

## **KANSAS BOARD OF REGENTS**

### **MINUTES**

December 18-19, 2013

The December 19, 2013, meeting of the Kansas Board of Regents was called to order by Chairman Fred Logan at 1:30 p.m. The meeting was held in the Board Office located in the Curtis State Office Building, 1000 S.W. Jackson, Suite 520, Topeka. Proper notice was given according to law.

MEMBERS PRESENT:

Fred Logan, Chairman  
Kenny Wilk, Vice Chairman  
Shane Bangerter  
Ann Brandau-Murguia  
Mildred Edwards  
Tim Emert  
Ed McKechnie  
Robba Moran  
Helen Van Etten

### **APPROVAL OF MINUTES**

Regent Moran moved that the minutes of the November 20-21, 2013 regular meeting and the December 6, 2013 special meeting be approved. Following the second of Regent Bangerter, the motion carried.

### **INTRODUCTIONS**

President Schulz introduced Prema Arasu, CEO and Vice Provost of K-State Olathe; John Buckwalter, Dean of the College of Human Ecology; and Ryan Swanson, Associate Vice President for the Division of Facilities. President Schulz announced Cindy Bontrager has been named Kansas State University's new Vice President for Administration and Finance. Chancellor Gray-Little introduced the new Director of the University Press of Kansas, Chuck Myers.

### **GENERAL REPORTS**

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

President Tompkins reminded everyone that the Board meeting dates for February and March have been changed to accommodate the universities' spring break. The meeting dates are as follows: Wednesday, February 12, Thursday, February 13, Wednesday, March 12, and Thursday, March 13. These dates were brought to the Board during the Board's August retreat. President Tompkins also announced the Governor's State of the State Address is scheduled for Wednesday, January 15.

#### **REPORT FROM COUNCIL OF PRESIDENTS**

President Shonrock presented the Council of Presidents' report. The Council received an update from the Council of Chief Academic Officers on the Tilford Conference. The Council of

Business Officers gave an update regarding streamlining the capital construction and financing processes. This topic was also discussed in the Board's Fiscal Affairs and Audit Committee. The CEOs received a legislative update and approved Kansas State University's Bachelor of Science in Personal Financial Planning (CIP 52.0804). This program will be forwarded to the Board for consideration. The Council of Presidents also discussed the processes involved when utilizing tuition to pay debt service. A recommendation for any statutory changes to K.S.A. 76-742 will be presented to the Board at the January meeting.

#### REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS

Sheryl Lidzy presented the Council of Faculty Senate Presidents' report. The Council discussed the prior learning initiative, dependent tuition waivers, shared governance, and post-tenure review. Dr. Lidzy reported the Council is disappointed with the timing, content, and the introduction of the proposed Board policy amendment regarding improper use of social media. The Council recommends the Board delay action on this item to allow faculty to respond and give input before the Board considers the amendment.

#### REPORT FROM STUDENTS' ADVISORY COMMITTEE

Taylor Gravett, Pittsburg State University's Student Body President, reported the Students' Advisory Committee continues to discuss the students' higher education day at the Statehouse. Higher education day is scheduled for February 11.

#### STANDING COMMITTEE AND OTHER REPORTS

##### ACADEMIC AFFAIRS

Regent Moran presented the Board Academic Affairs Standing Committee (BAASC) report. The Committee received an update on teacher preparation from Kansas State University's Education Dean, Debbie Mercer, and Wichita State University's Education Dean, Shirley Lefever-Davis. Regent Moran stated BAASC has heard from all the universities regarding teacher preparation and plans to provide the Board with an overview. BAASC continued its discussion on the State Authorization Reciprocity Agreement (SARA). A recommendation regarding SARA will be presented to the Board at Thursday's meeting. Additionally, BAASC received staff updates on transfer and articulation and developmental education.

##### FISCAL AFFAIRS AND AUDIT

Regent McKechnie presented the Board Fiscal Affairs and Audit Standing Committee report. The Committee reviewed a draft policy requiring each state university CEO to designate a "Chief Financial Officer." The draft policy will be forwarded to the Council of Presidents for review before it is presented to the Board for consideration. The Committee also reviewed and discussed changes to the capital budgeting, construction, and financing processes. The changes described below will require statutory amendments and the Committee conceptually endorsed them. Regent McKechnie asked the Board to review the proposed changes. These items will be brought back at the January meeting for Board consideration. Regent McKechnie also reported the Committee will start its tuition and budgeting process discussions at the Committee's January and February meetings.

