

KANSAS BOARD OF REGENTS

MINUTES

December 16, 2020

The December 16, 2020, 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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Regent Rolph moved that the minutes of the November 18, 2020 meeting be approved. Following the second of Regent Kiblinger, the motion carried.

GENERAL REPORTS

REPORT FROM PRESIDENT AND CEO

President Flanders reported that at the September meeting, the Board inquired about minimum instructional standards. Board staff compiled a report, which was sent to the Board, that addresses how each university and other systems handle this issue. President Flanders stated in Kansas there are no system-level minimum instructional standards. Instead each university determines its own standards. Some institutions have a standard that applies campus-wide while others rely on individual departments to set these standards. President Flanders stated there are multiple state systems that have minimum instructional standards and many of their policies make a distinction between regional and research universities. President Flanders noted the Board may want to consider the information in the report as it begins reviewing the low-enrollment programs over the next few months and noted that the Board Academic Affairs Committee will review the information in the report.

REPORT FROM SYSTEM COUNCIL OF PRESIDENTS

The report for the System Council of Presidents meeting was presented by President Rittle. The Council received an update from the System Council of Chief Academic Officers. The Academic Officers reported that the Transfer and Articulation Council approved six courses for systemwide transfer, which will be forwarded to the Board for final consideration in January. The Academic Officers also noted that four faculty members (two from the universities and two from the colleges)

will be added to the General Education Working Group and that training will begin on how to use Open Educational Resources. The CEOs then received an update from President Flanders on Pillar II in the Board's strategic plan, *Building a Future*. Pillar II emphasizes the crucial role of Kansas colleges and universities in developing a talent pipeline that meets the demands of employers and the state's economy. Under this Pillar, each institution will identify three to five programs that meet the sustaining wage, high demand criteria set out in the strategic plan. The programs will then be measured by the number of enrollments and graduates in these programs. President Rittle noted that the institutions will need to submit their programs to the Board office in January 2021. The System Council of Presidents then discussed diversity and inclusion on the campuses, and it was noted that Georgia State University is widely recognized as the national leader in student success, which has resulted in dramatic increases in its graduation rates of minority students. President Rittle stated Georgia State University President, Dr. Mark Becker, will attend next month's Board meeting to share some of the strategies Georgia State has implemented to address equity gaps.

REPORT FROM THE COMMUNITY COLLEGES

President Rittle presented the report for the community colleges. This month he highlighted Allen County Community College, Barton County Community College, Butler County Community College, Coffeyville Community College, Colby Community College, and Cowley County Community College. The colleges noted the semester was challenging with all the uncertainty surrounding enrollments, budgets, and the federal relief funds associated with the COVID-19 pandemic. The colleges reported they are working on their processes and procedures for the spring semester and noted that the health and safety of their faculty, staff, and students are their top priority. President Rittle then highlighted partnerships that the colleges are involved with, including Colby Community College's partnership with its local hospital to reduce student clinical costs, Cowley County Community College's partnership with Ford Motor Company that allows students in their automotive program to work on Ford diesel engines, and Coffeyville Community College's partnership with its local community to provide COVID testing.

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 two programs: Emporia State University's request to offer a Bachelor of Arts in Interdisciplinary Entrepreneurship, and Pittsburg State University's request to offer an Associate of Applied Science in Career and Technical Education. The Business Officers continue to manage the federal COVID funding that the universities received. The Government Relations Officers are preparing for the upcoming legislative session, which is scheduled to begin in January. The Student Affairs Officers discussed the upcoming spring semester and how each campus will be handling COVID testing and commencement ceremonies. It was noted that each campus has its own testing procedures and guidelines. The Diversity Officers continue to work on their strategic plan and will be meeting with their university CEOs and student leaders to gather feedback.

REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS

Aleks Sternfeld-Dunn presented the Council of Faculty Senate Presidents report. Board staff met with the Council to discuss issues surrounding the transfer process, and it was noted that this conversation was beneficial. The Council then finalized its statement on freedom of expression, which was reviewed by each university's faculty senate. Dr. Sternfeld-Dunn read the following freedom of expression statement:

The historical purpose of universities is to engage students and the greater academic community to empower them to confront, challenge, evaluate, and think critically about new ideas and how they may be used to solve age-old questions. Mere exposure to ideas does not serve that mission. When institutions support and encourage full and open discourse and the robust, respectful exchange of ideas and perspectives, students and the academic community at large feel more open about questioning assumptions, testing beliefs, and refining knowledge. This kind of atmosphere should be created in classrooms: Instructors have the power to determine the curriculum and pedagogical approach that advances their educational goals, as well as to determine what may hinder those goals. Academic freedom guarantees the right of faculty to teach, write, and publish without fear of censorship.

