

KANSAS BOARD OF REGENTS

MINUTES

June 20-21, 2018

The June 20, 2018, meeting of the Kansas Board of Regents was called to order by Chair Dave Murfin at 1:30 p.m. The meeting was held in the Board Office located in the Curtis State Office Building, 1000 S.W. Jackson, Suite 520, Topeka. Proper notice was given according to law.

MEMBERS PRESENT: Dave Murfin, Chair
 Dennis Mullin, Vice Chair
 Joe Bain
 Shane Bangerter
 Bill Feuerborn
 Daniel Thomas
 Helen Van Etten

MEMBERS ABSENT: Ann Brandau-Murguia
 Zoe Newton

APPROVAL OF MINUTES

Regent Feuerborn moved that the minutes of the May 10, 2018 special meeting and May 16, 2018 regular meeting be approved. Following the second of Regent Bain, the motion carried.

INTRODUCTIONS

President Scott introduced Pittsburg State University's new Faculty Senate President, Clifford Morris, and new Student Body President, Kyle Frank. President Mason introduced Fort Hays State University's new Faculty Senate President, Tony Gable, and President Bardo introduced Wichita State University's new Faculty Senate President, Betty Smith-Campbell.

GENERAL REPORTS

REPORT FROM CHAIR

Chair Murfin reported the Board had many accomplishments this year including naming Dr. Mason as the 10th president of Fort Hays State University and completing four successful campus visits. He highlighted the progress made on the Board goals and themes, and expressed appreciation to the Legislature for the funds that were added to system. Chair Murfin noted there is more work to be done, but the system is moving in the right direction.

REPORT FROM PRESIDENT AND CEO

President Flanders reported earlier this year the Governor issued an executive order creating an Education Council. The Council's membership includes educators, business leaders, and policymakers. President Flanders noted Regent Van Etten and Regent Thomas represent the Board and that Commissioner Watson and he are co-chairs. The Council's charge is to inform and advise the Governor on educational initiatives and policies to improve the overall success of education and workforce development in Kansas. Additionally, President Flanders reported that at last month's Board meeting the Chancellor recognized a junior at the University of Kansas who earned

a Udall Scholarship, Tracey Funk. Tracey is the daughter of Steve Funk, the Board's Director of IT. President Flanders congratulated Tracey and the Funk family.

REPORT FROM COUNCIL OF PRESIDENTS

President Scott presented the Council of Presidents' report. The Council received reports from the Council of Chief Academic Officers, Council of Business Officers, Council of Government Relations Officers, Council of Student Affairs Officers, and the Title IX Workgroup. The Academic Officers approved program requests, reviewed proposed amendments to the policy on the program approval process, and received an update from the faculty regarding the AP cut scores. The Business Officers continued to work on the Board's efficiencies goal and reported the universities serviced by Westar submitted a petition to intervene in the Westar rate case. The Business Officers are also working on standardizing the Comprehensive Tuition and Fees schedule. The Government Relations Officers are planning their July retreat where they will discuss the upcoming legislative session. The Student Affairs Officers discussed Title IX and diversity and inclusion. The Title IX Workgroup provided an update on their meetings that took place throughout the year. The Workgroup's last meeting included representatives from the community colleges, technical colleges, and Washburn University.

President Scott announced the Council of Presidents approved the creation of a Chief Diversity Officers Council, which will report to the Council of Presidents. This Council's membership includes the diversity officers from the six state universities. The Council of Presidents also approved Wichita State University's Bachelor of Applied Science in Workforce Leadership and Applied Learning. This program will be forwarded to the Board for consideration.

REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS

Clifford Morris presented the Council of Faculty Senate Presidents report. The Council reviewed the new AP cut score of four for physics, discussed the proposed policy on Strategic Program Review, and discussed the 120 credit hour initiative.

REPORT FROM STUDENTS' ADVISORY COMMITTEE

Kyle Frank presented the Students' Advisory Committee report. The Committee discussed including the student body representative for the University of Kansas Medical Center as a nonvoting member and also discussed creating a system committee to include representatives from the coordinated institutions. The Committee decided to continue the conversation on these items at future meetings. The Committee reviewed last year's initiatives and plans to identify new initiatives for the upcoming year. It was noted that the students' higher education day at the Statehouse will be held in February.

REPORT FROM THE UNIVERSITY CEOS

President Mason highlighted several outstanding student and faculty accomplishments that happened this year. Selam Bell graduated *magna cum laude* from Fort Hays State with a B.A. in modern languages and a minor in biology. She was commissioned as a second lieutenant in the Army and received an Armed Forces Health Professions Scholarship, which provides full tuition for her to attend dental school. Dr. Laura Wilson, associate professor of geosciences and chief curator of the Sternberg Museum of Natural History, and Kristopher Super, an alumnus of Fort Hays State, have coauthored a research article published in the journal *Nature* regarding the bird

fossil that Super discovered in Gove County in 2014. President Mason also highlighted several awards that were presented to outstanding faculty and students.

President Bardo reported that Wichita State University continues to monitor the housing requests for the fall. Right now, the demand for campus student housing is strong, which means the University may be assigning three residents to a room. President Bardo noted the request to reorganize its College of Education and create a new College of Applied Studies, which is on the Board's consent agenda, will allow the University to resolve confusion as to where some programs are housed.

President Scott announced that Stu Hite was named Director of University Police, Bob Fornelli was hired as the Gorillas' head baseball coach, and Amanda Davied was hired as the head women's basketball coach. He noted the MIAA conference has seen membership shifts over the years. Recently, Newman University announced it will join the league as an associate member and Southwest Baptist announced it will be withdrawing its membership.

Provost Mason provided an update on the damage to Hale Library. There was extensive damage to the structure and its contents. Much of the damage was due to smoke and the water used to douse the fire, which was primarily contained on the roof. The total cost of the damage will not be known until the insurance adjusters complete their evaluation of the site. Provost Mason thanked the firefighters who responded and the other institutions who have helped the University during the recovery process. Provost Mason also announced that Charles Taber was named the new provost and executive vice president starting on August 15. Provost Mason is leaving the University at the end of June. The Board thanked Provost Mason for her service.

Chancellor Girod announced five University of Kansas students received a Fulbright Scholarship this year. Since the program's inception, 470 KU students have been selected for Fulbright awards. He reported the Degree in 3 program at the Edwards Campus has expanded to six additional school districts. The program allows students at participating schools to earn college credits in high school, complete an associate degree one year after graduation, and complete an Edwards Campus bachelor's degree two years later. The Chancellor also announced that Brian White was named KU's new general counsel and vice chancellor of legal affairs, and that Darin Beck was named the new executive director of the Kansas Law Enforcement Training Center.

President Garrett reported she spent three weeks in China attending conferences and graduation ceremonies at Emporia State's partner universities. President Garrett also reported five teachers were inducted into the National Teachers Hall of Fame and ten people were added to the National Memorial to Fallen Educators.

STANDING COMMITTEE AND OTHER REPORTS

ACADEMIC AFFAIRS

Regent Bangerter presented the Board Academic Affairs Standing Committee report. The Committee reviewed the programs on the Board's consent agenda. The Committee approved revisions to the University of Kansas' performance agreement. Regent Bangerter noted he has concerns regarding performance agreement model and funding model and that he would like the

Committee to revisit these issues. The 120 credit hour initiative continues to move forward. Approximately 90 percent of all undergraduate degrees will be at the 120 credit hour benchmark and the state universities submitted justifications for the remaining 10 percent that exceeded 120 credit hours limit. The Committee reviewed the justifications and granted exceptions for some degrees but requested further review of ten engineering degrees that exceed 128 credit hours.

FISCAL AFFAIRS AND AUDIT

Regent Mullin presented the Fiscal Affairs and Audit Standing Committee report. The Committee discussed the lessons learned from the fire at Hale Library. The library housed Kansas State’s information technology services and after the systems went down, the University of Kansas helped with data recovery. The Committee also discussed reserve balances at the universities and directed the Council of Business Officers to provide information to the Board regarding what an appropriate reserve balance for each university should be, what the reserves have been for the past three years, and what have caused changes in balances.

GOVERNANCE

Regent Murfin presented the Governance Committee report. The Committee reviewed the program alignment policy, the amendments to the facilities policies, and the new policy on crowdfunding. Board staff provided an update on the petition to intervene in the Westar rate case, and the Committee approved a recommendation to increase the Board President and CEO’s salary. The recommendation will be presented to the Board for consideration later in the agenda.

