

**KANSAS BOARD OF REGENTS
ACADEMIC AFFAIRS STANDING COMMITTEE**

AGENDA

**February 15, 2017
10:30 am – 11:30 am**

The Board Academic Affairs Standing Committee will meet in the Kathy Rupp Room located in the Curtis State Office Building at 1000 SW Jackson, Suite 520, Topeka, Kansas, 66612.

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| I. | Call To Order | Regent Van Etten, Chair | |
| | A. <i>Approve Minutes</i> | | |
| | January 31, 2017 Meeting | | <i>p. 2</i> |
| II. | Discussion | | |
| | A. <i>Proposed Amendments to the Annual and Multiple Year Appointment Policy</i> | Doug Girod, KUMC
Robert Klein, KUMC | <i>p. 4</i> |
| III. | Updates | | |
| | A. <i>Receive Private Postsecondary Education Report</i> | Jean Redeker, KBOR
Jacqueline Johnson, KBOR | |
| IV. | Other Matters | | |
| V. | Adjournment | | |

**Board Academic Affairs Standing Committee
Meeting Schedule**

AGENDA MATERIALS DUE	MEETING DATES		TIME
January 25, 2017	February 15, 2017	Face to Face	10:30 am
February 14, 2017	February 28, 2017	Conference Call	11:00 am
February 22, 2017	March 15, 2017	Face to Face	10:30 am
March 20, 2017	April 4, 2017	Conference Call	11:00 am
April 17, 2017	May 2, 2017	Conference Call	11:00 am
April 26, 2017	May 17, 2017	Face to Face	10:30 am
May 1, 2017	May 30, 2017	Conference Call	11:00 am
May 24, 2017	June 14, 2017	Face to Face	10:30 am

**Kansas Board of Regents
Board Academic Affairs Standing Committee**

**Tuesday January 31, 2017
MINUTES**

The Board Academic Affairs Standing Committee of the Kansas Board of Regents met by conference call at 11:00 a.m. on Tuesday, January 31, 2017.

In Attendance:

Members: Regent Helen Van Etten Regent Zoe Newton
 Regent Shane Bangerter Regent Daniel Thomas

Staff: Jean Redeker Jacqueline Johnson Scott Smathers
 Karla Wiscombe Max Fridell April Henry
 Julene Miller Renee Burlingham

Institutions Represented:

ESU	FHSU	KSU
PSU	KU	KUMC
WSU	Washburn	Washburn Tech
FHTC	Manhattan Tech	NCK Tech
NWKTC	SATC	Barton CC
Coffeyville CC	Highland CC	Johnson CC
Labette CC		

Meeting called to order at 11:02 a.m.

I. Approve January 18, 2017 Minutes

Regent Newton moved to approve the January 18, 2017 minutes as written. Regent Bangerter seconded, and the motion carried.

II. Agenda Planning

A. Consent Agenda

Request for Approval for Master of Science in Business and Organizational Leadership

Max Fridell presented the request for approval for a Master of Science in Business and Organizational Leadership from the University of Kansas. The Council of Chief Academic Officers and the Council of Presidents have reviewed and approved this proposal. Representatives from KU were available to answer questions.

After discussion, Regent Newton moved to place KU's program on the Board's February 2017 agenda. Regent Thomas seconded, and the motion carried.

Requests for Approval for Degree and Certificate Program

April Henry presented the request for approval for Coffeyville Community College to offer an Associate of Applied Science degree in Medical Laboratory Technology. The program addresses all criteria requested, was reviewed by the Technical Education Authority, and is recommended for approval.

After discussion, Regent Bangerter moved to place Coffeyville's program on the Board's February 2017 agenda. Regent Newton seconded, and the motion carried.

April Henry also presented the request for approval for Wichita Area Technical College to offer an Associate of Applied Science degree and Technical Certificate in Electronics Technology. This program addresses all criteria requested, was reviewed by the Technical Education Authority, and is recommended for approval.

After discussion, Regent Newton moved to place WATC's degree and certificate proposal on the Board's February 2017 agenda. Regent Thomas seconded the motion and the motion carried.

B. Discussion Agenda

Request for Approval of Performance Reports for Academic Year 2015

The AY 2015 Performance Reports for the institutions below were presented by Jean Redeker and Karla Wiscombe.

