

KANSAS BOARD OF REGENTS

MINUTES

January 20, 2021

The January 20, 2021, meeting of the Kansas Board of Regents was called to order by Chair Bill Feuerborn at 1:00 p.m. This was a virtual-only meeting, and proper notice was given according to law.

MEMBERS PRESENT:

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

ANNOUNCEMENT

Chair Feuerborn stated that due to the Shawnee County emergency order issued November 12 [and extended January 14], the Board meeting is being conducted pursuant to the Attorney General's regulation for virtual-only meetings. He asked all participants to place their microphones on mute when they are not speaking to allow listeners and observers to hear the meeting unimpeded. Chair Feuerborn stated that participants should ask to be recognized if they have a question or comment and when recognized, the participant should state their name and title so he or she can be identified by the audience. Chair Feuerborn noted for each action item a roll call vote would be taken to be clear how each Regent has voted. However, a roll call vote will not be taken for the approval of the minutes and no motion is needed to adjourn the meeting. It was also noted that there will be no opportunity for public comment during this meeting and no executive session is scheduled.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Regent Kiblinger moved that the minutes of the December 16, 2020 meeting be approved. Following the second of Regent Harrison-Lee, the motion carried.

PRESENTATION

PRESENTATION ON GEORGIA STATE UNIVERSITY'S STUDENT SUCCESS INITIATIVE THAT HAS ELIMINATED ACHIEVEMENT GAPS BASED ON RACE, ETHNICITY, AND INCOME

Dr. Mark Becker, President of Georgia State University, presented information on Georgia State's student success program. Georgia State University comprises six campuses with its main campus located in downtown Atlanta. The five suburban campuses offer associate degrees and its main campus, which is classified as a R1 research university, offers bachelor's degrees and advanced

degrees. Over 54,000 students are enrolled at Georgia State, and the University has one of the most diverse student bodies in the country. President Becker noted the racial mix within the student body is balanced with no majority group and is similar to the racial mix of the State of Georgia. Dr. Becker also noted that 60 percent of the University's students are Pell-eligible.

Dr. Becker stated Georgia State has implemented a model, as part of its strategic plan, that has been successful in helping students from all backgrounds succeed and graduate in record numbers. The model is student centered and data driven. However, President Becker noted the success of the model only occurred because the University made significant shifts in academics, advising, and student services.

Under academics, the University realized that freshmen were feeling overwhelmed on a large campus, so strategies were introduced to connect students to each other and to the University. Dr. Becker stated when students register, they are required to enroll in one of seven meta majors: STEM (science, technology, engineering and math), Arts & Humanities, Health, Education, Policy & Social Science, and Exploratory. Once students have selected their meta-major, they are given a choice of several block schedules, which are pre-populated course timetables including courses relevant to their first year of study. On the basis of their timetable selection, students are assigned to Freshman Learning Communities consisting of 25 students who are in the same meta major and take classes according to the same block schedules. Dr. Becker noted the curriculum in these pathways helps students decide what degree path they want to pursue. He also stated that the University uses predictive analytics to identify students admitted to the fall freshman class who are academically at risk and require these students to attend their Summer Success Academy, which includes many different student support services. President Becker reported that students who have gone through the Academy are better academically prepared and have a high retention rate. Dr. Becker also discussed the University's academic coaching and peer tutoring efforts.

When it comes to academic advising, Dr. Becker stated the University moved to centralized advising for the freshman and sophomore years because under the old system, the data showed that students were not getting the advice they needed to make good decisions, resulting in students taking classes they did not need or staying in a major that was not a good fit for them. Georgia State University's Advising Center employs professional advisors who are specialized in the different academic pathways. Their advising system uses predictive analytics and contains more than 800 alerts to track student activities and identify at-risk behaviors. When an alert is flagged by the system, both the advisor and student will get a message, which allows the advisor to contact the student in a timely manner. The advisor and student can then discuss any issues and determine the best course of action to help the student.

President Becker then discussed changes that Georgia State has implemented in its student services. Based on its data, the University noticed that hundreds of students who were admitted to the University were not showing up to the campuses. The University discovered that barriers like completing the FAFSA were preventing some students from starting college. To address these issues, the University began using an AI communication system. The system integrates university data with required tasks that students need to complete. Dr. Becker stated the system sends a text to students if the data indicated that they have not completed a required task such as submitting their FAFSA. The AI system then sends those students information about applying for financial

aid and a step-by-step process on how to complete the form. Dr. Becker noted that students who have completed a task would not receive any notification. He also stated that the AI system is built to address a large range of issues, challenges, and questions that students may have, and it can answer an inquiry within seconds of receiving it. However, if the student asks a question that the system does not recognize, the system forwards it to a person for follow up. President Becker stated another student service that the University implemented was retention grants. These grants are provided to junior or senior students who are facing financial difficulties that may prevent them from graduating.

