

KANSAS BOARD OF REGENTS

MINUTES

May 19-20, 2010

The May 19, 2010, meeting of the Kansas Board of Regents was called to order by Chairman Jill Docking at 1:30 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
- Ed McKechnie
- Janie Perkins
- Donna Shank

INTRODUCTIONS

Chancellor Gray-Little introduced the University of Kansas's new Faculty Senate President Barbara Phipps and thanked the outgoing Faculty Senate President Lisa Wolf-Wendel.

APPROVAL OF MINUTES

Regent Downey-Schmidt moved that the minutes of the April 14-15, 2010 meeting be approved. Following the second of Regent Perkins, the motion carried.

GENERAL REPORTS

REPORT FROM CHAIR

Regent Docking thanked the Regents for their participation at the university commencement events. She noted that the first reading for the FY 2011 tuition proposals is on the Board agenda for Thursday, and that the Board needs to make fiscal decisions based on the harshness of today's Kansas economy and the fact that there will be no new stimulus dollars next year. The Board has a critical role to balance the strain on Kansas families and the need to grow the Kansas workforce. Regent Docking stated that tuition is one of the most important and difficult decisions the Board makes.

REPORT FROM PRESIDENT AND CEO

President Robinson thanked the leadership at Pittsburg State University for organizing and hosting the Regents' campus visit last month. Additionally, he thanked all the people who engaged with policy makers during the Legislative Wrap Up Session, the Governor for his leadership and commitment to no more cuts for higher education, and the Legislators who supported the Governor's proposals.

REPORT FROM SYSTEM COUNCIL OF PRESIDENTS

President Burke reported the System Council of Presidents discussed the State's budget and reviewed the strategic agenda for higher education document. The Council conceptually agrees with the strategic agenda, but there are concerns about the implementation regarding both time and resources.

STANDING COMMITTEE REPORTS**Academic Affairs**

Regent Sherrer reported the Board's Academic Affairs Standing Committee examined thirteen performance reviews, which will be forwarded to the Board for consideration.

Fiscal Affairs and Audit

The Fiscal Affairs and Audit Standing Committee report was presented by Regent Boettcher. The Committee approved a draft policy related to Board members' conflicts of interest and approved amendments to the purchasing policy. These policies will be forwarded to the Board for action in June. Additionally, the Committee received an update on the Legislative Post Audit study related to excess credit hours.

APPROVAL OF CONSENT AGENDA

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

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

Approval was given to Capella University to offer the following degrees: 1) Doctor of Nursing Practice, 2) Doctor of Health Administration, and 3) Master of Health Administration. These degrees are attained through online distance education programming.

ADDITIONAL DEGREE GRANTING AUTHORITY FOR CONCORDE CAREER COLLEGE

Concorde Career College received approval to offer an Associate of Applied Science in Dental Assisting and an Associate of Applied Science in Dental Hygiene. These degrees will be offered at the Kansas City, MO campus.

ADDITIONAL DEGREE GRANTING AUTHORITY FOR UNIVERSITY OF PHOENIX

The University of Phoenix received approval to offer the following degrees: 1) Bachelor of Science in Information Technology, 2) Bachelor of Science in Business, and 3) Master of Business Administration. These degrees will be offered at the Wichita Campus, Lenexa Learning Center, and the Topeka Resource Center.

DEGREE AND CERTIFICATE PROGRAMS FOR WICHITA AREA TECHNICAL COLLEGE

Wichita Area Technical College received approval to offer an Associate of Applied Science and a Technical Certificate in Aviation Interiors (48.0799). This program will equip graduates with the skills necessary to install interior equipment and furnishings in aircraft in accordance with industry standards. The start-up costs are estimated at \$67,584, which will be funded by the Wichita Area Technical College general funds.

CONSIDERATION OF DISCUSSION AGENDA

Academic Affairs

SURGICAL TECHNOLOGY ALIGNMENT

Blake Flanders, Vice President for Workforce Development, presented the proposed Surgical Technology Alignment. Currently, four community and technical colleges have surgical technology programs. Vice President Flanders stated that during the process college presidents presented comments and suggestions. Following discussion, Regent Boettcher moved to approve. Regent Docking seconded and the motion carried.

