

KANSAS BOARD OF REGENTS

MINUTES

August 4-6, 2020

The Kansas Board of Regents Budget Workshop and annual Retreat was called to order by Chair Bill Feuerborn on Tuesday, August 4, 2020 at 1:00 p.m. The meeting was held at T&C Hunt Club, 2461 Arrowhead Road, Arcadia, Kansas. Proper notice was given according to law.

MEMBERS PRESENT:

- Bill Feuerborn, Chair
- Cheryl Harrison-Lee, Vice Chair
- Shane Bangerter
- Ann Brandau-Murguia
- Mark Hutton
- Shelly Kiblinger
- Jon Rolph
- Allen Schmidt
- Helen Van Etten (by conference call)

WELCOME

Chair Feuerborn welcomed everyone to the T&C Hunt Club and introduced the manager of the Club, Tim Spehr.

BUDGET OVERVIEW

Elaine Frisbie, Vice President for Finance and Administration, stated that Kansas operates on a fiscal year basis from July 1 through June 30. In late March, the Legislature approved the state's budget for FY 2021, which included \$8,024.1 million in expenditures from the State General Fund (SGF). She noted a large portion of the expenditures went to the Unified School Districts (\$4,127.1 million), followed by human services (\$2,175.3), and then higher education (\$869.8 million). It was noted that the higher education SGF expenditure's rate of growth is the slowest when compared to all other state expenditures over a ten-year period. On the revenue side, Vice President Frisbie highlighted how revenue source amounts for the state have changed over the years with the implementation of different tax policies. It was noted that the majority of the state's revenue comes from individual income tax and sales and compensating use taxes. Vice President Frisbie stated that due to the COVID-19 pandemic the state's planned expenditures over the next several fiscal years will outpace its revenues. She noted that on June 29, Governor Kelly issued her Allotment Plan to balance the state's FY 2021 budget, as required by state law. Through those allotments, \$46.2 million was removed from the public higher education system's SGF appropriations. For FY 2022, it is estimated that there will be a \$1.5 billion shortfall in the state's budget, which will need to be balanced by the Governor and the Legislature.

Vice President Frisbie reported total revenues of the state's public higher education system in FY 2018 totaled \$3.84 billion, of which \$2.9 billion is attributable to the state universities. The key categories of revenue sources for the public institutions are state appropriations, student tuition and fees, federal and private grants, auxiliary enterprises, local support, and affiliated component units. Vice President Frisbie noted the percent of revenue collected in each category will vary by sector and institution. On the expenditure side, the 32 public postsecondary institutions spent

nearly \$2.1 billion (57.5 percent) on salaries and benefits. The next major expense for the system is the operation and maintenance of the physical plant, which accounts for 6.8 percent of the total expenditures across the system. Vice President Frisbie reported that over the past couple of years the higher education system received increases in SGF base appropriations. However, the financial impact of the COVID-19 pandemic will very likely result in additional SGF cuts.

Vice President Frisbie then reviewed the federal funding available to address costs associated with the pandemic. In March, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress and signed into law by President Trump. This \$2.2 trillion economic relief package included numerous provisions related to higher education. Under the Higher Education Emergency Relief section, the Kansas public higher education system received \$41.1 million to use on COVID-19 related expenses (\$24.7 million for state universities, \$2.4 million for Washburn University, \$14.1 million for community colleges, and \$2.9 million for technical colleges). The institutions also received \$47.7 million to be distributed to students as emergency grants. The Governor's Office received \$26.3 million in the Governor's Emergency Education Relief Funds. In coordination with the Kansas State Board of Education, the Kansas Board of Regents requested that the Governor apply this money entirely to the Kansas higher education system. This request was granted, and the state universities will receive the \$26.3 million. For the remainder of the funds, the Governor's Strengthening People and Revitalizing Kansas (SPARK) Taskforce will make recommendations to the State Finance Council, which will make the final decisions on how the funds will be distributed. Vice President Frisbie reported that at its July 29 meeting, the State Finance Council approved an allocation of \$64,942,923 (\$55.5 million for the public universities and \$9.4 million for the two-year colleges). These funds will be used by the institutions to make necessary preparations and expenditures to deliver in-person and online instruction and prepare for campus operations in the fall 2020 semester.

Vice President Frisbie also reviewed the Composite Financial Index for the universities, which can be used to help assess the financial health of an institution.