- a. **Increase the threshold to \$1.0 million for projects requiring formal procurement of architectural or engineering services (requires statutory change and the Board has previously approved).** Presently K.S.A. 75-1253 (and by extension projects authorized under K.S.A. 76-7,125 et. seq.) requires formal procurement of architectural or engineering services, when the project is expected to be more than \$750,000 in the case of architectural services or \$500,000 in the instance of engineering services. Increasing the thresholds in these statutes to \$1.0 million would streamline the process by permitting use of in-house or on-call professional services (which are competitively bid) for additional numbers of projects, thereby saving time and in some instances inflationary costs.
- b. **Streamline the Notice and Public Hearing Requirements for Alternative Construction Methods (requires statutory change).** Presently a separate Kansas Register posting and public hearing is held by the State Building Advisory Committee on each request for alternative project delivery (i.e. Construction Manager at Risk and Design/Build). The State Building Advisory Committee has developed its own criteria and has considerably more experience at dealing with such requests, than was the case when the current law was approved in 2006. Further, public participation in such hearings has been negligible. The schedule for such approvals could be reduced by approximately six weeks if a Kansas Register posting and public hearing were collapsed into the process for bidders to submit Statements of Qualification.
- c. **Allow use of Educational Building Fund/ Rehabilitation and Repair allocations for short term debt service (requires statutory change.)** Presently relatively large rehabilitation and repair projects must be divided into separate projects so that they can fit within a university's annual rehabilitation and repair allocation. Improved efficiency and cost savings could be achieved through financing a single large project and using EBF/R&R revenue for debt retirement over a short term using short-term financing vehicles. The actual projects would continue to be subject to KBOR approval and KBOR approval would be required for each instance of such debt issuance. Legislative safeguards would continue to be through the Joint Committee on Building Construction, which annually receives updates from the campuses and annually reviews rehabilitation and repair projects. However, such an amendment would preclude seeking formal statutory legislative approval for each instance of temporary debt issuance. It is noteworthy KDOT presently has such blanket authority, through legislation approved approximately three years ago.

#### GOVERNANCE

Regent Logan reported the Governance Committee approved proposed amendments to the Board's Advising Policy and Concurrent Enrollment Policy. These policy amendments will be forwarded to the Board for consideration at the January meeting. The Committee also approved the proposed policy addressing improper use of social media, which the Board will consider later in the agenda. Additionally, the Governance Committee received the annual campus safety updates from Fort Hays State University and Kansas State University

**APPROVAL OF CONSENT AGENDA**

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

*Academic Affairs***WINDOW/DOOR REPLACEMENT FOR OLIVER HALL – KU**

The University of Kansas received authorization to replace all of Oliver Hall's exterior windows, a storefront door system, and an exterior door. The estimated cost of the project is \$721,000, which will be funded with Housing System Repairs, Equipment and Improvement funds.

**INSTALLATION OF A SPECIALIZED ENERGY CONTROL SYSTEM – KUMC**

The University of Kansas Medical Center received authorization to install a specialized energy control system, which will reduce total energy consumption on campus. The estimated cost of the project is \$2.1 million. The project will be financed through the Kansas Development Finance Authority (K DFA) for a term not to exceed seven years.

**FY 2014 CAPITAL IMPROVEMENTS AND REVISED PROGRAM STATEMENT FOR WIEST HALL REPLACEMENT PROJECTS – FHSU**

Fort Hays State University received approval to amend its FY 2014 Capital Improvements requests for replacement of Wiest Hall. FHSU plans to change the number of beds from 405 to 497 for an estimated cost of \$37 million. The increase in cost is due to changing the room type from double occupancy to single bed rooms. FHSU is considering bonding the increased cost of the projects, which is approximately \$20 million. FHSU also received approval of its revised Program Statement.

**CONSIDERATION OF DISCUSSION AGENDA***Presentations***UPDATE ON THE KANSAS BIOSCIENCE AUTHORITY**

Jerry Boettcher, former Regent and current Regents' appointee to the Kansas Bioscience Authority (KBA), presented an update on the KBA. The KBA was established by the Kansas Legislature in 2004 to help grow the bioscience sector. Mr. Boettcher reviewed the KBA's funding, which is used to invest in companies and universities working in bioscience. He stated the KBA is working to improve the return on invested funds and the new president and CEO is working hard to rebuild the confidence and trust of the KBA. President Schulz and Chancellor Gray-Little stated the KBA is important to help attract top faculty members to the state universities.

