOR General Counsel Julene Miller regarding no-smoking policies and state university tobacco sales policies. This information should provide a useful context for discussion regarding these matters.

No Smoking Policies

<u>State Statutes</u>

K.S.A. 21-4009 *et seq*. prohibit smoking in a "public place or at a public meeting" except in designated smoking areas. "Public place" is defined as any enclosed indoor area open to the public or used by the general public, including "educational facilities." So, the general rule is that any state university facility that is open to or used by the general public is a nonsmoking area.

However, the statutes allow "persons in charge of public places" to designate any portion of a "public place" under their control as a smoking area. As long as the proprietor has designated an area as a smoking area and posted appropriate signs, there is nothing in the current law that would preclude a proprietor (the Board or each state university CEO) from designating an entire facility or an entire campus as a smoking area.

The only statutory penalty directed at proprietors is a misdemeanor fine of up to $50 for failure to post signs; additionally, KDHE or a local health department can seek to enjoin repeated violations.

State Regulations
The Department of Administration has promulgated a regulation that prohibits smoking in certain state buildings, including the Capitol Building and the Curtis State Office Building.[4] Additionally, smoking is prohibited in or near the exterior doorways of those buildings, except in any area designated as a smoking area by means of a posted sign, and in any area on the grounds surrounding those buildings that is posted as a nonsmoking area. The Department's regulation does not apply to state university facilities, presumably because the Secretary of Administration is not in charge of those buildings in the way that he is of the capitol area state-owned buildings.

Local Control
The state statutes allow cities and counties to enact more stringent smoking laws within their respective jurisdictions. The City of Lawrence, for instance, prohibits smoking in most enclosed public places.

Board Policy
Nothing in the Board's Policy Manual deals with smoking in campus facilities.

University Policies
All six state universities prohibit smoking in all university buildings and, whether university owned or otherwise, in all residence halls, in the student unions/centers and in university owned vehicles. Policies seem to differ regarding smoking in areas outside buildings (distance requirements, etc.). Attached is a table reflecting the university policies I have located.

Senator Wysong's Proposal
Senator Wysong introduced Senate Bill 25 during the 2009 Session to amend and strengthen the above-referenced state smoking statutes. The main thrust of the bill, as amended by the Senate Committee of the Whole, was to expand the places where smoking would be prohibited (all enclosed areas including public places, with specified exceptions such as private homes), eliminate the proprietor's unlimited ability to designate smoking areas, and strengthen the penalties and include one for a proprietor who allows smoking in violation of the law. *As a practical matter, it appears the only impact of this legislation for the state universities will be that they may have to post more or different signs and they may need to alter their policies so that the distance requirements and other nuances of the law are met.*

Tobacco Sales Policies

State Statutes
State law regulates, but does not prohibit sale of cigarettes and tobacco products generally,[5] and I have located no special rules for sales at state universities. However, it is illegal to sell cigarettes and tobacco products to persons less than 18 years of age, and it is illegal for persons under 18 years of age to purchase or possess cigarettes or tobacco products.

[4] K.A.R. 1-49-12, which references K.A.R. 1-49-1 for the list of buildings covered.
[5] K.S.A. 79-3321, 79-3322, 79-3333

Board Policy

Board Policy establishes guidelines for the conduct of sales of products and services by the state universities, but there is nothing specific regarding the sale of cigarettes or other tobacco products.

University Policies

KU and K-State both have policies prohibiting trademark licensing of tobacco products (the universities will not approve use of their marks on or to promote tobacco products). Beyond this, there appears to be little in the way of policy regarding sale of cigarettes or tobacco products on campuses. The Medical Center's Tobacco-Free Initiative states that the campus will be "entirely tobacco-free" and KUMC attorneys confirm that there are no sales of tobacco products on campus, but their policy does not expressly state this, dealing instead with use. Attorneys for ESU, FHSU, PSU and WSU all report that cigarettes and tobacco products are not sold anywhere on those campuses.

The KU Bookstore site lists cigarettes as one of the items sold at the Hawk Shop and Hawk Shop Convenience Store and KU counsel has confirmed that they do allow sales at the Kansas and Burge Unions. K-State's Union Governing Board specifically allows sale of tobacco products in licensed locations.

