

## **KANSAS BOARD OF REGENTS**

### **MINUTES**

November 18, 2020

The November 18, 2020, meeting of the Kansas Board of Regents was called to order by Vice Chair Cheryl Harrison-Lee at 1:30 p.m. This was a virtual meeting, and proper notice was given according to law.

**MEMBERS PRESENT:** Cheryl Harrison-Lee, Vice Chair  
Shane Bangerter  
Ann Brandau-Murguia  
Mark Hutton  
Shelly Kiblinger  
Jon Rolph  
Allen Schmidt  
Helen Van Etten

**MEMBER ABSENT:** Bill Feuerborn, Chair

### **ANNOUNCEMENT**

Vice Chair Harrison-Lee stated that due to the Shawnee County emergency order issued November 12, the Board meeting is being conducted pursuant to the Attorney General's regulation for virtual-only meetings. She asked all participants to place their microphones on mute when they are not speaking to allow listeners and observers to hear the meeting unimpeded. Vice Chair Harrison-Lee 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. Vice Chair Harrison-Lee 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 October 14, 2020 meeting be approved. Following the second of Regent Rolph, the motion carried.

### **GENERAL REPORTS**

#### **REPORT FROM CHAIR**

Vice Chair Harrison-Lee reported that the end of the semester is approaching and thanked all the faculty, staff and administrators at the universities and colleges for their work. She noted it has been a difficult semester, but the procedures the institutions put in place to address COVID have allowed students to continue their education with in-person, hybrid, and online course options. Vice Chair Harrison-Lee also thanked the students for following the COVID safety protocols on

the campuses. She then stated that the pandemic will continue to pose challenges for higher education, but the system will keep working collectively to safeguard the health and safety of everyone at the institutions and deliver the quality education that students deserve.

#### REPORT FROM SYSTEM COUNCIL OF PRESIDENTS

President Rittle reported the System Council of Presidents received an update from the System Council of Chief Academic Officers. The Academic Officers reported the Kansas Core Outcome Group, a faculty led discipline-specific group, met in October and recommended six new courses for inclusion in the Kansas systemwide transfer list. These courses will continue to move through the approval process. They noted that the Kansas Board of Regents signed a contract with Open Education Network for access to its Open Textbook Library and provided an update on the Apply Kansas initiative. The System Council of Presidents then discussed aligning the system's spring break schedule beginning in spring 2022. The CEOs had no issues moving this initiative forward, but it was noted that some institutions may not be able to adjust their calendars until 2023 because their 2022 calendars are currently aligned with the school districts in their county. The CEOs also requested that the Board consider moving its March meeting so that it does not coincide with spring break. The final topic the Council discussed was strategies for closing the enrollment and graduation equity gaps. It was decided that the Council will bring in a guest speaker from a system that has made progress in this area to discuss best practices.

#### 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, and the Council of Chief Diversity Officers. The Academic Officers reviewed several programs and approved multiple program name changes, which per Board policy will be forwarded to the Board President and CEO for final approval. The Business Officers continue to manage the federal COVID funding that the universities received, which has been a difficult process with the changing guidance and numerous reporting requirements. They also began reviewing the results of the facilities condition and space utilization studies, which the Board will discuss later in the agenda. The Student Affairs Officers reported that the pandemic has increased student stress levels and noted that student housing cancellations are up compared to previous years. The Government Relations Officers reviewed the state's election results and the proposed non-budgetary legislative items that are on today's Board agenda for first read. The Diversity Officers reported that they continue to work with minority students to make sure they are receiving the support they need to be successful.

The Council of Presidents approved the following degree programs for Wichita State University: 1) Bachelor of Arts in Applied Linguistics, 2) Master of Science in Data Science in Engineering, 3) Master of Science in Business Analytics, and 4) Master of Science in Mathematical Foundations of Data Analysis. These programs will be forwarded to the Board for consideration at a future meeting. The Council then reviewed a draft of the Board's free speech statement and accompanying policies, and the CEOs will provide feedback to Board staff in the next few weeks. It was noted that the drafts will be presented to the Board's Governance Committee in December for further review.

### REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS

Aleks Sternfeld-Dunn presented the Council of Faculty Senate Presidents report. The Council discussed the Board's General Education Working Group with Daniel Archer, Vice President for Academic Affairs, and members expressed their concerns that the Working Group does not have a teaching faculty representative on it. Council members strongly encourage that a teaching faculty representative be added and in the future the Council recommends that teaching faculty be included at the beginning of any process that involves curriculum. It was noted that faculty want to have a system where students can easily transfer credits and graduate on time; however, the Council believes that high school students taking concurrent enrollment courses need to be advised on what general education courses to take in order for the credit to count toward a degree. It was noted that when the Board mandated undergraduate degrees be 120 credit hours, many of the programs folded general education courses into the degree requirements. The Council also does not want to limit general education course offerings at the universities. It was noted that each university has its own mix of general education course requirements, and the Council believes the uniqueness of the universities needs to be preserved. Dr. Sternfeld-Dunn stated the Council is finalizing its freedom of speech statement and hopes to share it at a future meeting. Additionally, Dr. Sternfeld-Dunn thanked President Flanders for attending a Wichita State University Faculty Senate Council meeting and noted that the faculty would like to establish additional communication pathways with the Regents.

