

**KANSAS BOARD OF REGENTS****MINUTES**

January 17-18, 2024

The January 17, 2024, meeting of the Kansas Board of Regents was called to order by Chair Jon Rolph at 1:33 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:

Jon Rolph, Chair  
Carl Ice, Vice Chair  
Blake Benson  
John Dicus  
Alysia Johnston  
Cynthia Lane  
Diana Mendoza  
Neelima Parasker  
Wint Winter

**APPROVAL OF MINUTES**

Regent Winter moved that the minutes of the December 13-14, 2023, meeting be approved. Following the second of Regent Benson, the motion carried.

Chair Rolph suggested that Lt. Governor Toland's presentation be moved before the introductions and reports.

**CONSIDERATION OF DISCUSSION AGENDA****Other Matters****POSTSECONDARY EDUCATION AND THE ECONOMIC PIPELINE**

Chair Rolph introduced Lieutenant Governor David Toland to present on the postsecondary education and the economic pipeline. Toland is the 52<sup>nd</sup> Lieutenant Governor of Kansas and serves as the Secretary of the Kansas Department of Commerce. Chair Rolph thanked him for his leadership and partnership.

Lt. Governor Toland reviewed the steps taken in collaboration with the Board to bring Panasonic to Kansas highlighting the success of working together. He reported the statewide success in economic development over the previous five years noting economic wins in 87 of the 105 counties in Kansas. He highlighted multiple awards Kansas holds across sectors. There are 204 active economic development projects in the pipeline with an international presence. Those projects are in the following sectors: 47.9% in advanced manufacturing, 12.9% in professional services, 10.8% in logistics/distribution, 8.8% in energy, 7.7% in aerospace, 7.2% in food manufacturing, 6.7% in aerospace, 2.1% in office, 2% in the other category, 1.1% in tourism, and 1% in bioscience. He noted a totality of factors involved in the decisions of businesses choosing Kansas.

Lt. Governor Toland presented the Kansas Framework for Growth 2.0, which began in 2019. It was built around the four pillars of talent, innovation, community, and policy. He discussed harnessing the assets of institutions to create new jobs and attract new investments into the state. Strengths he would like to develop include talent, technology transfer, and transformation. Lt. Governor Toland presented examples of some training pipeline projects and industry-focused collaborations. He said alignment leads to growth. He posed a question, what will it take to land the next economic development deal? The importance of communication and information sharing was presented. The Kansas Department of Commerce would like to know how institutions should be proposed as business partners and requested a designated contact be identified for each institution.

The following action items were presented as opportunities for collaboration:

- Research specialties - key research competencies at each institution, asset map for recruitment team and partners, focus areas specific to each institution, and a front door to institutions for business where entrepreneurs and innovators can access an institution's research and development capabilities.
- Using graduates to increase job growth - work with Commerce to align the jobs being recruited with talent produced from higher education institutions, exposure to jobs in Kansas while students are still on campus (i.e. internships), "brain drain" being lamented is something that can be sold to companies seeking talent, and wages of Kansas jobs needing to be competitive with wages outside of the state.
- Recruitment - Commerce's role for private sector partners in attracting talent to higher education institutions, international division recruitment of international students from the key trade and Foreign Direct Investment partners, supporting enrollment needs, raising awareness of industries, and opportunities to establish pipelines to key degree or certificate programs.
- Technology transfer and innovation - creating the next time release capsule, research being done and how it aligns, tapping into alumni networks, getting great ideas to the market, research and commercialization efforts to build private sector wealth, and driving job creation.

Lt. Governor Toland thanked the Board and the institutions for their collaboration with the Department of Commerce. Regent Benson thanked Lt. Governor Toland for changing the culture and expectations on how the state responds to economic development opportunities and emphasized the importance of institutions communicating with Commerce. Chancellor Girod inquired about communicating institutional assets with Commerce as they work with potential companies. Lt. Governor Toland mentioned the importance of communication relative to monthly updates within institutions that Commerce has in their pipeline as research considerations. President Muma extended his appreciation to the Lt. Governor and Governor for their support of WSU's initiatives to support the goals of the state and their community. Regent Benson asked, in reference to bringing Panasonic to Kansas, whose responsibility it is to tout the economic contribution of higher education in this project. Lt. Governor stated it is everyone's job, and that win was because of the engagement of higher education in the economic development project. The more we can make that connection, the better off we all are, and higher education is a critical component in economic development deals. Regent Lane inquired about

actions needed to designate an institutional contact for Commerce. Lt. Governor Toland stated giving institutions a deadline to provide their contacts to Commerce would be beneficial. Regent Parasker asked about businesses publishing skill sets they would like graduates to be trained in. Lt. Governor Toland stated the more we can facilitate direct conversations between institutions and businesses the better the outcomes. He believes the skill set gap has gotten better. He extended his appreciation for the partnership with the Board and institutions.

(PowerPoint filed with Official Minutes)

## **INTRODUCTIONS**

President Flanders introduced Fred Patton, who is assisting the Board with legislative advocacy during this legislative session.