Emporia State University
Fort Hays State University
Kansas State University
Pittsburg State University
University of Kansas
University of Kansas Medical Center
Wichita State University
Washburn Institute of Technology

Flint Hills Technical College
Manhattan Area Technical College
North Central Kansas Technical College
Northwest Kansas Technical College
Salina Area Technical College
Wichita Area Technical College

Barton Community College
Highland Community College
Labette Community College

After discussion, Regent Bangerter moved to approve the Performance Reports for Academic Year 2015. Regent Newton seconded, and the motion carried.

There being no other business, the meeting was adjourned by unanimous consent at 11:35 a.m.

Act on Proposed Amendments to the Annual and Multiple Year Appointment Policy

Summary and Recommendations

This item proposes revising Board policy to allow the University of Kansas Medical Center additional flexibility to recruit, appoint, and retain clinical and nonclinical faculty. KUMC requires this flexibility to continue training health professionals, provide outstanding patient care, and perform state-of-the-art research. The policy amendments were reviewed and approved by COCAO and COPS. Staff recommends approval.

Background

It is the policy of the Board that appointments of unclassified non-tenure track and non-tenured personnel are to be made on an annual basis except as otherwise provided therein. Over time, exceptions have been made to this general rule for certain categories of unclassified non-tenure track and non-tenured personnel. With regard to faculty positions, the Board has made exceptions to the annual year appointment rule for specific categories of employees unique to the campuses of the University of Kansas Medical Center (KUMC) and Kansas State University (K-State).

In December 1995, the Board approved the creation of non-tenure, renewable faculty appointments at KUMC. While this type of faculty appointment was new to the Kansas Regents system at that time, it was common at other medical centers around the country. It has been an effective tool for KUMC to increase its competitiveness for clinical faculty by increasing both the status and security of long-term clinical faculty members. The policy was amended again in March 1999 and October 2003 to further that original purpose.

In January 2006, the Board approved K-State's request to create a multi-year appointment class for its Department of Clinical Sciences in the College of Veterinary Medicine. Like KUMC, K-State sought the policy amendment to increase its competitiveness for clinical faculty by increasing both the status and security of long-term clinical faculty members in Veterinary Medicine. In January 2012, K-State sought, and the Board approved, expansion of the clinical track faculty option to all K-State departments with clinical programs.

The policy was again amended in September 2013 to allow KUMC to expand the types of clinicians appointed to non-tenure, renewable multiyear clinical track appointments. There was an additional desire to extend the same opportunity to specific nonclinical faculty (those whose teaching or administrative responsibilities related to medical or healthcare education equal or exceed seventy percent of their total effort with the University). KUMC cited as reasons for these amendments: 1) the increased complexity of clinical disciplines, 2) the need for flexibility in appointing faculty particularly suited to designing and maintaining clinical and nonclinical programs, 3) the need to attract and retain outstanding clinical and nonclinical faculty, and 4) the need to be competitive and to fulfill its mission, which includes the development of distributed education at the Salina and Wichita campuses.

The policy was last amended in February 2015 and expanded the use of non-tenure track faculty appointments by allowing each university to employ and appoint qualified personnel to other full-time or part-time, non-tenure track faculty positions as determined by the chief executive officer to be in the best interest of the university. The primary responsibility for persons on these appointments shall be one or more of the following: teaching, clinical service, research, outreach and service, or other creative endeavors in academic departments. Such contracts shall not exceed three years, and can be renewable, but not rolling. A provision was also added requiring a review in 2019 of these amendments and its impact on the campuses.

Policy Request

The rationale for the proposed changes are best described individually, but are based on similar needs to prior amendments to KUMC-related KBOR policy. The University needs academic track flexibility to recruit, appoint, and retain outstanding clinical and nonclinical faculty and fulfill the needs of the State of Kansas in the training of health professionals, providing outstanding patient care, and performing state-of-the-art research for the betterment of Kansans.

Recognition of Dual Employment of KU Physicians and other Health Professionals

In the past, University of Kansas physicians have been dually employed by the University (as faculty members) and one of the clinical foundations that comprised the clinical enterprise. With the integration of the University of Kansas Health Care System, the dual employers are now the University and the Health Care System. The dual employment for health professions faculty members has never been recognized within the KBOR Policy Manual. With approval of these proposed amendments dual employment will be codified. The term “Health Professions” is used to also include faculty members of the School of Nursing and School of Health Professions who work in their professional practice plans and also educate and train students for patient care in Kansas.