President Becker stated that over the last twelve years, the University has dramatically increased graduation rates and eliminated disparities because of the changes it implemented. He spoke about the importance of having strong leadership and noted that Georgia State has a Senior Vice President who is charged to deliver the Student Success Initiative. He also stated that the model can and has been replicated at other institutions and that institutional leaders can reach out to the University's National Institute for Student Success for more information on Georgia State's model.

Regent Harrison-Lee thanked Dr. Becker for his presentation and asked whether the University had difficulty scaling the programs that were either implemented or changed. Dr. Becker stated that in order for a university to be successful with this model, the president needs to be personally involved and committed to the process because there will be push back. Regent Hutton asked about Georgia State's admission policy and level of academic support that students require. Dr. Becker stated that Georgia State admits almost all students who apply because they are either enrolled at its main campus or at Perimeter College, which offers associate degrees. He also noted that the University successfully replicated its model at Perimeter College after the two entities were consolidated four years ago, which resulted in higher graduation rates and the elimination of achievement gaps based on race, ethnicity and income at the College. President Becker stated the Summer Success Academy is a valuable intervention tool, but the University is only able to enroll the bottom five percent of the freshman class because of financial constraints. The Board also discussed the advising system and how Georgia State coordinates with local high schools. Chair Feuerborn thanked Dr. Becker for his presentation on Georgia State's student success model.

(PowerPoint filed with Official Minutes)

GENERAL REPORTS

REPORT FROM CHAIR

Chair Feuerborn welcomed everyone back from their holiday break. He stated that as the spring semester begins, the higher education system will still face challenges related to the COVID-19 pandemic. However, he is optimistic that the vaccine, which is being distributed in phases, will reduce the number of COVID cases in Kansas over time.

REPORT FROM PRESIDENT AND CEO

President Flanders reported that Board staff has begun compiling data for the first *Building a Future* report, which will be presented to the Board next month. He stated that since this is the first year of the strategic plan, the report will contain baseline data for most of the metrics. He

also noted that under Pillar II the institutions are selecting three to five programs that meet the sustaining wage and high demand criteria, and those programs will be listed in the first report.

REPORT FROM SYSTEM COUNCIL OF PRESIDENTS

President Rittle reported that the System Council of Presidents received an update from the System Council of Chief Academic Officers regarding systemwide transfer, the Ad Astra Micro-Internship Program, and the College Board CLEP report. President Flanders then reminded the CEOs that each institution must submit three to five programs that meet the sustaining wage, high demand criteria for the Talent Pipeline metric in the new strategic plan, *Building a Future*, and noted the first report of the new plan will be presented to the Board in February. The Council also received an update from colleges on their progress to align spring breaks. President Genandt reported the technical colleges will align with the university spring break schedules that were approved last month. President Rittle stated that the majority of community colleges will be in alignment by 2023.

REPORT FROM COUNCIL OF PRESIDENTS

Interim President Muma presented the Council of Presidents report. The Council received reports from the Council of Chief Academic Officers, Council of Business Officers, Council of Student Affairs Officers, Council of Government Relations Officers, and the Council of Chief Diversity Officers. The Academic Officers reviewed several programs and approved multiple program consolidations requested by Pittsburg State University. The Business Officers continue to monitor funds associated with the COVID-19 pandemic and reported that the leave provision in the Families First Coronavirus Response Act expired on December 31, 2020 and was not extended. The Government Relations Officers reported on the start of the legislative session, and the Student Affairs Officers discussed student programs that have been eliminated because of the pandemic and the impact of the Governor's proposed budget for higher education. The Diversity Officers will discuss their strategic initiatives during a roundtable discussion on February 10. They also reported that the Michael Tilford Conference will be held at the University of Kansas this year. The Council then discussed the state's vaccine distribution phases and expressed their disappointment that faculty and staff at the higher education institutions were not included as a priority group.

The Council of Presidents approved the following degree programs: 1) Emporia State University's Bachelor of Arts in interdisciplinary Entrepreneurship, and 2) Pittsburg State University's Associate of Applied Sciences in Career & Technical Education. These programs will be forwarded to the Board for consideration at a future meeting.

REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS

Aleks Sternfeld-Dunn reported that the Council of Faculty Senate Presidents discussed the proposed temporary amendments to the Suspensions, Terminations, and Dismissals policy, which was discussed at the Governance Committee meeting. The Faculty are deeply concerned with the language in the policy and are unanimously against its adoption. They believe the proposed amendments will essentially suspend tenure for a year and will set a dangerous precedent moving forward. The Council stated that the policy will bring unwanted national attention and may negatively impact recruitment efforts at the universities. They believe implementing the policy will damage faculty morale and lead to numerous lawsuits. Dr. Sternfeld-Dunn reported even

though this is a temporary policy amendment, the Council is concerned that it may become a permanent policy in the future. The Faculty also believe there are other options the Board and universities could deploy to address the financial issues at the universities. Dr. Sternfeld-Dunn noted that each of the universities already have a financial exigency policy and a chronic low performance of faculty policy. The Council asked the Board to either table the proposed policy amendments so that more discussion can take place or vote against its implementation.

REPORT FROM STUDENTS' ADVISORY COMMITTEE

Rija Khan presented the report for the Students' Advisory Committee. The Committee discussed its legislative items for the students' Higher Education Day at the Statehouse and the Board's draft freedom of expression statement. The Committee reported that it would like the freedom of expression statement to apply to all individuals on the campuses and not just the students. The students feel it is important to have one statement for everyone and plan to submit their recommendations to Board staff.

REPORT FROM THE COMMUNITY COLLEGES

President Rittle stated that as the community colleges begin the spring semester, they will be implementing many of the same COVID-19 procedures that were used during the fall semester. Some of the colleges will offer COVID-19 testing to students when they return to campus including the students who will be staying in the dorms, and many are implementing mask requirements. Regarding vaccine distribution, President Rittle reported that the colleges are working with their local county officials to help determine when their faculty and staff will be eligible to receive the vaccine. President Rittle also reported that the Kansas Jayhawk Community College Conference moved the majority of the fall sports to the spring semester. Competitions will begin on February 5 and the colleges are working to accommodate the student athletes' academic needs.

REPORT FROM THE TECHNICAL COLLEGES

President Genandt reported that the technical colleges have started their spring semester and the majority of their classes are being taught in-person. Some colleges are offering online and hybrid options specifically for general education courses or lectures. President Genandt stated that secondary student enrollments are slightly down because of scheduling changes at the high schools and because of restrictions on in-person recruiting. Some of the colleges were able to conduct virtual recruiting events but those were not as effective as in-person events. Additionally, President Genandt reported that the same safety and COVID testing procedures are being used this semester.

REPORTS FROM THE UNIVERSITY CEOS

Chancellor Girod reported that classes began at the KU Medical Center on January 19 and will begin at the Lawrence and Edwards campuses on February 2. Spring break was incorporated into the winter break schedule for the two campuses, which is why they are starting later. The Chancellor stated that the processes and protocols related to COVID will be the same as last semester's including mask mandates and social distancing requirements. Regarding COVID testing, all the campuses are requiring entry testing for anyone returning to campus so that positive cases can be identified. Testing has already taken place at the Medical Center and will be completed by February 9 for the other campuses. Dr. Girod stated that at the end of last semester,

the University sent test kits home with the students who will be returning to the dormitories and Greek housing facilities. With regard to class offerings, the University will continue to have a mix of in-person, hybrid, and remote learning options. Chancellor Girod reported that the University is prepared to help with the distribution of the COVID-19 vaccine and noted that several hundred of the University's pharmaceutical students are certified to give vaccinations. The University will continue to work with the Douglas County Health Department and will offer to assist if needed. Additionally, Chancellor Girod reported that earlier this month the University launched the Center for Certification & Competency-Based Education. The Center will develop a framework to gather information about the knowledge, skills and dispositions that employers desire from workers in particular fields, assess the competencies that learners gain, and validate that learners have mastered certain competencies so businesses can be confident that employees will be successful in their jobs. Dr. Girod stated Diane DeBacker and Neal Kingston will lead this new Center. Chancellor Girod also acknowledged the work of Dr. Barney Graham, who is the NIAID Deputy Director of the Vaccine Research Center and led the design team of the COVID-19 vaccine.

Emporia State University will begin its spring semester on January 25. President Garrett stated like many of the other universities, ESU adjusted its academic calendar to eliminate the traditional spring break week in March. Instead the University extended the students' winter break and incorporated a few short breaks during the spring semester. President Garrett expressed her disappointment that the State did not prioritize higher education's faculty and staff in the early vaccine distribution phases and noted that employees who do qualify for the early stages are encouraged to get the vaccine. President Garrett reported that ESU will operate in the same manner as it did last semester regarding safety protocols and COVID-19 testing. The teaching formats will also be similar with 74 percent of classes being taught in-person, 20 percent being taught in a hybrid format, and six percent being taught completely online. President Garrett also announced that ESU's Provost, David Cordle, is retiring and that the University is conducting a national search to fill the position.

