

KANSAS BOARD OF REGENTS

MINUTES

November 16, 2022

The November 16, 2022, meeting of the Kansas Board of Regents was called to order by Chair Jon Rolph at 1:38 p.m. The meeting was held in the Ballroom located in the Kansas State University Student Union, 918 N. MLK Jr. Drive, Manhattan, KS 66506. Proper notice was given according to law.

MEMBERS PRESENT:

- Jon Rolph, Chair
- Carl Ice, Vice Chair
- Blake Benson
- John Dicus
- Cheryl Harrison-Lee
- Shelly Kiblinger
- Cynthia Lane
- Diana Mendoza
- Wint Winter

APPROVAL OF MINUTES

Regent Harrison-Lee moved that the minutes of the September 14-15, 2022 meeting be approved. Following the second of Regent Lane, the motion carried.

INTRODUCTIONS

President Shipp introduced Pittsburg State University's Student Body President, Tarynn Brenner, and Faculty Senate President, Karen Johnson. Chancellor Girod introduced the University of Kansas's Student Body President, Sadie Williams; Faculty Senate President, Nate Brunsell; Staff Senate President, Jessica Chilcoat; and University Senate Chair, Ani Kokobobo. Chancellor Girod also welcomed KU's new Vice Chancellor for Strategic Communication and Public Affairs, Karla Leeper. President Muma introduced Wichita State University's Student Body President, John Kirk; Student Body Vice President, Mary Elizabeth Thornton; and Legislative and Policy Affairs Director, Jay Thompson.

GENERAL REPORTS

REPORT FROM CHAIR

Chair Rolph congratulated Pittsburg State University's football team on their undefeated season and wished them luck in the playoffs. He welcomed everyone to the Kansas State University campus and thanked President Linton and his team for hosting the Board. Chair Rolph reported that last month the Board visited Wichita State University and had an opportunity to meet with students, faculty, and University leaders. He stated that WSU did a good job of connecting their visit to the Board's strategic plan and noted that during the NIAR WERX facility tour, the Board met with students who are doing truly impressive things in and out of the classroom. Chair Rolph thanked President Muma and his team for hosting a successful visit and congratulated them on their enrollment gains. Chair Rolph then reported that he spoke at the MidAIR annual conference last week. This conference brings together institutional research teams from colleges and

universities in the Midwest. Chair Rolph was excited to share with them some of the initiatives that the institutions have been working on in Kansas. Chair Rolph concluded his report by reviewing the bad themes that the system wants to avoid, which were identified during the Board's retreat in July. Those themes included not being proactive or intentional, having the orientation of the institutions be self-focused, creating barriers, and reinforcing caste systems. He emphasized that the system needs to be proactive and look for ways to help students achieve their goals by removing barriers.

REPORT FROM PRESIDENT AND CEO

President Flanders thanked Elaine Frisbie, Vice President of Finance and Administration, for developing the distribution of the GEER II (Governor's Emergency Education Relief) funds to the institutions for their campus pantries. He noted that some students have food insecurities and these funds will help the universities and colleges increase their pantry offerings. President Flanders reported that the Regents and the State Board of Education have been working on joint initiatives over the last few years, and one of those initiatives was to include completing the FAFSA as a high school graduation requirement. He stated at its meeting last week, the State Board of Education acted to revise the high school graduation requirements for students in the Class of 2027, which included the FAFSA requirement, with a route for students to opt out. He thanked the State Board and noted that this action will benefit students. Additionally, President Flanders reported that the Governor's Council on Education met at the Manhattan Area Technical College last week. Following the meeting, Regent Ice, Regent Lane, and President Flanders participated in a groundbreaking ceremony for the Technical College's new Advanced Technology Center. President Flanders thanked President Genandt for hosting and congratulated him on the groundbreaking.

REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS

Nate Brunsell presented the Council of Faculty Senate Presidents report. The Council discussed the rpk Group's work and stressed the importance of keeping faculty engaged in this project. He stated that when rpk's analysis is presented, the Council hopes that the Board keeps in mind the different roles and missions of the universities before relying on this analysis to make any final decisions. The Council also discussed the implementation of the Board's General Education policy. Some members were concerned about the timeline because internal processes may take additional time to complete. Dr. Brunsell stated that faculty may ask for an extension.

REPORT FROM STUDENTS' ADVISORY COMMITTEE

The Students' Advisory Committee report was presented by Sadie Williams. The Committee discussed how each campus develops its student fee proposals, and how it wants to present this information to the Board Fiscal Affairs and Audit Standing Committee. Ms. Williams noted that the campuses have different processes for developing their student fee proposals and that the Committee is looking forward to meeting with the Board's Fiscal Committee to discuss this topic. The Committee also discussed the students' higher education day at the Statehouse and hopes to hold this event in February. Ms. Williams stated that the Committee is in early stages of developing its legislative agenda. She also noted that the Committee plans to send the Board individual campus updates that will highlight student activities on each campus.

