



## **KANSAS BOARD OF REGENTS POLICY MANUAL**

**NOTE:** The policies codified herein are subject to change by formal action of the Board of Regents. Whenever there is a conflict between the provisions of this manual and the official minutes of the Board of Regents, the official minutes will control.

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

### A BOARD MEMBERS AND BOARD OPERATIONS

#### 1 BOARD MEMBERS

##### a Selection and Qualifications

There are nine members of the Board of Regents (Board), each of whom is appointed by the Governor subject to confirmation by the Senate. By law, one member shall be appointed from each Congressional district with the remaining members appointed at large. No more than five Regents may be of the same political party, no two members shall reside in the same county at the time of appointment. These and other qualifications may be found in Article 6, Section 3 of the Kansas Constitution and K.S.A. 74-3202a.

##### b Term of Office

Terms are staggered and are for a period of four years each, expiring on June 30, except that a member shall continue to serve until a successor is appointed and confirmed as provided in K.S.A. 74-3202a.

##### c Compensation and Expenses

Pursuant to Kansas law, each member of the Board shall receive compensation, subsistence allowances, mileage and other expenses as authorized pursuant to K.S.A. 74-3202a, 75-3212 and appropriations provisos.

##### d Conflict of Interest Identification and Management

The duty of loyalty requires Board members to exercise their powers and duties in the interests of the Board and its institutions as a system, and not in the Board member's own interest or in the interest of another person, an individual institution or other organization. A conflict of interest occurs when there is a divergence between a Board member's private, personal relationships or interests, or commitments to a state university or other entity, and the Board member's obligations to the Board. An apparent conflict of interest occurs when an independent observer might reasonably question whether actions or decisions made by a Board member on matters before the Board appear to be determined by considerations of personal benefit, gain or advantage, or some interest other than what is best for the Board. Such interests may include, but are not limited to, employment with, ownership of or service on the board of directors of an organization that has or may have relationships with the Board or institutions governed, coordinated or regulated by the Board. A conflict of interest or the appearance of a conflict of interest depends on the situation, and not necessarily on the character or actions of the individual.

The Board of Regents acknowledges that integrity, accountability, and openness of financial relationships and other relevant interests are essential to responsible and credible administration of the State of Kansas system of higher education. A process for disclosing and considering potential conflicts, and managing any actual conflicts, enhances transparency and confidence in the Board's actions.

##### i Disclosures

(1) **Contracts or Transactions.** At the time of taking office and subsequently as the need arises, any member of the Board who has a direct or indirect interest in any contract or transaction with the Board or any educational institution governed, coordinated or regulated by the Board shall disclose this interest to the Board in writing, with a copy sent to the Board President and Chief Executive Officer. This interest shall be set forth in the minutes of the Board, and no member of the Board having such interest shall participate on behalf of the Board in the authorization of any such contract or transaction. (K.S.A. 46-233)

(2) **Membership and Affiliations.** At no time shall any member of the Board be an elected official or an officer or employee of any public postsecondary institution (K.S.A. 74-3202a) except for the one member who is appointed by the Board to serve on the Washburn University Board of Regents pursuant to K.S.A. 72-6507. At the time of taking office and subsequently as the need arises, any member of the Board who is appointed to or

otherwise invited to serve on the governing board of any institution regulated by the Board, or of any affiliated corporation of any institution governed, coordinated or regulated by the Board, shall disclose this interest to the Board in writing, with a copy sent to the Board President and Chief Executive Officer. This interest shall be set forth in the minutes of the Board. The Board member and the Board shall make a determination regarding the permissibility of accepting or retaining such an appointment in accordance with the following guidelines:

(a) If an independent observer, having knowledge of all the relevant circumstances, would reasonably conclude that the Board member has an actual or apparent conflict of interest in holding such a position, the Board member should not accept or retain the position;

(b) If, however, involvement by the Board member would bring compelling benefit to the institution, the Board may approve such involvement subject to any conditions the Board deems appropriate to assure both propriety and the appearance of propriety.

(3) Identified Board member conflicts shall be reviewed by the Board annually at the September meeting.

(4) Statements of Substantial Interest. All members of the Board shall file a written statement of substantial interest pursuant to K.S.A. 46-247 *et seq.* regarding any substantial interests within the meaning of K.S.A. 46-229 that each member may hold.

ii Meeting Conduct

(1) When any matter comes before the Board for discussion or action and a Board member is determined, in accordance with the above, to have an actual or apparent conflict in the matter, the Board member with the conflict shall not vote on the matter.

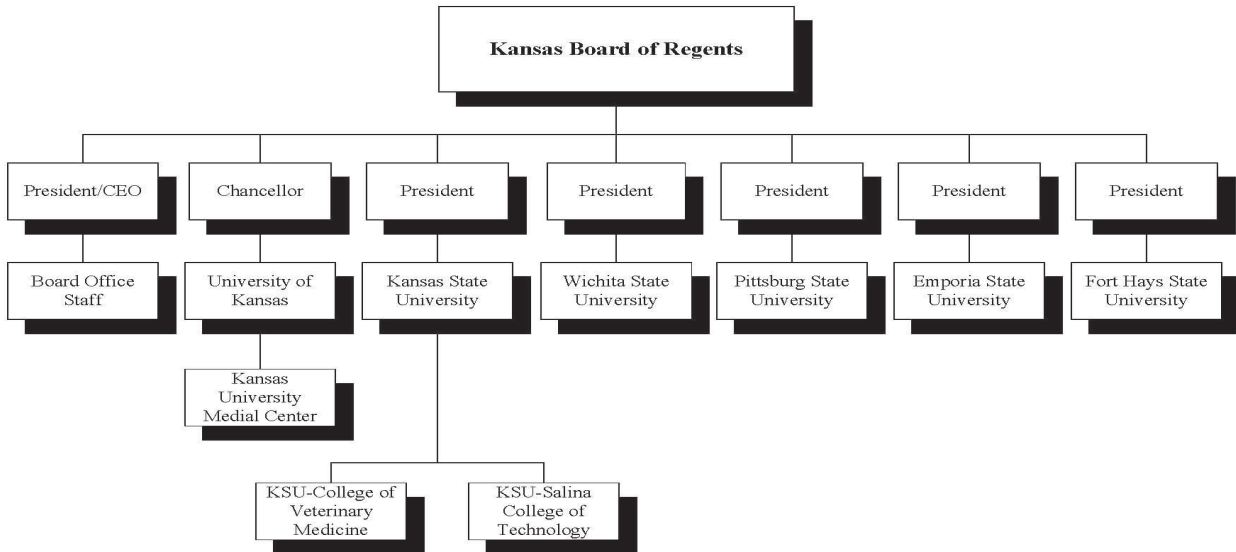
(2) When any matter comes before the Board for discussion or action and a Board member is determined, in accordance with the above, to have an actual or apparent conflict in the matter, the conflicted Board member shall not participate in or attend Board discussion of the matter, unless the Board determines that it would significantly serve the interest of the Board to have the conflicted Board member explain the issue or answer questions. Any such determination and participation shall be recorded in the Board minutes.

iii No Private Inurement. No part of the funds of the Board or any state university shall inure to the benefit of, or be distributed to, any member of the Board, except that the Board and the state universities may make reasonable payments for expenses incurred on their behalf relating to any of their lawful purposes. The Board shall be authorized and empowered to pay Board members reasonable compensation for services rendered to or for its benefit relating to any of its lawful purposes, in accordance with subsection 1.c. of this section A.

iv Board members shall comply with the governmental ethics laws relating to solicitation or acceptance of gifts, meals, transportation or tickets/access to sporting events and other entertainment or activities as set forth at K.S.A. 46-237 and 46-237a.

## 2 SOURCE OF LEGAL AUTHORITY

The Board is created by Article 6 of the Kansas Constitution and is empowered by the Legislature. It is responsible for the control, supervision, and operation of the state universities in Kansas as shown below, as well as the coordination and supervision of the public community colleges and technical colleges in Kansas and the regulation of private and out-of-state higher education institutions operating in Kansas.



## 3 BASIC PRINCIPLES AND OPERATING PROCEDURES

### a Principles

The Board of Regents is a policy making as opposed to an administrative body. It is bi-partisan by law and non-political by tradition. Just as the Kansas institutions of higher education should not be subjected to political pressures, so should the Board be protected against political pressures.

The constitutional and statutory role of the Board of Regents varies for different higher education institutions.

i The Board *coordinates* certain activities of the public higher education system. (K.S.A. 74-3202c, 74-3205d) The system consists of the state universities, Washburn University, Washburn Institute of Technology, the community colleges and the technical colleges. (K.S.A. 74-3201b(e)) The Board's coordination functions with regard to these institutions include:

- (1) Determining institutional roles, reviewing institutional missions, and approving performance agreements for each institution;
- (2) Developing a comprehensive plan for coordinating all program and course offerings and locations, including transfer and articulation procedures;
- (3) Developing a unified budget for state funding of the system institutions, distributing state and federal funds, and requiring accountability for use of those funds;
- (4) Representing the system before the Governor and the Legislature; and
- (5) Collecting, aggregating and reporting common and institution specific information documenting

## Chapter I: Board of Regents Members, Operations and Staff

effectiveness of each community college, technical college, Washburn University, Washburn Institute of Technology and state university in meeting its mission and goals. (K.S.A. 71-801, 72-4480, 72-6525, 76-771)

- ii With regard to the state universities, the Board also **governs** them, which means that the Board has the authority to control these institutions and to supervise their operation and management. (K.S.A. 76-712) The Board's governing functions include:

- (1) Appointing the chief executive officer at each state university and having an employer/employee relationship with those chief executive officers;

- (2) Having authority to oversee many of the daily operational functions of the state universities, though the Board has chosen to delegate actual performance of those functions to the chief executive officers and their staffs;

- (3) Maintaining the state universities' physical assets; and

- (4) Developing policy on a wide range of institutional issues.

All policies and procedures adopted by any state university, whether or not such policy or procedure requires Board approval, shall be in conformity with the policies and procedures of the Board and the laws of the State of Kansas and the United States.

- iii Each community college, technical college and Washburn Institute of Technology is governed (i.e. operated, managed and controlled) by its local board of trustees, governing board or board of control. However, the Board has statutorily been given authority to perform specific functions with regard to those institutions. These functions include:

- (1) Establishing guidelines for accreditation;

- (2) Aligning and approving courses, programs, and course/program locations for state funding purposes; and

- (3) Facilitating mergers and other consolidation activities.

- iv The Board **regulates** institutions that are subject to the Kansas Private and Out-of-State Postsecondary Education Institution Act, which means the Board administers and implements the provisions of the Act with regard to those institutions. (K.S.A. 74-32,162 *et seq.*) The Board's role with regard to private and out-of-state postsecondary institutions that are subject to the Act is a consumer protection function that includes:

- (1) Reviewing the institutions and their programs to determine compliance with statutorily prescribed standards; and

- (2) Collecting and analyzing information, including student, course, financial aid and program demographics, that will assist the Board in improving the quality of private and out-of-state postsecondary education. (K.S.A. 74-32,184)

- b Procedures

- i Councils

The Board of Regents has established a structure of councils and committees through which most proposals initiated by an institution or sector shall be vetted before a recommendation is made to the Board. The formal structure through which a typical proposal will progress is illustrated in the flow chart shown below.

- ii Involvement and Participation

As a general rule, individuals and groups who are directly affected by a proposal, or have a vested interest in a proposal, shall be given an opportunity to review and provide advice about the proposal prior to its final adoption. This ensures that all perspectives on a concept have been considered in the review and approval process.

For proposals that clearly have system-wide impact, council leaders shall ensure system participation in the development process. Review and action by higher-ranking bodies is facilitated by meaningful involvement by affected parties at the initial stages of development.

iii Development of Proposals

While there may be justifiable exceptions, most proposals shall be developed primarily by those persons who are likely to be responsible for implementation, and appropriate councils, committees, or task forces shall develop or review proposals that are intended for action by Board standing committees and/or the Board (or the Board President and Chief Executive Officer, as applicable).

Councils, committees, task forces and other such groups do not have authority to prevent further review of a proposal by other councils, committees, or Board Committees.

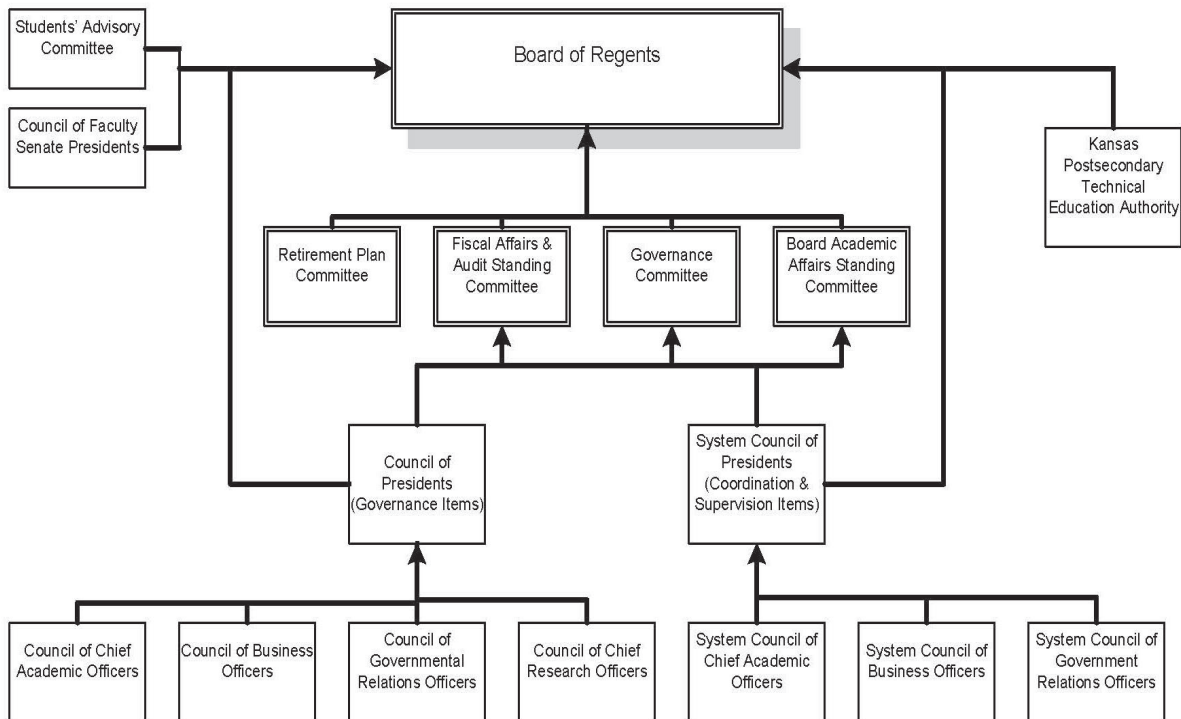
In the context of this policy, “systemwide” means those proposals that may impact many or all of the institutions having a reporting relationship to the Kansas Board of Regents.

iv Role of the Board President and Chief Executive Officer

If it is uncertain whether a proposal is systemwide or non-systemwide in impact, the Board President and Chief Executive Officer will decide the issue.

v Timeliness of Review and Action

Participants in the review process shall make every reasonable effort to facilitate review and action on proposals. Timeliness and responsiveness to serve students and employers is a systemwide value.



4 COUNCILS AND COMMITTEES

a Board of Regents Committees

- i During the Board's regular monthly meeting, Board Standing Committees meet to consider matters relating to academic affairs, fiscal affairs, facilities, and policy and procedure. Reports of the recommendations of the Standing Committees with respect to each of these areas are then presented to the Board for final action.
- ii The Chairperson may also appoint, subject to Board approval, special committees to assist the Board in fulfilling its functions, and may, subject to Board approval, appoint individual Regents to statewide boards or commissions when called upon to do so. In addition, at its regular meeting in September, the Board annually elects one of its members to serve on the Washburn University Board of Regents for the ensuing calendar year.

iii Retirement Plan Committee

(1) The Retirement Plan Committee, established in 2005, is responsible for issues related to the Board's Mandatory and Voluntary Retirement Plans, including oversight of plan investments and administration. The Committee reports directly to the Board. The issues the Committee will consider may be directed by the Board, may arise from the Board's fiduciary duties, or may be initiated by the Retirement Plan Committee itself.

(2) The Retirement Plan Committee members will be appointed by the Board and will include one member of the Board; one member of the Council of Presidents, or designee; two members of the Council of Business Officers; one state university human resource director; two at-large members; and two individuals nominated from the state universities who are experts in the subject matter of investments and retirement planning. A staff person from the Board of Regents office who is appointed by the Board President and Chief Executive Officer will serve as a non-voting ex officio member. The chairperson of the Committee will be the appointed Board member. When appointing Retirement Plan Committee members, the Board shall strive for as broad of representation from the state universities as possible.

(3) Members will have three-year terms and may resign at any time, effective when tendered to the Board. A person who is appointed to replace a member who has resigned will serve out the remainder of the term of the resigning member.

b Council of Presidents

- i The Council of Presidents, established in 1963, consists of the chief executive officers of the state universities. The Board President and Chief Executive Officer serves as an ex officio member of the Council. The chair is rotated annually on July 1st.
- ii The Council of Presidents' main function is to consider subjects of significance to the state university sector, either at the request of the Board or the Board President and Chief Executive Officer, or on the Council of Presidents' own initiative, report to the Board when called upon to do so, and make recommendations to the Board on general policy affecting all state universities. The Council of Presidents may create permanent or ad hoc committees, composed of campus or non-campus personnel, to study selected subjects and report back to the Council.
- iii Meetings of the Council of Presidents are held in conjunction with the regular meetings of the Board, and at such other times as the chair of the Council deems necessary.

(1) Council of Chief Academic Officers

(a) The Council of Chief Academic Officers, established in 1969, is composed of the academic vice presidents of the state universities. The Board's Vice President for Academic Affairs serves as an ex officio member, and the member from the same institution as the chairperson of the Council of Presidents serves as chairperson of the Council of Chief Academic Officers. The chief academic officers of the University of Kansas Medical Center and Washburn University are authorized to participate as non-voting members when



agenda items affecting those institutions are to be considered. The Council of Chief Academic Officers meets monthly and reports to the Council of Presidents.

(b) The Council of Chief Academic Officers works with the Board Academic Affairs Committee through the Vice President for Academic Affairs. One of its primary functions is to outline the academic plan for the state university system. It has responsibility for continuous planning and for upgrading the Master Plan as circumstances dictate, and for carrying out the procedures outlined in the Board's policy for Approval of New Programs.

(2) Council of Business Officers

(a) The Council of Business Officers, formed in 1969, consists of the chief business officer of each state university and reports to the Council of Presidents. The chairperson is from the same institution as the chair of the Council of Presidents, and the Vice President for Finance and Administration for the Board serves as an ex officio member. The chief business officer of the University of Kansas Medical Center is authorized to participate as a non-voting member when agenda items affecting that institution are to be considered.

(b) The Council of Business Officers' official function is to consider matters on which it can advise the Council of Presidents, either at the request of the Council of Presidents or on the Council of Business Officers' own initiative. The Council meets monthly to discuss various issues arising from state regulatory bodies, statutes and regulations, work out mutual solutions to administrative problems, and develop uniform systems of accounting, budgeting and reporting.

(3) Working Group of Title IX Coordinators

(a) The Working Group of Title IX Coordinators consists of the Title IX coordinator designated by each state university and reports to the Council of Presidents. The chairperson of this Working Group shall be from the same institution as the chair of the Council of Presidents. The Title IX coordinator of the University of Kansas Medical Center is authorized to participate as a non-voting member.

(b) The Working Group of Title IX Coordinators official functions are to:

(i) consider Title IX related matters and inform the Council of Presidents either at the request of the Council of Presidents or on the Working Group of Title IX Coordinator's own initiative, and

(ii) share information, experiences and expertise in order to foster more robust operations and consistency in the functions performed by all Title IX coordinators across the state university system.

(c) The Working Group shall meet quarterly to discuss various issues arising from state and federal regulatory bodies, statutes and regulations, and recommend to the Council of Presidents suggested strategies and solutions to issues related to Title IX compliance.

(4) Information Technology and Security Council

(a) The Information Technology and Security Council consists of each state university campus information technology executive and campus information security executive appointed or designated pursuant to Chapter II.D.26.a and the Board of Regents office's Director of Information Technology. The chairperson is from the same institution as the chair of the Council of Presidents.

(b) The Information Security Council shall develop minimum cybersecurity standards for state university information technology and security policies. The standards shall be approved by the Council of Business Officers, the Council of Presidents, the Board Governance Committee, and the Board of Regents.

(c) Establish a formal risk-based exception process for deviations from the Council's security standards.



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(d) The Information Technology and Security Council shall meet at least annually to review and update the standards developed pursuant to subsection (b).

(e) If an individual serves as both campus information technology officer and campus information security officer, they shall have two votes on any matter under consideration by the Information Technology and Security Council. A quorum shall consist of any number of members who are collectively entitled to cast seven or more votes.

### c Council of Faculty Senate Presidents

The Council of Faculty Senate Presidents consists of the duly elected Faculty or University Senate President or chairperson from each state university and the Kansas University Medical Center. The function of the Council of Faculty Senate Presidents is to address faculty concerns in a focused and efficient manner. The chairperson is from the same institution as the chair of the Council of Presidents.

### d Student Advisory Committee

i The Students' Advisory Committee, established by K.S.A. 74-3229 in 1975, consists of the student body president from each state university. The members of the Students' Advisory Committee serve for terms expiring concurrently with their terms as elective student officers and upon qualification of their successors. The chief executive officer of each state university shall annually certify to the Board the name of the highest student executive officer elected by the entire student body of that state university.

ii The statutory duties and functions of the Students' Advisory Committee include attendance at meetings of the Board of Regents; making recommendations to the Board concerning course and curriculum planning and faculty evaluations; advising the Board on the formulation of policy decisions on student affairs; identifying student concerns; considering any problems presented to it by the Board and giving advice thereon; disseminating information to the members' peers concerning the philosophies and standards of education developed by the Board; and stimulating awareness of student rights and responsibilities.

iii The chair of Students' Advisory Committee, appointed by the Committee pursuant to its own internal processes, may request the Board President and Chief Executive Officer to place items on the Board's agenda for discussion and/or consideration. The Board President and Chief Executive Officer shall review the Committee's request with the Chair of the Board prior to responding to the Committee.

iv When the Board creates task forces or other subordinate organizations for the purpose of studying questions related to the duties and responsibilities of the Students' Advisory Committee, a representative of the Committee shall be appointed to such task force. Further, all councils comprised of state university personnel are encouraged to give consideration to the inclusion of student representation on task forces and other bodies created to deal with issues related to the interests and responsibilities of the Students' Advisory Committee.

### e Council of Government Relations Officers

i The Council of Government Relations Officers, established in 2011, consists of the director of government relations for the Board and the government relations officer (i.e. legislative liaison) of each state university. The Council reports to both the Council of Presidents and the Board President and Chief Executive Officer. Two members of the Council will serve as co-chairpersons: One shall be from the same institution as the chair of the Council of Presidents, and the other shall be the director of government relations for the Board.

ii The Council of Government Relations Officers' official function is to advise the Council of Presidents and the Board President and Chief Executive Officer, as well as the Board, on matters relating to pending or proposed legislation and on matters related to government relations generally. The Council meets monthly during the months of September through June with an annual retreat, and on a weekly or as-needed basis during the legislative session.

### f University Support Staff Council

The University Support Staff Council consists of the duly elected representatives from the University Support Staff Council at each of the state universities and the University of Kansas Medical Center. The role of the University Support Staff Council is to advise the Board of Regents regarding matters relating to university support staff issues and concerns. The general expectation is that the University Support Staff Council reports to the Board shall be made during the Board's September and January meetings. The University Support Staff Council chair shall be from the same institution as the chair of the Council of Presidents.

g Unclassified Staff Council

The Unclassified Staff Council consists of the duly designated representatives from the unclassified professional staff ranks at each of the state universities and the University of Kansas Medical Center. Because a formally designated unclassified staff organization does not exist at all the universities, each institution shall determine how its representative to the Council will be selected. The role of the Unclassified Staff Council is to advise the Board of Regents regarding matters relating to unclassified staff issues and concerns. The general expectation is that Unclassified Staff Council reports to the Board shall be made during the Board's September and January meetings. The Unclassified Staff Council's chair shall be from the same institution as the chair of the Council of Presidents.

h Rotation of Council or Committee Chair

As a general rule, committee and council chairs will rotate annually on July 1 in the following sequence: University of Kansas, Kansas State University, Pittsburg State University, Emporia State University, Wichita State University, and Fort Hays State University. Whenever rotation in such manner is impossible for a given committee or council, a chair shall be selected by general election of the members.

i System Council of Presidents

i The System Council of Presidents, established in 2002, consists of the six presidents of the state universities, four presidents selected by the nineteen community colleges, one president selected by the six technical colleges, and the president of Washburn University. The Board President and Chief Executive Officer serves as an ex officio member of the Council. Two members of the System Council of Presidents will serve as co-chairpersons: One shall be by annual rotation on July 1<sup>st</sup> from among the six state universities, the other shall be selected by the six Council members from institutions coordinated-but-not-governed by the Board. The presidents of other institutions (when not current members) are invited to provide input to System Council of Presidents when agenda items affecting those institutions are to be considered. On matters that have systemwide impact, all positions will be reported to the Board, and a majority will be required for Council endorsement.

ii The System Council of Presidents' main function is to consider coordination issues, either at the request of the Board or the Board President and Chief Executive Officer, or on the System Council of Presidents' own initiative, report to the Board when called upon to do so, and make recommendations to the Board on general policy affecting the system as a whole. The Board President and Chief Executive Officer will determine which issues are coordination issues; the Board Chairperson may review this determination. The System Council of Presidents may create permanent or ad hoc committees, composed of campus or non-campus personnel, to study selected subjects and report back to the Council.

iii Meetings of the System Council of Presidents are held in conjunction with the regular meetings of the Board, and at such other times as the co-chairpersons of the Council deem necessary.