### REPORT FROM STUDENTS' ADVISORY COMMITTEE

Rija Khan presented the Students' Advisory Committee report. The Committee has two priorities for this year: 1) increase and diversify the staff in the student counseling services on all the university campuses, and 2) advocate for higher education funding. Ms. Khan reported that members of the Committee are attending the different Board committee and council meetings, and she thanked the different groups for the work they are doing. Ms. Khan also noted that the students are always willing to provide their perspective on issues and stated that councils and committees can contact her if they need a student representative at a meeting.

### REPORT FROM THE COMMUNITY COLLEGES

President Rittle presented the report for the community colleges. This month he highlighted Neosho County Community College, Seward County Community College, Johnson County Community College, Labette Community College, and Pratt Community College. With the semester coming to an end, the colleges noted some of the biggest challenges they faced were being nimble enough to shift course when guidelines regarding COVID changed and increasing student services when budgets are strained. The colleges reported they are pleased that the campuses were able to offer in person classes this semester and that the spread of the virus on the campuses was limited and manageable. President Rittle then highlighted partnerships that the colleges are involved with, including Neosho County Community College's partnership with its local hospital on rapid COVID testing, Seward County Community College's partnership with its local unified school districts to increase wireless options, and Johnson County Community College's partnership with its local unified school districts to increase student enrollment. President Rittle also announced that Cloud County Community College named Amber Knoettgen as its next president.

President Rittle then read the following statement regarding the community colleges position on the proposed legislation authorizing voluntary affiliation or merger between state universities and community and technical colleges:

The Community Colleges deeply appreciate the work of the Board of Regents and their spirit of tenacity and attitude of unity to support the advancement of Higher Education. However, a piece of legislation was presented which caused disagreement with our constituents.

With Regards to the Legislative Proposal Authorizing Voluntary Affiliation/Merger between State Universities and Community and Technical Colleges, We, the Community Colleges, with all due respect do not support this proposed legislation. Why? We believe the legislation is unnecessary because we believe each instance involving a Community College will be a case-by-case scenario requiring careful thought for intended and unintended consequences. There are substantive differences between affiliations and mergers. Furthermore, with respect to Community Colleges, much legislation already exists pertaining to funding and other service delivery expectations. Our trustees are elected officials and granted taxing authority. Thus, it is our position that if a merger or affiliation should occur between a Community College and any other public postsecondary institution, *there should be a substantial amount of legislative discussion and thought before such a merge or affiliation should be permitted with a Community College. Thus, it is our position that we both support and welcome the role of the state legislature in a merger or affiliation review process.* We also understand and respect that Universities and Technical Colleges may have differing positions on this proposed legislation. Notwithstanding their differing perspectives, we do not support this legislation and if asked would indicate a posture of opposition to this proposal with no disrespect to the Regents or any of our fellow public organizations. This is where Community Colleges stand on this sensitive topic.

Regent Hutton asked President Rittle why the community colleges did not express their opposition to the proposed legislation when it was being discussed at the council level. President Rittle stated the colleges were not asked to provide their opinion and that the group of community college CEOs met and discussed the proposal last week. Regent Hutton stated that the colleges can share their position even if not directly asked. President Flanders clarified for the Board that the proposed permissive legislation would lay out a pathway by which a public college and university can merge or affiliate and noted the local boards of trustees will maintain the authority to determine if their college should move through either of these processes.

#### REPORT FROM THE TECHNICAL COLLEGES

The report for the technical colleges was presented by President Genandt. Wichita State University Campus of Applied Sciences and Technology (WSU Tech) is working with Spirit AeroSystems on a work recovery program to retrain workers who were laid off and are now returning to work. WSU Tech and Northwest Kansas Technical College are piloting a work ethic certificate program, which is based on Mike Rowe's WORKS Foundation curriculum. This program is being expanded across the county with the help of the Charles Koch Foundation, Mike Rowe, and the National Coalition of Certification Centers (NC3). Most of the technical colleges have completed the

Opportunity America survey, which is used to collect information from the colleges on economic recovery efforts. Salina Area Technical College is helping the Abilene school district with a work based learning program. President Genandt thanked all the faculty, staff, and students at the colleges for their work to limit the spread of COVID-19 on the campuses.

#### REPORT FROM THE UNIVERSITY CEOS

Chancellor Girod reported that the University of Kansas has conducted almost 36,000 COVID-19 tests over the fall semester and currently has a 3.4 percent positivity rate. It was noted that 34,000 of those tests were performed on individuals who had no symptoms of COVID-19 and this group's positivity rate was 2.4 percent. The Chancellor stated the University has seen an increase in cases over the last week and saw a sharp rise in its 14-day percent positivity rate, which was to be expected with the significant rise in cases in the county and state. He did note that Douglas County is faring better than some of the other counties in Kansas, but hospitalizations are increasing around the state. Chancellor Girod reported the University changed its calendar at the beginning of the semester to have students leave campus over the Thanksgiving holiday week. Students will then return to remote learning after the holiday to complete the semester. He stated that KU is offering COVID-19 exit testing to students and noted over 1,500 students have registered to take the test before leaving campus. The University's student health center will continue to offer testing through the winter break for students who are staying in the area. Chancellor Girod stated the COVID-19 procedures for the spring 2021 semester will be similar to the fall semester and noted the spring 2020 semester showed that the universities can safely operate in a face-to-face setting because there were no outbreaks connected to the classrooms. The Board and the Chancellor discussed the potential vaccine and how it may be distributed among the population. It was noted that when a vaccine is ready for mass distribution, it will most likely go to frontline workers and high-risk individuals first.