UNIVERSITY BUDGETS

Chancellor Girod presented an overview of the University of Kansas's budget and its plan for the fall semester. The COVID-19 pandemic has had a significant financial impact on all the universities. For KU, the Lawrence and Edward campuses have lost \$35 million in FY 2020, which is primarily associated with lost revenues related to parking, student housing, and dining. It is projected that the two campuses will have a revenue shortfall of \$120 million in FY 2021. The Chancellor noted this is a moderate estimate based on assumed losses and stated that if students cannot return to the campuses, this number will increase. The University has also spent \$30 million on safety-related expenses for FY 2021, and only some of these expenses will be offset by federal funds. For the Medical Center, it lost \$4 million in FY 2020 and is anticipating a \$15 million revenue shortfall in FY 2021. Chancellor Girod stated the Medical Center did not completely shut down when the pandemic started because of its unique mission, which is why the revenue shortfall is lower than the main KU campus. To address the financial shortfalls on all of KU's campuses, the Chancellor reported that salary cuts have been made for leadership positions, a six-month salary reduction plan was implemented for faculty and staff, and a hiring freeze is in place. To help gain some revenue, KU is aggressively restarting its research enterprise. With regard to returning to in-person services, the Chancellor stated that decisions are being made based

on science and guidance from its medical partners. To return the campuses to in-person classes, KU has implemented a mandatory mask policy, condensed its academic calendar, reconfigured housing and dining protocols, identified spaces to be used for quarantine and self-isolation, invested in testing and contact tracing, and de-densified spaces on the campuses. Chancellor Girod stated one of the University's guiding principles in this process is to foster a culture of personal and shared responsibility.

President Scott stated that COVID-19 has impacted all aspects of Pittsburg State University's operation in unprecedented ways. The University will face budgeting challenges like all the other institutions of higher education with revenue losses and extra safety-related expenses. President Scott stated the toughest part is trying to make decisions with all the uncertainty surrounding the state's budget and student enrollment. So far, the University has been able to offset some of the revenue losses and the extra expenses by using the federal funds provided through the CARES Act and by using the University's reserve fund. However, using those funds is not sustainable for the long term. President Scott stated he is really concerned with the FY 2022 budget and the high possibility of incurring significant state budget cuts. The University is also waiting to see what the student enrollment numbers will be for the fall. President Scott indicated that information on enrollments has been a moving target because many students are delaying their decision on whether to attend. PSU will offer face-to-face classes in the fall where possible and will be utilizing some hybrid and online courses to meet the needs of the students, faculty and staff. President Scott emphasized the importance of communicating with the students, faculty and staff about what is happening on the campus. He also noted that PSU has informed students that classes may again be switched to online if circumstances change.

President Golden stated Wichita State University was facing a shortfall of \$3.2 million in tuition revenue prior to the pandemic because of a reduction in resident student enrollment. An additional \$3.6 million tuition revenue loss is now projected, which will bring the total estimated loss in tuition revenue for FY 2021 to \$6.8 million. WSU is also facing additional COVID-19 safety-related expenses and is monitoring the state's budget. President Golden concurred with President Scott that the projection for the state's FY 2022 budget is concerning and that there are a lot of unknowns regarding student enrollments and how COVID-19 will impact the campus. To mitigate the financial shortfalls for FY 2021, WSU has implemented a hiring freeze, restricted discretionary purchases, and reduced budgets for each division of the University. Like the other universities, WSU has put protocols in place to deliver in-person services on the campus for the fall semester. Students living on campus will be screened as they enter the facilities. Housing capacity has been reduced and face masks will be required.

President Mason stated that Fort Hays State University's situation is similar to the other universities. The University's financial situation is currently stable but FHSU is monitoring the state's budget and enrollment. It was noted that losses in tuition revenue and state funding will greatly impact the University's operations. FHSU is currently developing plans on how to manage any losses, which will include delaying capital improvement projects. For the University's China program, all classes have been moved to online, and the University is waiting to see if the pandemic will affect its enrollment. President Mason noted that FHSU has always had a strong online presence and is developing a market plan to emphasize its success and its competitive pricing.

However, the University is anticipating a seven percent decline in total enrollment for the upcoming year.