(Surgical Technology Program Alignment filed with Official Minutes)

Other Matters

REPORT AND RECOMMENDATIONS FROM AD HOC COMMITTEE REGARDING COMMUNITY COLLEGES' REQUEST FOR POSTSECONDARY AID

Regent Boettcher presented the report and recommendations from the ad hoc committee regarding Dodge City Community College, Pratt Community College, and Cowley County Community College's request for access to postsecondary aid. Regent Boettcher stated that the committee reviewed all the relevant statutes and all the documents that were submitted, including the request and supporting documents provided by from the three colleges.

The committee was mindful of the complexity of the issues and, based on its review of the materials, is making the following recommendations to the Board for consideration: 1) The committee recommends that the Board deny the Postsecondary Aid funding request made by Cowley, Pratt and Dodge; Cowley and Pratt have never been eligible for such funding and there is no legal authority for allowing Dodge to convert programs from Credit Hour Aid/Community College Operating Grant funding to Postsecondary Aid funding; and 2) The committee recommends that the Board include in its 2011 legislative package any statutory and/or budgetary amendments necessary to achieve implementation of a new approach for State funding of technical education by fiscal year 2012.

General Counsel Julene Miller presented to the Board three letters that were received earlier in the week from the colleges' attorneys. The Board also received a letter from Duane Dunn, President, Seward County Community College. Additionally, General Counsel Miller stated that

Kansas City Kansas Community College Board of Trustees voted to intervene in the lawsuit should the plaintiffs seek a temporary restraining order.

The Regents discussed the second recommendation regarding the implementation of a new approach to state funding. Regent Shank sought to separate the two recommendations and offered a motion to accept the first recommendation of the ad hoc committee report. Regent Downey-Schmidt stated that both recommendations need to be considered together because it was the intent of the committee to show that even though it is denying the request, a new technical education funding approach needs to be implemented. Regent Downey-Schmidt made a substitute motion to accept both recommendations but include the following language in the second recommendation: At the September 2010 Board meeting, the Technical Education Authority, as charged by state statute, shall present proposals on a new funding method for technical education to the Board. Regent McKechnie seconded and the motion carried.

(Ad Hoc Committee Report and Letters filed with Official Minutes)

RECESS

The Chairman called for a recess at 2:46 p.m. and resumed the meeting at 3:00 p.m.

REPORT FROM KANSAS POSTSECONDARY TECHNICAL EDUCATION AUTHORITY

Vice President Blake Flanders presented the report from the Kansas Postsecondary Technical Education Authority. The TEA has asked staff to strengthen connections with secondary programs and the Kansas State Department of Education's secondary career and technical programs. Staff will review how to better link higher education technical courses with K-12 courses.

LEGISLATIVE AND BUDGET UPDATE

Kip Peterson, Director of Government Relations and Communications, presented a report on the Board's legislative initiatives. Since the last Board meeting, the following bills have been either enrolled and presented to the Governor or signed into law by the Governor: 1) SB 131, Private & Out-of-State Postsecondary Institutions (formerly SB 485); 2) HB 2446, State University Investment Statutes Update; and 3) SB 131, Eliminate SSI Requirement for certain State University Faculty (formerly SB 416). Mr. Peterson also reported on the Senate Substitute HB 2360, 3-Year 1-Cent Sales Tax Increase.

Diane Duffy, Vice President for Finance and Administration, presented an update on the budget. The FY 2010 appropriation stands at \$747 million. The original FY 2010 State General Fund (SGF) appropriation at the close of the 2009 session was \$767 million. July and November allotments cut a net total of \$20 million leaving \$747 million, a level of SGF funding equal to the FY 2006 level and the level required for America Recovery and Reinvestment Act (ARRA) compliance. The FY 2010 appropriation of \$747 million is over \$100 million, or nearly 13%, less than the original FY 2009 appropriation. Assuming a Governor's veto of a legislative staff error, the FY 2011 appropriation will be \$751 million, which is the level the Legislature intended.