President Garrett reviewed Emporia State University's COVID-19 statistics. The on-campus infection rate has remained low throughout the semester, with just under 200 total positive cases reported. ESU is also offering students the option of taking a COVID test before leaving campus ahead of the Thanksgiving holiday. President Garrett then highlighted a report by the Association of International Educators on the economic impact of international students. For Kansas, it estimated that international students added around \$250 million to the state's economy and are responsible for 2,200 jobs. President Garrett also reported that ESU's Coaching Education program was reaccredited through the Center of Coaching Excellence and ESU's Counselor Education program received a grant through the U.S. Department of Education, which will be used for tuition, training, and professional development of students.

President Scott reported Pittsburg State University currently has 15 active COVID-19 cases in its student population, which brings the semester total to 450 positive cases. For PSU faculty and staff, 26 had tested positive throughout the semester with only one case currently active. President Scott stated that Crawford County added 321 new infections over this past weekend, which brings the total number of cases for the county to 2,100. President Scott then thanked PSU's faculty and staff and the Crawford County health officials for all their work this semester. He also announced that PSU's fall commencement will move forward in a smaller capacity and that the Crawford County Health Department approved all the COVID-19 procedures for the event.

President Myers thanked Kansas State University faculty, staff, and students for their flexibility this semester. He then reviewed KSU's COVID-19 statistics for the semester. Since March, the University's Lafene Health Center has tested almost 13,000 students, faculty, and staff, and has recorded 1,138 positive results, which is a positivity rate of 9.1 percent. However, the University has seen increased cases during November, which has resulted in a ten percent positivity rate for the month. President Myers reported that because of the increased cases and the hospitalization rate in the county, KSU has changed its fall commencement to a virtual format and noted the graduates will be invited back for the spring commencement, which will hopefully be held in person. The University has begun planning for the spring semester, and President Myers is hoping to increase the number of in-person classes. President Myers also reported that the renovations of Hale Library will be completed in January and announced that later this week the University will hold a ribbon cutting to celebrate the completion of the Morris Family Multicultural Student Center.

Regent Murguia asked whether the universities are seeing lower student performance in online classes compared to in-person classes. President Myers stated that some students do struggle with remote learning but does not believe it is a widespread issue. Chancellor Girod believes that freshman are struggling the most with remote learning because they never had the chance to create support networks or locate university resources. President Scott stated that remote learning has also created barriers for students to develop social relationships, which is harmful for the students and will affect the university retention rates because students do not feel as connected to the campus.

Interim President Muma stated Wichita State University has been fortunate to make it to the end of the semester without significant disruption from the virus and thanked the campus community for all their efforts. He then reviewed WSU's COVID-19 statistics. Since August, WSU has tested 2,651 individuals, which resulted in 193 positive cases for a positivity rate of 7.3 percent. Dr. Muma noted that Sedgwick County's positivity rate is over 20 percent. Like other universities, WSU is offering COVID tests to students as they leave campus for the holiday break. To slow the spread of the virus, WSU postponed its fall commencement ceremony and moved all student activities online. Interim President Muma also reported that WSU will begin its spring semester on February 1, 2021 and plans to have COVID testing options available as students return to campus.

President Mason reported that Fort Hays State University's Nursing Department lifted the cap on the number of hours faculty can work in practice sites, which will allow the University's nursing faculty to help the strained hospitals, clinics, and nursing homes in the region. She also reported the University's Allied Health Department entered into an agreement with the Hays hospital to receive their used ultrasound equipment and announced that beginning in fall 2021, ten first generation students will receive a full-ride renewable scholarship thanks to the generosity of a FHSU donor. She noted that when this program reaches its full capacity in four years, 40 students will be receiving this scholarship.

## **STANDING COMMITTEE AND OTHER REPORTS**

### ACADEMIC AFFAIRS

Regent Kiblinger presented the Board Academic Affairs Standing Committee report. Melinda Roelfs from Pittsburg State University presented the Transfer and Articulation report, which highlighted the top majors selected by Kansas transfer students, the number of students who transfer from the two-year sector to public universities, and the course outcomes exhibited by transfer students. She also reported that Kansas ranked first in the nation in the percentage of baccalaureate degree earners who started at two-year public colleges. The Committee then received an update on the Apply Kansas Program, which is a program that is intended to help support high school seniors with completing a college application. This fall, 154 high schools have registered to participate in the program; however, the number of students completing a college application may be down because of COVID-19 restrictions. Representatives from KSU and WSU presented their low-enrollment program reviews, and the Committee made suggestions that the universities add more details to their reports before they are presented to the Board. The Committee received an update from Regent Schmidt on the progress of the Direct Support Professionals work at Wichita State University. It was noted that WSU is creating some badge programs to help train individuals who are interested in this field of work. Regent Kiblinger also reported that the Committee received an update on the Coordinating Council, and the two new work groups that were formed – Individual Plan of Study Work Group and Academic Advising Work Group. Regent Schmidt commented that the Committee asked Board staff to collect data on the Apply Kansas Program to determine if it is helping first-generation and minority students.