(1) System Council of Chief Academic Officers

(a) The System Council of Chief Academic Officers, established in 2002, is composed of the six chief academic officers of the state universities, four chief academic officers selected by the nineteen community colleges, one chief academic officer selected by the six technical colleges, and the chief academic officer of Washburn University. The Board's Vice-President for Academic Affairs serves as an ex officio member. Two members of the System Council of Chief Academic Officers will serve as co-chairpersons: One shall be from the same institution as the state university System Council of Presidents co-chairperson; the other

shall be selected by the six Council members from institutions coordinated-but-not-governed by the Board. The chief academic officers of the University of Kansas Medical Center and other institutions (when not current members) are invited to provide input to the System Council of Chief Academic Officers when agenda items affecting those institutions are to be considered. The System Council of Chief Academic Officers may solicit input from councils that are not established by the Board. The System Council of Chief Academic Officers meets monthly and reports to the System Council of Presidents on matters that have system-wide impact; on such matters all positions will be reported, and a majority will be required for Council endorsement.

(b) The System Council of Chief Academic Officers formulates recommendations relating to the implementation of the Higher Education Coordination Act (L. 1999, ch. 147) as they apply to academic affairs; addresses instructional, academic, or related issues that affect higher education system-wide in Kansas; receives and reviews recommendations from individual campuses or instructional groups; promotes continuous quality improvement and coordination of higher education in Kansas; and promotes higher education improvement through joint academic or professional development activities. One of its primary functions is continuous academic planning for the Kansas public postsecondary system. It acts in accordance with the academic affairs policies and procedures for coordination as outlined in the Board's Policy and Procedure Manual.

(2) System Council of Business Officers

(a) The System Council of Business Officers, established in 2007, consists of the six chief business officers of the state universities, four chief business officers selected by the nineteen community colleges, one chief business officer selected by the six technical colleges, and the chief business officer of Washburn University. The Board's Vice-President for Finance and Administration serves as an ex officio member. Two members of the System Council of Business Officers will serve as co-chairpersons: One shall be from the same institution as the state university System Council of Presidents co-chairperson; the other shall be selected by the six Council members from institutions coordinated-but-not-governed by the Board. The chief business officers of other institutions (when not current members) shall be invited to provide input to the System Council of Business Officers when agenda items affecting those institutions are to be considered. The System Council of Business Officers meets as needed on the call of a co-chairperson and reports to the System Council of Presidents on matters that have system-wide impact. All positions will be reported to the System Council of Presidents, and a majority will be required for System Council of Business Officers' endorsement.

(b) The System Council of Business Officers formulates recommendations relating to the implementation of the Higher Education Coordination Act (L. 1999, ch. 147) as they apply to fiscal affairs and administration and considers system financial and business matters on which it can advise the System Council of Presidents, either at the request of the System Council of Presidents or on the System Council of Business Officers own initiative. One of its primary functions is to study and make recommendations regarding the unified budget for state funding of postsecondary educational institutions.

(3) System Council of Government Relations Officers

(a) The System Council of Government Relations Officers, established in 2011, consists of the government relations officer (*i.e.* legislative liaison) of each of the state universities, up to four government relations officers (*i.e.* legislative liaisons) selected by the nineteen community colleges (one of whom may be the Executive Director of the Kansas Association of Community Colleges), one government relations officer (*i.e.* legislative liaison) selected by the six technical colleges (which may be the Executive Director of the Kansas Association of Technical Colleges), and the governmental relations officer (*i.e.* legislative liaison) for Washburn University. The Board's Director of Government Relations and Communications serves as an ex officio member. Two members of the System Council of Government Relations Officers will serve as co-chairpersons: One shall be from the same institution as the state university System Council of Presidents co-chairperson; the other shall be selected by and from the non-state university System Council of Government Relations Officers members. The System Council of Government Relations Officers meets quarterly, or as needed on the call of a co-chairperson, and reports to the System Council of Presidents on

matters that have a system-wide impact. All positions will be reported to the System Council of Presidents, and a majority will be required for System Council of Government Relations Officers' endorsement.

(b) The System Council of Government Relations Officers formulates recommendations relating to pending or proposed legislation and on matters related to government relations generally.

5 COMMUNICATIONS WITH THE BOARD

- a Communications relating to policy and administrative matters are to be directed to the Board from each campus through the Chancellor or President of the respective institution. However, any group may petition the Board in writing through the President and Chief Executive Officer of the Board.
- b All official communications pertaining to institution or Board activities or responsibilities between campus officials and Board members shall be copied to the President and Chief Executive Officer of the Board.

6 BOARD MEETING AGENDA ITEMS

- a State university chief executive officers shall send agenda items to the President and Chief Executive Officer of the Board as early as needed to meet the Board notification deadlines. If no items are to be presented, the Board President and Chief Executive Officer shall be so notified.
- b No publicity or news release shall be given on any item that requires Board action until after such matter has been presented to the Board.
- c The agenda is printed seven days prior to the Board meeting. All items to be considered on the agenda should be received before its printing. A member of the Board of Regents may submit items for consideration at any time.
- d The Board President and Chief Executive Officer is authorized to accept supplementary agenda items of a critical nature which have developed as a result of unusual circumstances as late as 12 Noon of the day preceding the regularly scheduled Board meeting. Such items shall be in written form with sufficient copies for distribution to the Board members prior to the regular meeting.

7 PROCEDURES FOR PUBLIC COMMENT

The Kansas Board of Regents may include on its meeting agenda a time for members of the public to address the Board. The Board Chair shall determine if the item is to be placed on the agenda of a meeting. The Chair has the discretion and authority to direct and limit the presentation of public comment.

8 RECORD OF BOARD ACTIONS

- a Copies of the Minutes of each Board meeting shall be prepared by the Board President and Chief Executive Officer after each meeting and sent to all those entitled to copies. Copies of the minutes are filed in the main library at each of the state universities and are available there for public inspection. Electronic copies of the minutes from a number of years may be accessed from the Board's website, [http://www.kansasregents.org/about/regent\\_meetings\\_agendas\\_and\\_minutes](http://www.kansasregents.org/about/regent_meetings_agendas_and_minutes). The Official Minutes of the Board are also on file in the Board Office in Topeka and are open for inspection.
- b Actions taken or approvals given by Board staff on behalf of the Board pursuant to authority officially delegated by the Board shall be properly documented, and such documentation shall be retained at the Board office in accordance with applicable record retention schedules.

**B BOARD OFFICE STAFF AND OFFICE OPERATIONS**

**1 BOARD PRESIDENT AND CHIEF EXECUTIVE OFFICER**

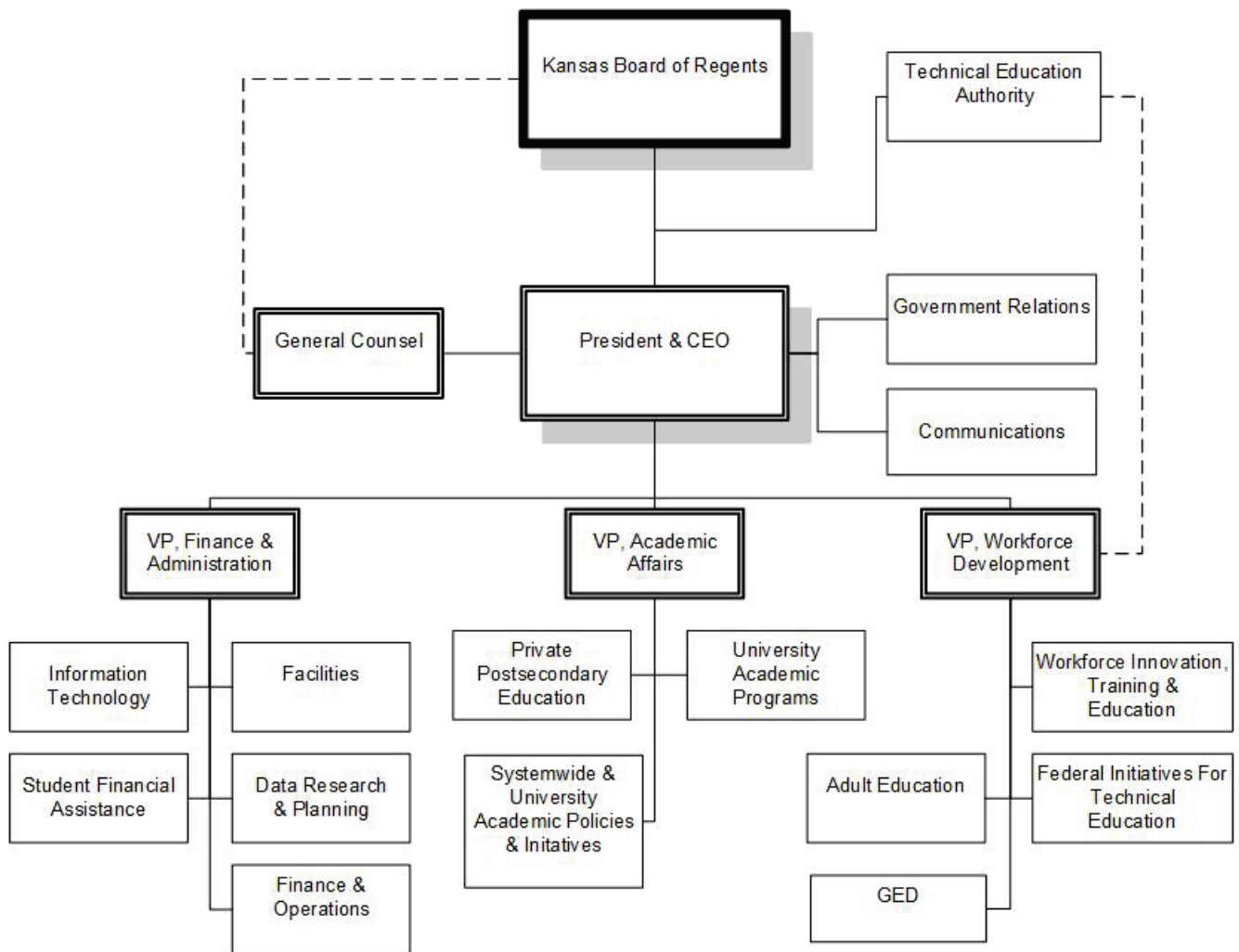
The President and Chief Executive Officer performs those duties delineated in Article IV, Section 2 of the Board By-Laws and restated below, maintains the principal office of the Board in Topeka, employs such other persons as needed, and supervises the activities of all employees of the Board office. The President and Chief Executive Officer is appointed by the Board and serves at its pleasure. By statute it is the duty of the Board President and Chief Executive Officer to attend all meetings of the Board of Regents, keep a full and correct record of its proceedings (which, when approved, shall be signed by the Chair of the Board), and perform such other duties as the Board may require.

As set forth in Article IV, Section 2 of the By-Laws, the principal duties of the Board President and Chief Executive Officer include:

- a Maintaining a thorough knowledge of current issues in higher education and particular trends in Kansas;
- b Bringing issues before the Board of Regents in a professional, meaningful and manageable fashion;
- c Serving as the chief administrative officer for the Board of Regents office staff;
- d Providing liaison with the chief executive officers (or their designees) of Kansas public postsecondary institutions in carrying out policy objectives promulgated by the Board of Regents;
- e Serving as the primary spokesperson for the Board and the System before the Executive and Legislative branches of government on matters affecting postsecondary education;
- f Attending all meetings of the Board and keeping a full and correct record of its proceedings to be signed by the Chair; and
- g Employing such other professional and/or clerical employees as are required to carry out the administrative duties of the Board.

2 BOARD OFFICE STAFF

a See the following organization chart:



b Supplemental Staff

At times when it is mutually beneficial, Board staff may be supplemented by staff from the state universities. Such persons will be designated “Staff Affiliates.” Salaries and travel expenses for Staff Affiliates will generally be paid by the institution, not from the Board budget. The Board will provide office space, furniture, computer system, communications, and incidental office expenses (e.g. photocopy, mailings, long distance phone). Staff Affiliates serve at the pleasure of the President and Chief Executive Officer with approval by the Board.

c Leave

i All Board office staff members, both classified and unclassified, are subject to the same provisions for sick leave as those applicable to state civil service personnel, including but not limited to K.A.R. 1-9-5. Sick leave shall be scheduled and approval from the President and Chief Executive Officer, or designee, obtained in advance to the extent possible.

Sick leave is forfeited upon termination of employment, if the employee is not retiring or is not retirement-eligible, but may be reinstated if the employee returns within one year to a regular position with a State of Kansas agency.



Sick leave will be paid at retirement or when the employee separates from service and is retirement eligible if the employee has accrued a minimum of 800 sick leave hours.

- ii Unclassified Board office staff in regular positions shall accrue annual leave in accordance with this provision. Full-time, exempt unclassified Board office staff members shall accrue one day of annual leave each pay-period, not to exceed twenty-two days (176 hours) per fiscal year. Part-time, exempt, unclassified Board office staff shall accrue pro-rated annual leave based upon their FTE. Full- and part-time non-exempt unclassified Board office staff shall accrue annual leave based on hours paid in the pay period. Unclassified Board office staff members may accumulate a maximum of thirty-eight working days (304 hours) of annual leave; provided, however, that no employee may receive, upon termination, payment for more than twenty-two days (176 hours) of annual leave; and upon retirement, or when retirement eligible, payment for more than thirty days (240 hours) of annual leave.
  - iii Each classified Board office staff member in a regular position shall accrue annual leave in accordance with K.A.R. 1-9-4.
  - iv Official state holidays and any special holidays declared by the Governor are not counted as days of annual leave.
  - v Annual leave shall be scheduled in advance and granted by the President and Chief Executive Officer, or designee, for periods of time requested by the staff member subject to the operational needs of the Board office. Annual leave requested as a result of personal or family emergency shall be treated on an individual basis by the President and Chief Executive Officer.
  - vi Board office staff members in regular positions may be granted leave with pay upon the death of a close relative. Such leave shall in no case exceed six working days. The employee's relationship to the deceased and necessary travel time shall be among the factors considered in determining whether to grant bereavement leave, and, if so, the amount of leave to be granted.
  - vii Unclassified Board office staff members who accumulate sick leave shall be eligible to participate in the shared leave program of the State of Kansas in the same manner as unclassified staff at the state universities. Classified Board office staff members in regular positions who accumulate sick leave are eligible to participate in the shared leave program of the State of Kansas as provided in K.A.R. 1-9-23. The Board office shall adopt, as part of its employee policies and procedures, appropriate limitations and qualifications for accumulation and use of shared leave.
  - viii Board office staff members in regular, benefits-eligible positions shall be eligible for paid parental leave in accordance with Board policy section II.C.10.h., to the same extent as university employees covered by that policy.
- d Retirement and Insurance Benefits
- i Eligible classified Board staff members are covered by the Kansas Public Employees Retirement System as determined by law.
  - ii Unclassified Board office staff members are covered by and/or eligible for those retirement benefits which are set forth in detail under the heading of CHIEF EXECUTIVE OFFICER, FACULTY AND STAFF, *Retirement*.
  - iii Eligible classified and unclassified Board office staff members may participate in the 403(b) voluntary retirement plan. The provisions of the Kansas Board of Regents Voluntary Plan Document shall control the terms of the plan.
  - iv Eligible classified and unclassified Board office staff members may participate in the State of Kansas 457 deferred compensation plan.
  - v The State of Kansas provides group health, life and long-term disability insurance and other voluntary benefit programs to eligible classified and unclassified employees.



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### e Commitment of Time, Conflict of Interest, Consulting and Other Employment

The provisions set forth under the heading of CHIEF EXECUTIVE OFFICER, FACULTY AND STAFF, *Commitment of Time, Conflict of Interest, Consulting and Other Employment* shall be applicable to the unclassified staff of the Board. The Board President and Chief Executive Officer may establish rules and procedures to effectuate this policy.

### f Out-of-State Travel Requests

Approval of out-of-state travel requests for staff other than the President and Chief Executive Officer of the Board is vested in the Board President and Chief Executive Officer. Requests for such travel should be as directed by the Board President and Chief Executive Officer and expenses will be allowed pursuant to Department of Administration regulations on travel.

Approval of out-of-state travel request for the Board President and Chief Executive Officer is vested in the Board Chairman. Requests for such travel should be submitted as directed by the Board Chairman and expenses will be allowed pursuant to Department of Administration regulations on travel.

### g Criminal Background Checks

The provisions set forth under the heading of CHIEF EXECUTIVE OFFICER, FACULTY AND STAFF, *Appointments, Criminal Background Checks* shall apply to staff hired for the Board office. The Board President and Chief Executive Officer may establish rules and procedures to effectuate this policy.

## 3 CONTRACTS

- a The Board of Regents may enter into contracts, including leases of personal property, with any party or parties including any agency of the United States or any state or any subdivision of any state or with any person, partnership or corporation if the purpose of such contract is related to the operation or function of the Board. (K.S.A. 76-721). Except as otherwise specifically required by statute or Board policy, or in circumstances where the Board President has a conflict of interest, the Board delegates its contracting authority to the Board President and Chief Executive Officer, who may negotiate and enter contracts on behalf of the Board. The Board President and CEO may negotiate but not enter into contracts involving expenditure of greater than \$250,000 or a term of greater than 3 years without Board Governance Committee approval; this restriction does not apply to grant awards made pursuant to state or federal law. In the event the Board President and Chief Executive Officer has a conflict of interest, the Board Chairman may approve and execute the contract unless the full Board's review is otherwise required by Board policy or state law.
- b Contracts entered into on behalf of the Board of Regents shall be executed by the Chair of the Board, or the Board President and Chief Executive Officer, or anyone otherwise authorized by direct action of the Board.
- c Memoranda of agreement negotiated pursuant to the Public Employer-Employee Relations Act, K.S.A. 75-4322 et seq., shall be processed as follows:
  - i Except as otherwise provided in this policy, the Board of Regents delegates its rights and responsibilities as "public agency/public employer" under the Public Employer-Employee Relations Act to each university chief executive officer and the university chief executive officer's designees for purposes of negotiating memoranda of agreement and reaching tentative agreement under the Act.
  - ii Each state university shall, at the time it or a legally recognized employee organization seeks to open negotiations of a new or existing memorandum of agreement, submit to the Board President and Chief Executive Officer and the Board's general counsel notice and the scope of and timeline for the impending negotiations.
  - iii Prior to the first meet and confer session the Board President and Chief Executive Officer may meet with the university chief executive officer and/or university employer negotiators to discuss the negotiations.

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- iv Additionally or alternatively, during the beginning stages of any meet and confer proceedings the full Board or its Governance Committee or the Fiscal Affairs and Audit Committee may meet to discuss the negotiations with the university chief executive officer and/or university employer negotiators. The Board or Committee may recess such meetings into executive session, as authorized by the Kansas Open Meetings Act.
- v At the initial meet and confer session the university employer negotiators shall inform the recognized employee organization that any agreement reached on provisions open for negotiation is tentative, pending formal approval by the Board.
- vi Once tentative agreement is reached on all items open for negotiation in a meet and confer process, the state university shall submit the proposed agreement, and background information in the form of an issue paper, to the board office (in accordance with Board timelines for submission of agenda items) for inclusion in the first available Board meeting agenda.
- vii The full Board, acting as the “governing body” under the Public Employer/Employee Relations Act, shall consider the proposed memorandum of agreement, or proposed amendments to an ongoing agreement, and either approve the proposed agreement/amendments and authorize the Board Chairman to execute the agreement on its behalf, or reject the proposed agreement/amendments and return it to the parties for further deliberation. The Board may recess such meetings into executive session, as authorized by the Kansas Open Meetings Act.

### 4 PROCEDURES RELATING TO REQUESTS FOR INSPECTION OF PUBLIC RECORDS AND OBTAINING COPIES

- a The Board President and Chief Executive Officer
  - i shall act as the Official Custodian of all public records maintained in the Kansas Board of Regents Office, Suite 520, 1000 S.W. Jackson, Topeka, Kansas 66612-1368;
  - ii may make changes to the Board procedures relating to requests for access to or copies of public records and when changes are made shall report those changes to the Board; and
  - iii may appoint appropriate staff to act as designated record custodians and/or the designated “freedom of information officer,” as set forth and defined by K.S.A. 45-215 et seq.
- b Public records may be inspected during normal business hours of the Board of Regents Office which are between 8:00 a.m. and 5:00 p.m. Monday through Friday (except holidays and other non-work days authorized by the state).
- c The Board President and Chief Executive Officer may establish record fees that reflect and are designed to recoup the actual costs of providing copies of or access to public records.

### 5 PROCEDURES RELATING TO REGULATION OF PRIVATE AND OUT OF STATE POSTSECONDARY INSTITUTIONS

- a The Board President and Chief Executive Officer or designee, on behalf of the Board and in accordance with K.S.A. 2017 Supp. 74-32,162 et seq., shall
  - i issue initial certificates of approval to qualified non-degree-granting private and out-of-state postsecondary educational institutions that submit complete applications and meet all statutory and regulatory requirements for Board certification;
  - ii issue renewal certificates of approval to qualified degree and non-degree-granting private and out-of-state postsecondary educational institutions that submit complete applications and meet all statutory and regulatory requirements for Board renewal of certification; and
  - iii subsequent to issuance of the initial certificate of approval by the Board, approve additional degree-granting authority to qualified degree-granting private and out-of-state postsecondary educational institutions that submit complete applications and meet all statutory and regulatory requirements for additional degree-granting authority.

- b The Board President and Chief Executive Officer, or designee, shall sign all certificates of approval issued pursuant to K.S.A. 2017 Supp. 74-32,170. Certificates of approval issued pursuant to the Private and Out of State Postsecondary Educational Institution Act shall contain the information required by K.S.A. 2017 Supp. 74-32,170, and any other information required by the Board of Regents.
- c The Board President and Chief Executive Officer, on behalf of the Board and in accordance with K.S.A. 2017 Supp. 74-32,178 and 74-32,173, may
  - i request the Attorney General or a local county or district attorney to file an injunction or pursue other appropriate enforcement actions against an institution that is required to but fails to obtain a certificate of approval from the Board to do business in this state; and
  - ii request the Attorney General to pursue appropriate enforcement actions against an institution that has a certificate of authority to do business in this state but has failed to comply with any statutory or regulatory requirement that is within the Board of Regents' authority to impose.

6 PROCEDURES RELATING 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 II: GOVERNANCE<sup>1</sup> – STATE UNIVERSITIES

### A **ACADEMIC AFFAIRS** (see Chapter III., Section A. for additional academic affairs policies applicable to state universities)

#### 1 **ACADEMIC CALENDAR**

- a The Academic Calendar of each state university shall provide for an academic year minimally consisting of two sixteen-week semesters totaling no fewer than 146 instructional days plus five final exam days each semester.
- b Each state university shall file a three-year Academic Calendar adhering to holidays and breaks approved by the Board. Each state university shall follow the calendar as approved by the Board. Any deviation for reasons other than natural disasters or national emergencies must have prior approval of the Board.
- c The President and Chief Executive Officer of the Board shall have the authority to approve or deny non-substantive revisions to Board-approved three-year calendars and shall periodically report these changes to the Board.
- d Beginning May 21, 2020 and through December 31, 2021, the Board Chairman and the Board President and Chief Executive Officer, acting together, shall have the authority to approve or deny substantive revisions to any current academic year Board-approved calendar when such revisions are COVID-19 pandemic related and need to be made effective during the period between Board meetings. The Board President and Chief Executive Officer shall immediately report any such revisions to the Board.

#### 2 **COURSE NUMBERING SYSTEM**

- a In order to maintain a common system of classification of academic information for all state universities, course levels are to be identified by the first digit catalog course number as follows:

000-099	No credit courses.
100-299	Lower division, undergraduate. Designed as freshman-sophomore courses.
300-499	Upper division, undergraduate. Designed as junior and senior courses.
500-699	Upper division, undergraduate. Primarily for juniors and seniors, with enrollment of less than 50% master's students.
700-799	Graduate and upper division. For master's students primarily; with enrollment of less than 50% undergraduate students.
800-899	Designed primarily for master's students.
900-999	Designed primarily for doctoral students.

Master's = Courses and thesis for master's students who will ordinarily have accumulated from 1 through 30 graduate hours and students enrolled in professional schools (Law, Veterinary Medicine, M.D., Architecture, etc.).