The Council of Faculty Senate Presidents reaffirms its commitment to the first amendment rights of faculty, staff, and students to express their diverse and often conflictual viewpoints. Our institutions' commitment to the First Amendment is essential for the protection of freedom of expression on our campuses. At the same time, the Council of Faculty Senate Presidents reaffirms its commitment to protect students from hostile educational environments that adversely affect students' educational opportunities. A hostile educational environment is incompatible with a university's educational mission. Thus, the protection of free expression on our campuses is coextensive and coterminous with the First Amendment. Our commitment to freedom of expression is paired with our obligation to uphold and protect the dignity of all members of our university communities in our classrooms

A commitment to freedom of expression is not incompatible with a commitment to diversity and to nurturing a positive and collaborative environment where everyone can thrive. On the contrary, the ability to express and debate our divergent beliefs and ideas is fundamental to the personal learning and growth needed for society to progress as a whole.

Members of the university community should be encouraged to bring a variety of voices onto campus to engage in rigorous debate in a variety of arenas. We are responsible, as educators, to provide an environment where civil discourse can take place, to protect human dignity, and to promote the core values and purpose of a university. Simultaneously, we desire a university to not be silent when hate speech occurs on campus. The university cannot attempt to limit constitutionally protected speech, but it is empowered to call hate speech out for what it is—divisive, dehumanizing, and deleterious— and to do so emphatically, forcefully, and immediately.

The Regents thanked the faculty for their work on their statement, and Dr. Sternfeld-Dunn stated that the Council will review the draft Board statement at its next meeting.

REPORT FROM STUDENTS' ADVISORY COMMITTEE

Rija Khan reported that the Students' Advisory Committee is working on their Higher Education Day at the Statehouse. She noted this year because of the restriction with COVID, the students are going to set up virtual meetings with legislators to discuss their legislative priorities. She noted their top priority is to advocate for increases in the student counseling services on all the university campuses. The Committee is also planning to work with the Board's Student Insurance Advisory Committee on ways to make student health insurance more accessible and affordable. Ms. Khan noted she appreciated the Insurance Advisory Committee's efforts to keep the students informed as it evaluated the rate options for next year's plan, and she is looking forward to working with the Committee in the coming months. Additionally, Ms. Khan reported that the Committee plans to review the Board's draft freedom of expression statement at their next meeting.

REPORT FROM THE TECHNICAL COLLEGES

The report for the technical colleges was presented by President Genandt. President Genandt highlighted activities at the colleges. Northwest Kansas Technical College received approximately \$500,000 from the Kansas Department of Commerce. This grant will be used for equipment and training in its Engineering Technology program. Northwest Tech also announced that its associate track coach, Derek White, will be a member on the U.S. Olympic Bobsled Team for the 2022 Winter Olympics. Washburn Tech announced a partnership with Stormont Vail Health and Unified School District 501 to allow students to use simulation laboratories. Flint Hills Technical College has completed renovations to its welding and culinary arts facilities, and Manhattan Area Technical College continues to see increased graduation rates in its Adult Education Program. President Genandt also reported that President Utash will be the new chair for NC3 (National Coalition of Certification Centers).

ACADEMIC AFFAIRS

Regent Kiblinger presented the Board's Academic Affairs Standing Committee report. The Committee received an update from the General Education Workgroup, which is identifying the core knowledge and skills that will be emphasized in the statewide General Education package. It was reported that this group will expand its membership to include teaching faculty from the community college and university sectors. The Committee received an update on Wichita State University's efforts to create a career and technical education pathway for high school students who want to pursue a career as a Direct Support Professional. Regent Kiblinger also provided the Committee with an update on the Coordinating Council's activities and noted the Council finalized its recommendations to align the K-12 and higher education spring break schedule, which the Board will act on later in the agenda. Kansas State University then presented a request to change its spring 2021 academic calendar to make April 16, 2021 a wellness day for students.

Regent Kiblinger moved to add Kansas State University's request to change its spring 2021 academic calendar to the Board's consent agenda. Regent Schmidt seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Feuerborn, Regent

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

Regent Rolph requested that when the Academic Affairs Committee begins reviewing the minimum instructional standards, he would like to see metrics on faculty workload for each university and how the workloads compare to peer institutions. He also noted that there may be other metrics that the universities want to use.

REPORT FROM THE UNIVERSITY CEOS

President Garrett reported that Emporia State University held virtual commencement ceremonies for graduate and undergraduate students last weekend. She believes the students and their families appreciated having a ceremony even if it was not in person. President Garrett stated with the legislative session beginning soon, she is concerned about additional budget cuts. The system of higher education has already been cut \$24 million in the current fiscal year (FY 2021), and ESU's portion of that cut was a little over \$824,000, which was removed from its base funding. The full effect of the cut was not felt this year because the federal COVID relief funds filled the gap, but she is concerned about the lasting impact after the federal funds expire. President Garrett reported the state's Budget Office asked all the institutions to plan for an additional ten percent cut, which if that occurs, the University would sustain a 13 percent cut this year. To address the continued decline in state funding, ESU has cut nine programs over the last six years, and are reviewing additional programs for possible elimination. President Garrett noted she is communicating with legislators about the harmful impact of these cuts.

President Mason reported that Fort Hays State University held a virtual commencement ceremony on December 11, and she thanked Regent Rolph and Governor Kelly for their remarks shared during the ceremony. She also thanked Regent Schmidt for his comments during the University's Veterans Day celebration. President Mason noted she appreciated the Board's support during the pandemic, and allowing the universities to be flexible in their planning. She also stated that she appreciated all the collaboration between the university CEOs, and noted she is grateful for the continued support and guidance from her local community leaders. President Mason also thanked the students, faculty, and staff for their work this semester.