(PowerPoint and Handout filed with Official Minutes)

FORESIGHT 2020

President Robinson presented the updates to Foresight 2020: A Strategic Agenda for Higher Education in Kansas. Three of the Pillars were updated. In Pillar 1 the following objective was added: Enhanced K-12/Higher Education alignment will be reflected in two measureable ways: (1) Reduction in the need to offer developmental education courses to recent high school graduates and (2) improved retention rates for first cohort of students admitted pursuant to new admissions standards. In Pillar 2 economic demography was added, and in Pillar 5 the advisory council's name was changed to KBOR Business & Industry Advisory Council. President Robinson stated the System Council of Presidents reviewed and supports the concepts of the document. However, there are concerns regarding implementation with regard to both time and resources. The Presidents indicated that it would be helpful if the Board prioritized the Foresight 2020 goals and objectives. Following discussion, the Regents decided to place the Foresight 2020 document on the Board's June agenda.

EXECUTIVE SESSION

At 4:05 p.m., Regent Sherrer moved, followed by Regent Hedges, that the Board of Regents recess into executive session for 60 minutes to discuss personnel matters of non-elected personnel, the annual CEO assessment of President Ed Hammond. Participating in the executive session were members of the Board, President Robinson, and President Ed Hammond. At 5:05 p.m., the meeting returned to open session.

RECESS

Chairman Docking recessed the meeting at 5:05 p.m., to resume the following morning at 8:30 a.m.

RECONVENE

Chairman Docking reconvened the meeting at 8:32 a.m. on Thursday, May 20.

MEMBERS PRESENT:

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

INTRODUCTIONS

President Beggs introduced the new Faculty Senate President at Wichita State University, Frederick Hemans. President Hammond introduced Fort Hays State University's new Faculty Senate President, Dr. Rita Hauck and the new Student Government President, Tyler Thompson. President Lane introduced Jonathan Rivers as the new President for the Associate Student Government at Emporia State University and presented Regent Sherrer with a signed photo and shirt from the Emporia State University's national champion women's basketball team.

Regent Docking thanked all the members of both the Council of Faculty Senate Presidents and the Students' Advisory Committee. She presented certificates to Dr. Jeff Burnett, outgoing Chair of the Council of Faculty Senate Presidents and Zach Gearhart, outgoing Chair of the Students' Advisory Committee. Regent Docking also presented President Robinson with his name plate and thanked him for his service to the State of Kansas.

REPORTS

REPORT FROM COUNCIL OF PRESIDENTS

President Hammond briefed the Board on the Council of Presidents' meeting. The Council received a report from the Council of Business Officers on the new reporting requirements pertaining to affiliated and non-affiliated corporations. January 4 is the recommended date for universities to annually report the status of the corporations to the Board. The Council reviewed the fiscal management procedures and approved Emporia State University's Master of Science Degree in Instructional Leadership. Additionally, the request for creating a council for unclassified employees was discussed and it was decided Kansas State University will chair the Council of Presidents next year. President Hammond stated that when the Board adopted the Board meeting calendar for next year, the March meeting was moved to the fourth week which is Spring Break for the universities.

BOARD OF REGENTS MEETING DATE FOR ACADEMIC YEAR 2010-2011

Regent McKechnie moved that the Kansas Board of Regents' March meeting date for Academic Year 2010-2011 be held in the third week. Followed by a second from Regent Perkins, the motion carried.

REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS

The Council of Faculty Senate Presidents' report was presented by Dr. Jeff Burnett. The Council continued its discussion on how to recruit and retain faculty.

REPORT FROM STUDENTS' ADVISORY COMMITTEE

Zach Gearhart presented the report on the Students' Advisory Committee. The SAC approved a Resolution to extend employer contributions for student healthcare insurance to graduate assistants and discussed what the SAC would like to accomplish next year. Mr. Gearhart announced that the SAC elected Michael Smith, KU, as Chair and Jonathan Rivers, ESU, as Vice Chair for next year.

AMEND AGENDA

Chairman Docking amended the agenda to move the Transfer of Property from the Kansas State University Foundation to the University –KSU on the Consent Agenda to number 1 under the Fiscal Affairs and Audit Discussion Agenda.

APPROVAL OF CONSENT AGENDA

Regent Boettcher moved, with the second of Regent Hedges, that the Consent Agenda, as amended, be approved. The motion carried.

Fiscal Affairs and Audit

MODIFICATION TO FY 2011 CAPITAL IMPROVEMENTS PLAN TO EXPAND LARGE ANIMAL RESEARCH CENTER (LARC) – KSU

Kansas State University received approval to modify its FY 2011 Capital Improvements Plan to expand its Large Animal Research Center (LARC). Private funds of \$5.3 million will be used to add an 11,570 square foot animal suite to the LARC.