### FISCAL AFFAIRS AND AUDIT

Regent Rolph reported that the Fiscal Affairs and Audit Standing Committee reviewed the universities' housing auxiliary reserves and the requests for FY 2022 housing and food service rates, which is on the Board's agenda for first read. It also discussed KU Medical Center's request to amend its Capital Improvement Plan and PSU's request to change its fee structure. The Committee recommended approval of both these items, which the Board will consider later in the agenda. Board staff then presented information on the Board's deferred maintenance initiative and the Committee discussed next steps, including developing a strategy for the Governor and Legislature. Membership on the work group to examine non-resident undergraduate tuition pricing has been identified and the first meeting will be scheduled in the next few weeks. Regent Rolph thanked Regent Hutton for chairing this group. Board staff presented the Board Office's budget for FY 2021 and reviewed the annual audit of the Alumni Account, which had no finding in FY 2020. The Committee learned that the Joint Committee on Information Technology reviewed the Board of Regents' IT security audit in executive session and commended the agency on its efforts to ensure IT systems and data are safe and secure. The Committee also discussed the state's fiscal outlook and the updated revenue estimate. Regent Rolph then reported that the Committee reviewed the Board's Financial Reporting policy that requires a review of non-public funds management when there is a change in CEO at a state university, and the Committee recommended suspending the policy with regard to the departure of President Golden because a full review was conducted last year after the passing of President Bardo.

Regent Rolph moved to suspend Section II.D.6. "Financial Reporting" of the Board policy manual for Wichita State University for this fiscal year to avoid unnecessary and costly expense. Regent Schmidt seconded. On a roll call vote, the following Regents voted affirmatively to adopt the

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

### GOVERNANCE

Regent Harrison-Lee presented the Governance Committee report. The Committee discussed the Board's CEO search policy and process options and approved updates to the Board's 360 survey tool, which will align the tool with the Board's annual assessment form. The changes to the 360 survey will be forwarded to the Board for consideration at a future meeting. Board staff provided an update on the Board's goal to develop free speech guidance, and the Committee reviewed two proposed policies – amendments to the Building Naming policy and a new policy on athletic conference changes. The Committee also received the annual campus safety and security reports from Emporia State University and Wichita State University and acted on a requested temporary adequate security measures proposal for a leased location on the WSU campus.

### APPROVAL OF CONSENT AGENDA

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

#### *Academic Affairs*

##### MASTER OF ENGINEERING IN BIOENGINEERING – KU

The University of Kansas received approval to offer a Master of Engineering in Bioengineering. The estimated cost of the program is \$26,995 per year. Student tuition and fees will be used to fund the program

##### BACHELOR OF HEALTH SCIENCES – KU

The University of Kansas received approval to offer a Bachelor of Health Sciences, which will be offered online by the KU Edwards campus. This program will total 120 semester credit hours. The estimated cost of the program for the first three years is as follows: year one - \$250,370, year two - \$259,602, and year three - \$253,857. Student tuition and fees along with Johnson County Education Research Triangle funds will finance the program.

##### BACHELOR OF SCIENCE IN PUBLIC HEALTH – KSU

Kansas State University received authorization to offer a Bachelor of Science in Public Health. This program will total 120 semester credit hours. The estimated cost of the program for the first three years is as follows: year one - \$128,329, year two - \$373,273, and year three - \$380,193. Student tuition and fees will finance the program.

##### BACHELOR OF ARTS AND BACHELOR OF SCIENCE IN INTEGRATED COMPUTER SCIENCE – KSU

Kansas State University received approval to offer a Bachelor of Arts and a Bachelor of Science in Integrated Computer Science. The estimated cost of the

program for the first three years is as follows: year one - \$313,615, year two - \$365,424, and year three - \$394,636. Student tuition and fees along with Global Campus funds will be used to finance the program.

Fiscal Affairs and Audit

AMENDMENT TO FIVE-YEAR CAPITAL IMPROVEMENT PLAN – KUMC

The University of Kansas Medical Center received authorization to amend its Five-Year Capital Improvement Plan to add the Clinical and Translation Science Unity project to FY 2023. The estimated cost of the project is \$11,658,844, which will be financed with private gifts or other sources yet to be identified.

Technical Education Authority

DEGREE AND/OR CERTIFICATE PROGRAMS SUBMITTED BY COWLEY COUNTY COMMUNITY COLLEGE AND SALINA AREA TECHNICAL COLLEGE

Cowley County Community College received approval to offer a Technical Certificate A (19 credit hours), Technical Certificate C (55 credit hours), and an Associate of Applied Science degree (64 credit hours) in Aviation Mechanic – Powerplant (47.0608). The estimated cost of the program is \$940,400, which will be funded by GE Aviation and the College’s funds.

Salina Area Technical College received approval to offer a Technical Certificate B (33 credit hours) in Fire Science (43.0203). The estimated cost of the program is \$19,250.

EXCEL IN CAREER TECHNICAL EDUCATION FEES

The below Excel in CTE fees for Cowley County Community College’s Aviation Mechanic – Powerplant program and Salina Area Technical College’s Fire Science program were approved, as recommended by the TEA.