Chancellor Girod announced that Diane Goddard, KU's Chief Financial Officer, is retiring at the end of the year after 36 years of service and Jim Modig, KU's Architect, is retiring at the beginning of next year after 41 years of service. The Chancellor expressed his appreciation to both Diane and Jim for all their work over the years and congratulated them on their retirements. Chancellor Girod stated there are many individuals at KU who have been recognized for their work. Jack Cline, Associate Vice Chancellor for Federal Relations, has been named the recipient of the Jennifer Poulakidas Outstanding Achievement Award by the APLU's Council on Government Affairs for outstanding contributions and achievements in university governmental relations. Three KU professors were named as fellows of the American Association for Advancement of Science: James Kindscher, professor of anesthesiology at KU Medical Center; Joan Sereno, professor of linguistics' and Joane Nagel, University Distinguished Professor of Sociology. The Chancellor also announced that Lilah Wilder, a 2019 KU graduate, earned a Charles B. Rangel Fellowship. Ms. Wilder is KU's third recipient of this Fellowship and she will receive up to \$100,000 in benefits to prepare herself for a career in the U.S. Foreign Service. Additionally,

Chancellor Girod reported that the University of Kansas Medical Center has been chosen as a training center in Kansas for a nationwide interactive virtual initiative that will share best practices to improve COVID-19 infection control, safety and preparedness in skilled-nursing facilities.

President Myers thanked the faculty, staff, and students for all their hard work this semester, which allowed the University to continue operating as planned. He also noted that the success of the semester would not have been possible without the help of the Board, Governor Kelly, and the local community leaders. Kansas State University held a virtual commencement ceremony for its graduates because of the rise in COVID-19 infection rates but the hope for the spring is to hold commencement in person at an outdoor venue. President Myers reported that Kansas State University will resume classes in January and the teaching format will be the same as this semester: a mix of in person, hybrid, and online. President Myers stated that the University plans to use the Student Union as a COVID testing site next semester because it will be more convenient for students. He also noted that the University will be testing students who are in the Greek sorority and fraternity houses along with students who reside in the residence halls. This past semester, Greek houses had many COVID positive cases, and the University is hoping with additional testing, positive cases can be identified early to prevent spread. President Myers also announced that Peter Dorhout, KSU's Vice President for Research, will be leaving the University for a position at Iowa State and that Lori Goetsch, Dean of K-State Libraries, is retiring at the end of the spring semester.

President Scott thanked everyone at Pittsburg State University and in the local community for all their work this semester. Because of everyone's efforts, PSU students were able to attend classes in person, the PSU football team was able to compete in four games, and PSU graduates were able to attend their commencement ceremony. He noted the County Health Department reviewed all the procedures associated with the commencement ceremony, and he thanked them for their work. Pittsburg State University is scheduled to begin its spring semester on January 19 and the majority of classes will be in person. President Scott also reported that he held a Town Hall meeting to update the community on the upcoming legislative session. Additionally, President Scott highlighted that on today's consent agenda, the Board will consider PSU's request to expand the McPherson Hall projects. The scope of the expansion includes creating a simulation hospital that will enhance practical experiences and provide the opportunity for additional growth in the nursing program. This project will be funded with private gifts and will significantly improve the condition of the facility without using any of the university's EBF allocation.

Interim President Muma reported the WSU Foundation's Shock the World campaign raised over \$307 million, which surpasses its goal of \$250 million. Over 32,000 individuals donated to the campaign and the money is being used on student scholarships, faculty support, and capital improvements. Dr. Muma announced that WSU has created a scholarship to help individuals who live near the campus. The Shocker Neighborhood Commitment provides funding to make college more affordable for recent high school graduates living in the Shocker Neighborhood. Interim President Muma stated WSU's spring semester will start February 1, and he anticipates the same COVID procedures will remain in place.

STANDING COMMITTEE AND OTHER REPORTS**FISCAL AFFAIRS AND AUDIT**

Regent Rolph reported the Fiscal Affairs and Audit Standing Committee reviewed the fiscal items on the Board agenda. The Committee discussed how the universities are handling students with outstanding balances as it relates to the portion of the tuition policy that was suspended earlier this year. The Committee reviewed the universities' housing and food service rates for FY 2022. While the members were concerned about some occupancy rates and the general burn rate of auxiliary enterprise cash reserves, the Committee believes the proposals will serve to contain students' cost of attendance next year. Board staff then reviewed the FY 2020 EBF expenditures, the FY 2022 allocation for rehabilitation and repair, and the overall capital budgeting process. Regent Rolph noted that the Committee recommended approval on all the fiscal and facilities items that are on the Board's agenda. Regent Hutton then presented an update on the tuition work group, which held its first meeting and examined undergraduate tuition pricing structures. On Regent Hutton's motion, the Committee expanded the work group's charter to include a discussion of examining Board policy on how students are determined eligible for the resident tuition rate as opposed to non-resident tuition.

