

KANSAS BOARD OF REGENTS

February 17-18, 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**

February 17-18, 2010
Curtis State Office Building
1000 S.W. Jackson, Suite 520
Topeka, KS

Wednesday, February 17, 2010

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

Thursday, February 18, 2010

- 8:30 a.m. **Board of Regents** – *Board Room*
- 12:00 p.m. **Lunch – Board of Regents** – *Hosted by Community Colleges and Phi Theta Kappa (Recognition of All-Kansas Academic Team) – Ramada Hotel, Regency Ballroom, 420 S.E. 6th Street, Topeka, KS*

KANSAS BOARD OF REGENTS
AGENDA
February 17-18, 2010
1000 S.W. Jackson, Suite 520
Topeka, KS

WEDNESDAY, FEBRUARY 17, 2010

I. CALL TO ORDER

Chairman Jill Docking

- A. Approve Minutes/Board Meeting on January 20-21, 2010

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II. GENERAL REPORTS

- A. Introductions
B. Report from the Chair
C. Report from the President and CEO
D. Report from Council of Presidents
E. Report from Council of Faculty Senate Presidents

Chairman Jill Docking
President Reggie Robinson
President Ed Hammond
Dr. Jeff Burnett

III. STANDING COMMITTEE AND OTHER REPORTS

- A. Academic Affairs
B. Fiscal Affairs and Audit
C. P-20 Council
D. Kansas Bioscience Authority

Regent Gary Sherrer
Regent Jerry Boettcher
Regent Christine Downey-Schmidt
Regent Jerry Boettcher

IV. APPROVAL OF CONSENT AGENDA

- A. *Fiscal Affairs and Audit*
Regent Jerry Boettcher

Diane Duffy
Vice President for Finance and Administration

Eric King
Director of Facilities

1. Amend FY 2010 Capital Improvements Plan Regarding Modifications to Bramlage Coliseum and Bill Snyder Family Stadium – KSU
2. Amend FY 2010 Capital Improvements Plan Regarding Renovations of Old Memorial Stadium – KSU
3. Approve HVAC Equipment Bid Package for Memorial Student Union Remodel & Addition – ESU

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4. Approve Final Plans and Specifications for the Parking Facility No. 4 Project – KUMC *Page 19*
5. Authorize Amendment of Lease Agreement with the KU Endowment Association for the Support Services Facility – KUMC *Page 20*
6. Approve Clinical Research Center Remodeling Project Demolition Bid Package – KU *Page 20*
7. Approve Amended Architectural Program for the Pharmacy and Standardized Patient Training Project – KU *Page 21*
8. Approve Purchase of Real Property at 1603 S. Elm, Pittsburg, KS – PSU *Page 21*

V. CONSIDERATION OF DISCUSSION AGENDA

- A. *Academic Affairs* **Julene Miller**
Regent Gary Sherrer **General Counsel**
1. Adopt Amendment to Intellectual Property Policy *Page 22*
- B. *Fiscal Affairs and Audit* **Julene Miller**
Regent Jerry Boettcher **General Counsel**
1. Adopt Amendment to Appendix C to Require Annual Reporting of Campus Safety and Security Status *Page 25*
 2. Adopt Amendments to Update and Clarify Facilities Policy *Page 28*
 3. Adopt Refunding Bond Resolution – Ferrell Library – KSU *Page 41*

THURSDAY, FEBRUARY 18, 2010

VI. REPORTS

- A. Introductions
- B. Report from Students' Advisory Committee **Zach Gearhart**

VII. APPROVAL OF CONSENT AGENDA

- A. *Academic Affairs* **Gary Alexander**
Regent Gary Sherrer **Vice President for Academic Affairs**
1. Act on Request for Approval of Additional Degree Granting Authority for Capella University to Offer a Master of Science in Career

Counseling (MS): General Career Counseling *Page 45*

2. Act on Request for Approval of Additional Degree Granting Authority for Brown Mackie College to Offer an Associate of Applied Science in Bioscience Laboratory Technology *Page 47*

Blake Flanders
Vice President for Workforce Development

3. Approve Request for Degree and Certificate Programs Submitted from Community Colleges and Technical Colleges – Fort Scott Community College Certificate in Masonry (CIP 46.0101) *Page 49*

VIII. CONSIDERATION OF DISCUSSION AGENDA

A. *Academic Affairs*
Regent Gary Sherrer

Gary Alexander
Vice President for Academic Affairs

Dianne Glass
Director of Adult Education

1. Receive Adult Education Annual Report *Page 51*

B. *Other Matters*

Blake Flanders
Vice President for Workforce Development

1. Receive Report from Kansas Postsecondary Technical Education Authority

Kip Peterson
Director of Government Relations and Communications

2. Receive Legislative Update

Reggie Robinson
President and CEO

3. Consider Strategic Agenda for Higher Education in Kansas

IX. ADJOURNMENT

WEDNESDAY, FEBRUARY 17, 2010

I. CALL TO ORDER

Chairman Jill Docking

- A. Approve Minutes/Board Meeting on January 20-21, 2010

**KANSAS BOARD OF REGENTS
MINUTES
January 20-21, 2010**

The January 20, 2010, meeting of the Kansas Board of Regents was called to order by Chairman Jill Docking at 1:32 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 December 16-17, 2009 meeting be approved. Following the second of Regent Sherrer, the motion carried.

INTRODUCTIONS

President Robinson introduced Ray Frederick. Mr. Frederick is the Interim President for Wichita Area Technical College.

President Hammond introduced the inaugural class of the Kansas Academy of Mathematics and Science (KAMS).

GENERAL REPORTS

REPORT FROM PRESIDENT AND CEO

President Robinson stated that he will report on topics later on in the agenda.

REPORT FROM SYSTEM COUNCIL OF PRESIDENTS

President Burke reported that the System Council of Presidents discussed the Governor's State of the State Address. SCOPs believes the Board should support the concept of revenue enhancements because any additional cuts would be detrimental to higher education and the State. Additionally, SCOPs believes institutions need to continue to seek efficiencies.

STANDING COMMITTEE REPORTS**Academic Affairs**

Regent Sherrer reported the Board's Academic Affairs Standing Committee (BAASC) received a consultant's report on the operation of the private postsecondary division and received an update on the distance learning plan. Additionally, BAASC reviewed proposals on admission criteria changes.

Fiscal Affairs and Audit

The Board's Fiscal Affairs and Audit Standing Committee report was presented by Regent Boettcher. The Committee reviewed amendments to the Energy Conservation Project for WSU and the proposed changes to the Board's Facilities Policy. Both of these items are on Thursday's Board agenda. The Committee is continuing its discussion on enhancing current policies related to Board members' potential conflicts of interest, and it discussed the future policy on security reviews. Regent Boettcher stated that there were no updates on any Legislative Post Audit reviews.

APPROVAL OF CONSENT AGENDA

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

Academic Affairs**ADDITIONAL DEGREE GRANTING AUTHORITY FOR DEVRY UNIVERSITY**

Devry University received approval to offer a Bachelor of Science Degree in Network and Communications Management. This degree will be offered at the Kansas City, MO campus and at the Naperville, IL on-line school.

ADDITIONAL DEGREE GRANTING AUTHORITY FOR ANTHEM COLLEGE

Approval was given to Anthem College to offer an Associate of Science in Accounting Technology and an Associate of Science in Paralegal. Both of these degrees are attained through on-line distance education programming.

APPROVAL FOR DEGREE AND CERTIFICATE PROGRAM FOR BARTON COUNTY COMMUNITY COLLEGE

Barton County Community College received approval to offer a Certificate in Computer Aided Drafting (CIP 15.1302). 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 Community Based Jobs Training Grant awarded to Barton County Community College by the U.S. Department of Labor will fund the Computer Aided Drafting Certificate Program.

CONSIDERATION OF DISCUSSION AGENDA

Fiscal Affairs and Audit

GOVERNOR'S BUDGET RECOMMENDATIONS

Vice President Duffy reviewed the Governor's FY 2010 and FY 2011 recommended appropriations from the State General Fund (SGF) for postsecondary education. The Governor recommends no additional reductions for FY 2010 beyond those made by the second round of allotments in November. The Governor's FY 2011 recommendation for postsecondary education reflects an increase of \$10 million for a total of \$757 million from the SGF. However, \$3 million of the increase would be used to resume base funding for the principal portion of debt service payments, leaving \$7 million in new money for enhancements. The Governor's recommended increase in funding is dependent upon the enactment of the Governor's tax program. Furthermore, Vice President Duffy reviewed a list of budget reductions that would be required if there is no increase in State revenue.

Following discussion, the Regents concluded that it is important for them to support the Governor's efforts to enhance revenues, and that the additional cuts that would be imposed in the absence of additional revenue would devastate higher education. The Regents asked President Robinson to draft a statement regarding the Board's stance on the Governor's budget recommendations. President Robinson will present the draft statement to the Board during Thursday's meeting.

(Handout filed with Official Minutes)

RECESS

The Chairman called for a recess at 2:36 p.m. and resumed the meeting at 2:47 p.m.

Other Matters

REPORT FROM KANSAS POSTSECONDARY TECHNICAL EDUCATION AUTHORITY

Blake Flanders, Vice President for Workforce Development, reported the Technical Education Authority (TEA) will meet next week. Vice President Flanders updated the Board on the TEA's Process Management Committee, which meets once a month in Wichita. The Committee discussed the program approval process and the alignment process. The Committee would like business and industry members to stay with the alignment process and has incorporated four periods within the alignment process when the presidents can comment. Regent Sherrer asked Vice President Flanders to update the Board with a written report on the TEA's marketing initiative. Regent Sherrer also requested a timeline showing typical program approval from the time a program request is submitted for consideration to the time it is acted upon.