STANDING COMMITTEE AND OTHER REPORTS

ACADEMIC AFFAIRS

Regent Kiblinger reported that the Board Academic Affairs Standing Committee approved Aspen University's request for a certificate to operate in Kansas with degree granting authority. This item is on the Board's consent agenda for final action. The Committee then received updates on the Kansas First/Diploma Plus initiative, the Educator Workforce Task Force, and the strategic plan dashboard. Board staff also provided an update on the implementation of the General Education policy.

FISCAL AFFAIRS AND AUDIT

Regent Ice Presented the Fiscal Affairs and Audit Standing Committee report. The Committee reviewed fiscal items on the Board's agenda including the capital projects, KU's tuition assistance request, and several property exchanges and lease agreements. The Committee discussed the FY 2024 housing and food service rate proposals, and each university explained how their housing and food service business units are handling the inflationary pressures on operating expenses. Program statements for ESU's new nursing program and student wellness facility, KU's 11th and Mississippi projects, and KSU's Global Center for Grain and Food Innovation, Call & Weber Hall Renovations, and construction of a Livestock Competition Arena and Horse Unit project were reviewed. Regent Ice noted that there is some urgency on the KU and KSU projects because the Kansas Department of Commerce's deadline for the university ARPA Challenge Grants applications is December 7. He also noted that the KSU projects need to be added to the Board's discussion agenda for consideration.

AMEND AGENDA

Regent Ice moved to amend the discussion agenda to add the following item: "Act on Amendment for the Fiscal Year 2023 Capital Improvement Request and Approve Program Statement for the Phase I and II construction of the Global Center for Grain and Food Innovation, Call & Weber Hall Renovations, and Construction of a Livestock Competition Arena and Horse Unit – KSU." Regent Harrison-Lee seconded, and the motion carried. This will be item four under Fiscal Affairs and Audit (Section C).

Regent Ice then reported that the Committee received an update on the capital renewal initiative and reviewed the cost model that is used to calculate state aid for courses delivered at the community and technical colleges. Regent Ice noted the Committee looks forward to hearing from the students on their student fee proposals in the spring.

GOVERNANCE

Regent Rolph reported that the Governance Committee reviewed the conflict-of-interest disclosures for the three new Regents and concurred with the staff recommendations. This item is on the Board's agenda today for final action. Kansas State University presented their campus safety and security report, and the Committee authorized President Flanders to sign a contract with Collection Bureau of Hudson Valley, Inc.

APPROVAL OF CONSENT AGENDA

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

*Academic Affairs*BACHELOR OF ARTS IN AMERICAN SIGN LANGUAGE – WSU

Wichita State University received approval to offer a Bachelor of Arts in American Sign Language (16.1601). This program will total 120 semester credit hours. The university's estimated cost of the program for the first three years is as follows: year one - \$316,650, year two - \$316,650, and year three - \$316,650. Student tuition and fees along with state funding will finance operating expenses to offer the program.

NEW CERTIFICATE OF APPROVAL WITH DEGREE GRANTING AUTHORITY FOR ASPEN UNIVERSITY

Aspen University was issued a Certificate of Approval with degree granting authority to operate in Kansas. The University will offer its programs online.

*Fiscal Affairs & Audit*ACCEPT THE PROGRAM STATEMENT FOR REPLACEMENT OF BEEF CATTLE RESEARCH CENTER COMMODITY SHED – KSU

Kansas State University's program statement for the construction of the replacement Beef Cattle Research Center commodity shed was approved. The estimated cost of the project is \$185,000, which will be financed with departmental funds. The project is expected to be completed by March 2023.

AMEND THE FISCAL YEAR 2023 CAPITAL IMPROVEMENTS REQUEST AND ACCEPT THE PROGRAM STATEMENT FOR BEOCAT DATA CENTER RENOVATION – KSU

Kansas State University received approval to amend its FY 2023 Capital Improvement Plan to include the Beocat data center renovation project. The estimated cost of the project is \$3,307,328, which will be funded from a combination of state deferred maintenance funds and university matching resources. The project is expected to be completed in December 2024. The project's program statement was also approved.

AMEND THE FISCAL YEAR 2023 CAPITAL IMPROVEMENTS REQUEST AND ACCEPT THE PROGRAM STATEMENT FOR RAZING DETERIORATED INFRASTRUCTURE – KSU

Kansas State University received authorization to amend its FY 2023 Capital Improvement Plan to include the demolition of Edwards Hall, the Natatorium, and the Gymnasium. Edwards Hall is located at 1810 Kerr Dr., Manhattan, KS and has a facility condition rating of 0.61. Its current deferred maintenance backlog is \$9.4 million, and the cost of demolition is \$1 million. KSU will use funds from the Building Demolition Fund to finance the project. It is expected that the demolition will be completed by May 2023 and the space will be used for additional campus parking.