IX. EXECUTIVE SESSION – Board of Regents – Matters Relating to Security Measures Pursuant to K.S.A. 75-4319(b)(13) – Safety and Security Measures on the State University Campuses

X. EXECUTIVE SESSION – Board of Regents – Matters Privileged in the Attorney/Client Relationship – Update on Fort Hays State University and Wichita State University Fund Management Reviews

XI. DISCUSS FORT HAYS STATE UNIVERSITY AND WICHITA STATE UNIVERSITY FUND MANAGEMENT REVIEWS

XII. ADJOURNMENT

KANSAS BOARD OF REGENTS
ACADEMIC AFFAIRS STANDING COMMITTEE
AGENDA

Wednesday, January 20, 2010
9:30 a.m. – 11:00 a.m.
Kathy Rupp Conference Room

I. Private Postsecondary Audit Report

II. Distance Education Discussion

III. Other Business

Agenda
Board Fiscal and Audit Standing Committee
January 20, 2009
Board Room, 11:00am

I. Questions/Clarifications about the Fiscal Affairs and Audit Committee Items on the Board's Agenda

II. Other Committee Business

A. Special Charge: governance policies and practices related to issues of Board members' conflict of interest.

B. Upcoming Agenda Call -- Tuesday, February 2, Noon

System Council of Presidents
Kansas Board of Regents Office
1000 S.W. Jackson
Topeka, KS
January 20, 2010
10:30 a.m.
Suite 530

Agenda

1. Discuss legislative session/Governor's budget

Council of Presidents
Kansas Board of Regents Office
1000 S.W. Jackson
Topeka, KS
January 20, 2010
11 a.m.
Suite 530

Agenda

1. Approve minutes of December 16, 2009 meeting

2. Report from Council of Business Officers

3. Report from Council of Chief Academic Officers

4. Act on request to amend the Kansas Board of Regents Policy Manual – D. Academic Affairs 8. Intellectual Property Policy b. Patent and Copyrightable Software Policy (6) [COPs Attachment]

5. Honorary degrees

4. Act on Request to Revise the Kansas Board of Regents Policy Manual D. Academic Affairs 8. Intellectual Property Policy b. Patent and Copyrightable Software Policy (6)

Summary and Staff Recommendation

The University of Kansas proposes an amendment to the Board's Intellectual Property policy. The amendment would clarify that intellectual property resulting from a sponsored research project is not required to be assigned to the sponsor upon completion of the research; rather, the university is simply required to negotiate with the sponsor, prior to acceptance of funding by the sponsor, an appropriate disposition of any resulting patent or copyrightable software rights, which may be an option to negotiate a license to any resulting intellectual property. Staff recommends approval of the proposed amendment.

Background

In October, the University of Kansas brought forward a proposed amendment to the Board's Intellectual Property policy provision regarding research projects to be funded entirely by an outside party (sponsor). The University was concerned that the existing language could be read to *require* assignment of any resulting intellectual property from such sponsored research projects to the sponsor. It was felt that this lack of clarity created a disincentive to collaboration, as scientists would be less likely to want to work on a project if his or her resulting intellectual property were already owned by the sponsor. Thus, the proposed amendment is intended to reflect what is the norm in such cases: Negotiation of an option for the sponsor to license the intellectual property once the property is created.

The university attorneys reviewed the proposed amendment at their meeting in October. The proposal was taken back to each campus for input from research and legal staffs, and Wichita State University proposed some changes to the language. The final draft (reprinted below) was reviewed and approved by the Council of Chief Academic Officers at their December meeting.

Staff Recommendation

Staff recommends approval of the following amendment.

b. <u>Patent and Copyrightable Software Policy</u>

Patents obtained on inventions or the ownership of copyrightable software with an actual or projected market value in excess of $10,000 annually resulting from institutionally sponsored research shall be retained by the institution or may be assigned to an organization (hereinafter called the Organization) independent of the institution and created for the purpose of obtaining patents on inventions, receiving gifts, administering or disposing of such patents, and promoting research and the development of intellectual property at the institution by every proper means. The following regulations shall be followed with respect to inventions or software: (10-19-00)

(1) Anyone who conceives an invention or who develops copyrightable software that is not included in mediated courseware resulting from a research project sponsored by the institution shall report the matter to the appropriate research administrator at the institution, who will recommend whether or not to forward it to the Organization. (10-19-00)

(2) If the institution or the Organization decides that the invention does not warrant patenting, the inventor is free to patent it. In such case, however, the institution does not relinquish its right to publish any of the data obtained in the research project. If the institution or the Organization decides not to further the use of the copyrightable software, it shall assign the rights therein to the creator(s).