President Myers reported that students at Kansas State University will start the spring semester on January 25. Classes will be conducted entirely online for two weeks to help mitigate the spread of COVID-19 in the community. President Myers stated that student services such as on-campus housing, libraries, recreation centers and the Lafene Health Center will be operational on January 25, and that the University plans to return to the hybrid and in-person teaching modalities used in the fall semester after the two-week period on February 8. He also reported that KSU has expanded its symptomatic and asymptomatic testing procedures. This semester the University will set up testing sites in the Student Union and dormitories including Greek housing, which are more convenient locations for students. KSU has also offered to help the county with vaccine distribution if it is needed. Additionally, President Myers announced that in 2020 the University's School of Engineering graduated a record-setting 782 students. President Myers stated the increased number of graduates over the years is a direct result of the state's Engineering Initiative, and he hopes the Legislature will renew the Initiative, which is set to expire in 2022.

Pittsburg State University began its spring semester this week. President Scott noted that the University decided to adjust its academic calendar to move the traditional March spring break to the end of the semester. With this adjustment, the PSU will end its semester early on May 7. President Scott spoke about the impact of COVID-19 including the loss of life within the campus

community. PSU continues to work with its local health department on safety protocols for the campus. President Scott noted that the health department supports its plan for in-person instruction, which will be 57 percent of its classes. He also announced that his President Council meetings are in-person because he believes that if the students, faculty, and staff are meeting in-person then the leadership of the University needs to do the same.

Interim President Muma reported that Wichita State University developed its COVID-19 protocols last summer for the fall and spring semester. In order to mitigate the spread of the virus, WSU will begin classes on February 1, and courses will be offered in several formats: in-person, online, and hybrid. Dr. Muma stated out of an abundance of caution and concern for the health, safety, and well-being of the entire campus community, the University has eliminated its traditional spring break in March. The last day of the semester will be May 6 with finals taking place the following week. Dr. Muma noted that WSU has scheduled its May commencement ceremony for May 15, but the date and format are subject to change. Dr. Muma reported that the University's Student Government Association has designated two weeks during the semester as wellness weeks. During this time, information and resources will be promoted, such as counseling, testing, and staying connected with friends and classmates. Regarding COVID testing, WSU's Molecular Diagnostic Laboratory is able to process 3,000 specimens a day from individuals on the WSU campus and from the community at large. The Lab is able to produce results within 24-hours or less.

President Mason reported that Fort Hays State University did not adjust its academic calendar for the spring semester and noted that classes started earlier this week. She stated that when the University returned from its fall semester break there were two weeks left in the semester and only three students were in isolation and one student was in quarantine. The testing protocols for the spring semester include voluntary re-entry testing, surveillance testing, and symptomatic testing. Dr. Mason stated that the University worked with its local county health administrator to gain access to vaccines for its student health employees, nurses, and allied health students who will be in clinicals. She reported that the Fort Hays State Student Health Center is applying to become an approved vaccination site. President Mason also reported that the University's internal critical incident group and external medical advisory group continue to be active.

BREAK

The Chair called for a ten-minute break at 3:18 p.m. and resumed the meeting at 3:28 p.m.

STANDING COMMITTEE AND OTHER REPORTS

ACADEMIC AFFAIRS

Regent Kiblinger presented the Board Academic Affairs Standing Committee report. The Committee approved the University of Kansas' request to seek accreditation for its Bachelor of Science in Interior Architecture, which is on the Board's consent agenda. Board staff presented the Qualified Admissions report, which contained data from the 2019-2020 academic year. Fort Hays State University and the University of Kansas presented information on their low enrollment programs. These programs will be placed on the Board's February agenda for discussion and action. The Committee also discussed revising Board policy to address cases when a university wants to offer an associate degree. The proposed revision would allow the two-year colleges the

opportunity to provide written feedback during the approval process. Regent Kiblinger noted the Committee will continue to discuss the approval process at a future meeting.

FISCAL AFFAIRS AND AUDIT

Regent Rolph presented the Fiscal Affairs and Audit Standing Committee report. The Committee received its annual update on the state's investment in the following research programs: Kansas State University's Veterinary Medical Center, Kansas State University's Global Food Systems, Wichita State University's Aviation Research, and the University of Kansas Medical Center's Cancer Center. Representatives from each university discussed how the state's investment has impacted their programs. Each of the internal auditors at the state universities presented an annual report to the Committee. The auditors explained how they are functioning under current circumstances, reviewed their university's transactional financial activity and internal controls, and discussed how their staff are being trained to reduce findings. The auditors are also looking at ways to keep IT systems secure and are monitoring Title IX processes. Regent Rolph noted the Committee encouraged the auditors to contact them directly about any concerns on their campuses. Director Bristow then provided the Committee with an overview of the biennial facilities report, which is on today's Board agenda, and the Committee heard from Fort Hays State University, Wichita State University, Kansas State University, and the KU Medical Center on how the campuses plan to correct their audit findings in this year's state financial audit.