The Natatorium, which is located at 920 Denison Ave., Manhattan, KS, has a facility condition rating of 0.64. The total demolition cost is \$1.5 million. The Board allocated \$615,000 from the Building Demolition Fund in May 2022 to fund this project. The remainder of the demolition cost will be paid from the University's allocation from the Educational Building Fund (EBF), as this facility is partially designated as mission-critical and therefore EBF-eligible. Following demolition, the area will be returned to green space.

The Gymnasium, which is located at 1733 College Heights Road, Manhattan, KS, has a facility condition rating of 0.41 and the current deferred maintenance totals \$7 million. Demolition of the Gymnasium will be combined with the razing of the adjoining Natatorium. The cost to demolish the Gymnasium and return the area to green space is \$1.9 million. The Board allocated \$1,387,000 from the Building Demolition Fund in September 2022 to fund this project. The remainder of the demolition cost will be paid from university funds.

The program statements for these projects were also approved.

SELL REAL PROPERTY – KSU

Kansas State University received authorization to finalize the sale of the Pecan Experimental Field Office and five acres in Cherokee County, Kansas to Dan Smith of KKR Holdings Chetopa, LLC for \$62,000. The proceeds from the sale will be deposited into the University Restricted Fees Fund. The legal description of the property is listed below.

Commencing at a point on the southeast corner of Section 28, Township 34, South of Range 22 East; Thence North 330 feet; Thence West 660 feet; Thence South 330 feet; Thence East 660 feet, to the place of beginning, containing 5 acres, more or less, in Cherokee county, Kansas.

SELL REAL PROPERTY – KSU

Kansas State University received authorization to finalize the sale of 15.71 acres of land on the north side of Kimball Avenue on the south, College Avenue on the west and the K-State Agronomy Farm on the north and east to the KSU Foundation for the appraised value of \$8,820,000. The proceeds from the sale will be deposited into the University Restricted Fees Fund. The legal description of the property is listed below.

A tract of land located in the southeast quarter of Section 1, Township 10 South, Range 7 East of the 6th P.M., in the City of Manhattan, Riley County, Kansas, more particularly described as follows:

Commencing at the south quarter corner of said Section 1; Thence along the south line of the southeast quarter of said Section 1 N. 87°05'38" E. 87.63 feet; Thence perpendicular to the south line of the southeast quarter of said Section 1 N. 02°54'22" W. 60.00 feet to the point of beginning on the north right of way line of Kimball Avenue, a public street in the City of Manhattan;

Thence along the north right of way line of said Kimball Avenue, being parallel with and 60.00 feet north of the south line of the southeast quarter of said Section 1 N. 87°05'38" E. 1654.83 feet;
Thence N. 02°54'22" W. 305.36 feet;
Thence N. 52°37'24" W. 132.17 feet;
Thence on a curve to the left with a radius of 170.00 feet, an arc length of 57.08 feet, the chord of said curve bears 56.81 feet N. 62°14'30" W.;
Thence on a curve to the right with a radius of 130.00 feet, an arc length of 84.94 feet, the chord of said curve bears 83.44 feet N. 53°08'29" W.;
Thence S. 56°37'29" W. 111.02 feet;
Thence on a curve to the right with a radius of 230.00 feet, an arc length of 121.64 feet, the chord of said curve bears 120.23 feet S. 71°46'32" W.;
Thence S. 86°55'36" W. 127.23 feet;
Thence on a curve to the right with a radius of 230.00 feet, an arc length of 12.34 feet, the chord of said curve bears 12.34 feet S. 88°27'48" W.;
Thence N.90°00'00" W. 243.05 feet;
Thence on a curve to the left with a radius of 120.00 feet, an arc length of 57.07 feet, the chord of said curve bears 56.53 feet S. 76°22'34" W.;
Thence on a curve to the right with a radius of 180.00 feet, an arc length of 85.60 feet, the chord of said curve bears 84.80 feet S. 76°22'34" W.;
Thence N. 90°00'00" W. 349.93 feet;
Thence on a curve to the right with a radius of 280.00 feet, an arc length of 216.28 feet, the chord of said curve bears 210.94 feet N. 67°52'18" W.;
Thence N. 45°44'35" W. 15.50 feet;
Thence on a curve to the left with a radius of 120.00 feet, an arc length of 94.25 feet, the chord of said curve bears 91.84 feet N. 68°14'35" W.;
Thence S. 89°15'25" W. 88.72 feet to the east right of way line of College Avenue, a public street in the City of Manhattan;
Thence along the east right of way line of said College Avenue S. 00°43'29" E. 393.45 feet; Thence continuing along the east right of way line of said College Avenue S.15°11'47" E. 141.19 feet to the point of beginning, containing 15.71 acres.