RENOVATION OF PORTIONS OF DYCHE HALL UNDER K.S.A. 76-759 – KU

The University of Kansas received approval to renovate portions of Dyche Hall. The project will upgrade building-wide infrastructure, expand the Genomics Complex, and construct new labs. The National Science Foundation (NSF) notified the KU Center for Research, Inc. (KUCR) that the project will likely be funded from the American Recovery and Reinvestment Act (ARRA) Federal Funding Opportunity. The estimated cost of the project is \$1,525,000. The KUCR will construct the project under K.S.A. 76-759.

RENOVATION OF PORTIONS OF NICHOLS HALL UNDER K.S.A. 76-759 – KU

The University of Kansas received approval to renovate portions of Nichols Hall. The project will renovate and expand 3,646 gross square feet, which will be designated as the Bioinformatics Computing Facility Core. The estimated cost of the project is \$4,657,860. The National Institute of Health (NIH) notified the KU Center for Research, Inc. (KUCR) that the project is likely to be funded from American Recovery and Reinvestment Act (ARRA) Federal Funding Opportunity. The project will be constructed by KUCR under K.S.A. 76-759.

LEASE OF LAND FROM UNIVERSITY TO PRIVATE DEVELOPER FOR CONSTRUCTION OF CAMPUS HOUSING – FHSU

Fort Hays State University received authorization to enter into a Ground Lease, a Development and Leasing Agreement, and an Addendum with Uniplace II, LLC. Uniplace II, LLC will lease property from FHSU to construct student housing on the site on which Agnew Hall currently sits. The facility will consist of one building with up to 316 bedrooms. The lease will be for a term of 45 years with three 15 year segments.

CONSIDERATION OF DISCUSSION AGENDA

Academic Affairs

PROGRAM REVIEW REPORT

The Program Review Report was presented by Vice President Gary Alexander. A total of 89 academic programs were reviewed. Following discussion, Regent Docking moved to accept the report. Regent Sherrer seconded and the motion carried.

Fiscal Affairs and AuditTRANSFER OF PROPERTY FROM THE KANSAS STATE UNIVERSITY FOUNDATION TO THE UNIVERSITY – KSU

Regent Boettcher presented the transfer of the property identified below from the KSU Foundation to the Board of Regents for the benefit of Kansas State University. Kansas State University made the final lease payment on the property, which houses students who rotate through the specialty critical care teaching hospital facility in Omaha, Nebraska. The KSU's College of Veterinary Medicine in Omaha generates its own revenue through the clinic a 501(c)(3) entity, which will fund future maintenance on the property.

Legal Description:

Lots 1 & 2, in PACIFIC PLAZA REPLAT 2, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska

FY 2011 STATE UNIVERSITY TUITION AND REQUIRED FEE PROPOSALS (FIRST READING)

Institutional representatives presented tuition proposals for the FY 2011 academic year. Following those presentations, the Regents asked staff to update a summary of each of the proposals to include separating the required expenditures from the other proposed increases. Regent Sherrer asked for a course fees comparison for FY 2010-2011 in the College of Health Professions at Wichita State University, and Regent Shank asked to receive a revenue growth analysis showing the projected tuition increase verses the actual increase for the last 5-years.

(Handouts filed with Official Minutes)

RECESS

The Chair announced a recess at 10:12 a.m. The meeting resumed at 10:24 a.m.

JOHNSON COUNTY EDUCATION RESEARCH TRIANGLE BUDGETS – KSU AND KU

Vice President Duffy introduced the Johnson County Education Research Triangle (JCERT) budgets. The budgets were reviewed and approved by the Board's Fiscal Affairs and Audit Committee and the JCERT Board. Regent Boettcher moved, with the second of Regent Docking, that the Board adopt the budgets for the JCERT program. The motion carried.

CAPITAL IMPROVEMENT REQUESTS FOR FY 2012

Director of Facilities Eric King presented a summary of capital improvement projects submitted by the state universities (Table 1) and a staff recommendation for allocation (Table 2). In addition to requests for State General Funds (SGF) for deferred maintenance, the state university requests include several SGF requests for new buildings, renovations, and special projects. The staff recommendation only includes SGF requests for deferred maintenance projects. Regent Boettcher moved to approve the staff recommendations for allocation (Table 2). Following the second of Regent Perkins, the motion carried.