President Robinson reviewed the current Technical Education Authority legislation that eliminates the second sentence in K.S.A. 72-4482(b) and replaces it with the following language: The state board of regents shall act upon such recommendations within 45-days of submission. The Board approved this language and made it a part of its legislative packet in November. Since the November meeting, members of the Board and TEA have met to discuss the legislation and the relationship between the Board and TEA. President Robinson asked the Board whether it wanted to retain, modify, or delay the current legislation. Regent Downey-Schmidt moved to remove this item from the Board's legislative agenda this year and to reconsider it next year. Regent Perkins seconded the motion. Following discussion, the motion carried.

ENROLLMENT REPORT ON KHEDS (KANSAS HIGHER EDUCATION DATA SYSTEM)

Dawn Ressel, Associate Vice President for Accountability, Planning, and Institutional Effectiveness, presented a report on enrollments. The report contained enrollment data on public, private, and independent colleges. It compared headcount numbers to full-time equivalent numbers in the categories of gender, race, age, and residency. Additionally, the report showed the differences between enrollment data collected on the official semester census day, which is the 20th day of classes in the Fall and the academic year collection, which includes data from Summer, Fall, and Spring semesters.

(Handout filed with Official Minutes)

RECESS

Chairman Docking recessed the meeting at 4:37 p.m., to resume the following morning.

RECONVENE

Chairman Docking reconvened the meeting at 9:15 a.m. on Thursday, January 21.

MEMBERS PRESENT:

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

INTRODUCTIONS

President Schulz introduced April Mason. Dr. Mason is Kansas State University's new Provost and Senior Vice President.

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 distance learning and took action on the request to amend the

Board's Policy Manual regarding the Intellectual Property Policy. COPs approved the policy amendment and will forward it on to the Board for consideration.

REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS

Dr. Jeff Burnett briefed the Board on the Council of Faculty Senate Presidents' meeting. The Council discussed the faculty senate legislation for Spring 2010 and ways to improve recruitment and retention on each campus. Dr. Burnett reported that the Faculty Input Survey is complete and results should be collected by the end of the semester. Additionally, the Council is working on a Resolution regarding higher education budgetary issues. Council members will distribute the Resolution in their local communities.

(PowerPoint filed with Official Minutes)

REPORT FROM STUDENTS' ADVISORY COMMITTEE

Zach Gearhart, Chair of the Students' Advisory Committee, thanked the Board for hosting breakfast for SAC earlier in the day. Mr. Gearhart reported that the SAC met yesterday and discussed its plan for the State Higher Education Day, which will be held on February 16. The SAC plans to center its message around the cuts higher education has already sustained and why higher education cannot incur anymore. The SAC is creating a Resolution concerning the support of funding for higher education that will be passed out to each local chamber of commerce. The SAC also received a report from Kansas Corps and discussed ways to improve its recruitment.

REPORT FROM CLASSIFIED AND SUPPORT STAFF COUNCIL

The report from the Classified and Support Staff Council was given by Dennis Constance. He discussed the Council's concern about the economy and the impact the cuts are having on the universities. The Council created a Resolution on its FY 2011 positions that will be presented to the Legislature on January 26. The Resolution states that the Council would like the Legislature to support the State of Kansas New Pay Plan, longevity bonuses for all eligible employees, and maintain and fully fund the existing KPERs retirement system.

(Resolution filed with Official Minutes)

GOVERNOR'S BUDGET RECOMMENDATIONS CONTINUED

President Robinson presented a draft statement regarding the Regents' stance on the Governor's budget recommendations. The statement included the budget cuts higher education has already absorbed, the choice law makers face is to either cut more or seek additional public revenues, and the Regents' endorsement of the Governor's decision to pursue additional public revenues and reject further cuts to higher education. Following discussion, the Regents would like to add information on the effects of the current budget cuts to higher education to the back of the statement. Regent Boettcher made a motion to approve the statement with the additional information include on the back. Following the second of Regent Shank, the motion carried.

(Draft Statement filed with Official Minutes)

APPROVAL OF CONSENT AGENDA

Regent Boettcher stated that the consent item to Authorize Energy Conservation Project for WSU was amended to reduce the cost of the project from \$5.1 million to \$1,551,784. Regent Boettcher moved, with the second of Regent Perkins, that the Consent Agenda be approved as amended. The motion carried.

*Fiscal Affairs and Audit***TRANSFER OF PROPERTY AT 4350 SHAWNEE MISSION PARKWAY IN FAIRWAY, KANSAS – KU**

Approval was given to the University of Kansas to accept the transfer of property at 4350 Shawnee Mission Parkway from the KU Endowment Association. The property includes a three story masonry-framed office structure that KU plans to renovate and expand. This building will be used as a Clinical Research Center. Resources provided by the Johnson County Educational Research Triangle (JCERT) sales tax will be used to fund the renovations and will support the bonds that will be issued for this project.

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.

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

The University of Kansas received authorization to accept the transfer of property at 2531 Springfield and 2400 West 38th Avenue from the KU Endowment Association. In December 2001, the Board of Regents authorized the University to enter into a lease agreement with the KU Endowment Association for parking lots located on these properties. At the end of the lease, the properties were to be transferred to the University. The final lease payment was made in July 2009. The parking lots will be maintained with KU Medical Center parking fees funds.

The legal description of the properties follows:

2531 Springfield

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.

2400 West 38th Avenue

All of Lot 1, in MARTYS PARK RESURVEY OF LOTS 15-16, a subdivision in Kansas City, Wyandotte County, Kansas.

ENERGY CONSERVATION PROJECT – WSU

Wichita State University received approval to proceed with an energy performance contract with Energy Solutions Professionals and received authorization to work with the Kansas Development Finance Authority to finance the project. The estimated cost of the project totals \$1,551,784. Energy Solutions Professionals will guarantee the estimated annual utility, operational and maintenance savings which is \$101,391.

(Handout filed with Official Minutes)

THE UNIVERSITY OF KANSAS CENTER FOR RESEARCH ENGINEERING EXPANSION ON STATE PROPERTY – KU

The University of Kansas received approval to design and construct an engineering expansion as provided under K.S.A. 76-759. The expansion will be a 34,600-square-foot laboratory that will include the latest in green technologies and research space for interdisciplinary engineering projects. The estimated cost of the project is \$21.6 million. The project will be funded by the National Institute of Standards and Technology (NIST) Construction Grant Program (\$12.3 million) and private funds on deposit with the KU Center for Research (\$9.3 million). The University will fund future operation and maintenance costs.

CONSIDERATION OF DISCUSSION AGENDA

Academic Affairs

PSU REQUEST TO REVISE ACADEMIC CALENDAR SPRING 2011

Vice President Gary Alexander presented Pittsburg State University's request to revise its academic calendar for Spring 2011. Vice President Alexander amended the issue paper to show PSU's class begin date as Tuesday, January 18 and its total instructional days as 74. Regent Docking moved to approve the calendar as amended. Following the second of Regent Hedges, the motion carried.

(Handout filed with Official Minutes)

Fiscal Affairs and Audit

REPORT AND RECOMMENDATION FROM FISCAL AFFAIRS AND AUDIT STANDING COMMITTEE

Regent Boettcher presented the Fiscal Affairs and Audit Standing Committee's 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. The objective of the Committee has been to develop a management audit policy and insure that the recommended policy incorporates the oversight responsibilities of the Board of Regents. The Committee believes the policy should include the following items: 1) it should be consistently applied, while allowing for significant differences in size and complexity of a given institution; 2) it should focus on the identification and management of conflicts of interest; 3) it should incorporate examination of transactions and relationships between the university and its affiliates, both controlled and non-controlled, focusing upon non-state funds under the control of the university CEO and his/her direct subordinates; 4) the scope and visibility of existing internal audit resources should be expanded and strengthened through the creation of a direct reporting link to the Board of Regents; and 5) it should have a stated means of funding at minimum additional cost. Following discussion, Regent Boettcher stated that the Committee and staff will continue to work on the proposed policy and will address the suggestion made during Board discussion for a schedule of future periodic external reviews/audits.

BOND RESOLUTION – PETERS STUDENT RECREATION CENTER – KSU

General Counsel Julene Miller introduced a Resolution for Kansas State University that would authorize the issuance of K DFA revenue bonds not to exceed \$24,000,000. The purpose of the bonds is to finance

the cost of the expansion and renovations 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. It was noted during the discussion that Board staff will work with the Council of Business Officers to review the current process of identifying/determining resources for future on-going maintenance and the level of detail to be provided to the Board. Following discussion, Regent Sherrer made a motion to adopt the Resolution and to authorize the Chair and the President and CEO to execute the Resolution and related bond documents. Regent Lykins seconded, and the motion carried.

(Resolution filed with Official Minutes)

BOND RESOLUTION – PARKING SYSTEM PROJECT – KUMC

General Counsel Miller introduced a Resolution to authorize the issuance of K DFA revenue bonds not exceed \$9,100,000. The purpose of the bonds is to finance the University of Kansas Medical Center Parking System Projects and to refund all or portion of the outstanding Series 2005E-2 Bonds. The bonds will be secured and debt serviced with pledge of parking system revenues and may include a Supplemental Security Agreement. Regent Perkins moved to adopt the Resolution and to authorize the Chair and the President and CEO to execute the Resolution and related bond documents. Following the second of Regent Hedges, the motion carried.

(Resolution filed with Official Minutes)

BOND RESOLUTION – HOUSING ENERGY CONSERVATION MEASURES – WSU

General Counsel Miller introduced a Resolution to authorize the issuance of K DFA revenue bonds that total \$5.1 million for the Housing Energy Conservation Project at Wichita State University. The purpose of the bonds is to finance the Project and to refund all or portion of other outstanding bonds. The bonds will be secured and debt serviced with the energy savings and housing fees. The Kansas Corporation Commission has authorized Wichita State University to enter into an energy performance contract with Energy Solutions Professionals. Regent Docking moved to adopt the Resolution and to authorize the Chair and the President and CEO to execute the Resolution and related bond documents. Following the second of Regent Perkins, the motion carried.