(3) When any revenue is obtained by or on behalf of the institution from the development or assignment of any patent or from royalties, license fees or other charges based on any patent or copyrightable software, not less than twenty-five (25) percent of revenues shall be paid to the inventor(s) or creator(s). Revenue sharing shall begin only after the institution recoups costs as set forth in this policy.

(4) The remainder of any revenue mentioned in Paragraph 3 shall be used to sponsor further research and research-related activities in the institution. The institution may agree that the Organization may retain a portion of the funds.

(5) In case of cooperative research sponsored in part by an outside corporation or individual, a written contract shall be made between the institution and the cooperating agency. This contract should include a statement of policy substantially equivalent to that outlined below:

"It is agreed by the parties to this contract that all results of experimental work, including inventions, carried on under the direction of the scientific staff of the institution, belong to the institution and to the public and shall be used and controlled so as to produce the greatest benefit to the public. It is understood and agreed that if patentable inventions or copyrightable software grow out of the investigation and such inventions or software have commercial value, the cooperating agency shall receive preferential consideration as a prospective licensee, with a view to compensating said cooperating agency in part for the assistance rendered in the investigation."

"It is further agreed that the name of the institution shall not be used by the cooperating agency in any advertisement, whether with regard to the cooperative agreement or any other related matter."

(6) In case of a research project where it is proposed that all costs including overhead, salary of investigator, reasonable rent on the use of equipment, etc., are to be paid by an outside party, ~~the outside party and~~ the institution shall negotiate with the outside party the appropriate ~~assignment~~ disposition of ~~all~~ any resulting patent or copyrightable software rights prior to the provision of any funding by the outside party. "Appropriate disposition" shall include an option to negotiate a license to any resulting intellectual property. The institution shall reserve ~~the~~ a royalty-free right to publish all data of fundamental value to science and technology and to use the patent or copyrightable software rights for teaching, research or other educational and academic purposes.

(7) Changes in the above policies may be made by the institution to conform to the requirements of the United States Government when contracting with the United States Government or a Federal Government Agency.

Council of Presidents
Kansas Board of Regents
December 16, 2009
Minutes of Meeting

Members present: President Ed Hammond, Fort Hays State University
President Don Beggs, Wichita State University
Chancellor Bernadette Gray-Little, University of Kansas
President Mike Lane, Emporia State University
President Reggie Robinson, Kansas Board of Regents
President Kirk Schulz, Kansas State University
President Steve Scott, Pittsburg State University

The meeting was convened at 11:14 a.m. by President Hammond.

1. Minutes of November 18, 2009 meeting

   President Beggs moved to approve the minutes. President Lane seconded the motion, and it passed unanimously.

2. Report from Council of Business Officers

   President Hammond shared the COBO report in the absence of Mr. Mike Barnett, who was ill. He said COBO members had been working with the Fiscal Affairs and Audit Committee on the management review policy. He distributed a document to which some minor revisions had been made since the last meeting. Upon approval from the Board of Regents, the policy language will be developed. President Schulz raised a question about the appropriateness of having a university's foundation cover the fee for an audit that is required by the Board. A discussion ensued, with the presidents expressing concern about the financial challenges faced by the foundations. Members of COPS also talked about the role of an institution's internal auditor in the management audit process. President Lane mentioned concern about the language pertaining to the governance of a controlled corporation. Julene Miller, General Counsel for the Board of Regents, said input will be sought from the university attorneys upon the writing of the policy.

   President Hammond referred to the revised facilities policy, indicating that Mr. Barnett had asked COPS to pay special attention to the section on the naming of buildings. The presidents talked about the timing of such naming requests and expressed a desire to have informal communication with the Board about a potential donor prior to the submission of a formal request. President Robinson said he has tried to make Board members aware of the complexities of the process, and he encouraged COPS to make their concerns known as well.

3. Report from Council of Chief Academic Officers - Dr. Larry Gould, Provost, FHSU

Dr. Gould said COCAO had reviewed the report from the Tilford Conference and discussed the future participation of the community colleges. While it seemed to be a positive experience for those who attended, a decision on the issue will be made in the near future.

Members of COCAO talked about the desire of the Council of Deans and Directors of Libraries to expand upon the library purchasing consortium. Based on prior experience, COCAO felt there should be a business plan in place to address the management of the consortium. This will be requested and upon submission, the topic will be revisited by COCAO.