UPDATE ON K-STATE 2025

President Schulz presented an update on K-State 2025. The goal of Kansas State University is to be recognized as one of the nation's top 50 public research universities by 2025. KSU's plan includes seven themes: 1) Research, Scholarly and Creative Activities, and Discovery, 2) Undergraduate Educational Experience, 3) Graduate Scholarly Experience, 4) Engagement, Extension, Outreach and Service, 5) Faculty and Staff, 6) Facilities and Infrastructure, and 7) Athletics. Under each of these themes are specific outcomes and activities. From 2011 to 2013 the following areas have grown at the University: total research awards, fundraising, enrollment, and alumni participation. President Schulz reviewed KSU's rankings compared to its peer institutions. In several areas KSU has seen an increase in ranking. President Schulz noted some of the next steps for 2025 are to link and strengthen budget/funding processes and performance reporting.

(PowerPoint filed with Official Minutes)

BREAK

The Chairman called for a break at 2:41 p.m. and resumed the meeting at 2:51 p.m.

Academic AffairsCONTINUANCE OF DR. JUERGEN A. RICHT AS REGENTS DISTINGUISHED PROFESSOR – KSU

Gary Alexander, Vice President of Academic Affairs, introduced Kansas State University's request to continue Dr. Juergen A. Richt's designation as a Regents Distinguished Professor. Board policy establishes the criteria for nomination of a distinguished professor, which includes a comprehensive performance evaluation every five years. Dr. Richt began serving as a Regents Distinguished Professor in August, 2008 and has completed the evaluation process. Regent Moran moved to approve, and Regent Emert seconded. The motion carried.

REPORT ON THE STUDY OF RETENTION AND GRADUATION RATES OF STUDENTS ADMITTED AS EXCEPTIONS

Vice President Alexander reported the Legislature adopted K.S.A. 76-717a in 2012, which requires the Board of Regents to "conduct a study regarding the retention and graduation rates of students who are accepted into state universities through the exceptions to the minimum admission standards prescribed in K.S.A. 76-717." Vice President Alexander stated the study compares the retention and graduation rates of first-time, full-time freshmen admitted as exceptions with those of first-time, full-time freshmen who met admission standards for selected years. It also compares transfer students admitted as exceptions with transfer students who met admission standards, and the number of credit hours passed by degree-seeking freshmen admitted as exceptions with degree-seeking freshmen who met admission standards. Vice President Alexander noted the state universities admit a small number of students as exceptions to the regular admission standards, and the data shows these students have lower retention, graduation and course completion rates compared to students who met admission standards. This result is not surprising because many of these students, though not all, have gaps in their educational preparation. Dr. Alexander noted the requirement of student success plans, which the Board approved last year, is intended to improve the success of students admitted as

exceptions. Regent Moran moved to accept the report and to present the findings to the Senate and the House Education Committees before January 13, 2014. Regent Edwards seconded, and the motion carried.

Regent McKechnie stated he is concerned about not meeting the Board's Foresight 2020 goal regarding retention and graduation rates. He asked the Board to consider amending the Qualified Admissions statute to allow the Board to implement more rigorous admission standards more quickly. Currently the statute requires a four year implementation, and Regent McKechnie would like to amend it to two years.

FY 2015 HOUSING AND FOOD SERVICE RATE ADJUSTMENT PROPOSALS  
SUBMITTED BY STATE UNIVERSITIES

Diane Duffy, Vice President of Finance and Administration, presented the proposed FY 2015 housing and food service rate adjustments for final action. Regent McKechnie moved to approve. Following the second of Regent Moran, the motion carried.

(Complete Listing of Adjustments filed with Official Minutes)

ALLOCATION OF FY 2015 REHABILITATION AND REPAIR APPROPRIATION –  
SYSTEMWIDE

The FY 2015 proposed allocation of the Rehabilitation and Repair appropriation was presented by Eric King, Director of Facilities. He expects \$35,000,000 will be available from the Education Building Fund. Regent McKechnie moved that the project list for the FY 2015 rehabilitation and repair appropriation be approved. With the second of Regent Van Etten, the motion carried. The following summary reflects the authorized totals:

	<u>Allocation</u>
The University of Kansas	\$9,404,000
The University of Kansas Medical Center	3,938,000
Kansas State University	10,465,000
Wichita State University	3,843,000
Emporia State University	2,114,000
Pittsburg State University	2,583,000
Fort Hays State University	<u>2,653,000</u>
TOTAL	\$35,000,000