AMEND THE FISCAL YEAR 2023 CAPITAL IMPROVEMENTS REQUEST
AND ACCEPT THE PROGRAM STATEMENT FOR THE REFLECTION
CENTER – KUMC

The University of Kansas Medical Center received approval to amend its FY 2023 Capital Improvement Plan to include the revisions to the Reflection Center project. The Medical Center is expanding the scope of work and budget to address deferred maintenance issues in the facility. The existing budget of \$1,692,154 was created in December 2021. The addition of the deferred maintenance scope of work (\$657,700) and inflationary pressures that have become common in the last 12 months, have resulted in a revised budget amount of \$2,760,148. The deferred maintenance amount of \$657,700 will be financed using the FY 2023 State University Facilities Capital Renewal Initiative funds. The remaining costs will be privately funded. The project's revised program statement was also approved.

AMEND THE FISCAL YEAR 2024 CAPITAL IMPROVEMENTS REQUEST AND ACCEPT THE PROGRAM STATEMENT FOR INTERNAL MEDICINE DEPARTMENT ADMINISTRATIVE OFFICE SUITE REMODEL – KUMC

The University of Kansas Medical Center received authorization to amend its FY 2024 Capital Improvement Plan to include the Internal Medicine Department Administrative Office Suite Remodel project. The estimated cost of the project is \$1,454,075, which will be financed with private funds. The project's program statement was also approved.

JAYHAWK WELCOME CENTER LEASE AGREEMENT BETWEEN THE UNIVERSITY OF KANSAS AND THE KU ALUMNI CENTER – KU

The University of Kansas received approval to enter a lease agreement with the Kansas Alumni Association for the Jayhawk Welcome Center. The lease term commences on January 1, 2023, with an initial term of 15 years. The lease will renew automatically for successive five-year periods. The Alumni Association will lease the Center to the University for \$1.00 per year, and the University will pay for a proportionate share of administrative overhead and maintenance expenses of the building, including utilities, custodial, maintenance, insurance, technology support, etc. The 2023 budget projections for these expenses is \$580,000. In anticipation of the need for ongoing capital improvements to maintain the Jayhawk Welcome Center as a high-quality facility, the University will contribute to a reserve account to support such expenses.

LEASE AGREEMENT BETWEEN CITY OF PARSONS AND THE KANSAS LAW ENFORCEMENT TRAINING CENTER – KU

The Kansas Law Enforcement Training Center (KLETC) of the University of Kansas received approval to enter into a lease agreement with the City of Parsons to lease part of the property known as the East half of 2103 Corning Ave., Parsons, KS 67357 for purposes of establishing a southeast regional training site that offers continuing education classes. All certified law enforcement officers in the State of Kansas are required to complete 40 hours of continuing education annually.

CHANGE TO DEPENDENT/SPOUSE TUITION ASSISTANCE FOR FACULTY AND STAFF – KU

The University of Kansas received approval to expand the employee tuition assistance program to 12 credit hours per calendar year starting in Spring 2023 and its dependent tuition assistance program to six credit hours per semester for fall and spring for eligible dependents pursuing their first undergraduate bachelor's degree, with a maximum of 48 credits per eligible dependent. These programs will allow KU to attract and retain employees in an increasingly competitive labor market. The cost for the proposed program enhancements will be approximately \$1.0 million. These tuition programs will be funded with KU Endowment and other non-general fund sources.

Technical Education Authority

NEW PROGRAMS FOR BUTLER COUNTY COMMUNITY COLLEGE AND BARTON COUNTY COMMUNITY COLLEGE

Barton Community College received approval to offer a Technical Certificate C (50 credit hours) in Agriculture Mechanics (01.0205). The College estimates the initial cost of the proposed program at approximately \$1,039,000 for one new, full-time faculty and for facility modifications and renovations. Funding will be provided from the Barton Community College Foundation and American Rescue Plan Funds to support the new program.

Butler Community College received approval to offer a Technical Certificate A (20 credit hours) in Advanced Emergency Medical Technician (51.0904). The College plans to begin the program in the spring of 2023. As this program has been in operation for many years, there will be no increased cost to the institution to recognize the program as a Technical Certificate A.

EXCEL IN CTE FEES FOR GARDEN CITY COMMUNITY COLLEGE'S MEDICAL ASSISTANT PROGRAM

The Excel in Career Technical Education fees for the below program were approved:

- Garden City Community College: Medical Assistant total \$1,561.50. Fees include \$885 for textbooks, \$200 for KDADS certifications and RMA national exam, \$140 for uniforms, \$110 for background checks, \$60 for fingerprints, and \$166.50 for student kits.