(Resolution filed with Official Minutes)

RECESS

The Chairman called for a recess at 10:54 a.m. and resumed the meeting at 11:06 a.m.

AMENDMENT TO UPDATE AND CLARIFY FACILITIES POLICY

General Counsel Miller presented the proposed amendment to the Board's Facilities Policy. During the discussion the following changes were suggested: 1) In addition to the statutorily required plan to pay for maintenance of new construction financed by $\geq 51\%$ private dollars from private or existing university resources, the Board is requiring plans for how maintenance is to be paid for new construction financed by $< 51\%$ private dollars; 2) remove new language regarding acquisition of new real property that would have required use of K.S.A. 76-147, and reinsert language that would have allowed for use of K.S.A. 75-3043a; and 3) a couple of non-substantive language changes. The Board directed staff to incorporate the changes into the policy and to present the revised policy at the Board's February meeting.

Other MattersREPORT REGARDING WICHITA CENTER FOR GRADUATE MEDICAL EDUCATION (WCGME) PRINCIPALS GROUP

President Robinson reported that in February the Governor asked the Board to assemble a group of key people to examine the structural and financial issues of the Wichita Center for Graduate Medical Education (WCGME). The Principals Group has met four times. The first two meetings focused on WCGME's structural issues and the Group reached consensus on the proposed changes. The next meetings focused on the financial support issues of WCGME. The Group analyzed the structure of the clinics, how billing is pursued, and the dollars expended by the hospital and university. After a thorough discussion at the last meeting, the Group determined there is a financial shortfall of \$4.5 million for WCGME; however, there is uncertainty of what caused the financial gap. The Group will continue to examine the financial shortfall, and research whether federal monies are available to help close the gap. A final report from the WCGME Principals Group must be presented to the Governor no later than December 2010.

STATE UNIVERISTY TOBACCO USE/SALES POLICIES

President Robinson reported that at the Board's October meeting, then-State Senator David Wysong presented a legislative proposal that would ban indoor smoking statewide. While the Board did not opt to endorse the legislative proposal at that time, the Board did want to review the current status of state university smoking and tobacco sale policies. President Robinson stated each university has a policy on smoking, but there are currently no consistent policies regarding the sale of tobacco products. The Board directed the Council of Presidents (COPs) to offer its recommendation regarding whether the Board should adopt a policy that bans, system-wide, the on-campus sale of tobacco products. COPs is to present its recommendation no later than the March 2010 Board meeting.

EXECUTIVE SESSION

At 11:50 a.m., Regent Sherrer moved, followed by the second of Regent Lykins, that the Board recess into executive session for approximately 20 minutes to discuss matters relating to safety and security measures on the state university campuses. Participating in the executive session were members of the Board, President Robinson, General Counsel Miller, Associate General Counsel Bush, University CEOs and designated university staff. At 12:00 p.m., the meeting returned to open session.

When the Board resumed its open session, it took the following action: Regent Sherrer proposed, with a second from Regent Lykins, a two-part motion for Board consideration – he moved that the Board staff develop, for the Board's consideration, policy that would call for annual Fiscal Affairs and Audit Committee review of state university safety and security policies. In addition, his motion included a statement of commendation to the state universities for the work they have done over the course of the last two years to improve and enhance campus safety and security. The motion was adopted.

EXECUTIVE SESSION

At 12:00 p.m., Regent Sherrer moved, followed by Regent Lykins second, that the Board of Regents recess into executive session for approximately 15 minutes to discuss matters deemed confidential in the attorney-client relationship regarding legal matters pertaining to the WSU and FHSU fund management reviews. Participating in the executive session were members of the Board, President Robinson, General

Counsel Miller, and Associate General Counsel Theresa Bush. At 12:15 p.m., the meeting returned to open session.

FORT HAYS STATE UNIVERSITY AND WICHITA STATE UNIVERSITY FUND MANAGEMENT REVIEWS

President Hammond presented Fort Hays State University's response to the 19 recommendations contained in its BKD Management Review. BKD reviewed university accounts, the Athletics Department, conflict of interest policies, and the Alumni Association. The management review found no inappropriate disbursement of unrestricted funds by the University or its affiliated entities. President Hammond stated that the remedies to the findings are underway.

(Handout filed with Official Minutes)

The Board reviewed the final management report for Wichita State University. The report was conducted by Peterson, Peterson & Goss, L.C. It analyzed certain funds administered and/or controlled by President Beggs and his direct subordinates. The Regents would like to submit follow-up questions to the auditors and directed the Board's General Counsel to work with the University's Counsel regarding follow-up.

ADJOURNMENT

The Chairman adjourned the meeting at 12:42 p.m.

Reginald L. Robinson, President and CEO

Jill S. Docking, Chair

II. GENERAL REPORTS

- A. Introductions
- B. Report from the Chair
- C. Report from the President and CEO
- D. Report from Council of Presidents
- E. Report from Council of Faculty Senate Presidents

Chairman Jill Docking
President Reggie Robinson
President Ed Hammond
Dr. Jeff Burnett

III. STANDING COMMITTEE AND OTHER REPORTS

- A. Academic Affairs
- B. Fiscal Affairs and Audit
- C. P-20 Council
- D. Kansas Bioscience Authority

Regent Gary Sherrer
Regent Jerry Boettcher
Regent Christine Downey-Schmidt
Regent Jerry Boettcher

IV. APPROVAL OF CONSENT AGENDA

- A. *Fiscal Affairs and Audit*
Regent Jerry Boettcher

Diane Duffy
Vice President for Finance and Administration

Eric King
Director of Facilities

**1. AMEND FY 2010 CAPITAL IMPROVEMENTS PLAN REGARDING
MODIFICATIONS TO BRAMLAGE COLISEUM AND BILL SNYDER
FAMILY STADIUM – KSU**

Kansas State University requests approval to modify its FY 2010 Capital Improvements Plan. The request reflects a reduction in the scope of work from the previously approved 2008 Capital Improvement Request for Bramlage Coliseum and Bill Snyder Family Stadium. The modified scope of work will focus on two areas: 1) the construction of an indoor basketball training facility adjacent to Bramlage Coliseum, and 2) the construction of restrooms on the upper deck of the east seating structure of the football stadium. The \$20 million basketball training facility will be a Title IX compliant structure and include men and women’s locker rooms, two regulation sized practice courts, offices, sports medicine, equipment/laundry and weight training facilities. The \$2.1 million restroom project will be constructed on the upper deck of the east stadium and provide restroom facilities for ticket holders in this area. Currently there are no restrooms on the upper deck. The projects will be financed by revenue bonds to be repaid from athletics revenue and private gift funds. The Department of Intercollegiate Athletics will pay all additional utilities, custodial, routine and special maintenance costs associated with the project.

2. AMEND FY 2010 CAPITAL IMPROVEMENTS PLAN REGARDING RENOVATIONS OF OLD MEMORIAL STADIUM – KSU

Kansas State University requests permission to modify its Fiscal Year 2010 Capital Improvements Plan. Renovation of academic and academic support spaces in both the East and West sides of old Memorial Stadium is a \$10 million component of K-State's previously approved 5-year deferred maintenance plan. During project programming it became apparent that \$10 million was insufficient to renovate both the East and West sides of the old Memorial stadium. Therefore, KSU requests approval to include a \$17 million privately funded renovation of the East side of the old Memorial Stadium in the Fiscal Year 2010 Capital Improvements Plan. The East side project includes renovation of 34,700 square feet of space in the existing structure. The total cost of the East Stadium project will be supported by private funds on deposit with the KSU Foundation upon successful conclusion of a fund-raising campaign. The West Stadium project will remain a component of K-State's 5-year deferred maintenance plan.

3. APPROVE HVAC EQUIPMENT BID PACKAGE FOR MEMORIAL STUDENT UNION REMODEL & ADDITION – ESU

Emporia State University requests permission to issue an early bid package for selected air handling equipment items, totaling approximately \$800,000, prior to submission of final construction documents to the Board. Items to bid include nineteen indoor air handling units and associated filter mixing boxes; chilled water cooling coils; hot water heating coils; and steam preheat coils. Early bidding of these items will allow the University to review, accept and order items for which a long lead time to delivery exists, prior to the final acceptance of the larger remodel and construction documents which will be presented to the Board of Regents at its March 2010 meeting.

Early ordering provides an additional 6-8 weeks for manufacturing and shipping at the front of the project, to assure meeting the anticipated construction schedule. The benefits from this request will result in expediting the process; saving costs by direct bidding; and identify the type and manufacturer of this equipment to be used by mechanical contractors in their bids. Funding for this will be covered by the Memorial Student Union's "cash on hand" available for this project.

Future maintenance and operations will be the responsibility of the Memorial Student Union.

4. APPROVE FINAL PLANS AND SPECIFICATIONS FOR THE PARKING FACILITY NO. 4 PROJECT – KUMC

The Medical Center requests approval of final plans and specifications for Parking Facility No. 4. The multi-level parking facility will have a capacity of approximately 600 vehicles and will be constructed on the current surface parking lot at Cambridge and Olathe Boulevard. The facility will provide outpatient parking for the new medical office building that is being constructed by the KU Hospital Authority. The project plans have been reviewed and approved by the Department of Administration

and the Regents Director of Facilities. The total project budget is \$9,100,000 and will be funded by parking revenue and bonds to be issued by the Kansas Development Finance Authority.