APPROVAL OF CONSENT AGENDA

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

Academic Affairs

MASTER OF SCIENCE IN DATA ANALYTICS – KSU

Kansas State University received authorization to offer a Master of Science in Data Analytics. In the implementation year, the salaries for six faculty members will be reallocated from other programs/departments. There are no additional funds requested for years two and three.

CREATION OF COLLEGE OF APPLIED STUDIES AND SCHOOL OF EDUCATION – WSU

Wichita State University received approval to reorganize its College of Education and create a new College of Applied Studies. The changes, which are detailed below, will resolve constituents’ confusion as to where some programs are housed.

Old Structure	Action	New Structure
College of Education	Creates College of Applied Studies	College of Applied Studies
-Dept. of Curriculum & Instruction	Dept. name changed to School of Education	-School of Education
-Dept. of Counseling, Educational Leadership, and Educational &	N/A	-Dept. of Counseling, Educational Leadership, and Educational &

School Psychology		School Psychology
-Dept. of Human Performance Studies	N/A	-Dept. of Human Performance Studies
-Dept. of Sport Management	N/A	-Dept. of Sport Management

Fiscal Affairs & Audit

OIL AND GAS LEASE BETWEEN FORT HAYS STATE UNIVERSITY AND DOWNING-NELSON OIL COMPANY – FHSU

Fort Hays State University received authorization to enter into an oil and gas lease with Downing-Nelson Oil Company. The lease is for a two-year term for oil and gas exploration and a ten-year term, so long as oil, gas or other minerals are produced from the land, for oil and gas production on a parcel of land located in Ellis County. The State will receive a royalty interest of 1/8 part of all oil, gas or other minerals produced as required by law. The Chair is authorized to execute the lease, which shall be attested by the Board President and CEO.

AMENDMENTS TO CAMPUS MASTER PLAN/CAPITAL IMPROVEMENT PLAN – KSU

Kansas State University received authorization to amend its FY 2018 Capital Improvement Plan to include a project to repair the airport parking apron on the Polytechnic Campus in Salina. The estimated project cost is \$1,876,831, which will be funded with the Kansas Airport Improvement Program grants provided by the Kansas Department of Transportation Division of Aviation. Kansas State Polytechnic will provide matching funds of 5 percent related to design and 10 percent related to construction. Phase two repairs will be dependent on the receipt of additional Kansas Airport Improvement Program grant funding.

EPSCoR PROPOSALS

The following recommendations by the EPSCoR Program Review Committee were approved:

- Award \$146,141 to Dr. Bala Subramaniam with the University of Kansas. The funds will be used to gather research data on the use of catalytic materials in the destruction of chemical warfare agents. The data will then be used in the submission of a Department of Homeland Security proposal seeking \$2.5 million over five years. Dr. Subramaniam will also use the funds to explore producing titanium dioxide using a green process. The data gathered from this research will be used in the submission of a Department of Energy Advanced Research Projects Agency-Energy proposal seeking \$2 million over two years.
- Award \$73,700 to Dr. John Tomblin with Wichita State University. The funds will be used to cover the laboratory and administrative fees associated with the development of disposable 3D printing composite repair patch tooling.
- Award \$28,689 to Dr. Ram Gupta with Pittsburg State University. The funds will be used to purchase small-scale laboratory equipment, supplies,

and materials to support his research regarding utilizing bio-wastes for use in energy storage devices such as batteries and supercapacitors.

NEW MEMORANDUM OF AGREEMENT BETWEEN KANSAS STATE UNIVERSITY AND THE FRATERNAL ORDER OF POLICE

A new Memorandum of Agreement between Kansas State University and the Fraternal Order of Police, Riley County Lodge No. 17, which represents University police and security guards, was approved. The Board Chair is authorized to execute the agreement.

NEW MEMORANDUM OF AGREEMENT BETWEEN THE UNIVERSITY OF KANSAS MEDICAL CENTER AND THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA (LiUNA) LOCAL 1290PE

A new Memorandum of Agreement between the University of Kansas and the University of Kansas Medical Center chapter of the Laborers' International Union of North America Local 1290PE, which represents University employees in certain facilities, certain lab animal workers and certain landscaping positions, was approved. The Board Chair is authorized to execute the agreement.

BREAK

The Chair called for a break at 2:41 p.m. and resumed the meeting at 2:57 p.m.

CONSIDERATION OF DISCUSSION AGENDA

Fiscal Affairs and Audit

STATE UNIVERSITY TUITION AND FEE PROPOSALS FOR FY 2019

Elaine Frisbie, Vice President for Finance and Administration, reported the tuition and fee proposals that the universities submitted last month did not change. However, three universities – Kansas State, Fort Hays State, and Pittsburg State – expanded their tuition proposals to include granting the same tuition assistance programs that they offer to their employees to Kansas Board of Regents employees. Vice President Frisbie noted Wichita State also provided additional information related to student fees. The Regents reiterated their appreciation for the Legislature's partial base budget restoration, but noted state funding is not keeping pace with the rising mandatory expenses such as utilities and healthcare that the universities cannot avoid. Following discussion, Regent Mullin moved to approve all the proposals as presented. Regent Feuerborn seconded, and the motion carried.

(Tuition Proposals filed with Official Minutes)

CAPITAL IMPROVEMENT REQUESTS FOR FY 2020 AND FIVE-YEAR PLANS – UNIVERSITY SYSTEM

Nelda Henning, Director of Facilities, presented the Capital Improvement requests for FY 2020 and Five-Year plans for the state universities. She noted Kansas State University will need to submit an amendment to its Hale Library project request. Regent Mullin moved to approve the

FY 2020 Capital Improvement projects requests listed on Table 2 of the materials. Regent Thomas seconded, and the motion carried.

(Tables filed with Official Minutes)

Board Goals and Theme

BOARD GOAL: CONSIDER WAYS TO SIMPLIFY THE UNDERGRADUATE ADMISSION APPLICATION PROCESS WITH A SPECIFIC FOCUS ON QUALIFIED ADMISSIONS PRECOLLEGE CURRICULUM COURSE REQUIREMENTS

Jean Redeker, Vice President for Academic Affairs, presented the Board goal on ways to simplify the undergraduate admission application process with a specific focus on Qualified Admissions precollege curriculum course requirements. At the beginning of the year, a working group, selected by the state university chief academic officers and consisting of university admissions officers, enrollment management personnel, and diversity and inclusion staff, was organized to address this Board goal. The group met several times throughout the year and recommended the following:

1. *Retain the requirement that high school applicants complete the current precollege curriculum.*
2. *Expand opportunities and introduce more flexibility for students to complete precollege curriculum course requirements.*
 - Regulatory requirements prescribe that students must take certain, specific courses to fulfill precollege curriculum requirements, and a list of such courses is maintained by the Kansas Board of Regents.
 - Eliminating prescription of completion of certain specific high school courses in favor of students fulfilling the unit requirements listed above supports the Kansas Department of Education's Individualized Plan of Study and Career Pathways model. These programs are tailored to students' interest and are designed to keep students academically engaged; however, current requirements can negatively impact a student's ability to complete some Career Pathways.
 - This recommendation also relieves the Board of Regents of a cumbersome and overly bureaucratic course oversight process that can stifle curriculum innovation at the secondary level.
3. *Instead of requiring a prescribed GPA on the precollege curriculum as a condition for admission, require a prescribed GPA, but substitute the cumulative high school GPA (allowing for weighted and unweighted) for the precollege curriculum GPA.*
 - This relieves the need for students to list on the admissions application the grades for each high school course taken, and simplifies and streamlines the application process.
 - It also recognizes a student's entire high school career, not just select courses.
4. *Revise prescribed GPA, to allow for variation of admission requirements based on institutional mission.*

- The regional, comprehensive universities (ESU, FHSU, PSU) would retain the prescribed 2.0 GPA for resident applicants, but change the prescribed nonresident GPA from 2.50 to 2.25.
 - KSU and WSU would change the prescribed GPA for both residents and nonresidents to 2.25. The prescribed GPA for residents is currently 2.0 and 2.5 for nonresidents.
5. *Instead of requiring high school applicants to list on the admissions application each high school course taken, applicants would certify they meet precollege curriculum requirements.*
- This relieves the need for students to list on the admissions application the courses for each high school course taken, and streamlines the application process while reducing time and confusion.