GOVERNANCE

Regent Feuerborn reported that the Governance Committee approved a research contract extension between the Board office and Dr. Donna Ginther of the University of Kansas and authorized President Flanders to execute the contract. The Committee reviewed a proposed policy on Athletic Conference Changes and discussed the Board's draft free speech statement. Both of these items will be discussed further at future Committee meetings.

APPROVAL OF CONSENT AGENDA

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

*Academic Affairs***BACHELOR OF ARTS IN APPLIED LINGUISTICS – WSU**

Wichita State University received approval to offer a Bachelor of Arts in Applied Linguistics. This program will total 120 semester credit hours. The estimated cost of the program for the first three years is as follows: year one - \$241,581, year two - \$245,190, and year three - \$323,843. Student tuition and fees will finance the program.

MASTER OF SCIENCE IN DATA SCIENCE IN ENGINEERING – WSU

Approval was given to Wichita State University to offer a Master of Science in Data Science in Engineering. This degree will total 30 semester credit hours. The estimated cost of the program for the first three years is as follows: year one - \$191,881, year two - \$417,331, and year three - \$611,072. Student tuition and fees will finance the program.

MASTER OF SCIENCE IN BUSINESS ANALYTICS – WSU

Wichita State University received authorization to offer a Master of Science in Business Analytics. This degree will total 30 semester credit hours. The estimated cost of the program for the first three years is as follows: year one - \$141,070, year two - \$330,750, and year three - \$330,750. Student tuition and fees will finance the program.

MASTER OF SCIENCE IN MATHEMATICAL FOUNDATIONS OF DATA ANALYSIS – WSU

Wichita State University received approval to offer a Master of Science in Mathematical Foundations of Data Analysis. This degree will total 30 semester credit hours. The estimated cost of the program for the first three years is as follows: year one - \$121,307, year two - \$257,100, and year three - \$283,049. Student tuition and fees will finance the program.

*Fiscal Affairs and Audit*AMEND CAPITAL IMPROVEMENT PLAN AND APPROVE ARCHITECTURAL PROGRAM STATEMENT FOR MCPHERSON HALL EXPANSION AND TARGETED RENOVATIONS – PSU

Pittsburg State University received authorization to amend its Capital Improvement Plan to add the McPherson Hall Expansion and targeted renovations projects. The estimated cost of the project is \$6 million, which will be financed with private gifts and pledges. The facility will be operated and maintained by the University. The University's goal is to have the facility open for the fall semester of 2023.

EPSCOR PROPOSALS

The EPSCoR Program Review Committee's recommendations for the below Experimental Program to Stimulate Competitive Research (EPSCoR) proposals were approved:

- For Dr. Doug Wright at the Kansas IDeA Network of Biomedical Research Excellence (located at the University of Kansas Medical Center), the Committee recommended awarding \$125,000 to support four grant proposals to increase their competitiveness for National Institutes of Health funding. This award provides a 29.7:1 leverage for state funds (federal:state). This award is for FY 2021.
- For Dr. Kevin Leonard at the Center for Environmentally Beneficial Catalysis (located at the University of Kansas), the Committee recommended awarding \$115,286 to support a National Science Foundation funded project designed to apply data science and machine learning to the field of catalysis. This award provides a 5.4:1 leverage for state funds (federal:state). This award is for FY 2021.
- For Dr. P. Scott Hefty at the Chemical Biology of Infectious Disease Center at the University of Kansas, the Committee recommended awarding \$625,00 over five years to match the National Institutes of Health for a

Center of Biomedical Research Excellence Phase II award. This award provides an 18.2:1 leverage for state funds (federal:state). This award is for FY 2022.

- For Dr. Belinda Sturm at the University of Kansas, the Committee recommended \$2,000,000 over five years to support a National Science Foundation Research Infrastructure Improvement Track-1 proposal. This award provides a 10:1 leverage for state funds (federal:state). This award is for FY 2023.

Technical Education Authority

DEGREE AND/OR CERTIFICATE PROGRAMS SUBMITTED BY GARDEN CITY COMMUNITY COLLEGE

Garden City Community College received approval to offer a Technical Certificate A (17 credit hours) in Early Childhood Education (19.0709). The estimated cost of the program is \$59,600, which will be financed by the College’s funds.

EXCEL IN CAREER TECHNICAL EDUCATION (CTE) FEES FOR GARDEN CITY COMMUNITY COLLEGE’S PROGRAM

The below fees for Garden City Community College’s Early Childhood Education Certificate A were approved.

Institution Name:	Garden City Community College
Program Title:	Early Childhood Education
Program CIP Code:	19.0709

<i>Please list all fees associated with this program: Only list costs the institution is charging students.</i>		
<i>Fee</i>	<i>Short Description</i>	<i>Amount</i>
\$75	CDA Licensing Application	\$75
\$20	Foundations for Safe and Healthy Early Care Facilities Module	\$20

<i>Please list all courses within the program and any fees associated to those courses : Only list costs the institution is charging students. Do not duplicate expenses.</i>		
<i>Course ID</i>	<i>Short Description</i>	<i>Amount</i>
EDUC 1062	Observation I--Fingerprinting and background check	\$50
ECHD 109	Health and Safety--CPR and First Aid Certification	\$50

<i>Please list items the student will need to purchase on their own for this program: Institution is not 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>

Total Fees	\$195
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UPDATED A-OK APPROVED CREDENTIALS AND PATHWAYS LIST

The updated A-OK credentials and pathways list was approved. The new list contains two new pathways: Engineering Technology and Renewable Energy.