PROMISE ACT PROGRAM FOR BUTLER COUNTY COMMUNITY COLLEGE

The below program was approved to become a Promise Eligible program:

- Butler Community College: Advanced Emergency Medical Technician, which falls under the Mental and Physical Healthcare category as specified in legislation.

CONSIDERATION OF DISCUSSION AGENDA

Strategic Plan

BOARD'S STRATEGIC PLAN DASHBOARD

Regent Kiblinger presented an update on the Board's Strategic Plan Dashboard. She noted the purpose of developing the dashboard is to provide the Board and others with meaningful, easily accessible data. It will allow Regents to see how well the system is doing in meeting its strategic goals and will help the Board make informed decisions on strategy and policy. Regent Kiblinger stated the dashboard can also be helpful when the Board looks at future performance funding goals and CEO evaluations.

Regent Kiblinger highlighted that after the Board retreat a subcommittee was formed to discuss the metrics that would support the implementation of Pillar I: Helping Kansas Families. The subcommittee developed a set of proposed Foundational indicators (lagging metrics), Supporting Indicators (leading metrics), and Systemwide Approaches (strategies tied to the metrics) for the affordability, access, and success Areas of Focus in *Building a Future*. Regent Kiblinger noted that the subcommittee obtained feedback from the provosts on the concept of these metrics and that the Board's data team is developing detailed definitions for each metric. She then reviewed the structure of the dashboard and noted there are 18 Foundational metrics. Some of these metrics are from the Board's *Building a Future* plan and others are tied to the National Institute for Student Success (NISS) recommendations. Regent Kiblinger stated that the next steps are to finalize the definitions for the indicators, determine what new data collections are needed, and continue to gather feedback from the institutions and Board staff. The Board's dashboard will launch in February with selected metrics and will be updated once new items are approved. Regent Lane stated that the dashboard incorporates projects that the institutions are already working on like the NISS recommendations and can evolve as the system changes. Regent Harrison-Lee thanked Regent Lane and Regent Kiblinger for their work on this project and noted that she liked that the NISS recommendations were being included.

(PowerPoint Filed with Official Minutes)

Academic Affairs

UPDATE ON RPK GROUP'S WORK

Daniel Archer, Vice President of Academic Affairs, provided an update on rpk Group's work. To gather feedback and information from stakeholders on the campuses and in the Board Office, rpk formed the following groups: 1) Steering Committee, 2) Faculty Advisory Committee, and 3) Data Team. Vice President Archer noted that campus constituents and other stakeholders can also provide feedback on the projects by submitting a form located on the Board's website under the Academic Affairs tab. The comments and questions submitted with this form will be shared with rpk Group and members of the project's Steering Committee and Data Teams. Vice President Archer then reviewed the timeline for the academic portfolio review. In December 2022, rpk will present its recommendations to the Board and will utilize feedback from the Board meeting to finalize the academic portfolio review written report. In January 2023, rpk will submit the report, which will be provided to the university provosts and faculty senate presidents. Vice President Archer noted during this timeframe, the universities will have an opportunity to provide feedback through an online portal until Friday, February 17, 2023. Then in March, Regents will receive the campus feedback and will discuss the recommendations at its March 2023 meeting. Regent Lane reiterated that the information the Board will be receiving in December from rpk is not the final recommendations and that there will be time for feedback before the Board's discussion at the March meeting on the academic portfolio review.

BREAK

During the Performance Agreement Model discussion, there were technical difficulties, and the Chair took a break at 2:31 p.m. and resumed the meeting at 2:48 p.m.

PERFORMANCE AGREEMENT MODEL

Vice President Archer reviewed the current performance agreement model that is based on whether an institution has maintained or exceeded their selected indicators. He reviewed some of the challenges associated with the current model including indicators that are difficult for the institutions to effect change over a short period of time or having indicators that are heavily influenced by sharp enrollment declines and increases, which the institution may not be able to control. Moving forward, the Board has expressed a desire to change the model to a project-based model that will measure institutions on practices they are implementing to achieve success. Vice President Archers stated that corequisite remediation, math pathways, common course placement standards, and degree maps are all proven practices that have positively impacted student outcomes and could be used as the indicators in the new performance agreement model. This approach will allow the institutions to have more control of the process because they will be measured on implementation. Dr. Archer then reviewed national data on the practices and timeline for moving these projects forward. Over the next several months, Board staff will work with the Dana Center at the University of Texas and a math advisory working group to seek advice on establishing course offering standards to measure corequisite remediation and math pathway implementation. He noted other groups will be formed to look at standards for other subjects like English. In spring 2023, Board staff will share the proposed performance funding system with the institutions and ask for feedback. Then the Board will receive all of the information along with a proposed project-based performance funding system in late spring 2023.