## **GENERAL REPORTS**

### **REPORT FROM CHAIR**

Chair Rolph reported the Governor's budget was favorable to higher education, highlighting the productive conversations held among institutions and the Board. He expressed pride in the higher education system being ahead of the game and its vision for Kansas.

### **REPORT FROM PRESIDENT AND CEO**

President Flanders gave an update on the legislative session testimony. He thanked the data team for publishing the data books and the campuses for providing the information. He stated they are working through granting exceptions for the systemwide general education framework.

### **REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS**

Dr. Don Von Bergen, Kansas State University's Faculty Senate President, presented the report for the Council of Faculty Senate Presidents. He requested the Board consider moving the January Board meeting back a week in future years, expressing difficulties for faculty to attend due to the beginning of classes. The Council is working on the Faculty of the Year award. Dr. Von Bergen expressed the Council's gratitude for allowing it to serve on the Vice President of Academic Affairs search team. He provided feedback regarding the Board policy revision on the notice of non-reappointment of non-tenured and non-tenure-track employees.

### **REPORT FROM STUDENTS' ADVISORY COMMITTEE**

Caleb Stout presented the Students' Advisory Committee report. Mr. Stout presented the Committee's plans for the Kansas Higher Education Day on February 14, 2024. The Committee plans to advocate for securing more need-based aid, access to open educational resources, and capital improvements.

## **STANDING COMMITTEE AND OTHER REPORTS**

### **ACADEMIC AFFAIRS**

Regent Lane presented the Board Academic Affairs Standing Committee (BAASC) report. She reported the Committee approved a Certificate of Approval with degree-granting authority for United States University and a request from PSU to offer a Master of Social Work and to seek

accreditation for that program. BAASC received reports on Student Success Playbooks from KU, PSU, and WSU. An update was provided regarding the Pillar 1 dashboard, math pathways, and the general education systemwide transfer framework. BAASC also heard celebrations of good news on campus from the state university provosts.

#### FISCAL AFFAIRS AND AUDIT

Regent Benson presented the Fiscal Affairs and Audit Standing Committee report. He noted the state's annual financial report was published last month with one finding. FHSU was cited in the financial audit for being late in providing financial data. The Committee heard presentations from representatives of the universities with programs benefitting from additional state funding. To fulfill Board policy, four auditors provided a presentation on their annual audit plans and outcomes over the past year. The Committee then reviewed items on the Board agenda.

#### GOVERNANCE

Chair Rolph reported that the Governance Committee received an update from General Counsel John Yeary on the proposed Board policy revision to standardize the notice requirements for non-reappointment for state university non-tenured and non-tenure track employees. WSU presented its campus safety and security report. Matt Keith provided a communication and advocacy plan for all sectors of the higher education system.

#### BREAK

At 2:47 p.m., Chair Rolph called for a break. At 3:05 p.m., the meeting resumed.

#### CONSIDERATION OF DISCUSSION AGENDA

##### Other Matters

#### UNIVERSITIES REPORT ON RESEARCH AND DEVELOPMENT ACTIVITIES - SYSTEM

Elaine Frisbie, Vice President of Finance and Administration, introduced the research universities' presenters on their funding for research and development activities and how research and development impacts Kansans and the Kansas economy.

#### KSU

Dr. David Rosowsky, KSU's Vice President for Research, provided a presentation on KSU's research landscape, focus areas, impacts, growth plan, economic prosperity plan (Board Pillar 3), and Edge District. He stated research at KSU is faculty-awarded and faculty-led, with most research funding being competitively awarded or appropriated by federal research agencies. KSU's research focus and impact include use-inspired research that is focused on the needs of Kansas and Kansans, is connected to industries, businesses, families, and communities, and is linked to economic prosperity and Next-Gen K-State. KSU communicates the impacts along with the "why" and "how" to build interest and support, and receives multiple awards annually. Dr. Rosowsky stated that KSU's economic prosperity plan includes bringing \$3 billion in investments and 3,000 jobs to Kansas in the next ten years. His vision is for KSU is to be the world's foremost global food and biosecurity science university. He highlighted some research initiatives, partnerships, and investments. To conclude, he outlined how KSU would use new funds for research, discovery, and innovation. Dr. Rosowsky stated KSU is working together

with other institutions such as the Geological Survey at KU. President Linton asked for more information relevant to the Next-Gen K-State strategic plan research expenditures and goals for the next five years. Dr. Rosowsky stated KSU is building upon its strengths among public research universities and maximizing its return on investment. KSU overlays those strengths with the State's highest priorities for economic growth and attracting companies and jobs. He stated KSU has asked its colleges and campuses to work toward a vector of growth and are supporting them in that.