BOND RESOLUTION – CONSTRUCTION OF AND IMPROVEMENTS TO PERFORMING  
ARTS CENTER, INDOOR EVENTS CENTER, AND OVERMAN STUDENT CENTER;  
REDEEM TEMPORARY NOTES PREVIOUSLY ISSUED FOR IMPROVEMENTS TO THE  
HOUSING SYSTEM; AND ECONOMIC REFUNDINGS OF PRIOR DEBT – PSU

General Counsel Julene Miller introduced Pittsburg State University's request for the issuance of revenue bonds in an aggregated amount not to exceed \$36,000,000 plus costs and reserves. The purpose of the bonds is to 1) acquire, construct and improve a performing arts center and an indoor events center, 2) make improvements and construct an addition to the Overman Student Center, 3) redeem temporary notes previously issued for improvements to the PSU housing

system, and 4) refund certain outstanding revenue bonds relating to other facilities at the University. Generally available unencumbered funds of the University will be used to secure and debt service the bonds for the construction of and improvements to the performing arts center, indoor events center, and Overman Student Center. The repayment of the bond anticipation notes and the refunding bonds will also be secured and debt serviced with a pledge of generally available unencumbered funds of the University. Regent McKechnie moved to approve and authorize the Chair and President and CEO to execute the Resolution, a Pledge of Revenue Agreement(s) and various other documents relating to the security and payment of such bonds. Regent Emert seconded, and the motion carried.

(Resolution filed with Official Minutes)

#### NAMING OF BUILDING – KU

Chancellor Gray-Little requested the Board name the University of Kansas' Computer Services Facility on the Lawrence campus in honor of G. Baley Price. Dr. Price was a distinguished professor emeritus and longtime chair of the Department of Mathematics who was primarily responsible for the creation of the computer center in 1956. Regent Emert moved to approve, and Regent McKechnie seconded. The motion carried. The Computer Services Facility will be named Price Hall.

#### Governance

#### AMEND EXISTING BOARD POLICY TO INCLUDE LANGUAGE REGARDING IMPROPER USE OF SOCIAL MEDIA

General Counsel Miller presented the proposed revision to the Board's Policy Manual to include language regarding improper use of social media. Board staff drafted the language to clarify the balance between university employees' free speech rights and the university employers' rights to efficiently and effectively operate the institution. The policy language was carefully drafted to acknowledge and respect the rights of employees to speak as private citizens on matters of public concern, while also recognizing the employers' right to take action in situations involving unprotected speech. The proposed policy lists instances of unprotected speech, as determined by the United States Supreme Court. Most of the language in the proposed policy was drawn directly from the United States Supreme Court free speech precedents. It has been limited to social media communications because that form of communication can so easily be disseminated widely and instantaneously. General Counsel Miller stated the Kansas Attorney General's Office reviewed the proposed policy and found it to be constitutionally sound on its face under a First Amendment analysis. Regent Logan asked that the following questions be noted along with General Counsel Miller's responses:

1. Was great care taken on this policy project? Yes, General Counsel Miller spent more time crafting and tweaking the language for this policy than she has on any other Board policy.
2. Is it fair to say in drafting this policy, we have been very careful to protect the First Amendment rights of university employees but also we have addressed the employees' responsibilities to the university? Yes.

3. It is a policy that applies to all university employees, is that correct? Correct.
4. It is not a policy that is focused just on faculty? Correct, it applies to all regular university employees but it would not apply to student hourly employees.
5. To be clear, the policy is prospective? Yes, it is prospective only. There is no intent to apply this policy to any incident that has already occurred.
6. In the way the Board has handled this, there is nothing unusual in terms of the way the policy has been developed or the timing in which it has been presented to the Board? No, other than the time it took to draft the language. The process for bringing the proposed policy to the Board is the same as any other policy. General Counsel Miller noted she has been with the Board Office since 2007 and this has been the process during her tenure with one exception. When the Board was reviewing sections of the Board's Policy Manual, which included 50 to 100 policies or pages at a time, those were brought for first and second read because of the volume.
7. Other than that special circumstance this is presented in the Board's usual course? Yes.
8. You worked with the Office of the Attorney General, is that correct? Yes.
9. And the assessment as I understand it is that the policy meets both First Amendment and procedural due process requirements? Correct.
10. With respect to procedural due process, language already in the policy contains grievance procedures, correct? Right, it is intended that any existing processes for an individual would remain intact. The university would use whatever process is already in place depending on which category of employee is at issue. There are different processes for different categories of employees.