Vice President Redeker noted Board staff also recommended reconvening the work group to explore additional options to admit otherwise qualified students who may not meet the ACT requirement for qualified admissions. Regent Van Etten moved to approve the work group recommendations and Board staff recommendation to reconvene the work group. Regent Feuerborn seconded, and the motion carried.

BOARD GOAL: INFORMATION FROM THE COUNCIL OF BUSINESS OFFICERS ON NEW APPROACHES TO GAIN GREATER EFFICIENCY

Vice President Frisbie reported the Council of Business Officers discussed ways to increase collaboration and looked at approaches to gain greater efficiencies. One of the areas the Council focused on was utility usage and rates. Each university collected information on their institution's average rates, tariffs and fees associated with utility usage. The state university system (excluding Fort Hays State) paid \$33 million to Westar on electricity in FY 2017. Because the merger of Westar and Kansas City Power & Light has the potential to increase the universities' expenses for electricity, the decision was made to file a petition to intervene in the rate case. Vice President Frisbie noted the Council will continue to monitor this case as it moves forward.

Vice President Frisbie reviewed other system efficiencies. In the Board Office, the \$12 state financial aid application fee was eliminated because there are now sufficient State General Funds available to finance the unit's costs. This move eliminates a potential barrier for students applying for financial aid offered through the Board Office. During the legislative session, the universities received clarification that they are exempt from the State's performance based budgeting process that was enacted in 2016. The state universities will instead continue to adhere to the Board's performance agreement process that was enacted into law in 1999. The Board also implemented the initiative of requiring 120 semester credit hours for most baccalaureate degree programs. She noted this initiative is an important efficiency for students that allows them to graduate in four years.

BOARD THEME: INITIATING STUDY OF FACULTY REWARD STRUCTURES

President Flanders reported that faculty play a vital role in an institution's success and developing their talents both in the classroom and in conducting research is important for both the institution and the State. He presented a proposed timeline that directs the state universities to review their

reward structures to ensure they support faculty member's professional success throughout their career and noted the Governance Committee, the Academic Affairs Standing Committee, and the Council of Presidents reviewed the timeline at their meetings last month. Regent Bangerter moved to approve, and Regent Van Etten seconded. The motion carried. The following timeline for the state universities was adopted.

1. Identify reward systems that may better accommodate changes in the higher education system
2. Gather feedback from faculty groups – Early Fall 2018
3. Report back to Board for update – November/December, 2018
4. Develop campus implementation plans – Spring 2019
5. Implement new reward structures – Fall 2019

Other Matters

STRATEGIC PROGRAM ALIGNMENT POLICY

President Flanders reported at the March meeting, the Board directed staff to draft a policy related to strategic alignment of programs. Currently, the Board has a program review process that requires universities to review approved programs at least once every eight years to ensure academic quality. The proposed language for strategic program reviews would consider whether specific programs are the correct fit for the university with regard to institutional mission and strategic planning. President Flanders noted the draft policy was presented to the Governance Committee, the Academic Affairs Standing Committee and the Council of Presidents for a first read in May. Based on feedback from the Council of Presidents, the proposed language was incorporated into the Program Review policy. Regent Van Etten moved to approve. Regent Bangerter seconded, and the motion carried. The following language was adopted:

5 PROGRAM REVIEW

- a In cooperation with the state universities, the Board will maintain a regular program review cycle and a ~~review~~ process that will allow the universities to demonstrate on an ongoing basis that they are delivering quality programs consistent with their mission. Regular program review is institutionally based and follows the departmental or unit structure of the institution. The Vice President for Academic Affairs shall provide guidelines for Program Review and, as part of the review of institutional reports, will include consideration of the Board-approved minima tables.
- b In addition to and distinct from the regular program review cycle and process, the Board may direct one or more state university chief executive officers to undertake a strategic program alignment review to determine which of the university's programs shall be recommended to the Board for continuation, further evaluation, merger, or discontinuance. Guidelines will be established by the Board.

If directed to do so under this provision, the state university chief executive officer shall present to the Board a list of programs for strategic alignment review. Upon receipt of the list, the Board shall review, approve one or more programs for alignment review, and may select one or more additional programs to evaluate.

Upon completion of the strategic alignment at the campus level, the state university chief executive officer shall recommend to the Board whether identified programs should be continued, further evaluated, discontinued, or merged, and provide a rationale for each recommendation. The Board shall review the recommendations and make the final determination whether the evaluated programs continue, merit further evaluation, merge, or discontinue. For programs the Board has identified for merger or discontinuance, the state university chief executive officer shall provide a plan for the transition.

- c The review of degree programs shall encompass all levels of academic degrees from associate to doctoral. ~~Regular program reviews are is institutionally based and follows the departmental or unit structure of the institution.~~ “Program” means an academic plan that is approved by the ~~appropriate governing board~~ Board and leads to an award, ~~for example, a degree or a career/technical certificate.~~
- e ~~The Vice President for Academic Affairs shall provide guidelines for the Program Review process and, as part of the review of institutional reports, will include consideration of the Board approved minima tables.~~

AMENDMENTS TO FACILITIES POLICIES

Vice President Frisbie presented the proposed amendments to the Facilities policies. The amendments strengthen the Board’s oversight of university projects done in partnership with private companies, clarify that the universities will advise the Board’s Director of Facilities as to pending projects, and establish the Board’s approval requirements for leases to organizations related to the university and subsequent subleases by the related organization to third parties. The amendments have been reviewed by the Council of Business Officers, the Council of Presidents, the Fiscal Affairs and Audit Standing Committee, and the Governance Committee. Regent Mullin moved to approve, and Regent Bangerter seconded. The motion carried. Regent Murfin abstained. The following language was adopted:

E FACILITIES

Guiding Principle. Each state university shall inform the Board’s Director of Facilities in a timely manner about construction projects at each campus, including all relevant milestones or unforeseen changes, regardless of location relative to the university property. Consistent with Board policy on procurement, each capital project involving a state university, its affiliated corporations or other related organizations shall, for projects using state funds, be advertised and bid in a manner that advances and supports the mission of the university, promotes a competitive and fair procurement environment, and is open and transparent.

1 PROJECT PLANNING

- 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. Each state university shall submit to the Board President and Chief Executive Officer a new Campus Master Plan, or update to an existing Campus Master Plan, by January 1, 2015. Each Campus Master Plan shall be updated and resubmitted to the Board President and Chief Executive Officer every ten years or when a new facility is planned in order to demonstrate how it will be incorporated in the Campus Master Plan.
- b New Campus Master Plans, or significant modifications to existing Campus Master Plans, shall

- i address deferred maintenance needs;
 - ii include a plan to ensure compliance with space utilization standards established by the Board; and
 - iii be submitted to the Board for approval.
- c Annually, in concert with the capital budget planning process, each university shall demonstrate that any capital improvement or repair project proposed to be financed in whole or in part with debt obligations can be accommodated within the university’s debt capacity as measured by the university’s ratios described in the university’s approved debt capacity plan. In consultation with the Board’s Director of Facilities, each university shall identify and present to the Board for approval any substantial change to its previously approved project debt financing plan.

2 SUMMARY OF PROJECT APPROVAL REQUIREMENTS (Refer to substantive provisions within this policy manual for more detailed requirements)

	Board of Regents	<u>Joint Committee on State Building Construction Committee</u>	Full Legislature	Program Statement required?	Execution process (architect/contractor)
Capital Improvements and Financing > \$1,000,000					
Affiliated Corporations	approve	advise		yes	Campus
State General Fund	approve	advise	approve (DA 418)	yes	State selection/bid
All Other Non-State Funds	approve	advise		yes	K.S.A. 76-7,125 <i>et seq</i>
Revenue Bonds	approve	advise	approve (DA 418)	yes	State selection/bid
Federal Grants	approve	advise		yes	K.S.A. 76-7,125 <i>et seq</i>
Educational Building Fund	approve	advise	*** ¹	yes	State selection/bid
Rehabilitation and Repair Projects ≤ \$1,000,000²					
Affiliated Corporations	approve	advise		no	Campus
State General Fund/EBF	approve	advise		no	State selection/bid
All Other Non-State Funds	approve	advise		no	K.S.A. 76-7,125 <i>et seq</i>

¹ If new project or major renovation.

² Projects < \$750,000-\$1,000,000 require only Director of Facilities’ review and Board President and Chief Executive Officer approval; projects < \$250,000 are delegated to the state university chief executive officer.