**Cowley County Community College – Aviation Mechanic - Powerplant Excel in CTE tuition and fee schedule**

<b>Institution Name:</b>	Cowley College
<b>Program Title:</b>	Aviation Mechanic - Powerplant
<b>Program CIP Code:</b>	47.0608

<i>Please list all fees associated with this <b>program</b>. Only list costs the institution <b>is</b> charging students.</i>		
<b>Fee</b>	<b>Short Description</b>	<b>Amount</b>
	none	

<i>Please list all courses within the program and any fees associated to those <b>courses</b> : Only list costs the institution <b>is</b> charging students. Do not duplicate expenses.</i>		
<b>Course ID</b>	<b>Short Description</b>	<b>Amount</b>
ALL AMG courses	FAA General Curriculum	\$ 100.00
ALL AMP Courses	FAA Powerplant Curriculum	\$ 100.00

<i>Please list items the student will need to purchase on their own for this program: Institution <b>is not</b> charging students these costs, rather students are expected to have these items for the program.</i>		
<b>Item</b>	<b>Short Description</b>	<b>Estimated Amount</b>
	Laptop	\$1,000.00
	Steel Toed Shoes	\$100.00
	Students will be required to purchase tools to be used in class. These tools will be useful when entering employment.	\$1,000.00

**Salina Area Technical College – Fire Science Excel in CTE tuition and fee schedule**

<b>Institution Name:</b>	Salina Area Technical College
<b>Program Title:</b>	Fire Science
<b>Program CIP Code:</b>	43.0203

<i>Please list all fees associated with this <b>program</b> : Only list costs the institution <b>is</b> charging students.</i>		
<b>Fee</b>	<b>Short Description</b>	<b>Amount</b>
Uniform	Student uniform fee	\$ 25.00
Uniform	Student uniform fee	\$ 25.00
Testing	EMT exam fee	\$ 314.00

<i>Please list all courses within the program and any fees associated to those <b>courses</b> : Only list costs the institution <b>is</b> charging students. Do not duplicate expenses.</i>		
<b>Course ID</b>	<b>Short Description</b>	<b>Amount</b>
FIR100	Introduction to Fire Science	\$ 25.00
FIR110	Hazardous Materials	
FIR 115	Firefighter I	
FIR 116	Firefighter II	
FIR 121	Fire Science Hydraulics and Water Supply	
PSS100	Introduction to Public Service Careers	
PSS101	Introduction to Emergency Communications	
ALH120	Emergency Medical Technician	\$ 339.00

<i>Please list items the student will need to purchase on their own for this program: Institution <b>is not</b> charging students these costs, rather students are expected to have these items for the program.</i>		
<i>Item</i>	<i>Short Description</i>	<i>Estimated Amount</i>
<i>Textbook</i>	<i>FIR 100 ebook</i>	<i>\$ 25.00</i>
<i>Textbook</i>	<i>FIR 110 book</i>	<i>\$ 60.00</i>
<i>Textbook</i>	<i>PSS 101 book</i>	<i>\$ 95.00</i>
<i>Textbook</i>	<i>FIR115 book</i>	<i>\$ 95.00</i>
<i>Textbook</i>	<i>FIR 121 book</i>	<i>\$ 60.00</i>
<i>Textbook</i>	<i>ALH120 book</i>	<i>\$ 120.00</i>

<b>Total</b>	<b>\$ 364.00</b>
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Other Matters

APPOINTMENT TO THE JOHNSON COUNTY EDUCATIONAL RESEARCH TRIANGLE AUTHORITY

Michael Boehm was appointed to serve as the Board’s representative on the Johnson County Educational Research Triangle Authority. Mayor Boehm will serve a four-year term beginning on December 1, 2020.

BREAK

Vice Chair Harrison-Lee called for a break at 3:00 p.m. and resumed the meeting at 3:10 p.m.

CONSIDERATION OF DISCUSSION AGENDA

Fiscal Affairs and Audit

FY 2022 HOUSING AND FOOD SERVICE RATE ADJUSTMENT PROPOSAL SUBMITTED BY STATE UNIVERSITIES (FIRST READ)

Elaine Frisbie, Vice President for Finance and Administration, presented the first read of the FY 2022 Housing and Food Service Rate Adjustment proposals for the state universities. The Board will act on the proposals at the December meeting.

(Proposals filed with Official Minutes)

RESULTS OF FACILITIES CONDITION SURVEY AND SPACE UTILIZATION STUDY

Chad Bristow, Director of Facilities, presented the finding of the 2020 Facility Condition Assessment Report and the Space Utilization Study. These two systemwide studies of the state universities were commissioned by the Board in early 2020 and were financed by the Board’s appropriation from the Educational Building Fund. Director Bristow noted the data from the studies will be used to develop the Board’s comprehensive deferred maintenance initiative, which is a Board goal this year.

Accruent LLC conducted the systemwide facilities condition assessment on 474 buildings. Director Bristow noted the university system has approximately 1,000 buildings but given the time and resources available it was determined the scope of the assessment needed to be focused on mission critical facilities that support the academic missions of the universities. It was also noted that KU had already had an assessment done by Accruent before this study was commissioned and the assessment from its facilities was incorporated into the systemwide report, which brought the number of buildings included in the report to over 500. Director Bristow reported the facilities condition assessment conducted by Accruent adhered to industry standards for property condition assessments and was more intensive, systematic, and granular in detail than the methodology utilized for past reviews, which were conducted by university staff and validated periodically by a third party. In its assessment, Accruent defined deferred maintenance as the backlog of past-due work needed to address building deficiencies and properly maintain facilities, and Accruent used RSMeans Construction Cost Data, a trusted industry standard, to develop the present and future cost estimates for each building system.

Director Bristow reviewed the Facility Condition Index and noted the average condition of all buildings assessed was rated as “Fair” on the Index. He then broke down the number of buildings in each condition category on the Index – 121 excellent, 89 good, 178 fair, 113 poor, and 20 deficient. He also reviewed the cost to restore the buildings to 90 percent condition, and noted the buildings listed in the fair and poor categories would cost the most to restore – fair \$573,879,489 and poor \$728,994,881. Director Bristow stated the current estimate to restore the buildings that were assessed to a very good condition is \$1.46 billion and if the buildings were brought back to near perfect condition, it would cost \$2.16 billion. Comparatively, the estimated cost of renewal of the 321 EBF-eligible buildings identified in the 2018 Report on State University Deferred and Annual Maintenance report back to a good condition is estimated at approximately \$1.2 billion.