### KU

Chancellor Girod presented the University of Kansas' research presentation: Driving Economic Prosperity for Kansas. He provided a synopsis of KU's reach for research across the state, expenditures, growth, and economic development. He highlighted the impact of the KU Innovation Park partnership. The research themes at KU include biomedical and healthcare research, development across the lifespan, earth, energy, and environment, human experience in the digital age, and safety and security. He discussed KU's progress on Kansas water resources, earth-friendly refrigerants, and lifesaving treatments. He presented the impacts made by the KU Cancer Center as it treats patients from all 50 states and 30 countries. Over the last 15 years, the Cancer Center has contributed over \$15 billion to the Kansas economy. Chancellor Girod provided KU's plans to enhance research capacity. He highlighted the NSF EPSCoR program's impact and the importance of funding. He stated for every dollar NSF EPSCoR pumped into research, Kansas got back more than double in non-EPSCoR funds. New state investments would allow KU to hire and retain researchers in strategic areas that build on KU's strengths and benefit the state, creating or investing in infrastructure that enhances the innovation ecosystem. Regent Winter inquired about retaining and attracting researchers. Chancellor Girod noted the importance of partnerships to be successful, highlighting the importance of research investments. Regent Lane inquired about effectively communicating the importance of research funding as it directly impacts our quality of life. Chancellor Girod stated the importance of personalizing those conversations and telling individual success stories. President Linton asked about the relationship between research enterprise, faculty, and external companies and why that is so powerful. Chancellor Girod stated the Innovation Campus came to fruition with a vision of diversification of the economy. They wanted to connect research with people or companies interested in that research and leverage researchers to help them solve their problems and attract companies. He stated it's essential to have a mechanism, a place, and resources to take an idea and move it into a new company.

### WSU

Dr. John Tomblin, Senior Vice President for Industry and Defense Programs, provided Wichita State University's research presentation. He presented details on WSU's research organization and size, expenditures, comparisons to peer institutions and aspirational peer institutions, comparisons in specialty areas, WSU's research model, applied research and applied learning, and the impact of their research investments. Dr. Tomblin stated that WSU's research differs from most universities due to its focus on applied research and technology development, high share of industry funding, high engagement of undergraduate student employees, and flexible agreements with federal agencies to perform research, manufacturing, and prototyping. With the state's investments of \$17 million, WSU was able to generate \$325 million. Dr. Tomblin highlighted WSU's research projects and progress with those projects, along with the importance of state

investments. He stated WSU is solving some of the world's most pressing problems. To grow its workforce around aviation maintenance, repair, and overhaul, WSU established the Get To Werx program for students to earn and learn. Dr. Tomblin presented on how legislative investment can be used to enhance economic growth including continued support of the digital transformation, aerospace sector, additive manufacturing, and battery technology to support transportation. He stated in terms of industry, it is taking too long to train a graduate before they become productive, which is seen as a lost investment. WSU is working to prepare its graduates to be productive quickly within the workforce. Regent Parasker inquired about what the future is for WSU. Dr. Tomblin stated that WSU's strength is manufacturing items that are hard to manufacture, making the engine and vehicle of the future. Regent Winter asked how institutions can collaborate around economic development. Dr. Tomblin noted the institutional concentration efforts make the institutions strong as a whole.

Chair Rolph thanked the institutions for their presentations.

(PowerPoints filed with Official Minutes)

### **APPROVAL OF CONSENT AGENDA**

Regent Ice moved to approve the consent agenda; Regent Dicus seconded the motion. The motion carried.

#### **Academic Affairs**

#### **NEW CERTIFICATE OF APPROVAL WITH DEGREE GRANTING AUTHORITY FOR UNITED STATES UNIVERSITY**

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

#### **MASTER OF SOCIAL WORK AND SEEK ACCREDITATION - PSU**

Pittsburg State University received authorization to offer a Master of Social Work (44.0701) and to seek accreditation from the Commission on Accreditation (COA) of the Council on Social Work Education (CSWE). The program modality will be hybrid. The program will total 64 semester credit hours for the traditional plan of study and 32 semester credit hours for students who have a bachelor's degree in social work. The estimated cost of the program for the first three years is as follows: year one - \$115,395, year two - \$3,985, and year three - \$4,698. Student tuition and fees will finance the program. The fees associated with the accreditation process are listed below:

Costs for Accreditation	
Fee	Amount
Letter of Intent/Candidacy Eligibility Fee	\$12,500
Candidacy Visit 1 Fee	\$7,000
Candidacy Visit 2 Fee	\$7,000
Additional Candidacy Visit Fee (if applicable)	\$2,500
Initial Accreditation Fee	\$7,000
Benchmark Document Costs (varies)	-
Candidacy Visit Expenses (Estimated)	\$4,000
<b>Anticipated Total (plus any Benchmark Document Costs, which vary)</b>	<b>\$40,000</b>

### PERFORMANCE REPORTS FOR ACADEMIC YEAR 2022

The performance reports for academic year 2022 and the below funding recommendations were approved.