Federal Grants	approve	advise		no	K.S.A. 76-7,125 <i>et seq</i>
Deferred Maintenance Projects > \$1,000,000					
Infrastructure Maintenance Funds	approve	advise		no	State selection/bid
University Interest	approve	advise		no	K.S.A. 76-7,125 <i>et seq</i>
Tax Credits	approve	advise		no	State selection/bid
Energy Performance Contracting	approve	advise			K.S.A. 75-37,111 through 37,114 and 75-37,125
Building Razing	approve	advise ³	<u>no, K.S.A. 76-7,108</u>		

3 CAPITAL IMPROVEMENT PROJECTS

a Definitions

- i Capital improvement projects are those the costs for which exceed \$1,000,000, regardless of funding source, including new buildings, remodeling or alterations, annual maintenance, and utility projects. Deferred maintenance projects are governed by subsection 5., below.
- ii 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

- i *Initial Request:* Each state university shall include initial concept requests for authorization of capital improvement projects with the university’s five-year plan submitted to the Board for consideration on ~~April~~ March 1 of each year. Each project that will require the services of an architect and/or engineer shall have a written 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 identifies the resources to be used for such costs. Such annual maintenance and operation costs plans shall be included in the program statement and shall adhere to standards prescribed by the Board’s Director of Facilities. Each request

³ Not required by law.

approved by the Board shall be filed with the appropriate state offices on or before July 1 in the format determined by the State Budget Director. Each state university is prohibited from pursuing gubernatorial or legislative approval of any project not previously approved by the Board.

- ii *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 State Building Construction.
- iii *Licensed Professional Consultants:* The design and construction administration for all new buildings and major renovations on state property shall be performed by 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 E.2. before such services are obtained.
- iv *Program Statements:* Minimum requirements for program statements include introductions, 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.
- v *Design Development Plans:* Following Legislative and Board approval of a specific capital improvement project, 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 for review and approval before final plans are prepared. The President and Chief Executive Officer, upon the recommendation of the Director of Facilities, may approve said design development plans for the Board.

c Funding

- i *Funding Sources:* Capital improvement projects may be paid for from ~~state general funds, tuition, educational building funds~~ the State General Fund, tuition, the Educational Building Fund, revenue bond proceeds (in accordance with chapter II.D. of this Policy Manual), restricted fees, auxiliary, 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.

- ii *Federal Grant Requests:* All institutional requests for federal grants for capital improvements shall be submitted to the Board President and Chief Executive Officer before the request is submitted to the appropriate federal agency.

- iii *Private Funds*: No capital improvement project that 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 that guarantees the availability of the funds necessary to complete the project.
- iv *Fund Raising*: In addition to the project approval required in subsection 3.b.i. of this section, notification of all capital improvement projects to be funded in part or in whole from private resources must be submitted to and approved by the Board's President and Chief Executive Officer before fund raising efforts are publicly announced. This provision shall not be construed to prohibit fund raising efforts prior to their public announcement.

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~~ appropriations from the State General Fund to finance annual maintenance and operation costs for any new capital improvement project.

4 REHABILITATION AND REPAIR PROJECTS

a Definition

Rehabilitation and repair projects are those projects that cost \$1,000,000 or less, including new buildings, remodeling or alterations, annual maintenance, or utility projects. Deferred maintenance projects are governed by subsection 5., below.

b Process

The 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 Board President and Chief Executive Officer has the authority to revise such authorizations during the fiscal year; provided, however, that any project requiring expenditures of ~~\$750,000~~ \$1,000,000 or more must be considered by the Board.

c Funding

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 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~~ State General Fund appropriations, tuition, restricted fees, auxiliary, research overhead funds and other resources as approved by the Board.

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 (K.S.A. 79-32,261), and

other funds earmarked by the Board or Legislature ~~for the purpose of addressing to address~~ deferred maintenance.

[SECTIONS 5., 6., AND 7. HAVE BEEN REMOVED FOR SAKE OF BREVITY; THERE IS NO PROPOSAL AT THIS TIME TO AMEND OR REVOKE THESE SECTIONS SO THEY REMAIN AS IS]

8 INSPECTIONS

a State Fire Marshal

Except as provided in this subsection, an annual inspection of all buildings at each state university shall be made by the State Fire Marshal with copies of the inspection report to be sent to the university. ~~Within 30 days of receipt,~~ The state university shall provide a written summary of the State Fire Marshal's annual inspection report and the university's response thereto to the Director of Facilities, who will review and forward to the President and Chief Executive Officer of the Board. ~~;~~ provided, however, that This report shall be made no later than January 30th of each year. Any notice of citation, potential sanction, violation, cease and desist order or hazard requiring follow up by the state university shall be immediately reported to the Director of Facilities, who will review and forward to the President and Chief Executive Officer.

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. A list of commissioned inspectors shall be filed with the Director of Facilities for each University. Annual inspections by the commissioned inspectors shall be submitted to the Director by January 30th of each year.

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.*) Each state university shall retain its annual inspection reports for 21 years or until no longer useful.

[SECTIONS 9. AND 10. HAVE BEEN REMOVED FOR SAKE OF BREVITY; THERE IS NO PROPOSAL AT THIS TIME TO AMEND OR REVOKE THESE SECTIONS SO THEY REMAIN AS IS]

11 LAND TRANSACTIONS

a Leases (Including Oil and Gas Agreements)

- i All leases of state-owned real property shall be approved by university counsel as to form, shall be submitted to the Board for approval in accordance with paragraph iv. of this subsection or subparagraph 11.e.i. 4., 5, or 6, as applicable, and shall be submitted to other state agencies for approval where required by law. (K.S.A. 75-3739(1), 75-3743, 75-3744, 76-165, and/or 76-769(b)). All leases of state-owned real property for less than fair lease value shall be subject to the approval of the Board unless: (1) the use of the leased space is determined by the state university's chief executive officer to be of benefit to the institution, (2) the lease meets the criteria for execution by the state university's chief executive officer in paragraph iv. of this subsection, and (3) the rental rates are certified by the state university's chief financial officer as fair and equitable for the type of lease arrangement, which may include non-monetary considerations.
 - ii 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))-
 - iii 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, 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)
 - iv State university leases of state-owned real property to or from third parties not associated with the state university may be executed by the ~~state~~ university's chief executive officer without Board approval unless:
 - (1) the lease involves construction on state property;
 - (2) the lease is an oil, gas or mineral lease covered by K.S.A. 76-165;
 - (3) the lease is for a term of more than 10 years; or
 - (4) the lease is for an amount in excess of \$25,000 per year.
 - v Leases with state university endowments, foundations, and other related organizations are governed by subsection 11.e. below.
- b Easements
- i 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)

- ii Easement documents shall be submitted to the Attorney General for approval as to form, (K.S.A. 74-3264 and 75-2131);
- c Sale of Real Property
 - i Following receipt of the appraisals required by law, any sales of real property owned or controlled by the Board of Regents or a state university must be approved by the Board of Regents and authorized by the Legislature. 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)
 - ii 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))
 - iii 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 surveyed as required by law. (K.S.A. 75-6611)
 - iv Sales of real property to state university endowments, foundations, and other related entities are governed by subsection 11.e. below.
- d Acquisition of Real Property
 - i The Board of Regents may acquire real property necessary to properly maintain and carry on a state university or the business thereof. (K.S.A. 76-147)
 - ii State universities shall submit a description of all properties that they desire to purchase, or otherwise acquire, to the Board for approval. If such property is valued at less than \$250,000, the Board President and Chief Executive Officer, upon the recommendation of the Director of Facilities, may approve the acquisition on behalf of the Board. 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.
 - iii 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 or 76-147). Prior to purchase, a warranty deed and environmental assessment will be required. Exceptions to the requirement for a warranty deed may be made by the Board President and Chief Executive Officer.
 - iv 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)
 - v Acquisition of real property from state university endowments, foundations, and other related organizations are governed by subsection 11.e. below.

- e Real Property Transactions with State University Endowments, Foundations and Other Related Organizations
 - i State university endowments, foundations and other related organizations 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 paragraph e., the term “related organizations” includes all state university affiliated corporations as defined in section ~~H.D.6.~~ II.D.7. of this Policy Manual.
 - (1) 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.
 - (2) 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 that 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)
 - (3) 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 or 76-147)
 - (4) 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:
 - (a) 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.
 - (b) Any occupancy by the state university shall be subject to a written agreement.
 - (c) 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.
 - (5) Leases of state-owned real property by the state universities to any affiliated corporation or other related organization shall be subject to the approval of the Board, but may be approved by the Board President and Chief Executive Officer if:

- (a) the terms of the lease require state university funding of less than \$1,000,000 in construction costs per project; and
- (b) the terms of the lease require no state university funds for operating and maintenance expenses.