5. AUTHORIZE AMENDMENT OF LEASE AGREEMENT WITH THE KU ENDOWMENT ASSOCIATION FOR THE SUPPORT SERVICES FACILITY – KUMC

The University of Kansas requests authorization to amend a lease agreement with the KU Endowment Association for the Support Services building at the Medical Center

Since 1996 the University has leased from the KU Endowment Association (KUEA) the Support Services Building, located at 2110 West 36th Street, Kansas City, Kansas. In 2005, the lease was revised to allow for a major expansion of office space in the facility. This building is essential to the operations of KUMC as it houses numerous non academic departments. Today this facility, and its associated parking, has \$2.1 million in deferred maintenance including:

- **Parking Lot Resurfacing (\$850,000)** The parking lot surface has completely failed and has become a danger to faculty, staff and employees.
- **Roof Replacement (\$750,000)** The roof is past its useful life, is energy inefficient, leaks and requires replacement.
- **HVAC System Replacement (\$310,000)** Major components of the heating, ventilation and cooling system are past their useful life, are energy inefficient and have significant maintenance costs and need replacement.
- **Interior Repairs (\$190,000)** Corridor carpeting is torn, ripped and wrinkled and will be replaced with tile. All corridor walls dented, marred and require patching and painting. The four central restrooms require replacement.

The Medical Center has a current lease with KUEA repaying the initial purchase cost of the building and leasehold improvements. The lease carries an interest rate of prime plus 1% that is adjusted quarterly. That lease began in 1996 for a period of 15 years. In 2005, the lease was revised to allow for a major expansion of office space in the facility. Based on the current lease payment of \$660,000 per year, KUMC will re-pay current obligations for the acquisition and improvements in 2013. It is anticipated that the additional \$2.1 million lease would add an additional five years to the existing lease. Upon completion of the lease, the building will be transferred to the Medical Center. The Medical Center will maintain the building using the funds that are currently budgeted for the lease payment.

6. APPROVE CLINICAL RESEARCH CENTER REMODELING PROJECT DEMOLITION BID PACKAGE – KU

The University of Kansas requests approval of plans and specifications, contingent upon the approval of the Department of Administration and the Regents Director of

Facilities, for interior demolition work in the facility at 4350 Shawnee Mission Parkway in Fairway, Kansas. The interior demolition is the first phase of the project to renovate the facility to house the KU Clinical Research Center. The project will be funded with Johnson County Educational Research Triangle Authority (JCERTA) funds and is estimated to cost \$550,000.

7. APPROVE AMENDED ARCHITECTURAL PROGRAM FOR THE PHARMACY AND STANDARDIZED PATIENT TRAINING PROJECT – KU

The University of Kansas requests approval of an amended architectural program for the Pharmacy and Standardized Patient Training project at the KU School of Medicine-Wichita Campus. The original architectural program dated April 2007 included the construction of a 26,000 square foot addition to the 2nd floor of the Center for Primary Care building. Approximately 17,500 square feet of the addition was completed for the Pharmacy and Standardized Patient Training programs. The remaining 8,500 square feet of space was constructed as unfinished shell space in anticipation of finishing the space at a later date for the Standardized Patient Training program. The budget for the project was \$4,406,165 and was funded with state bonds.

Due to favorable construction bids, the University has sufficient funds in the approved project budget to finish the shell space. The University requests approval to amend the architectural program to include the finish and fit-out of remaining 8,500 S.F. shelled space which is estimated to cost \$850,000. The project will provide additional facilities in support of the School of Medicine and School of Pharmacy programs at the Wichita campus.

8. APPROVE PURCHASE OF REAL PROPERTY AT 1603 S. ELM, PITTSBURG, KS – PSU

Pittsburg State University requests authorization to proceed with requisite procedures provided by K.S.A. 75-3043a relative to the purchase of real property located adjacent to the main campus. The eight-plex apartment building on this property will be razed and the land converted to campus parking. The purchase will be financed from parking bond proceeds which were issued in FY09. Parking improvement bonds were approved at the March 2008 Board of Regents meeting. Purchase price is to be negotiated at no more than \$275,000 as supported by appraisal. Final acquisition is contingent upon Board staff approval and is expected to occur during FY10.

Elm Street Rentals, Inc. – 1603 S. Elm Street, Pittsburg, KS

Legal Description: The South one-half of Lot Number Thirteen (13) and the West Forty (40) feet of the South one-half of Lot Number Eleven (11) in Block Number Seven (7) in Broadway Park Addition to the City of Pittsburg, Crawford County, Kansas, according to the recorded Plat thereof.

V. CONSIDERATION OF DISCUSSION AGENDA

A. *Academic Affairs*
Regent Gary Sherrer

Julene Miller
General Counsel

1. ADOPT AMENDMENT TO INTELLECTUAL PROPERTY POLICY

Summary and Staff Recommendation

The University of Kansas has proposed 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.

The amendment has been reviewed by the university attorneys, and recommended favorably by the Council of Chief Academic Officers and the Council of Presidents. 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 recommended favorably by the Council of Chief Academic Officers at their December meeting and the Council of Presidents at their January meeting.

Staff Recommendation

Staff recommends approval of the following amendment.

b. Patent and Copyrightable Software Policy

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.

B. *Fiscal Affairs and Audit*
Regent Jerry Boettcher

Julene Miller
General Counsel

1. ADOPT AMENDMENT TO APPENDIX C TO REQUIRE ANNUAL REPORTING OF CAMPUS SAFETY AND SECURITY STATUS

Summary and Staff Recommendation

For the last three years, the Board and the state universities have engaged in a rigorous review of each university's campus safety and security plans, policies and protocols. During that time, the Board entered a contract with Margolis, Healy & Associates to conduct a review of those plans, measured against nationwide best and promising practices to prevent and respond to violent criminal episodes on campus. The state universities have responded to the consultants' recommendations and have made a series of reports to the Board to update their progress toward addressing those recommendations.

Upon receipt of the final update at its January, 2010 meeting, the Board directed staff to develop policy that would call for annual Fiscal Affairs and Audit Committee review of state university safety and security policies. The Board also commended the universities for the work they have done over the course of the last two years to improve and enhance campus safety and security.

Background

Following the tragic shooting at Virginia Tech in 2007, the Board directed the six state universities, and encouraged the other public institutions of higher education in the State, to review their campus safety and security plans to assess their capacity to be able to deal with such a violent and devastating incident. In 2008, the Board entered a contract with Margolis, Healy & Associates to conduct a review of the each state university's crisis management plans, policies and protocols, measured against nationwide best and promising practices to prevent and respond to violent criminal episodes on campus. That review was completed and a report made to the Board at its January, 2009 meeting. The state universities have continued to update and improved their security plans and policies, and have made a series of three reports to the Board to update their progress toward addressing the consultants' recommendations.

Upon receipt of the final update at its January, 2010 meeting, the Board directed staff to develop policy that would call for annual Fiscal Affairs and Audit Committee review of state university safety and security policies to ensure that these issues continue to receive Board attention on an ongoing basis. The Board also commended the universities for the work they have done over the course of the last two years to improve and enhance campus safety and security.

Staff Recommendation

To implement an annual review of each state university's campus safety and security policies and crisis management plans, staff recommends amending Appendix C of the Board's Policy Manual to require the state universities to report in November of each year to the Board's Committee on Fiscal Affairs and Audit. The proposed amendment is set forth below:

Appendix C

ROUTINE REPORTING SCHEDULE (9-17-09)

The following subject matter listings indicate routine reports to be submitted to the Board office by each state university. All dates and required number of copies are subject to change for administrative efficiency. Additional reports not reflected in these listings may be required of any or all institutions.

Due

ACADEMIC AFFAIRS:

- Program Review May Agenda
- Performance Reports March 1
- Report on Regents Distinguished Professors May 1 & Dec.1
..... Oct. 1 as specified in Section II.F.4.a.(6)
- Performance Agreements July 1
- Western Kansas Partnership Program (ACCESS US) Aug. 1
- Kansas Partnership for Faculty of Distinction..... Sept. 1
- TSE/SPEAK/TOEFL report as specified in Section II.F.3.a., b., & c.
- Academic extension courses/programs as specified in Appendix F.4.a.(5), b.(1)
- Institutional affiliations with state universities..... as specified in Appendix H.12.

FACILITIES:

- Capital improvement requests (1 copy to Board office, 1 copy to each Regent).....Apr. 1
- Inventory of Physical Facilities & Space Utilization (report even numbered years biennial; Table 1 annually) copies of selected pages by campuses..... Nov. 1
- Campus safety and security summary status report (to Committee on Fiscal Affairs and Audit)
..... Nov. 1
- Rehabilitation and Repair Projects for Institutions of Higher Education
for allocation, at December Board meeting (for following July 1 availability) Dec. 1

FISCAL MANAGEMENT:

- Delegations of contracting authority (to KBOR General Counsel)..... July 1
- Annual Operating Budget and Legislative Budget Report.....Sept. 15
- Reports from state universities participating in the pilot project on purchasing Oct. 1
- Housing occupancy report..... Nov. 1
- Fee waiver report..... Nov. 1
- Annual financial report..... Dec. 31

MISCELLANEOUS

- Attrition and Graduate Report Oct. 1
- Kansas Higher Education Enrollment Report (KHEER) Mar. 1, Oct. 1
- Legislative proposals (non-appropriations).....Nov. agenda
- Sustainability report.....Nov. agenda

Report on pending or completed Legislative Post Audits Dec. 31
Consolidated Unclassified Reports..... Dec. 1
Institutional Research Reports..... as specified at:
<http://www.kspds.org/IR/common/documents/Report%20List%20for%20Academic%20Year%202010.pdf>

2. ADOPT AMENDMENTS TO UPDATE AND CLARIFY FACILITIES POLICY

Summary and Staff Recommendation

Last month, staff presented proposed amendments to the facilities section of the Board's Policy Manual. The Board reviewed the draft and requested a number of changes. Those changes have now been incorporated and include additional requirements for planning for ongoing maintenance costs, re-wording a few sections to clarify that the Board has discretion and revising the appraisal requirements for acquisition of real property. The facilities policy amendments have been reviewed and approved by the Council of Business Officers and the Council of Presidents. Staff recommends adoption of the proposed policy amendments set forth herein.