Regent Hutton asked that the buildings in the Facility Condition Index be broken down into EBF-eligible and non-EBF eligible. He stated the Board will need to determine if it is going to request any statutory restrictions on the EBF be removed, which will allow the Board to have more flexibility to address these deferred maintenance issues. Regent Hutton also believes that the buildings listed in the good and fair categories should be addressed first so they do not slip to the poor and deficient categories. President Flanders stated that the Board will be provided information on the restrictions associated with the EBF that are currently in statute or Board policy.

Director Bristow stated that Gould Evans, in association with Rickes Associates, conducted the university system space utilization study. The study focused on instructional and office space in 277 buildings, which, when combined, represents two-third of all assignable square footage (ASF) on the 11 campuses. Director Bristow stated the assessment involved the collection and analysis of enrollment and personnel and class schedule data that was collected during the fall of 2019 and that the study does not include the effects of the pandemic.

The results of the study showed that while the state universities are comparatively similar to other nationwide public universities with respect to assignable square feet (ASF) per FTE, each of the 11 campuses in Kansas used instructional space below, and sometimes well below, target metrics and that there is more office space across the campuses than is hypothetically necessary. Overall,

Gould Evans identified a total of 1,920,000 ASF that could be considered ‘opportunity’ space, with at least half of that amount considered practical to repurpose or remove from service.

Director Bristow stated that Accruent has also been hired to incorporate the facilities condition and space utilization data sets together into a single database system that the Board and universities will be able to use. He then reviewed what the next steps are for the Board’s deferred maintenance initiative, which include: 1) producing a consolidated deferred maintenance and inventory report for the Legislature, 2) working with KDFRA on bonding scenarios, 3) developing a systemwide capital planning prioritization and ranking system for projects, 4) establishing a space committee to develop and implement space utilization and area standards, and 5) establishing a facilities condition committee to develop VFA Facility data maintenance standards. Regent Hutton stated the report to the Legislature will need to be a concise executive summary that explains the challenges that the system faces while also showing ways to move forward.

(PowerPoint filed with Official Minutes)

#### REPLACE ONLINE FEE WITH COURSE INFRASTRUCTURE FEE – PSU

President Scott presented Pittsburg State University’s request to replace its online fee with a course infrastructure fee beginning in spring 2021. The proposed change includes eliminating the Electronic Access Fee of \$36 per credit hour and replacing it with a new Course Infrastructure Fee at \$8 per credit hour for part-time students and a flat amount of \$120 per semester for full-time students. President Scott stated the object of the change is to provide a more consistent and simpler fee structure for students and noted under the flat rate most students will see similar or lower charges. Regent Schmidt moved to approve the fee structure change. Regent Rolph seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Harrison-Lee, Regent Murguia, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried

#### Academic Affairs

#### BOARD POLICIES REGARDING THE STATE AUTHORIZATION RECIPROCITY AGREEMENT (SARA)

Daniel Archer, Vice President for Academic Affairs, presented two new Board policies related to the State Authorization Reciprocity Agreement (SARA) student complaint process. Dr. Archer stated the Board serves as the State Portal Entity for Kansas and is responsible for maintaining consumer protection processes concerning SARA activities as well as determining institutional eligibility and compliance with SARA policies. He also noted recently the National Council for State Authorization Reciprocity Agreements updated its policies to require member states to develop and implement a process to accept and resolve appeals from institutions for which initial approval of participation or renewal of participation has been denied. This process must be implemented by January 1, 2021. To address the Council’s new requirements, the following policies were drafted:

#### **CHAPTER I: BOARD OF REGENTS MEMBERS, OPERATIONS AND STAFF**

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#### **B. BOARD OFFICE AND OFFICE OPERATIONS**

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6 PROCEDURES RELATING TO INSTITUTIONAL APPEALS UNDER THE STATE AUTHORIZATION RECIPROCITY AGREEMENT (SARA)

- a The Board of Regents, as the State Portal Entity, is authorized to exercise all powers, duties and responsibilities associated with and required under the terms of the state authorization reciprocity agreement (SARA) for any postsecondary educational institution that has a physical presence in the state and has voluntarily submitted to the jurisdiction of the Board of Regents to the extent required to enable the postsecondary educational institution to participate in SARA. (K.S.A. 74-32,194). SARA Manual Version 20.2 (June 2020) requires that the State Portal Entity develop and implement a means to hear and internally resolve appeals from institutions for which the State Portal Entity denies initial participation or renewal of participation in SARA. The State Portal Entity is also required to have an appeal process for institutions removed for violation of, or noncompliance with, SARA policies.
- b Grounds for appeal. Institutions can appeal the denial of initial participation or renewal of participation on two grounds: (1) the State Portal Entity did not follow initial application or renewal processes as outlined in the SARA Manual; and/or (2) the State Portal Entity erroneously determined that the institution is not eligible to participate or renew its participation in SARA. An institution can appeal its removal for violation of, or noncompliance with, SARA policies by showing it complied with all SARA policies.
- c Appeal Procedure
- i Timeline
- (1) Notice of Intent to Appeal. Appealing institutions must submit a notice of intent to appeal in writing to the State Portal Entity within 7 days after receiving notice of the adverse decision.
- (2) Appeal. Appealing institutions must submit a letter identifying the grounds for the appeal and all supporting documentation to the State Portal entity within 7 days after submitting the notice of intent to appeal.
- ii Appeal Content. The appeal must consist of a letter stating the grounds for the appeal and include the supporting documentation demonstrating that the SARA procedures were followed, the institution meets the eligibility criteria, and/or the institution complied with all SARA policies.
- iii Decision by the State Portal Entity. The Board President and Chief Executive Officer, on behalf of the Board, shall provide a written decision on the appeal within 14 days of the appeal's receipt. If the appeal is denied, the Board President and