(6) To the extent the terms of any sublease were identified in the request for authorization of a lease submitted to the Board for approval pursuant to subparagraph (5), no further Board approvals of the sublease are required. Any subsequent subleases of state-owned real property by an affiliated corporation or other related organization to third parties, the terms of which are not identified in the request for authorization of a lease submitted to the Board for approval pursuant to subparagraph (5), shall be subject to the approval of the Board, but may be approved by the Board President and Chief Executive Officer if:

- (a) the terms of the sublease require state university funding of less than \$1,000,000 in construction costs per project;
- (b) the terms of the sublease require no state university funding for operating and maintenance expenses;
- (c) the sublease is for a term of less than 30 years; and
- (d) the sublease includes a provision that either requires the facility condition index to be at least 80% of new at the end of the sublease, or the facility will be demolished at no cost to the university.

~~(5)~~(7) State university transfers of real property received by devise to the state university's endowment or foundation in accordance with K.S.A. 74-3254 shall be subject to approval by the Board and any conditions imposed by the testator.

- ii 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.
 - iii 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~~ state-owned property, the state university having possession of the property shall obtain Board approval of the project before the bond issuance process is initiated.
- f Designation on the State or National Historic Register: Each state university shall seek approval from the Board prior to initiating the process to place state property on the state or national historic register.

CROWDFUNDING POLICY

Vice President Frisbie presented the proposed policy on crowdfunding. The policy ensures that fundraising campaigns and projects undertaken by individuals or groups that claim to do so on behalf of any state university or state university-affiliated entity receive the necessary approvals and are subject to all Board of Regents' and university rules, policies, regulations, and state and federal law. It is also aimed at protecting the use of the state university's name, brand, and logo,

and ensuring that such fundraising and related crowdfunding projects are consistent with the university's interests and are appropriately designed and presented to the donor community. Regent Bangerter moved to approve and Regent Van Etten seconded. The motion carried. The following policy was adopted:

CHAPTER II: GOVERNANCE – STATE UNIVERSITIES

...

D FISCAL MANAGEMENT AND BUSINESS ADMINISTRATION (see Chapter III., Section B. for additional fiscal management policies applicable to state universities)

...

5 CROWDFUNDING

Crowdfunding is the practice of funding a project or venture by soliciting relatively small donations from a large number of people, typically via the Internet. This policy applies to crowdfunding campaigns undertaken by any individual associated with a state university (e.g. faculty, staff or students) using the university's system or a third-party crowdfunding platform. This policy does not apply to crowdfunding campaigns undertaken by a state university's official endowment or foundation. This policy does not apply to crowdfunding campaigns undertaken by individuals or entities using non-university systems and on their own behalf for private purposes. Use of crowdfunding to raise funds in support of a university-related project is subject to all Kansas Board of Regents policies, university policies, as well as local, state and federal laws.

Each state university shall adopt a policy that, at minimum, shall ensure that fundraising campaigns and projects undertaken by individuals or groups on behalf of the university or university-affiliated entities or represented as being on behalf of the university or university-affiliated entities, receive the necessary approvals and are subject to all university rules, policies, compliance regulations and state and federal law. The policy is aimed at protecting the use of the university's name, brand, marks, logo and other such property rights, and at ensuring that such fundraising and related crowdfunding projects are consistent with the university's interests and are appropriately designed and presented to the donor community.

Projects that use university resources or facilities, or that involve human or animal subjects, controlled substances or proprietary materials are required to comply with the Board's and university's policies for crowdfunding and must receive approval from the appropriate officials as set forth in the university's policies or applicable law.

AMENDMENTS TO CREDIT BY EXAM POLICY

Karla Wiscombe, Director for Academic Affairs, presented proposed amendments to the Credit by Examination policy. The amendments add an additional review process for systemwide AP cut scores. Regent Feuerborn moved to approve, and Regent Thomas seconded. The motion carried. The following amendments were approved:

CHAPTER II: GOVERNANCE – STATE UNIVERSITIES

A. ACADEMIC AFFAIRS

3. CREDIT BY EXAMINATION

- a. College-Level Examination Program (CLEP) and Advanced Placement (AP) credit awarded by any state university in conformity with this policy shall be accepted by all other state universities.
- b. Beginning July 1, 2017, each state university shall award:
 - i. Credit for all Advanced Placement (AP) examination scores of three (3) or above for the equivalent course or courses at their institution.
 - ii. Credit for all College-Level Examination Program (CLEP) examination scores at or above the American Council of Education's (ACE) credit-granting recommended score of 50 for the equivalent course or courses at their institution.
- c. Any academic discipline may establish a higher systemwide AP exam score above three (3) using the process for establishing a higher AP exam score ~~that was~~ proposed by the Council of Faculty Senate Presidents and approved by the Council of Chief Academic Officers on May 18, 2016. Any academic discipline may review and change a higher systemwide AP exam score above (3) using the process for reviewing and changing system-wide scores proposed by the Council of Faculty Senate Presidents and approved by the Council of Chief Academic Officers on January 17, 2018.
- d. All other Kansas public postsecondary educational institutions are encouraged to adopt this state university policy.
- e. Institutions shall have discretion on awarding additional credit for scores above three (3) on AP exams and scores above the ACE credit-granting recommended score of 50 for CLEP exams.

AMENDMENTS TO STUDENT ORGANIZATIONS AND ACTIVITIES POLICY, AMENDMENTS TO AUDITING COURSES POLICY, AND THE REMOVAL OF THE LIMITED RETIREMENT HEALTH CARE BRIDGE POLICY

Julene Miller, General Counsel, presented amendments to the Student Organizations and Activities policy and the Auditing Courses policy. The amendments to the Student Organization policy incorporate statutory changes made in 2016. The amendments to the Auditing policy clarifies the scope of the benefit and authority of the state universities. She also presented staff's recommendation to repeal the Board's Limited Retirement Health Care Bridge policy, which would give university chief executive officers more flexibility. Regent Feuerborn move to approve all three policy requests. Regent Van Etten seconded, and the motion carried. The following changes were approved:

9. STUDENT ORGANIZATIONS AND ACTIVITIES

a. The established policy of the Board of Regents prohibits discrimination on the basis of age, race, color, religion, ~~sex~~ gender, marital status, national origin, physical handicap or disability, status as a Vietnam Era Veteran, sexual orientation or other factors ~~which that~~ cannot be lawfully considered, within the state universities. All fraternal and campus related organizations shall follow this policy in the selection of their members, except the prohibition against sex discrimination shall not apply to social fraternities or sororities, which are excluded from the application of Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.). In addition, in accordance with K.S.A. 2016 Supp. 60-5312, this policy does not prohibit a student organization that is organized around shared religious beliefs from requiring leaders or members to

adhere to the organization's sincerely held religious beliefs, comply with the organization's sincerely held religious beliefs, comply with the organization's sincere religious standards of conduct, and be committed to furthering the organization's religious missions, beliefs, observance requirements and standards of conduct as defined by the organization or the religion on which the association is based.

b. The right of organizations to establish standards for membership is acknowledged, provided that all students are afforded equal opportunity to meet those standards. Just as all students have the right to choose those with whom they would associate on the campus, an organization shall have the right to select its members subject to these principles. Nothing in this policy shall be interpreted as imposing a requirement ~~which that~~ would violate the principle of selection on the basis of individual merit.

c. The responsibility for compliance with this policy lies with each organization. In discharge of this responsibility, each organization shall acknowledge its understanding of this policy. Such acknowledgement shall assure that there exist no restrictions on membership, either local or national, ~~which that~~ violate this policy.

d. Determination of Appropriate Student Activities and Fees: The chief executive officer shall be ultimately responsible for reviewing proposed expenditures from fees required of every student as a condition of enrollment and as determining whether such expenditures are in support of an appropriate student activity.

