

KANSAS BOARD OF REGENTS

MINUTES

April 14, 2021

The April 14, 2021, meeting of the Kansas Board of Regents was called to order by Chair Bill Feuerborn at 12:30 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:

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

EXECUTIVE SESSION

At 12:31 p.m., Regent Kiblinger moved, followed by the second of Regent Bangerter, to recess into executive session in the Kathy Rupp Conference Room for 30 minutes to discuss personnel matters of non-elected personnel. The subject of this executive session was to prepare for university CEO evaluations 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 (for a portion), and General Counsel Julene Miller. The motion carried. At 1:01 p.m., the meeting returned to open session. Regent Kiblinger moved to extend the session for ten minutes, and Regent Rolph seconded. The motion carried. At 1:11 p.m., the meeting returned to open session. Regent Kiblinger moved to extend the session for ten additional minutes, and Regent Rolph seconded. The motion carried. At 1:21 p.m., the meeting returned to open session.

BREAK

The Chair called for a break at 1:21 p.m. and resumed the Board meeting in the Board room at 1:35 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Regent Rolph moved that the minutes of the March 17-18, 2021 Board meeting be approved. Following the second of Regent Schmidt, the motion carried.

GENERAL REPORTS

REPORT FROM PRESIDENT AND CEO

President Flanders highlighted the system enrollment report, which is scheduled to be presented later today, and noted that the enrollment data can be found on the Board's Kansas Higher Education Statistics webpage. He reported the students were active in the Legislature this year and had a bill introduced to create a student position on the Kansas Board of Regents. He noted the bill did not make it through the process, but the students did a great job with testimony and gained experience and knowledge on how the legislative process works. President Flanders thanked the Legislature for supporting the higher education system. Several of the Board's priorities were approved, including continuing the Engineering initiative for ten more years, funding the Excel in CTE initiative, and restoring \$25 million to the system. President Flanders then asked Regent Kiblinger to give an update on the Advantage Kansas Coordinating Council. He also recommended suspending the Board's Coordinating Council with the Kansas State Board of Education because the new Advantage Kansas Council will be discussing many of the same topics. The Board had no objections to suspending activities of the Coordinating Council.

Regent Kiblinger reported that Governor Kelly signed Executive Order 21-08, which established the Advantage Kansas Coordinating Council. Regent Kiblinger and Alan Cobb, President and CEO of the Kansas Chamber, are co-chairing the Council. Regent Kiblinger reviewed the goals of the Council and noted that many align with the goals in the Board's strategic plan, *Building a Future*. She noted that the Council created three workgroups: Jump Start Kansas – chaired by Regent Kiblinger, Talent Ready Kansas – chaired by Alan Cobb, and Opportunity Kansas – chaired by Cindy Lane. These workgroups have specific areas of focus and members will be reaching out to experts in different fields to gather information as they move through their work. Regent Kiblinger stated that the Council will be developing metrics to benchmark their work. Regent Harrison-Lee suggested that the Council may want to review the documents that the Future of Higher Education Council worked on because they may benefit the work of this Council.

(Handout filed with Official Minutes)

REPORT FROM SYSTEM COUNCIL OF PRESIDENTS

President Rittle presented the System Council of Presidents report. The Council received a report from the System Council of Chief Academic Officers on credit for prior learning, transfer and articulation, and the pilot program that authorized programmatic exceptions to the minimum 60 semester credit hour requirement for the institution awarding the baccalaureate degree for certain transfer agreements between the University of Kansas Edwards campus and Johnson County Community College (JCCC). The data gathered from the pilot program shows that students who transferred from JCCC to the KU Edwards campus are successful at the university level. The System Council of Presidents then received an update on the progress of the General Education Workgroup, which is tasked with developing a general education framework for the system. It is anticipated that a draft framework will be presented to the Council during the fall of 2021. President Flanders then provided an update on how the system will develop strategies to address the equity gap metric in the Board's strategic plan, *Building a Future*. It was noted that Georgia State University's National Institute for Student Success will be working with the system and can conduct an equity gap analysis at a community college and a state university. President Rittle stated that details surrounding the analysis are still being worked out. Additionally, President

Rittle announced that Independence Community College named Vincent Bowhay as its new President.

REPORT FROM COUNCIL OF PRESIDENTS

Interim President Muma presented the report for the Council of Presidents. The Council received reports from the Council of Chief Academic Officers, Council of Business Officers, Council of Student Affairs Officers, Council of Government Relations Officers, and the Council of Chief Diversity Officers. The Academic Officers acted on new programs and program name changes and discussed the Students' Advisory Committee's request to make election day a non-instructional holiday for students. The Business Officers have been busy tracking the legislative budget process along with the Government Relations Officers. The Student Affairs Officers discussed the fall semester and returning to a "normal" on-campus environment. They also reviewed the Board's Freedom of Expression Statement. The Diversity Officers announced they are hosting a roundtable discussion on diversity and inclusion with community college leaders on April 15th. The Council of Presidents then approved Kansas State University's request to offer a Bachelor of Science in Environmental Science and the University of Kansas' request to offer a Master of Arts in Organizational Communication. Both these programs will be forwarded to the Board for consideration.

REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS

Aleks Sternfeld-Dunn reported that the Council of Faculty Senate Presidents is supportive of the recommendations from the Governance Committee Workgroup, which will be presented later in the agenda. He thanked the Board and the Governance Committee for creating the group and all the members of the Workgroup for their participation. At its meeting today, the Council of Faculty Senate Presidents received an update on the General Education Workgroup. The Council supports the idea of creating seamless transfer opportunities for students, but the faculty are concerned with creating one unified approach for the system. The faculty believe taking the autonomy away from the universities will be a significant challenge, especially if the general education package requires the acceptance of a specific number of general education credit hours. Dr. Sternfeld-Dunn explained how this requirement may impact programs including the possibility of lengthening a program past the 120-credit hour requirement. The Council of Faculty Senate Presidents also discussed the strategic program review process and noted the importance of evaluating programs using multiple metrics and not just looking at credit hour production and the cost to offer a program. President Flanders thanked Dr. Sternfeld-Dunn for his comments on program review and noted the importance of internal program review on the campuses. He stated that the Board is looking for ways to be more efficient with program review and may consider moving to a program prioritization model in the future. Regent Schmidt clarified that the Board considered other metrics besides credit hour production and costs when it conducted its strategic program alignment review of programs. Regent Hutton stated he is concerned with the Council's comments regarding the development of a systemwide general education package because in his opinion it sounds like the Council is not behind moving toward a standardized package, which he believes will benefit students. Dr. Sternfeld-Dunn stated that faculty support creating seamless transfer opportunities for students but there are concerns centered around losing university autonomy when it comes to setting specific general education requirements at the program level. However, he believes there is a solution to this issue and will continue to support the Workgroup.

REPORT FROM STUDENTS' ADVISORY COMMITTEE

Rija Khan presented the report for the Students' Advisory Committee. The Committee met with the Council of Chief Academic Officers to discuss its request to make election day a non-instructional holiday on the university campuses. It was noted that this request may impact the number of instructional days in the academic calendar and the group decided that each student body president should work with his or her own campus to address any issues before moving this request forward. Ms. Khan noted that this request is important to the Committee because it has the potential to increase student voter turnout, and it will allow students to participate in activities like working at the polling sites or volunteering on a campaign. The Committee also believes it will help students who are voting in different states. The Committee also discussed student tuition and fees and recommends keeping the state university tuition rates flat and only approving increases to fees that were deemed essential by the student governing bodies. Ms. Khan noted that each university student senate reviews student fees for its campus and some of the senates have recommended increasing student fees to address essential needs like increasing health and mental wellness services or expanding diversity, equity and inclusion initiatives. Regent Van Etten congratulated Ms. Khan on being reelected as WSU's Student Body President and noted that working at election polling sites can be an educational experience for students. However, she wanted to make it clear that the universities themselves need to be neutral when it comes to politics and elections. Regarding out-of-state voting, Regent Van Etten noted students have the option to mail their ballots to their home state.

REPORT FROM THE COMMUNITY COLLEGES

President Rittle reported that the community college presidents are discussing the fall semester. The colleges are planning to return to a more normal campus environment with the majority of classes being taught in person. The colleges are working with their local health departments to offer COVID-19 vaccines to students and many colleges plan to continue to offer COVID testing. Face coverings and social distancing in classrooms on the campuses will not be required. However, some colleges may choose to spread their classrooms out if they have the space. Regarding enrollment, the colleges believe they will either see a slight increase or will remain flat. Dr. Rittle stated that student athletes have been competing this spring and reminded everyone that the Kansas Jayhawk Community College Conference decided last fall to move most fall sports competitions to the spring semester. He also noted that many of the athletic venues are allowing some fans to attend and that the colleges are hoping the capacity limits are lifted for the fall semester.

REPORT FROM THE TECHNICAL COLLEGES

President Genandt presented the report for the technical colleges. The technical colleges are expecting fall enrollments to be up five to 15 percent and anticipate increased high school student enrollments as well. He noted that some programs like nursing and welding are in high demand and the colleges are experiencing capacity issues. President Genandt also reported that the colleges continue to engage with business and industry leaders and noted that employment opportunities for technical college graduates are still strong despite the ongoing pandemic.