(Updated List filed with Official Minutes)

EXCEL IN CAREER TECHNICAL EDUCATION (CTE) FEES FOR THE COLLEGES

The 2022 Excel in Career Technical Education fees for the following colleges were approved: Allen County Community College, Barton Community College, Coffeyville Community College, Colby Community College, Cowley Community College, Dodge City Community College, Fort Scott Community College, Garden City Community College, Highland Community College, Johnson County Community College, Manhattan Area Technical College, Pratt Community College, Washburn Institute of Technology, and Wichita State University Campus of Applied Sciences and Technology. A complete list of fees for each career technical education course and program at each institution is maintained at the Board office and is available for public inspection.

Other Matters**APPOINTMENTS TO THE MIDWEST STEM CELL THERAPY CENTER ADVISORY BOARD**

Dr. Frank Blecha representing Kansas State University and Dr. Weijing Sun representing the University of Kansas were appointed to the Midwest Stem Cell Therapy Center Advisory Board. Each will serve a three-year term, which will expire on June 30, 2023.

ACADEMIC CALENDAR CHANGE – KSU

Kansas State University received authorization to change its spring 2021 academic calendar schedule to add April 16, 2021 as a wellness day for students.

CONSIDERATION OF DISCUSSION AGENDA**Coordinating Council****SPRING BREAK ALIGNMENT**

Daniel Archer, Vice President for Academic Affairs, stated one of the goals of the Coordinating Council was to align spring break schedules for the entire Kansas education system. The Council, which comprises Board of Regents, State Board of Education, and Kansas Chamber members, believes that aligning spring breaks will benefit students and their families. Dr. Archer noted the Council recommended the dates noted below be adopted and stated the rationale behind this scheduling is that many colleges and universities begin the Spring semester one day after Martin Luther King Day. These dates would allow colleges and universities that start on this day to complete eight weeks of classes before Spring Break. This would 1) establish a symmetrical sixteen-week semester and 2) create a schedule in which all first eight-week Spring courses are

completed before Spring Break and all second eight-week Spring courses start after Spring Break. Dr. Archer noted at last week's State Board of Education meeting, the Board members supported the proposed dates and highly encouraged each school district to adopt the schedule. He also stated because of the different governance structures in Kansas, the technical and community college boards of trustees will each need to adopt the dates. Regent Hutton wanted to know how likely it would be for the school districts to adopt these dates. Regent Kiblinger noted she has not heard any pushback on the idea of aligning spring breaks and stated with the State Board of Education support, she believes many districts will implement it. Following discussion, Regent Rolph moved to approve the spring break dates for the state universities. Regent Kiblinger seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Feuerborn, Regent Harrison-Lee, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried.

- 2022 March 14-18;
- 2023 March 13-17;
- 2024 March 11-15; and
- 2025 March 17-21.

Fiscal Affairs and Audit

FY 2022 HOUSING AND FOOD SERVICE RATE ADJUSTMENT PROPOSALS SUBMITTED BY STATE UNIVERSITIES

Elaine Frisbie, Vice President for Finance and Administration, presented the FY 2022 housing and food service rate adjustment proposals for the state universities. It was noted the Board had a first read of these rates last month. Regent Rolph moved to approve the rates, and Regent Kiblinger seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Feuerborn, Regent Harrison-Lee, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried.

(FY 2022 Housing and Food Rates filed with Official Minutes)

BREAK

At 3:30 p.m., Chair Feuerborn called for a ten-minute break and resumed the meeting at 3:40 p.m.

SUSPEND BOARD POLICY RELATED TO PAYMENT OF TUITION AND FEES

Vice President Frisbie stated at the April meeting, the Board approved suspending portions of the Board's Tuition and Fees policy for the 2020 summer and fall semesters so that students who are experiencing financial difficulties related to the COVID-19 pandemic may continue their studies. The state universities would like the Board to extend the suspension for the Spring 2021 semester. Regent Rolph moved to temporarily suspend, for the Spring 2021 semester, the portions of Board policy II.D.1.d.i. and II.D.1.d.ii. that currently state "No student shall be permitted to enroll for any semester if there are outstanding delinquencies from prior semesters, . . . [and International] students may receive tuition and fees extension privileges until not later than November 10 of the first semester or April 10 of the second semester, pursuant to written agreement with the institution." The policy otherwise would remain effective unless and until the Board takes further action to amend it. Regent Schmidt seconded. On a roll call vote, the following Regents voted

affirmatively to adopt the motion: Regent Feuerborn, Regent Harrison-Lee, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried.