Regent Ice stated that the institutions need to be involved with the development of the model at the beginning of the process and not just receive the information towards the end. Vice President Archer noted the advisory groups will include institutional representatives. Regent Lane believes these are critical initiatives that are game changers for students; however, she believes the system needs to be mindful of the implementation timeline. Vice President Archer stated that the current performance agreements will be used through next year. The implementation of the new project-base model will begin in Fall of 2024 and in the first year, institutions will be measured on their implementation plans for these projects. Regent Lane also believes that other projects that the institutions are working on like the National Institute of Student Success recommendations could also be included in an institution's performance funding. Vice President Archer concurred that other promising practices could be included in the model. President Flanders stated the data is clear that the proposed practices are proven to help students succeed and encouraged the institutions to begin implementation. Chancellor Girod understands the importance of these initiatives but is concerned because there are several ongoing initiatives that require significant resources, and the universities may not have the bandwidth to take on additional large projects. He would like to get feedback from the provosts on the proposed timeline. Regent Lane asked President Flanders to develop a Gantt chart that shows the different project timelines, including the NISS recommendations and the General Education framework so that there can be discussion regarding the implementation of all these initiatives. Regent Ice noted that the Board will also need to know the financial impact tied to these initiatives.

(PowerPoint Filed with Official Minutes)

Fiscal Affairs and Audit

FY 2024 HOUSING AND FOOD SERVICE RATE ADJUSTMENT PROPOSALS
SUBMITTED BY STATE UNIVERSITIES (FIRST READ)

Elaine Frisbie, Vice President for Finance and Administration, presented the first read of the FY 2024 Housing and Food Service Rate Adjustment proposals for the state universities. She noted that the proposals do not offset all the inflationary pressures because the universities need to balance their operating costs with student affordability. Regent Rolph asked about occupancy rates and how the universities are managing their reserve funds. Regent Ice stated that universities with low occupancy rates have plans to attack this issue and noted that the Fiscal Affairs and Audit Committee talked about the reserve funds. The funds are stabilized and are being used in an appropriate manner to address expenses such as maintenance on residence halls or food service equipment replacement. The Board will act on the proposals at the December meeting.

(Proposals filed with Official Minutes)

AMEND THE FISCAL YEAR 2023 CAPITAL IMPROVEMENTS REQUEST AND ACCEPT
THE PROGRAM STATEMENT FOR A NEW NURSING DEPARTMENT AND STUDENT
WELLNESS FACILITY – ESU

Chad Bristow, President Hush and Diana Kuhlmann presented Emporia State University's request to amend its FY 2023 Capital Improvement Plan to expand the Morse Central project and approve the project's program statement. Director Bristow stated that ESU plans to raze Morse Central and build a new facility, which will house the nursing department and student wellness services. Broadening the scope of this project will increase the cost from \$8.5 million to \$21.6 million, including \$1 million for the razing of Morse Central while removing Morse Central will eliminate \$4.2 million in deferred maintenance. Director Bristow noted that ESU will use multiple funds including ARPA, private gifts, University funds, and Educational Building Funds to finance this project. President Hush stated this project will bring the nursing program back on campus and will allow the University to attract more students to grow the program. Vice President Kuhlmann discussed ESU's goals for this project, including space utilization and reducing the University's footprint. Regent Lane believes this project will help attract students and moved to approve. Regent Harrison-Lee seconded, and the motion carried.

AMEND THE FISCAL YEAR 2023 CAPITAL IMPROVEMENTS REQUEST AND ACCEPT
THE PROGRAM STATEMENT FOR THE 11TH AND MISSISSIPPI PROJECT – KU

Chancellor Girod presented the University of Kansas' request to amend its FY 2023 Capital Improvement Plan to change the project title from the Memorial Stadium Renovation project to the 11th and Mississippi project and approve its program statement. He reviewed the scope of the project and noted the estimated cost of Phase I is \$335 million, which includes architectural fees, construction, movable equipment and contingencies. He explained the economic impact study of the project, which will be completed in January 2023, and noted the multi-purpose event center will be used all year rather than a handful of dates in the fall. It is anticipated that this project will be financed with ARPA Challenge Grant Funds, private donations, economic development funds, revenue generated by the project, and revenue from the associated development. The anticipated construction duration for the entire project is 30 months. Regent Harrison-Lee likes that an economic impact study is being conducted and believes this project aligns with the Board's economic prosperity pillar. Chancellor Girod showed some preliminary concept renderings and noted that KU has been working closely with the City of Lawrence, the Chamber and other entities

on the development of this project. Regent Harrison-Lee moved to approve, and Regent Winter seconded. The motion carried.