REPORT FROM THE UNIVERSITY CEOS

President Garrett highlighted achievements of several Emporia State University students. Business major, Mallory Mitchell, suffered a severe medical issue in 2018 that prevented her from

completing her degree at that time. President Garrett announced that despite incredible difficulty, Mitchell has made an extraordinary recovery and will graduate with a business degree from ESU in December 2021. River Freemon, a student in ESU's School of Library and Information Management, was chosen for an internship at the Smithsonian Institution this summer. Kaleb Barber, a first-generation student who participated in many campus activities, will be graduating this May with a degree in school counseling. Song Yang, a computer science major, co-wrote a paper on acoustic classifications of bird species based on wavelets and learning algorithms. President Garrett also reported that Corky's Cupboard was expanded to help students with food insecurities, and since its opening, the Cupboard has given out over 78,000 items. President Garrett concluded by sharing a video from Kara Kolar, an ESU nursing graduate, who developed a song about COVID-19.

President Mason announced that Fort Hays State University student athlete, Alexandra Hart, won the NCAA Division II national championship in the high jump. Brynn Wooten, who is studying Geoscience at Fort Hays, received a 2021 Barry Goldwater Scholarship. Wooten plans to earn a Ph.D. in paleobiology and wants to conduct research while teaching at a university with a natural history museum. The Fort Hays State University shotgun sports team won the national title and outscored all division II and division I schools. President Mason highlighted that Avery Bollinger, who is a senior at Wiley High School in Wiley, Colorado, will be graduating this spring with a high school diploma and a bachelor's degree from Fort Hays. Bollinger took online courses from Dodge City Community College before she transferred to Fort Hays' online program. President Mason also announced that the renovations to Rarick Hall will be completed soon and noted the project was funded with university funds (75 percent) and their allocation from the Educational Building Fund.

President Myers announced that John and Kim Vanier gifted three flight trainers to the Kansas State University Polytechnic campus. The two flat-panel trainers and one full trainer will enable faculty to instruct future aviators in some of the best state-of-the-art training devices. President Myers stated that the Vanier's gift directly aligns with the University's Global Aeronautics Initiative, which is to create leading-edge and accessible educational and training capabilities to support industry talent needs of tomorrow, with graduates better prepared for careers of the future. He reported that on March 13th the University's Shelter Medicine Community Outreach Vehicle, also called Wellness on Wheels, successfully completed its first trip after more than two years of fundraising, design and production. The vehicle is unique because it allows members of the K-State shelter medicine team to help people with pets receive basic veterinary care even though they may have limited financial resources, physical limitations on access to care or insufficient knowledge about the importance of veterinary care. President Myers highlighted that the All In for K-State fundraising event raised over \$500,000, which will be used to help students save money on textbooks by supporting Textbooks 2.0. He thanked all the donors for their generosity. President Myers also reported that the Kansas State University College of Education's Rural Education Center hosted the 2021 Rural Education Summit: Homegrown Solutions. Focusing on rural school districts, the summit centered around three key issues: recruitment, reinforcement and retention.

Interim President Muma reported that Wichita State University's COVID-19 positivity rate remains low and over 2,197 individuals on campus have received at least their first dose of the

vaccine. Dr. Muma stated that all faculty and staff will be returning to campus on June 1st in a pre-Covid work environment to prepare for the fall semester. Dr. Muma then highlighted projects that are occurring on the WSU campus that directly align with the Board's strategic plan, *Building a Future*. Under Pillar I (Helping Kansas Families), the Shocker Neighborhood coalition is working to engage and empower the neighborhood communities surrounding the WSU campus. The Shocker Neighborhood Commitment provides last-dollar funding, as well as academic support and career planning services, for students who live in this area and choose to attend Wichita State. With regard to Pillar III (Advancing Economic Prosperity), WSU recently dedicated its Advanced Virtual Engineering and Testing lab to Kansas Senator Jerry Moran. Senator Moran has been a strong advocate for education, industry, and government coming together to meet the needs of businesses and people of our state. He also supports the University's priority to help build the economic growth and prosperity of the Wichita community. Dr. Muma reported that WSU hosted a panel discussion on freedom of expression. The panel of academic and legal experts discussed the responsibilities and roles of public universities to promote and protect the First Amendment. Dr. Muma noted it was a rigorous discussion of how universities can facilitate important conversations and debate around sensitive and controversial topics. Dr. Muma also announced that Brittany Wojciechowski, a Ph.D. student in aerospace engineering, was awarded the National Science Foundation's Graduate Research Fellowship.

President Scott stated that over this past year, the universities have been dealing with issues related to the pandemic and making decisions so that students can continue their education. He noted that students have been resilient and able to achieve their academic goals even in a difficult environment. He gave an example of three nursing students who will be graduating from PSU this spring and noted all three have job offers for after graduation. President Scott stated that PSU will be celebrating students and their achievements at its spring commencement ceremonies, which are scheduled to be in person. He thanked Regent Kiblinger for being a speaker at these events. President Scott announced that a simulation hospital will be built adjacent to the Irene Ransom Bradley School of Nursing and noted that private donors invested \$6 million to fund the project. Another facility project that will hopefully begin soon is the improvement to the Kelce College of Business building. When the project is completed, Dr. Scott stated that about ten percent of the University's deferred maintenance issues will be removed. President Scott then highlighted the many awards that students have achieved throughout the year.