Regent Logan asked General Counsel Miller to walk through the sections of the proposed policy and talk about the cases or statutory language that helped develop the policy language. The first paragraph defines "social media" and "improper use of social media." The first three romanettes are exceptions the U.S. Supreme Court carved out to identify types of language that is not protected speech. Romanette i. is what the Court calls the fighting words exception, which first came out of *Chaplinsky v. New Hampshire* in 1987. General Counsel Miller stated the language for this policy was kept content neutral as required by the Court in a later case (RAV).

Romanette ii. is an exception that came out of *Garcetti v. Caballos* in 2006 and deals with governmental employees making statements in the course of their official duties. In this context, the Court has held that they are not speaking as private citizens for First Amendment purposes and the Constitution does not insulate their communications from employer discipline.

Romanette iii. is an extension of ii. because it controls the employee's use of or handling of information that they acquire or have access to because of their official position.

Romanette iv. requires a balancing because it applies to speech that is made by an employee but not in the capacity as an employee. It applies to instances in which an employee is speaking as a private citizen on a matter of public concern. General Counsel Miller emphasized that typically this is protected speech but there are instances when that individual's right to speak has to be balanced against the university's or employer's right to be able to efficiently and effectively provide the service that it exists to provide. This language is drawn from *Rankin v. McPherson* (1987), *Pickering v. Board of Education* (1968), *Connick v. Myers* (1983) and *Waters v. Churchill* (1994).

The Board heard comments from the audience. Regent Wilk moved to approve the policy language. Regent Emert seconded, and the motion carried. The following amendments were approved:

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

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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**

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.

The chief executive officer of a state university has the authority to suspend, dismiss or terminate from employment any faculty or staff member who makes improper use of social media. "Social media" means any facility for online publication and commentary, including but not limited to blogs, wikis, and social networking sites such as Facebook, LinkedIn, Twitter, Flickr, and YouTube. "Improper use of social media" means making a communication through social media that:

- i. directly incites violence or other immediate breach of the peace;
- ii. when made pursuant to (i.e. in furtherance of) the employee's official duties, is contrary to the best interests of the University;
- iii. discloses without authority any confidential student information, protected health care information, personnel records, personal financial information, or confidential research data; or
- iv. subject to the balancing analysis required by the following paragraph, impairs discipline by superiors or harmony among co-workers, has a detrimental impact on close working relationships for which personal loyalty and confidence are necessary, impedes the performance of the speaker's official duties, interferes with the regular operation of the university, or otherwise adversely affects the university's ability to efficiently provide services.

In determining whether the employee's communication constitutes an improper use of social media under paragraph (iv), the chief executive officer shall balance the interest of the university in promoting the efficiency of the public services it performs through its employees against the employee's right as a citizen to speak on matters of public concern, and may consider the employee's position within the university and whether the employee used or publicized the university name, brands, website, official title or school/department/college or otherwise created the appearance of the communication being endorsed, approved or connected to the university in a manner that discredits the university. The chief executive officer may also consider whether the communication was made during the employee's working hours or the communication was transmitted utilizing university systems or equipment. This policy on improper use of social media shall apply prospectively from its date of adoption by the Kansas Board of Regents.

c. **Grievance Procedure**

- i Each state university shall establish and publish grievance procedures for use by faculty and staff in appealing employment 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.
- ii The decision of the chief executive officer, or the chief executive officer's designee, concerning any grievance 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.

Other Matters

FORT HAYS STATE UNIVERSITY PRESIDENTIAL PROFILE

President Tompkins presented the proposed advertisement for the Fort Hays State University presidential position. The advertisement lists characteristics and describes the application process. Regent Moran moved to approve, and Regent Bangerter seconded. The motion carried.

(Advertisement filed with Official Minutes)

RECESS

The Chairman recessed the meeting at 3:45 p.m.

RECONVENE

Chairman Logan reconvened the meeting at 9:15 a.m. on Thursday, December 19.

MEMBERS PRESENT: Fred Logan, Chairman  
Kenny Wilk, Vice Chairman  
Shane Bangerter  
Ann Brandau-Murguia  
Mildred Edwards  
Ed McKechnie  
Robba Moran  
Helen Van Etten

MEMBER ABSENT: Tim Emert

INTRODUCTIONS

David Reist, President of Highland Community College, presented each Regent with a bottle of wine from the first vintage of Highland's Enology program.