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.

At its January meeting, the Board requested a few additional changes. Those changes were incorporated, presented to the Council of Business Officers for review and approved by the Board's Committee on Fiscal Affairs and Audit.

C. FACILITIES

1. PROJECT PLANNING (K.S.A. 76-7,103 and 76-7,105)
 - a. 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.
 - b. New Campus Master Plans, or significant modifications to existing Campus Master Plans, shall
 - (1) address deferred maintenance needs;

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

(3) be submitted to the Board for approval.

2. SUMMARY OF APPROVAL REQUIREMENTS

	<u>Board of Regents</u>	<u>Building Committee</u>	<u>Full Legislature</u>	<u>Architectural Program required?</u>	<u>Execution process (architect/contractor)</u>
Capital Improvements > \$750,000					
<u>Endowment/Foundation/Research</u>	<u>approve</u>	<u>advise</u>		<u>yes</u>	<u>Campus</u>
<u>State General Fund</u>	<u>approve</u>	<u>advise</u>	<u>approve (418)</u>	<u>yes</u>	<u>State selection/bid</u>
<u>All Other Non-State Funds</u>	<u>approve</u>	<u>advise</u>		<u>yes</u>	<u>K.S.A. 76-7,125 et seq (SB 9)</u>
<u>Revenue Bonds</u>	<u>approve</u>	<u>advise</u>	<u>approve (418)</u>	<u>yes</u>	<u>State selection/bid</u>
<u>Federal Grants</u>	<u>approve</u>	<u>advise</u>		<u>yes</u>	<u>K.S.A. 76-7,125 et seq (SB 9)</u>
<u>Educational Building Fund</u>	<u>approve</u>	<u>advise</u>	<u>***¹</u>	<u>yes</u>	<u>State selection/bid</u>
Rehabilitation and Repair Projects²					
<u>Endowment/Foundation/Research</u>	<u>approve</u>	<u>advise</u>		<u>no</u>	<u>Campus</u>
<u>State General Fund/EBF</u>	<u>approve</u>	<u>advise</u>		<u>no</u>	<u>State selection/bid</u>
<u>All Other Non-State Funds</u>	<u>approve</u>	<u>advise</u>		<u>no</u>	<u>K.S.A. 76-7,125 et seq (SB 9)</u>
<u>Federal Grants</u>	<u>approve</u>	<u>advise</u>		<u>no</u>	<u>K.S.A. 76-7,125 et seq (SB 9)</u>
Deferred Maintenance Projects					
<u>Infrastructure Maintenance Funds</u>	<u>approve</u>	<u>advise</u>		<u>no</u>	<u>State selection/bid</u>
<u>University Interest</u>	<u>approve</u>	<u>advise</u>		<u>no</u>	<u>K.S.A. 76-7,125 et seq (SB 9)</u>
<u>Tax Credits</u>	<u>approve</u>	<u>advise</u>		<u>no</u>	<u>State selection/bid</u>
<u>Energy Performance Contracting</u>	<u>approve</u>	<u>advise</u>			<u>K.S.A. 75-37,111 through 37,114 and 75-37,125</u>
<u>Building Razing</u>	<u>approve</u>	<u>advise³</u>			

¹ If new project or major renovation.

² Projects < \$500,000 require only Director’s approval.

³ Not required by law.

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. For improvements that include new space for which private moneys are to finance at least 51% of the cost, the request 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) For improvements that include new space for which private moneys are to finance less than 51% of the cost, the request shall include a plan for paying annual maintenance and operation costs that indicates the resources to be used for such costs. Such annual maintenance and operation costs plans shall be included in the program statement and will adhere to standards prescribed by the Board's Director of Facilities. ~~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 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, and project schedules. For new construction or major renovations the program statement must also include space projections, space summaries, space descriptions, a discussion of the impact the additional space will have on overall campus space, and new buildings operating costs and the proposed source of funding for such operating costs (or a statement that such will not be requested). 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 auxiliary 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 submitted to the Board for consideration.

- (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 submitted to the Board for approval.
- 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~~ The chief executive officer of the Regents institution and the committee of the whole considering items related to facilities ~~state university shall recommend an appropriate name to the Board for consideration. 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~~ at the same time the state university sends its agenda material requests 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~~ submitted to the Board for approval in accordance with paragraph (4) of this subsection, and shall be submitted to other state agencies for approval where required by ~~statute~~ law. (K.S.A. 75-3739(1), 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~~ shall 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) A state university must obtain legislative authorization and, following receipt of the appraisals required by law, approval from the Board before any ~~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 appraisals. 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. (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 in the same-manner as that of state properties. (K.S.A. 75-3043a and 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)

3. ADOPT REFUNDING BOND RESOLUTION – FARRELL LIBRARY – KSU

Summary and Staff Recommendation

At the Board's and Kansas State University's request, KDFFA issued revenue bonds in 1995 to pay a portion of the costs of the Farrell Library Expansion Project at Kansas State University. Current economic conditions present the opportunity to refund a portion of the earlier bond issues, thereby realizing savings which will provide savings that can be passed along to the students through a reduction in the student fee assigned to the repayment of this debt. Therefore, the KDFFA requests that the Board adopt this Resolution approving the issuance of the Refunding Bonds in one or more series to finance the all or a portion of the costs of refunding the 1995 bonds and to pay associated costs of issuance and establish bond reserves. The Resolution, if adopted, would also authorize the Chairman and the President and CEO to sign the Resolution, a Pledge of Revenues Agreement, and an Administrative Agreement in such form as is approved by the Chair and the General Counsel to the Board and to execute any and all other documents and certificates necessary to accomplish the purposes set forth in the Resolution and the issuance of the Bonds.

Staff recommends that the Board adopt the Resolution.

Background

The Kansas Development Finance Authority (KDFFA), created by the 1987 Kansas Legislature, K.S.A. 74-8901, et seq., has authority to issue bonds on behalf of the State for the purpose of refunding any outstanding bonded indebtedness of any state agency.

The Board previously determined it advisable to expand and renovate Farrell Library on the Kansas State University campus in Manhattan. Funding and issuance of revenue bonds for the project was authorized by the 1992 Legislature. L. 1992, Ch. 326, Sec. 11. KDFFA subsequently issued Revenue Bonds Series K, 1995, in an aggregate principal amount of not to exceed \$3,900,000 to provide a portion of the costs of renovating and expanding Farrell Library. The bonds were dated October 1, 1995 and had a twenty year debt service secured by and repaid from funds in the Farrell Library Renovation and Expansion Bond Fund which is funded with a Farrell Library Expansion fee in the amount of \$9.25 per semester for students enrolled in seven hours or more and \$4.25 per semester for students enrolled in less than seven hours. The Board approved the Farrell Library Expansion fee at its meeting in May of 1993 and collections began with the 1993 fall semester.

Due to current economic conditions the Authority has advised that an opportunity exists to achieve present value interest savings by refunding all or a portion of the Series 1995K Bonds. It is estimated that the total savings will be approximately \$150,000, averaging \$25,000 per year. The final debt service on the library bonds is scheduled on 10/1/2015.

In conjunction with the issuance of the proposed Refunding Bonds, it is necessary to authorize the execution of a Pledge of Revenues Agreement between the Board and KDFFA which contains an additional pledge of revenues to pay the proposed bonds. The University and the Authority have advised the Board that in order to achieve interest rate savings in connection with the issuance of the Refunding Bonds it will likely be necessary for the University to enter into a Supplemental Security Agreement with the Authority 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 Refunding Bonds and Additional Bonds.

The Board is requested to adopt the Resolution set out below, which approves the issuance of the Refunding Bonds in one or more series. The Resolution further authorizes the Chair and the President and CEO of the Board to execute the Pledge of Revenues Agreement and an 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
02/04/2010

RESOLUTION

A RESOLUTION OF THE KANSAS BOARD OF REGENTS APPROVING THE ISSUANCE BY THE KANSAS DEVELOPMENT FINANCE AUTHORITY OF KANSAS DEVELOPMENT FINANCE AUTHORITY REFUNDING REVENUE BONDS (KANSAS BOARD OF REGENTS – KANSAS STATE UNIVERSITY – FARRELL LIBRARY) TO PROVIDE ALL OR A PORTION OF THE FUNDS NECESSARY TO REFUND THE OUTSTANDING KANSAS DEVELOPMENT FINANCE AUTHORITY REVENUE BONDS, SERIES K, 1995 (KANSAS BOARD OF REGENTS – KANSAS STATE UNIVERSITY – FARRELL LIBRARY EXPANSION PROJECT); AUTHORIZING THE EXECUTION OF A 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 supervision 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 Farrell Library (the “Library”) located on the Manhattan, Kansas campus of the University; and

WHEREAS, the Kansas Development Finance Authority (the "Authority"), on behalf of the Board, has heretofore issued its Kansas Development Finance Authority Revenue Bonds, Series K, 1995 (Kansas Board of Regents – Kansas State University – Farrell Library Expansion Project), dated November 1, 1995 (the "Series K, 1995 Bonds") in order to provide funds to expand the Library and pay associated costs of issuance and fund bond reserves; and

WHEREAS, the University and the Authority have advised the Board that 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 K, 1995 Bonds; and

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

WHEREAS, in conjunction with the issuance of the Refunding Bonds, it is necessary to authorize the execution of a Pledge of Revenues Agreement between the Board and the Authority (the "Pledge Agreement"), to provide funds necessary to provide for payment of such Refunding Bonds; 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 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 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 Refunding Bonds and subsequent administration and enforcement of the 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 Refunding Bonds by the Authority on behalf of the Board, in one or more series to finance all or a portion of the costs of refunding the Series K, 1995 Bonds and to pay associated costs of issuance and establish bond reserves. The 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 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 Refunding 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 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 February 17, 2010.