(Table 1 and Table 2 filed with Official Minutes)

STATE UNIVERSITY 5-YEAR MAINTENANCE PLANS FY 2008 – 2012

Eric King presented the State University 5-Year Maintenance Plans for FY 2008-2012. Mr. King noted that the appropriations bill as passed eliminates state funding in FY 2011 and FY 2012. Regent Docking moved to accept the plans. Regent Boettcher seconded and the motion carried.

(Plans filed with Official Minutes)

Other Matters

POLICY AMENDMENT TO PROHIBIT SALE OR DISTRIBUTION OF TOBACCO PRODUCTS ON STATE UNIVERSITY CAMPUSES

General Counsel Julene Miller presented the proposed policy amendment to prohibit sale or distribution of tobacco products on state university campuses. Regent Sherrer made a motion to adopt the policy with an effective date of July 1, 2010. Following Regent McKechnie's second, the motion carried.

The following policy amendments were adopted:

23. POLICY ON SALES OF PRODUCTS AND SERVICES

It is the intent of this policy to establish guidelines for the conduct of sales of products and services for the ~~Regents institutions~~ state universities in fulfilling their required missions and statutory obligations, and establish principles upon which fairness in the sale of products and services is to be judged. The complex needs of the ~~Regents institutions~~ state universities require that a broad and flexible policy be established while at the same time making provision for the resolution of the legitimate grievances of the private sector which will occur from time to time. It is in the spirit of good faith and fair practice that this policy is established.

Any sale of products or services by a ~~Regents institution~~ state university, its auxiliary enterprises, or an affiliated corporation of a ~~Regents institution~~ state university (all hereinafter collectively referred to as "institution(s)") is deemed appropriate only if such sale is an integral part of or reasonably related to, an activity which is essential to the fulfillment of the institution's instructional, research or public service missions. Such activities must meet the following criteria:

a. Criteria for Sales of Products and Services to Students, Faculty, Staff, and University Guests

(1) Institutions may sell products and services to students, faculty, staff, and university guests; provided, that the products and services satisfy reasonable educationally related or convenience needs of the university community and provided that such products and services are not generally available to persons who are not students, faculty, staff or university guests. University guests are defined as persons who enter a campus for an educational, research, or public

service activity, and not primarily to purchase or receive products and services. Sales to university guests shall be related to the guest's purpose or needs while on campus.

(2) Institutions may sell products and services to students, faculty, staff, and university guests if the product or service contributes to maintaining the quality of the educational, living, or work environment of the institution. Most crucial to maintenance of quality are efforts which impact positively on student, faculty and staff recruitment and retention, including, but not necessarily limited to: student activity association entertainment; movies; athletic and recreational events and facilities; institutional operation of student health facilities; counseling centers; musical, cultural and artistic activities; and auxiliary enterprise activities.

(3) The appropriateness of sales of products and services to students, faculty, staff and university guests should also be weighed by the availability or nonavailability of the products or services in the community at the time sales were initiated. Availability may be defined in terms of convenience, quality or quantity of service.

(4) The sales of products and services to students, faculty, staff and university guests shall be advertised only in media which are aimed or specifically targeted to the university community or by other methods which are limited to the campus.

(5) Sale or distribution of tobacco products on state university campuses shall be prohibited.

b. Criteria for Sales to the External Community

In order for a product or service to be sold to the external community, two criteria must be met: 1) the product or service must be appropriate for sale; and 2) sale of the product or service must adhere to the appropriate policy on pricing. Any advertising of products or services appropriate for sale to the external community shall be reasonably related in content and cost to the product or service being sold.

(1) Appropriate Sales: The following is an exclusive listing of sales to the public which are deemed to be appropriate:

- (a) An institution may sell a product or service which is directly related to the achievement of its institutional mission statement.
- (b) An institution may sell a product or service where the sale enhances the academic, cultural, recreational, or artistic environment of the university community. This shall include, but not be limited to: attendance at addresses by public speakers, musical events, athletic events, museum exhibits, and art showings.
- (c) Products and services which are by-products of the institution's instruction, research, or public service activities may be sold to the public; however, production of products or services for commercial sale shall not be the primary use of any institutional facilities or resources.
- (d) Agricultural and mineral products produced from either research activities or from land owned or leased by the institution may be sold to the public.