Chancellor Girod stated that the University of Kansas Debate Team made it to the Final Four in the National Debate Tournament. Azja Butler and Nate Martin won eleven consecutive debates and were the 18th KU team in tournament history to reach the Final Four and the fourth in the last five years. The Chancellor noted that at the Tournament, Butler became the first Black woman to win the Ross Smith Top Speaker award, and Martin took the second-place speaker award. Chancellor Girod reported that three KU students were awarded Barry Goldwater Scholarships: Jonah Stiel, a junior majoring in chemistry; Emma Cosner, a junior majoring in chemistry and minoring in physics; and Anton Barybin, a junior majoring in chemistry. The Chancellor stated that several of KU's programs were highly ranked by *U.S. News & World Report* including Local Government Management (#1), Special Education (#1), and the School of Medicine for primary care (#9). Chancellor Girod then highlighted several faculty members. Carol Fabian, principal investigator and founder of KU Cancer Center's Breast Cancer Prevention and Survivorship Research Center, will use a \$4.2 million, five-year grant from the National Cancer Institute to

study the effects of bazedoxifene and low-dose conjugated estrogen in women who are at increased risk for developing breast cancer. Jennifer Ng, Associate Vice Provost for Faculty Development and a Professor of Educational Leadership & Policy Studies, was named to the Association of American Universities Advisory Board on Racial Equity in Higher Education. Robert Unckless, Assistant Professor of Molecular Biosciences, received the Faculty Early Career Development (CAREER) award from the National Science Foundation (NSF). The award is the highest honor given by the NSF to young researchers. The Chancellor also announced that KU has named Travis Goff as its Athletic Director.

(PowerPoints filed with Official Minutes)

BREAK

The Chair called for a break at 3:20 p.m. and resumed the meeting at 3:34 p.m.

STANDING COMMITTEE AND OTHER REPORTS

ACADEMIC AFFAIRS

Regent Kiblinger reported that the Board's Academic Affairs Standing Committee reviewed a 2020 accreditation report that noted the accreditation status of individual programs at each state university. Board staff presented a progress report that detailed the number of students majoring in academic programs that were launched within the last three years. The report allowed the Committee to review the number of students who majored in a new academic program in comparison to the number of majors that the university projected when it proposed the program. The Committee received an update on the progress of the General Education Workgroup, which is developing a proposed framework for a statewide general education package. Regent Schmidt then updated the Committee on Wichita State's Direct Support Professionals work. WSU has designed eight badges relating to Direct Support Professionals, and students can earn one credit hour for each badge.

FISCAL AFFAIRS AND AUDIT

Regent Rolph presented the Fiscal Affairs and Audit Standing Committee report. Jim MacMurray with the Kansas Development Finance Authority presented information on each state university's indebtedness. In the past year all six state universities have pursued refinancing of outstanding debt to garner savings from lower interest rates. K DFA uses Moody's Investor Services for its analyst ratings, and this past year the universities held their existing ratings, and Moody's has removed its negative outlook for the higher education sector. The Committee then reviewed the three Johnson County Education Research Triangle budgets for FY 2022 and reviewed the fiscal items on the Board's agenda.

GOVERNANCE

Regent Feuerborn reported that the Governance Committee reviewed two items at its morning meeting. The Committee received the recommendations from the Workgroup that was charged to consider how faculty might provide input into the development of any framework proposed by a state university that may implement the Board's temporary, pandemic-related workforce management policy. The Workgroup recommendations will be presented to the Board later in today's agenda. The Committee also discussed the roll-out recommendations tied to the Board's

Free Expression Statement. These recommendations will also be presented to the Board later today.

APPROVAL OF CONSENT AGENDA

Regent Van Etten moved, with the second of Regent Rolph, that the Consent Agenda be approved. The motion carried.

Academic Affairs

UNIVERSITY QUALIFIED ADMISSION POLICIES

The university admission policies were approved. Each university's policy reflects the admission requirements as outlined in the regulations.

(Policies filed with Official Minutes)

AMENDMENT TO ADMISSION AND INDIVIDUAL PLANS FOR STUDENT SUCCESS POLICIES

The amendments to the Admission and the Individual Plans for Student Success policies, as set out below, were approved. The amendments were updated to include references to the new qualified admission regulations.

CHAPTER II: GOVERNANCE¹ – STATE UNIVERSITIES

...