Changes to the Clinical Scholar Track

- In order for Department Chairs to have the flexibility to cover clinics and other clinical responsibilities it is essential to allow part-time employment on the clinical scholar track. Many men and women wish to reduce their effort at various periods of the faculty life cycle. Currently, even a temporary reduction from 100 to 80% effort (5 to 4 days/week) results in the need to transfer from the clinical scholar track to the clinical track even though the career trajectory and responsibilities of the faculty member have not changed. When they return to 100% effort we transfer the faculty member back to the clinical scholar track. It is not an effective way for the clinical enterprise to plan appropriately for patient care needs.
- The request is to allow Veterans Administration (VA) and pediatric provider faculty members to be appointed as clinical scholars. In order to apply for VA Merit funding, faculty members must be 5/8 effort at the VA Hospital. Permitting this change would allow growth of the Medical Center research enterprise and enhance collaborative research opportunities, including those within the Clinical Translational Science Award (CTSA) from the National Institutes of Health that has been a key to the growth of research at KUMC. The Veterans Administration Medical Centers (VAMCs) and our pediatric provider are both key contributors to the CTSA. There are only 62 CTSA programs funded by the National Institutes of Health.
- The request is to allow two executives in the Integrated Health System to retain their faculty status. The two positions are the Senior Vice President for Clinical Affairs and Physician in Chief of the KU Cancer Center. The development of the University of Kansas Health Care System has taken over four years of intensive effort and expense. The two administrative positions are critical to the missions of the University and the Health System. In the summer of 2016, the American Medical Association and American Hospital Association recommended several principles for leadership integration, including executive-clinical physician integration across the board. This allowance for two critical leadership positions will ensure maximal alignment of the University of Kansas Health System and the University in keeping with those recommendations.

Addition of a Research Track

KUMC proposes to add a research track, which has existed for over 30 years and has never been included in the KBOR Policy Manual. It is a non-tenure track for faculty members whose salary is derived from extramural research grants. The track may include part-time and full-time faculty. With approval of these proposed changes, the Research Track would be codified in the KBOR Policy Manual.

Additional Flexibility to Transfer from Tenure to Non-tenure Tracks

As career trajectories change, it is important for the Medical Center to have the flexibility to permit faculty members to move from the tenure track to more appropriate non-tenure tracks at any time in their academic career. This would be a one-time transfer and the faculty member would be ineligible to return to the tenure track. Almost all of these transfers from the tenure track will be to the non-tenure clinical tracks. This flexibility will allow the continued employment of outstanding clinicians while reducing the number of tenured faculty members who no longer meet the criteria for tenure.

Changes to the Tenure Track for KUMC Health Professionals

- In rare cases, tenure track faculty members will be appointed or permitted to retain their 1.0 FTE (100% effort) tenure track positions while providing 5/8 effort at the VAMCs. In order to apply for VA Merit funding, faculty members must have 5/8 effort at the VA Hospital. Permitting this change, would allow growth of the Medical Center research enterprise and enhance collaborative research opportunities including those within the Clinical Translational Science Award (CTSA). The VAMCs and our pediatric provider are both key contributors to the CTSA. The use of tenure track for faculty members at our pediatric provider would be very rare and would be an important recruitment tool for attracting research faculty members who could develop collaborative transdisciplinary research programs.
- The request is to allow two executives in the Integrated Health System to retain their faculty status. The two positions are the Senior Vice President for Clinical Affairs and Physician in Chief of the KU Cancer Center. The development of the University of Kansas Health Care System has taken over four years of intensive effort and expense. The two administrative positions are critical to the missions of the University and the Health System. In the summer of 2016, the American Medical Association and American Hospital Association recommended several principles for leadership integration, including executive-clinical physician integration across the board. This allowance for two critical leadership positions will ensure maximal alignment of the University of Kansas Health System and the University in keeping with those recommendations.