REPORTS

REPORT FROM SYSTEM COUNCIL OF PRESIDENTS

President Heilman presented the System Council of Presidents' report. The Council received a report from the System Council of Chief Academic Officers. The Academic Officers gave an update on transfer and articulation, the State Authorization Reciprocity Agreement (SARA), and reverse transfer. The System Council of Presidents also discussed reverse transfer and reviewed a proposed policy presented by Board staff. The CEOs discussed credit hour eligibility for reverse transfer and asked that opt-out language be included in the policy.

APPROVAL OF CONSENT AGENDA

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

*Academic Affairs***ADDITIONAL DEGREE GRANTING AUTHORITY FOR COLUMBIA COLLEGE, UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE, WRIGHT CAREER COLLEGE, AND UNIVERSITY OF CINCINNATI**

Columbia College received approval to offer a Master of Education in Educational Leadership.

The University of Maryland University College received authorization to offer the following degrees: 1) Bachelor of Science in Health Services Management, 2) Bachelor of Science in Public Safety Administration, 3) Bachelor of Science in Nursing (RN-BSN), 4) Master of Science in Data Analytics, and 5) Master of Science in Digital Forensics and Cyber Investigation.

Wright Career College received approval to offer a Master of Business Administration at its Overland Park campus.

Authorization was given to the University of Cincinnati to offer an Associate of Applied Science in Health Information Systems Technology, a Master of Arts in Speech Language Pathology, and a Master of Science in Health Informatics.

**CONSIDERATION OF DISCUSSION AGENDA***Presentation***UPDATE ON ENGINEERING INITIATIVE**

Blake Flanders, Vice President of Workforce Development, presented an update on the University Engineering Initiative Act. The Legislation requires the Secretary of Commerce, the Kansas Board of Regents, Kansas State University, University of Kansas, Wichita State University, and private industries to develop a plan to ensure engineering industry partners find new talent, designs and techniques to fuel the economic growth and business success of Kansas. The goal is for the three universities to graduate 1,365 engineering students annually by 2021. Vice President Flanders stated in 2008, the universities graduated 875 engineering students. Using the 2008 number as a baseline, each university will need to graduate 164 additional students to meet the Legislative goal. Vice President Flanders discussed the importance of increasing enrollments, increasing engineering internships, and increasing scholarship dollars awarded to engineering students. He also reviewed the legislative appropriations and noted these appropriations require a dollar for dollar match from non-state sources. An analysis and report of the universities' progress and goal trajectory is due to the Legislature by the beginning of the 2017 regular session.

(PowerPoint filed with Official Minutes)

*Academic Affairs*

NEW DEGREE GRANTING AUTHORITY FOR OREGON STATE UNIVERSITY

Gary Alexander, Vice President of Academic Affairs, presented Oregon State University's request to offer 33 online degrees. Regent Moran moved to approve, and Regent Van Etten seconded. The motion carried. The following online degree programs were approved:

- 1) Bachelor of Arts in Anthropology
- 2) Bachelor of Arts in Economics
- 3) Bachelor of Arts in German
- 4) Bachelor of Arts in Liberal Studies
- 5) Bachelor of Arts in Political Science
- 6) Bachelor of Arts in Psychology
- 7) Bachelor of Arts in Sociology
- 8) Bachelor of Arts in Women, Gender, and Sexuality Studies
- 9) Bachelor of Science in Agricultural Science
- 10) Bachelor of Science in Anthropology
- 11) Bachelor of Science in Computer Science
- 12) Bachelor of Science in Economics
- 13) Bachelor of Science in Environmental Economics and Policy
- 14) Bachelor of Science in Environmental Science
- 15) Bachelor of Science in Fisheries and Wildlife
- 16) Bachelor of Science in General Horticulture
- 17) Bachelor of Science in Human Development & Family Sciences
- 18) Bachelor of Science in Liberal Studies
- 19) Bachelor of Science in Natural Resources
- 20) Bachelor of Science in Political Science
- 21) Bachelor of Science in Psychology
- 22) Bachelor of Science in Sociology
- 23) Bachelor of Science in Women, Gender, and Sexuality Studies
- 24) Master of Education in K-12 Education
- 25) Master of Education in Adult Education
- 26) Master of Science in Counseling
- 27) Master of Science in Fisheries and Wildlife Administration
- 28) Master of Science in Health Physics
- 29) Master of Science in Math Education
- 30) Master of Science in Natural Resources
- 31) Master of Science in Science Education
- 32) Doctor of Education in Community College Leadership
- 33) Doctor of Philosophy in Counseling