Institution	Funding Recommendation
Emporia State University	100% funding
Fort Hays State University	100% funding
Kansas State University	100% funding
Pittsburg State University	100% funding
University of Kansas	100% funding
University of Kansas Medical Center	100% funding
Wichita State University	100% funding
Washburn University/Washburn Tech	100% funding
Allen Community College	100% funding
Barton Community College	100% funding
Butler Community College	100% funding
Cloud County Community College	100% funding
Coffeyville Community College	100% funding
Colby Community College	100% funding
Cowley Community College	100% funding
Dodge City Community College	100% funding
Fort Scott Community College	100% funding
Garden City Community College	100% funding
Highland Community College	100% funding
Hutchinson Community College	100% funding
Independence Community College	100% funding
Johnson County Community College	100% funding
Kansas City Kansas Community College	100% funding
Labette Community College	100% funding
Neosho County Community College	100% funding
Pratt Community College	100% funding
Seward County Community College	100% funding
Flint Hills Technical College	100% funding
Manhattan Area Technical College	100% funding
North Central Kansas Technical College	100% funding
Northwest Kansas Technical College	100% funding
Salina Area Technical College	100% funding
Wichita State University Campus of Applied Science and Technology	100% funding

*Fiscal Affairs and Audit*AMEND FY 2024 CAPITAL IMPROVEMENT PLAN AND APPROVE PROGRAM STATEMENT FOR CONSTRUCTION OF AN ADDITION TO THE GEOLOGICAL CORE LIBRARY - KU

The University of Kansas received approval to amend the FY 2024 capital improvement plan and to accept the program statement for an addition to the Geological Core Library on the Lawrence West Campus. The need for additional core storage space, improved processing space, research space, and office space have led to this request. The 2023 Legislature appropriated funding for this project from ARPA funds. Total estimated costs, including architectural/engineering fees, construction, lab equipment, and contingencies, are \$3.8 million.

AMEND FY 2024 CAPITAL IMPROVEMENT PLAN AND APPROVE REVISED PROGRAM STATEMENT FOR UTILITY TUNNEL REPAIRS - PSU

Pittsburg State University received approval to amend its FY 2024 capital improvement plan and accept the revised program statement to reflect an increase in the total project cost for the Utility Tunnel Repair Project. The inflationary pressures in construction projects, materials availability and cost, and various design decisions to maintain steam service during the project resulted in an updated cost estimate of \$1.9 million for the first phase. To avoid additional cost escalation and prevent additional major emergency steam repairs, as were just completed in December 2023, PSU determined it best to proceed with the design and bid replacement of all remaining original brick tunnels. For budget protection, PSU will structure the project bid as a base project with additional scopes of work designated as alternates that can be included in the contract if bids are favorable to the budget. This expedited effort will result in an increase to the total project budget from \$4.5 million up to \$6 million. The University will add \$1.5 million of Capital Renewal Funds (SGF) to the original \$4.5 million from the allocation from the Educational Building Fund.

AMEND FY 2024 CAPITAL IMPROVEMENT PLAN AND APPROVE PROGRAM STATEMENT FOR TYLER PROVE-OUT FACILITY – PSU

Pittsburg State University received approval to amend its FY 2024 capital improvement plan to update the total project cost budget, accept the program statement, and approve changing the project name for the Tyler Research Center Expansion to Tyler Prove-Out Facility. In preparation for future growth and investment, the project program includes the potential for approximately \$9 million of additional lab and research space to be expanded as needed. The projected budget for both Phase 1 and 2 totals \$22 million, which includes an additional \$2 million buffer to accommodate donor enhancements or construction escalation. The project is being funded from a combination of private gifts and federal and state grants.



**AMEND FY 2024 CAPITAL IMPROVEMENT PLAN FOR UNIVERSITY STADIUM PROJECT – WSU**

Wichita State University received approval to amend its FY 2024 capital improvement plan for the multi-phased University Stadium project to be funded entirely with non-state money. Funding for Phase 1A/1B will be a combination of private gifts and \$11.8 million funded by the WSU Board of Trustees through a KDFA bond issue. The University will seek approval to utilize the Construction Manager at Risk delivery method for non-state funded projects as authorized in K.S.A. 76-7,131. The Board delegated authority to appoint individuals to the procurement committee, as authorized in K.S.A. 76-7,131(b), to the Director of Facilities in consultation with the Board President and CEO. Funding for Phase 2A/2B is yet to be determined.

**AMEND THE FY 2024 CAPITAL IMPROVEMENT PLAN AND APPROVE REVISED PROGRAM STATEMENT FOR GLOBAL CENTER FOR GRAIN AND FOOD INNOVATION - KSU**

Kansas State University received approval to amend the FY 2024 capital improvement plan and accept the revised program statement for the Global Center for Grain and Food Innovation (GCGFI). The project has undergone subsequent developments and refinements to enhance its scope and address specific needs. With the revised project scope, the project cost has increased to \$166.2 million. The project will be completed in two phases. Phase one will include the demolition of Weber Arena and Weber 123 classroom, followed by the construction of the Global Center for Food and Grain Innovation, and is expected to be completed by August 2026. Phase two will include Call Hall and Weber Hall renovations and will follow phase one as funding is identified.