COCAO approved the changes to the Regents policy on intellectual property rights. The revised policy will be placed on the January COPS agenda.

COCAO members scheduled a meeting in January with Fred Woodward, director of the University Press of Kansas. The purpose will be to discuss future institutional contributions, which had been eliminated last year due to budgetary constraints.

Dr. Gould stated that COCAO discussed two topics from the Academic Affairs Standing Committee agenda: 1) the distance education plan and policy and 2) program review. Much of the discussion was focused on distance education and in particular, the need to consider accessibility and accountability. Dr. Gould said COCAO needs to do a better job in helping Board members understand program review.

At a meeting following this one, COCAO planned to continue a discussion about how their group could be more proactive with regard to the Regents five strategic themes.

4. Honorary degrees

President Schulz inquired as to why the Regents institutions do not have the ability to grant honorary degrees. According to President Hammond, a policy has been in place since at least the 1980s. There had been discussions in the late 1980s and again in the late 1990s about the policy, but no changes were made. President Schulz believes this policy puts the Regents institutions at a strategic disadvantage. After a discussion, he was asked to take the lead in developing some general criteria for honorary degrees. This item will be placed on the January COPS agenda.

The meeting was adjourned at 12:05 p.m.

COUNCIL OF FACULTY SENATE PRESIDENTS (COFSP)

AGENDA
January 20-21, 2010

10:00 a.m. – 12:00 p.m.

1. Call to Order

2. Approval of minutes from the December 2009 meeting.

3. Open Discussion

4. 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

5. New Business

   A. Continue discussion of issues from December 2009, including:
      1. Faculty Input Survey
      2. Recruitment and Retention issues
         a. Recruitment and Retention 'benefits' discussion/lists
      3. Budget Issues on campus

7. Dr. Redeker

8. Open Discussion

9. Adjournment

COUNCIL OF FACULTY SENATE PRESIDENTS
(COFSP)

MINUTES
December 16, 2009

10:00 am-Noon

Present:

Carol L. Russell, ESU
Jeff Burnett (Chair), FHSU
Melody LeHew, KSU
Ananda Jayawardhana, PSU
Lisa Wolf-Wendel, KU
Karen Wambach, KUMC
Deborah Soles, WSU
Jean Redeker, KBOR

1. Call to Order: Chair Burnett called the meeting to order at 10.10 a.m.

2. Approval of minutes from the November 18, 2009 meeting:
   Approved by consensus. Motion made by Melody and seconded by Lisa.

3. University Reports:
   See Appendix.

4. Old Business:
   a. Faculty Survey
      - Lisa tabled the questionnaire
      - Individual universities could format it for their needs
      - ESU will do the survey as a part of their strategic plan
      - Individual universities could add specific questions

   b. Jean provided pages 131-132 of Fiscal Affairs and Audit Committee Discussion Agenda dated November 18-19 regarding summary and staff recommendation of implementing House Bill 2007. She explained about tuition waivers and fee waivers and a discussion followed. She also provided a list of KBOR tuition waivers since 1974.

5. New Business:
   a. Monthly Reports
      It was decided to send the monthly reports a week before the meeting and include them in the minutes for the same month.

   b. Breakfast with the regents
      It was decided to focus on the following three topics:

- Recruitment and retention of faculty as well as students
- What faculty members do beyond the classroom activities
- Faculty members are happy to help during hard times but salary raises and resources are important

Discussion followed on basic infrastructure for research, economic development and research, faculty governance, tuition raises and faculty salary raises, investing in faculty, and faculty workload.

c. Council decided to compile a list of perks and potential perks for the faculty
d. ESU is studying a policy on "Availability to Students"

6. Announcements:
Nothing to report

7. Adjournment:
Meetings adjourned at noon. Motion made to adjourn by Lisa and seconded by Carol.

Respectfully submitted by Ananda Jayawardhana
Secretary, COFSP 2009-2010

December 22, 2009

Appendix

Emporia State University

Fort Hays State University

- The minutes and attendance of the previous meeting were approved.
- Informational Items
  - The Board of Regents discussed budgetary items and admission standards.
  - The Faculty Input survey will be given in the Spring.
  - The President's Council stated that changes in the China Education Cabinet are normal and do not affect the FHSU/China partnership.
- Reports from committees
  - Dr. Jeff Burnett reported that although material has been submitted to the Faculty Senate online resources page, it is not yet available because of changes to the website.
  - Dr. Martha Holmes presented five courses from Academic Affairs. All were approved.
  - Dr. Denise Orth reported that Student Affairs listened to a report from Kent Stewart about the new FHSU brand and discussed ways to increase student buy-in.
  - Dr. Carol Patrick presented two motions from University Affairs. Both passed.
    - **The Faculty Senate recommends that the Provost's Council implement the University Affairs Compromise Student Rating Document.**
    - **The University Affairs Committee of the Faculty Senate recommends that the Dean/Chair Evaluation draft be sent to the Chairs, Deans, and Provost for input,**