Proposed Revision to Board Policy

CHAPTER II GOVERNANCE – STATE UNIVERSITIES

C CHIEF EXECUTIVE OFFICER, FACULTY AND STAFF

2 APPOINTMENTS

b Faculty and Staff

....

vi Annual and Multiple Year Appointments

(1) Except as provided in this section, all appointments of unclassified non-tenure track and non-tenured personnel shall be annual. Every appointment of more than one year shall be subject, on an annual basis, to appropriations being provided by the Kansas Legislature.

(2) University of Kansas Medical Center Tracks

(a) Clinical Scholar Track:

The University of Kansas Medical Center may employ and appoint personnel with clinical responsibilities to ~~full-time~~, non-tenure track positions as determined to be in the best interest of the Medical Center by the Chancellor.

Faculty health care practitioners whose sole practice is in connection with a KU practice plan, and/or a KU-affiliated VA hospital or pediatric provider, may be considered full-time solely for purposes of appointment to the Clinical Scholar Track. Faculty health care providers whose sole medical practice is in connection with a KU physician practice plan and who are appointed by the chief executive officer of the University of Kansas Hospital Authority (“KUHA”) to hold the position of Senior Vice President for Clinical Affairs or Physician in Chief of the KU Cancer Center as part of the Medical Center’s clinical integration with KUHA may be considered full-time solely for purposes of appointment to the Clinical Scholar Track as determined by the Chancellor to be in the best interest of the Medical Center. A component of the clinical appointment may include teaching. Contracts shall be renewable and the lengths shall be: Instructor, one year; Assistant Professor, one to three years; Associate Professor and Professor, three years. Three year contracts may be rolling contracts that, unless otherwise specified, annually shall roll over to create a new three-year term. The University may terminate a rolling contract by giving notice, prior to June 30th of any year, that the contract will terminate at the end of the then current contract term. Salary shall be determined each year by the availability of funds and by merit, which includes, but is not limited to, productivity. Contracts may be terminated by mutual agreement of the faculty member and the University. Prior to the expiration of the appointment, and except as provided above with respect to a rolling contract, the University may only terminate the contract for cause, including loss of clinical privileges or loss of clinical employment with the practice corporation or foundation, or financial exigency.

(b) Clinical Track:

The University of Kansas Medical Center may employ and appoint personnel with primarily clinical responsibilities to part-time or full-time non-tenure track positions as determined to be in the best interest of the Medical Center by the Chancellor. A component of the clinical appointment may include teaching. Initial contracts for appointments on this track shall range from one to three year terms and shall be renewable. This Clinical Track includes four ranks: Clinical Instructor, Clinical Assistant Professor, Clinical Associate Professor and Clinical Professor. Criteria for promotion in this track are specific to the applicable school within the Medical Center. The University may terminate a contract by giving notice, prior to June 30th of any year that the contract will terminate at the end of the current contract term. Salary shall be determined each year by the availability of funds and by merit, which includes, but is not limited to, productivity. Contracts may be terminated by mutual agreement of the faculty member and the University. Prior to the expiration of the appointment, the University may only terminate the contracts for cause, including loss of clinical privileges or loss of clinical employment with practice corporation or foundation, or financial exigency.

(c) Educator Track:

The University of Kansas Medical Center may employ and appoint personnel to the Educator Track whose teaching or administrative responsibilities related to

medical or healthcare education equal or exceed seventy percent of their total effort in their responsibilities with the University. Appointments may be part-time or full-time, non-tenure track positions as determined to be in the best interest of the Medical Center by the Chancellor. Initial contracts for appointments on this track shall range from one to three years and shall be renewable. The Educator Track includes four ranks: Education Instructor, Education Assistant Professor, Education Associate Professor and Education Professor. Criteria for promotion in this track are specific to the applicable school within the Medical Center. The University may terminate a contract by giving notice, prior to June 30th of any year that the contract will terminate at the end of the current contract term. Salary shall be determined each year by the availability of funds and by merit, which includes, but is not limited to, productivity. Contracts may be terminated by mutual agreement of the faculty member and the University. Prior to the expiration of the contract, the University may only terminate the contract for cause, including loss of clinical privileges, if any, or loss of clinical employment with practice corporation or foundation, if any, or financial exigency.