ALLOCATION OF FY 2021 CORONAVIRUS RELIEF FUND GRANTS TO PUBLIC INSTITUTIONS OF HIGHER EDUCATION

Vice President Frisbie stated the Recovery Office has allocated an additional \$2.5 million from the state's Coronavirus Relief Fund for the community colleges. The money for the institutions must be spent by December 30, 2020 and will be used to reimburse the institutions for eligible expenses already incurred. These costs will be necessary expenditures incurred due to the public health emergency and were not accounted for in the budget most recently approved as of March 27, 2020. Also, they are costs that will be incurred between March 1, 2020 and December 30, 2020. Vice President Frisbie noted that Johnson County Community College is not listed in the distribution because the College indicated it had no eligible COVID-19 related expenses left. She noted that three of the state universities and Washburn University are also seeking additional allocations from the Coronavirus Relief Fund, however, the Recovery Office has not finalized allocations in response to their requests. Regent Harrison-Lee moved to approve the allocation. Regent Kiblinger seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Feuerborn, Regent Harrison-Lee, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried. The following distributions will be made:

College	Grant Award
Allen Community College	\$95,300
Barton Community College	\$50,000
Butler Community College	\$100,000
Cloud County Community College	\$50,000
Coffeyville Community College	\$50,000
Colby Community College	\$106,100
Cowley Community College	\$140,000
Dodge City Community College	\$50,000
Fort Scott Community College	\$50,000
Garden City Community College	\$100,000
Highland Community College	\$50,000
Hutchinson Community College	\$300,000
Independence Community College	\$50,000
Kansas City Kansas Community College	\$663,300
Labette Community College	\$120,000
Neosho County Community College	\$250,000
Pratt Community College	\$25,300
Seward County Community College	\$250,000
Total	\$2,500,000

REPORT OF FY 2020 EDUCATIONAL BUILDING FUND SPENDING – SYSTEM

Chad Bristow, Director of Facilities, stated a few years ago the Board implemented a new process that allows the universities to report annually to the Board on how Educational Building Funds (EBF) were used rather than the Board approving a specific project list in advance. In FY 2020, the Board allocated the amounts listed below to the universities and each university has submitted a report on how those funds were spent.

Allocation of Funds for Rehabilitation and Repair Projects FY 2020 - \$44,000,000 (EBF)

Adjusted gross square feet (EBF-Eligible Buildings Only):

	<u>Gross Sq. Feet</u>	<u>% of Total</u>	<u>Allocation</u>
The University of Kansas	5,488,301	26.87	\$11,822,800
The University of Kansas Medical Center	2,297,176	11.25	4,950,000
Kansas State University	6,105,374	29.90	13,156,000
Wichita State University	2,243,148	10.98	4,831,200
Emporia State University	1,232,601	6.04	2,657,600
Pittsburg State University	1,507,841	7.38	3,247,200
Fort Hays State University	<u>1,548,171</u>	<u>7.58</u>	<u>3,335,200</u>
Total	20,422,612	100.00	\$44,000,000

(FY 2020 University Project Reports filed with Official Minutes)

ALLOCATION OF FY 2022 EDUCATIONAL BUILDING FUND APPROPRIATION – SYSTEM

Director Bristow presented the proposed allocation of the FY 2022 Educational Building Fund appropriation. Regent Schmidt wanted to know if there is a possibility of the Legislature removing the EBF allocation. President Flanders stated some legislators are interested in eliminating the state's property tax levy that goes to the EBF and forcing the System to rely on State General Fund appropriations, which is problematic. If this change occurs, the state funding would be subject to cuts and the allocations, most likely, would never increase to match the ongoing need for rehabilitation and repair projects. President Flanders noted Board and university staff are communicating with legislators on how this change will negatively impact the state universities. Regent Rolph moved to approve, and Regent Hutton seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Feuerborn, Regent Harrison-Lee, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried. The following allocations were approved:

**Allocation of Funds for Rehabilitation and Repair Projects for Institutions of Higher
Education as Appropriated to the Kansas Board of Regents
FY 2022 - \$44,000,000 (EBF)**

Adjusted gross square feet (EBF-Eligible Buildings Only):

	<u>Gross Sq. Feet</u>	<u>% of Total</u>	<u>Allocation</u>
University of Kansas	5,488,301	26.87	\$11,822,800
University of Kansas Medical Center	2,297,176	11.25	4,950,000
Kansas State University	6,105,374	29.90	13,156,000
Wichita State University	2,243,148	10.98	4,831,200
Emporia State University	1,232,601	6.04	2,657,600
Pittsburg State University	1,507,841	7.38	3,247,200
Fort Hays State University	<u>1,548,171</u>	<u>7.58</u>	<u>3,335,200</u>
Total	20,422,612	100.00	\$44,000,000

ADDITIONAL INFORMATION ON DEFERRED MAINTENANCE INITIATIVE – SYSTEM

Director Bristow reported last month the Board received the findings of the 2020 Facility Condition Assessment Report and the Space Utilization Study. From that discussion, the Board wanted a better understanding of the restrictions placed on the Educational Building Fund (EBF) whether it is in statute, Board policy, or practice. Director Bristow indicated that the state universities own over 1,000 buildings on state property. Of those, 500 are considered mission critical and 330 are EBF-eligible. It was noted that mission critical is defined as facilities that support the academic missions of the universities.