President Myers stated that Kansas State University developed the following principles to guide the campus for the fall semester: 1) preserve the health and safety of K-State's university community and our host communities, 2) maintain and deliver our land-grant mission through teaching, research, and extension/outreach, 3) preserve and maintain university operations necessary to support mission-critical activities, 4) preserve the financial capability of the university to deliver mission critical activities for the long-term fiscal health of the university, and 5) honor K-State's unique culture – students, faculty, and staff are at the heart of the University. He noted the fall semester will begin on August 17 and all individuals on the campus will be required to have a face covering. He spoke about the University's testing and contact tracing abilities and noted the importance of partnering with local county officials. On the research side, KSU received COVID research grants totaling \$1.5 million. However, in the same quarter of FY 2020, University spending on other grants and contracts was down \$9 million (20 percent). President Myers reported that from March to June 2020, KSU lost \$45 million because of decreased revenues and increased expenses. The University is estimating a \$51 million loss in FY 2021 and is concerned about the state's budget projection for FY 2022. To address the financial shortfalls, KSU furloughed 1,868 employees, terminated or non-reappointed approximately 100 employees, and is in the process of deploying \$38.75 million in additional budgetary actions.

Diana Kuhlmann, Vice President for Administration and Finance, presented an update for Emporia State University. In 2020 before the pandemic hit, ESU had reduced its expenditures and implemented cash management procedures to deal with tuition revenue losses. The University was already planning to reduce \$2 million from its budget in 2021 and because of the pandemic, ESU is now anticipating an additional \$3.4 million reduction in tuition revenues. Vice President Kuhlmann stated that currently enrollments are down about eight percent but that could change in the coming weeks. She reported that the University's cash balances are stable, but she is concerned with the 2022 state budget forecast. ESU is anticipating revenue losses associated with housing, fees, tuition, and athletics, which may total around \$6.5 million for FY 2021. Vice President Kuhlmann stated that the federal CARES Act stimulus funds have helped with some of the losses, but it is not enough to cover all of them.

The Board discussed the universities' AY 2021 plans. A question was asked regarding who makes the decision as to which courses are offered online. It was noted that the faculty work with department chairs and deans but ultimately the university provost will make the decision. The majority of CEOs also indicated that currently the number of online course offerings for each institution is about the same as it has been in previous years. The universities are also allowing some staff and faculty to work from home depending on their circumstances and their ability to perform their job functions remotely, which will help to de-densify the campuses. Chancellor Girod noted there will be COVID-19 cases on the campuses just like there are cases in the communities. In order for classes to stay face to face, the community both on and off campus will need to work to mitigate the spread so that the healthcare system does not get strained. The Board also discussed how COVID is impacting athletics at the universities.

BREAK

Chair Feuerborn called for a break at 2:59 p.m. and resumed the meeting at 3:07 p.m.

STATE UNIVERSITY TUITION RATES

Vice President Frisbie stated that at the June meeting, the Board requested an overview of the different university non-resident tuition rates and waivers. Each of the universities has its own structure of discounted rates and waivers for students who would otherwise pay full non-resident rates. Some of the waivers are based on state law while others have been granted by the Board over the years. Vice President Frisbie presented an inventory of all the different non-resident tuition discounts, waivers, and scholarship programs offered by the universities.

The reasons cited for offering non-resident tuition discounts and waivers include decreasing state financial support, changing demographics, competition from neighboring states and a decline of in-state student enrollments. She also reviewed how other states handle non-resident rates. Regent Bangerter stated this is a complex issue because the universities need the right mix of revenue to make their budgets work; however, he believes the Board's tuition policy needs to be reviewed so that the universities can continue to be competitive with other states. Regent Schmidt asked how the waivers are funded. The majority are financed by the universities. Regent Feuerborn asked the Board's Fiscal Affairs and Audit Standing Committee to study the different non-resident tuition rate and waiver structures and determine if the Board's tuition policy needs to be adjusted.

(Spreadsheets are filed with Official Minutes)

FY 2022 UNIFIED BUDGET REQUEST

Vice President Frisbie stated the Kansas Higher Education Coordination Act requires the Board of Regents to develop and present to the Governor and Legislature a unified request for state appropriations for postsecondary education each year. The Board's request must be submitted by October 1. At the June meeting, the institutions submitted proposed items for the Board's FY 2022 unified budget request. The Board discussed the state's budget forecast and noted that it is not realistic to submit a request asking for additional base funding, which has been a priority of the Board in the past. The Regents discussed the possibility of requesting funds for specific programs including items that are connected to economic development. The university CEOs expressed their concerns about additional State General Fund reductions and are hoping their state funds remain at least flat. The Board also discussed the Engineering Initiative, which will sunset in 2021, and the deferred maintenance initiative. Regent Feuerborn stated the Board has until the September meeting to determine if there are specific programs it wants to request funding for and if so, it will be important to get the request embedded in the Governor's budget.