1. ADMISSION

a. Admission of Undergraduate Students to State Universities

Admission of all undergraduate degree-seeking students to state universities shall be in compliance with the Board's Qualified Admission Regulations, K.A.R. Articles 88-29, 29a and 29b, as applicable. State universities may set admission requirements for undergraduate non-degree seeking students, ~~as long as those requirements do not conflict with K.A.R. Articles 88-29, 29a, 29b and paragraph c. below.~~

b. Admission to Undergraduate ~~Special~~ Programs and Graduate Programs

State universities ~~are permitted to~~ may restrict admission to undergraduate ~~special~~ programs and graduate programs where conditions warrant, ~~so long as those restrictions do~~ Any such restrictions shall not conflict with K.A.R. Articles 88-29, 29a, and 29b, as applicable. ~~Universities shall notify the Board's President and Chief Executive Officer, or designee, of such restrictions prior to implementation.~~

c. Auditing Undergraduate and Graduate Courses

Any Kansas resident 60 years of age or older ~~upon the presentation of sufficient proof of age~~ shall be permitted to audit eligible courses ~~at offered by a state universities on a space available basis~~ university with no requirement for payment of tuition and fees ordinarily required of every student as a condition of enrollment. ~~A person meeting these requirements shall be considered a non-degree seeking student for purposes of K.A.R. Articles 88-29, 29a and 29b. Special academic fees shall be paid by the student. All determinations as to residency, the age of the applicant, and the space available for the auditing of courses by such persons shall be made by the state university involved.~~ under the following conditions:

- i. Any person interested in auditing an undergraduate or graduate course pursuant to this provision shall present sufficient proof of age and residency to the state university prior to enrollment;
- ii. any qualifying person interested in auditing an undergraduate course pursuant to this provision shall be admitted to the state university as a non-degree seeking student for purposes of K.A.R. Articles 88-29, 29a and 29b, and subject to all other university policies related to non-degree

- seeking students enrolled in such undergraduate courses including, if any, limits on the number of credit hours that may be taken per semester;
- iii. any qualifying person interested in auditing a graduate course pursuant to this provision shall meet the university and program conditions for admission as a non-degree seeking graduate student, and shall be subject to all other university policies related to non-degree seeking students enrolled in such graduate courses including, if any, limits on the number of credit hours that may be taken per semester;
 - iv. the state university may restrict or prohibit the enrollment of any otherwise qualifying person interested in auditing undergraduate or graduate courses that meet the Board's definition of distance education courses, or that are part of an undergraduate program with program-specific admissions requirements;
 - v. a qualifying person may audit eligible undergraduate or graduate courses only on a space-available basis; and
 - vi. a qualifying person may be required to pay any special fees associated with the course being audited.

All determinations as to residency, age, admission restrictions on non-degree seeking students, the designation of undergraduate and graduate courses and programs eligible for auditing, and the space available for the auditing of courses pursuant to this provision shall be made by the state university involved.

14 RETIREMENT

...

c Limited Retirement Health Care Bridge

~~The purpose of the Limited Retirement Health Care Bridge Program is to provide a mechanism whereby state universities may assist unclassified employees who desire to retire before they become eligible to qualify for Medicare by contributing to the cost of the employee's health care coverage.~~

i Eligibility

~~(1) Participation in the Limited Retirement Health Care Bridge Program is a privilege, not a right, and is strictly voluntary. The university chief executive officer or the chief executive officer's designee, and the employee must all agree that it is in the best interest of both the university and the employee for the employee to participate in the Program; this decision shall be made on a case-by-case basis taking the employee's appointment or job responsibilities, the timing of the request and other pertinent factors into consideration.~~

~~(2) Only unclassified employees at the state universities who are eligible for retirement and who have completed at least 10 years of full time service shall be eligible for participation in the program upon reaching 55 years of age.~~

~~(3) Employees participating in Phased Retirement pursuant to K.S.A. 2011 Supp. 76-746, as amended, and K.A.R. 88-12-1 through 8, as amended, are not eligible to participate in the Limited Retirement Health Care Bridge Program. Employees participating in any other State of Kansas or Kansas Board of Regents retirement incentive programs are not eligible to participate in the Limited Retirement Health Care Bridge Program.~~

~~(4) If an eligible employee's request to participate in the Limited Retirement Health Care Bridge Program is approved by the university chief executive officer or the chief executive officer's designee, the university attorney shall draft an agreement between the university and the employee.~~

d Tax Sheltered 403(b) Voluntary Retirement Program

Eligible classified and unclassified employees, including University Support Staff, may participate in a 403(b) voluntary retirement program. The provisions of the Kansas Board of Regents Voluntary Plan Document shall control the terms of the plan.

EXECUTIVE SESSION

At 4:13 p.m., Regent Mullin moved, followed by the second of Regent Van Etten, to recess into executive session in the Kathy Rupp Conference Room for 90 minutes to discuss personnel matters of non-elected personnel. The subject of this executive session was the evaluation of two university CEOs and the purpose was to protect the privacy of the individual Board employees involved. Participating in the executive session were members of the Board, President Flanders, President Mason (for a portion), and President Bardo (for a portion). At 5:43 p.m., the meeting returned to open session.

ADJOURN

At 5:43 p.m., the Chair adjourned the meeting.

RECONVENE

At 8:32 a.m. on Thursday, June 21, the Chair reconvened the meeting.

MEMBERS PRESENT: Dave Murfin, Chair
 Dennis Mullin, Vice Chair
 Joe Bain
 Shane Bangerter
 Bill Feuerborn
 Daniel Thomas
 Helen Van Etten

MEMBERS ABSENT: Ann Brandau-Murguia
 Zoe Newton

EXECUTIVE SESSION

At 8:33 a.m., Regent Mullin moved, followed by the second of Regent Van Etten, to recess into executive session in the Kathy Rupp Conference Room for 60 minutes to discuss personnel matters of non-elected personnel. The subject of this executive session was the evaluation of a university CEO and the purpose was to protect the privacy of the individual Board employees involved. Participating in the executive session were members of the Board, President Flanders, and Chancellor Girod. At 9:33 a.m., the meeting returned to open session. Regent Mullin moved to extend 5 minutes. Regent Van Etten seconded, and the motion carried. At 9:38 a.m., the meeting returned to open session.

BREAK

The Chair called for a break at 9:38 a.m. and resumed the meeting at 9:48 a.m. in the Board Room.

INTRODUCTIONS

Cindy Hoss introduced Hutchinson Community College's Leadership Academy.

AMEND AGENDA

Regent Mullin moved to amend the agenda to add as the last agenda item "Act on the Board President and CEO Compensation for FY 2019." Regent Van Etten seconded, and the motion carried.

REPORTS**REPORT FROM SYSTEM COUNCIL OF PRESIDENTS**

President Barwick presented the System Council of Presidents report. The Council received a report from the System Council of Chief Academic Officers and discussed legislative matters.

REPORT FROM THE COMMUNITY COLLEGES

President Barwick presented the community college report. The community colleges appreciate the additional funding appropriated to the Excel in Career Technical Education initiative and the partial restoration of the FY 2017 cuts. President Barwick thanked President Flanders for attending the Kansas Association of Community College Trustees' meeting earlier in the month and noted Mike Calvert, President of Pratt Community College, will be the community college representative next year. The Board thanked President Barwick for his service this year.

REPORT FROM THE TECHNICAL COLLEGES

President Schears presented the report for the technical colleges. Looking forward, the technical colleges' legislative priorities include reviewing the tiered funding gap, expanding the Excel in Career Technical Education initiative, and increasing the Capital Outlay funds, which are used on infrastructure projects. President Schears thanked the Board for the opportunity to give this monthly update.

CONSIDERATION OF DISCUSSION AGENDA***Fiscal Affairs and Audit*****DISTRIBUTIONS FOR THE NURSING GRANT INITIATIVE**

Scott Smathers, Vice President for Workforce Development, presented the proposed distribution for the Kansas Nursing Grant Initiative. This initiative addresses the shortage of registered nurses in the state by providing needed resources to nursing education programs to enable them to increase their capacity in support of nursing students. The grant will be awarded on an annual basis to nursing programs at institutions that meet the following criteria:

- Approved by the Kansas Board of Nursing and have national accreditation;
- Most recent three-year average must be at or above the three-year national average on the National Council Licensure Examination (NCLEX); and

- Documented degree articulation of one of the following: RN to BSN, BSN to MSN, MSN to DNP.