In state statute, the EBF is the primary dedicated source of funding for capital projects and the law prohibits universities from requesting additional State General Fund (SGF) appropriations for operating expenses and maintenance on privately funded projects built after 2007. However, Director Bristow noted the law does not limit the EBF to specific buildings. It has been the practice of the Board to limit the use of EBF to mission critical facilities built before 2007. Board policy also requires the universities to have capital improvement plans for new spaces, and in those plans, the universities have to identify the funding sources for paying annual maintenance and operating costs. Additionally, Director Bristow stated there has been a proviso attached to the EBF appropriation that dictates how the EBF can be allocated using a square footage formula. Regent Van Etten wanted additional information on how many facilities were built with private funds after 2007. President Myers stated that Kansas State University has at least one building that was funded with both state and private funds and wanted to know if it would be eligible for state funding. Director Bristow stated that if a facility was built after 2007 and 51 percent of the cost was funded with private money, then the law would prohibit the university from requesting additional State General Fund (SGF) appropriations for maintenance. He also stated the Board would have required through its policy a maintenance and operational plan under this scenario. The Board discussed using the EBF for debt service on bonds. Vice President Frisbie reviewed the history of using EBF for bonding and stated one of the recommendations moving forward is to leverage a portion of the EBF with bond issuance and request new annual SGF appropriations in support of a bond issuance.

Director Bristow reviewed the proposed next steps for the Board's deferred maintenance initiative. As noted last month, the Facility Condition Assessment Report included assessments on 500 mission critical buildings. An important next step for the system is to survey and log every university building on state property so there is a complete assessment on the deferred maintenance needs. To maintain and analyze the data that is being collected, it is recommended that a facilities condition committee and a space committee be established. The Board may also want to consider

establishing parameters for using EBF that allow for new construction that offset deferred maintenance liability and setting targeted goals for facility condition index (FCI) and space utilization. Regarding funding and legislation, the Board could pursue leveraging a portion of the EBF for bonding, updating the statute on the State Educational Institution Long-Term Infrastructure Maintenance Program, and seeking a change to consolidate the two biennial legislative reports into a single report. It was noted this year the Board office requested that the proviso on the EBF regarding the square footage formula be removed, which would allow the Board more flexibility. Regent Hutton stated part of the deferred maintenance process will require universities to consolidate spaces, which will also require funding, and there needs to be a plan to address these funding needs.

Governance

AMENDMENT TO POLICY ON BUILDING NAMING

General Counsel Julene Miller presented the proposed amendments to the Naming of Buildings policy. The amendments would prohibit a university from naming a building for any sitting federal, state or local elected official. General Counsel Miller noted the current policy already prohibits naming buildings for sitting university CEOs and sitting Board members. Regent Van Etten moved to approve, and Regent Harrison-Lee seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Feuerborn, Regent Harrison-Lee, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried. The following amendments were adopted:

CHAPTER II: GOVERNANCE – STATE UNIVERSITIES

E FACILITIES

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13. NAMING OF BUILDINGS

a. Authority for Naming

The naming of any state university building is the province of the Board of Regents. The authority to re-name or remove the name of any state university building also resides in the Board. Any documentation used by any state university or affiliate corporation of any state university for fund raising purposes shall clearly state that proposed names are subject to Board action, and shall reserve to the Board the right to remove any name bestowed upon a facility. Possible reasons for removal of a name include, but are not limited to, circumstances causing damage to the reputation of the university, change of law regarding naming authority, or if the building is razed or given over to a new use. For purposes of this policy, any time a proper noun name is to be displayed on the exterior of a building or facility, it will be treated as a building naming and shall be submitted to the Board for consideration in accordance with this policy.

b. Criteria

i. Generally, buildings are named for distinguished individuals who have made extraordinary contributions of a scholarly, professional, or public service nature related to the university's mission, or for major donors to the construction of the building.

ii. Before forwarding a name to the Board for consideration, the state university shall undertake a thorough degree of due diligence to avoid commercial influence or conflict of interest.

iii. Buildings will not be newly named for sitting presidents, chancellors, ~~or~~ Board members or federal, state or local elected officials, however buildings named for a ~~president or chancellor~~ such individuals before appointment or election or between appointments or election to ~~the position~~ one or more of those positions of ~~president or chancellor~~ need not be re-named.

c Process

The chief executive officer of the state university shall recommend an appropriate name to the Board for consideration. At the time the agenda item is submitted, the name shall not be included; however, the state university shall send the proposed name and a brief narrative individually to Regents and the President and Chief Executive Officer of the Board at the same time the state university sends its agenda material requests to the Board office for the Board meeting at which the name is to be considered. No public communication of a proposed name shall be made until the name is presented for consideration at the open meeting of the Board.

Other Matters

NEXT STEPS ON THE FUTURE OF HIGHER EDUCATION COUNCIL RECOMMENDATIONS

President Flanders stated that last month the Board received the fourteen recommendations from the Future of Higher Education Council. He then reviewed the next steps for each of the recommendations.