ADJOURNMENT

The Chair adjourned the meeting at 4:36 p.m.

CALL TO ORDER

Chair Feuerborn called to order the August 5, 2020 meeting at 10:45 a.m.

MEMBERS PRESENT: Bill Feuerborn, Chair
Cheryl Harrison-Lee, Vice Chair
Shane Bangerter
Ann Brandau-Murguia
Mark Hutton
Shelly Kiblinger
Jon Rolph
Allen Schmidt
Helen Van Etten (by conference call)

CAMPUS DIVERSITY AND INCLUSION AND CAMPUS CLIMATE

Vice President Frisbie introduced Wichita State University's Chief Diversity Officer, Marché Fleming-Randle. Dr. Fleming-Randle will chair the Council of Chief Diversity Officers this year.

General Counsel Miller reported that over the summer, members of the Student Advisory Committee met with President Flanders to discuss how public universities handle free speech and assembly issues. The students are interested in exploring ways to address "hate speech" on the campuses. General Counsel Miller stated the universities are state agencies and strict parameters dictate what they may do to discourage, prohibit or sanction speech. Public universities may not censor, prohibit, chill or punish a student's expression, enact or enforce censorship policies, or compel speech through mandatory civility statements or codes simply because the university disagrees with the speaker's message or finds it to be hateful or offensive. Under the law, there are very limited types of speech or expression that a state university may restrict. However, General Counsel Miller noted that the universities can and have implemented policies prohibiting and punishing race discrimination and other forms of unlawful discrimination, and each has reasonable time, place and manner restrictions on use of campus facilities and open spaces, and each has a core values statement. President Flanders stated that the Board may want to consider adopting some form of guidance to address campus free speech issues.

President Flanders stated that the system also needs to address the enrollment equity gaps and asked Vice President Archer to provide some information on best practices to reduce these gaps. Vice President Archer reviewed the College Going Rate, which is the percentage of high school students entering postsecondary. Over the last eight years this rate has declined by six percentage points – going from 55.6% in 2010 to 49.3% in 2018. Vice President Archer noted the College Going Rate for Hispanic and Black students has significantly decreased since 2014. He then reviewed the first-year retention rates and six-year graduation rates for the total student population and the three largest race/ethnicity populations at each of the universities. The data shows that Hispanic and Black students typically have lower rates in both categories when compared to their white counterparts.

Vice President Archer stated race and ethnicity gaps in student enrollment is a national issue, and he reviewed several initiatives that have been implemented in other states to help reduce these gaps. At Georgia State University, students who are academically at-risk are automatically enrolled in the Summer Success Academy. These students earn seven hours of credit while receiving intensive academic and personal support. Vice President Archer reported that students who went through the Academy had higher retention and graduation rates. The University of

Georgia system has a statewide program titled the African American Male Initiative (AAMI). This program emphasizes study-skill activities, support services, mentoring, and leadership development. Since its launch, the six-year graduation rate for African American males in the system increased by 11.4 percentage points, going from 28.97% to 40.35%. Vice President Archer stated that many colleges and universities throughout the country have utilized Early College High School models, which allow students to earn college credits either throughout the entire high school experience or during the final two years of high school, to reduce the equity gaps. National Student Clearinghouse data indicates that minority students who participate in these programs are ten times more likely to earn a college degree than minority comparison students. Rutgers University's Future Scholars Program is a five-year program that runs from the seventh grade to the twelfth grade. Students in this program receive support and participate in activities that prepare them for college. Utah Valley University's Hispanic Initiative is a community outreach and concurrent enrollment program. The program provides 14-20 Hispanic parent open houses each year, free summer and concurrent bridge programs, and hosts Hispanic student conferences and cultural events. This initiative has helped increase Hispanic student enrollment by 324% and Hispanic graduation headcount by 372%.

Regent Murguia asked whether the universities had done any research to identify the specific barriers in Kansas that are deterring minority students from entering higher education. She believes that in order for solutions to be implemented to reduce the enrollment gaps, the Board and the universities need a better understanding of why minority students are not attending college – are there specific barriers or is it a personal choice. No university has conducted an in-depth review, but Chancellor Girod noted that the Mid-America Regional Council has conducted regional studies and some of its key findings are related to cost and access. President Flanders stated when he spoke with Hispanic high school students, many indicated it was difficult to fill out the college application and FAFSA paperwork. Geographical location can also be a barrier for Hispanic students because many Hispanics prefer to stay near their families, which is one reason why the Dodge City region was looking at partnering with a university to offer baccalaureate degrees.