APPOINTMENTS TO THE KANSAS PRIVATE POSTSECONDARY ADVISORY COMMISSION

Vice President Alexander presented three candidates to be appointed to the Kansas Private Postsecondary Advisory Commission. Linda Proctor is the Vice President of Global Compensation and Benefits and will represent health occupations. Robert Maxwell is Executive Vice President and Trust Officer of Kaw Valley Bank and will represent business and industry. Nicole Hughes is the owner/operator of 360 Barber College and will represent owner/operator

for institutions under 125 in enrollment. These three individuals will replace Eryn Myrick, Gerald Lauber, and Irene Narvaez, whose terms expire on December 31, 2013. Vice President Alexander noted these are four-year terms that will start on January 1, 2014. Regent Moran moved to approve the appointments. Following the second of Regent Van Etten, the motion carried.

#### KANSAS SYSTEM-WIDE TRANSFER APPEALS PROCESS

Vice President Alexander presented the proposed Kansas System-Wide Transfer Appeals process. The Board directed the Transfer and Articulation Council to develop an appeals process for dealing with situations unresolved at the campus level. Vice President Alexander reviewed the conditions of appeal and the appeal procedures. Regent Moran moved to approve, and Regent Edwards seconded. The motion carried. The following process will be included in the *Kansas Transfer and Articulation Operating Procedures*:

### **Kansas System-Wide Transfer Appeal Process**

#### **Conditions of Appeal**

The Kansas Board of Regents (KBOR) established a Transfer and Articulation Council (TAAC) in 2011, to provide oversight and implementation of the Board's transfer and articulation policy. The TAAC's mission is to create structures and processes that facilitate student transfer and degree completion within Kansas higher education, while assuring quality and adherence to the agreed-upon learning outcomes of system-wide courses. A system-wide appeal process ensures equitable resolution of transfer concerns between institutions, and institutional appeal processes ensure students a clear path for petitioning disputes regarding transfer decisions on individual campuses. Cases may be appealed in which institutions are unable to resolve disagreements regarding transferring a course approved by the KBOR for system-wide transfer. In such cases, the sending institution may submit an appeal to the KBOR Vice President for Academic Affairs within 30 calendar days of notification of the transfer denial.

These conditions are required for system-wide appeals:

- (1) The course being appealed must have been approved for system-wide transfer,**
- (2) The parties must have exhausted the appeal processes at the institutional levels \*(refer to campus websites listed below containing campus level appeal processes), and**
- (3) The sending institution can provide evidence that the decision made by the receiving institution was inconsistent with the Kansas system-wide transfer policy.**

To initiate the statewide appeal process, a written request must be submitted to the KBOR Vice President for Academic Affairs. Each request must include the following documentation:

- Written documentation that the appeal processes and discussions for resolution have been exhausted at both the receiving and sending institutions

- Supporting documents, which could include course descriptions, course syllabi, course objectives, learning outcomes, transcripts or other relevant information
- Rationale from the sending institution as to why the appeal should be supported

### Appeal Procedures

1. Appeals must be submitted by the Provost/Chief Academic Officer of the sending institution to the KBOR Vice President for Academic Affairs, who will refer the appeal to the Chair of the Quality Assurance Subcommittee of the TAAC.
2. The Quality Assurance Subcommittee will review arguments and evidence presented in the appeal at the next regularly scheduled meeting and make a recommendation to the full TAAC either to:
  - a. Uphold the receiving institution's decision to deny the transfer credit in question; or
  - b. Require the acceptance of the transfer credit in question by the receiving institution.
3. The TAAC then reviews the recommendation of the Quality Assurance Subcommittee and makes a decision to approve or deny the appeal. The TAAC will inform all parties involved within two weeks of its decision.
  - a. If the receiving institution accepts the decision of the TAAC, the process ends; or
  - b. If the receiving institution disagrees with the decision of the TAAC, the Provost/Chief Academic Officer can appeal to the KBOR President and CEO, or designee.
4. The President and CEO, or designee, will convene an *ad hoc* Appeal Subcommittee composed of three members of the TAAC, with one of the members being a Regent. No member of the subcommittee may be from an institution involved in the appeal. The President and CEO, or designee, and the *ad hoc* Appeal Subcommittee will review all documentation provided through the statewide appeal process, and will make a final determination, to either:
  - a. Uphold the decision of the TAAC and require the receiving institution to abide by that decision; or
  - b. Overturn the decision of the TAAC, in which the receiving institution is not required to implement the TAAC's decision.