Vice President Smathers noted that ten percent of the grant will be set aside for “alternative applications” to assist programs that do not meet either the accreditation or NCLEX minimum score requirement. This will allow these programs to improve and apply for the full grant later. Regent Mullin moved to approve. It was noted the proposed amounts are based in part on the amount for which each institution applied. Regent Van Etten seconded, and the motion carried. The following distributions will be made:

Nursing Program	Amount Recommended for Award
Butler Community College	\$38,500
Cloud County Community College	53,241
Dodge City Community College	9,000
Emporia State University	50,000
Fort Hays State University	201,182
Fort Scott Community College	11,500
Hesston College	47,500
Johnson County Community College	59,644
University of Kansas	278,813
Labette Community College	67,091
Manhattan Area Technical College	77,830
Mid America Nazarene University	10,000
Neosho County Community College	169,616
Ottawa University	66,475
Pittsburg State University	179,161
Washburn University	130,600
Wichita State University	85,300
Subtotal	\$1,535,453
(NCLEX/Accreditation support)	Amount Recommended for Award
Barton County Community College	\$40,000
Colby Community College	\$20,000
Kansas City Kansas Community College	\$20,000
Highland Community College	\$23,970
Subtotal	\$103,970
Grant Funds Recommended for Award	\$1,639,423
Total Grant Funds Available	\$1,760,544

Professional Development Funds Coordinated by Kansas Board of Nursing	\$121,121
--	------------------

SECOND DISTRIBUTION OF FY 2018 APPROPRIATIONS FOR TUITION FOR TECHNICAL EDUCATION (EXCEL IN TECHNICAL EDUCATION INITIATIVE AND AO-K PROVISO) AND POSTSECONDARY EDUCATION PERFORMANCE-BASED INCENTIVES FUND (GED ACCELERATOR)

Vice President Frisbie presented the proposed second distribution of state funds for Technical Education (Excel in Technical Education and the Accelerating Opportunity-Kansas proviso) and the Postsecondary Education Performance-Based Incentives Fund (GED Accelerator). For FY 2018, the Board of Regents has available \$27.55 million for high school students' postsecondary tiered technical course tuition, and at least \$500,000 for tuition for adults without a high school diploma or GED who are enrolled in tiered technical courses in designated Accelerating Opportunity: Kansas (AO-K) approved pathways. Funding for the tuition portion is distributed twice a year based on actual student enrollments submitted to the Kansas Higher Education Data System by the institutions. Available funds are now sufficient to finance enrollments, as reported by the colleges, as a result of action by the 2018 Legislature to add \$7.3 million to the program's appropriation. The Board also has funds available for the Postsecondary Education Performance-Based Incentives Fund (known as the GED Accelerator initiative). Vice President Frisbie noted 15 percent of the funds were withheld from the distribution approved in January 2018 because of the potential shortfall in programs funds. Those withheld funds were added back in to this distribution. She also noted the distribution amounts are contingent upon the Board's assessment of each institution's performance pursuant to the performance agreement process. Regent Mullin moved to approve, and Regent Feuerborn seconded. The motion carried. The following distributions were approved:

Institution	Excel in CTE Initiative	AOK Proviso Adult Tuition	GED Accelerator
Allen County Community College	\$ 496,344	\$ --	\$ --
Barton County Community College	226,346	50,165	13,380
Butler Community College	400,170	(1,032)	--
Cloud County Community College	141,952	--	--
Coffeyville Community College	506,985	--	--
Colby Community College	127,148	--	--
Cowley County Community College	192,819	--	--
Dodge City Community College	199,025	1,106	16
Flint Hills Technical College	426,328	--	--
Fort Scott Community College	378,100	7,664	632
Garden City Community College	138,521	3,614	3,097
Highland Community College	817,799	24,296	--
Hutchinson Community College	1,609,492	6,275	1,978
Independence Community College	57,193	--	--
Johnson County Community College	819,098	14,028	5,657
Kansas City Kansas Community College	1,376,715	5,156	63

Labette Community College	156,029	--	--
Manhattan Area Technical College	242,633	--	--
Neosho County Community College	557,184	12,090	3,698
North Central Kansas Technical College	157,380	--	--
Northwest Kansas Technical College	299,768	--	--
Pratt Community College	187,252	--	--
Salina Area Technical College	364,794	5,109	434
Seward County Community College/ATS	412,565	16,851	7,276
Washburn Institute of Technology	2,142,953	216,827	39,226
Wichita State University Campus of Applied Science and Technology (WSU-Tech)	2,623,622	24,844	7,250
Total	\$15,058,215	\$386,993	\$82,707

ALLOCATION/DISTRIBUTION OF FY 2019 STATE APPROPRIATIONS TO COMMUNITY COLLEGES, TECHNICAL COLLEGES, WASHBURN INSTITUTE OF TECHNOLOGY, AND WASHBURN UNIVERSITY

Vice President Frisbie presented the proposed FY 2019 distributions to individual institutions for the Tiered Technical Education State Aid, Non-Tiered Credit Hour Grant, Vocational Education Capital Outlay Aid, and the Technology Grant. Vice President Frisbie noted the FY 2018 distribution and the FY 2019 allocation/distribution are subject to performance as outlined in K.S.A. 74-3202d, and indicated two institutions were to have 10% of new funding withheld as result of not reaching negotiated targets for several performance indicators. Regent Bangerter asked the Board Chair to re-open discussions about the withholding of funds for these two institutions. Regent Bangerter also expressed a desire to revisit the performance agreement process noting variance in the difficulty of agreements among institutions which he stated is negatively impacting some institutions. The Board decided to review Regent Bangerter's concerns at a future meeting since the performance reports were approved at a meeting earlier this year and because those documents were not included in this agenda for members to review. Regent Bain moved to approve the distributions, subject to performance, as presented. Regent Van Etten seconded, and the motion carried. The below distributions were approved:

Tiered Technical Education State Aid Distribution			
Institution	FY 2018 Funding	FY 2019 Funding	Increase/ (Decrease)
Allen County Community College	\$1,274,575	\$1,309,710	\$35,135
Barton County Community College	3,379,015	3,472,162	93,147
Butler Community College	4,042,275	4,153,706	111,431
Cloud County Community College	1,309,962	1,346,073	36,111
Coffeyville Community College	1,172,753	1,205,082	32,329
Colby Community College	659,186	677,358	18,172
Cowley County Community College	2,421,712	2,488,470	66,758
Dodge City Community College	1,128,501	1,159,610	31,109
Flint Hills Technical College	1,710,829	1,757,990	47,161

Fort Scott Community College	1,447,767	1,487,677	39,910
Garden City Community College	972,414	999,220	26,806
Highland Community College	1,760,297	1,808,822	48,525
Hutchinson Community College	3,864,080	3,970,599	106,519
Independence Community College	536,348	551,133	14,785
Johnson County Community College	6,077,963	6,245,510	167,547
Kansas City Kansas Community College	4,154,629	4,269,157	114,528
Labette Community College	1,084,010	1,113,892	29,882
Manhattan Area Technical College	1,813,038	1,863,017	49,979
Neosho County Community College	1,292,172	1,327,792	35,620
North Central Kansas Technical College	2,669,201	2,742,781	73,580
Northwest Kansas Technical College	2,080,464	2,137,815	57,351
Pratt Community College	1,142,218	1,173,705	31,487
Salina Area Technical College	1,826,265	1,876,608	50,343
Seward County Community College/ATS	1,137,379	1,168,732	31,353
Washburn Institute of Technology	2,565,704	2,636,431	70,727
Wichita State University Campus of Applied Science and Technology (WSU-Tech)	4,446,165	4,568,730	122,565
Total	\$55,968,922	\$57,511,782	\$1,542,860

Non-Tiered Credit Hour Grant Distribution			
Institution	FY 2018 Funding	FY 2019 Funding	Increase/ (Decrease)
Allen County Community College	\$3,334,484	\$3,426,453	\$91,969
Barton County Community College	4,219,418	4,335,794	116,376
Butler Community College	10,121,710	10,400,877	279,167
Cloud County Community College	2,941,139	3,022,259	81,120
Coffeyville Community College	1,726,932	1,774,563	47,631
Colby Community College	1,307,364	1,343,423	36,059
Cowley County Community College	4,234,256	4,351,041	116,785
Dodge City Community College	1,451,580	1,491,616	40,036
Flint Hills Technical College	461,868	474,607	12,739
Fort Scott Community College	1,856,051	1,907,243	51,192
Garden City Community College	1,623,721	1,668,505	44,784
Highland Community College	3,824,749	3,930,240	105,491
Hutchinson Community College	4,900,010	5,035,158	135,148
Independence Community College	1,372,312	1,410,162	37,850
Johnson County Community College	14,612,929	15,015,969	403,040
Kansas City Kansas Community College	5,748,780	5,907,338	158,558
Labette Community College	1,548,429	1,591,136	42,707
Manhattan Area Technical College	431,091	442,981	11,890