Chancellor Girod stated it is important to not only recruit minority students but to also have services in place at the campuses to help with completion. He noted that for many students their pursuit of a degree can be derailed by any financial strife. President Myers stated the reasons students leave college before completing are usually associated with financial, academic, or social issues. KSU, like all the other universities, has support programs in place to help students, including peer mentoring, but these programs are constrained because of limited resources. However, President Myers noted that even with limited resources the programs are successful.

President Rittle reported that the makeup of the student population on the community college campuses varies depending on its location. He noted that the community colleges have several programs aimed to support low-income and first-generation students. One program is the TRIO Student Support Services, which is a federally funded program that helps students persist and graduate. President Rittle stated it is important for the institutions to let students who are struggling know they are valued, and these programs are just one tool the colleges use. Dr. Rittle stated that a diverse faculty also plays an important role because students feel more connected when they are being taught by someone who has a similar cultural background.

Regent Bangerter stated that each of the institutions has support programs in place to help low-income and minority students, but he would like the Board to review the initiatives that Dr. Archer presented to see if more can be done at the system level. President Flanders stated low-income, first-generation and other underserved populations benefit from concurrent enrollment programs and that legislation was introduced last year that would have allowed school districts to fund a student's concurrent enrollment classes. However, because the pandemic shortened the Legislature's work, the bill was not enacted. He also noted the importance of engaging students while they are in high school because there are support structures in place. Dr. Flanders stated the Council of Chief Diversity Officers would be a good group to engage with on this topic. The Diversity Officers can study the barriers associated with the equity gaps and bring forward recommendations on how the system can close the gaps. Regent Bangerter agreed that students need to be engaged early and that the programs Dr. Archer presented seem to be effective. He would like to see recommendations on how these types of programs can be implemented in Kansas along with recommendations on how they can be funded. Regent Schmidt stated that programs associated with reducing enrollment equity gaps could be a budget item the Board could request in the future. He believes that if there is data surrounding the request that shows its impact on shrinking the gap, it may get traction in the legislative process. Regent Harrison-Lee concurred that there needs to be a system-level approach and that other states' models should be studied, and she would also like to look at ways to help students complete the FAFSA.

Dr. Fleming-Randle stated that the Council of Chief Diversity Officers look forward to working with the university CEOs and the Board on these issues. She noted the Council will be looking into what is currently being done on the campuses, determine what has been successful, and then work on next steps.

On the free speech topic, Regent Hutton believes the Board should explore whether it needs to have a systemwide policy. He mentioned that the Arizona system has a policy that the Board could review. President Myers noted that KSU adopted the Chicago Principles. Both these documents will be sent to the Board. President Myers also stated that it is important to educate students on what the First Amendment means and how it is applied. KSU's General Counsel's Office does regular training on this topic with different campus groups.

BREAK

Chair Feuerborn called for a break at noon and resumed the meeting at 12:32 p.m.

COORDINATING COUNCIL AND FUTURE OF HIGHER EDUCATION COUNCIL UPDATES

Regent Kiblinger reported that the Coordinating Council discussed aligning the spring break schedule for the Kansas public education system beginning in the 2021-2022 school year. The alignment of calendars would allow high school students more opportunities to enroll in concurrent courses because schedules will be synchronized and families that have children enrolled in different institutions will be able to plan vacations. President Flanders noted that the Board office often receives complaints from parents regarding spring break schedules. Regent Bangerter asked whether the school districts will be able to align. Regent Kiblinger stated the State Board of Education is collecting feedback from the districts, but she believes the majority will be in favor

because many already align with the higher education institution that is located nearest to them. President Rittle stated the community colleges are willing to align but will need advance notice because the colleges use their spring breaks as a pivot point for when they start and stop classes. President Genandt stated the technical colleges are already aligned with their local school district, so it should not be a problem. None of the university CEOs had an issue moving forward with the alignment.

Regent Harrison-Lee reported that the Future of Higher Education Council has met twice and spent the majority of those meetings receiving background information on the higher education system. The Council discussed adding an icon to all the approved systemwide transfer courses so that they are easily identified. The members are also interested in looking at models to address equity gaps. Regent Harrison-Lee stated that at the next meeting the Council will discuss how the COVID-19 pandemic has impacted the higher education system and determine if those impacts should be addressed in the creation of the comprehensive three-year, five-year, and ten-year plan for higher education.