Doctoral = Courses for specialists and doctoral students who will ordinarily have completed more than 30 hours of graduate work.

The dual listing of courses may be permitted on a limited basis with the written approval of the graduate dean of each institution. A current list of such dually listed courses shall be maintained by each university.

- b Course level shall be identified and reported as outlined in the KSPSD Reference Manual.
- c Program category and subcategory as defined in the most recent edition of the manual Classification of Instructional Programs (CIP) (National Center for Education Statistics) are to be identified by the last four or six digits of the course identification, and college and department are to be identified by the first three digits, resulting in a seven or nine digit course identification number.

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

- d Only the three digit course level and number portion need be used by students for regular course and catalog identification purposes.

3 CREDIT BY EXAMINATION

- a Credit awarded by any state university in conformity with this policy shall be accepted by all other state universities.
- b Except for exams with alternative scores set under paragraph c, each state university shall award:
  - i Credit for all Advanced Placement (AP) examination scores of three (3) or above for the equivalent course or courses at their institution.
  - ii Credit for all College-Level Examination Program (CLEP) examination scores at or above the American Council of Education's (ACE) credit-granting recommended score of 50 for the equivalent course or courses at their institution.
  - iii Credit for all International Baccalaureate (IB) examination scores of four (4) or above on Higher Level (HL) exams and Standard Level (SL) exams for the equivalent course or courses at their institutions.
  - iv Credit for all Cambridge International (CI) examination scores of E or above on Advanced Levels (A Levels) exams and e or above on Advanced Subsidiary Level (AS Levels) exams when evaluated for the equivalent course or courses at their institution.
- c Any academic discipline may establish a higher systemwide AP exam score above three (3) IB exam scores above four (4), and scores above E and e for CI, using the process for establishing a higher systemwide score proposed by the Council of Faculty Senate Presidents and approved by the Council of Chief Academic Officers on May 18, 2016 and amended by the Council of Chief Academic Officers on February 20, 2019. Any academic discipline may review and change a higher systemwide AP exam score above (3) a higher systemwide IB exam score above (4), and higher systemwide CI exam scores above E and e using the process for reviewing and changing system-wide scores proposed by the Council of Faculty Senate Presidents and approved by the Council of Chief Academic Officers on January 17, 2018 and amended by the Council of Chief Academic Officers on February 20, 2019.
- d All other Kansas public postsecondary educational institutions are encouraged to adopt this state university policy.
- e Institutions shall have discretion on awarding additional credit for scores above three (3) on AP exams, above four (4) on Higher Level or Standard Level IB exams, above E and e on CI exams, and scores above the ACE credit-granting recommended score of 50 for CLEP exams.

4 CREDIT FOR COURSES INVOLVING TRAVEL

- a Academic credit for courses or programs involving travel shall be granted under the same conditions and by the same procedures as for other courses offered for credit by the institution.
- b No program for instructional activities outside the State of Kansas shall be approved by any state university if any one or more of the following apply:
  - i The proposed courses do not fall within the authorized program of the institution;
  - ii The instructors are not duly qualified members of the faculty of the institution concerned; or
  - iii The activity is designed to produce a profit for any individual.
- c The organization of non-credit hours by individual faculty or staff members to be conducted at times when they are not being paid by the State of Kansas shall be permissible provided all reasonable precautions are taken to avoid the appearance of institutional sponsorship.

- d Nothing in this statement is intended to modify currently accepted practice relating to academic extension programs, as defined below.

## 5 PROGRAM REVIEW

- a In cooperation with the state universities, the Board will maintain a regular program review cycle and process that will allow the universities to demonstrate on an ongoing basis that they are delivering quality programs consistent with their mission. Regular program review is institutionally based and follows the departmental or unit structure of the institution. The Vice President for Academic Affairs shall provide guidelines for Program Review and, as part of the review of institutional reports, will include consideration of the Board-approved minima tables.
- b In addition to and distinct from the regular program review cycle and process, the Board may direct one or more state university chief executive officers to undertake a strategic program alignment review to determine which of the university's programs shall be recommended to the Board for continuation, further evaluation, merger, or discontinuance. Guidelines will be established by the Board.

If directed to do so under this provision, the state university chief executive officer shall present to the Board a list of programs for strategic alignment review. Upon receipt of the list, the Board shall review, approve one or more programs for alignment review, and may select one or more additional programs to evaluate.

Upon completion of the strategic alignment at the campus level, the state university chief executive officer shall recommend to the Board whether identified programs should be continued, further evaluated, discontinued, or merged, and provide a rationale for each recommendation. The Board shall review the recommendations and make the final determination whether the evaluated programs continue, merit further evaluation, merge, or discontinue. For programs the Board has identified for merger or discontinuance, the state university chief executive officer shall provide a plan for the transition.

- c The review of degree programs shall encompass all levels of academic degrees from associate to doctoral. "Program" means an academic plan that is approved by the Board and leads to an award

## 6 PROGRAM PARTICIPATION – OUTSIDE FUNDING

No state university may accept a grant or gift to enter a contractual relationship for any program contrary to or outside the scope of mission and programs authorized by the Board for that institution. No program by its terms or implications can obligate the institution to continue such program after the expiration of outside funding for the program except by prior approval of the Board.

## 7 NEW ACADEMIC UNITS AND ACADEMIC PROGRAMS

Approval of academic units and programs is motivated by: (1) a desire to ensure sufficient resources to offer a quality program or to support a new academic unit and (2) a need to monitor new programs and units within the Kansas public postsecondary system.

- a Definitions: As used in this policy, the following terms have the stated meanings.
  - i Major: A major is a program of study offering both depth and breadth in a particular discipline or field of study. For a bachelor's degree, a major should entail approximately the equivalent of one academic year of work in the main subject plus one academic year in related subjects, or two academic years in closely related subjects within a liberal arts interdisciplinary program.
  - ii Minor: A minor is a program of study, with less depth than a major. It is completed to complement, or as an addition to a major. A minor may not exceed 24 credit hours at the baccalaureate level; 12 credit hours at the master's level; and 18 credit hours at the doctoral level.



- iii Concentration: Concentrations, emphases, subprograms, sub-majors, tracks, and options are all referred to as concentrations. A concentration is a structured plan of study within a major. The number of semester hours for a concentration varies, but is included within the semester hours for the major. New concentrations do not require approval from the Council of Chief Academic Officers or the Board.

Note: Certificate programs are not considered concentrations or minors and are determined at the campus level.

- b Actions that Require Approval by the Council of Chief Academic Officers and Board President and Chief Executive Officer: The following types of action require approval by the Council of Chief Academic Officers and the President and Chief Executive Officer of the Board of Regents. Action is approved when the campus receives written notice from the Board President and Chief Executive Officer.
  - i Approval of a new minor in an area of study where no Board-approved degree program exists.
  - ii Changing the name of an existing unit or degree title or consolidating two or more units or degrees in one unit or degree or splitting a unit or program into two or more units or programs.
  - iii Any new department.
  - iv. Any new school housed within an existing college.
- c Actions Requiring Approval by the Board: The following types of actions require approval by the Council of Chief Academic Officers, the Council of Presidents and the Board of Regents:
  - i Substantial reorganization of a state university’s academic structure.
  - ii Any new stand-alone college/school.
  - iii If they require new state funding, any new department, institute, or center.
  - iv Any new degree programs outside of an associate degree detailed in Chapter II.A.7.i.ii.
  - v Any extension of an approved degree program to a higher degree level, e.g., Associate Degree to Bachelor's Degree.
  - vi Any new major under an existing degree name.
- d Approval of New Academic Program Proposals
  - i Overview
    - (1) When the Board considers the establishment of a new degree program or major, information regarding its need, quality, cost and means of assessment become paramount. The minimization of unnecessary program duplication is a high priority of the Kansas Board of Regents.
    - (2) State universities must submit a complete program proposal to Board staff and enter the proposed program into the Program Inventory Database. Once Board staff receives a complete program proposal and the program is entered into the Program Inventory Database, the proposal will be available electronically for institutions to view. All institutions shall be automatically notified of the proposed program by email through the Program Inventory Database. Outside of an associate detailed in Chapter II.A.7.i.ii., if a state university wishes to express concerns about a proposed associate, baccalaureate, masters, or doctoral degree, the president or chief academic officer shall address such concerns in writing to the Board staff within 45 calendar days of notification of the proposed program. Outside of an associate degree detailed in Chapter II.A.7.i.ii., if a community or technical college wishes to express concerns about a proposed associate degree, the president or chief academic officer shall address such concerns in writing to the Board staff within 45 calendar days of notification of the proposed program. During the 45 calendar day comment period, the list of concerns, comments and objections will be compiled by Board



staff and forwarded to the state university for follow-up. The state university proposing the program is expected to communicate with other institutions filing concerns, comments or objections to minimize or eliminate the identified issues. Final proposals must include evidence that concerns, comments or objections have been addressed. This process is designed to make the approval process more transparent, improve proposals and reduce potential conflict related to unnecessary duplication. The 45 calendar day comment period shall run concurrently with the approval procedures for new academic program proposals.

The Board President and Chief Executive Officer, or designee, shall determine if each proposed program is similar to others in the state and may serve the same potential student population. A similar program is one that has a like CIP code, title, content or competencies. If the President and Chief Executive Officer, or designee, determines that one or more similar programs exist, the following information included in the program proposal narrative shall be taken into account: the ability/inability to offer the program collaboratively, the level of student interest in the program, existing and future labor market demand, and availability of clinical sites, if applicable.

Board staff shall compile, analyze and make recommendations to the Board on the information provided in the program proposal narrative. The recommendations and information provided shall be reviewed by the Board

Academic Affairs Standing Committee to determine whether the program represents unnecessary program duplication before forwarding the proposal to the full Board for action.

ii Procedures for Approval of New Academic Programs

After a complete program proposal is entered in to the Program Inventory Database, it shall be reviewed and considered as a first reading by the Council of Chief Academic Officers at its next regularly scheduled meeting. During the review, Council members may question the representative of the proposing institution regarding the proposed program. Council members will also consider any comments, suggestions or concerns received by Board staff. In addition, Council members will consider how the comments, suggestions and concerns have been addressed.

(1) The Council of Chief Academic Officers shall review and consider the proposal as a second reading at its subsequent regularly scheduled meeting. The Council shall make one recommendation based on a majority vote according to the following voting categories:

- (a) Recommended: Proposed program merits implementation according to institutional and State priorities.
- (b) Not Recommended: Proposed program does not merit Board approval at this time.

(2) The Council of Chief Academic Officers shall convey its recommendation in writing at the next regularly scheduled meeting of the Council of Presidents. If the vote of the Council of Chief Academic Officers is unanimous, the Council may convey its recommendation to the Council of Presidents on the same day it is made.

(3) The Council of Presidents shall consider (3) the proposal and forward its recommendation to the Board of Regents.

(4) The Board of Regents shall act on the proposal at its next regular meeting.

e Application Procedure for New Academic Programs

i State universities shall enter the proposed program into the Program Inventory Database.

ii State universities shall complete and submit the “Basic Program Information” Form, which shall include the following:

(1) Proposing institution;

- (2) Title of proposed program;
  - (3) Degree(s) to be offered;
  - (4) Anticipated date of implementation;
  - (5) Responsible department(s) or unit(s); and
  - (6) Center for Education Statistics, Classification of Instructional Program (CIP) code associated with the program.
- iii State universities shall submit to Board Staff a "Program Proposal Narrative" and include responses to the following:
- (1) Program Justification. Program proposals shall establish clearly the need for the proposed program. Need for a proposed program shall be judged on the basis of the following criteria:
    - (a) Is the program central to the mission of the institution? What are the locational and comparative advantages of the program?
      - (i) The proposed program shall be centrally related to the Board approved Mission Statement of the institution.
      - (ii) The proposal shall discuss and compare similar programs in other institutions in the Regents system and related programs in the same institution.
      - (iii) The proposal shall discuss and compare similar programs in the region and compare their quality with the program under consideration.
      - (iv) The proposal shall demonstrate why the program should be located at the proposing institution.
      - (v) The proposal shall consider and demonstrate the advantages and disadvantages of the program being a freestanding, cooperative or joint program including collaborative degree options.
      - (vi) The proposal shall state where the institution ranks the proposed program in its list of priorities. The proposal shall state how this determination was made.
    - (b) What is the student demand for the program and what are the characteristics of the students who will participate in the program?
      - (i) The volume of student demand for the proposed program shall be demonstrated through some form of disciplined survey analysis.
      - (ii) Student demand shall be demonstrated to be at a sufficient volume to justify the program. Normally three years after inception of the program, doctoral programs should have five students, master's programs should have 20 students, and baccalaureate programs should have 50 students.
      - (iii) Describe the characteristics of the pool from which the students will be drawn.
      - (iv) Describe the procedures and criteria for admission into the proposed program.
    - (c) What is the demand for graduates of the program?

The proposal shall demonstrate specific job opportunities including labor market demand data at both the local and state level. The proposal shall also demonstrate other post-collegiate experiences for graduates of this program.

(2) Curriculum of the Proposed Program. Program proposals will be expected to describe the curriculum of the proposed program and shall be judged on the following criteria:

- (a) Describe the more important academic objectives of the proposed program, including the range of skills and knowledge future graduates will possess.
- (b) The course work required of all students who major in this program shall be described.
- (c) Internships and practica required of students in this program shall be described.
- (d) If clinical are required, are sufficient sites available?

(3) Program Faculty. Program proposals shall establish clearly the requirements, costs and quality of the faculty for the program.

(a) Faculty Qualifications

(i) The instructional staff shall consist of a sufficient number of permanent faculty appropriately qualified for the level of instruction. Three years after inception, programs should be staffed according to the following guidelines:

Bachelors Program – 3 faculty with Ph.D. or appropriate terminal degree;

Masters Program – 3 additional faculty with Ph.D. or appropriate terminal degree;

Specialists and Doctoral Programs – 2 additional faculty with Ph.D. or appropriate terminal degree.

(ii) The proposal shall list all instructional staff who will teach in the proposed program. The list shall include the title of each instructional staff member, his or her highest degree awarded, and whether he or she is tenured or on the tenure-track.

(iii) The proposal shall differentiate core faculty from others who teach in the program.

(iv) The instructional staff shall consist of faculty whose academic specializations are appropriate to the new degree program.

(v) The instructional staff shall consist of faculty whose academic, instructional and scholarly accomplishments suggest that the proposed program will be of high quality and appropriate to the institution's mission, role and aspirations.

(vi) Identify other teaching requirements outside the proposed program assigned to core faculty. Also identify the proportion of their assignments devoted to the proposed program.

(vii) The number, qualifications and rank of proposed new faculty shall be identified.

(viii) The cost of proposed new faculty shall be identified, along with expected timelines for their employment by the institution.

(b) How many graduate assistants will serve the program?

The proposal shall identify any necessary graduate positions and budgeted salaries.

(4) Academic Support. Program proposals shall establish clearly the requirements, costs and quality of the academic support services for the program.

- (a) What are the academic support services for this program?

The advising services, library, audio-visual and academic computing resources shall be of sufficient volume and quality to support the program effectively.

- (b) What new library materials and other forms of academic support are required beyond normal additions?

- (i) The expected number of library acquisitions shall be identified with anticipated costs.
- (ii) New or enhanced forms of academic support shall be identified with the anticipated costs.

- (c) What new supporting staff will be required beyond normal additions?

The proposal shall list support staff requirements and budgeted salaries.

- (5) Facilities and Equipment. Program proposals shall establish clearly the requirements, costs and quality of the facilities and equipment for the program.

- (a) What are the anticipated facilities requirements (existing, renovated or new)?

- (i) Space requirements shall be sufficient to the instructional and laboratory needs of the program. The facilities needed for the delivery of a high quality program shall be itemized.
- (ii) Renovated or new facilities shall carry a fiscal note, identifying necessary work and additional costs.
- (iii) Sources of funding for renovation and new construction shall be identified.

- (b) What new equipment will be required beyond normal additions?

- (i) Equipment requirements shall be sufficient to the instructional and laboratory needs of the program. A statement shall be made about the equipment needed for the delivery of a high quality program.
- (ii) The proposal shall itemize available inventory, including equipment condition and life-span.
- (iii) The proposal shall itemize new equipment needs.

- (6) Program Review, Assessment and Accreditation. Program proposals shall establish clearly the institution's plan to monitor, maintain and enhance the quality and effectiveness of the program.

- (a) What program review process or evaluation methods will be used to review the program?

- (b) What student learning outcomes measures will be used to assess the program's effectiveness?

- (c) What are the institution's plans regarding program accreditation?

- (i) The program shall identify the specialized accrediting agency where applicable.
- (ii) The proposal shall identify institutional plans to have the program accredited, including timelines and projected costs of achieving and maintaining accreditation.

f Expedited Program Approval

This expedited program approval process is designed to allow state universities to respond quickly to distinct opportunities to meet workforce, economic or other special needs.

i Request for Approval

To request approval to offer a program under the expedited approval process, a state university shall enter the proposed program into the Program Inventory Database and submit a “Statement of Intent” to the Vice President for Academic Affairs. The Statement shall be limited to two pages and shall:

- (1) Justify the need for expedited implementation by demonstrating that the program:
  - (a) is in need of expedited approval due to unforeseen, immediate circumstances;
  - (b) has a direct and immediate impact on meeting workforce, economic, or other special needs;
  - (c) is being developed by a state university at the direct request of a corporate, industrial or public entity;
  - (d) is distinct within the state university sector, or if not distinct, that duplication is appropriate;
  - (e) meets all the requirements of Board policy on off-campus delivery of academic courses and programs; and
  - (f) was expedited for approval at the campus level.
- (2) Describe the proposed program, including:
  - (a) an overview of the program;
  - (b) the title of program, responsible department(s), degree(s) to be offered, anticipated date of implementation, CIP code, and location(s) of this program;
  - (c) an overview of the curriculum; and
  - (d) any new required faculty and/or resources and how those will be funded.

The Vice President for Academic Affairs will review the “Statement of Intent” and, if approved, shall electronically submit the Statement to the Council of Chief Academic Officers and Council of Presidents. The Councils shall have fourteen calendar days to review and comment on the proposed program.

The Vice President for Academic Affairs shall review the proposed program and any comments received, and provide a recommendation to the Board President and Chief Executive Officer for final consideration.

ii Annual Report

By December of each year following a program’s implementation, state universities with programs approved using the expedited approval process shall provide the Vice President for Academic Affairs an annual update on the program. The update shall include:

- (1) a brief description of program’s progress, including program enrollment;
- (2) a description of any problems and/or barriers to success; and
- (3) plans for and progress of changes and developments to the program.

This report shall be provided until a final decision is made on program continuation.

iii Final Recommendation

Four years after the program’s implementation, the university shall provide the Vice President for Academic Affairs a report on its progress and recommend that it either be placed in the regular program array or be discontinued. The report shall include information on:

- (1) number of Faculty;
- (2) number of Majors;
- (3) number of students on schedule to graduate in six years;
- (4) resources expended; and
- (5) whether the program is meeting workforce and/or economic needs.

The Vice President for Academic Affairs shall review the final report, and provide a recommendation to continue or discontinue to the Board President and Chief Executive Officer. If continued, the program shall be placed in the university’s regular program review cycle for reporting to the Board.

g Requests for New Doctoral Programs: Because doctoral education requires a substantial commitment of resources in the areas of instruction and research, doctoral education will primarily occur at the University of Kansas, Kansas State University and Wichita State University.

i Acknowledging that special or distinct opportunities for doctoral programs may arise, the Board may consider proposals for doctoral programs at Emporia State University, Pittsburg State University and Fort Hays State University under exceptional circumstances. Prior to the preparation of the New Program Proposal and undergoing the degree approval process, the proposing regional university must provide the Board with a "Statement of Intent" to develop a doctoral program. The “Statement of Intent” should be no more than two pages long. The “Statement of Intent” must demonstrate all three of the following:

- (1) The proposed program will be distinct within the state university sector;
- (2) The institution has a distinct research infrastructure and capacity in the proposed program area; and
- (3) The proposed program captures a special or distinct opportunity that will justify an exception to the Mission, Role and Scope of the regional university.

The “Statement of Intent” will be posted on the New Program Alert System and forwarded to the Council of Chief Academic Officers and Council of Presidents for their respective review and recommendation to the Board.

Once the Board has approved the "Statement of Intent," the proposing regional university may submit a new academic program proposal for consideration.

ii When any institution proposes a new doctoral program the Board of Regents shall employ three external consultants selected by the President and Chief Executive Officer of the Board to review the requesting institution's ability to deliver the proposed program and to review all similar programs in the system, if there are any. The criteria in section A.7.d. shall be followed by the consultants in determining the quality of the proposed program. The Council of Chief Academic Officers, the Council of Presidents and the Board shall review the consultants’ report before a final decision regarding the proposed doctoral program is rendered. All expenses of the special review shall be borne by the proposing institution. Cost of subsequent reviews related to deficiencies shall be borne by institutions found to have deficient areas.

h Requests for Professional Practice Degree Programs: Since professional practice degree education requires a substantial commitment of resources in the areas of instruction and support, professional practice degree education will primarily occur at the University of Kansas, Kansas State University, and Wichita State University.

- i The Board may consider proposals for professional practice degree programs at Emporia State University, Pittsburg State University and Fort Hays State University under exceptional circumstances. Prior to the degree approval process, the proposing regional university must provide the Board with a “Statement of Intent” to develop a professional practice degree program. The “Statement of Intent” will be posted on the New Program Alert System and forwarded to the Council of Chief Academic Officers and Council of Presidents for their respective review and recommendation to the Board. The “Statement of Intent” should be no more than two pages long. The “Statement of Intent” must demonstrate all three of the following:

- (1) The proposed program will be distinct within the state university sector and/or align with professional association standards;
- (2) The proposed program will be consistent with the Mission, Role, and Scope of the institution or justify why the proposal merits an exception; and
- (3) The proposed program will be cost-effective and will not financially impact the quality of other programs.

Once the Board has approved the “Statement of Intent,” the proposing regional university may submit a new academic program proposal for consideration.

- ii When any institution proposes a new professional practice degree program, the Board of Regents shall employ three external consultants selected by the President and Chief Executive Officer of the Board to review the requesting institution’s ability to deliver the proposed program and to ensure that the proposed program is not unnecessarily duplicative of existing professional practice degree programs in the State. The criteria referenced in section A.7.d. shall be followed by the consultants in determining the quality of the proposed program. Before a final decision regarding the proposed professional practice degree program is rendered, the Council of Chief Academic Officers, the Council of Presidents and the Board shall review the consultants’ report. All expenses of the special review shall be borne by the proposing institution. Cost of subsequent reviews related to deficiencies shall be borne by institutions found to have deficient areas. Institutions do not need to undergo consultant review to establish a professional practice degree program in an area of study with a previously Board-approved doctor’s degree program.

- i Associate Degree Programs:

- i The roles of the state universities and the State's community colleges and technical colleges should be clearly differentiated. Therefore, with the exception of an associate degree as detailed in Chapter II.A.7.i.ii, the Board of Regents discourages the state universities from offering associate degrees in academic or technical programs where the baccalaureate is available; provided, however, that the Board acknowledges that student demand and community needs may engender requests for associate degree programs, particularly in areas of technology education. Requests by state universities for associate level programs, other than those specifically enumerated in subsection ii.(5) below, shall be considered through the new program approval process.

- ii State universities shall be permitted to offer an associate degree without obtaining the approval otherwise required by Chapter II.A.7.c in accordance with the following parameters:

- (1) The degree shall be limited to students pursuing a baccalaureate degree;
- (2) Students shall not have an option to select the degree as a stand-alone degree program;
- (3) The degree shall have a negligible fiscal impact on the state university and no state university shall seek additional state funding to offer the degree;
- (4) The degree is designed as a stackable credential that can be integrated into the student’s chosen baccalaureate program;



(5) The degree shall be an associate in arts, associate in general studies, or associate in science, and it shall not extend beyond the general studies or liberal arts nomenclature to include nomenclature that would reflect a content-specific program offering (e.g., associate in arts in journalism);

(6) It is understood that the community college sector is the primary sector in Kansas for awarding associate degrees. As such, the degree authorized by this Chapter II.A.7.i.ii at any state university shall primarily be limited to a student who has not earned 30 or more hours of resident credit from at least one Kansas community college. When a student earned 30 or more hours of resident credit from a single Kansas community college, the state university shall work with the community college to support the student in completing the degree authorized by this Chapter II.A.7.i.ii (or another associate degree, if applicable) through reverse transfer. If a student completed 30 or more hours of resident credit at more than one Kansas community college, the Kansas community college in which the student completed the most hours of resident credit shall be the designated community college for reverse transfer purposes unless the student expresses a desire to earn the associate degree from another Kansas community college from which they earned 30 or more hours of resident credit;

(7) If a student completed 30 or more hours of resident credit at a Kansas community college and it has been determined that the Kansas community college will require the student to complete more credit hours to complete the associate degree than the state university will require the student to complete to obtain the associate degree, the state university shall be eligible to award the associate degree authorized by this Chapter II.A.7.i.ii;

(8) The State University President shall notify the Board President and Chief Executive Officer in writing before offering the associate degree authorized by this Chapter II.A.7.i.ii; and

(9) The requirements in paragraphs (1-8) shall not apply to any approved associate in arts degree program offered by a state university before June 13, 2023.

j Program Discontinuance and Merger

i In discontinuing any existing academic program, each state university shall follow its own Program Discontinuance Policy as approved by the Board of Regents.

ii State universities that discontinue degree programs as a result of mission differentiation will be allowed to retain funding associated with those programs to improve the quality of remaining programs.

k Centers, Institutes and Bureaus

i The following general criteria apply to all centers, institutes and/or bureaus established in the state university system after June 28, 1995, with the sole exception of administrative and clinical units that are nonacademic in nature:

(1) Purpose: Establishment of such a unit should enhance the visibility of a given subject or activity. Each unit shall provide an exact and detailed description of its scope.