Chief Executive Officer, or designee, will immediately notify the SARA Regional Compact of the decision.

iv Further Appeal Rights. The institution may appeal the denial of initial participation or renewal participation within 30 days to the Regional Compact to ensure SARA policies were upheld during the State Portal Entity's review process. If an institution is removed for violation of, or noncompliance with, SARA policies, the institution can ask the Regional Compact to determine if the Home State continues to meet SARA requirements, but the Regional Compact cannot direct the State Portal Entity to make a different determination regarding the specific case.

d Institutional Status During Appeal. During any appeal, the Institution's status as a SARA participating or non-participating Institution remains unchanged. If an institution's SARA participation expires during the appeal process, the institution will remain a participating institution until such time as the appeal process is resolved.

### **CHAPTER III: COORDINATION<sup>1</sup> - STATE UNIVERSITIES, COMMUNITY COLLEGES, TECHNICAL COLLEGES, WASHBURN UNIVERSITY AND/OR THE WASHBURN INSTITUTE OF TECHNOLOGY**

#### **A ACADEMIC AFFAIRS**

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#### 17 STUDENT COMPLAINT POLICY FOR STATE AUTHORIZATION RECIPROcity AGREEMENT (SARA) PARTICIPATING INSTITUTIONS

A The Board of Regents, as the State Portal Entity, is authorized to investigate certain complaints received from out-of-state students enrolled in programs offered by Kansas based SARA participating institutions.

B Before a complaint can be filed with the State Portal Entity, a student must go through the institution's own procedures for grievance resolution.

C If the student is not satisfied with the outcome of the institutional process for handling complaints, qualifying complaints may be appealed within two years of the incident about which the complaint is made. The Board of Regents SARA Complaint Form must be used.

D Complaints about grades or student conduct violations may not be appealed. Examples of issues that may be raised include, but are not limited to:

i Veracity of recruitment and marketing materials;

ii accuracy of job placement data;

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<sup>1</sup> See Chapter I., Section A.3 for definition of Coordination.

- iii accuracy of information about tuition, fees and financial aid;
- iv complete and accurate admission requirements for courses and programs;
- v accuracy of information about the institution's accreditation and/or any programmatic/specialized accreditation held by the institution's programs;
- vi accuracy of information about whether course work meets any relevant professional licensing requirements or the requirements of specialized accrediting agencies;
- vii accuracy of information about whether the institution's course work will transfer to other institutions; and
- viii operation of distance education programs consistent with practices expected by institutional accreditors (and, if applicable, programmatic/specialized accreditors) and/or the C-RAC Guidelines for Distance Education.

Regent Van Etten moved to approve the new policies, and Regent Schmidt seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Harrison-Lee, Regent Murguia, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried

#### Future Council

#### RECOMMENDATIONS FROM THE FUTURE OF HIGHER EDUCATION COUNCIL

Regent Harrison-Lee stated that during the 2020 Session, the Kansas Legislature directed the Board to develop a three-, five- and ten-year plan for higher education. In response to this request, the Board established the Future of Higher Education Council with legislative, governor and higher education sector representatives. The Board charged the Council with 1) analyzing affiliations and partnerships in the KBOR system to enhance the delivery of higher education to Kansans, and 2) ensuring alignment of facility and infrastructure capacity with projected enrollments. She noted the Council met five times over the summer and fall and at its final meeting, approved 14 recommendations for the Board to consider. Regent Harrison-Lee thanked the Council members for their time and the Board staff for supporting the Council.

President Flanders stated that because of how the pandemic impacted the higher education system, the Council decided to focus its efforts on developing recommendations that will influence the system well beyond ten years. Throughout the different meetings, three key themes emerged from the Council's discussions: 1) access and success, 2) equity and social mobility, and 3) structure of the higher education system. President Flanders then presented the below recommendations.

#### **Access and Success**

- 1) Implement/incentivize systemwide corequisite remediation in math and English

- 2) Develop a plan to address implementing math pathways
- 3) Explore additional ways to connect Kansas businesses with colleges and universities to enhance the talent and innovation pipeline
- 4) Explore an initiative that includes all public postsecondary institutions working in conjunction to promote the importance of higher education to students and families
- 5) Analyze mechanisms by which student debt relief can be used as an incentive to keep graduates of Kansas colleges and universities in the state after graduation
- 6) Conduct a comprehensive review of teacher preparation programs to ensure that they are providing teachers with skills needed for success, including math, computer science and literacy skills

### **Equity and Social Mobility**

- 7) Explore, develop and scale early college programs using a comprehensive, multifaceted approach to ensure equity and access
- 8) Advocate for universal completion of the Free Application for Federal Student Aid (FAFSA) at the high school level
- 9) Advocate for enhanced need-based student financial aid to support equity and social mobility