B STUDENTS

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~~, 29c, and 29d, as applicable. State universities may set admission requirements for undergraduate non-degree seeking students.

b Admission to Undergraduate Programs and Graduate Programs

State universities may restrict admission to undergraduate programs and graduate programs where conditions warrant. Any such restrictions shall not conflict with K.A.R. Articles 88-29, 29a, ~~and 29b~~, 29c, and 29d, as applicable.

c Auditing Undergraduate and Graduate Courses

Any Kansas resident 60 years of age or older shall be permitted to audit eligible courses offered by a state university with no requirement for payment of tuition and fees ordinarily required of every student as a condition of enrollment under the following conditions:

- i Any person interested in auditing an undergraduate or graduate course pursuant to this

¹ See Chapter I., Section A.3. for definition of Governance.

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, 29c, and 29d, 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.

2 INDIVIDUAL PLANS FOR STUDENT SUCCESS

- a Each state university shall develop and implement a process requiring each student admitted as an exception to the qualified admission standards set forth in K.A.R. ~~88-29-1 et seq.~~ Articles 88-29, 29a, 29b, 29c, and 29d to adopt a written individual plan for student success. Processes and mechanisms to comply with this policy and statutory requirements imposed in K.S.A. 76-717 must be in place by the 2013 fall semester.
- b Individual plans shall be developed in accordance with the requirements of K.S.A. 76-717 and shall:
 - i Be jointly developed by the student and the student's advisor. Other university employees may be involved, at the discretion of the institution.
 - ii Address the student's academic coursework. If deemed appropriate by the student and the student's advisor, plans may address other issues, such as extracurricular activities, financial needs and any other aspect of student life having a bearing on academic success.

- iii Be adopted prior to the student's initial enrollment at the university.
- iv Be reviewed by the student and the student's advisor at least once each semester in the first academic year immediately succeeding adoption of the plan. Based on this review, the plan may be revised upon mutual agreement between the student and the student's advisor.
- c Each state university shall regularly report to the Board's Vice President of Academic Affairs on the academic progress of students admitted as exceptions.

ACCREDITATION FOR MASTER'S IN ATHLETIC TRAINING – KUMC

The University of Kansas Medical Center received approval to seek accreditation for its new Master of Science in Athletic Training with the Commission on Accreditation of Athletic Training Education (CAATE). The initial cost of the accreditation is \$13,500 with an annual renewal fee of \$5,000.

Fiscal Affairs & Audit

NEW TUITION RATE – ESU

Emporia State University received authorization to reduce its School of Library and Information Management's special out-of-state tuition rate (\$618.79 per credit hour) to the regular ESU Distance Education (DE) tuition rate (\$409.21 per credit hour). This change will take effect at the beginning of FY 2022.

Retirement Plan

FUND INVESTMENT LINE-UP CHANGES IN THE BOARD'S MANDATORY AND VOLUNTARY RETIREMENT PLANS

The below fund investment line-up changes in the Board's Mandatory and Voluntary Retirement Plans were approved.

- Replace the TIAA-CREF Mid-Cap Value Fund with the John Hancock Disciplined Value Mid-Cap R6 (JVMRX) and
- Move the Voya suite of Vanguard Target Retirement Investor share class funds to the Institutional share class funds and add the 2065 vintage to the line-up.

These changes will be effective on July 1, 2021, or as soon thereafter as administratively feasible, and the Board's Investment Policy Statement will be updated to reflect the changes.

Technical Education Authority

DEGREE AND CERTIFICATE PROGRAMS SUBMITTED BY COLLEGES

Cowley County Community College received approval to offer a Technical Certificate A (18 credit hours), Technical Certificate B (35 credit hours), Technical Certificate C (47 credit hours) and an Associate of Applied Science degree (65

credit hours) in Carpentry/Construction Trades (46.0201). The estimated cost of the program is \$123,775, which will be funded with institutional contingency dollars and business industry donations. The program will begin in the fall of 2021.

Garden City Community College received authorization to offer a Technical Certificate A (16 credit hours) in Computer Support Specialist (11.1006). The estimated cost of the program is \$63,600. Existing college faculty will be utilized and will be funded through state aid, student tuition, and local mil levy dollars. Instructional supplies and materials, and technology and/or software will be funded through the President's Consulting/Contract Services line item. The program will begin in the fall of 2021.

Kansas City Kansas Community College received approval to offer a Technical Certificate C (49 credit hours) and an Associate of Applied Science degree (65 credit hours) in Automation Engineer Technology (15.0406). The estimated cost of the program is \$672,145, which will be funded with business and industry donations, the Kansas Innovation Grant, and institutional funds. The program will begin in the fall of 2021. The College also received approval to offer a Technical Certificate B (33 credit hours) and an Associate of Applied Science degree (61 credit hours) in Surveying Technology (15.1102). The estimated cost of the program is \$225,145. The program will be funded with institutional funds and will begin in the fall of 2021.

Neosho County Community College received approval to offer a Technical Certificate A (16 credit hours) in Dietary Manager (51.3103). The estimated cost of the program is \$25,200. The College and USD 413 will fund the program, which is scheduled to begin in the fall of 2022.