and that the resulting feedback be returned to the University Affairs Committee by Friday, January 22nd.
    - Committee reviewed input from faculty on the Intellectual Property Policy. More information is forthcoming.
    - University Affairs met with Jake Glover to discuss how the Student Rating Document will be implemented. More information is forthcoming.
- Reports from Special Committees and Other Representatives
    - Dr. Dan Kulmala reported on Writing Across the Curriculum. A pilot of writing workshops will be implemented in the spring.
- Unfinished business – none
- New Business
    - Provost Lawrence Gould thanked the Faculty Senate for passing the Student Rating Document.
    - Dr. Avi Kempinski reported on a conference he attended on assessing prior student learning experiences.
    - Dr. Dan Kulmala proposed extending Faculty Senate Officer terms to two years. He proposed this be reviewed in the By-Laws committee.

Kansas State University

Pittsburg State University

Faculty Senate passed the following motion on December 14th

RESOLUTION ON PROGRAM REVIEW

WHEREAS: As part of an ongoing process, Pittsburg State University continuously reviews it academic programs and departmental offerings, and
WHEREAS: There are widely recognized deficiencies in the current program review process, and
WHEREAS: There is an established need for continuous improvement in the process, and
WHEREAS: The Kansas Board of Regents and Pittsburg State University are committed to review and reform the program review process, and
WHEREAS: Pittsburg State University shall establish a committee to improve the program review process within the coming calendar year,
THEREFORE BE IT RESOLVED BY THE PITTSBURG STATE UNIVERSITY FACULTY SENATE that the Faculty Senate be accorded the right to appoint three members to the committee charged with reviewing the program review process.
BE IT FURTHER RESOLVED that the Senate directs its appointees to support the following principles:

1. Faculty members who are not faculty chairs will constitute the majority of the program review committee.

2. Said faculty members shall consist of one each from the College of Business, the College of Education, the College of Technology, and two from the College of Arts and Sciences, one representing the humanities and one representing the sciences. Should a representative's department be under review, s/he shall be excused from deliberations related to that department.

3. Said faculty members shall serve staggered multi-year terms, shall be trained in their responsibilities, and shall receive reassigned time to carry out their tasks.

4. The Provost, the Director of Analysis, Planning and Assessment and the Chair of the University Assessment Committee shall serve on the reformed program review committee, the Director of Analysis, Planning and Assessment serving as chair.

5. No dean whose programs are being reviewed shall serve on the program review committee, nor shall any dean serve as an ex officio member.

6. When the program review committee deliberates, the chair from the department or the director/coordinator being reviewed shall be present to answer questions without any further right to participate or vote.

7. The program review committee shall remain the same from the initial review through the completion of the process.

AND BE IT FURTHER RESOLVED that this resolution be presented to the Provost/Vice-President for Academic Affairs and the University President.

University of Kansas

- The Faculty Senate suggested changes to and endorsed a recommendation from the *ad hoc* Committee on English Proficiency Requirement for Undergraduate Admissions that would require the submission of either a TOEFL or ELTS score as part of the application process for prospective undergraduate international students. The plan was adopted and is now in effect.

- Interim Provost Danny Anderson Provost approved and publicized the University's "Furlough and Temporary Salary Reduction Policy" which calls for a tiered system based on salary, with higher-paid employees having the most furlough days and some employees having none at all. You may be interested in viewing the policy at https://documents.ku.edu/policies/provost/Furlough.htm. Provost Anderson stated in his email to KU faculty and staff on Dec. 2nd that he does not anticipate needing to implement the furlough policy in FY 2010, though it remains a possibility for FY2011 or beyond if the economy continues to struggle.