(d) Research Track

The University of Kansas Medical Center may employ and appoint personnel to a Research Track whose primary effort is dedicated to research. Appointments may be part-time or full-time, non-tenure track positions as determined to be in the best interest of the Medical Center by the Chancellor. Contracts for appointment shall be one-year and are renewable. The Research Track includes four ranks: Research Instructor, Research Assistant Professor, Research Associate Professor and Research Professor. Criteria for promotion in this track are specific to the applicable school within the Medical Center. Salary shall be determined each year jointly by the dean and department head, and shall be consistent with applicable guidelines/limits of the funding organization and/or the specific grant/contract/award. Prior to the expiration of the contract, the University may only terminate the contract pursuant to the written agreement or for cause, including financial exigency or loss of clinical privileges or clinical employment, if any. Contracts may be terminated by mutual agreement of the faculty member and the University.

(e) Transfer Between Appointment Categories

Full-time faculty members may apply for a one-time, one-way transfer between appointment categories (tenure track, non-tenure track). Upon mutual agreement, transfers from the tenure track to the non-tenure track may be made ~~prior to but no later than the end of the fifth year of employment~~. For transfers from the non-tenure track to the tenure track, time and title in the non-tenure track does not count toward the probationary period to obtain tenure. Once a transfer from the non-tenure track to the tenure track has occurred, the guidelines for earning tenure apply. Any such appointments must be made in specific compliance with parameters approved by the Kansas Board of Regents. A transfer between tracks remains separate from review for tenure or promotion.

(3) Kansas State University Clinical Track

Kansas State University may appoint clinical faculty to full-time or part-time, non-tenure track positions as determined by the President to be in the best interest of the University. The primary responsibility for persons on these appointments will be teaching and clinical service. A component of the clinical appointment may include opportunity for scholarly achievement.

Contracts shall be renewable and the titles and lengths shall be: clinical assistant professor, one year; clinical associate professor, three years; and clinical professor, five years. Salary will be determined each year by availability of funds and by merit, which includes, but is not limited to, productivity. The University may terminate the contract prior to the expiration of the appointment, only for cause or financial exigency. Notice of non-renewal of the three-year contract and the five-year contract must be given at least 12 months before the expiration of the contract. Faculty members may apply for a one-time, one-way transfer between appointment categories (tenure track, non-tenure track). Once a transfer from non-tenure track to tenure track has occurred, the guidelines for earning tenure apply. Time and title in the non-tenure track does not count toward the probationary period to obtain tenure. Any such appointments must be made in specific compliance with parameters approved by the Kansas Board of Regents.

(4) Other Non-Tenure Track Faculty Appointments

(a) Each University may employ and appoint qualified personnel to other full-time or part-time, non-tenure track faculty positions as determined by the chief executive officer to be in the best interest of the university. The primary responsibility for persons on these appointments shall be one or more of the following: teaching, clinical service, research, outreach and service, or other creative endeavours in academic departments. Titles and ranks shall be determined by the university.

(b) Initial contracts for such appointments shall not exceed three years, may be renewable but may not be rolling. At the end of each three year period, the university shall determine whether to renew each individual appointment made pursuant to paragraph (a) of this subsection and, if so, whether for 1, 2 or 3 additional years. Salary shall be determined each year by availability of funds and by merit, which includes, but is not limited to, productivity. Criteria for promotion, if available, shall be determined by the university and set forth in university policy.

(c) Contracts for appointments made pursuant to paragraph (a) of this subsection may be terminated by mutual agreement of the faculty member and the University. Prior to the expiration of the appointment, the university may only terminate the contract for financial exigency or for cause in accordance with Board or university policy, including loss of clinical privileges, if any, or loss of clinical employment with practice corporation or foundation, if any.

(d) For purposes of the multiple year appointments made pursuant to paragraph (a) of this subsection, full-time faculty members may apply for a one-time, one-way transfer between appointment categories (tenure track, non-tenure track). Once a transfer from non-tenure track to tenure track has occurred, the guidelines for earning tenure apply. Time and title in the non-tenure track does

not count toward the probationary period to obtain tenure. A request for transfer from a tenure-track to non-tenure-track appointment must be made prior to but no later than September 1 of the penultimate year of the probationary tenure-track appointment. Any such appointments must be made in specific compliance with parameters approved by the Kansas Board of Regents.

(e) The Board shall review in 2019 the implementation by and impact on the university campuses of this Other Non-Tenure Track Faculty Appointments policy.