Wichita State University Campus of Applied Science and Technology (WSU Tech) received authorization to offer a Technical Certificate A (22 credit hours) and an Associate of Applied Science degree (61 credit hours) in Unmanned Aircraft Systems (49.0199). The estimated cost of the program is \$115,000, which will be funded by institutional funds. The program will begin in the fall of 2021. WSU Tech also received approval to offer a Technical Certificate C (50 credit hours) and an Associate of Applied Science degree (65 credit hours) in Tooling and Fixture Fabrication (48.0507). The estimated cost of the program is \$209,004. The costs will be covered with JIIST grant funds received from the Kansas Department of Commerce. The program will begin in the fall of 2021.

DEGREE AND CERTIFICATE PROGRAM – WICHITA STATE UNIVERSITY CAMPUS OF APPLIED SCIENCES AND TECHNOLOGY

Wichita State University Campus of Applied Science and Technology received authorization to offer a Technical Certificate B (32 credit hours) and an Associate of Applied Science degree (62 credit hours) in Logistics and Supply Chain Management (52.0203). This request had first been made in 2018 but was tabled pending full ownership of the program, which is scheduled to occur when WSU

Tech's partnership with Pima Community College ends in AY 2021. The estimated cost of the program is \$13,460. All costs will be funded through the institution's general fund. The program will be offered fully online and will begin in August 2021.

EXCEL IN CTE FEES FOR PROGRAMS OFFERED BY COLLEGES

The Excel in CTE fees for the programs offered by the following colleges were approved: Cowley Community College's Carpentry/Construction Trades program, Garden City Community College's Computer Support Specialist program, Neosho County Community College's Dietary Manager program, Kansas City Kansas Community College's Automation Engineer Technology program, Wichita State University Campus of Applied Sciences and Technology's Logistics and Supply Chain Management and Unmanned Aircraft Systems programs.

(Excel in CTE Program Fees filed with Official Minutes)

CONSIDERATION OF DISCUSSION AGENDA

Academic Affairs

PROGRAM REVIEW REPORT

Daniel Archer, Vice President for Academic Affairs, reported the state universities are required to review Board approved programs at least once every eight years to ensure academic quality. He stated this process is different from the Board's low enrollment program review process, which focuses on low-enrollment undergraduate programs. Dr. Archer noted the following criteria are used in the program review process: 1) centrality of the program to fulfilling the mission and role of the institution; 2) quality of the program as assessed by the strengths, productivity and qualifications of the faculty; 3) quality of the program as assessed by its curriculum and impact on students; 4) demonstrated student need and employer demand for the program; 5) service the program provides to the discipline, the university and beyond; and 6) cost-effectiveness. For the academic year 2019-2020 program review cycle, Emporia State University, Fort Hays State University, Kansas State University, Pittsburg State University, the University of Kansas, the University of Kansas Medical Center, and Wichita State University reviewed a total of 139 academic degree programs at various academic levels. As a result, 127 programs were recommended to continue, five were recommended for additional review, five were recommended for enhancement, and two were identified to be discontinued. Dr. Archer noted that the review of programs flagged for additional review must be completed within four years. Regent Rolph asked when the Board will be receiving information on the university faculty workload policies. Vice President Archer stated that Board staff has gathered information from the universities and plans to work with the Board's Academic Affairs Standing Committee to determine what the next steps are in the process.

(PowerPoint filed with Official Minutes)

Fiscal Affairs and Audit

CAPITAL IMPROVEMENT REQUESTS FOR FY 2023 AND FIVE-YEAR PLANS (First Read)

Chad Bristow, Director of Facilities, presented the proposed Capital Improvement Requests for FY 2023 and Five-Year Plans for the state universities. He noted that staff is recommending approval of the following: 1) all projects funded by non-state funds as submitted, 2) the university system request for spending authority for Rehabilitation & Repair projects from the Educational Building Fund, and 3) revising the proposed funding source of the individual building/infrastructure projects requesting state appropriations in FY 2023 and designating them as ‘To Be Determined’ (TBD). The Board will act on the recommendations at the May meeting.

(Tables 1 filed with Official Minutes)