(2) Resources: Sufficient resources should be provided for any unit to meet the goal of increased visibility.

ii Centers of Excellence established pursuant to K.S.A. 74-8106 or seeking funding pursuant to K.S.A. 74-8106 should have state and nation-wide recognition and should be unique within the State. Such Centers of Excellence require consideration and approval by the Centers of Excellence Committee created by the Board of Regents.

l Accreditation

The Kansas Board of Regents believes that accreditation is an important indicator of institutional and program quality but that it must be balanced by considerations such as the relationship of accreditation to institutional mission, role, and aspiration, as well as the costs associated with accreditation visits and recommendations.



## Chapter II: Governance – State Universities

- i Board approval is required when any state university seeks accreditation for any program that it does not hold. Board approval shall be preceded by a formal proposal to the Board to seek accreditation. Where a program at any state university is unaccredited, Board approval must be obtained and granted prior to beginning the accreditation process. The proposal should include information on the accrediting agency and a table of costs associated with accreditation.
  - ii The Vice President for Academic Affairs shall provide the Board with a report on the accreditation status of the state universities and their accredited programs every four years. The report shall include information on a) whether the institution or the program is accredited for the full term of accreditation and b) whether the institution or the program has received full accreditation status or is on probationary status.
  - iii Upon request of the Board, copies of all final accreditation reports shall be made available.
  - iv In addition to the reports detailed in section ii, state universities shall promptly notify the Board, through the Vice President for Academic Affairs, when the accreditation status of a program or the institution adversely changes, as well as when an accrediting body decides on the status of a new program seeking accreditation.
- m Reciprocal Agreements
- i The Board is authorized to enter into and implement reciprocal agreements with other states and colleges and universities of other states for the mutual utilization of educational facilities to permit access for residents of the State of Kansas to courses of collegiate, graduate, or professional study not offered by any of the institutions under control of the Board. All such agreements are to be approved by the Attorney General and filed with the Secretary of State. (K.S.A. 74- 3219 and 3220)
  - ii The Board is authorized to enter into and implement reciprocal agreements with governing boards of colleges and universities in other states or countries for pursuing courses of collegiate, graduate or professional study. All such agreements are to be approved by the Governor and filed with the Secretary of State. (K.S.A. 74-3221)
  - iii The Board realizes that it should not expect the State to provide educational programs in all academic areas. As a result, existing reciprocal agreements and contracts for guaranteed admission (K.S.A. 76-721a) that provide education opportunities in dentistry, optometry, osteopathy and veterinary medicine shall be continued to avoid the development of such costly programs within the Kansas higher education system.
  - iv The Chair of the Board shall be authorized to execute all such reciprocal agreements on behalf of the Board, subject to approval of the agreement by Board counsel as to legal form, without formal Board action.

## 8 INTELLECTUAL PROPERTY

The purpose of the Board’s Intellectual Property policy is to foster the creation and dissemination of knowledge and to provide certainty in individual and institutional rights associated with ownership and with the distribution of benefits that may be derived from the creation of intellectual property. The policy is intended to be a broad statement to provide uniformity among the institutions while allowing for institutional flexibility. The policy applies to all full or part-time employees, including students, creating intellectual property related to the scope of their employment while under contract with a state university. When revenues are to be shared, the creator(s) shall obtain his/her share only after the institution has recouped any direct costs borne by the institution for equipment and materials and costs paid to third parties. The portion of the revenues to be shared among multiple creators shall be shared equally unless otherwise agreed in writing by the creators. Institutions shall develop written policies and procedures consistent with this Intellectual Property policy.

### a General Copyright

The ownership of the various rights associated with copyright are dependent upon the specific type of intellectual property. The institutions shall assert limited ownership of some of the various rights as set forth below. Since the Board has a fiduciary responsibility for the appropriate use of state funds, unless otherwise provided for under this policy, all rights associated with works produced as “work-for-hire” or other works that make “substantial use” of

institutional resources belong to the institution. “Substantial use” means that the creator receives more than normal support for the project or receives time and/or resources specifically dedicated to the project.

i Mediated Courseware

(1) Institutions shall have limited ownership or control rights for mediated courseware as specified below:

(a) Self-initiated mediated courseware. When employees develop mediated courseware without specific direction by the institution, unless otherwise agreed, the ownership of the courseware shall remain with the employee. Normally, no royalty, rent or other consideration shall be paid to the employee when that mediated courseware is used for instruction at the institution and such mediated courseware shall not be used or modified without the consent of the creator(s). The mediated courseware shall not be sold, leased, rented or otherwise used in a manner that competes in a substantial way with the for-credit offering of his/her own institution unless that transaction has received the approval of the chief academic officer of the institution. Should approval be granted to offer the course outside of the institution, the creator shall reimburse the institution for substantial use of institutional resources from revenues derived from the transaction offering the course.

(b) Institution-directed mediated courseware. When the institution specifically directs the creation of mediated courseware by assigning one or more employees to develop the mediated courseware and supplies them with materials and time to develop the mediated courseware, the resulting mediated courseware belongs to the institution and the institution shall have the right to revise it and decide who will utilize the mediated courseware in instruction. The institution may specifically agree to share revenues and control rights with the employee.

(2) Scholarly and Artistic Works

Notwithstanding any use of institutional resources or the “work-for-hire” principle, the ownership of textbooks, scholarly monographs, trade publications, maps, charts, articles in popular magazines and newspapers, novels, nonfiction works, artistic works, like works, and supporting materials shall reside with the creator(s) and any revenue derived from their work shall belong to the creator(s). Except for textbooks, institutions shall have royalty-free use of the work within the institution, unless otherwise agreed in writing.

(3) Manuscripts for Academic Journals

(a) Notwithstanding any use of institutional resources or the “work-for-hire” principle, the ownership of manuscripts for publication in academic journals shall reside with the creator(s) and any revenue derived from their works shall belong to the creator(s).

(b) If the manuscript is to be published, the creator(s) shall request the right to provide the institution with a royalty-free right to use the manuscript within the institution in its teaching, research, and service programs, but not for external distribution, and, if successful, the creator(s) shall grant such right to the institution.

(c) Upon the establishment of national governmental or nonprofit entities whose purpose is to maintain in an electronically accessible manner a publicly available copy of academic manuscripts, the Kansas Board of Regents will review each entity and upon determination that providing the manuscripts will not jeopardize the publication of articles or infringe on academic freedom, require the creator(s) to provide to the appropriate entity a limited license for the use of each manuscript.

(4) Copyrightable Software

The rights to copyrightable software with an actual or projected market value in excess of \$10,000 annually, except software included in mediated courseware, shall be determined pursuant to the Board’s Patent and Copyrightable Software policy.

(5) Student Academic Creations

The ownership of student works submitted in fulfillment of academic requirements shall be with the creator(s). The student, by enrolling in the institution, gives the institution a nonexclusive royalty-free license to mark on, modify, retain the work as may be required by the process of instruction, or otherwise handle the work as set out in the institution's Intellectual Property policy or in the course syllabus. The institution shall not have the right to use the work in any other manner without the written consent of the creator(s).

b Patent and Copyrightable Software

Patents obtained on inventions or the ownership of copyrightable software with an actual or projected market value in excess of \$10,000 annually resulting from institutionally sponsored research shall be retained by the institution or may be assigned to an organization (hereinafter called the Organization) independent of the institution and created for the purpose of obtaining patents on inventions, receiving gifts, administering or disposing of such patents, and promoting research and the development of intellectual property at the institution by every proper means. The following regulations shall be followed with respect to inventions and software:

- i Anyone who conceives an invention or who develops copyrightable software that is not included in mediated courseware resulting from a research project sponsored by the institution shall report the matter to the appropriate research administrator at the institution, who will recommend whether or not to forward it to the Organization.
- ii If the institution or the Organization decides that the invention does not warrant patenting, the inventor is free to patent it. In such case, however, the institution does not relinquish its right to publish any of the data obtained in the research project. If the institution or the Organization decides not to further the use of the copyrightable software, it shall assign the rights therein to the creator(s).
- iii When any revenue is obtained by or on behalf of the institution from the development or assignment of any patent or from royalties, license fees or other charges based on any patent or copyrightable software, not less than twenty-five (25) percent of revenues shall be paid to the inventor(s) or creator(s). Revenue sharing shall begin only after the institution recoups costs as set forth in this policy.
- iv The remainder of any revenue mentioned in paragraph II.A.8.b.iii. shall be used to sponsor further research and research-related activities in the institution. The institution may agree that the Organization may retain a portion of the funds.
- v In case of cooperative research sponsored in part by an outside corporation or individual, a written contract shall be made between the institution and the cooperating agency. This contract should include a statement of policy substantially equivalent to that outlined below:

“It is agreed by the parties to this contract that all results of experimental work, including inventions, carried on under the direction of the scientific staff of the institution, belong to the institution and to the public and shall be used and controlled so as to produce the greatest benefit to the public. It is understood and agreed that if patentable inventions or copyrightable software grow out of the investigation and such inventions or software have commercial value, the cooperating agency shall receive preferential consideration as a prospective licensee, with a view to compensating said cooperating agency in part for the assistance rendered in the investigation.”

“It is further agreed that the name of the institution shall not be used by the cooperating agency in any advertisement, whether with regard to the cooperative agreement or any other related matter.”
- vi In case of a research project where it is proposed that all costs including overhead, salary of investigator, reasonable rent on the use of equipment, etc., are to be paid by an outside party, the institution shall negotiate with the outside party the appropriate disposition of any resulting patent or copyrightable software rights prior to the provision of any funding by the outside party. “Appropriate disposition” shall include an option to negotiate a license to any resulting intellectual property. The institution shall reserve a royalty-free right to publish all data of fundamental value to science and technology and to use the patent or copyrightable software rights for teaching, research or other educational and academic purposes.

vii Changes in the above policies may be made by the institution to conform to the requirements of the United States Government when contracting with the United States Government or a Federal Government Agency.

c Trademark

Each institution may develop a trademark policy that provides for the protection of the trademarks and service marks of the institution.

d Institutional Procedures

The institution shall establish procedures that require employment contracts and course catalogs or syllabi to state that the employee or student is subject to this policy and to resolve questions concerning intellectual property rights and any disputes that develop under this policy. Final decisions on disputed matters will be made by the university chief executive officer or designee and shall constitute final agency action.

9 NAMING OF ACADEMIC UNITS

The authority to name or rename state university schools, colleges, departments, institutes, bureaus, centers, or other academic is the province of the Board of Regents. 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 an academic unit. 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 the dissolution or merging of the academic unit. 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 naming and shall be submitted to the Board for consideration in accordance with this policy or in accordance with the Board policy on naming of buildings.

a Criteria

i Academic units may be named for distinguished individuals who have made extraordinary contributions of a scholarly, professional, or public service nature related to the academic unit, or for major donors to the unit or the university.

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.

b Process

i If a state university seeks to name or rename a school, college, department, institute, bureau, center, or other academic unit that is or will be named for an individual, individuals, or business entity, 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 nomination, statement and materials individually to Regents and the Board President and Chief Executive Officer at the same time the state university sends its agenda material requests to the Board office for the Board meeting at which the nomination is to be considered. No public communication of a proposed nomination shall be made until the name is presented for consideration at the open meeting of the Board.

ii If a state university seeks to name or rename a school, college, department, institute, bureau, center, or other academic unit and paragraph i. does not apply, the chief executive officer of the state university shall recommend an appropriate name to the Board President and CEO for consideration. Such recommendation shall include the proposed nomination, statement and materials. The Board President and CEO shall have authority to approve or deny the request without further action by the Board. No public communication of a proposed nomination shall be made until the Board President and CEO approves the name. For example, if a university wishes to rename the Meteorology Department to the “John Doe Meteorology Department,” Board approval is required pursuant to subsection b.i. If the university wishes to rename the Meteorology Department to the

“Meteorology and Weather Sciences Department,” Board President and CEO approval is required pursuant to this subsection b.ii.

10 ACADEMIC ADVISING

- a Effective academic advising is central to the educational mission of the Board of Regents. To ensure that all students have access to high quality advising, each state university shall establish an Academic Advising System, which shall provide the following:
  - i Goal Setting: Each Academic Advising System should help students to set both short-term and long-term educational goals.
  - ii Information: Each Academic Advising System should be able to accurately inform students of graduation requirements of their department. It should be sensitive to the importance of strategic course selections so as to minimize the number of semesters required for graduation. Additionally, the System should be able to inform students of career opportunities in their field of study.
  - iii Transitions: Each Academic Advising System should inform students how to change colleges and/or departments. Furthermore, the System should provide information to explain the process students follow to enroll in their curriculum and to drop or add courses during the semester.
  - iv Accessibility: Each Academic Advising System should have reasonable hours and methods of availability for students. Additionally, students should be able to set up appointments within the System for an adequate amount of time to make curricular selections and career choices.
  - v Referral to Campus Resources: Each Academic Advising System should be able to refer students to various campus resources including, but not limited to: university counseling services, student activities, and career and employment services.
- b Each Academic Advising System shall provide information to students to inform them of their responsibilities in the Academic Advising process.
- c Each Academic Advising System shall be responsible for the necessary training of academic advisors to assist them in meeting the responsibilities of this policy.
- d Every three years, beginning in spring 2016, each state university shall submit to the Board’s Vice President for Academic Affairs a written report, no more than two pages in length, describing how its Academic Advising System advances the Board’s strategic goals pertaining to retention and graduation. The Vice President for Academic Affairs shall summarize the campus reports in a single document and provide it to the Board President and Chief Executive Officer for transmission to the Board at the President and Chief Executive Officer’s discretion.

11 UNIVERSITY PRESS OF KANSAS

- a The University Press of Kansas is a joint publishing operation among all of the Regents institutions. It shall be governed by a Board of Trustees comprised of the academic vice president of each participating institution, which shall have powers to appoint a director and an Editorial Committee and to establish staff positions within the budget of the Press.
- b The University Press of Kansas is located at the University of Kansas and its operating budget, with proportionate shares provided from each participating institution, is included in the annual budget of the University of Kansas. Payment of royalties to unclassified authors and reimbursement of unclassified personnel for manuscripts evaluation, writing translating, copy-editing, proofreading, indexing, graphic design, artwork, and photography is authorized with rates to be negotiated by the Director of the Press. Payment for such contractual services shall be accomplished by voucher in accordance with the procedure approved by the Division of Accounts and Reports.

12 TENURE AND TENURE TRACK INSTRUCTIONAL WORKLOAD POLICY

- a It shall be the responsibility of the Provost (Chief Academic Officer) to prepare and implement, in consultation with the faculty through regular institutional shared governance procedures, an instructional workload standard policy for tenure and tenure track faculty.
- b At minimum, the instructional workload policy standard shall be:
  - i structured in accordance with the university’s Carnegie Classification (Doctoral Universities: Very High Research Activity; Doctoral Universities: High Research Activity; or Master’s Colleges and Universities);
  - ii measured in section credit hours or student credit hours; and
  - iii defined on a on a per semester or per academic year time parameter.
- c It is understood that the instruction at the University of Kansas Medical Center is significantly different compared to campuses that serve large undergraduate populations. Thus, the University of Kansas Medical Center is permitted to develop a workload standard that is based on alternative criteria.

**B STUDENTS**

1 ADMISSION

a Admission of Undergraduate Students to State Universities

Admission of all undergraduate degree-seeking students to state universities shall be in compliance with the Board’s Qualified Admission Regulations, K.A.R. Articles 88-29, 29a, 29b, 29c, and 29d, as applicable. State universities may set admission requirements for undergraduate non-degree seeking students.

b Admission to Undergraduate Programs and Graduate Programs

State universities may restrict admission to undergraduate programs and graduate programs where conditions warrant. Any such restrictions shall not conflict with K.A.R. Articles 88-29, 29a, 29b, 29c, and 29d, as applicable.

c Auditing Undergraduate and Graduate Courses

Any Kansas resident 60 years of age or older shall be permitted to audit eligible courses offered by a state university with no requirement for payment of tuition and fees ordinarily required of every student as a condition of enrollment under the following conditions:

- i Any person interested in auditing an undergraduate or graduate course pursuant to this provision shall present sufficient proof of age and residency to the state university prior to enrollment;
- ii any qualifying person interested in auditing an undergraduate course pursuant to this provision shall be admitted to the state university as a non-degree seeking student for purposes of K.A.R. Articles 88-29, 29a, 29b, 29c, and 29d, and subject to all other university policies related to non-degree seeking students enrolled in such undergraduate courses including, if any, limits on the number of credit hours that may be taken per semester;
- iii any qualifying person interested in auditing a graduate course pursuant to this provision shall meet the university and program conditions for admission as a non-degree seeking graduate student, and shall be subject to all other university policies related to non-degree seeking students enrolled in such graduate courses including, if any, limits on the number of credit hours that may be taken per semester;
- iv the state university may restrict or prohibit the enrollment of any otherwise qualifying person interested in auditing undergraduate or graduate courses that meet the Board’s definition of distance education courses, or that are part of an undergraduate program with program-specific admissions requirements;



- v a qualifying person may audit eligible undergraduate or graduate courses only on a space-available basis; and
- vi a qualifying person may be required to pay any special fees associated with the course being audited.

All determinations as to residency, age, admission restrictions on non-degree seeking students, the designation of undergraduate and graduate courses and programs eligible for auditing, and the space available for the auditing of courses pursuant to this provision shall be made by the state university involved.

## 2 INDIVIDUAL PLANS FOR STUDENT SUCCESS

- a Each state university shall develop and implement a process requiring each student admitted as an exception to the qualified admission standards set forth in K.A.R. Articles 88-29, 29a, 29b, 29c, and 29d to adopt a written individual plan for student success. Processes and mechanisms to comply with this policy and statutory requirements imposed in K.S.A. 76-717 must be in place by the 2013 fall semester.
- b Individual plans shall be developed in accordance with the requirements of K.S.A. 76-717 and shall:
  - i Be jointly developed by the student and the student's advisor. Other university employees may be involved, at the discretion of the institution.
  - ii Address the student's academic coursework. If deemed appropriate by the student and the student's advisor, plans may address other issues, such as extracurricular activities, financial needs and any other aspect of student life having a bearing on academic success.
  - iii Be adopted prior to the student's initial enrollment at the university.
  - iv Be reviewed by the student and the student's advisor at least once each semester in the first academic year immediately succeeding adoption of the plan. Based on this review, the plan may be revised upon mutual agreement between the student and the student's advisor.
- c Each state university shall regularly report to the Board's Vice President of Academic Affairs on the academic progress of students admitted as exceptions.

## 3 STUDENT RECORDS

- a All state universities shall protect the privacy of all students by complying with provisions of the "Family Educational Rights and Privacy Act" (FERPA), 20 USCA Sec. 1232g, as amended, and all rules and regulations of the federal Department of Education relating thereto. Institutional policies shall be on file with the Board and any modification of such policy must be submitted to the General Counsel of the Board for review.
- b Institutional policies shall specifically provide for the means by which any student may inspect and challenge educational records directly related to the student and shall restrict the accessibility and availability of such educational records in accordance with applicable federal law and regulations. In so doing they shall make that information which is subject to disclosure under the Act available only upon written request and in a manner which is most economical and least disruptive to the routine operations of the institution.
- c State university officials shall not withhold the written record of grades earned by any dependent student when such official receives a written request for such grades from a student, or from the student's parents or legal guardian except as provided in paragraph d. of this subsection.
- d State universities are authorized to withhold student records in connection with disciplinary actions or for nonpayment for any fines and/or fees which have been authorized by the Board and are printed in the Comprehensive Fee Schedule, or for other lawful debts arising from a written agreement between the student and the university.

## 4 STUDENT HOUSING

- a Each state university has authority to establish and enforce student housing rules and regulations developed within the framework of Board policies contained in this manual and applicable law.
- b Effective at the start of the 2006-07 academic year, each state university shall have in place policies and procedures requiring that all incoming students residing in student housing be vaccinated for meningitis. Such policies shall include appropriate waiver procedures for those who refuse to take the vaccine.

5 STUDENT HEALTH INSURANCE

- a Pursuant to K.S.A. 2011 Supp. 75-4101, and amendments thereto, the Board has entered a contract and adopted administrative rules and regulations, K.A.R. 88-30-1 *et seq.*, for the provision of a voluntary student health insurance program.
- b Each state university shall require any international student holding a F-1 visa and any exchange visitor holding a J-1 visa to show proof of health insurance coverage for each semester or term for which the student is enrolled, whether or not the student is participating in the Board's voluntary student health insurance program. Such proof of insurance shall be required prior to the student beginning classes.
- c Nothing in this Section shall affect any state university's authority to form its own student health centers and similar health programs.

6 STUDENT RESIDENCY, TUITION/FEES AND PAYMENTS

- a Residence Classification for Fee Purposes

At the beginning of each term or semester, the Registrar of each state university shall determine the residence status for fee purposes of each student who enrolls in that institution for that term or semester. If the Registrar determines that the original residency classification of any student was incorrect, the Registrar may, at any time, give written notice of reclassification to such student, together with a statement of any additional fees owed by or any refund due to such student for any terms or semesters, and the same shall be due and payable forthwith. Any residency determination by an agent duly designated by a Registrar to make such determination shall, for all purposes of these regulations, be deemed to be the residency determination of the Registrar.

- b Appeals

Any student who is classified as a nonresident for fee purposes upon enrollment and who disagrees with that classification shall be entitled to an appeal, provided a written appeal is filed with the university registrar within thirty days of notification of classification. A student who is classified as a resident for fee purposes at the time of enrollment and who subsequently is reclassified a nonresident for such purposes, and who disagrees with that reclassification, may file a written appeal with the registrar within thirty days of notification of reclassification. Each registrar's office shall provide on request a standard appeal form. The payment in full of fees as originally assessed shall be a condition to the right to maintain an appeal from residency classification or reclassification. If a student fails to file an appeal in the time and manner provided in this rule, the classification or reclassification determined by the registrar shall, upon expiration of the appeal period, become final.

- c Residence Committee

Each state university shall establish a residence committee of at least three members to act as an appellate body to hear and determine appeals concerning the status of students as residents or nonresidents of Kansas for fee purposes. Members of the residence committee shall be appointed by the chief executive officer of the university consistent with institutional procedures, state law, and the regulations of the Board. Committee members shall serve at the pleasure of the chief executive officers. The residence committee shall elect its own chairperson who shall be eligible to vote in all cases. The registrar shall meet with the residence committee but shall not be a member of the committee.

- d Decisions of Residence Committee



- i Subject to the provisions of K.S.A. 77-601 et seq., decisions of the residence committee shall not be subject to further administrative review by any officer or committee of the state university or by the Board. If the residence committee determines that the appealing student was entitled to be classified as a resident rather than nonresident for fee purposes, the university shall refund to the student the difference between the resident and nonresident fees paid that semester.
  - ii The residence committee may seek advice from the General Counsel of the Board regarding legal questions involving residency. The General Counsel shall distribute any opinions or legal determinations concerning residency to the registrar of each of the state universities.
- e Guidelines

Pursuant to law, the Board has adopted administrative rules and regulations setting forth guidelines for the determination of residence status. Those regulations can be found at K.A.R. 88-3-1 through 12.

7 STUDENT LOANS

- a Institutions are authorized to borrow funds from federal government loan programs to provide funds for loans to students. Any matching fund requirements may be transferred from the General Fees Fund.
- b Institutions offering student loans or facilitating the offering of federal direct student loans or student loans by third party financial institutions shall, at a minimum, adhere to the following Student Loan code of Conduct:

- i Preferred Lender Guidelines

- Preferred or suggested lender lists used by state universities shall be based solely on the best interest of students and parents who may use the lists, and without regard to the financial interests of the university.

- ii Lender Disclosures

- All preferred or suggested lender lists maintained by a state university shall clearly and fully disclose the criteria and process used to select the lenders included on those lists. Students and parents shall also be told that they have the right and ability to select a lender of their choice, regardless whether such lender appears on the university's lender list. If an institution does not generate a "preferred or suggested lender list," but instead lists all the lenders the institution works with, then it is not necessary to publish how or why those lenders were selected. In such instances, students shall be provided with an historical list of lenders that students have used in securing their student loans over the past five years.

- iii Revenue Sharing

- State universities shall not accept anything of value from any student loan lender in exchange for any advantage sought by the lender. Lenders shall not be required or allowed to pay to be placed on a university's preferred or suggested lender list.