**CONSIDERATION OF DISCUSSION AGENDA**

**Fiscal Affairs & Audit**

**REQUEST TO SUSPEND THE ANNUAL AUDIT REQUIREMENT FOR PITTSBURG STATE UNIVERSITY RESEARCH FOUNDATION (PSURF) - PSU**

Elaine Frisbie, Vice President of Finance and Administration, introduced Pittsburg State University's request to suspend the annual audit requirement contained within Board policy. PSURF is a controlled affiliate established to aid the university in its research and educational missions by owning, managing, protecting, and maximizing the impact of intellectual property generated by faculty, staff, and students at Pittsburg State University. The entity has no active operations currently and has not met for several years. Regent Benson stated PSU does not anticipate using this foundation for at least the next two to three years. Regent Dicus moved to suspend the audit requirement, and Regent Winter seconded the motion. The motion carried.

GovernanceAMEND BOARD POLICIES RELATED TO APPOINTMENTS, NON-REAPPOINTMENTS, AND TERMINATIONS

John Yeary, General Counsel, presented amendments to Board policy related to appointments, non-reappointments, and terminations. The amendments would provide that any notice procedures for non-reappointment for all classes of employees other than tenured or tenure-track faculty members may be determined by the institution's chief executive officer, subject to the limitation that for such employees hired on or after July 1, 2024, the service end date in any notice of non-reappointment shall not exceed 90 days from the date of the notice of non-reappointment. The 90-day limitation would apply on and after July 1, 2025, for each non-tenured and non-tenure-track employee regardless of when hired, unless any of four exceptions apply. Regent Benson moved to approve; Regent Lane seconded the motion. The motion carried. The following Board policy was adopted:

\* \* \*

**C CHIEF EXECUTIVE OFFICER, FACULTY AND STAFF**

Unless otherwise specifically stated, as used in the following provisions, the term "unclassified staff" does not include those positions that have been converted from classified to unclassified pursuant to K.S.A. 2011 Supp. 76-715a, and amendments thereto (i.e. University Support Staff). The words "benefits-eligible" and "full-time" as used herein shall not include positions or employees who are deemed to be full-time exclusively by virtue of the state of Kansas Health Care Commission's determination of eligibility for purposes of employer-provided healthcare coverage. The terms "spouse" and "family" shall be defined in accordance with applicable United States Supreme Court holdings.

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**2 APPOINTMENTS**

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**b Faculty and Staff****i General Provisions**

(1) In accordance with K.S.A. 76-715, the Board has authorized each state university chief executive officer to make all employee appointment decisions at his or her institution. The chief executive officer may delegate that authority. Each faculty and staff appointment must be approved by the chief executive officer or the chief executive officer's designee. The Board delegates to each chief executive officer the authority to appoint ~~unclassified~~ employees and to establish salaries for individual ~~unclassified~~ employees within the authorization provided by the Legislature and within any general guidelines issued by the Board.

(2) Provosts, vice presidents or executive vice chancellors, and deans shall serve at the pleasure of the university chief executive officer. Each state university chief executive officer shall designate a chief financial officer for the university, who shall serve at the pleasure of the university chief executive officer. Other university administrative staff positions may be designated as positions that serve at the pleasure of the chief executive officer or at the pleasure of the chief executive officer's designee: provided, however, that such will and pleasure designation is stated in the administrator's written ~~annual~~ notice of appointment. The Board shall be notified of the appointment of any provost, vice president, executive vice chancellor, chief financial officer, or other position that reports directly to the university chief executive officer. Such notice shall be given after the appointment occurs and prior to its announcement. The Board shall be notified of the departure of any provost, vice president, executive vice chancellor, chief financial officer, or other position that reports directly to the university chief executive officer at the time the university chief executive officer becomes aware of the departure or planned departure.

(3) ~~The following~~ With the conversion of all previously classified positions at each state university to unclassified University Support Staff pursuant to K.S.A. 76-715a, all employees of a state university shall be unclassified.: ~~the Chancellor or President, provosts, vice presidents, executive vice chancellors, deans, all administrative officers, student health service physicians, all teaching and research personnel, health care employees and student employees. Except for those positions that have been converted from classified to unclassified service as a result of a change in duties, or those employees whose positions have been converted from classified to unclassified University Support Staff pursuant to K.S.A. 76-715a, these categories shall not encompass any custodial, clerical, or maintenance employees, or any employees performing duties in connection with the business operations of the institution, except administrative officers and directors.~~

. . . [Note: the agenda materials mistakenly omitted these ellipses indicating no changes were made to existing subparagraphs (3)(a) and (3)(b).]

(4) Each state university may determine the length of each employee appointment. Except as otherwise allowed by Board of Regents policy, non-faculty appointments shall be no longer than annual. Such non-faculty appointments may be designated as at-will or otherwise at the pleasure of the appointing authority, and no annual appointment notice is required for any employee. Nothing in this policy shall prevent an institution from entering into a contract of employment with an employee, subject to any employment contract approvals as set forth by KBOR policy.

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## vi Annual and Multiple Year Appointments

(1) ~~Except as provided in this section, all appointments of unclassified non-tenure track and non-tenured personnel shall be annual. Every~~ Each appointment of more

than one year that is funded with a state appropriation shall be subject, on an annual basis, to appropriations being provided by the Kansas Legislature.