(5) Any athletic director or coach of a division I state university may hold a multiple year appointment when the chief executive officer of the university determines such appointment to be in the best interest of the university. Any athletic director or coach of a division II state university may hold a multiple year appointment when the chief executive officer of the university determines such appointment to be in the best interest of the university; however no such appointment shall exceed three years at any given time. Salary shall be determined each year by availability of funds and by merit. The salary of any division II athletic director or coach shall not exceed the monetary salary of the university chief executive officer.

vii Tenure for Tenure-Track Faculty Appointments

(1) This policy applies only to faculty who have been given tenure-track appointments. Faculty who have been awarded tenure may be terminated only for adequate cause, except in the case of program or unit discontinuance or under extraordinary circumstances because of financial exigency.

(2) In the interpretation of the principles contained in paragraph (1) above, the following is applicable:

(a) The terms and conditions of every appointment shall be stated in writing and be made available to the tenure-track faculty member at the time of appointment.

(b) Beginning with the institution's full-time appointment of the tenure-track faculty member, the probationary period shall not exceed seven years. Faculty health care providers whose sole practice is in connection with a KU practice plan, and/or a KU-affiliated VA hospital or pediatric provider, may be considered full-time solely for purposes of appointment to the Tenure Track. Medical school faculty researchers who are employed by the VA or by a pediatric provider to conduct medical research may be considered full-time solely for purposes of appointment to the Tenure Track. Physician faculty whose sole medical practice is in connection with a KU physician practice plan and who are appointed by the chief executive officer of the University of Kansas Hospital Authority ("KUHA") to hold the position of Senior Vice President for Clinical Affairs or Physician in Chief of the KU Cancer Center as part of the Medical Center's clinical integration with KUHA may be considered full-time solely for purposes of appointment to the Tenure Track as determined by the Chancellor to be in the best interest of the Medical Center. The chief executive officer, or the chief executive officer's designee, may at his or her discretion

reduce the probationary period at the time of appointment if it has been determined that the faculty member has served a partial probationary period at a comparable institution and such reduction is in the best interests of the institution. In no instance, however, may the probationary period for a tenure-track faculty member be reduced to less than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notices should be given at least one year prior to the expiration of the probationary period if the tenure-track faculty member is not to be continued in service after the expiration of that period.

(c) If an untenured faculty member becomes a parent through birth, adoptive placement, or adoption of a child under the age of 5 prior to May 1st of the fifth year of the probationary period, that faculty member, upon notification to the institution's chief academic officer, shall be granted a one-year delay of the tenure review. Notification must occur within 90 days of the birth, adoptive placement, or adoption. Faculty members retain the right to opt out of this interruption policy.

(d) Under unexpected special and extenuating circumstances, prior to the sixth year of service, and at the request of the faculty member and the appropriate dean, the chief academic officer of the university may grant an extension of the tenure clock for a maximum of one year.

(e) No more than two extensions of the tenure clock may be granted to a faculty member for any reason. Nothing in this provision shall be construed to guarantee reappointment of an untenured faculty member.

(f) Tenure is a privilege that must be affirmatively granted by the institution in recognition of meritorious performance. Tenure is not a privilege that can be achieved simply through continuous service at the institution, regardless of a faculty member's length of service. Absent an affirmative action by a state university to award tenure, a faculty member shall not qualify for tenure solely by virtue of completing the probationary period.

(3) Within this general policy, each state university may make such operating regulations as it deems necessary, subject to the approval of the Board.

(4) Any tenure approved by the institution shall be limited to tenure for the recommended individual at the institution consistent with the tenure policies of that institution. (Effective 11/14/2002)

(5) In exceptional cases, the chief executive officer at a state university may hire faculty members with tenure without their having completed a probationary period.

(6) Decisions of the chief executive officer shall be final and are not subject to further administrative review by any officer or committee of the institution or by the Board of Regents.

Recommendation

Staff recommends approval of the proposed revision of Chapter II, Section F.7.c of the *Board Policy and Procedures Manual*, to allow the University of Kansas Medical Center the flexibility to recruit, appoint, and retain outstanding clinical and nonclinical faculty and fulfill the needs of the State of Kansas in the training of health professionals, provision of outstanding patient care, and performance of state-of-the-art research for the betterment of Kansans.