KANSAS BOARD OF REGENTS

(SEAL)

By _____
Jill S. Docking, Chair

ATTEST:

By _____
Reginald L. Robinson, President and CEO

THURSDAY, FEBRUARY 18, 2010

VI. REPORTS

- A. Introductions
- B. Report from Students' Advisory Committee **Zach Gearhart**

VII. APPROVAL OF CONSENT AGENDA

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

1. ACT ON REQUEST FOR APPROVAL OF ADDITIONAL DEGREE GRANTING AUTHORITY FOR CAPELLA UNIVERSITY TO OFFER A MASTER OF SCIENCE IN CAREER COUNSELING (MS): GENERAL CAREER COUNSELING

Summary and Staff Recommendation

Staff recommends that Capella University be given additional degree-granting authority for a Master of Science in Career Counseling (MS): General Career Counseling. This degree is attained through online distance education programming. After a thorough review of the institution’s staff qualifications, website platform, record keeping systems, coursework, and materials, staff recommends approval. 01/21/2010

Background

Capella University is an online university with established schools in Education, Business and Technology, Human Services, and Psychology. The University, founded in 1991, is owned by Capella Education Company, a publicly traded company. It offers bachelors, masters, specialist, and doctoral degrees. It employs 1,100 administrative staff at its Minneapolis, Minnesota, headquarters and more than 1,100 faculty members throughout the country that serve more than 31,000 adult professionals.

Capella has earned accreditation from Council for Accreditation of Counseling and Related Educational Programs (CACREP) for three master's programs in counseling: Mental Health Counseling; Marriage and Family Therapy; and School Counseling.

Capella University is accredited by The Higher Learning Commission of North Central Association of Colleges and Schools (HLC). This accrediting agency is recognized and approved by the United States Department of Education. This accreditation, according to K.S.A. 74-32,168 of the Postsecondary Educational Institution Act, may be accepted as evidence of compliance with the statutory standards for 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.

2. ACT ON REQUEST FOR APPROVAL OF ADDITIONAL DEGREE GRANTING AUTHORITY FOR BROWN MACKIE COLLEGE TO OFFER AN ASSOCIATE OF APPLIED SCIENCE IN BIOSCIENCE LABORATORY TECHNOLOGY

Summary and Staff Recommendation

Staff recommends that Brown Mackie College be given additional degree-granting authority for an Associate of Applied Science in Bioscience Laboratory Technology. Staff has reviewed the coursework and course outcomes and finds the degree meets KBOR standards. Brown Mackie College demonstrates it has appropriate facilities, equipment, materials, record keeping systems, qualified staff, and adequate space to meet the needs of its students. These degrees will be awarded at the Salina and Overland Park Campuses.

01/21/2010

Background

Brown Mackie College is approved for degree granting authority by the Kansas Board of Regents. It was founded in 1892 as a subdivision of Kansas Wesleyan College and became incorporated in 1938 as the Brown Mackie College. In 2002, the school was purchased by Education Management Corporation. Brown Mackie Colleges are now located in ten different states with twenty different campuses.

Brown Mackie College is accredited by The Higher Learning Commission of North Central Association of Colleges and Schools (HLC). HLC is 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. APPROVE REQUEST FOR DEGREE AND CERTIFICATE PROGRAMS
SUBMITTED FROM COMMUNITY COLLEGES AND TECHNICAL
COLLEGES – FORT SCOTT COMMUNITY COLLEGE CERTIFICATE IN
MASONRY (CIP 46.0101)**

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.

1/27/10

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

Description of Proposed Programs

Fort Scott Community College requests approval for the following new program: Masonry (46.0101) at the Certificate level (32 credit hours). The proposed program would serve the needs of Southeast Kansas, Northeast Oklahoma and Southwest Missouri for brick, block and stone masons. Letters of support from area employers highlighted their concern with pending retirements and the need for a program to serve this region of the state. The program would serve the needs of individuals seeking to acquire an employable skill as well as high school students in the local area seeking to explore

the masonry trade. The proposed program is part of the Architecture & Construction career cluster which is one of the high growth high demand industry clusters for the State of Kansas. Based on surveys conducted at area high schools and on local employer needs for replacement masons the college projects an annual enrollment of 40 students. Twenty-five area businesses and construction companies have pledged to support the program with donations of equipment and materials. Students completing the program would be eligible for entry level positions as masons with area employers. Letters of support from area employers indicated an ongoing annual need for and willingness to hire graduates from the proposed program.

Funds set aside in the Community Based Jobs Training Grant awarded to Fort Scott Community College by the U.S. Department of Labor to provide career and technical training would be utilized to fund the start-up costs of the program during the initial year of operation which are projected to be \$110,000. Tuition and fees accompanied by support from the fore-mentioned twenty five businesses and construction companies will enable the program to become self-sufficient and offset the ongoing program costs beyond year one which are estimated to be \$45,000 to \$75,000 per year.

The only other Masonry program in the state is located at North Central Kansas Technical College (NCKTC) in Beloit. Fort Scott Community College has collaborated with NCKTC on program design, exchanging course level materials and exploring “best practices”.

Fort Scott Community College has an existing Construction Trades Program at the AAS level and some of the coursework in the proposed certificate program already exists. The proposed Masonry program would adhere to the National Center for Construction Education and Research (NCCER) curriculum and would support student acquisition of NCCER credentials.

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 approved during the January 27, 2010 meeting of the Postsecondary Technical Education Authority (TEA). The TEA recommends approval of this program.

VIII. CONSIDERATION OF DISCUSSION AGENDA

A. *Academic Affairs*
Regent Gary Sherrer

Dr. Gary Alexander
Vice President for Academic Affairs

Dianne Glass
Director of Adult Education

1. RECEIVE ADULT EDUCATION ANNUAL REPORT

Summary and Staff Recommendation

<i>Staff recommends that the board accept the fiscal year 2009 report on the programs funded under the federal Workforce Investment Act, Title II: Adult Education and Family Literacy Act.</i>	<i>01/27/10</i>
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Background

In fiscal year 2009, thirty adult education programs provided adult education and family literacy services to more than 11,000 Kansans. This report provides information on the demographics of the adult learners served, and the effectiveness and efficiency of the services provided. The report also compares Kansas Adult Education’s outcomes with its FY05, FY06, FY07, and FY08 outcomes and with the negotiated outcomes approved by the United States Department of Education as required under the Workforce Investment Act of 1998. This year's report will also include information on the NEXT STEP and KAN-GO projects. A full copy of the report is available upon request.

Recommendation

Staff recommends that the FY09 Adult Education Report be accepted.

B. *Other Matters*

Blake Flanders
Vice President for Workforce Development

1. **RECEIVE REPORT FROM KANSAS POSTSECONDARY TECHNICAL EDUCATION AUTHORITY**

Kip Peterson
Director of Government Relations and Communications

2. **RECEIVE LEGISLATIVE UPDATE**

Reggie Robinson
President and CEO

3. **CONSIDER STRATEGIC AGENDA FOR HIGHER EDUCATION IN KANSAS**

IX. ADJOURNMENT

Agenda
Board Fiscal Affairs and Audit Standing Committee
February 17, 2010
Board Room, 10:30am-11:30am

- I. Questions/Clarifications about the Fiscal Affairs and Audit Committee Items on the Board's Agenda
 - A. Adopt Amendments to Update and Clarify Facilities Policy – Julene

- II. Other Committee Business
 - A. Discuss First Draft of Policy Proposal for Non-Public Funds Management Review
 - B. Upcoming Agenda Call -- Tuesday, March 2, Noon

February 17-18, 2010

Council of Presidents
Kansas Board of Regents Office
1000 S.W. Jackson
Topeka, KS
February 17, 2010
11 a.m.
Suite 530

Agenda

1. Approve minutes of January 20, 2010 meeting
2. Report from Council of Business Officers
3. Report from Council of Chief Academic Officers
4. Honorary degrees

Council of Presidents
Kansas Board of Regents
January 20, 2010
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 11:04 a.m. by President Hammond.

1. Minutes of December 16, 2009 meeting

President Lane made a motion, seconded by President Schulz, to approve the minutes. The motion passed unanimously.

2. Report from Council of Business Officers – Mr. Mike Barnett, Vice President for Administration and Finance, FHSU

Mr. Barnett said he had no report, as COBO had not met since the last Council of Presidents meeting.

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

Dr. Gould mentioned a health care concentration for informational purposes only, as it does not need approval from COCAO or COPS. He said COCAO had a brief discussion of the BAASC agenda, including the distance education policy, fees for out-of-state and private schools, and admissions policy. Dr. Gould also reminded the Council of Presidents that a recommendation on the University Press of Kansas would be presented at their February meeting.

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

President Lane moved to accept the changes to the Policy Manual. The motion was seconded by President Beggs, and it passed unanimously. The revisions will be forwarded to the Board of Regents for final approval.

5. Honorary Degrees

This item was tabled until the February COPS meeting.

The meeting was adjourned at 11.19 p.m.