Neosho County Community College	1,454,815	1,494,940	40,125
North Central Kansas Technical College	717,621	737,414	19,793
Northwest Kansas Technical College	537,374	552,195	14,821
Pratt Community College	1,183,980	1,216,635	32,655
Salina Area Technical College	103,589	106,446	2,857
Seward County Community College/ATS	1,758,045	1,806,534	48,489
Washburn Institute of Technology	160,221	164,640	4,419
WSU-Tech	1,804,008	1,853,765	49,757
Total	\$73,436,476	\$75,461,934	\$2,025,458

Vocational Education Capital Outlay Aid Distribution			
Institution	FY 2018 Funding	FY 2019 Funding	Increase/ (Decrease)
Coffeyville Community College	\$123,688	\$123,701	\$ 13
Cowley County Community College	143,350	138,312	(5,038)
Dodge City Community College	127,659	126,799	(860)
Flint Hills Technical College	138,681	130,745	(7,936)
Highland Community College	135,653	130,872	(4,781)
Hutchinson Community College	209,368	218,251	8,883
Johnson County Community College	347,555	351,926	4,371
Kansas City Kansas Community College	215,379	203,172	(12,207)
Manhattan Area Technical College	142,770	136,545	(6,225)
North Central Kansas Technical College	147,231	151,882	4,651
Northwest Kansas Technical College	129,335	134,481	5,146
Pratt Community College	127,925	122,701	(5,224)
Salina Area Technical College	123,892	121,558	(2,334)
Seward County Community College/ATS	131,468	131,543	75
Washburn Institute of Technology	164,138	170,720	6,582
WSU-Tech	208,356	225,036	16,680
Total	\$2,616,448	\$2,618,244	\$1,796

Technology Grants Distribution			
Institution	FY 2018 Technology Grant	FY 2019 Technology Grant	Increase/ (Decrease)
Allen County Community College	\$13,601	13,957	356
Barton County Community College	\$18,703	19,192	489
Butler Community College	\$23,802	24,424	622
Cloud County Community College	\$16,151	16,573	422
Coffeyville Community College	\$16,151	16,573	422
Colby Community College	\$16,151	16,573	422
Cowley County Community College	\$18,703	19,192	489

Dodge City Community College	\$16,151	16,573	422
Fort Scott Community College	\$16,151	16,573	422
Garden City Community College	\$16,151	16,573	422
Highland Community College	\$17,853	18,320	467
Hutchinson Community College	\$24,651	25,295	644
Independence Community College	\$16,151	16,573	422
Johnson County Community College	\$37,404	38,381	977
Kansas City Community College	\$24,651	25,295	644
Labette Community College	\$13,603	13,959	356
Neosho County Community College	\$16,151	16,573	422
Pratt Community College	\$11,905	12,216	311
Seward County Community College/ATS	\$16,151	16,573	422
Washburn University	\$32,301	33,145	844
TOTAL	\$382,536	\$392,533	\$9,997

Board Goal

BOARD GOAL: INFORMATION ON THE *APPLY KANSAS: APPLICATION MONTH* CAMPAIGN

April Cozine, Assistant Director of Admissions at Wichita State University, presented information on the *Apply Kansas* Campaign. As part of the American College Application Campaign, *Apply Kansas* is a statewide initiative that seeks to increase the number of students who apply to college early in their senior year. Typically, the participating high schools schedule a day in October for volunteers from the community and colleges to go to the school to help guide and support seniors as they move through the college application process. This process is especially important for students who may be the first in their family to pursue a postsecondary education. Ms. Cozine noted that in the past some local businesses have assisted with the application fee payments, which can be a barrier for students. This year the Kansas Board of Regents have partnered with the *Apply Kansas* Campaign to help increase the number of high schools and students participating in the initiative. In 2017, 40 schools hosted events and 3,948 students submitted over 5,500 applications. Ms. Cozine noted for 2018, 80 schools have signed up to host events. Regent Bangerter noted last year he enjoyed volunteering for this event at the Dodge City High School, and he encouraged people to participate.

(PowerPoint filed with Official Minutes)

BREAK

At 10:49 a.m. the Chair called for a break and resumed the meeting at 10:59 a.m.

Other Matters

REPORT FROM KANSAS POSTSECONDARY TECHNICAL EDUCATION AUTHORITY

Ray Frederick, Chair of the Kansas Postsecondary Technical Education Authority (TEA), reported the TEA appreciated the additional funds the Legislature appropriated to the Excel in CTE

initiative and the partial restoration of funds. He thanked the Board for its support on these items. At the TEA meeting, the Authority approved the State Innovation Technology Internship Grants and the Integrating Academics and Career Technical Education Grants along with the distribution amounts the Board approved earlier in the agenda. The members reviewed existing programs and outcomes along with new program requests. The TEA also approved budgetary items for the Board to consider including in its Unified Budget Request. Chair Frederick reported he was re-appointed as Chair and Bruce Akin was appointed Vice-Chair for next year and noted Debbie Gann resigned her position on the TEA. He thanked Ms. Gann for her service.

PROPOSALS FOR THE BOARD'S FY 2020 AND FY 2021 UNIFIED STATE BUDGET REQUEST

Vice President Frisbie presented the proposed requests for the Board's FY 2020-2021 Unified State Budget Request. The Board will receive more information and discuss the proposals at its retreat.

(Requests filed with Official Minutes)

FY 2019 BOARD MEETING SCHEDULE

Regent Mullin presented the proposed FY 2019 Board meeting and campus visit schedule. The schedule includes campus visits at Fort Hays State University, Emporia State University, and the University of Kansas. Regent Murfin noted the budget workshop and retreat is scheduled for August 8-10, 2018. Regent Mullin moved to approve, and Regent Van Etten seconded. The motion carried. The below schedule was approved:

<u>Meeting and campus visit dates</u>	<u>Location</u>
August 8-10, 2018 – Budget workshop/Retreat	Manhattan
September 19-20, 2018 – Board meeting	Topeka
October 17, 2018 – Board campus visit	Fort Hays State University
November 7, 2018 – Board meeting	Emporia State University
November 8, 2018 – Board campus visit	Emporia State University
December 12-13, 2018 – Board meeting	Topeka
January 16-17, 2019 – Board meeting	Topeka
February 20-21, 2019 – Board meeting	Topeka
March 20-21, 2019 – Board meeting	Topeka
April 17, 2019 – Board meeting	University of Kansas, Lawrence
April 18-19, 2019 – Board campus visit	University of Kansas, Lawrence
May 15-16, 2019 – Board meeting	Topeka
June 19-20, 2019 – Board meeting	Topeka

BOARD PRESIDENT AND CEO COMPENSATION FOR FY 2019

Regent Bain stated according to SHEEO (State Higher Education Executive Officers Association) survey data, the salary for the Board's President is at the lower end of the lowest quartile for

governing board chief executive officers nationally. In order to move that position's salary to the upper end of the lowest quartile, Regent Bain moved that the Board make a market-based increase in President Flanders's salary of up to 15 percent, and that the incoming Board Chair and Regent Bain negotiate with President Flanders whether to package this increase as a deferred compensation arrangement or otherwise. The final negotiated package will come back to the Board for final approval. Regent Bangerter seconded, and the motion carried.

ACKNOWLEDGEMENT

Regent Murfin thanked everyone for a great year and expressed his appreciation to the three Regents whose terms end this summer (Bill Feuerborn, Joe Bain, and Zoe Newton) for their four years of service on the Board.

EXECUTIVE SESSION

At 11:26 a.m., Regent Mullin moved, followed by the second of Regent Bangerter, to recess into executive session in the Kathy Rupp Conference Room for 60 minutes to discuss personnel matters of non-elected personnel. The subject of this executive session was the evaluation of a CEO and the purpose was to protect the privacy of the individual Board employees involved. Participating in the executive session were members of the Board and President Flanders. At 12:26 p.m., the meeting returned to open session.

ADJOURNMENT

The Chair adjourned the meeting at 12:26 p.m.

Blake Flanders, President and CEO

Dennis Mullin, Chair-Elect