(2) University of Kansas Medical Center Tracks

(a) Clinical Scholar Track:

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

(b) Clinical Track:

The University of Kansas Medical Center may employ and appoint personnel with primarily clinical responsibilities to part-time or full-time non-tenure track positions as determined to be in the best interest of the Medical Center by the Chancellor. A component of the clinical appointment may include teaching. Initial contracts for appointments on this track shall range from one to ~~three-year~~ three-year terms and shall be renewable. This Clinical Track includes four ranks: Clinical Instructor, Clinical Assistant Professor, Clinical Associate Professor and Clinical Professor. Criteria for promotion in this track are specific to the applicable school within the Medical Center. The University may terminate a

contract by giving notice, prior to June 30th of any year that the contract will terminate at the end of the current contract term. Salary shall be determined each year by the availability of funds and by merit, which includes, but is not limited to, productivity. Contracts may be terminated by mutual agreement of the faculty member and the University. Prior to the expiration of the appointment, the University may only terminate the contracts for cause, including loss of clinical privileges or loss of clinical employment with practice corporation or foundation, or financial exigency.

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(d) Research Track

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

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(4) Other Non-Tenure Track Faculty Appointments

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

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

promotion, if available, shall be determined by the university and set forth in university policy.

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

(d) For purposes of the multiple year appointments made pursuant to paragraph (a) of this subsection, full-time faculty members may apply for a one-time, one-way transfer between appointment categories (tenure track, non-tenure track). Once a transfer from non-tenure track to tenure track has occurred, the guidelines for earning tenure apply. Time and title in the non-tenure track does not count toward the probationary period to obtain tenure. A request for transfer from a tenure-track to non-tenure-track appointment must be made prior to but no later than September 1 of the penultimate year of the probationary tenure-track appointment. Any such appointments must be made in specific compliance with parameters approved by the Kansas Board of Regents.

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

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## 6 SUSPENSIONS, TERMINATIONS AND DISMISSALS

### a Felony Offenses

- i Felony Conviction. The chief executive officer of a state university has the authority to discharge any employee, including a tenured faculty member, immediately upon conviction of any felony.
- ii Felony Charge. The chief executive officer of a state university has the authority to discharge or place on leave without pay any employee, including a tenured faculty member, who has been charged with a felony offense. Prior to any such determination, the employee shall be given notice of the proposed action and an opportunity to respond.

### b Other

- 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 Employees who are employed at-will may be suspended, dismissed or terminated for any lawful reason.

- iii. . . .

. . .

c Grievance Procedure

- i Each state university shall establish and publish grievance procedures for use by faculty and staff in appealing ~~employment decisions~~ suspension, termination or dismissal decisions of the institution. The procedures shall provide the employee with notice of the action to be taken, the reasons for the action where appropriate, and an opportunity to be heard. A copy of all institutional grievance procedures shall be provided to the institution's general counsel for review prior to becoming effective. No such procedure shall be required for probationary employees, temporary employees, employees who serve at the will or at the pleasure of the appointing authority, or any employee whose specific term of appointment is otherwise specified in their appointment letter.
- ii The decision of the chief executive officer, or the chief executive officer's designee, concerning any grievance pursuant to paragraph i ~~appealing employment decisions of the university~~ shall be final and is not subject to further administrative review by any officer or committee of the university or by the Board of Regents.

7 NOTICE PROCEDURE FOR NON-REAPPOINTMENT

- a For tenure-track faculty, notice of non-reappointment should be given in writing in accordance with the following standards; such standards shall not be applicable to any administrative assignments held by the tenure-track faculty member.
  - i Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
  - ii Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
  - iii At least twelve months before the expiration of an appointment after two or more years in the institution.

- iv These statements shall apply even during periods of declared financial exigency, unless impossible, in which case notice shall be provided as early as feasible.
- b Any notice procedures for non-reappointment for all classes of employees other than tenured or tenure-track faculty members ~~shall~~ may be determined by the institution's chief executive officer, subject to the following limitations.
  - i For each non-tenured or non-tenure-track employee hired on or after July 1, 2024, the service end date in any notice of non-reappointment shall not exceed 90 days from the date of the notice of non-reappointment.
  - ii On and after July 1, 2025, for each non-tenured and non-tenure-track employee regardless when hired, the service end date in any notice of non-reappointment shall not exceed 90 days from the date of the notice of non-reappointment unless:
    - (1) a conflicting applicable Board-approved labor agreement provides for a longer period;
    - (2) a conflicting applicable Board-approved University Support Staff system of administration plan developed pursuant to K.S.A. 76-715a prior to July 1, 2023 provides for a longer period;
    - (3) the employee is in a grandfathered class established by a university prior to July 1, 2023, that provided employees in the grandfathered class a longer notice period; or
    - (4) the university chief executive officer determines a longer period is warranted in an individual circumstance.
  - iii On or before January 1, 2025, all university policies and handbook provisions containing any notice procedures for non-reappointment for all classes of employees other than tenure-track faculty members shall be brought into compliance with this policy.