(e) An institution may sell food service, but such food service shall be limited to the institution's campus.

(f) An institution may sell clothing and other gift and souvenir items imprinted with the institutional or conference logo, seal, emblem, initials, nickname, mascot or name.

(g) An institution may sell gift or souvenir items related to the operation of university museums or similar facilities.

(h) An institution may sell a product or service if it has specific state or federal statutory authority or mandate to do so.

(i) An institution may provide a product or service pursuant to a grant or contract with a governmental entity to provide such product or service either to the entity or to the public.

(j) An institution may offer a product or service to the external community if such product or service is unavailable elsewhere in the community and is reasonably related to the institution's mission. Unavailability may be defined in terms of convenience, quality or quantity.

(2) Sale or distribution of tobacco products on state university campuses shall be prohibited.

(3) Pricing Policies

(a) In establishing a price or fee for products or services, the price should generally reflect the direct and indirect costs of the products or services and should minimally reflect the price in the private marketplace. For the purpose of this policy, direct costs include, but are not limited to: all salaries, fringe benefits, supplies, and capital directly attributable to the sale of the product or service. An institution's negotiated federal indirect cost rate shall be used to determine indirect costs.

(b) If the activity is integral to the fulfillment of the institution's instructional, research or public service missions, prices may be established at less than full cost recovery upon approval by the institutional chief executive officer or the chief executive officer's designee.

(c) All contracts offering products or services to other state agencies shall be priced in accordance with Board policy on "Contracts with Other State Agencies, Indirect Cost Reimbursement" (Item 7.c., Page 6B).

(d) If a product is an agricultural or mineral product produced either as a by-product of teaching or research activities or as a product of land owned or leased by an institution, such product shall be sold for its market value.

c. Compliance.

(1) The chief executive officer of each ~~Regents institution~~ state university shall designate an officer at the Vice Chancellor or Vice President level who will approve the initiation of any new activity or program which will produce sales of

products or services, or a substantial change in the type or level of existing sales of products or services, and determine that such activity or program complies with this policy. Each ~~Regents institution~~ state university shall develop policies and procedures for administrative approval of activities which satisfy the criteria of this policy.

(2) The Director of Internal Audit or other designated official at each ~~Regents institution~~ state university shall review service and product sales on a regular basis and shall report and identify activities to the designated Vice Chancellor or Vice President which are not in compliance with this policy. The designated Vice Chancellor or Vice President shall review the identified activities. If the designated officer agrees that the activity is not in compliance with the policy on competition, that officer shall prescribe parameters for compliance or shall require that the activity be curtailed.

(3) This policy will be applicable to private entities or individuals who sell products or services directly to students, faculty or staff pursuant to a contract with a ~~Regents institution~~ state university.

d. Competition Grievance Procedure

(1) The chief executive officer of each ~~Regents institution~~ state university shall designate an officer at the Vice Chancellor or Vice President level who will receive and evaluate complaints from private enterprises alleging inappropriate or unreasonable competition by the institution with private enterprise.

(2) Upon receipt of a written, formal and signed complaint, the designated official shall investigate the merits of the complaint and determine whether the activity is in compliance with the Board of Regents policy on sales of products and services. The designated official shall proceed to resolve the complaint through administrative channels if possible. If the designated official is unable to resolve the complaint within fifteen (15) working days of receipt, it will be presumed that the complaint cannot be resolved through administrative channels.

(3) If it is impossible for the complaint to be resolved by the designated official through administrative channels, the complaint shall be given to the chief executive officer of the university for referral, within ten (10) working days, to the Institutional Competition Review Committee for review. An Institutional Competition Review Committee (hereinafter "Committee") shall be separately constituted and appointed by the chief executive officer for each complaint. Each Committee shall be made up of five (5) members as follows: three (3) members from the university community (one of whom shall serve as Chair of the Committee) and two (2) members representing the private sector.