BUILDING A FUTURE: ECONOMIC PROSPERITY PILLAR UPDATE

President Flanders reported the third pillar, Economic Prosperity, demonstrates how the higher education system supports economic growth in Kansas. This pillar emphasizes the intentional economic development activities of the institutions. Under this pillar, each university will have established goals and will track the number of family sustaining jobs created and capital investment generated. The jobs captured under this pillar must be new jobs that are generated as a result of intentional economic development and corporate partnership efforts on the part of state universities. These jobs must be located in Kansas to guarantee that the state is deriving a benefit from the jobs. The universities will also track existing business expansion, business attraction, business formation and entrepreneurial endeavors, along with any jobs or investment associated with those projects.

President Flanders stated the Kansas higher education system is in the best position to help the state grow economically. Each university has strengths in specific areas that can be expanded to help Kansas attract and grow businesses. He noted the system will need to work with companies on strategies to retain graduates in the state and that wage discrepancies will need to be addressed. Scott Smathers, Vice President of Workforce Development, reported that a work group of university representatives are focused on developing Pillar Three and have been sharing ideas.

BREAK

The Chair called for a break at 1:32 p.m. and resumed the meeting at 1:48 p.m.

BUILDING A FUTURE: PROMOTING THE PLAN AND AFFORDABILITY

Matt Keith, Director of Communications, and Matt Casey, Director of Government Relations, stated that it will be important to share the Board's new strategic plan, *Building a Future*, with a variety of stakeholders including the Governor, legislators, business and industry organizations, school districts, military partners, and the higher education community. Promotional materials are being developed that will be given to Board members, Board staff, and the communication and marketing teams on the college and university campuses. The Board members can use these materials when they are presenting at events, giving interviews, or meeting with key stakeholders.

Vice President Archer stated that at the June Board meeting the Board approved moving forward with two initiatives that align with the strategic plan's emphasis on affordability. The first is the strategic review of low-enrollment programs. This review will primarily be based on assessing programs in three core areas: essentiality, productivity, and cost effectiveness. The universities will be required to provide data on specific criteria. Each university will then present its low-enrollment strategic program alignment findings and recommendations to the Board in the middle of FY 2021 (November 2020, December 2020, and January 2021). If a university wishes to extend its review beyond this period due to the challenges involving COVID-19, it may request an extension from the Board Academic Affairs Standing Committee. If approved, the university will present a minimum of 50 percent of its low-enrollment programs to the Board in the middle of FY 2021 and any remaining such programs will be presented to the Board at the end of FY 2021 (May and June 2021).

The second initiative is to develop strategies that advance associate-to-baccalaureate degree program transfer. A work group is being formed to develop a proposed policy that 1) defines a common general education package for transferable associate degrees; and 2) guarantees that a transferable associate degree is used to satisfy the general education requirements at the receiving baccalaureate-degree granting university. Vice President Archer stated another component of this process is to continue to examine associate and baccalaureate degree credit limits and highlighted the pilot program between the University of Kansas Edwards Campus and Johnson County Community College. Regent Bangerter believes the Board should move forward with amending the policy on baccalaureate degree credit limits to allow the other universities the ability to apply more than 60 hours toward the completion of a baccalaureate degree. He stated it will benefit students by cutting their time to completion and it will benefit the institutions by keeping students enrolled in Kansas. Vice President Archer stated this may need to be reviewed at the program level because there could be accreditation issues. The Board members would like to get feedback from the institutions regarding the benefits and drawbacks of amending the policy. Board staff will develop a timeline for gathering this information so the Board can decide on the policy.

Vice President Archer also highlighted the increased use of open educational resources (OER) on the campuses, which save students textbook costs. A study conducted by rpk group and SRI Education estimated that community college students save an average of \$66-\$121 per course when OER is used. OERs have also been linked to improved student success rates. Dr. Archer noted that a working group was formed with representatives of all sectors to look at ways to increase the use of OERs in the system.

NON-BUDGETARY LEGISLATIVE REQUESTS

Director Casey presented the non-budgetary legislative requests listed below. These items will be presented to the Board for consideration later in the fall.