...

## 12 COMMITMENT OF TIME, CONFLICT OF INTEREST, CONSULTING AND OTHER EMPLOYMENT

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### c Reporting Requirements

- i Annual Reporting of Consulting Arrangements, Significant Financial or Managerial Interests, and Outside Employment



~~As part of the annual appointment process,~~ All faculty and unclassified staff shall disclose annually to the university whether they or members of their immediate family (spouse and dependent children), personal household, or associate entities (e.g., corporations, partnerships or trusts in which they have a significant interest) have consulting arrangements, significant financial or managerial interests, or employment in an outside entity. This report and information shall be provided to the university no less than once each year. Each university shall be permitted to use a form of its administration's own choosing to collect the required information so long as it contains the threshold requirements contained in this policy. The state university may, at its discretion, require its faculty and unclassified staff to submit information in addition to that required by this policy, but in no event shall the reporting faculty and staff be permitted to report less information than is required by this policy.

For purposes of this policy, significant financial or managerial interests (or significant financial or other interests) means all holdings greater than \$5,000 or more than 5% ownership in a company.

Failure to timely submit the required reporting form to the university shall result in denial of the opportunity to submit research proposals to external funding agencies and may result in discipline in accordance with university procedures. When the university determines that the information submitted indicates that an actual or apparent conflict of time commitment or conflict of interest does or may exist, the university may require the faculty or unclassified staff member to submit additional information and explanation regarding that conflict.

(4) Each state university may determine the length of each employee appointment. Except as otherwise allowed by Board of Regents policy, non-faculty appointments shall be no longer than annual. Such non-faculty appointments may be designated as at-will or otherwise at the pleasure of the appointing authority, and no annual appointment notice is required for any employee. Nothing in this policy shall prevent an institution from entering into a contract of employment with an employee, subject to any employment contract approvals as set forth by KBOR policy.

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#### vi Annual and Multiple Year Appointments

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

#### (2) University of Kansas Medical Center Tracks

##### (a) Clinical Scholar Track:

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

(b) Clinical Track:

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

privileges or loss of clinical employment with practice corporation or foundation, or financial exigency.

...

(d) Research Track

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

...

(4) Other Non-Tenure Track Faculty Appointments

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

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

(c) Contracts for appointments made pursuant to paragraph (a) of this subsection may be terminated by mutual agreement of the faculty member and the University. Prior to the expiration of the appointment, the university may only

terminate the contract for financial exigency or for cause in accordance with Board or university policy, including loss of clinical privileges, if any, or loss of clinical employment with practice corporation or foundation, if any.

(d) For purposes of the multiple year appointments made pursuant to paragraph (a) of this subsection, full-time faculty members may apply for a one-time, one-way transfer between appointment categories (tenure track, non-tenure track). Once a transfer from non-tenure track to tenure track has occurred, the guidelines for earning tenure apply. Time and title in the non-tenure track does not count toward the probationary period to obtain tenure. A request for transfer from a tenure-track to non-tenure-track appointment must be made prior to but no later than September 1 of the penultimate year of the probationary tenure-track appointment. Any such appointments must be made in specific compliance with parameters approved by the Kansas Board of Regents.

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

...

## 6 SUSPENSIONS, TERMINATIONS AND DISMISSALS

### a Felony Offenses

- i Felony Conviction. The chief executive officer of a state university has the authority to discharge any employee, including a tenured faculty member, immediately upon conviction of any felony.
- ii Felony Charge. The chief executive officer of a state university has the authority to discharge or place on leave without pay any employee, including a tenured faculty member, who has been charged with a felony offense. Prior to any such determination, the employee shall be given notice of the proposed action and an opportunity to respond.

### b Other

- 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.
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### Other Matters

#### LEGISLATIVE UPDATE

Kelly Oliver, Senior Director of Strategic Initiatives, presented the legislative update. She reported Fred Patton has been working on bill drafts introduced from the non-budgetary items approved at the December Board meeting. President Flanders testified to the House Committee on K12 Budget, providing information on the KSDegreeStats website and the Student's Right to Know Act. Director Oliver provided an update on HB 2495, which fully funds the pay plan passed last session. She reported they will begin providing higher education updates to the Senate Education Committee and the House Higher Education Budget Committee. She presented Governor Kelly's FY 2025 budget recommendations, which include over 76% of the Board's requests. President Flanders stated the need-based aid investments are beginning to pay off as institutions are able to attract and retain more students. The facilities renewal initiatives are beginning to pay off, he highlighted the partnerships and investments that make that possible. He thanked the Governor and Legislature for continuing to be partners.

#### NAMING REQUESTS- KSU

President Linton presented a request to name several spaces in Seaton Hall, home of the GE Johnson Department of Architectural Engineering and Construction Science. The naming requests include many generous companies and individuals who have shown their unwavering support for the Seaton Hall renovation project. Regent Parasker moved to approve and Regent Dicus seconded the motion, and the motion carried.