\*The following university websites list individual campus appeal procedures:

<http://www.emporia.edu/regist/com/transferdb.html>  
<http://www.fhsu.edu/admissions/transfer-students/>  
<http://www.k-state.edu/admissions/#p=apply/transfer.html>  
<http://www.pittstate.edu/admission/undergraduate/transfer.dot>  
<http://admissions.ku.edu/credit/transfer/>  
<http://www.washburn.edu/admissions/undergraduate/transfer/transfer-guides.html>  
[http://webs.wichita.edu/?u=academicaffairs&p=/Transfer\\_and\\_Articulation/transferandarticulation/](http://webs.wichita.edu/?u=academicaffairs&p=/Transfer_and_Articulation/transferandarticulation/)

#### RECOMMENDATION ON THE STATE AUTHORIZATION RECIPROCITY AGREEMENT (SARA) FROM THE BOARD ACADEMIC AFFAIRS STANDING COMMITTEE

Vice President Alexander stated the Board Academic Affairs Standing Committee (BAASC) recommends the State of Kansas consider becoming a member of the Midwest Higher Education Compact (MHEC) State Authorization Reciprocity Agreement (SARA) for the benefit of Kansas students and the institutions of higher education. In order to allow such membership by the State, BAASC recommends the Board request the Kansas Legislature to: 1) amend the present Kansas statutes as necessary in order to allow the Board to sign and carry out the terms of the SARA agreement, including making the Board the “portal agency” with all necessary enforcement authority under the SARA agreement; and 2) provide necessary fee and cost recovery authority to the Board for functions related to participation in SARA, and the continued enforcement of the Private and Out-of-State Postsecondary Act, as it becomes necessary. Regent Moran stated BAASC spent a considerable amount of time discussing SARA and moved to approve the recommendation. Regent Van Etten seconded, and the motion carried.

#### Other Matters

#### LEGISLATIVE UPDATE

Mary Jane Stankiewicz, Director of Government Relations and Communications, presented the non-budgetary legislative items for the 2014 legislative session. Last year the Board approved the Emporia State University land sale bill and the University of Kansas land exchange with the KU Endowment Association bill. Both these bills did not make it through the legislative process last year but carry over and are still active for this session. Another bill that is still active from last year is the Midwest Higher Education Commission (MHEC) property insurance bill.

Ms. Stankiewicz also presented some new non-budgetary legislative items for the Board to consider. At the November Board meeting, some Board members were interested in codifying the Board’s 60% attainment goal. The Regents discussed submitting a Concurrent Resolution that captures Foresight 2020 instead of codifying the 60% attainment goal. Regent Wilk and Regent Edwards will work with staff to draft a Concurrent Resolution for the Board to consider at the January Board meeting.

Ms. Stankiewicz stated the Council of Presidents approved amending the referendum statute to allow a CEO to utilize tuition to pay debt service on an academic building without going through the referendum process. Instead of conducting a referendum the CEOs would consult with the student body representatives. This amendment would give the CEOs more flexibility when it comes to funding new academic building projects. Ms. Stankiewicz noted the proposed

amendment would still involve students but in a different manner. Several Board members raised concerns about limiting student involvement. There were also comments expressing a need to give the CEOs more flexibility especially in these difficult financial times. The Board will review the proposed language at the January Board meeting.

Regent McKechnie asked the Board to consider amending the Qualified Admission statute to allow the Board to implement more rigorous admission standards more quickly. He would like to continue this discussion at a future Board meeting.

#### EXECUTIVE SESSION

At 10:32 a.m. Regent Wilk moved, followed by the second of Regent Moran, that the Board of Regents recess into executive session for 60 minutes starting at 10:45 a.m. in the Kathy Rupp Conference Room to discuss personnel matters related to non-elected personnel. Participating in the executive session were members of the Board and President Tompkins. At 11:45 a.m. the meeting returned to open session.

#### ADJOURNMENT

The Chairman adjourned the meeting at 11:45 a.m.

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Andy Tompkins, President and CEO

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Fred Logan, Chair