AMEND FISCAL YEAR 2023 CAPITAL IMPROVEMENT REQUEST AND ACCEPT PROGRAM STATEMENT FOR THE PHASE I AND II CONSTRUCTION OF THE GLOBAL CENTER FOR GRAIN AND FOOD INNOVATION, CALL & WEBER HALL RENOVATIONS, AND CONSTRUCTION OF A LIVESTOCK COMPETITION ARENA AND HORSE UNIT – KSU

President Linton introduced Kansas State University's request to amend its Fiscal Year 2023 Capital Improve Plan and to accept the program statement for Phase I and Phase II of the Global Center for Grain and Food Innovation, Call Hall, Weber Hall, and the Livestock Competition Arena and Horse Unit renovation and construction projects. He reviewed the details of each project and discussed how these facilities will support the College of Agriculture's strategic vision by prioritizing campus teaching, research, and extension facilities. President Linton stated that the University plans to apply for a \$25 million ARPA Challenge Grant for this project. The first phase of the project is estimated to cost \$100 million, which will be financed from a combination of private and industry gifts and federal ARPA grant matching funds. The project is expected to be completed in August 2026. President Linton noted that Phase II, which will include new construction and the completion of renovations of Call Hall and Weber Hall, will cost \$41 million. This phase will not commence until additional funding is secured. Regent Benson moved to approve, and Regent Mendoza seconded. The motion carried.

Governance

BOARD MEMBER CONFLICT OF INTEREST DISCLOSURE STATEMENTS

Julene Miller presented a summary of reported items from the Board Member Conflict of Interest Disclosure Statements. She noted that the report covers the newly appointed Regents (Regent Dicus, Regent Benson, and Regent Mendoza) who were approved to serve by the Senate Confirmation Oversight Committee in September. The following disclosures were made:

1. Two Regents have reported service on the *governing* board of a non-controlled *affiliated corporation* of an *institution* that is *governed* by the Board:
 - Regent Dicus serves as a Trustee, Executive Committee member and Investment Committee member of the KU Endowment Association, a non-controlled affiliated corporation of the University of Kansas.
 - Regent Benson serves as a Member of the Executive Board of the Pittsburg State University Foundation, a non-controlled affiliated corporation of Pittsburg State University.
2. One Regent has reported service on an *advisory* board of an *institution* that is *governed* by the Board:
 - Regent Dicus serves as a Board member and Executive Committee member of the University of Kansas School of Business Dean's Advisory Board.
3. One Regent has reported service on a *non-governing* board of an *affiliated corporation* of an *institution* that is *coordinated* by the Board.
 - Regent Dicus serves as a Trustee of the Washburn University Foundation Board, a non-governing board of the Washburn University Foundation.

4. Two Regents have each reported an Interest in an entity that has entered one or more contracts or transactions with one or more *institutions* that are *governed* by the Board:
 - Regent Benson is employed by the Pittsburg Area Chamber of Commerce, which occasionally has business transactions with Pittsburg State University.
 - Regent Benson is member of the Board of Directors for the Crawford County Career and Technical Education Center, a stand-alone 501(c)(3) that leases space to Fort Scott Community College for FSCC classes.
 - Regent Mendoza is a Doctoral Student at Kansas State University.

Regent Ice moved to approve the continued service of Board members serving on the boards listed above, conditioned on each member's recognition that their duty is first to the Board of Regents, for the transactions reported by Regents Benson and Dicus in item 4 above, they are to excuse themselves from participating on behalf of the Board in matters involving or related to the contract or transaction. Regent Winter seconded. The motion carried.

BOARD POLICY AMENDMENT; CHANGE OF ATHLETIC CONFERENCES

Julene Miller presented the proposed changes to the Board's Changes in Athletic Conferences policy. The amendments would require a state university to seek the approval of the Board Vice Chair as well as the Board Chair and the Board President and CEO before entering discussions or negotiations to join another athletic conference and before a final decision is made and communicated to any third-party. Regent Winter stated he does not object to the proposed amendments but questions whether it is appropriate to delegate this responsibility to two Regents instead of having the Board make the decision. He noted he researched other systems and understands that timing can be a factor. Regent Rolph stated that the Board's procedures allow any Regent the ability to amend an agenda to add an item, and a Regent could add this item if it ever arises. Regent Dicus asked for clarification on the amendments. Regent Rolph noted the amendments add the Vice Chairman to the process and clarify that a university must seek approval from this group before entering discussions or negotiations and before a final decision is made. Following discussion, Regent Winter moved to approve. Regent Kiblinger seconded, and the motion carried. The following amendments were adopted:

CHAPTER II: GOVERNANCE – STATE UNIVERSITIES

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9 ATHLETIC CONFERENCES

Any change by a state university in its athletic conference membership shall require expedited Board Chairman, Board Vice Chairman, and Board President and CEO approval before entering into discussions or negotiations relative to such change. Expedited Board Chairman, Board Vice Chairman, and Board President and CEO approval shall also be required before the final decision to change is made and communicated to any third party. The state university chief executive officer shall make a recommendation to the Board Chairman, Board Vice Chairman, and Board President

and CEO upon full consideration of all relevant factors, including student competition in intercollegiate sports appropriate to the institution, fiscal resources available, and sound standards of student academic performance.