Access and Success

- 1) Implement/incentivize systemwide corequisite remediation in math and English
 - Board staff will survey institutions in spring 2021 to obtain feedback about the timeline for implementation and plans to implement systemwide corequisite remediation by July 2022.
- 2) Develop a plan to address implementing math pathways
 - Board staff recommends beginning work on a plan next academic year.
- 3) Explore additional ways to connect Kansas businesses with colleges and universities to enhance the talent and innovation pipeline
 - Board staff recommends connecting with the Department of Commerce during the current academic year.

- 4) Explore an initiative that includes all public postsecondary institutions working in conjunction to promote the importance of higher education to students and families
 - Board staff recommends bringing the communication and marketing teams from all institutions in the system together in spring 2021.
- 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
 - Board staff recommends gathering data on financing and developing a list of pilot careers.
- 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
 - Board staff recommends bringing this issue to the Coordinating Council at the next meeting to obtain the Kansas Department of Education's (KSDE) feedback and assistance with conducting such a review.

Equity and Social Mobility

- 7) Explore, develop and scale early college programs using a comprehensive, multifaceted approach to ensure equity and access
 - A foundational piece of this effort is already underway – the effort to pass legislation allowing school districts to fund concurrent and dual enrollment.
- 8) Advocate for universal completion of the Free Application for Federal Student Aid (FAFSA) at the high school level
 - Board staff recommends bringing this issue to the Coordinating Council at its next meeting. KSDE has offered to include FAFSA completion in its scorecard.
- 9) Advocate for enhanced need-based student financial aid to support equity and social mobility
 - While the Board did not request enhanced need-based student financial aid this year, there is a commitment to addressing equity gaps in its budget request. If the Governor or Legislature were interested in need-based student financial aid, the Board has the Kansas Access Partnership grant framework identified.

Structure of the Higher Education System

- 10) Begin to implement administrative collaboration/efficiency in areas such as information technology, finance, and data
 - Board staff recommends connecting with states that have had success in this area to gather additional information during spring 2021.
- 11) Implement a plan to address deferred maintenance and align facilities with current and projected enrollments
 - The Board has already begun to develop a long-term facilities renewal plan.
- 12) Identify mechanisms (including tax credits) to support building needs at technical colleges and community colleges
 - Board staff recommends supporting legislation brought forward by two-year colleges.
- 13) Advocate for legislation allowing smoother pathways toward affiliations between universities and community colleges and technical colleges

- This effort is part of the Board's current legislative agenda.
- 14) Work to improve program-to-program articulation to increase seamlessness across the public higher education system
- The Board made this a goal this year, and the work to improve articulation is currently being undertaken by the Board Academic Affairs Standing Committee.

Regent Harrison-Lee thanked Board staff for all their work and requested that President Flanders keep the Board updated on the progress of each of these recommendations. Regent Hutton believes the system needs to analyze whether there are savings associated with administrative collaboration and efficiency items even if it means spending money upfront. Regent Schmidt stated the Kansas Rural Opportunity Zones program has a student loan repayment option and this program should be reviewed as one of the mechanisms to incentivize graduates to stay in Kansas. The Board also discussed the permissive legislation that would allow pathways for universities and community colleges and technical colleges to affiliate or merge. It was noted that community and technical colleges should be involved with drafting the legislative language.

NON-BUDGETARY LEGISLATIVE PROPOSALS

Matt Casey, Director of Government Relations, stated the 2021 Legislative Session will begin on January 11, 2021. He reviewed the members elected to leadership positions and noted guidance will be issued on how the Legislature will operate under COVID-19 restrictions. Director Casey then reviewed the proposed non-budgetary legislative items that the Board received last month. Regent Van Etten moved to approve the non-budgetary legislative items. Regent Rolph seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Feuerborn, Regent Harrison-Lee, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried.

ALLOCATION OF FY 2021 CORONAVIRUS RELIEF FUND GRANTS

President Flanders stated that four of the universities have requested additional Coronavirus Relief Fund Grants from the Recovery Office. He believes those additional funds will be approved by the Recovery Office within the next couple of days. Because these funds need to be spent by December 30, 2020, he requested authorization to allow the Board Chair and himself to approve the allocations to the universities. Regent Rolph moved to approve, and Regent Schmidt seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Feuerborn, Regent Harrison-Lee, Regent Hutton, Regent Kiblinger, Regent Rolph, Regent Schmidt, Regent Van Etten, and Regent Bangerter. The motion carried.

APPOINTMENTS TO THE WICHITA STATE UNIVERSITY PRESIDENTIAL SEARCH COMMITTEE AND COMMITTEE CHARGE

President Flanders presented the proposed Wichita State University Presidential Search Committee charge and a list of committee members. Regent Harrison-Lee moved to approve the Committee charge and the Committee members. Regent Kiblinger seconded. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Feuerborn, Regent Harrison-Lee, 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. The Board discussed the search process, and Regent Hutton requested that the Board be given additional time to review candidates.

(Committee Charge and Member Appointment list filed with Official Minutes)

ADJOURNMENT

Chair Feuerborn adjourned the meeting at 4:24 p.m.

Blake Flanders, President and CEO

Bill Feuerborn, Chair