GOVERNANCE

Regent Feuerborn reported the Governance Committee reviewed a new Board policy that outlines the Board's involvement when a state university changes from one athletic conference to another. The policy will be placed on the Board's February agenda for consideration. The Committee also reviewed and approved a new temporary COVID-19 related policy that will provide an additional tool for addressing financial difficulties and low enrollment on the state university campuses. Regent Feuerborn then amended the agenda to place the proposed policy on today's agenda immediately before the Wichita State University Presidential Profile item, which will make the proposed policy the new item D.1. of the Discussion Agenda. Regent Feuerborn then reported that the Committee discussed changes to the annual CEO assessment tool. Data related to the Board's new strategic plan, *Building a Future*, will be incorporated into the tool, and each CEO is being asked to address their university's data in their self-assessments. The Committee also received the annual campus safety and security reports from Pittsburg State University, the University of Kansas, and the University of Kansas Medical Center and approved a new restricted access area for KU's Lawrence campus.

APPROVAL OF CONSENT AGENDA

Regent Kiblinger moved, with the second of Regent Van Etten, that the Consent Agenda be approved. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Feuerborn, Regent Harrison-Lee, Regent Murguia, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried.

*Academic Affairs*ACCREDITATION FOR BACHELOR OF SCIENCE IN INTERIOR ARCHITECTURE – KU

The University of Kansas received approval to seek accreditation for its Bachelor of Science in Interior Architecture with the Council for Interior Design Accreditation. The estimated cost for accreditation is between \$4,400 to \$7,300 with an annual accreditation fee of \$2,200.

CONSIDERATION OF DISCUSSION AGENDA*Presentation*UPDATE FROM THE KANSAS INDEPENDENT COLLEGE ASSOCIATION

Matt Lindsey, President of the Kansas Independent College Association, presented an update on the Kansas independent colleges. The independent colleges are private institutions that are exempted from the Kansas Private and Out-of-State Postsecondary Educational Institution Act, which the Board administers. All the independent colleges offer undergraduate degrees, have open admissions, and are domiciled in Kansas. The institutions receive no state support, but students are eligible for some state-based student aid funds. Mr. Lindsey reviewed enrollments, student demographics, the number of degrees and certificates awarded, and student debt rates for these institutions.

(PowerPoint filed with Official Minutes)

*Academic Affairs*LOW ENROLLMENT PROGRAMS REVIEWED UNDER STRATEGIC PROGRAM ALIGNMENT – KSU & WSU

Daniel Archer, Vice President for Academic Affairs, stated that in June 2020, the Board endorsed a plan to review low-enrollment programs under its strategic program alignment policy. A low-enrollment undergraduate program is defined as a program with less than 25 juniors and seniors majoring in it. He noted that 60 programs at the state universities were identified as low-enrollment and the Board directed the universities to assess these programs based on the following criteria: essentiality, productivity, and cost effectiveness. Dr. Archer stated that Kansas State University and Wichita State University have completed their internal review of their programs and will present their recommendations. Dr. Archer noted that under the strategic program alignment policy, the Board decides the final outcome of these programs.

Provost Taber reported that Kansas State University reviewed seven programs under the strategic program alignment: Associates in Applied Business, Bachelors in Humanities, Bachelors in Physical Sciences, Bachelors in Medical Laboratory Science, Bachelors in Statistics, Bachelors in American Ethnic Studies, and Bachelors in Gender, Women, & Sexuality Studies. Through its review, the University considered the Board's minima for majors and graduates, the interdisciplinary nature of each program, its contribution to general education, its contribution to KSU's mission, and its financial impact (student credit hours produced). He also noted that over

the last five years, KSU has eliminated 15 programs through its program review process. Provost Taber then reviewed each of the University's recommendations for the programs currently under review.