Spaces in Seaton Hall will be named: CAS Constructors, Stryker Family Classroom, DL Smith Electric Classroom, ICI LLC Classroom, Harvey J. and Peggy S. Page Classroom, Bob Tointon Classroom, Eby Construction Learning Lab, Henderson Engineers Electrical and Lighting Systems Lab, Rich and Hannah Kerschen Interview Room, Key Construction Interview Waiting Room, MMC Contractors & MW Builders Interview Room, Certus Student Study Room, The Korte Company Student Study Room, Olsson Study Room, Hutton Faculty Lounge, The Law Company Inc. Conference Room, Sunderland Foundation Student Lounge, Carl M. Coonrod Department

Office and the Coonrod & Associates Construction Co. Inc. Office of the Department Head, AGC of Kansas Faculty Office, BHS Construction Inc. Faculty Office, Brack & Associates Consulting Engineers Faculty Office, Engineering Elements Faculty Office, Mike and Beth Gardner & Matt and Megan Foster Faculty Office, Jim Goddard Faculty Office, Hayden Tower Faculty Office, Patrick A. Johnston Faculty Office, KBS Constructors Inc. Faculty Office, Linbeck Faculty Office, McCownGordon Faculty Office, MCP Group Faculty Office, Professional Engineering Consultants PA Faculty Office, Purdy-McGuire Faculty Office, Rizza Engineering Inc. Faculty Office, Telios Corporation Faculty Office, and Wildcat Construction Company Inc. Men's and Women's Restrooms.

#### EXECUTIVE SESSION

At 4:40 p.m., Regent Ice moved followed by the second of Regent Johnston, to recess into executive session for ten minutes in the Kathy Rupp Conference Room to discuss matters deemed privileged in the attorney-client relationship. The subject of this executive session is a pending legal matter involving the Board, and the purpose is to maintain the confidence of attorney-client privileged communications. Participating in the executive session were members of the Board, President and CEO Blake Flanders, and General Counsel John Yeary. The motion carried. At 4:50 p.m., the meeting returned to open session.

At 4:51 p.m., Regent Ice moved followed by a second by Regent Benson to recess into executive session for five minutes in the Kathy Rupp Conference Room to discuss matters relating to security measures pursuant to K.S.A. 75-4319(b)(12). The subject of this executive session is matters relating to security measures to K.S.A. 75-4319(b)(12), and the purpose is to not jeopardize such security measures by discussing them in an open meeting. Participating in the executive session were members of the Board, President and CEO Blake Flanders, and Kansas State University President Richard Linton. The motion carried. At 4:56 p.m., Regent Ice moved to extend for five minutes, seconded by Chair Rolph. The motion carried. At 5:01 p.m., the meeting returned to open session.

At 5:04 p.m., Regent Ice moved followed by a second by Regent Parasker to recess into executive session for ten minutes in the Kathy Rupp Conference Room to discuss personnel matters of non-elected personnel. The subject of this executive session is a personnel matter, and the purpose is to protect the privacy of the individual Board employee involved. Participating in the executive session were members of the Board, President and CEO Blake Flanders, and General Counsel John Yeary. The motion carried. At 5:14 p.m., the meeting returned to open session.

#### PERSONNEL MATTER

Regent Ice moved to authorize the Chair to execute the agreement discussed during the executive session; Regent Johnston seconded the motion. The motion carried.

#### ADJOURNMENT

Chair Rolph called the meeting adjourned at 5:15 p.m.



**CALL TO ORDER**

Chair Rolph called the mid-year retreat of the Kansas Board of Regents to order on Thursday, January 18, 2024, at 9:45 a.m. The meeting was held in Kathy Rupp Conference Room located in the Curtis State Office Building, 1000 S.W. Jackson, Suite 520, Topeka. Proper notice was given according to law.

**MEMBERS PRESENT:**

Jon Rolph, Chair  
Carl Ice, Vice Chair  
Blake Benson  
John Dicus  
Alysia Johnston  
Cynthia Lane  
Diana Mendoza  
Neelima Parasker  
Wint Winter

**WELCOME AND REVIEW BOARD GOALS**

Chair Rolph welcomed everyone to the mid-year retreat and reviewed the agenda for the day. He introduced the facilitator, Matt Burchett, Vice President of Strategic Development for Thrive Restaurant Group. The group reviewed Board goals and progress toward those goals. It broke out into smaller groups to discuss what is going right, what is going wrong, what is missing, and what is confusing with each Board goal.

**BREAK**

At 11:10 a.m., the facilitator called for a break. At 11:20 a.m., the meeting resumed.

The group continued conversations on Board goal progress. Feedback on Board goals will be evaluated to create actionable steps in progress toward achieving Board goals. Chair Rolph requested feedback on any goals needing to be adjusted. The group discussed the goals at length and chose not to revise or adjust the Board goals. Chair Rolph expressed gratitude for the unity among Regents, institutions across the state, and staff, highlighting the impact and progress.

**ADJOURNMENT**

The Chair adjourned the mid-year retreat at 12:13 p.m.

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Blake Flanders, President and CEO

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Jon Rolph, Chair