- iv Gifts and Trips

- Except for reasonable and customary transactions in the course of business unrelated to the employee's official position, state university employees who are directly involved in the student lending process shall not accept anything of value from any student loan lender. This includes gifts or trips of any kind. This provision shall not be read to preclude a university chief executive officer from serving on the board of any bank, as long as procedures are in place at the university to manage any real or apparent conflict of interest.

- v Advisory Board Membership

- Except for reasonable and customary transactions in the course of business unrelated to the employee's official position, state university employees who are directly involved in the student lending process shall receive no compensation or anything of value for serving on the advisory board of any student loan lender. This provision shall not be read to preclude a university chief executive officer from serving on the board of any bank, as long as procedures are in place at the university to manage any real or apparent conflict of interest.

- vi Lender Identification

- No employee of any student loan lender shall work in or provide staffing in a state university financial aid office. In addition, state universities shall direct employees of student loan lenders to clearly identify themselves as employees of the lender and to never identify themselves as university employees when meeting or speaking with students or parents.

8 ON-CAMPUS CREDIT CARD SOLICITATION

Each state university that allows on-campus solicitation by credit card companies shall adopt a policy that, at minimum, shall provide that no solicitation of credit card applications from students will take place on campus during the week before

and the two weeks following the beginning day of each semester. In addition, the policy shall require that information on the responsible use of credit and the risks of credit use shall be provided to students along with any material soliciting credit card applications. Each institution will include educational material on the use of credit in student orientation programs and materials.

9 STUDENT ORGANIZATIONS AND ACTIVITIES

- a The established policy of the Board of Regents prohibits discrimination on the basis of age, race, color, religion, gender, marital status, national origin, physical handicap or disability, status as a Vietnam Era Veteran, sexual orientation or other factors that cannot be lawfully considered, within the state universities. All fraternal and campus-related organizations shall follow this policy in the selection of their members, except the prohibition against sex discrimination shall not apply to social fraternities or sororities which are excluded from the application of Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.). In addition, in accordance with K.S.A. 2016 Supp. 60-5312, this policy does not prohibit a student organization that is organized around shared religious beliefs from requiring leaders or members to adhere to the organization's sincerely held religious beliefs, comply with the organization's sincerely held religious beliefs, comply with the organization's sincere religious standards of conduct, and be committed to furthering the organization's religious missions, beliefs, observance requirements and standards of conduct as defined by the organization or the religion on which the association is based.
- b The right of organizations to establish standards for membership is acknowledged, provided that all students are afforded equal opportunity to meet those standards. Just as all students have the right to choose those with whom they would associate on the campus, an organization shall have the right to select its members subject to these principles. Nothing in this policy shall be interpreted as imposing a requirement that would violate the principle of selection on the basis of individual merit.
- c The responsibility for compliance with this policy lies with each organization. In discharge of this responsibility, each organization shall acknowledge its understanding of this policy. Such acknowledgement shall assure that there exist no restrictions on membership, either local or national, that violate this policy.
- d Determination of Appropriate Student Activities and Fees: The chief executive officer shall be ultimately responsible for reviewing proposed expenditures from fees required of every student as a condition of enrollment and as determining whether such expenditures are in support of an appropriate student activity.

10 STUDENT ACADEMIC DISHONESTY

Student academic dishonesty shall not be tolerated on the campuses of the state universities.

Each state university shall implement and promote specific policies, procedures, and programs which seek to: (i) identify prohibited academic conduct by students; (ii) educate all students, faculty and administrators with regard to the nature, impact and consequences of student academic dishonesty; (iii) effectively report and seek to reduce such behaviors; (iv) provide for due process for students accused of academic dishonesty; (v) set forth clear sanctions, ranging from reprimand to dismissal from the university, for students who are determined to have committed dishonest acts; and (vi) implement a comprehensive and integrated plan to promote academic integrity among students, faculty and administrators.

11 STUDENT COMPLAINT PROCESS

- a Each state university shall establish and enforce explicit procedures to address student grievances and complaints alleging university activity, or a university employee act or omission, that is proscribed by Board or institutional policies. Each state university shall create, maintain, and advertise an office of ombudsman or similar single point of contact to assist students in determining the appropriate university procedure for initiating a particular complaint or grievance.
- b To address complaints for which there is no other applicable institutional procedure, the chief executive officer of each state university shall designate an office at the Vice Chancellor or Vice President level at each campus for the purpose of receiving and evaluating complaints alleging conduct by employees of the university that is proscribed by Board or institutional policies.

- i Upon receipt of a written, formal and signed complaint pursuant to this subsection 11.b., the designated official shall notify the chief executive officer of the university and the employee(s) complained about, and shall investigate the merits of the complaint. If the designated official determines that the complaint has merit, that official shall proceed to resolve it through administrative channels if possible.
  - ii If it is impossible for the complaint to be resolved by the designated official through administrative channels, the issue shall be referred to the chief executive officer of the university who shall appoint an appropriate institutional committee to hear the complaint.
  - iii The hearing committee shall forward its recommendation to the chief executive officer of the university for review. The chief executive officer shall accept, reject, or modify the recommendation of the hearing committee.
  - iv This procedure shall not negate any other policy relating to the processing of claims or charges of proscribed conduct which may be made by persons directly involved with or affected by the operation and management of the university.
- c If after exhausting all available institutional grievance or complaint processes a student's complaint remains unresolved, the student may make a complaint to the Board office, in writing, by completing and submitting such forms as may be required by the Board.
- i The Board will not accept the following types of complaints:
    - (1) Complaints that are submitted anonymously;
    - (2) complaints related to matters that are the subject of pending or threatened litigation, or that have already been adjudicated by the courts;
    - (3) complaints that allege wrongful acts by a person or entity other than a state university or employee of a state university acting in their capacity as a university employee;
    - (4) complaints regarding actions or matters occurring more than 2 years prior to the submission of the complaint;
    - (5) complaints concerning a student's grades or examination results; and
    - (6) complaints concerning an employment relationship between a student and the university.
  - ii Upon receiving a written complaint containing all requisite information, the Board office shall conduct the following review:
    - (1) Determine if the state university has a process for addressing the complaint;
    - (2) determine if the university process was followed;
    - (3) determine if the university resolution was reasonable.
- d Complaints alleging violation of laws that another state agency is charged with enforcing may be made directly to that other state agency. Following the process outlined in paragraph c. shall not be considered a requirement for such complaints. Making such a complaint to the Board shall be considered as the complainant's consent to authorize the Board to forward the complaint to the appropriate enforcing entity.

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

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

1 ADMINISTRATIVE ORGANIZATION

Major reorganization of a state university’s administrative structure, as well as the creation of academic divisions, departments, or colleges, must have the approval of the Board.

2 APPOINTMENTS

a Chief Executive Officer

i General Provisions

(1) Subject to the policies, rules and regulations of the Board of Regents, the chief executive officer of each state university shall administer the affairs of the university. The Board of Regents holds the chief executive officer responsible and accountable for all operations of the university, including university controlled affiliated corporations, and expects that each chief executive officer shall devote his or her undivided attention and energies to management of the university.

(2) The chief executive officer of each state university serves at the pleasure of the Board. The selection of the chief executive officer of each state university shall be made by the Board. The chief executive officer of each state university shall be required to live in the official residence if provided.

(3) The Board shall determine and approve the compensation to be received from any source by each chief executive officer for duties and responsibilities performed as chief executive officer, or reasonably related thereto.

(4) No chief executive officer shall accept an appointment to the board of directors of any corporation or organization, which pays for such services, without the advance approval of the Chair of the Board of Regents. The chief executive officer shall provide such information about the appointment as requested by or on behalf of the Board.

(5) No later than April 30 of each year, each chief executive officer shall submit a written report to the President and Chief Executive Officer of the Board providing information on all income received by the chief executive officer from any source other than his or her state university for the immediately preceding calendar year. Such report shall include date, location and description of services rendered and the amount of remuneration received. The report shall also include all funds provided by an affiliated corporation to the chief executive officer for use at his or her discretion. The report shall be maintained in the personnel file of the chief executive officer.

(6) The Board may pay, or authorize payment of, the actual and necessary travel expenses for a candidate interviewing for the position of chief executive officer of a state university or President and Chief Executive Officer of the Board. (K.S.A. 76-727)

(7) The Board may reimburse, or authorize reimbursement of, an applicant for the position of chief executive officer or President and Chief Executive Officer for all or part of the applicant's moving expenses from the applicant's out-of-state residence to the place of residence in Kansas. (K.S.A. 76-727)

ii Compensation

(1) Policy Statement

The Kansas Board of Regents shall prescribe the compensation for the chancellor of the University of Kansas and the presidents of Kansas State University, Wichita State University, Emporia State University, Fort Hays State University, and Pittsburg State University (the chief executive officers). K.S.A. 76-714.

The chief executive officers of the state universities lead and manage complex institutions that are crucial to the state's future. The chief executive officers must be outstanding academic leaders, assure sound business practices and act as good stewards of public funds, raise the philanthropic gifts necessary to foster excellence in higher education, and serve as their respective university's primary spokesperson in their communities, in the state, and in the nation.

The Board will set the compensation of the chief executive officers in a manner that is designed to reward excellence and promote retention of outstanding leaders. As the Board sets compensation to achieve those goals, it will consider the performance of the chief executive officer, the particular university's approved current and aspirational peers, other relevant market data, information compiled by the Board's staff, and other information deemed relevant by the Board. The Board may establish compensation for the chief executive officers in a manner that is consistent for the group or, as appropriate, on an individual basis.

(2) Compliance with State Law

Pursuant to K.S.A. 76-714, appointments of the chief executive officers of the state universities shall be at-will, and compensation will be determined on an annual basis. This policy and any compensation packages set pursuant to this policy shall be construed in accordance with these limitations. Nothing contained in this policy shall be construed as conferring on a chief executive officer a contract of employment for a specific term.

(3) Use of a Combination of Public and Private Funds in Compensating State University Chief Executive Officers

In setting compensation for the chief executive officers of the state universities, the Board may authorize the particular university to use a combination of public and private funds. To assure that the chief executive officers are accountable to the Board, and in order to assure that the majority of the funds used to pay the chief executive officers are public funds, the percentage of private funds shall not exceed 49% of the total annual monetary compensation paid to each chief executive officer. This policy would be subject to adjustment in the event of final appropriation proviso language requiring an adjustment in a particular year.

(4) Forms of monetary compensation

In addition to base salary, which may be adjusted annually, at the discretion of the Board, based on market, peer salary rates, or taking into consideration any adjustments made to university employees' salaries in a given year, the Board may authorize one or more of the following forms of monetary compensation for one or more of the chief executive officers:

- (a) Performance incentive payments for meeting specific strategic plan, operational or other goals established by the Board for any given year, successful accomplishment of which shall be determined by achievement of certain measurable goals established by the Board for that purpose;
- (b) employer contributions to a 457(f) deferred compensation plan, pursuant to specific agreement between the chief executive officer and the Board;
- (c) additional payments to help defray the cost to the chief executive officer of special needs insurance beyond that provided by the state or other unique expenses.

Each chief executive officer shall receive the standard benefits package available to university unclassified staff including but not limited to health insurance and retirement plan options.

(5) Timing of Board Action

The Board may set compensation at any time for the chief executive officers of the state universities. However, it will do so no later than June 30 for the ensuing fiscal year.

iii Appointment Process

- (1) The Board shall establish appropriate processes for the selection of university chief executive officers.
- (2) The Board may appoint a search committee that reflects the variety of constituencies of the university and is consistent with the priorities of the institution’s mission statement. This committee may include, but not necessarily be limited to, classified and unclassified staff, students, faculty, administration, alumni, community members, and members of the Kansas Board of Regents. The Board may invite nominations for the committee from elected leaders or representative organizations of the various constituencies, in cases where these exist. The search committee shall review and evaluate all applications and perform such other functions as are assigned by the Board.
- (3) University chief executive officer searches may be national in scope, and shall be advertised in the appropriate venue(s) and conducted according to equal employment opportunity guidelines.
- (4) Chief executive officer search process options may include, but are not limited to, the following:
  - (a) Committee-led searches in which the search committee conducts initial interviews and campus visits, assists the Board in its due diligence responsibilities associated with the review of final candidates, and forwards names of candidates to the Board for final interviews and selection;
  - (b) Board-led searches in which the Board conducts initial interviews, forwards names of candidates to the search committee for campus visits and search committee interviews, the search committee assists the Board in its due diligence responsibilities associated with the review of final candidates and forwards names of finalists to the Board for selection;
  - (c) Closed searches, which could either be Committee-led or Board-led, in which open campus visits are not conducted.

In determining the process to be utilized, the Board shall consider: (1) which strategy will likely lead to the most qualified candidates seeking nomination to and remaining in the pool; (2) the interests and benefits of including more campus constituencies in the process; (3) the timing of the process; and (4) other factors that impact the process.

iv Assessment

- (1) Each year the Board shall evaluate the performance of the chief executive officer of each state university and the President and Chief Executive Officer of the Board. The evaluation is intended to assist the Board in fulfilling its responsibility for the well-being of each institution and the Board office by providing for a regular schedule of meetings between each chief executive officer and the Board for purposes of assessment; improving the depth of understanding of issues germane to the job performance of the chief executive officer; providing additional opportunities for each chief executive officer to express goals for the ensuing year, personal ideas and concerns; and improving management through improved assessment of each chief executive officer.
- (2) Assessment of the chief executive officers of the state universities and the Board Office shall involve at least one meeting per year between an individual chief executive officer and the full Board. The assessment process is intended to:
  - (a) provide the Board with a comprehensive orientation to current and/or ongoing issues related to the job performance of the chief executive officer including, but not limited to, strategic planning, personnel, relationships with vital constituencies, special initiatives and problematic circumstances, if any;



- (b) reinforce Board understanding of the challenges and opportunities facing the chief executive officers and the role of the Board in helping to cultivate a climate which enables the chief executive officer to achieve distinction for his or her campus or the Board office;
- (c) focus on the chief executive officer's management skills with a deliberate evaluation and critique emphasizing strengths and weaknesses of leadership using a series of criteria capturing the principal areas of responsibility and expectation; and
- (d) provide the chief executive officer with a precise statement of its expectation and define specific goals and objectives the Board wants the chief executive officer to pursue;

(3) Meetings of the Board with individual chief executive officers for purposes of performance evaluation shall be conducted in executive session.

(4) In the event the Chair determines, after consultation with the Board President and Chief Executive Officer, that there is a matter involving chief executive officer assessment that cannot wait until the next regularly scheduled Board meeting a special meeting may be called by the Chair for the purpose of inquiring into the chief executive officer assessment matter. No action may be taken at a special meeting called pursuant to the provisions of this paragraph unless five or more members agree to take action. If the matter involves the assessment of the Board President and Chief Executive Officer, the Chair may utilize the provisions of this paragraph without consulting with the President and Chief Executive Officer.

b Faculty and Staff

i General Provisions

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

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

(3) With the conversion of all previously classified positions at each state university to unclassified University Support Staff pursuant to K.S.A. 76-715a, all employees of a state university shall be unclassified.

(a) Health care employees means employees of the University of Kansas Medical Center who provide health care services at the Medical Center and who are medical technicians or technologists or respiratory therapists or who are licensed professional nurses or licensed practical nurses or who are in job classes which are designated for this purpose by the chancellor as authorized by law; health care employees also includes employees of any state university who are medical technologists.



(b) The University of Kansas Medical Center shall continue to maintain personnel policies and procedures for said health care employees. Such policies and procedures shall become policies of the Board upon their acceptance and approval by the Board President and Chief Executive Officer.

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

ii Recruiting

(1) Within State Universities: Faculty and administrators are eligible to transfer between state universities. As a matter of courtesy, the appropriate vice president or vice chancellor of the current employing institution shall be contacted prior to any formal interview with the applicant by the recruiting institution.

(2) From Out-of-State

(a) The chief executive officer of any state university may extend an invitation to any person to make a visit to the State of Kansas for the purpose of consultation preliminary to his or her possible selection as a member of the unclassified staff at such institution, and in such case, such institution may pay the actual and necessary travel and subsistence expenses of such invitee visiting the State of Kansas. Such travel and subsistence expenses shall be paid from funds available or appropriated for travel and subsistence.

(b) The provisions of K.S.A. 75-3218, 75-3219 and 75-3220 shall not apply to state universities or the Board except that the provisions of K.S.A. 75-3218 and the provisions of K.S.A. 75-3220 supplemental thereto shall apply to employees of the Board Office other than the President and Chief Executive Officer.

(c) The chief executive officer of any state university, or any person or persons designated by him or her for the purpose, may travel to any place or places in the United States for the purpose of interviewing persons as prospective members of the faculty and unclassified staff of such institution, and in such case, such institution shall pay the transportation and subsistence expenses of persons making such trips. Such travel and subsistence shall be paid at the same rates and subject to the same limitations as now provided for state employees for out-of-state travel. Such travel and subsistence shall be paid from funds available or appropriated for travel and subsistence.

iii Spoken English Language Competency

(1) Faculty

(a) All prospective faculty members of state universities, whose native language is not English, must have their spoken English competency assessed prior to employment through interviews with no fewer than three institutional personnel, one of whom shall be a student. Faculty shall include all full-time or part-time personnel having classroom or laboratory instructional responsibilities and/or direct tutorial or advisement contact. An oral interview shall be conducted either face-to-face or by mediated means.

(b) To be eligible for an appointment without spoken English language remediation conditions, prospective faculty found to be potentially deficient in speaking ability shall be required to achieve:

- (i) a minimum score of 50 on the Speaking Proficiency English Assessment Kit (SPEAK);
- (ii) a minimum score of 22 on the Speaking section of the Test of English as a Foreign Language internet Based Test (TOEFL iBT);
- (iii) a minimum score of 7 on the Speaking section of the International English Language Testing System (IELTS); or

- (iv) a score on a Board of Academic Affairs Standing Committee approved English speaking instrument that is equivalent to a minimum score detailed in C.2.b.iii.(1)(b)(i), (ii), or (iii).
- (c) An exception to the requirements in C.2.b.iii.(1)(a) and (b) may be made for:
  - (i) visiting professors who are employed for one year or less;
  - (ii) foreign language courses; or
  - (iii) courses taught in sign language.
- (d) A report detailing the process for interviewing prospective faculty, including the composition of the interview team and scores from the English speaking assessments detailed in iii.1.b.(i), (ii), (iii), or (iv) for each candidate, shall be submitted to the President and Chief Executive Officer of the Board every other year.

(2) Graduate Teaching Assistants

All prospective graduate teaching assistants of the state universities shall have their English competency assessed prior to being considered for any employment having classroom or laboratory instructional responsibility and/or direct tutorial responsibilities. The following shall be used to implement this policy:

- (a) All prospective graduate teaching assistants, whose native language is not English, must be interviewed and have their competency in spoken English assessed by no fewer than three institutional personnel, one of whom shall be a student. An oral interview shall be conducted either face-to-face or by mediated means.
- (b) To be eligible for an appointment without spoken English language remediation conditions, all prospective graduate teaching assistants, whose native language is not English, shall be required to achieve:
  - (i) a minimum score of 50 on the Speaking Proficiency English Assessment Kit (SPEAK);
  - (ii) a minimum score of 22 on the Speaking section of the Test of English as a Foreign Language internet Based Test (TOEFL iBT);
  - (iii) a minimum score of 7 on the Speaking section of the International English Language Testing System (IELTS); or
  - (iv) a score on a Board of Academic Affairs Standing Committee approved English speaking instrument that is equivalent to a minimum score detailed in C.2.b.iii.(2)(b)(i), (ii), or (iii).
- (c) Any prospective graduate teaching assistant who does not meet the above requirements shall not be assigned teaching responsibilities nor other tasks requiring direct instructional contact with students.
- (d) An exception to the requirements in C.2.b.iii.(2)(a), (b), and (c) may be made for:
  - (i) foreign language courses; or
  - (ii) courses taught in sign language.
- (e) A report detailing the process for interviewing graduate teaching assistants, whose native language is not English, including the composition of the interview team and scores from the English speaking assessments detailed in C.2.b.iii.(2)(b)(i), (ii), (iii), or (iv) for each candidate, shall be submitted to the President and Chief Executive Officer of the Board every other year.

(3) General

State universities shall develop implementing policies and procedures for the administration of this policy and shall report to the Board as to the effectiveness of such policy; and may adopt standards that exceed or are additional to those contained herein.

iv Criminal Background Checks

(1) In addition to verifications required by law and except as otherwise provided in this policy or under the approved implementation plan of a state university, each state university shall provide for the performance of a criminal background check on each person hired for any state university position, other than employees reasonably expected to be employed for six months or less and student hourly employees. Criminal background checks shall be conducted either prior to the extension of an offer for employment, or as part of an offer of employment that is made contingent upon a successful criminal background check.

(2) For purposes of this policy, a criminal background check shall include:

(a) Criminal history record searches for felony and misdemeanor convictions at the county and federal levels in every jurisdiction where the candidate currently resides or has resided. Such searches should cover a minimum of the last seven years.

(b) Sex offender registry searches at the county and federal levels in every jurisdiction where the candidate currently resides or has resided.

(c) Other verifications as required by law for specified positions.

(3) Each state university shall develop a plan for implementing this policy and submit it to the Board for approval. Each university's plan shall address the following:

(a) **Optional Positions Covered.** Unless otherwise required by law to perform a background check for specified positions, state universities have the option to perform background checks on position categories in addition to those stated above, such as (i) employees who are expected to be employed for six months or less; (ii) positions to be filled by a vendor or contractor; (iii) hourly student employees; (iv) interns; and (v) unpaid volunteers, and may perform more extensive checks than those required above. In making this determination, state universities shall consider the level of direct supervision and guidance provided to individuals in these categories and the nature of the duties of the job.

(b) **Procedures for Implementation.** Each state university shall establish procedures for (i) obtaining a release from the prospective employee allowing the university to access their criminal history record information, as authorized by K.S.A. 22-4710; (ii) determining the relevance of information obtained through a background check to the prospective employee's trustworthiness or the safety or well-being of the university's students and other employees, as required by K.S.A. 22-4710; (iii) how records gathered and documents prepared in furtherance of a criminal background check shall be maintained confidentially and securely and identification of university officials who will serve as custodian of criminal background check record files; and (iv) compliance with the Fair Credit Reporting Act.

(4) Each state university shall submit its plan to the Board for approval no later than September 1, 2008, with implementation to occur as of that date.

v Nepotism

If a person is in a position which requires an evaluation or a personnel decision such as those concerning admission, academic evaluation, appointment, performance evaluations, retention, promotion, discipline, tenure or salary of a family member or a member of such person's household, such condition shall be deemed a conflict of interest and that person shall not participate in such a decision, and that person shall not participate in any group or body which is considering any such decision. Persons may be appointed to classified or unclassified, including University Support Staff, positions without regard to family relationship to or living arrangements with other members of faculty or staff so long as the personnel processes are conducted and decisions are made in compliance with this provision as well as institutional and Board policies.

vi Annual and Multiple Year Appointments

(1) Each appointment of more than one year that is funded with a state appropriation shall be subject, on an annual basis, to appropriations being provided by the Kansas Legislature.

(2) University of Kansas Medical Center Tracks

(a) Clinical Scholar Track:

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

(b) Clinical Track:

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

(c) Educator Track:

The University of Kansas Medical Center may employ and appoint personnel to the Educator Track whose teaching or administrative responsibilities related to medical or healthcare education equal or exceed seventy percent of their total effort in their responsibilities with the University. Appointments may be part-time or full-time, non-tenure track positions as determined to be in the best interest of the Medical Center by the Chancellor. Initial contracts for appointments on this track shall range from one to three years and shall be renewable. The Educator Track includes four ranks: Education Instructor, Education Assistant Professor, Education Associate Professor and Education Professor. Criteria for promotion in this track are specific to the applicable school within the Medical Center. The University may terminate a contract by giving notice, prior to June 30<sup>th</sup> of any year that the contract will terminate at the end of the current contract term. Salary shall be determined each year by the availability of funds and by merit, which includes, but is not limited to, productivity. Contracts may be terminated by mutual agreement of the faculty member and the University. Prior to the expiration of the contract, the University may only terminate the contract for cause,

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

(d) Research Track

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

(e) Transfer Between Appointment Categories

Full-time faculty members may apply for a one-time, one-way transfer between appointment categories (tenure track, non-tenure track). Upon mutual agreement, transfers from the tenure track to the non-tenure track may be made. For transfers from the non-tenure track to the tenure track, time and title in the non-tenure track does not count toward the probationary period to obtain tenure. Once a transfer from the non-tenure track to the tenure track has occurred, the guidelines for earning tenure apply. Any such appointments must be made in specific compliance with parameters approved by the Kansas Board of Regents. A transfer between tracks remains separate from review for tenure or promotion.

(3) Kansas State University Clinical Track

Kansas State University may appoint clinical faculty to full-time or part-time, non-tenure track positions as determined by the President to be in the best interest of the University. The primary responsibility for persons on these appointments will be teaching and clinical service. A component of the clinical appointment may include opportunity for scholarly achievement.