The Bachelors in Humanities and Bachelors in Physical Sciences are both interdisciplinary courses that do not have faculty solely dedicated to them. Neither of the programs cost the University additional funds to operate and both bring in tuition revenue. Provost Taber stated the strength of these programs is that they offer a pathway to graduation for students who are undecided on a major, which is why KSU recommends continuing both of programs. The Bachelors in Medical Laboratory Science is another interdisciplinary course that has a slight cost associated with it because it has a part-time student advisor. Provost Taber stated that students who graduate from this program have 100 percent placement with excellent salaries. The University believes with enhanced marketing, it can grow enrollment in this degree program and therefore KSU recommends continuing the program. The Associates Degree in Applied Business started in 2019 and is a pathway course to the University's Bachelors in Applied Business and Technology Management. All the courses in the Associates Degree count toward the bachelors program, and the program adds no additional cost to the University. KSU recommends continuing this program. The Bachelors in Statistics is a revenue earner for the University because it is part of the general education curriculum that nearly every major uses. Provost Taber noted that students also have a variety of job opportunities upon completion of the program, which is why KSU recommends continuing the program. Provost Taber reported that the Bachelors in American Ethnic Studies and Bachelors in Gender, Women and Sexuality Studies are both are interdisciplinary programs. He stated that both departments offer their own courses, but other departments can offer courses in each major. The two Departments contribute to the general education mission for diversity and supports the University's mission on diversity and inclusion. Regarding costs, both departments are small and have a slight net gain revenue. Provost Taber stated that KSU believes these programs enrich the University even though their graduation rates are low and because of those reasons, the University is considering combining the two programs. Provost Taber stated faculty will begin the process of looking at the two degrees and the options for combining the departments. He stated that fall 2022 is the estimated timeframe to complete the process.

Regent Kiblinger thanked Provost Taber for including the financial and enrollment information in his presentation. She then expressed her concern that the recommendation language on the Bachelors in American Ethnic Studies and Bachelors in Gender, Women and Sexuality Studies is vague on whether KSU is going to merge these two programs. She is also concerned about the long timeline. Provost Tabor stated that the faculty are looking at the plan now, but it does take time to combine two departments because programs will need to be discontinued and new programs will need to be approved. He also noted that KSU wanted to hear from its faculty before committing to the merger, but he believes the merger will take place after the review process. Regent Hutton asked Provost Taber to provide more information to the Board on the 15 programs that were eliminated. He wants information on any changes in faculty and the overall cost savings. Regents Harrison-Lee and Van Etten also expressed their concerns with the vague language and long timeline for the merger. Regent Harrison-Lee noted that the pandemic has shown that university leaders can make important impactful decisions very quickly that produce immediate change. President Myers stated he understands the Regents concerns but noted the internal processes at the University are important especially when combining departments. Regent

Harrison-Lee stated she believes the faculty review is a critical part of the process and that it should not be overlooked but would like KSU to bring a tighter timeline on this process back to the Board this fall. Regent Kiblinger then moved to accept KSU recommendations with the following amendment: the University will move forward with merging the Bachelors in American Ethnic Studies and Bachelors in Gender, Women and Sexuality Studies. KSU will also provide the Board, in the fall of 2021, with a tighter timeline on the merger. Regent Harrison-Lee seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Feuerborn, Regent Harrison-Lee, Regent Murguia, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried.

Interim Provost Lefever stated that Wichita State University reviewed three programs under this process: Manufacturing Engineering, which was renamed Product Design and Manufacturing Engineering; Honors Baccalaureate/Multi-Interdisciplinary Studies; and Philosophy. The Product Design and Manufacturing Engineering Bachelor of Science program was created in 1994 because of the importance of manufacturing to the economy in the region. Five year ago, WSU began the process of revamping this program because manufacturing was evolving. Dr. Lefever stated that the changes in the program have increased enrollments and graduation rates, and noted that WSU recommends continuing this program. The Honors Baccalaureate is an Interdisciplinary program that is the only program of its kind in the region. To grow enrollments, new courses and pathways are being developed. Dr. Lefever stated WSU recommends continuing this program. Provost Lefever reported that the Department of Philosophy plays a central role in WSU's mission, strategic plan, and goals. It supports many of the courses offered at the University and currently has nine faculty dedicated solely to its BA program. Dr. Lefever stated the overall quality of the Philosophy Bachelor of Arts program is excellent, and the Department's goal is to steadily increase the number of majors and graduates. Therefore, the University recommends continuing the program.

Regent Kiblinger moved to accept Wichita State University's recommendations. Regent Van Etten seconded. Regent Hutton stated he is concerned with the recommendation for the Philosophy program because WSU has not explained how it is going to increase enrollments and graduation rates. He noted he is fine with continuing the program for now but believes the University should provide a progress report on the program next year. Regent Harrison-Lee concurred with Regent Hutton. Following discussion, Regent Hutton offered an amended motion to accept WSU's recommendations and directed WSU to report to the Board next year on the progress of its Philosophy program. Regent Kiblinger seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Feuerborn, Regent Harrison-Lee, Regent Murguia, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried.