System Council of Chief Academic Officers

Wednesday, February 17, 2010
9:30 – 10:00 a.m.
Room 530
Curtis State Office Building
1000 SW Jackson Street Suite 520
Topeka, Kansas

A G E N D A

1. **Approve Minutes of January 14, 2010 [Attachment 1]**

2. **Discuss Distance Education Initiative**

3. **Update on the Status of the Five Strategic Questions**

4. **Other Business**

BOARD MEETING DATES (2009/10)	Possible SCOCAO Teleconference/conference call meetings	Type of Meeting
September 16, 2009	September 10, 2009	Teleconference/Conference Call
October 14, 2009	October 14, 2009	Face-to-face
November 18, 2009	November 12, 2009	Teleconference/Conference Call
December 16, 2009	December 10, 2009	Teleconference/Conference Call
January 20, 2010	January 14, 2010	Teleconference/Conference Call
February 17, 2010	February 17, 2010	Face-to-face
<i>March 17, 2010</i>	<i>March 11, 2010</i>	Teleconference/Conference Call
<i>April 14, 2010</i>	<i>April 8, 2010</i>	Teleconference/Conference Call
May 19, 2010	May 13, 2010	Teleconference/Conference Call
June 23, 2010	June 17, 2010	Possible face-to-face

Italics indicates correct dates

System Council of Chief Academic Officers Minutes

**Thursday, January 14, 2010
2:00 p.m.
Conference Room B
Kansas Board of Regents
Curtis State Office Building
Topeka, KS**

The System Council of Chief Academic Officers met in Conference Room B of the Kansas Board of Regents Office, Suite 520, 1000 S. W. Jackson, Topeka, Kansas, at 2:00 p.m. by teleconference/conference call on Thursday, January 14, 2010.

Members Present:

Kim Krull, Cloud County Community College	Brain Inbody, Neosho County Community College
Larry Gould, Fort Hays State University	Allen Rawitch, University of Kansas Medical Ctr
Barbara Romzek, University of Kansas	Ruth Dyer, Kansas State University
Lynette Olson, Pittsburg State University	April Mason, Kansas State University
Tes Mehring, Emporia State University	Steve Loewen, Flint Hills Technical College
Gary Miller, Wichita State University	Alysha Johnston, Coffeyville Community College
Robin Bowen, Washburn University	Kevin Brungardt, Garden City Community College
Gary Alexander, KBOR	Danny Anderson, University of Kansas

Board Staff:

Jacqueline Johnson, KBOR, Joan Warren, KBOR, and Jean Redeker, KBOR

1. Approve Minutes of December 10, 2009 Meeting Minutes

Tes Mehring moved and Robin Bowen seconded the motion to approve the December 10, 2009 minutes as submitted. Motion carried.

2. Discussion:

a. Acquisition of Graduate Lists from Community Colleges

A report of graduates from community colleges is available from the Kansas Board of Regents Postsecondary Data Base. The graduates' contact information might require additional research.

Discussion followed:

- Obtaining information from community colleges regarding graduates will be helpful by increasing the number of adults entering postsecondary education to obtain a degree
- Adult Education completers' information is not available at this time

-
- This also relates to the national interest in “tracking students” on a statewide basis

b. P-20 Council Update

Gary Alexander gave an update on the P-20 Council. The P-20 Council had a strong response on the GAP analysis. Christine Tell from Achieve will be at the January 20, 2010 Alignment Working Group meeting. Its next meeting is Monday, February 15, 2009.

Other Business

2008 Transfer Report

The 2008 Transfer Report is available on the Kansas Board of Regents Website.

Docufide E-Transcript

Institutions currently may register with Docufide at no cost.

BAASC January 20, 2010 Agenda

BAASC will discuss at its Wednesday meeting:

- Distance education with another more developed draft of distance education
- Private Postsecondary Education Report developed to assist with a five-year business plan and justification for raising the fees
- Admissions Model

Performance Reports

- E-mailed to campuses this week
- Due March 1, 2010
- Contact Jean Redeker if you have questions

There being no other business, meeting adjourned.

Council of Chief Academic Officers

**Wednesday, February 17, 2010
 10:00 to 10:30 a.m.
 Room 530
 and
 Noon to 1:15 p.m.
 Kathy Rupp Conference Room
 Curtis State Office Building
 1000 SW Jackson Street Suite 520
 Kansas Board of Regents**

A G E N D A

Page

- 1. Approve Minutes of January 14, 2010
 Approve Minutes of January 20, 2010**
- 2. Presentation by Allen Mori: ETS/Measure of Academic Proficiency and Progress (MAPP)**
- 3. New Program Request
 KUMC – Requests Approval for a Master of Science in Health Informatics (51.2706)
 (FIRST READING)**
- 4. Program Request
 PSU - Requests Approval to Realign the Department of Computer Science-
 Information Systems as follows:
 Eliminate the BS in Computer Science effective AY2013
 BBS in Information Systems will be placed in the Department of Accounting
 within the Kelce College of Business
 System design component will be relocated to the Department of Engineering
 Technology in the College of Technology
 All faculty will be repositioned into the departments of Accounting or
 Engineering Technology**
- 5. Discuss Draft Distance Education Plan**
- 6. Discuss Program Review**

7. Other Business

Teleconference/Conference Call MEETING DATES	AGENDA MATERIALS DUE	FACE TO FACE MEETING DATES	LUNCH ROTATION
September 10, 2009	August 25, 2009		Teleconference
October 14, 2009	September 24, 2009	October 21, 2010	FHSU
November 12, 2009	October 27, 2009	November 18, 2010	KSU
December 10, 2009	November 23, 2009	December 16, 2010	PSU
January 14, 2010	December 28, 2009	January 20, 2010	ESU
February 11, 2010	January 21, 2010	February 17, 2010	WSU
March 11, 2010	March 2, 2010	March 17, 2010	KU
April 8, 2010	March 30, 2010	April 21, 2010	FHSU
May 13, 2010	April 30, 2010	May 19, 2010	KSU
June 17, 2010	June 2, 2010	June 23, 2010	PSU

Council of Chief Academic Officers

**Thursday, January 14, 2010
3:00 p.m.
Or upon adjournment of SCOCAO
Conference Room B
Kansas Board of Regents
Curtis State Office Building
Topeka, KS**

Minutes

The Council of Chief Academic Officers met in the Kathy Rupp Conference Room of the Kansas Board of Regents Office, Suite 520, 1000 SW Jackson, Topeka, Kansas, at 2:20 p.m. by teleconference/conference call on Thursday, January 14, 2010.

Members Present:

Gary Alexander, KBOR	Larry Gould, Provost, FHSU
Barbara Romzek, Vice Provost, KU	Danny Anderson, Exec. VC, KU
Lynette Olson, Interim Provost, PSU	Ruth Dyer, Sr. Vice Provost, KSU
Gary Miller, Provost, WSU	April Mason, Provost, KSU
Allen Rawitch, VCAA, KUMC	Tes Mehring, Provost, ESU
Robin Bowen, Washburn University	

Board Staff Present:

Jacqueline Johnson, KBOR, Joan Warren, KBOR and Jean Redeker, KBOR

Approve Minutes of December 10, 2009 and December 17, 2009

The “Members Present” for the December 10, 2009 minutes was amended to add: Allen Rawitch, and Ruth Dyer. Tes Mehring moved and Robin Bowen seconded the motion to approve the December 10, 2009 and December 17, 2009 minutes as amended. Motion carried.

Informational Items

KU – A new emphasis area with the BA and BGS in English, titled Language Rhetoric and Writing (CIP 23.0101) within the College of Liberal Arts and Sciences

The above listed informational item was acknowledged by the Council. There was no comment.

No action is required.

BAASC Agenda January 20, 2010

The Board Academic Affairs Standing Committee meets on Wednesday, January 20, 2010 at 9:30 a.m. in the Kathy Rupp Conference Room to discuss the following items:

- Draft Distance Education
- Draft Private Postsecondary Report
- Other Business: Draft Admissions Model

•

Timeline for Admissions Model and Distance Education Plan

The revisions to qualified admissions will be presented to the Board in May or June. After they are approved, KBOR General Counsel will draft regulation language and it will go through the process that includes the sixty day comment period. The earliest the new standards could be completed is in 2011. The implementation date will be four years out.

The Distance Education Plan is also in progress and the plan is to submit it to the Board in May or June.

University Press of Kansas

Fred Woodward, Director of University Press of Kansas, will be at the Wednesday, January 20, 2010 COCAO meeting to present the annual report.

February COCAO Meeting

Allen Mori will make a presentation at the Wednesday, February 17, 2010 Council meeting.

Other Business

There being no other business, the meeting adjourned.

Sincerely,

Larry Gould, Chair,
Vice President for Academic Affairs,
Fort Hays State University

Council of Chief Academic Officers

**Wednesday, January 20, 2010
12:00 – 1:15 p.m.
Kathy Rupp Conference Room
Curtis State Office Building
1000 SW Jackson Street Suite 520
Kansas Board of Regents**

MINUTES

The Council of Chief Academic Officers met in the Kathy Rupp Conference Room of the Kansas Board of Regents Office, Suite 520, 1000 SW Jackson, Topeka, Kansas, on Wednesday, January 20, 2010 at 12:00 p.m.

Members Present:

Larry Gould, Provost, FHSU
Danny Anderson, Interim Provost, KU
April Mason, Provost, KSU
Lynette Olson, Interim Provost, PSU
Allen Rawitch, VCAA, KU Med Ctr

Tes Mehring, Provost, ESU
Keith Pickus for Gary Miller, Provost, WSU
Robin Bowen, VPAA, WU
Gary Alexander, KBOR
Barbara Romzek, Interim Vice Provost, KU

Ruth Dyer, Sr. Vice Provost, KSU

Staff Present

Gary Alexander, KBOR; Jacqueline Johnson, KBOR; Jean Marie Redeker, KBOR; Dianne Glass and Joan Warren, KBOR;

University Press of Kansas Annual Report

Fred Woodward, Director of the University Press of Kansas (UPK), presented the annual report to the Council. The Chief Academic Officers of the six State Universities, the Council of Chief Academic Officers, is the Board of Trustees of the University Press of Kansas. For new members of the Council Mr. Woodward gave a brief overview of the UPK as follows: “The mission of the University Press of Kansas (UPK) is to extend the reach and reputation of the six state universities in Kansas by publishing scholarly books that advance knowledge and regional books that contribute to an understanding of Kansas, the Great Plains, and the Midwest.”