Contracts shall be renewable and the titles and lengths shall be: clinical assistant professor, one year; clinical associate professor, three years; and clinical professor, five years. Salary will be determined each year by availability of funds and by merit, which includes, but is not limited to, productivity. The University may terminate the contract prior to the expiration of the appointment, only for cause or financial exigency. Notice of non-renewal of the three-year contract and the five-year contract must be given at least 12 months before the expiration of the contract. Faculty members may apply for a one-time, one-way transfer between appointment categories (tenure track, non-tenure track). Once a transfer from non-tenure track to tenure track has occurred, the guidelines for earning tenure apply. Time and title in the non-tenure track does not count toward the probationary period to obtain tenure. Any such appointments must be made in specific compliance with parameters approved by the Kansas Board of Regents.

(4) Other Non-Tenure Track Faculty Appointments

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

(b) Initial contracts for such appointments shall not exceed three years, may be renewable but may not be rolling. At the end of each three-year period, the university shall determine whether to renew each individual appointment made pursuant to paragraph (a) of this subsection and, if so, whether for 1, 2 or 3 additional

years. Salary shall be determined each year by availability of funds and by merit, which includes, but is not limited to, productivity. Criteria for promotion, if available, shall be determined by the university and set forth in university policy.

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

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

(5) Athletics

(a) Any athletic director or coach of a division I state university may hold a multiple year appointment when the chief executive officer of the university determines such appointment to be in the best interest of the university.

(b) Any athletic director or coach of a division II state university may hold a multiple year appointment when the chief executive officer of the university determines such appointment to be in the best interest of the university; however no such appointment shall exceed three years at any given time.

(c) Salary for individuals holding multiple year appointments under this subsection (5) shall be determined each year by availability of funds and by merit. The salary of any division II athletic director or coach shall not exceed the monetary salary of the university chief executive officer.

(d) Prior to offering a multiple year extension of an existing contract to (i) a Division I athletic director or (ii) any athletic director or a head coach under subsection (5)(a) or (5)(b) that will likely result in monetary compensation in excess of \$500,000 per year, the university chief executive officer shall request the approval of the Board Chairman, or designee, and the Board President and Chief Executive Officer, or designee, when determining whether a multiple year appointment under the given circumstances is in the best interest of the university.

vii Tenure for Tenure-Track Faculty Appointments

(1) This policy applies only to faculty who have been given tenure-track appointments. Faculty who have been awarded tenure may be terminated only for adequate cause, except in the case of program or unit discontinuance or under extraordinary circumstances because of financial exigency.

(2) In the interpretation of the principles contained in paragraph (1) above, the following is applicable:

(a) The terms and conditions of every appointment shall be stated in writing and be made available to the tenure-track faculty member at the time of appointment.

(b) Beginning with the institution's full-time appointment of the tenure-track faculty member, the probationary period shall not exceed seven years. Faculty health care providers whose sole practice is in connection with a KU practice plan, and/or a KU-affiliated VA hospital or pediatric provider, may be considered full-time solely for purposes of appointment to the Tenure Track. Medical school faculty researchers who are employed by the VA or by a pediatric provider to conduct medical research may be



considered full-time solely for purposes of appointment to the Tenure Track. Physician faculty whose sole medical practice is in connection with a KU physician practice plan and who are appointed by the chief executive officer of the University of Kansas Hospital Authority (“KUHA”) to hold the position of Senior Vice President for Clinical Affairs or Physician in Chief of the KU Cancer Center as part of the Medical Center’s clinical integration with KUHA may be considered full-time solely for purposes of appointment to the Tenure Track as determined by the Chancellor to be in the best interest of the Medical Center. The chief executive officer, or the chief executive officer’s designee, may at his or her discretion reduce the probationary period at the time of appointment if it has been determined that the faculty member has served a partial probationary period at a comparable institution and such reduction is in the best interests of the institution. In no instance, however, may the probationary period for a tenure-track faculty member be reduced to less than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notices should be given at least one year prior to the expiration of the probationary period if the tenure-track faculty member is not to be continued in service after the expiration of that period.

(c) If an untenured faculty member becomes a parent through birth, adoptive placement, or adoption of a child under the age of 5 prior to May 1<sup>st</sup> of the fifth year of the probationary period, that faculty member, upon notification to the institution’s chief academic officer, shall be granted a one-year delay of the tenure review. Notification must occur within 90 days of the birth, adoptive placement, or adoption. Faculty members retain the right to opt out of this interruption policy.

(d) Under unexpected special and extenuating circumstances, prior to the sixth year of service, and at the request of the faculty member and the appropriate dean, the chief academic officer of the university may grant an extension of the tenure clock for a maximum of one year.

(e) No more than two extensions of the tenure clock may be granted to a faculty member for any reason. Nothing in this provision shall be construed to guarantee reappointment of an untenured faculty member.

(f) Tenure is a privilege that must be affirmatively granted by the institution in recognition of meritorious performance. Tenure is not a privilege that can be achieved simply through continuous service at the institution, regardless of a faculty member’s length of service. Absent an affirmative action by a state university to award tenure, a faculty member shall not qualify for tenure solely by virtue of completing the probationary period.

(3) Within this general policy, each state university may make such operating regulations as it deems necessary, subject to the approval of the Board.

(4) Any tenure approved by the institution shall be limited to tenure for the recommended individual at the institution consistent with the tenure policies of that institution. (Effective 11/14/2002)

(5) In exceptional cases, the chief executive officer at a state university may hire faculty members with tenure without their having completed a probationary period.

(6) Decisions of the chief executive officer shall be final and are not subject to further administrative review by any officer or committee of the institution or by the Board of Regents.

### 3 PROFESSORSHIPS

#### a Regents Distinguished Professorships

Since Fiscal Year 1964 the Kansas Legislature has appropriated funds to the Board of Regents for the employment of outstanding professors as Regents Distinguished Professors. The purpose of the program is to attract to Kansas and to retain in Kansas established scholars whose research projects augment the State’s economic and industrial development. The following are the guidelines of the Board of Regents with reference to the selection and designation of Regents Distinguished Professors:

- i The Chair of the Kansas Board of Regents shall appoint a Subcommittee composed of three Board members which shall be responsible for making recommendations to the Board in all matters pertaining to the funding, appointment, evaluation and continuance of Regents Distinguished Professors.
- ii Nominations for the appointment of a Regents Distinguished Professor shall be preceded by the submission of a proposal by the chief executive officer of the host institution detailing:
  - (1) the area of academic specialization for the position
  - (2) the mode of financing the position;
  - (3) the institutional facilities and resources available to the incumbent of the position;
  - (4) the institutional facilities and resources needed for the position;
  - (5) the relationship of the position to the strengths and mission of the institution;
  - (6) a description of how the position avoids the duplication of Regents Distinguished Professorships at other state universities or, if the position duplicates such Professorships, how the position will be integrated with the position(s) and research activities at collaborating state universities;
  - (7) the contribution of the position to the economic development of Kansas;
  - (8) the academic department or other unit to which the position will be assigned.

Final Board approval of the proposal shall be contingent upon convincing arguments and evidence on points a.ii.(1-8) provided by the proposing institution.

- iii Nominations for the appointment of a Regents Distinguished Professor may be made by the Chancellor and the Presidents. A university chief executive officer may submit a nominee for appointment to a Regents Distinguished Professorship once the position has been approved by the Board. The following precepts shall guide the Board in its appointment of Regents Distinguished Professors.
  - (1) The Regents Distinguished Professor shall be a recognized leader in his or her field.
  - (2) In the selection of Regents Distinguished Professors, emphasis should be placed on the capabilities that will enhance the economic and industrial development of the State. Regents Distinguished Professors should inform public policy and enhance the attractiveness of the State through their professional, social and cultural contributions.
  - (3) The nomination dossier shall be circulated to each Board member and to the President and Chief Executive Officer of the Board.
  - (4) The recommendation for the appointment of a nominee to a Regents Distinguished Professorship shall be made to the entire Board by the Subcommittee on Regents Distinguished Professors.
- iv The Regents Distinguished Professor designation is appended to a regular faculty line within the institution. The vacant position and the Regents Distinguished Professor allocation shall determine the salary of the Regents Distinguished Professor. Allocation of funds for Regents Distinguished Professors shall be limited to an amount appropriated by the Legislature for each professorship recommended by the Board Subcommittee on Regents Distinguished Professors and authorized by the Board of Regents.
- v Tenure for a Regents Distinguished Professor is determined in the same manner as tenure for regular faculty and confers the same privileges. Tenure, if granted, is in the university and the designation of Regents Distinguished Professor is a temporary supplement to the normal academic rank. Board designation as Regents Distinguished



Professor and the stipend appended to it are subject to review and reaffirmation by the Board of Regents under the terms of this policy.

- vi Each state university shall undertake a comprehensive performance evaluation in October of the fifth year of the Regents Distinguished Professor designation and every succeeding fifth year of the designation. The university's evaluation may include commentary on the professor's academic work provided by peer evaluators selected by the institution and comprised of educators in the professor's field who are not connected with the Kansas Regents system. The university's chief executive officer shall submit to the Subcommittee a report on this evaluation that includes evidence of contributions to the State's economic development, including sponsorship of research activity.

The professor shall be allowed to submit any information not included in the reports submitted by the chief executive officer to the Subcommittee for consideration.

- vii The Board Subcommittee shall review the available reports, evaluations and any other materials submitted by the professor. The evaluation shall include a review of the professor's professional activities and evidence of contributions to Kansas economic development. Evidence of effective performance shall include, but not be limited to, public or private sponsorship of research activity.

The Subcommittee shall recommend continuance or discontinuance of the Regents Distinguished Professor designation and stipend to the Board of Regents at the December Board meeting. If continuation is not approved by the Board, the designation and stipend shall be withdrawn effective December 31 of the following calendar year.

- viii The Regents Distinguished Professor designation is limited to full-time positions. In the event an individual holding a Regents Distinguished Professor designation changes to a less than a full-time position, the designation and the associated stipend end.

- ix When an appointment to a Regents Distinguished Professorship and its related stipend are terminated through action of the Board, the institution or the professor, the institution should initiate a proposal to the Board of Regents justifying the continuation or change in the area of academic specialization for the Regents Distinguished Professor's position.

b Regents Distinguished Research Scholar

Each state university, subject to Board approval, may appoint up to three (3) Regents Distinguished Research Scholars, to be supported out of university resources. The purpose of this designation is to: (a) help attract established scholars whose research will contribute to Kansas' intellectual, cultural, economic and/or industrial development; and (b) honor university faculty whose work likewise makes a significant contribution to the intellectual, cultural, economic and/or industrial development of the State of Kansas.

- i The Chair of the Kansas Board of Regents shall appoint a Subcommittee composed of at least three Board members which shall be responsible for making recommendations to the Board in all matters pertaining to the appointment, evaluation and continuance of Regents Distinguished Research Scholars.
- ii Universities may nominate an individual at any time by providing a letter of nomination describing: (1) the candidate's area of expertise; (2) the mode of financing the position; (3) the academic unit to which the individual will be assigned; and (4) the contributions the individual's work makes to the intellectual, cultural, economic and/or industrial development of Kansas.
- iii Nominations for appointment of the Regents Distinguished Research Scholar may be made by the Chancellor and the Presidents.
- iv The designation shall be granted by the Board for a period of five years. Consideration of renewal of the title for a second five-year period shall be acted on by the Board upon recommendation of the President or Chancellor,

and the Board Academic Affairs Standing Committee. After a period of ten years, the Regents Distinguished Research Scholar designation shall be renewed at the discretion of the President or Chancellor of the institution.

- v Each state university shall report on any change in status of any Regent Distinguished Research Scholar to the Board Office as soon as possible.
  - vi The Kansas Board of Regents staff shall monitor the status of all Regents Distinguished Research Scholars approved at state universities and report to the Board as requested.
- c The Kansas Partnership for Faculty of Distinction Program

The Kansas Partnership for Faculty of Distinction Program is established to encourage major gifts by private donors to enhance the ability of eligible educational institutions to attract and retain faculty of distinction. The Board of Regents shall administer the program in accordance with statutes and in a manner that optimizes the benefits to the institutions from private monies committed to this program. The State will contribute income earnings equivalent awards, as defined in statutes, to supplement endowed professorships or faculty positions at eligible educational institutions for which qualifying endowment associations have received gifts. The Board President and Chief Executive Officer shall establish procedures to manage the program in accordance with this policy and statutory provisions. (See the FISCAL MANAGEMENT AND BUSINESS ADMINISTRATION Section – *The Kansas Partnership for Faculty of Distinction Program*)

#### 4 PROMOTIONS IN ACADEMIC RANK

The chief executive officer of each state university, exercising his or her professional judgment and discretion, shall decide academic promotions in accordance with the following:

- a Academic rank shall be based solely on merit, salary scales shall be commensurate with rank, and salary differences within various scales established shall also be on basis of merit.
- b The rank of professor shall be awarded only to those persons who are proven masters of their field, are outstanding in that field, and whose general attributes of culture are recognized by their fellows, with such determination to be made by administrations and faculties in traditional manner.
- c In some instances the head of a department or division may hold rank less than professor.
- d Decisions of the chief executive officer shall be final and are not subject to further administrative review by any officer or committee of the institution or by the Board of Regents.

#### 5 FINANCIAL EXIGENCY

##### a Definition

Financial exigency is the formal recognition by a state university that known reductions in budget or authorized number of positions have required the elimination of nontenured positions and operating expenditures to such a point that further reductions in these categories would seriously distort the academic programs of the institution; hence, further budget or position reductions would require the nonreappointment of tenured members of the faculty or the failure to meet the standards of notice for nonreappointment of faculty. It is not a requirement of financial exigency that all or most nontenured positions throughout the university be first eliminated.

##### b Procedure

- i It shall be the responsibility of the chief executive officer of each state university, in consultation with appropriate campus groups, to develop a plan for reductions in personnel as necessitated by conditions of financial exigency.
- ii In the event that financial conditions at a state university may warrant the declaration of financial exigency, the chief executive officer shall notify the Board of that fact and shall provide a complete statement of the

circumstances that may warrant the declaration of financial exigency. The statement shall also include a review of all reasonable alternatives to financial exigency. If the Board and the chief executive officer concur as to the existence of a financial exigency, it shall be the responsibility of the chief executive officer to so declare.

- iii It shall be the responsibility of the chief executive officer to review the financially exigent condition with the Board at such times and with such frequency as the Board may specify.

## 6 SUSPENSIONS, TERMINATIONS AND DISMISSALS

### a Felony Offenses

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

### b Other

- i Faculty and staff may also be suspended, dismissed or terminated from employment for reasons of significant reduction in or elimination of the funding source supporting the position, program discontinuance, financial exigency, or for just cause related to the performance of or failure to perform the individual's duties or for violation of the reasonable directives, rules and regulations, and laws of the institution, the Board and the State of Kansas or the United States.
- ii Employees who are employed at-will may be suspended, dismissed, or terminated for any lawful reason.
- iii In light of the extreme financial pressures placed on the state universities due to the COVID-19 pandemic, decreased program and university enrollment, and state fiscal issues, effective immediately through December 31, 2022 and notwithstanding any other Board or institutional policy, any state university employee, including a tenured faculty member, may be suspended, dismissed, or terminated from employment by their respective university. Such terminations, suspensions, or dismissals shall follow the procedure set forth below. Declaration of financial exigency and the processes associated with declaration of financial exigency shall not be a prerequisite to any suspension, dismissal, or termination authorized by this provision, and no existing university policy hearing procedures shall apply to such decisions.

The chief executive officer of any state university, before making any suspensions, dismissals or terminations under this provision, shall present to the Board for approval a framework for the university's decision-making under this provision. Elected representatives of the university's faculty, staff and student governance groups shall be given an opportunity to provide input, comments, and recommendations on the draft framework prior to the university provost's endorsement and chief executive officer's adoption and submission of the framework to the Board for approval. Once approved, that framework shall be used for any suspension, dismissal, or termination under this provision. Frameworks for decision-making may be based on factors such as, but not limited to, performance evaluations, teaching and research productivity, low service productivity, low enrollment, cost of operations, or reduction in revenues for specific departments or schools. Prior to the framework being implemented on any campus, the university CEO shall communicate to both the campus community and the Board a rationale for why the framework must be implemented instead of existing suspension, dismissal or termination policies.

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

(2) Any employee given notice of a suspension, dismissal, or termination that expressly invokes the authorization of this provision may submit an appeal of the action of the university chief executive officer, through

the Board of Regents office as provided below, to the Office of Administrative Hearings. Suspension, dismissal, or termination not invoking this policy shall have solely those appeal rights provided by existing university policy or other applicable existing procedures.

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

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

(5) Within 10 days of receiving the university chief executive officer's response, the Board office shall refer the appeal to the Office of Administrative Hearings, which shall provide a hearing and decide the case based on the standards stated in this policy and in the university's Board-approved framework. The Board shall provide a copy of the submissions to the Office of Administrative Hearings, along with a copy of this policy and the decision-making framework approved by the Board. The state university shall be responsible for fees charged by the Office of Administrative Hearings.

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

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

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

c Grievance Procedure

i Each state university shall establish and publish grievance procedures for use by faculty and staff in appealing suspension, termination, or dismissal decisions of the institution. The procedures shall provide the employee with notice of the action to be taken, the reasons for the action where appropriate, and an opportunity to be heard. A copy of all institutional grievance procedures shall be provided to the institution's general counsel for review prior to becoming effective. No such procedure shall be required for probationary employees, temporary employees, employees who serve at the will or at the pleasure of the appointing authority, or any employee whose specific term of appointment is otherwise specified in their appointment letter.

ii The decision of the chief executive officer, or the chief executive officer's designee, concerning any grievance pursuant to paragraph i shall be final and is not subject to further administrative review by any officer or committee of the university or by the Board of Regents.

7 NOTICE PROCEDURE FOR NON-REAPPOINTMENT

a For tenure-track faculty, notice of non-reappointment should be given in writing in accordance with the following standards; such standards shall not be applicable to any administrative assignments held by the tenure-track faculty member.

- i Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
  - ii Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
  - iii At least twelve months before the expiration of an appointment after two or more years in the institution.
  - iv These statements shall apply even during periods of declared financial exigency, unless impossible, in which case notice shall be provided as early as feasible.
- b Any notice procedures for non-reappointment for all classes of employees other than tenured or tenure-track faculty members may be determined by the institution’s chief executive officer, subject to the following limitations.
- i For each non-tenured or non-tenure-track employee hired on or after July 1, 2024, the service end date in any notice of non-reappointment shall not exceed 90 days from the date of the notice of non-reappointment.
  - ii On and after July 1, 2025, for each non-tenured and non-tenure-track employee regardless when hired, the service end date in any notice of non-reappointment shall not exceed 90 days from the date of the notice of non-reappointment unless:
    - (1) a conflicting applicable Board-approved labor agreement provides for a longer period;
    - (2) a conflicting applicable Board-approved University Support Staff system of administration plan developed pursuant to K.S.A. 76-715a prior to July 1, 2023 provides for a longer period;
    - (3) the employee is in a grandfathered class established by a university prior to July 1, 2023, that provided employees in the grandfathered class a longer notice period; or
    - (4) the university chief executive officer determines a longer period is warranted in an individual circumstance.
  - iii On or before January 1, 2025, all university policies and handbook provisions containing any notice procedures for non-reappointment for all classes of employees other than tenure-track faculty members shall be brought into compliance with this policy.

## 8 EVALUATION OF FACULTY AND POST-TENURE REVIEW

It is the policy of the Kansas Board of Regents that merit increases for faculty shall be based on the annual evaluation of their performance as it relates to the mission of the institution, college/school and department. The Board of Regents holds the state university chief executive officers accountable for the development and implementation of evaluation systems in accordance with the following guidelines:

- a Faculty evaluation criteria, procedures and instruments shall be developed through faculty participation in each department, college or division and recorded to express the performance expectations of faculty therein. Criteria, procedures and instruments shall be:
  - i Sufficiently flexible to meet the objectives of the unit.
  - ii Sensitive to multi-year faculty activities and outcomes.
  - iii Approved by the chief academic officer of each university.

- iv Compatible with contemporary research and scholarly literature on faculty evaluation. For example, assessment of research, where research is part of the job assignment, should ordinarily include but not be limited to information on the quality of the research, the amount of research, the media in which findings were disseminated, and the reception and importance of the research. Similarly, the assessment of teaching, where teaching is part of the job assignment, should ordinarily include but not be limited to student ratings secured anonymously under standard conditions on norm-referenced instruments that adjust for initial student motivation, assessment of syllabi, and assessment of instructional materials.
- b Each state university shall make available to faculty a ratings instrument for securing student ratings of instruction in all appropriate courses. The instrument must be norm-referenced and corrected for major sources of bias as demonstrated by research.
- c The evaluation of faculty performance and expectations for the future shall be discussed with them. Documentation recording the sense of the discussion shall be provided to the faculty member.
  - i The faculty member shall be given the opportunity to add comments to the documentation as part of the official record before it is considered at the next higher administrative level.
  - ii Each state university shall establish a procedure by which faculty who disagree with their evaluation may request a review.
- d Each state university shall implement a plan to supplement its annual faculty evaluation system, and shall adopt and implement a post-tenure review plan consistent with this policy. Each plan shall include procedures and strategies for the following:
  - i Training of departmental chairpersons in the administration of faculty evaluation.
  - ii Linkage of the outcomes of faculty evaluation with assistance for renewal and development and, when necessary, reassignment and other personnel actions.
  - iii Training and supervision of graduate teaching assistants.
  - iv Regular post-tenure review. The primary purpose of this post-tenure review process is to assist faculty members with identifying opportunities that will enable them to reach their full potential for contribution to the university. Such review is intended to provide a longer term perspective than is usually provided by an annual review. The expectation is that each tenured faculty member will be assessed five to seven years after award of tenure, and reviews will continue at intervals of five to seven years unless interrupted by a further review for promotion. This review shall be in addition to, not in lieu of, annual evaluations.

## 9 FACULTY OF THE YEAR AWARD

In order to recognize and encourage excellence in teaching, research, and service, the Board will, on an annual basis, present an award to one tenured and one non-tenured but tenure track faculty member at each state educational institution and the University of Kansas Medical Center. To assist the Board in identifying appropriate recipients for the award, the Faculty Senate of each state educational institution and the University of Kansas Medical Center shall adopt criteria by which each Faculty Senate shall annually select two faculty members to recommend to the Board for recognition. The criteria shall seek to identify faculty members whose teaching, research, and service over the preceding academic year have exemplified excellence and commitment to the mission of the institution. The criteria may be adopted and amended at any time in accord with the governance procedures of the individual Faculty Senates but shall be submitted to and subject to final review and approval by the President and Chief Executive Officer of the Board. Nominations shall be submitted to the Board in adequate time for review and approval or rejection at the Board's annual August retreat. Recipients shall be called before the Board for recognition at the September Board meeting by invitation of the Board Chair.

## 10 LEAVE

Persons appointed to student, unclassified positions do not accrue any of the leaves delineated below.



a Sabbatical Leave

i Sabbatical leaves shall be approved by the chief executive officer of each institution in accordance with Board policy.

ii Sabbatical Leave may be granted subject to the following conditions:

(1) In strictly meritorious cases, a full-time faculty member on regular appointment at any of the state universities who has served continuously for a period of six years or longer at one or more of these institutions, may, at the convenience of the institution and upon the approval of the chief executive officer of the institution with which connected, be granted not to exceed one such leave of absence for each period of regular employment for the purpose of pursuing advanced study, conducting research studies, or securing appropriate industrial or professional experience; such leave shall not be granted for a period of less than one semester nor for a period of more than one year, with reimbursement being made according to the following schedule:

(a) for nine-months faculty members, up to half pay for an academic year, or up to full pay for one semester.

(b) for twelve-months faculty members, up to half pay for eleven months, or up to full pay for five months.

(2) Regular salary is defined as the salary being paid at the time the sabbatical leave begins. Outside grant funds received by the university in support of the individual's scholarly efforts during his or her sabbatical leave may be used for supplemental salary, but total sabbatical leave salary in these instances may not exceed the individual's regular salary.

(3) The number of faculty members to whom leave of absence with sabbatical pay is granted in any fiscal year shall not exceed four percent of the number of equivalent full-time faculty with rank of assistant professor or higher, or equivalent rank for the institution concerned for the fiscal year for which the leave of absence is granted.