(4) The Committee shall, within five (5) working days of its receipt of the complaint, and after consultation with the complainant, determine whether the complainant wishes to make an oral presentation to the Committee or whether the issue(s) shall be determined based on written submissions of the parties. If the complainant desires to personally make an oral presentation to the Committee, same shall be held within twenty (20) working days of the receipt of the complaint. The Committee shall listen to the complainant and a representative of the department or area offering the product or service. The Committee shall

determine whether sales of the product or service are in compliance with the Board of Regents policy on sales of products and services. The Committee will prepare a written conclusion of its determination and recommendation of action within fifteen (15) working days of the conclusion of the oral presentation, or within fifteen (15) working days of receipt of the written submissions.

(5) The Committee shall forward its recommendation to the chief executive officer of the university for review. The chief executive officer shall accept, reject, or modify the recommendation of the Committee and shall inform the President and Chief Executive Officer of the Board and the other chief executive officers of the recommendation of the hearing committee along with a statement of the action taken thereon by the chief executive officer within fifteen (15) working days of receipt of the Committee recommendation.

(6) If the proposed action of the chief executive officer does not satisfactorily resolve the complaint or charge, the complainant may appeal the chief executive officer's decision to the Kansas Board of Regents within twenty (20) working days of receipt of the Committee's recommendations. Should review be granted, the Chair of the Board shall appoint, within twenty (20) working days of receipt of the appeal, a Regents Review Committee to review the complaint of the complainant. A Regents Review Committee shall be separately constituted for each complaint. Each Regents Review Committee shall be made up of three (3) members as follows: one member, who shall serve as Chair of the Regents Review Committee, shall be the Chair of the Board of Regents or the Chair's designee, one member shall be designated by the institutional chief executive officer where the complaint arose and one member shall be designated by the complainant. The Regents Review Committee will, within thirty (30) working days of its receipt of the complaints, make a complete review of the matter and provide its written Report and Decision to the President and Chief Executive Officer of the Board of Regents for implementation and reporting to the full Board of Regents.

(7) This procedure is intended to facilitate discussion and the resolution of issues and not as a formal or judicial process. Neither party may be represented by counsel. Time limits should not be used to adversely affect any complaints and unusual circumstances may justify a waiver of such time limits. It is further anticipated by the Board of Regents that a conscientious and good faith effort will be made by both parties to resolve the complaint at the earliest possible opportunity and that appeals to the Board of Regents will be the exception.

(8) This procedure shall not negate any other policy or afford additional rights relating to the processing of claims or charges of proscribed conduct which may be made by persons directly involved with or affected by the operation and management of a ~~Regents institution~~ state university. This procedure is applicable only to any individual without current access to an established institutional grievance procedure. (12-20-90)

POLICY AMENDMENT TO AUTHORIZE AWARDING OF HONORARY DEGREES

Vice President Gary Alexander presented the proposed policy amendments to authorize Awarding of Honorary Degrees. Following discussion, the Regents referred the proposed action to the Board's Academic Affairs Standing Committee for additional consideration.

UPDATE FROM THE UNIVERSITY OF KANSAS REGARDING PURSUIT OF NATIONAL CANCER INSTITUTE DESIGNATION

Dr. Barbara Atkinson, University of Kansas Medical Center, updated the Board on the University of Kansas's pursuit to be designated a National Cancer Institute (NCI). NCI is a research designation that represents the gold-standard for excellence in translating research into therapies for patients and only designated centers have access to advanced clinical trials. There are both academic and economic benefits of NCI designation including opportunities for students to learn how to treat cancer patients and job creation. Currently, KU is working on fundraising and recruitment of faculty. The University of Kansas is in year 6 of an 8-10 year process and has been invited to apply for NCI designation as early as September 2011.

(PowerPoint filed with Official Minutes)

EXECUTIVE SESSION

At 12:27 p.m., Regent Sherrer moved, followed by Regent Downey-Schmidt, that the Board of Regents moved the meeting to the Kathy Rupp conference room and recess into executive session for 60 minutes to discuss personnel matters of non-elected personnel, the annual CEO assessment of President Steve Scott. Participating in the executive session were members of the Board, President Robinson, and President Steve Scott. At 1:27 p.m., the meeting returned to open session

ADJOURNMENT

The Chair adjourned the meeting at 1:27 p.m.

Andy Tompkins, President and CEO

Jill S. Docking, Chair