GovernanceRECOMMENDATIONS FROM WORKGROUP

Regent Rolph stated that last month the Council of Faculty Senate Presidents asked the Board to create a workgroup made up of a cross-section of university employees to offer recommendations to the Board as to how the temporary, COVID-related policy on workforce management should be implemented, specifically the framework that the policy requires be submitted to and approved by the Board prior to utilizing the policy. The Governance Committee created the workgroup, named its members, gave it a charge, and appointed Regent Rolph as the workgroup’s chairman. The group met and came to a consensus on the proposed recommendations. The Governance Committee discussed the proposed policy amendments earlier today and recommends approval. General Counsel Julene Miller stated the proposed changes to the policy would allow elected representatives from the faculty, staff, and student governance groups to provide feedback on a draft framework and would require the CEO to communicate to the Board and the campus the rationale for why a framework must be implemented. Regent Hutton suggested that the Board wait until May to act on the proposed language, to allow him time to review the changes and gather additional information. Regent Schmidt asked for clarification on how the CEO is going to communicate with the campus community. President Myers, who was on the workgroup, stated that he routinely provides written campus updates. He also noted that for this topic a CEO may host an open forum. Regent Rolph highlighted that the Chancellor and Provost Bichelmeyer have done a great job of publicly explaining KU’s financial challenges and the steps they are currently taking to address those challenges. Regent Bangerter thanked the workgroup for their time and believes the proposed changes have been sufficiently vetted. Regent Bangerter moved to approve the policy amendments. Regent Murguia seconded, and the motion carried. Regent Hutton voted against the motion. The following language was approved:

CHAPTER II: GOVERNANCE - STATE UNIVERSITIES**C. CHIEF EXECUTIVE OFFICER, FACULTY AND STAFF**

...

6. Suspensions, Terminations and Dismissals

...

b. Other ([See COVID-19 Exception for Details](#))

i. Faculty and staff may also be suspended, dismissed or terminated from employment for reasons of significant reduction in or elimination of the funding source supporting the position, program discontinuance, financial exigency, or for just cause related to the performance of or failure to perform the individual's duties or for violation of the reasonable directives, rules and regulations, and laws of the institution, the Board and the State of Kansas or the United States.

ii. In light of the extreme financial pressures placed on the state universities due to the COVID-19 pandemic, decreased program and university enrollment, and state fiscal issues, effective immediately through December 31, 2022 and notwithstanding any other Board or institutional policy, any state university employee, including a tenured faculty member, may be suspended, dismissed, or terminated from employment by their respective university. Such terminations, suspensions, or dismissals shall follow the procedure set forth below. Declaration of financial exigency and the processes associated with declaration of financial exigency shall not be a prerequisite to any suspension, dismissal, or termination authorized by this provision, and no existing university policy hearing procedures shall apply to such decisions.

The chief executive officer of any state university, before making any suspensions, dismissals, or terminations under this provision and before July 1, 2021, shall present to the Board for approval a framework for the university's decision-making under this provision. Elected representatives of the university's faculty, staff and student governance groups shall be given an opportunity to provide input, comments, and recommendations on the draft framework prior to the university provost's endorsement and chief executive officer's adoption and submission of the framework to the Board for approval. Once approved, that framework shall be used for any suspension, dismissal, or termination under this provision. Frameworks for decision-making ~~shall be determined by each state university's chief executive officer and~~ may be based on factors such as, but not limited to, performance evaluations, teaching and research productivity, low service productivity, low enrollment, cost of operations, or reduction in revenues for specific departments or schools. Prior to the framework being implemented on any campus, the university CEO shall communicate to both the campus community and the Board a rationale for why the framework must be implemented instead of existing suspension, dismissal or termination policies.

(1) The university chief executive officer shall provide no less than 30 days' written notice of the suspension, dismissal, or termination to the affected employee, including the reasons for the action.

(2) Any employee given notice of a suspension, dismissal, or termination that expressly invokes the authorization of this provision may submit an appeal of the action of the university chief executive officer, through the Board of Regents office as provided below, to the Office of Administrative Hearings. Suspension, dismissal, or termination not invoking this policy shall have solely those appeal rights provided by existing university policy or other applicable existing procedures.

(3) The employee must submit the appeal to the Board office within 30 days of receiving notice of the employment action. The initial submission must include a copy of the notice of the action being appealed and a written statement, including any relevant supporting evidence or documentation, setting forth the reasons the employee believes the decision to suspend, dismiss, or terminate the employee (a) is substantially inconsistent with the university's decision-making

framework approved by the Board, (b) was the result of unlawful bias or discrimination; or (c) was otherwise unreasonable, arbitrary or capricious. These shall be the only grounds for reversing the state university chief executive officer's decision. The employee shall provide a copy of the appeal and supporting evidence and documentation to the university's chief executive officer at the time the appeal is submitted.

(4) The university chief executive officer shall have 30 days from receipt to respond in writing to the appeal, including any supporting evidence or documentation, and shall provide a copy of the response and any supporting evidence and documentation to the employee at the time the response is submitted. This 30-day period may be extended for good cause as determined by the Board President and Chief Executive Officer.

(5) Within 10 days of receiving the university chief executive officer's response, the Board office shall refer the appeal to the Office of Administrative Hearings, which shall provide a hearing and decide the case based on the standards stated in this policy and in the university's Board-approved framework. The Board shall provide a copy of the submissions to the Office of Administrative Hearings, along with a copy of this policy and the decision-making framework approved by the Board. The state university shall be responsible for fees charged by the Office of Administrative Hearings.