- Amend the Kansas Private and Out-of-State Postsecondary Educational Institution Act (K.S.A. 74-32,162 et seq.) to clarify and enhance the Board's oversight.
- Support permissive authorizing language for affiliations between any two-year college and any four-year university without identifying specific institutions.

- Amend K.S.A. 74-32,434 to add “high school equivalency (HSE)” to the performance-based incentive payment program.
- Extend the Kan-Grow Engineering Initiative beyond FY 2022 and continue the \$3.5 million transfers specified in K.S.A. 74-8768 beyond July 1, 2021 to the three research universities.
- Amend K.S.A. 75-6609(f) to clarify that the proceeds resulting from the sale of universities’ real property are to be retained by the university (rather than having to state that in each land sale bill).
- Exempt the universities and the Board Office from K.S.A. 75-7201 that mandates KITO oversight of IT projects over \$250,000.
- Seek extension of COVID-related immunity for all public institutions of higher education. *See* Section 8(f) in 2020 House Bill 2054 and Sections 9 and 11 of 2020 House Bill 2016 passed in the special session.
- Repeal K.S.A. 76-393 that requires the Board office to authorize the Department of Administration to transfer funds from each of the six state universities to the University Press of Kansas at KU.
- Eliminate the requirement that the in-person oath of office in K.S.A. 54-101, et seq. and K.S.A. 75-4308, et seq. be notarized, or that it be done in-person.
- Support revival and passage of 2020 HB 2411, which would have removed the Division of the Budget from the Rule and Regulation Filing Act process.
- Repeal obsolete statutes for which KBOR provided rationale to the Office of the Repealer several years ago.

Vice President Frisbie then reviewed the budgetary requests that the community and technical colleges submitted. President Rittle stated the community colleges support the list of requests that was submitted and noted they are concerned that the pandemic will have a significant effect on their Excel in CTE enrollment.

DEFERRED MAINTENANCE

Kelly Oliver, Senior Director of Finance and Administration, reported that earlier this year the Board commissioned two studies related to deferred maintenance. Accruent LLC conducted a detailed condition assessment of university mission critical buildings and is currently working with the universities to develop databases so that the building conditions on each campus can be tracked. The databases will also generate reports that will help the universities and the Board make decisions on deferred maintenance issues. Gould Evans in association with Rickes Associates have completed their space utilization review on all the campuses and will have a final report to the Board in November. Regent Hutton asked when the databases will be operational. Director Oliver stated that the information is currently being entered into the databases but is unsure of the timing on when reports can be produced. He also wanted to know when a comprehensive plan to address deferred maintenance will be completed. President Flanders stated that the pandemic slowed the process some, but he expects to have something to the Board by December. He also noted that the space utilization needs for this year and possibly next year are going to be different than a normal year because of the pandemic. It was noted that the plan will need to address the penalties associated with losing Educational Building Fund allocations when a building is torn down. Right now, if a university wants to decrease its building footprint, it will lose funding because the EBF is calculated by square footage. The formula needs to be reviewed to determine

ways to address the problem while also trying to keep it equitable for the universities. Regent Hutton noted he was not advocating for changing the formula but believes there needs to be a plan to address the issues. Regent Harrison-Lee concurred that there needs to be a solid strategy and plan in place before the Board can take a recommendation to the Legislature. Regent Kiblinger stated that if the Board pursues the deferred maintenance initiative, the strategy and plan need to highlight the construction jobs that will be created, which will impact the Kansas economy. President Flanders stated that it is important for the Board to be involved with the development of the strategies and plan. Vice President Frisbie noted this will be a standing agenda item on the Fiscal Affairs and Audit Standing Committee so those Board members will have opportunities to provide feedback and guidance on a monthly basis.

BREAK

Chair Feuerborn called for a break at 2:55 p.m. and resumed the meeting 3:10 p.m.

OPEN DISCUSSION

The Board and the CEOs discussed how the campuses are addressing social justice issues. President Myers discussed KSU's strategies including creating a student ombudsperson office, forming a university policy working group to address institutional bias and barriers, increasing need-based scholarships, and developing a social media policy to balance free speech and university values. He noted faculty, staff, and students were involved with developing the items.

The Board also continued its discussion on how COVID-19 is impacting the system and the state. Chancellor Girod discussed how the healthcare system is responding and the importance of implementing the mitigation practices like wearing a face covering and socially distancing when possible. The CEOs discussed how they are working with their local counties so that consistent messaging is being delivered. President Garrett spoke about the challenges associated with athletics include the cost of testing all the athletes.