- Chancellor Bernadette Gray-Little hosted a campus-wide budget forum on December 2 to discuss how the budget crisis is affecting KU for the remainder of FY2010 and for FY2011. The forum was also broadcast live to faculty and staff on KU's Wichita and KU Medical Center campuses. Among the actions being considered by administrators are possible reductions, eliminations, or reorganizations of degree programs, business offices, and academic support units.

University of Kansas Medical Center

Wichita State University

Students' Advisory Committee to the Kansas Board of Regents

Meeting Agenda
January 20th, 2009
4:00 p.m. or Adjournment
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. Pittsburg State University
   e. University of Kansas
   f. Wichita State University
IV. Old Business
   a. Higher Education Day
V. New Business

VI. Announcements
VII. Adjournment

Students' Advisory Committee to the Kansas Board of Regents

Meeting Agenda
December 16th, 2009
4:00 p.m. or Adjournment
Topeka, KS

Meeting Called to Order by President Krueger at 3:21pm

VIII. Introductions
IX. Approval of Minutes
X. University Reports
   a. Emporia State University
   b. Fort Hays State University
   c. Kansas State University
   d. Pittsburg State University
   e. University of Kansas
   f. Wichita State University
XI. Old Business

XII. New Business

   a. High Education Day: SAC discussed the planning stages of Higher Education Day, set for February 16. It was determined that SAC would like for each school to bring approximately 8 members of their respective student governments to attend. A comprehensive message will be developed in January. Appointments will be made with the Legislature and members of each school will be mixed in attending those appointments. SAC also briefly discussed how reporting of representing our students would be an asset in the upcoming year.
XIII. Announcements
XIV. Adjournment
   Moved President Stramel, seconded President Krueger at 4:35 pm

   Meeting adjourned

KANSAS BOARD OF REGENTS
MEETING DATES AND DEADLINES FOR SUBMISSION OF AGENDA ITEMS
FY 2010 – 2011

FY 2010

Board of Regents Meeting Dates	Agenda Material Due to Board Office
August 25-27, 2009 Retreat	
September 16-17, 2009 (Topeka)	Wednesday, August 26, 2009 at noon
October 14-15, 2009 (Topeka)	Wednesday, September 23, 2009 at noon
November 18-19, 2009 (Topeka)	Wednesday, October 28, 2009 at noon
December 16-17, 2009 (Topeka)	Wednesday, November 25, 2009 at noon
January 20-21, 2010 (Topeka)	Wednesday, December 30, 2009 at noon
February 17-18, 2010 (Topeka)	Wednesday, January 27, 2010 at noon
March 17-18, 2010 (Topeka)	Wednesday, February 24, 2010 at noon
April 14-15, 2010 (Topeka)	Wednesday, March 24, 2010 at noon
May 19-20, 2010 (Topeka)	Wednesday, April 28, 2010 at noon
June 23-24, 2010 (Topeka)	Wednesday, June 2, 2010 at noon

TENTATIVE
FY 2011

Board of Regents Meeting Dates
August 24-26, 2010 Retreat
September 15-16, 2010 (Topeka)
October 13-14, 2010 (Topeka)
November 17-18, 2010 (Topeka)
December 15-16, 2010 (Topeka)
January 19-20, 2011 (Topeka)
February 16-17, 2011 (Topeka)
March 16-17, 2011 (Topeka)
April 13-14, 2011 (Topeka)
May 18-19, 2011 (Topeka)
June 22-23, 2011 (Topeka)

KANSAS BOARD OF REGENTS COMMITTEES
2009-2010

Jill Docking, Chair
Gary Sherrer, Vice Chair

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Academic Affairs Plan
Gary Sherrer, Chair
Dick Hedges
Janie Perkins
Donna Shank

Fiscal Affairs and Audit Committee
Jerry Boettcher, Chair
Dan Lykins
Christine Downey-Schmidt

Regents Retirement
Dan Lykins, Chair
Jerry Boettcher

BOARD REPRESENTATIVES AND LIAISONS

Education Commission of the States	Christine Downey-Schmidt
KBOR Technical Education Authority	Jim Grier, Jack Wempe
Kansas Bioscience Authority	Jerry Boettcher, Reggie Robinson
Kansas Campus Compact	Janie Perkins
KSU Research Foundation Board	Dan Lykins
Midwest Higher Education Compact	Donna Shank
P20 Education Council	Christine Downey-Schmidt, Dick Hedges
Research and Development Enhancement Corp	Jim Grier
Washburn University	Dan Lykins