(4) No faculty member shall be granted leave of absence with sabbatical pay who does not agree to return to the service of the university granting the sabbatical leave for a period of at least one year immediately following the expiration of the period of leave. Persons failing to return to the institution granting sabbatical leave shall refund all sabbatical pay. Those who fail to remain for the full year of school service (9 to 12 months depending on annual term of employment) shall refund that portion of their sabbatical pay as represented by the portion of time they fail to serve.

b Leave Without Pay

i A leave without pay for up to three years may be granted by the chief executive officer of the employing institution when such is judged by the chief executive officer to be in the best interest of the institution. No leave may be granted to any employee who has accepted a permanent position with another postsecondary education institution.

ii Any extension of a leave without pay beyond three years requires the approval of the Board. The chief executive officer of the employing institution shall provide documentation of extraordinary circumstances justifying the extension of such leave beyond three years.

iii Leaves without pay shall not be regarded as a break in service; however, such leave shall not count toward the earning of sabbatical leave nor shall other than a scholarly leave count toward the tenure probationary period. Scholarly leave shall count toward the tenure probationary period unless the employee and the institution agree in writing to the contrary at the time the leave is granted.

iv During a leave of absence without pay, an employee's eligibility for health insurance shall be determined by and be in accord with the policies, rules and regulations of the State Employees Health Insurance Commission.

c Leave With Pay

In order to fulfill jury duty, National Guard duty, or other appropriate civic obligations, employees may be granted leave with pay pursuant to institutional policy.

d Sick Leave of Unclassified Employees

- i Unclassified employees shall accumulate sick leave at the rate of 3.7 hours per biweekly pay period with no limit on the number of hours which can be accumulated. Sick leave for unclassified employees on less than full-time appointments shall be reduced proportionately. Sick leave accumulations for persons on sabbatical leave shall be proportionate to the pay status during that leave. No sick leave shall be awarded for periods when unclassified employees are on leave without pay.
- ii Sick leave with pay may be granted only for the necessary absence from duty because of the personal illness, disability or legal quarantine of the employee; or the personal illness or disability of a member of the employee's family when the illness or disability reasonably requires the employee to be absent from work. "Personal illness or disability" shall be defined to include pregnancy, termination of pregnancy, adoption, childbirth and the recovery there from. "Employee's family" shall include persons related to the employee by blood, marriage or adoption and minors residing in the employee's residence as members of the employee's household.
- iii If upon retirement, or upon termination of employment when retirement eligible, an unclassified employee has accrued 800 or more hours of sick leave, the employee shall be compensated for accumulated sick leave in accordance with the provisions of K.S.A. 75-5517 as amended.
- iv If a separated unclassified employee returns within a year to an eligible position, the sick leave balance that the employee had upon termination is reinstated. Such reinstatement does not apply to an unclassified employee who retires and returns to the Board of Regents service after retirement.
- v Each state university shall adopt appropriate procedures for administering this policy.

e Sick Leave for Classified Employees and University Support Staff

Accrual, accumulation, granting, use of, and compensation for sick leave for classified employees and University Support Staff in a regular position shall be in accordance with K.S.A. 75-5517 and K.A.R. 1-9-5.

f Holiday Observations

- i State universities shall observe the holidays listed below for all unclassified, including University Support Staff, and classified employees.

New Year's Day  
Martin Luther King, Jr. Day  
Memorial Day  
Independence Day  
Labor Day  
Veterans' Day  
Thanksgiving Day  
Christmas Day

- ii Unclassified, including University Support Staff, and classified employees shall be entitled to such other special holidays as may be declared by the Governor. Classified employees and unclassified non-exempt employees, including University Support Staff, required to work on such holidays shall be afforded compensatory time or compensation at the rate of one and one-half time for each hour worked. Unclassified exempt staff who accrue annual leave and who are required to work on any listed or special holiday shall be afforded equivalent time off at a later date.



iii When authorized by the Governor for state employees generally, unclassified, including University Support Staff, and classified employees within the state university system who accrue annual leave shall be entitled to one additional holiday per year to be taken at their discretion, subject to the advance approval of the individual's administrative supervisor.

g Annual Leave for Unclassified Employees, Including University Support Staff

i Persons appointed to unclassified faculty positions of less than 12 months do not accumulate or earn annual leave. Their academic duties are closely related to the presence of students on campus. Student recesses offer persons appointed to positions that do not earn annual leave an opportunity to engage in research and perform other necessary professional duties. In consideration of the professional nature of a faculty position, faculty members are expected to fulfill appropriate, professional and departmental responsibility throughout the academic year, including student recesses, exclusive of legal holidays. The academic year begins with student registration or similar duties in the Fall and continues for nine months through commencement and grade submission in the Spring. Specific periods of employment are to be governed by the annual notice of appointment issued by each institution.

ii Persons, including University Support Staff, appointed to full-time 12 month unclassified positions or to full-time, less than 12-month unclassified non-instructional positions shall earn paid annual leave not to exceed 176 hours per fiscal year. Persons appointed to less than full-time 12-month unclassified positions and persons appointed to less than full-time, less than 12-month unclassified non-instructional positions shall earn annual leave on a pro-rated basis.

iii Persons, including University Support Staff, appointed to unclassified positions that are eligible to earn annual leave may accumulate a maximum of 304 hours of annual leave; provided, however, that an employee may receive, upon termination from employment or upon moving from a position earning annual leave to a faculty position for less than twelve months, payment for no more than 176 hours of annual leave, and, at retirement or at termination of employment when retirement eligible, an employee may receive payment for up to 240 hours of annual leave.

iv In accordance with K.S.A. 76-715b, and amendments thereto, University Support Staff employees of the state universities, in regular positions, shall earn and accumulate annual leave in accordance with this policy, which will be effective with the pay period beginning June 5, 2016, and the pay check dated July 1, 2016. Except to the extent specifically set forth in this subsection C.10. g., all otherwise applicable provisions in the Kansas statutes and Department of Administration's rules and regulations shall continue to apply to university classified University Support Staff employees.

v Leave shall be earned according to the following Tables, based on the employee's exempt or non-exempt status:

**Exempt Unclassified Employee**

Appointment FTE	Hours Earned Per Pay Period
.75 - 1.00	8.0
.5 - .749	6.0
.25 - .499	4.0
Less than .25	2.0

**Non-Exempt Unclassified Employee**

Hours in Pay Status Per Pay Period	Hours Earned Per Pay Period
0-9	0.0
10-19	1.0
20-29	2.0

30-39	3.0
40-49	4.0
50-59	5.0
60-69	6.0
70-79	7.0
80-**	8.0

h Paid Parental Leave

Each state university shall provide for paid parental leave for eligible employees in accordance with this policy.

i Eligibility

Employees who meet benefits eligibility requirements, as defined by the employing university, and who have been employed for twelve months with the state shall be eligible to receive paid parental leave following a qualifying event (e.g., birth or placement of a child for adoption (up to 6 years of age), or placement of a foster child(ren) at any age) occurring after the effective date of this policy. Each state university may establish implementing policies, including definitions, and may require otherwise-eligible employees to provide relevant information and notice of their intent to use the leave in order for the employees to be eligible.

ii Leave Period

Each parent designated as the primary caregiver for purposes of this policy shall receive up to eight weeks of paid parental leave, and each parent who is designated as the secondary caregiver for purposes of this policy shall receive up to four weeks of paid parental leave. For part-time employees, the leave shall be pro-rated to their part-time appointment for the applicable time period. The fact that a multiple birth, adoption, or placement occurs (e.g., the birth, adoption, or placement of twins) does not increase the length of paid parental leave for that event.

(1) If both parents are employees and eligible for paid parental leave, one employee must be designated the primary caregiver and one employee must be designated the secondary caregiver.

(2) In such instances, the paid parental leave may be taken concurrently, consecutively, 30 days in advance for FMLA qualifying events, or at different times within the 12-week period immediately following the qualifying event.

iii Benefit

Paid parental leave under this policy shall be at 100% of the eligible employee’s regular rate of pay and, while using paid parental leave, employees continue to accrue vacation and sick leave, as well as all other regular benefits in accordance with applicable rules, regulations, Board policy and statutes.

(1) Academic year appointments. Paid parental leave only applies during periods when the employee is in paid status. Employees on academic year or less than 12-month appointments may not request or receive paid parental leave for periods when not in a paid status.

(2) Holidays. Official and observed holidays do not count against paid parental leave. Employees utilizing paid parental leave on an official or observed holiday shall receive holiday credit. Employees may be permitted to take leave of other types (i.e., sick leave and vacation leave) in addition to the eight or four weeks of paid parental leave, in accordance with other applicable Board and university policies.

(3) Timing. Paid parental leave must be taken within the 12 weeks immediately following the date of birth or date of placement for adoption of a child. For employees who assume placement of a foster child(ren), the ability to use paid parental leave will be limited each calendar year to a total of eight weeks for the primary caregiver

and four weeks for the secondary caregiver. Such leave can be used for a single placement or for multiple placements. Each state university may determine whether employees will be permitted to take this leave intermittently or in a solid block of time within that 12 weeks. Any paid parental leave shall run concurrently with leave permitted under the Family Medical Leave Act (FMLA), if applicable.

- iv Paid parental leave under this policy is not transferrable and cannot be donated through a shared leave program or in any other way. Any amount of paid parental leave not utilized by the eligible employee in the 12-week period shall be forfeited.
- v Nothing in this policy shall be construed as prohibiting a state university from providing additional leave beyond that permitted under this policy, to the extent allowed by applicable rule, regulation, Board policy or statute, or from reassigning an eligible employee's duties while the employee is on paid parental leave.
- vi Each university shall implement the 2021 amendments to this policy on September 19, 2021 for qualifying events occurring after September 19, 2021. Employees represented by bargaining units where the contract requires meet and confer to implement this policy shall not be covered under this policy without ratification by the bargaining unit.

i Bereavement Leave for Unclassified Employees, Including University Support Staff

Unclassified and university support staff employees may be granted leave with pay upon the death of a close relative or that person's close relative. Such leave shall in no case exceed six working days. The employee's relationship to the deceased and necessary travel time shall be among the factors considered in determining whether to grant bereavement leave, and, if so, the amount of leave to be granted.

j Shared Leave for Unclassified Employees

- i All unclassified employees who accumulate sick leave shall be eligible for participation in the shared leave program of the State of Kansas.
- ii All unclassified employees who participate in the shared leave program may donate sick leave as long as the donation does not cause the accumulated sick leave balance of the donating employee to be less than 480 hours, unless the employee donates sick leave at the time of separation from service.
- iii Each state university shall adopt appropriate procedures for administering this policy.

k Family Medical Leave

- i For purposes of administering the Family Medical Leave Act each state university shall:
  - (1) designate qualifying leave as Family Medical Leave whether or not the employee requests such a designation;
  - (2) consider the twelve-month period, within which an eligible employee who experiences a Family Medical Leave Act qualifying condition or circumstance, to begin concurrently with the first day of Family Medical Leave and any subsequent twelve-month period would begin the first time an eligible employee again experienced a Family Medical Leave Act qualifying condition or circumstance after the expiration of the first twelve-month period; and
  - (3) require employees whose leave is designated Family Medical Leave to substitute accrued paid leave for unpaid Family Medical Leave in accordance with the federal Family Medical Leave Act.
- ii Any state university may adopt a policy allowing a member of the faculty holding a tenure earning appointment who has taken Family Medical Leave to request an additional year in which to work toward tenure.

- iii Subject to the above, each state university shall adopt policy and procedures to provide leave to its employees pursuant to the Family Medical Leave Act.

11 HEALTH PROGRAM AND OTHER INSURANCE

- a The State of Kansas provides group health, life and long-term disability insurance to eligible classified and unclassified employees, including University Support Staff.
- b Pursuant to K.S.A. 2011 Supp. 75-4101, and amendments thereto, the Board has entered contracts and adopted administrative rules and regulations, K.A.R., 88-30-1 *et seq.*, for the provision of a voluntary student health insurance program. Eligible graduate teaching assistants, graduate research assistants, and graduate assistants may choose to participate in this health insurance program.

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

The Board of Regents encourages the state universities to collaborate and consult with business, industry, public and private foundations, and government agencies in order to further their missions of teaching, research and service; to provide for and facilitate the professional development of their faculty and staff; and to promote the rapid expansion and application of knowledge, gained through research, to the needs of Kansas, the region and the nation. With particular reference to such collaboration, the Board of Regents considers it of utmost importance that university employees conduct their affairs so as to avoid or minimize conflicts of time commitment and conflicts of interest, and that the state universities be vigilant and prepared to respond appropriately when real or apparent conflicts arise.

To those ends, the purposes of this policy are to: (i) illustrate types of situations that generate conflicts; (ii) provide means for full and part-time faculty, staff and the university to manage real or apparent conflicts; (iii) promote the best interests of students and others whose work depends on faculty direction; and (iv) describe the types of conflicts that are prohibited. Every full and part-time employee of each state university, except for student employees, has an obligation to become familiar with, and abide by, the applicable provisions of this policy. If a situation arises, raising questions of real or apparent conflict of commitment or conflict of interest as described in this policy, affected employees must meet with their department chair, school dean or supervisor, report the conflict as described below, and eliminate the conflict or manage it in an acceptable manner. Additionally, every full and part-time employee, except student employees, shall report, as required below, any consulting arrangements, significant financial or managerial interests, or employment in an outside entity, the financial or other interests of which would reasonably appear to be directly and significantly affected by their research or other university activities.

a General Principles

i Conflict of Time Commitment

(1) Attempts to balance university responsibilities with external activities (such as, but not limited to, consulting, public service or pro bono work) can result in real or apparent conflicts regarding commitment of time and effort. Whenever a faculty or staff member's external activities exceed reasonable time limits, or whenever a full-time faculty or full-time unclassified staff member's primary professional responsibility is not to the university, a conflict of time commitment exists.

(2) Conflicts of commitment usually involve issues of time allocation. Full-time faculty members and full-time unclassified staff of state universities owe their primary professional responsibility to their employing institutions, and their primary commitment of time and intellectual effort must be to the education, service, research and scholarship missions of those institutions. Faculty and unclassified staff should maintain a presence on campus commensurate with their appointments. The specific responsibilities, position requirements, employment obligations and professional activities that constitute an appropriate and primary commitment of time will differ across schools and departments, but said responsibilities, requirements, obligations and activities should be initially premised on a general understanding of full-time commitment for full-time faculty and full-time unclassified staff of the universities. Exceptions must be justified and shown to enhance the institutional mission and must be approved in advance by the faculty or staff member's supervisor.

ii Conflict of Interest

(1) A conflict of interest occurs when there is a divergence between an individual's private, personal relationships or interests and his or her professional obligations to the university such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined or substantially influenced by considerations of personal benefit, gain or advantage.

(2) Whether a conflict of interest or the appearance of one exists depends on the situation, not on the character or actions of the individual, and must be determined objectively on a case by case basis. The appearance of a conflict of interest can be as damaging or detrimental as an actual conflict and thus, for purposes of this policy, apparent conflicts are treated the same as actual conflicts.

(3) Situations involving potential conflicts of interest are common in a modern university and must be addressed. State universities have as part of their mission the promotion of the public good by fostering the transfer of knowledge gained through university research and scholarship to the private sector. Two important means of accomplishing this institutional mission include consulting and the commercialization of technologies derived from research. It is appropriate that university personnel be rewarded for participating in these activities through consulting fees and sharing in royalties resulting from the commercialization of their work. It is not appropriate, however, for an individual's actions or decisions made in the course of his or her university activities to be determined or substantially influenced by considerations of personal financial gain. Such behavior calls into question the professional objectivity and ethics of the individual, and it also reflects negatively on the employing university. State universities are institutions of public trust; university faculty and staff must respect that status and conduct their affairs in ways that will not compromise the integrity of the university.

(4) Except in purely incidental and minor ways, university resources, including but not limited to facilities, materials, personnel, or equipment shall not be used in external activities unless prior written approval has been received from the university's chief executive officer or his or her designee. Such permission shall be granted only when the use of university resources is determined to further the mission of the institution. When such permission is granted, the faculty or staff member shall make arrangements to reimburse the university for institutional materials, facilities or services used in the external activity. Such use shall not be authorized if it violates the Board of Regents policy on Sales of Products and Services.

(5) Proprietary or other information confidential to a state university shall not be used in external activities unless prior written approval has been received from the university's chief executive officer or designee.

(6) University personnel shall not involve university students, university staff, or university faculty in their external activities if such involvement is in any way coerced or in any way conflicts with the involved participants' required commitment of time to the university. For example, a student's grades or progress towards a degree shall not be conditioned on participation in a university employee's external activities.

iii State Ethics Statutes

All employees shall adhere to all applicable state ethics statutes.

b Consulting and Other Employment

i Consulting for Other State of Kansas Agencies

Consulting by faculty members and other employees of institutions under the jurisdiction of the Board for another institution under the jurisdiction of the Board, as well as consultation for other state agencies, shall be approved in advance by both (a) the institution or agency seeking these services, and (b) the employee's home institution. The home institution shall effect payment through the regular process and shall receive reimbursement through the interfund transfer process.

ii Other Consulting Outside the University

For faculty, the state university permits, and indeed encourages, a limited amount of consulting activity outside the faculty member's reasonably construed total professional responsibilities of employment by and for the university, on subjects that are within the faculty member's area of professional expertise, provided such activity: (a) further develops the faculty member in a professional sense or serves the community, state, or nation in an area related to the faculty member's professional expertise; (b) does not interfere with the faculty member's teaching, research and service to the university; and (c) is consistent with the objectives of the university. Regular instructional service to other educational institutions is normally regarded as an inappropriate and is thus generally prohibited. Without prior written approval, faculty members on full-time appointments shall not have significant outside managerial responsibilities, nor act as principal investigators, on sponsored projects that could be conducted at their employing university but instead are submitted and managed through another organization. Each state university shall determine how to apply or adapt the consulting policy and procedures for employees who are not faculty members, and faculty members who are part time. In no case shall the university's policy and procedures for non-faculty employees be more liberal than what is allowed for faculty.

iii Other Employment

The Board of Regents expects all faculty and staff employed by the state universities to give full professional effort to their university duties and assignments. It is, therefore, considered inappropriate to engage in gainful employment outside the state university that is incompatible with institutional commitments. It is inappropriate to transact business for personal gain unrelated to the university from one's university office, or at times when it might interfere with commitments to the university. Participation in academic conferences, workshops and seminars does not usually constitute consulting or outside employment. However, organizing, operating, or participating in such meetings for profit may be construed as consulting or outside employment as defined in this policy.

c Reporting Requirements

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

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

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

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

ii Ongoing Duty to Report Consulting Arrangements, Significant Financial or Managerial Interests, and Outside Employment As They Occur

In addition to the annual report that faculty and unclassified staff are required to make, all faculty and staff shall disclose any current or prospective situations that may raise questions of conflict of time commitment or conflict of interest, as soon as such situations become known. Such reports shall be made to the department chair or dean or supervisor of that staff or faculty member.



iii Federal Reporting Requirements

State universities are required to adhere to and implement any additional policies and procedures and disclosure requirements that are imposed by applicable federal conflict of interest laws. State universities may modify the reporting form established pursuant to paragraph (1) of the subsection c. without seeking approval of the Council of Presidents, as necessary to meet or exceed such federal requirements. Such modifications shall not result in less comprehensive reporting.

iv Prior Approval for Consulting and Other Employment Outside the University

Faculty and staff shall inform the chief academic officer, through the department chair or head and the dean, of all consulting activities. The faculty or staff member shall report in writing the proposed arrangements, and secure approval prior to engaging in consulting activities or other employment. The report shall indicate the extent and nature of the consulting activities or employment, the amount of time to be spent, including travel time, and the amount of time expected to be spent on all such outside consulting activities or employment during the coming academic year.

v Disposition of Reports

All required reports shall be submitted in accordance with institutional requirements and shall be used for the determination of whether an individual is in compliance with this policy. Such reports shall also be available to institutional research officers to permit certification and/or verification of compliance with federal regulations. Institutions must maintain these reports for a minimum of three years.

d Use of University Name

The Name of the Board of Regents, a state university or the Regents System may never be used as an endorsement of a faculty or staff member's external activities or by any outside entity for any purpose without expressed and advance written approval of the university chief executive officer or the Board's President and Chief Executive Officer, as appropriate. Faculty and staff members may list their institutional affiliation in professional books, articles and monographs they author or edit and in connection with professional workshops they conduct or presentations they make without securing approval.

e Campus Policy Development and Enforcement

Additional rules and procedures for personal external activity, consistent with Board policy, will be established by each state university. In situations in which the objectivity of a faculty or staff member could reasonably be questioned, or where apparent conflicts of interest exist, each state university shall establish an effective review mechanism to determine if a conflict of time commitment or conflict of interest exists and to facilitate resolution of the conflict where possible, and to decide upon the appropriate sanctions when a conflict is determined to exist. Such review mechanisms will include opportunity for appeal within the university structure.

f Distribution and Dissemination

This policy statement will be distributed upon initial appointment to all faculty and staff by each state university.

13 POLITICAL ACTIVITY

a Faculty, administrators and other unclassified employees, including University Support Staff, may accept any public or political party appointed or elected position that does not create any conflict of interest with, and does not require substantial time away from, assigned duties or in other respects infringe upon those duties.

b The filing of a declaration of intent to become a candidate shall not affect the status or appointment of an unclassified employee, including University Support Staff. However, the employee shall continue to properly and fully perform all of his or her assigned duties or take appropriate leave if available. Should the employee, while he or she is a



candidate for office and not on approved leave, fail to perform all of his or her assigned duties, such employee shall be subject to appropriate disciplinary action.

- c Leave without salary or other benefits shall be granted to those elected or appointed to public office requiring full time or lengthy sustained periods away from assigned duties, such as Congress, the Kansas Legislature, and state and county offices or appointments to office falling within this category. For persons elected or appointed to Congress or the Kansas Legislature, this provision shall be effective from the date such person takes the Oath of Office or the first day of the Legislative session and continuing until the adjournment of Congress or to a date no sooner than the last adjournment in April or sine die adjournment, whichever occurs first, of each regular and special session of the Kansas Legislature; as to other state and county offices requiring full time or lengthy sustained periods away from assigned duties, this provision shall be effective during the entire time a person serves as such officer. Leave without salary or other benefits shall not be required for any person serving in the Kansas Legislature or for service on any committee during a period when the Legislature is not in regular or special session, provided that such person shall decline to accept all legislative compensation for such service, but such person shall be entitled to mileage and other expense allowances as provided by statute and paid by the Legislature. K.S.A. 2011 Supp. 74-4925(5) provides that any member of the Kansas Legislature who is on leave of absence from the Board of Regents or an educational institution under its management may elect to remain eligible for participation in the Board of Regents' retirement plan while on such leave.
- d In the interest of the fullest participation in public affairs, personnel are free to express opinions speaking or writing as an individual in their personal capacity and not as a representative of the institution in signed advertisements, pamphlets and related material in support of or opposition to parties and causes. There shall be the commensurate responsibility of making plain that each person so doing is acting for himself or herself and not on behalf of an institution supported by tax funds drawn from citizens of varying political and economic views. This responsibility includes avoiding the use of university letterhead and stationery and other official university designations. Employees testifying before the Legislature on behalf of outside entities shall notify their institution's designated representative prior to such testimony.

#### 14 RETIREMENT

##### a Retirement Benefits

- i Eligible classified employees and University Support Staff are covered by the Kansas Public Employees Retirement System as determined by law.
- ii Faculty and unclassified employees are covered by and/or eligible for those retirement benefits under the Mandatory Retirement Plan that are set forth in detail as follows:
  - (1) The provisions of Kansas Board of Regents Mandatory Plan Document control the terms of the plan.
  - (2) The provisions of the Investment Policy Statement control the Board's oversight and the role of the Investment Providers.
  - (3) The provisions of the Vendor Management Document shall control the Investment Provider reporting and fund change protocol.
- iii Retirement Age for Faculty and Staff Participating in the Kansas Board of Regents Mandatory Retirement Plan. There shall be no mandatory retirement age for participating employees. For purposes of eligibility for certain statutory retirement benefits, such retirement shall not occur before the fifty-fifth birthday; provided, however, that individuals who seek to retire from age 55 to 59 must have ten years of service in a benefits-eligible position at a state university or with the Board of Regents staff.

##### b Phased Retirement Program

Phased retirement is a privilege, not a right, and is a benefit that may be granted only by the chief executive officer or his or her designee when it has been determined to be in the best interest of the institution. Subject to the provisions

of K.S.A. 76-746 and K.A.R. 88-12-1 through 8, an unclassified employee aged 55 or older who is participating in the Kansas Board of Regents Mandatory Retirement Plan may enter into a written agreement with the employing institution whereby the employee shall accept a position which is less than full-time but at least one-fourth time, and the institution shall provide benefits on a full-time basis for up to five years.

c Tax Sheltered 403(b) Voluntary Retirement Program

Eligible classified and unclassified employees, including University Support Staff, may participate in a 403(b) voluntary retirement program. The provisions of the Kansas Board of Regents Voluntary Plan Document shall control the terms of the plan.

15 EMERITUS/EMERITA STATUS

Emeritus/Emerita status is an honorary title awarded to a retiring faculty member or administrator for extended meritorious service.

a Chief Executive Officers

The Board of Regents may confer by resolution the title of Chancellor Emeritus/Emerita or President Emeritus/Emerita upon a former Chancellor or former President of one of the state universities. Factors to consider when awarding emeritus/emerita status include distinguished administrative service that advances the strength, growth and integrity of the university, and outstanding contributions to the higher education system, the community and the State, as well as the length of administrative service to the university. There is no salary or emolument attached to the status.

b Faculty and Other Administrative Officers

Each state university shall establish its own criteria for awarding such status to university faculty and other administrators. Emeritus/Emerita status requires approval by the chief executive officer of the employing institution. There is no salary or emolument attached to the status other than such privileges as the institution may wish to extend.

16 HONORARIA

State universities are authorized to pay honoraria as required for visiting lecturers upon authorization by the chief executive officer of the institution, or the chief executive officer's designee.