The value of the University Press of Kansas to the sponsoring universities was summarized by Mr. Woodward as follows:

- Low-cost marker of excellence for state of Kansas higher education
- High-profile contributor to the scholarly communication system
- Exemplar of inter-institutional cooperation
- Publishing outlet for selected faculty

Fred Woodward went on to give a brief report on how the University Press of Kansas did for FY 2009 as follows:

- UPK sales drop-off from the prior year was 4.5% - the average decline for all university presses was 9.8%
- Operating loss before subsidy of only 14.1% - less than the projected loss of 22%
- UPK’s peer presses average loss was 46.9%
- Milder downturn in sales and leaving unfilled the managerial position for the production editorial department (vacancy created by retirement) contributed to the above outcome
- Total unit sales declined to 5.2% to 137,956 from 145,447 in FY 2008
- FY 2009 UPK signed 36 new projects
- Last year’s acquisitions consisted of 22 history titles, 6 political science, 6 law and 2 other
- The sale of foreign language rights, awards, and book club adoptions are evidence that UPK’s previous acquisitions drew favorable responses from abroad

Mr. Woodward provided “Operating Projections for FYs for 2008-2010 and 2010-2012” for the Council to consider. The University Press of Kansas proposals approval for restoration of funding with a 12% cut.

(The annual report is attached to the official minutes)

Discussion followed:

- To adjust for losses: sell more titles, analyze what sells and what does not
- UPK is analyzing a new electronic model
- The last ten years of publications are in digital form (xml)

-
- There is no policy on the level of reserve that the University Press of Kansas is required to maintain
- If funding is not restored the following is affected
 - Acquisition – authors are sought out and persuaded to allow UPK to publish two to five years in advance
 - Authors are reluctant to publish with presses that lack funds
 - Ability to afford digitizing back publications
 - Construction and development
 - Hiring quality staff (chief editing director will be retiring in five years)
 - The stability of the consortium agreement

The Council of Chief Academic Officers discussed Fred Woodward's proposal to restore funding at a 12% cut:

- The Council asked for the 2006 University Press of Kansas figures
- Add a business plan to the annual report
 - Strategic goals for the next year
 - Assessment of what is happening in the publishing world
 - What could be done in relationship to the climate of the publishing world
 - When will the warehouse be built
 - What are the projected costs of e-publishing
 - A more proactive review of the press's reserves
- Kansas authors account for less than 5% of publications
- The value is the University of Kansas Press' status
- Fred Woodward is proactive in acquiring quality authors

Allen Rawitch moved and Tes Mehring seconded the motion to endorse the concept of restoring our subsidy for the University Press of Kansas and take the proposal to our campuses for input. Motion carried. Larry Gould, Chair of COCAO, will send Mr. Woodward a letter notifying him of the motion.

Other Business

February 17, 2010 Council of Chief Academic Officers Meeting

Allen A. Mori, Ph.D., Senior Consultant in Higher Education, Products and Services Division, Educational Testing Service, will make a presentation regarding MAPS.

There being no other business, the meeting adjourned.

Sincerely,

Larry Gould, Chair,
Vice President for Academic Affairs,
Fort Hays State University

**COUNCIL OF FACULTY SENATE PRESIDENTS
(COFSP)**

**AGENDA
February 17, 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 January 2010, including:
 1. Faculty Input Survey
 2. Recruitment and Retention issues
 - a. Recruitment and Retention ‘benefits’ discussion/lists
 3. Budget Issues on campus
 4. Legislative actions concerning budgets from each campus.
7. Dr. Redeker
8. Open Discussion
9. Adjournment

**COUNCIL OF FACULTY SENATE PRESIDENTS
(COFSP)**

**MINUTES
January 20, 2010**

10:00 am-Noon

Present:

Carol L. Russell, ESU
Jeff Burnett (Chair), FHSU
Melody LeHew, KSU
Barbara McClaskey, PSU
Lisa Wolf-Wendel, KU
Karen Wambach, KUMC
Deborah Soles, WSU

1. Call to Order: Chair Burnett called the meeting to order.
2. Approval of minutes from December 2009 meeting:
Approved by consensus. Motion made by Melody and seconded by Lisa.
3. University Reports:
See Appendix.
4. Old Business:
 - a. Faculty Survey
 - KSU is organizing the content and format currently.
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. Council discussed the list of perks and potential perks for the faculty.
 - c. Council discussed legislative action (motions) concerning the budget and support.
6. Announcements:
Nothing to report
7. Adjournment:
Meetings adjourned at 1:00pm. Motion made to adjourn by Lisa and seconded by Carol.

Respectfully submitted by Jeff Burnett
Chair, COFSP 2009-2010

Appendix

KUMC Report for January COFSP

Karen Wambach, PhD, RN

Faculty Assembly Steering Committee (FASC) met on December 3, 2009.

- FASC Appointment of standing Ad Hoc Appeals/Hearing Committee – Process of appointing members is nearly complete with the School of Nursing and School of Medicine appointed/confirmed and Allied Health needing to confirm their appointees.
- Reviewed progress on goals for year and action plans for 2010 – major emphasis will be placed on the following:
 - In collaboration with the Research Committee need to appoint a sub-Committee to address record retention, especially for children. Ann Davis, Chair of the Research Committee, will work with the Research Committee to better define the problem and recommend nominees to serve on the sub-committee.
 - Review and revise KUMC Faculty Grievance processes: Much work needs to be done to clarify, provide detail and delineation of grievance processes. The work requires collaboration between faculty and administration (Office of Faculty Affairs), including review of recent processes. Jeff Radel, chair of Faculty Concerns, anticipates considerable work will be accomplished spring 2010 and new policies and procedures will be ready for approval later in 2010.

ESU Report for January COFSP

Carol L. Russell, Ed.D.

- First Faculty Senate Executive meeting of the semester scheduled for Friday, Jan. 15, 2010
- First Faculty Senate meeting of the semester for Tuesday, Jan. 19, 2010
 - FSB 09008 – Modification of the Faculty Office Hours Policy, up for 2nd reading
 - Amendments to the Policy on Acceptable Use of Computing and Information Technology Resources in progress
 - Curriculum Review Bill will be presented for 1st reading on Jan. 19
- Current work of committees:
 - Academic Affairs
 - Working on Undergraduate Advising Resolution
 - Curriculum Review Bill
 - COCG
 - Committee Reviews
 - Administrator Reviews continue
 - Working on policy for Administrator Reviews
 - Faculty Affairs
 - Working on Grievance Policy
 - Working on Furlough Policy based on results of survey from last semester

- Faculty Input Survey will take place this semester
- Faculty / Staff tuition waiver proposal to KBOR, hopefully this semester

**KSU Report for COFSP
January 20, 2010**

Updates since November COFSP meeting include:

- A Vice President of Communication and Marketing was hired and will begin in February. In anticipation of the hire, Faculty Senate established a new communication and marketing sub-committee. In addition, we requested a University Communication and Marketing Advisory Committee be constituted that includes faculty senate representation so that our input is considered as we begin any marketing and branding campaigns. President Schulz is very supportive of the idea.
- Faculty Senate Leadership Council developed a position statement that outlines the value that faculty and unclassified staff bring to the university and to Kansas while indicating the impact of reduced investment in higher education. This statement will be used by KSU governmental relations.

Fort Hays State University, University of Kansas, Pittsburgh State University and Wichita State University Faculty Senates did not meet in January, thus, no report.

Students' Advisory Committee to the Kansas Board of Regents

**Meeting Agenda
February 17th, 2010
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. Review of Higher Education Day
 - b. Review plans for promoting higher education locally
- V. New Business

- VI. Announcements
- VII. Adjournment

Students' Advisory Committee to the Kansas Board of Regents

**Meeting Agenda
January 20th, 2010
4:00 p.m. or Adjournment
Topeka, KS**

Meeting Called to Order by President Gearhart at 4:15pm

- 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
 - a. High Education Day: The SAC discussed the logistics of Higher Education Day and agreed that each university will be in charge of arranging appointments with their local representatives. The SAC also decided to emphasize the importance of higher education and the impact it has on the state community. The budget reductions and subsequent jobs lost that have been sustained in the previous fiscal year will also be addressed as talking points in order to demonstrate the level of impact that state cuts have on higher education. It was also decided that the SAC should work to engage local community groups in an order to start a grass roots campaign to promote the need for higher education. President Krueger presented a rough draft of his resolution that would be presented to local chamber of commerce's. There was discussion about how best to present the resolution and it was decided that each student senate should pass the resolution and work with their university presidents to coordinate their local campaigns. The Student Body President at each university decided to move as quickly as possible to have the resolution approved by their senates and then presented to the leadership of their chamber of commerce's.
 - XII. New Business
 - a. Update on Kansas Corp: The SAC received an update on Kansas Corp that included a briefing on projects that have been completed in December and that are planned for February. The SAC decided to agree to personally attend a Kansas Corp function at the end of one their future meetings. SAC also advised Kansas Corp on how to increase recruitment of student volunteers.
 - XIII. Announcements
 - XIV. Adjournment
- Moved President Cole, seconded President Stramel at 5:35 pm*

Meeting adjourned

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

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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