Other Matters

LEGISLATIVE UPDATE AND THE NON-BUDGETARY LEGISLATIVE PROPOSALS (FIRST READ)

Matt Casey, Director of Government Relations, presented the first read of the non-budgetary legislative proposals, which are listed below.

- Support Legislation Authorizing Voluntary Affiliations between State Universities and Community and Technical Colleges
- Increase the Threshold to \$1.5 Million for Projects Requiring Formal Procurement of Architectural or Engineering Services
- Create a Campus Restoration Fund for the Purpose of Reducing Deferred Maintenance at the State Educational Institutions
- Increase 529 Investment Options
- Technical Edit to Add High School Equivalency

Director Casey also reported that the Kansas Geological Survey, which is housed at the University of Kansas, is requesting \$3.8 million to increase its operating budget. The total budget for the Kansas Geological Survey is under \$10 million. Regent Lane asked for a tracked version of the proposed affiliation bill so the Board can see what changes are being added. Regent Rolph noted that the colleges will be providing their feedback on the affiliation bill before the December Board meeting.

Director Casey then presented proposed changes to provisos and appropriation language for the upcoming legislative session, which are listed below.

- Appropriate Student Financial Aid Programs on a Biennial Basis
- Grant Residency Status to Members of Certain Native American Tribes for Tuition Purposes
- State General Fund Transfer Authority
- Clarify Legislative Intent Regarding Appropriation for Demolition of Buildings
- Reappropriate Unspent Capital Renewal from FY 2023 into FY 2024
- Reappropriate Unspent Tuition Waiver Appropriation from FY 2023 into FY 2024
- Allow for Reimbursements to Institutions Up to Amount of Appropriation
- Subsection 109(g) from House Substitute for Substitute for SB 267 can be deleted, as the legislative task force on colleges' state funding completed its work during the 2022 interim

Director Casey noted on the Native American residency status proviso, the current language applies only to members of the four federally recognized Kansas tribes who live outside of the state; however, the Kansas Advisory Council for Indigenous Education Working Group has submitted a proposal to expand residency status to legally documented citizens of the federally recognized Native nations with current or historical ties to Kansas. Director Casey stated that the

Working Group's proposal was sent to the institutions for feedback, which will be included in next month's agenda.

(Kansas Advisory Council for Indigenous Education Working Group
Recommendation filed with Official Minutes)

NAME BUILDINGS – FHSU

Provost Arensdorf stated that the Fort Hays State University Shotgun Team was established in 2005 and has had tremendous success in the past 17 years. A new Training Center will be built at the Hays City Sportsmen's Club just north of Hays on the 183 bypass and I-70. Provost Arensdorf stated that Fort Hays State recommends naming the Center in honor of Lorena and Wilmer Kellogg, long-time supporters of the Shotgun Team. Regent Benson moved to approve. Regent Mendoza seconded, and the motion carried. The facility will be named the Wilmer and Lorena Kellogg Training Center.

Provost Arensdorf presented the recommendation to name the Fort Hays State University softball facility in honor of Gene and Jo Ann Fleharty. Provost Arensdorf noted that Gene and Jo Ann Fleharty are long-time supporters of the University and many students have directly benefitted from their generosity. Regent Lane moved to approve. Regent Harrison-Lee seconded, and the motion carried. The softball facility will be named the Fleharty Family Field.

UPDATE ON KSU'S CAMPUS MASTER PLAN

President Linton presented an update on Kansas State University's Campus Master Plan. KSU has an aging infrastructure (average building age: 62 year old) with \$430 million in mission critical deferred maintenance backlog. President Linton stated that 56 percent of fall Student Credit Hours were taught in buildings with a grade of C or lower and noted that 55 percent of research space is graded as an A or B. President Linton reviewed the University's space utilization numbers and noted several colleges are working on space consolidation plans. Regarding deferred maintenance, KSU will eliminate \$30 million with demolition projects, which will generate approximately \$500,000 in operational efficiencies and remove 7.5 percent of its deferred maintenance backlog. President Linton also reviewed the University's process for selecting capital projects and highlighted the University's Grain, Food, Animal and Agronomy Research and Innovation Centers project. He stated that the University is in the process of developing its new strategic plan and noted that facilities will be included in the plan.

(PowerPoint Filed with Official Minutes)

NAME A ROOM – KSU

President Linton recommended naming room 224 in the K-State Student Union in honor of William L. "Bill" Muir, who served over 25 years on the Union Governing Board as a faculty representative. Regent Lane moved to approve. Regent Kiblinger seconded, and the motion carried. The room will be named the William L. Muir III room.

ADJOURNMENT

Chair Rolph adjourned the meeting at 4:22 p.m.

Blake Flanders, President and CEO

Jon Rolph, Chair