(6) The burden of proof in any appeal shall be on the employee. There shall be no right of discovery. The review shall be based on the written submissions, and the hearing shall allow oral presentation to the administrative hearing officer by the employee and the university, each of whom may be represented by counsel.

(7) Decisions of the administrative hearing officer shall be final and are not subject to further administrative review by any officer or committee of the university or by the Board of Regents.

(8) An appeal under this policy will not stay the effective date of the suspension, dismissal, or termination. Employees who prevail in their appeal under this policy shall be entitled to reinstatement, back pay and restoration of other lost benefits.

ROLL-OUT OF FREE EXPRESSION STATEMENT

General Counsel Miller stated that last month the Board adopted its Statement on Free Expression. The Statement affirms the Board's and the state universities' ongoing commitment to the principles underlying freedom of speech, encouraging and promoting rigorous yet respectful debate and critical evaluation of divergent ideas, and explain the limitations on the ability of government entities like the Board and the state universities to regulate protected speech. To provide guidance on how the Statement is to be used by the state universities, the Governance Committee reviewed and approved the following recommendations:

- The Board's Statement on Free Expression shall be readily available through a link on each state university's official website homepage and on a web page dedicated to student life.

- The Board's Statement on Free Expression shall be included in each state university's student orientation materials provided to incoming students, in either printed or digital format.
- Each state university, pursuant to regular university processes,² shall review its time, place and manner policies and protocols to ensure they are in alignment with the Board's Statement on Free Expression, Board policy, Kansas statutes, applicable federal laws, and with the United States and Kansas Constitutions and the legal opinions interpreting those provisions.
- Each state university, pursuant to regular university processes, shall review discrimination, harassment and other campus policies and codes that may impact free speech to ensure that they are consistent with the principles expressed in the Board's Statement on Free Expression, appropriately address unlawful conduct, and do not unlawfully restrict or ban protected speech.
- Each state university shall certify to the Board Governance Committee, by June 30, 2021, that the university has completed these reviews and has either completed or is in the process of making any required changes.
- Each state university that chooses to adopt its own statement of free expression or time, place and manner policies or protocols rather than adopting the Board's shall provide a detailed explanation of how their statement, policies, and protocols are consistent with the Board's.
- Each state university shall present to the Board for review at the April or May 2022 Board meeting a collection of their freedom of expression materials.

Regent Bangerter moved to approve the recommendations, and Regent Schmidt seconded. The motion carried.

Other Matters

AMEND AGENDA

Chair Feuerborn amended the agenda to move the Enrollment Report to the May meeting.

APPOINTMENT TO THE TECHNICAL EDUCATION AUTHORITY

Scott Smathers, Vice President for Workforce Development, stated that Keith Humphrey is being nominated to fill a vacancy on the Postsecondary Technical Education Authority that was created due to a previous Board appointee resignation. Mr. Humphrey is the President and Chief Executive Officer of Jet AirWerks, LLC, a Federal Aviation Administration Part 145 Repair Station in Arkansas City, Kansas. Vice President Smathers stated that if approved, Board staff is recommending that the Board set aside its three-year service limitation and appoint Mr. Humphrey to serve the rest of this year plus serve a full three-year term from July 2021 through June 2024. Regent Bangerter moved to approve. Regent Rolph seconded, and the motion carried.

² Each university's regular review and development processes for policies of this nature include student participation.

LEGISLATIVE UPDATE

Matt Casey, Director of Government Relations, reported that the Legislature adjourned on April 9th and will return on May 3rd for veto session. The state budget was approved; however, it did not include a K-12 budget, which will be worked when the Legislature returns. For the higher education system the following items were included in the budget: 1) \$2.1 million for Excel in CTE for FY 2021, 2) \$8.3 million for Excel in CTE for FY 2022, 3) \$25 million for the higher education system, 4) \$10.3 million for the state university capital improvement initiative, and 5) \$1.4 million for the National Guard Scholarship program. Director Casey noted the Legislature also removed the square foot formula in the Education Building Fund appropriation, which will give the Board more flexibility, and highlighted that the Legislature passed the Engineering Initiative Act.

EXECUTIVE SESSION

At 4:17 p.m., Regent Kiblinger moved, followed by the second of Regent Rolph, 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 two regular university CEO evaluations 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 Scott (for a portion). The motion carried. At 5:47 p.m., the meeting returned to open session. Regent Kiblinger moved to extend the session for 10 minutes, and Regent Rolph seconded. The motion carried. At 5:57 p.m., the meeting returned to open session. Regent Kiblinger moved to extend the session for 5 minutes, and Regent Rolph seconded. The motion carried. At 6:02 p.m., the meeting returned to open session.

ADJOURNMENT

Chair Feuerborn adjourned the meeting at 6:02 p.m.

Blake Flanders, President and CEO

Bill Feuerborn, Chair