### **Structure of the Higher Education System**

- 10) Begin to implement administrative collaboration/efficiency in areas such as information technology, finance, and data
- 11) Implement a plan to address deferred maintenance and align facilities with current and projected enrollments
- 12) Identify mechanisms (including tax credits) to support building needs at technical colleges and community colleges
- 13) Advocate for legislation allowing smoother pathways toward affiliations between universities and community colleges and technical colleges
- 14) Work to improve program-to-program articulation to increase seamlessness across the public higher education system

President Flanders stated that work on some of the recommendations has already begun because they align with the Board's strategic plan, *Building a Future*. For the other recommendations, Board staff will be developing implementation timelines and the scope of work descriptions, which will be presented to the Board at a future meeting. He also noted some of the recommendations will require legislative partnership in order to move forward. The Board discussed funding for the different recommendations, and Regent Hutton suggested that the recommendations should be sent to the Governor so she can decide if she wants to include any of them in her budget. Regent Kiblinger stated implementing corequisite remediation in math and English and implementing math pathways will remove barriers and may be one way to impact equity gaps.

(Report filed with Official Minutes)

### *Other Matters*

NON-BUDGETARY LEGISLATIVE PROPOSALS (FIRST READ)

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

- 1) Amendments to the Private and Out-of-State Postsecondary Educational Institution Act to clarify and strengthen the Board's authority over private and out-of-state postsecondary educational institutions operating in Kansas to allow for additional consumer/student protection and institutional accountability.
- 2) Renewal of the Engineering Initiative Act to FY 2032
- 3) Amendments to the Motorcycle Safety Fund and Truck Driver Training Fund statutes to shift responsibility for administration of motorcycle safety courses and programs and truck driver training courses and programs from the Board of Regents to the Division of Motor Vehicles.
- 4) Support legislation authorizing voluntary affiliation/merger between state universities and community and technical colleges
- 5) Increased 529 investment options to allow for third-party investments into 529 college savings accounts as well as other statutory amendments to provide more investment pathways for Kansans to achieve a postsecondary credential.
- 6) Support school district tuition payment flexibility To allow school districts the flexibility to pay for tuition, fees, books, materials, and equipment for any qualified high school student who is concurrently or dually enrolled at a post-secondary education institution.

The Board will act on these proposals at the December meeting. Director Casey then reported that the Board office made a budget submission asking that the proviso on the EBF regarding the square footage funding formula be amended, and he reviewed the results of the state elections.

REPORT FROM TECHNICAL EDUCATION AUTHORITY

Scott Smathers, Vice President for Workforce Development, provided an update on the Technical Education Authority's (TEA's) program review of Excel in CTE tuition and fees. He stated the Board is responsible for establishing general guidelines for tuition and fee schedules in career technical education courses and programs. To meet this requirement, the TEA worked with the community and technical colleges and Board staff to establish which fees would be allowed. The allowable fees generally are the ones associated with items or services the students can take with them or are industry-specific fees that are required for entrance into a program. Vice President Smathers noted at its February 2020 meeting, the TEA reviewed all course and program fees for each of the 26 colleges and approved the allowable fees as defined in the guidelines. The Board then approved the fee list at its March 2020 meeting. He also noted that after the TEA approves new Excel in CTE programs and the fee structures, these items will be forwarded to the Board for final approval.

WICHITA STATE UNIVERSITY PRESIDENTIAL SEARCH PROCESS

Regent Harrison-Lee stated that Board policy requires the Board to determine the appropriate process for selecting a university CEO. Experience has shown that many sought-after candidates are in university leadership positions, and for that reason are reluctant to be publicly linked to a search at another institution. So, in order to attract as many qualified candidates as possible, the

recommendation is to conduct a closed, committee-led search. President Flanders reviewed the Board's Appointments policy, which stated that the Board can appoint a search committee or lead the search itself. The process can be open or closed with the only difference being in an open search, candidates visit the campus to meet constituents. President Flanders then recommended the Board hire AGB Search as the search consultant, and if the Board decides to have a committee-led search, he recommends appointing Regent Schmidt to serve as the Board representative and recommends appointing Dan Peare, who is a WSU graduate and a WSU Foundation Board member, as committee chair. President Flanders informed the Board that he received statements from the WSU student government and faculty regarding the makeup of the committee, and both groups requested that the Board consider adding more WSU students, faculty and staff to the committee. The Board discussed the committee membership and noted the importance of having a variety of constituent groups associated with the University on the committee. Most of the Regents concurred that adding a few more faculty and student representatives to the committee would be appropriate to even the balance of internal and external members. Following discussion, Regent Rolph moved that the Wichita State University Presidential Search be a closed committee-led search and that the Board hire AGB Search as the search consultant. He also moved that the Board appoint Dan Peare as the Committee Chair and appoint Regent Schmidt and President Flanders to serve on the Committee as the Board representatives. Regent Hutton seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Harrison-Lee, Regent Murguia, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried.

Regent Kiblinger requested that President Flanders work with the search consultant to determine when the Board will be interviewing candidates. She stated that she would like to add the dates to her calendar as soon as possible. Regent Van Etten stated that she would like the Committee to forward at least three to five candidates for the Board to consider.

### **ADJOURNMENT**

Vice Chair Harrison-Lee adjourned the meeting at 5:05 p.m.

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Blake Flanders, President and CEO

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Bill Feuerborn, Chair