ADJOURNMENT

The Chair adjourned the meeting at 4:20 p.m.

CALL TO ORDER

Chair Feuerborn called to order the August 6, 2020 meeting at 8:45 a.m.

MEMBERS PRESENT:

Bill Feuerborn, Chair
Cheryl Harrison-Lee, Vice Chair
Shane Bangerter
Ann Brandau-Murguia
Mark Hutton
Shelly Kiblinger
Jon Rolph
Allen Schmidt
Helen Van Etten (by conference call)

UPDATE FROM THE COMMUNITY AND TECHNICAL COLLEGES

President Rittle spoke about the fall semester plans for the 19 community colleges. The campuses are installing hygiene stations, spacing out classrooms to adhere to the social distancing guidelines, cleaning high touch surfaces throughout the day, and implementing multiple dining options for students. Health assessments will be conducted on students entering housing facilities and on student athletes. Dr. Rittle noted that 18 of the 19 community colleges are requiring face coverings on campus and all are working with their local health departments on best practices. The 19 colleges are going to have face-to-face classes but are ready to move to online if the need arises. It was noted that when students return to the campuses it will be a different environment because there will not be many student activities.

President Genandt stated the technical colleges are implementing many of the same safety protocols as the community colleges. However, Northwest Kansas Technical College is the only college that will need to address student housing issues. He reported that the colleges brought some students back on campus in May to complete programs that require hands-on training, which was successful. Moving forward, many of the colleges are adjusting their academic calendars and are planning to frontload lab courses when possible. President Genandt reported that half of the colleges are requiring face covering and the others are strongly recommending it. All the colleges are working with their local health departments. President Genandt noted that the colleges are concerned about how the pandemic is going to affect high school student enrollment in Excel in CTE programs.

BOARD COMMITTEES

The Board Academic Affairs Standing Committee and the Fiscal Affairs and Audit Standing Committee met to go over items for the upcoming year.

2020-2021 BOARD GOALS

President Flanders reviewed the goals from last year and recapped the potential Board goals for the upcoming year, which are listed below. Staff will more fully develop the goals and present them to the Board for consideration at the September meeting.

1. Improve academic program transfer by creating a systemwide general education (GE) package to align programs under a common framework that guarantees seamless transfer and evaluate the pilot program that increased the number of credit hours eligible for transfer.
2. Review the 60 low-enrollment programs at the six state universities to assess program viability and strengthen the efficiency of degree program inventories.
3. Review university, community college and technical college plans and best practices to improve college-going rates, retention rates, and graduation rates of students from underrepresented populations.
4. Develop Board guidance on free speech to state universities.
5. Establish five- and ten-year systemwide objectives within *Building a Future* by leveraging

individual university strengths into the creation of direct jobs and direct investments from beyond the state borders into Kansas.

6. Develop a comprehensive plan to finance deferred maintenance of public institutions of higher education facilities to be presented to the 2021 Legislature.
7. Promote simplicity, transparency, and degree completion by exploring tuition rate strategies for resident and non-resident students attending the state universities.

The Board discussed the complexity and challenges associated with these goals and the Board feels that the issues need to be addressed in order for the system to move forward. Regent Hutton commented that he would like to see a budget request centered around reducing the equity gap. Regent Bangerter asked whether the Board should advocate for state funded concurrent enrollment courses. President Flanders stated that increasing the ability of high school students to take concurrent enrollment courses is one tool that can be used to address equity gaps, and he believes the first step should be getting the concurrent enrollment bill that was introduced last session passed, thereby allowing school districts to pay for concurrent tuition.

HOUSEKEEPING

General Counsel Miller distributed the conflict of interest forms for each Regent to complete. The Board will act on any actual or apparent conflicts in September. The Board members signed up for fall commencement ceremonies and reviewed the upcoming Board meeting calendar. Additionally, the Board came to a consensus that the 2021 budget workshop and retreat will take place the last week in July. President Flanders will forward the dates to the Board and the university CEOs. The Board also discussed the process for appointing a new Board chair and vice chair.

Chair Feuerborn announced that this year before each Board meeting he wants to recite the Pledge of Allegiance, and he would like to have the six university CEOs present monthly reports when there is enough time on the Board's agenda for them to do so.

ADJOURNMENT

Chair Feuerborn adjourned the meeting at 11:48 a.m.

Blake Flanders, President and CEO

Bill Feuerborn, Chair