(PowerPoints filed with Official Minutes)

COURSES FOR SYSTEMWIDE TRANSFER

Vice President Archer reported that the Transfer and Articulation Council reviewed the Kansas Core Outcomes Groups report and approved outcomes for eight additional courses to be recognized for transfer across the Kansas Board of Regents System. Regent Bangerter, who is the Board's liaison on the Transfer Council, expressed his appreciation for the work that the Council

and the Core Outcome Groups continue to do on transfer. He stated the next step and a priority for the Board is to begin the process of transferring courses into programs, which will benefit students. Regent Bangerter then moved to approve the eight new transfer courses. Regent Schmidt seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Feuerborn, Regent Harrison-Lee, Regent Murguia, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried. The following courses are approved for systemwide transfer effective summer 2021:

- BUS1030 Principles of Marketing
- CRJ2010 Criminal Law
- EDU2010 Children's Literature
- MAT0990 Intermediate Algebra
- PSI2010 Meteorology Lecture and Lab (combined)
- PSI2011 Meteorology Lecture
- PSI2012 Meteorology Lab
- REL1020 Old Testament

AMEND AGENDA

Due to time restrictions, Chair Feuerborn tabled the report on the FAFSA completion initiatives to the February Board agenda.

Fiscal Affairs and Audit

REPORT ON STATE UNIVERSITY BUILDING INVENTORY, SPACE UTILIZATION AND FACILITIES CONDITION

Chad Bristow, Director of Facilities, stated the Board of Regents is required by statute to submit biennial reports to the Legislature that include an inventory of buildings and space utilization information as well as a report on deferred and annual maintenance. This report was submitted to the Legislature on January 14 and contains information from the Facility Condition Assessment Report and the Space Utilization Study.

Other Matters

TEMPORARY PANDEMIC-RELATED AMENDMENTS TO THE SUSPENSIONS, TERMINATIONS AND DISMISSALS POLICY

General Counsel Julene Miller presented the proposed temporary amendments to the Suspensions, Terminations, and Dismissal policy. She stated that since the beginning of the pandemic, the Board has expedited temporary COVID-related adjustments to several policies. The proposed amendments on today's agenda are being forwarded because of the extreme financial pressures that the state universities are facing due to the COVID-19 pandemic, decreased program and university enrollments, and the state's declining fiscal support. General Counsel Miller stated the proposed amendments would create an additional tool for the CEOs to use as they deal with the financial challenges at the universities and noted that the provisions in the amendment would be effective only through December 31, 2021. She then reviewed the new language in the policy, which applies to all university employees, and highlighted that any university CEO who chooses to implement the policy would have 45 days after the Board's approval to submit a framework for

the university's decision-making process. The Board would then approve the framework before it can be utilized on the campus.

Regent Schmidt wanted clarification on what actions would cease on the expiration date specifically when dealing with an appeal process. He also stated that this policy requires the CEO to develop a framework that the Board will approve, and he wanted to know whether there is an expectation that faculty will be involved in the framework development process. General Counsel Miller stated that the expiration date halts the actions of the CEO utilizing the policy and has no effect on appeals submitted in accordance with the policy process. As far as developing the framework, the policy only states that the CEO will develop a framework. It does not specify how a university will develop the framework. She also clarified that the policy is not directed solely at faculty. It applies to all categories of employees on the campuses. Regent Kiblinger stated that it is her understanding that the provisions in the policy cannot supersede any contractual agreements or bargaining unit agreements that are in place. General Counsel Miller stated that it would depend on how each agreement is written but noted that contractual obligations would need to be honored. Regent Kiblinger thanked the faculty for their comments and noted that the proposed policy seems to fill a gap in process for some employee groups who may not currently have an appeal process through other university policies. Regent Bangerter stated that he understands that the proposed policy is very extreme, but it is needed because the universities are facing extreme financial challenges, including the Governor's current recommendation to cut approximately \$13 million in state funding. He stated that he and the other Board members understand the gravity of this decision and noted that no one wants to let valuable employees go. He knows that if a university chooses to implement this process, that the CEO will do it judiciously and through as much process as possible. His hope is that the universities will receive additional state or federal funding or that enrollment will begin to grow so that the policy is not needed. Regent Bangerter concluded by stating that the Board is trying to set the universities on a course so that they not only survive but also thrive in the future. Regent Hutton stated he appreciated the comments by the Chair of the Council of Faculty Senate Presidents, Dr. Sternfeld-Dunn, regarding the other options for collaboration at the universities. He noted that this policy does not eliminate the use of those other options but instead provides the CEOs with an additional tool to deploy to ensure the financial strength of the university. Regent Hutton stated the proposed policy is not a threat to tenure because tenure does not mean that a job is guaranteed regardless of financial circumstances. Tenure was put in place to ensure academic freedom, which the Board highly values, and handcuffing a university's ability to ensure financial strength in the name of tenure is counter to its purpose. Regent Hutton stated that he believes that the financial challenges are going to continue beyond 2021, and he suggested changing the expiration date in the policy to December 31, 2022, which will allow the Board and the universities additional time to evaluate financial ramifications related to the pandemic. Regent Harrison-Lee stated that she was pleased that the policy includes a process for the Board to approve the framework, which will ensure that there is transparency and equity. She noted that she values all the contributions that faculty and staff provide to the universities, but the universities are in a position where they need to be leaner, more efficient, and more effective. Regent Harrison-Lee stated that she sees this policy as another option for the CEOs during these unprecedented times. Regent Schmidt stated he appreciated the faculty's comments and noted that if a university decides to implement this process, he believes it is important for a university to gather feedback from its faculty when developing its framework. Following discussion, Regent Hutton moved to approve the policy amendments as proposed but

with the expiration date changed to December 31, 2022. Regent Van Etten seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Feuerborn, Regent Harrison-Lee, Regent Murguia, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangarter. The motion carried. The following policy amendments were approved:

CHAPTER II: GOVERNANCE - STATE UNIVERSITIES

C. CHIEF EXECUTIVE OFFICER, FACULTY AND STAFF

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

The chief executive officer of any state university, before making any suspensions, dismissals or terminations under this provision and within 45 days of the effective date of this provision, shall present to the Board for approval a framework for the university's decision-making under this provision. Once approved, that framework shall be used for any suspension, dismissal, or termination under this provision. Frameworks for decision-making shall be determined by each state university's chief executive officer and may be based on factors such as, but not limited to, performance evaluations, teaching and research productivity, low service productivity, low enrollment, cost of operations, or reduction in revenues for specific departments or schools.

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

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

(3) The employee must submit the appeal to the Board office within 30 days of receiving notice of the employment action. The initial submission must include a copy of the notice of the action being appealed and a written statement, including any relevant supporting evidence or documentation, setting forth the reasons the employee believes the decision to suspend, dismiss, or terminate the employee (a) is substantially inconsistent with the university's decision-making framework approved by the Board, (b) was the result of unlawful bias or discrimination; or (c) was otherwise unreasonable, arbitrary or capricious. These shall be the only grounds for reversing the state university chief executive officer's decision. The employee shall provide a copy of the appeal and supporting evidence and documentation to the university's chief executive officer at the time the appeal is submitted.

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

(5) Within 10 days of receiving the university chief executive officer's response, the Board office shall refer the appeal to the Office of Administrative Hearings, which shall provide a hearing and decide the case based on the

standards stated in this policy and in the university's Board-approved framework. The Board shall provide a copy of the submissions to the Office of Administrative Hearings, along with a copy of this policy and the decision-making framework approved by the Board. The state university shall be responsible for fees charged by the Office of Administrative Hearings.

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

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

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

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.

WICHITA STATE UNIVERSITY PRESIDENTIAL PROFILE

Regent Schmidt introduced the draft Wichita State University Presidential Profile. The Presidential Profile is a recruitment document that contains information about the University and the City of Wichita. It describes the responsibilities of the WSU president and lists the desired presidential attributes. Regent Schmidt stated that the WSU Presidential Search Committee provided its feedback on the proposed Profile at its first meeting and noted that the target submission date for anyone who is interested in the position is March 8, 2021. He noted that once the Board approves the profile, the search consultants will begin the recruitment phase. Regent Schmidt then moved to approve the WSU Presidential Profile. Regent Harrison-Lee seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent

Feuerborn, Regent Harrison-Lee, Regent Murguia, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried.

(WSU Presidential Profile filed with Official Minutes)

LEGISLATIVE UPDATE

Matt Casey, Director of Government Relations, reported that the Legislative session began on January 11, 2021. Director Casey stated that the Board's non-budgetary legislative items have been introduced and hearings have already been scheduled for the Private Postsecondary bill, the concurrent enrollment bill, and the Promise Act. He noted that the Engineering Reauthorization bill was introduced in the House Appropriations Committee and is awaiting a hearing date. Vice President Frisbie then gave an overview of the Governor's proposed budget, which cuts the higher education system by \$37 million. Under this budget, the universities would receive a 5.5 percent cut, the Board office would be reduced by 5 percent, and the coordinated institutions would be cut by two percent. Vice President Frisbie noted that the Governor's budget does include a \$10.2 million operating grant appropriation to the Board.

ADJOURNMENT

Chair Feuerborn adjourned the meeting at 5:40 p.m.

Blake Flanders, President and CEO

Bill Feuerborn, Chair