17 WITHHOLDING OF PAYCHECKS AND SET-OFF OF AMOUNTS OWED

In addition to any other remedy available by law, each state university shall be authorized, in accordance with K.S.A. 75-6201 *et seq.*, to withhold payroll or other warrants issued by the State to, or setoff amounts owed by, any officer or employee of that institution against salary, other compensation or other amounts payable to such individual for any fine, fee or penalty owed by such officer or employee to the state university.

18 KANSAS TORT CLAIMS ACT/LEGAL DEFENSE OF EMPLOYEES

Lawsuits against state employees, including faculty and staff, are controlled by and handled pursuant to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101 *et seq.*). The Act seeks to limit liability and provides that the State of Kansas shall, subject to certain limitations and qualifications, defend and indemnify state employees, including state university faculty and staff, sued as a consequence of actions taken by state employees while acting within the scope of their employment.

Subject to institutional policies, any employees of a state university who is sued for any alleged nonfeasance, misfeasance or malfeasance of the duties of the employee's position shall immediately notify institutional legal counsel to initiate an appropriate request to the Attorney General for legal defense. Specific questions about protections provided pursuant to the Kansas Tort Claims Act or the legal defense of employees may be referred to institutional legal counsel.

19 WHISTLEBLOWING

Each state university shall prominently post a copy of the “Whistleblower” Act (K.S.A. 75-2973) in locations where it can reasonably be expected to come to the attention of all employees of the institution. The “Whistleblower” Act sets forth the right of state employees to discuss the operations of a state agency with any member of the legislature and the right to report any violation of state or federal law or rules and regulations to any person, agency, or organization without retaliation.

20 REPORTING OF CHILD SEXUAL ABUSE

Each university shall specifically address and adopt procedures for the mandatory reporting, to appropriate law enforcement agencies, of any child sexual abuse witnessed by staff or faculty. For purposes of this provision, child sexual abuse means those crimes defined in K.S.A. 2011 Supp. 21-5501 *et seq.* that relate to minors as victims.

**D FISCAL MANAGEMENT AND BUSINESS ADMINISTRATION** (see Chapter III., Section B. for additional fiscal management policies applicable to state universities)

1 TUITION AND FEES

The Board shall fix tuition, fees required of every student as a condition of enrollment, student housing fees, building construction fees, and changes in academic fees. The Board delegates to the chief executive officer of each institution the authority to establish user and administrative fees where the increase does not generate an amount in excess of \$250,000 annually. All such tuition and fees are to be incorporated in the Comprehensive Fee Schedule, which will be received annually by the Board.

a Institutional Procedures

Each state university shall submit proposed changes for the following to the student body president and to the appropriate student organization prior to Board consideration: (1) fees required of every student as a condition of enrollment; (2) student housing fees; (3) building construction fees; (4) changes in academic fees; and (5) tuition rates. No student fees, other than user fees, shall be charged or collected by any state university for debt service on bonded indebtedness for any building or facility of such state university used primarily for academic purposes or providing health care services unless a student referendum is conducted in accordance with K.S.A. 76-742.

b Establishment or Alteration of Fees and Tuition Rates

i Board approval must be secured prior to the establishment or change of fees required of every student as a condition of enrollment, student housing fees, building construction fees; changes in academic fees; and tuition rates. All proposed tuition and fee changes shall first be submitted to the Fiscal Affairs and Audit Committee of the Board. The proposal shall be accompanied by a fiscal impact statement showing the increased revenue to be received and a detail of planned expenditures. The proposal shall also indicate the involvement and comments of student organizations and the student body president during the review process. The proposed tuition or fee change, financial impact statement and student organization comments shall be provided to all persons receiving the agenda of the Board meeting. Final action on such proposed tuition or fee change by the Committee shall not be taken until the next regularly scheduled meeting of the Committee.

ii Any “Kansas Teacher of the Year” recipient may enroll for up to nine credit hours annually at any state university without payment of tuition or fees if the individual is actively pursuing a teaching career in Kansas.

c Calendar for Fee and Tuition Rate Adjustments

i The calendar to be followed for all student fees adjustments, except for emergency situations, shall be as follows:

(1) Changes in student housing fees must go to the Board for first reading in November and to the Board for final action in December.

(2) Fees required of every student as a condition of enrollment and administrative fees generating additional annual revenue in excess of \$250,000 go to the Board for first reading and action at the same time as tuition rates.

(3) Building Construction fees may go to the Board at any regular meeting. Two readings are required.

(4) Tuition rates and academic fee changes will be considered by the Board no later than June prior to the beginning of the fall semester for which they are effective.

ii The above tuition and fees shall be effective at the beginning of a fall semester, spring semester or summer session as specified by the Board.

d Payment and Fees

All students are required to pay fees as published in the institution’s comprehensive fee schedule.

Short-term extensions of the fee payment due date may be granted for sponsored international students experiencing international monetary exchange difficulties, students certified to receive funds through the institution's Office of Student Financial Aid, and for other extenuating circumstances at the institution's discretion. Each university shall establish procedures to collect outstanding obligations owed by students and former students. Each university shall maintain a system to record all delinquent financial obligations owed to that university by students and former students. A university may take any or all of the following actions for delinquent student accounts:

- i Deny or cancel registration;
  - ii Withhold refunds (to the extent permitted by law) and the provision of services, grade reports, transcripts, diplomas, and graduation;
  - iii Terminate agreements for student or family housing and/or take other action when financial obligations relate to housing;
  - iv Use outside collection agencies as authorized in K.S.A. 76-745, report to credit bureaus, and assess related fees;
  - v Follow K.S.A. 75-3782a, et seq., in requesting the Director of Accounts and Reports write-off of uncollectible accounts; and
  - vi Other measures as permitted by law.
- e Tuition Assistance for Faculty/Staff

Each state university may implement a tuition assistance program for spouses and dependents of benefits eligible university and Board office employees. Benefits eligibility is to be determined by each university and the Board office for their respective employees. A university's tuition assistance program may also include spouses and dependents of individuals who retired from university employment, who died while a benefits-eligible university employee, or who transitioned to long-term disability while a benefits-eligible university employee.

The specific parameters of the program as they apply to each university and any subsequent changes must be approved by the Board in advance of implementation. The university shall annually calculate the total tuition provided through the tuition assistance plan and officially recognize this cost by reflecting it in their financial system. Each university shall determine and meet any withholding, taxation, accounting, and reporting requirements associated with the university's tuition assistance program. From this enabling policy, each university proposing a tuition assistance program shall include its tuition assistance program and the impact or projected impact of its program in the university's annual tuition and fees request to the Board.

- f Board Approval of Tuition and Fee Waivers Pursuant to K.S.A. 76-719c

The Board shall approve all university programs to offer to student tuition and fee waivers, specifically the Board shall review and approve the standards, conditions and requirements "designed to foster the growth, distinction, and stability of the state educational institution and the quality of its educational programs and pursuits."

- i State university proposals shall include a statement of purpose, eligibility requirements, award/waiver amounts, financial impact, and a description of the assessment that will be used to measure the efficacy of the award/waiver in achieving the stated goal.
- ii Typically, proposals shall be submitted to the Board for first reading in May and for final action in June of the year prior to the effective date of the program, i.e. program approved June, 2010 would be effective for fall, 2011.
- iii Reporting of approved waivers will be added to the existing reporting mechanism for tuition and fee waivers that is collected annually in November.

2 STATE APPROPRIATIONS

a Unified State Appropriation Request

- i The official request for any new state appropriations for the state universities shall be made by the Board of Regents, pursuant to K.S.A. 74-3202c(b)(6), and amendments thereto, as a part of its unified appropriation request for state funding of postsecondary educational institutions.
- ii The Board shall hold a budget workshop each year with the purpose of conducting an in-depth review of the appropriation requests from the state universities to aid the Board in determining the submissions to be included in the Board of Regents' unified state appropriation request to the Governor and Legislature. Board staff, in consultation with the Fiscal Affairs and Audit Committee, shall annually provide the state universities with guidance and a uniform format for the materials prepared for the Regents.

b State University Annual Budgets

- i The fiscal year of all institutions is July 1 through June 30, and shall be designated by reference to the calendar year in which the fiscal year ends.
- ii The Board shall receive a copy of the budget submitted to the Division of the Budget, assembled in accordance with the instructions provided by the Division of the Budget.

3 FEDERAL FUNDS

- a The Board or any state university may make and file applications for federal funds appropriated and made available by federal law for purposes related to the operation or function of the Board or such university. The Board, or any state university, may receive from the federal government, or any of its agencies, any funds made available under existing law, rules or regulations, or that may hereafter be made available. The Board, or any state university, may expend the same in accordance with the law, and the rules, regulations and requirements under which such funds are made available. Such moneys shall be expended only in accordance with and for the purposes specified in federal law. Federal funds shall be deposited in the State treasury.
- b State university requests for federal funds for capital improvements shall be in accord with Board policy on building and construction projects. (*see* section E.3.).

4 ACCEPTANCE OF GIFTS

- a When a state university anticipates applying for, accepting and receiving a private donation, gift, grant or bequest that may impose a significant fiscal obligation upon the university, such private donation, gift, grant or bequest must be reviewed by the Board of Regents prior to the acceptance of such donation, gift, grant or bequest by the Board or authorization for the state university to accept such donation, gift, grant or bequest pursuant to K.S.A. 76-724. For purposes of this policy "significant fiscal obligation" shall be considered to be a need, at the time of receipt of the donation, gift, grant or bequest, and in reasonable relation to the acceptance thereof, to: (i) seek additional state funding of \$50,000 or more, or (ii) seek additional state funding for operating support of a gift building.
- b If appropriate, the President and Chief Executive Officer of the Board shall notify other officials of the State including but not limited to the Governor, the Secretary of Administration, the State Director of the Budget, the Attorney General and the Director of Architectural Services of such private donations, gifts, grants or bequests.
- c The chief executive officer of each state university shall seek to verify, with reference to all private donations, gifts, grants or bequests of real property, that said real property was not the site of or used for the disposal of hazardous wastes or materials.
- d When the proposed private donations, gifts, grants or bequests consist of a facility to be constructed for the state university, reasonable efforts should be taken to encourage the donor to make such gift conform to guidelines and procedural manuals of the Director of Architectural Services.

- e This policy shall not apply to donations, gifts, grants or bequests made to institutional endowment associations or foundations.

## 5 CROWDFUNDING

Crowdfunding is the practice of funding a project or venture by soliciting relatively small donations from a large number of people, typically via the Internet. This policy applies to crowdfunding campaigns undertaken by any individual associated with a state university (e.g. faculty, staff or students) using the university’s system or a third-party crowdfunding platform. This policy does not apply to crowdfunding campaigns undertaken by a state university’s official endowment or foundation. This policy does not apply to crowdfunding campaigns undertaken by individuals or entities using non-university systems and on their own behalf for private purposes. Use of crowdfunding to raise funds in support of a university-related project is subject to all Kansas Board of Regents policies, university policies, as well as local, state and federal laws.

Each state university shall adopt a policy that, at minimum, shall ensure that fundraising campaigns and projects undertaken by individuals or groups on behalf of the university or university-affiliated entities or represented as being on behalf of the university or university-affiliated entities, receive the necessary approvals and are subject to all university rules, policies, compliance regulations and state and federal law. The policy is aimed at protecting the use of the university’s name, brand, marks, logo and other such property rights, and at ensuring that such fundraising and related crowdfunding projects are consistent with the university’s interests and are appropriately designed and presented to the donor community.

Projects that use university resources or facilities, or that involve human or animal subjects, controlled substances or proprietary materials are required to comply with the Board’s and university’s policies for crowdfunding and must receive approval from the appropriate officials as set forth in the university’s policies or applicable law.

## 6. FINANCIAL REPORTING

### a Annual Financial Report

Each state university shall submit to the Board President and Chief Executive Officer a comprehensive financial report for the prior fiscal year in accordance with the schedule maintained on the Board of Regents’ website. The Board President and Chief Executive Officer shall be responsible for recommending to the Board any specific financial report findings that should be further reviewed by the Board. The financial report shall conform to a format determined by the Council of Business Officers. The financial report shall reflect conformity with financial reporting methods and formats promulgated by the American Institute of Certified Public Accountants, the Governmental Accounting Standards Board and the National Association of College and University Business Officers’ Financial Accounting and Reporting Manual for Higher Education unless otherwise provided by state law, practices or procedures.

### b Internal Audit Function

- i Each state university shall have an internal audit function. The responsibility of the internal audit function is to serve the university in a manner that is consistent with the *International Professional Practices Framework (IPPF)* promulgated by the Institute of Internal Auditors. Additional resources, tools and guidance should be obtained through the Association of College and University Auditors and the Committee of Sponsoring Organizations.

- ii The purpose, authority, and responsibility of each university’s internal audit function shall be defined in a formal written document (internal audit charter) that is approved by each state university’s chief executive officer. The charter shall make clear the purposes of the internal audit function, specify the unrestricted scope of its work, and declare that auditors are to have no responsibility for the activities they audit. The scope of work of the internal auditors shall include review of university controlled affiliated corporations, including a review for potential conflicts of interest and transactions between the university and university controlled affiliated corporations. The charter shall endow internal auditors with the authority to fully and freely access all the university’s records, properties, and personnel relevant to an audit. The charter shall provide that the auditor report directly to the university chief executive officer on all audit matters. The charter shall clearly state that internal auditors shall



report directly to the Board Fiscal Affairs and Audit Committee any situation wherein the auditor perceives a conflict of interest with or on the part of the university chief executive officer's involvement with the subject of an audit. In addition, each state university shall include the charter in university manuals, policies, and procedures as appropriate. Each state university internal audit department shall report annually to the Board's Committee on Fiscal Affairs and Audit, summarizing the prior year's activities and audit plans for the coming year. Each state university shall notify the Board's Committee on Fiscal Affairs and Audit in writing of any personnel change in the position of university internal auditor.

- iii Each state university shall develop and maintain an internal audit plan. At a minimum, internal controls for the university's highest risk units, based on public funds exposure, should be assessed on a regular basis.
  - iv Each completed internal audit reporting material financial weaknesses or fraud shall be submitted to the Board President and Chief Executive Officer who shall be responsible for recommending to the Committee on Fiscal Affairs and Audit any specific audit findings that should be further reviewed by the Committee.
- c Non-Public Funds Management Review
- i Each state university chief executive officer shall maintain on file at the university a current list and description of the non-public, unrestricted funds under his or her direction or that of direct subordinates.
  - ii Each state university chief executive officer shall maintain and provide to the Board annually a list of all affiliated corporations (controlled and non-controlled) and a description of their respective governing boards and management structure.
  - iii Each state university shall annually review the roles of direct subordinates in or with such affiliated corporations for the purpose of identifying potential conflicts of interest. If appropriate and to the extent it is within the chief executive officer's control, the university chief executive officer shall initiate a plan to either eliminate or manage any identified actual or potential conflicts of interest and shall file the plan with the President and Chief Executive Officer of the Board of Regents.
  - iv The President and Chief Executive Officer of the Board shall annually review the roles of the state university chief executive officers in or with all affiliated corporations for the purpose of identifying potential conflicts of interest. If appropriate, the President and Chief Executive Officer of the Board shall initiate a plan to either eliminate or manage any actual or potential conflicts of interest and shall submit such plans to the Board Chair and Vice-chair for approval.
  - v The Board may initiate external management reviews of the use and expenditure of non-public, unrestricted funds held by the university or an affiliated corporation of the university and under the direction of each state university chief executive officer and each state university chief executive officer's direct subordinates at any time, but such reviews shall be conducted no less than once every 8 years beginning fiscal year 2021. For the once every eight years audit, the period under review may be limited to the immediately preceding fiscal year, as determined by the Fiscal Affairs and Audit Standing Committee. Additionally, such reviews shall be conducted when there is a change in the chief executive officer. All such reviews shall be contracted by the Board and financed the state university under review. The university shall request its university non-controlled affiliated corporations having non-public, unrestricted funds that are under the direction of the university chief executive officer or the chief executive officer's direct subordinates to cooperate in the conduct of such reviews.
  - vi Each state university chief executive officer shall request the board of directors of each university non-controlled affiliated corporation to conduct an agreed-upon procedure engagement to be performed at the time of its annual independent audit to identify actual or potential conflicts of interest involving unrestricted, non-public funds under the authority or direction of the university chief executive officer or the chief executive officer's direct subordinates. Agreed upon procedures shall be established by the Board Fiscal Affairs and Audit Committee. The agreed-upon procedures shall include an examination of fund transfers and other transactions between and among the university, its affiliated corporations, and external entities reported on statements of substantial interest forms. The university non-controlled affiliated corporation shall be asked to share a report of each such engagement with the President and Chief Executive Officer of the Board.

vii For purposes of paragraph c.,

- (1) “non-public funds” means any funds expended for the benefit of the state university but not processed through the state financial system, and
- (2) “affiliated corporation” shall not include the Wichita State University Board of Trustees.

7 DESIGNATION OF CHIEF FINANCIAL OFFICER

Each state university chief executive officer shall appoint or designate a chief financial officer for the university. Each chief financial officer shall report directly to the university chief executive officer and shall be endowed with authority to effectively perform the standard duties and responsibilities of a chief financial officer, including having a broad knowledge and understanding of all of the institution’s financial and business matters.

8 FINANCIAL RESERVES

To ensure long-term financial sustainability, the state universities shall maintain sufficient resources to manage risks, to recognize commitments and to take advantage of opportunities. Recognizing that the publication “Strategic Financial Analysis for Higher Education” provides an effective benchmarking tool developed specifically to evaluate the financial well-being of institutions of higher education, the state universities shall provide an annual update on the metrics included within the ratio analysis, which shall include the resulting composite financial index. The annual update shall conform to a format determined by the Council of Business Officers.

9 AFFILIATED CORPORATIONS

a Affiliated corporations are incorporated entities, whether controlled or non-controlled by the university, that are funded solely or primarily by monies other than state funds and the purpose of which is to enhance or support the mission and activities of a state university. Affiliated corporations include, but are not limited to, alumni associations, incorporated student unions, endowment associations or foundations, and athletic corporations.

i University controlled affiliated corporations are affiliated corporations meeting one of the following criteria:

(1) A majority of a quorum of the board of directors, or other committee charged with making decisions on behalf of the corporation, are university personnel or appointed by the state university chief executive officer, or

(2) The corporation is otherwise controlled by the university or the university chief executive officer, as determined by the following considerations.

(a) Does the university chief executive officer appoint voting members to the corporation’s organizational committee (i.e. executive committee, finance committee, audit committee, etc.)?

(b) Does the university chief executive officer designate, appoint or hire the corporation’s executive director/chief executive officer?

(c) To what extent does the university chief executive officer have control over the management of the corporation’s day to day operations as well as control of its major decision making processes?

(d) To what extent are public funds used to fulfill the corporation’s responsibilities and mission?

ii University non-controlled affiliated corporations are affiliated corporations that do not meet one or more of the above-listed criteria

b State universities shall not utilize state funds for the operation of non-controlled affiliated corporations. This provision shall not be interpreted to include reasonable fee-for-services arrangements.

10 AUXILIARY ENTERPRISES

a Auxiliary enterprises are self-supporting state university-operated enterprises, which include, but are not limited to, student housing, student health services, unincorporated student unions, and parking.

b The operation of auxiliary enterprises on campus is authorized when such business is related to the educational objectives of the university. Before commencing operation of an auxiliary enterprise, the university shall first submit the proposed plan for the financing, operation and management of the auxiliary enterprise to the Board for approval.

State funds shall not be used to subsidize the operation of any organization operated as an auxiliary enterprise unless specified by bond covenants or by Board action.

- c Buildings may not be transferred from auxiliary enterprise restricted use support to general use support without approval by the Board.

## 11 SALES OF PRODUCTS AND SERVICES

Any sale of products or services by a state university, its auxiliary enterprises, or an affiliated corporation of a state university (all hereinafter collectively referred to as "institution(s)") is deemed appropriate only if such sale is an integral part of or reasonably related to, an activity which is essential to the fulfillment of the institution's instructional, research or public service missions. Such sales must meet the following criteria:

### a Sales of Products and Services to Students, Faculty, Staff, and University Guests

- i Institutions may sell products and services to students, faculty, staff, and university guests provided that the products and services satisfy reasonable educationally related or convenience needs of the university community and provided that such products and services are not generally available to persons who are not students, faculty, staff or university guests. University guests are defined as persons who enter a campus for an educational, research, or public service activity, and not primarily to purchase or receive products and services. Sales to university guests shall be related to the guest's purpose or needs while on campus.
- ii Institutions may sell products and services to students, faculty, staff, and university guests if the product or service contributes to maintaining the quality of the educational, living, or work environment of the institution. Most crucial to maintenance of quality are efforts that impact positively on student, faculty and staff recruitment and retention, including, but not necessarily limited to: student activity association entertainment; movies; athletic and recreational events and facilities; institutional operation of student health facilities; counseling centers; musical, cultural and artistic activities; and auxiliary enterprise activities.
- iii The appropriateness of sales of products and services to students, faculty, staff and university guests shall also be weighed by the availability or nonavailability of the products or services in the community at the time sales were initiated. Availability may be defined in terms of convenience, quality or quantity of service.
- iv The sales of products and services to students, faculty, staff and university guests shall be advertised only in media that are aimed or specifically targeted to the university community or by other methods which are limited to the campus.
- v Sale or distribution of tobacco products on state university campuses shall be prohibited. (Effective 7-1-10.)

### b Sales to the External Community

A product or service may be sold to the external community, only if the following two criteria are met: 1) the product or service must be appropriate for sale; and 2) sale of the product or service must adhere to the appropriate policy on pricing. Any advertising of products or services appropriate for sale to the external community shall be reasonably related in content and cost to the product or service being sold.

- i Appropriate Sales: The following is a listing of sales to the public that are deemed to be appropriate:
  - (1) An institution may sell a product or service that is directly related to the achievement of its institutional mission statement.
  - (2) An institution may sell a product or service where the sale enhances the academic, cultural, recreational, or artistic environment of the university community. This shall include, but not be limited to: attendance at addresses by public speakers, musical events, athletic events, museum exhibits, and art showings.

- (3) Products and services that are by-products of the institution's instruction, research, or public service activities may be sold to the public.
  - (4) Agricultural and mineral products produced from either research activities or from land owned or leased by the institution may be sold to the public.
  - (5) An institution may sell food service, but such food service shall be limited to the institution's campus.
  - (6) An institution may sell clothing and other gift and souvenir items imprinted with the institutional or conference logo, seal, emblem, initials, nickname, mascot or name.
  - (7) An institution may sell gift or souvenir items related to the operation of university museums or similar facilities.
  - (8) An institution may sell a product or service if it has specific state or federal statutory authority or mandate to do so.
  - (9) An institution may provide a product or service pursuant to a grant or contract with a governmental entity to provide such product or service either to the entity or to the public.
  - (10) An institution may offer a product or service to the external community if such product or service is unavailable elsewhere in the community and is reasonably related to the institution's mission. Unavailability may be defined in terms of convenience, quality or quantity.
- ii Sale or distribution of tobacco products on state university campuses shall be prohibited. (Effective 7-1-10.)
  - iii Pricing Policies
    - (1) In establishing a price or fee for products or services, the price should generally reflect the direct and indirect costs of the products or services and should minimally reflect the price in the private marketplace. For the purpose of this policy, direct costs include, but are not limited to: all salaries, fringe benefits, supplies, and capital directly attributable to the sale of the product or service. An institution's negotiated federal indirect cost rate shall be used to determine indirect costs.
    - (2) If the activity is integral to the fulfillment of the institution's instructional, research or public service missions, prices may be established at less than full cost recovery upon approval by the institutional chief executive officer or the chief executive officer's designee.
    - (3) All contracts offering products or services to other state agencies shall be priced in accordance with Board policy on "Contracts with Other State Agencies, Indirect Cost Reimbursement" in the Fiscal Management and Business Administration section of this Policy Manual.
    - (4) If a product is an agricultural or mineral product produced either as a by-product of teaching or research activities or as a product of land owned or leased by an institution, such product shall be sold for its market value.
- c Compliance
    - i The chief executive officer of each state university shall designate an officer at the Vice Chancellor or Vice President level who will approve the initiation of any new activity or program that will produce sales of products or services, or a substantial change in the type or level of existing sales of products or services, and determine that such activity or program complies with this policy. Each state university shall develop policies and procedures for administrative approval of activities that satisfy the criteria of this policy.
    - ii The Director of Internal Audit or other designated official at each state university shall review service and product sales on a regular basis and shall report and identify activities to the designated Vice Chancellor or Vice President that are not in compliance with this policy. The designated Vice Chancellor or Vice President shall review the

identified activities. If the designated officer agrees that the activity is not in compliance with the policy on competition, that officer shall prescribe parameters for compliance or shall require that the activity be curtailed.

- iii This policy will be applicable to private entities or individuals who sell products or services directly to students, faculty or staff pursuant to a contract with a state university.
- d Competition Grievance Procedure
  - i The chief executive officer of each state university shall designate an officer at the Vice Chancellor or Vice President level who will receive and evaluate complaints from private enterprises alleging inappropriate or unreasonable competition by the institution with private enterprise.
  - ii Upon receipt of a written, formal and signed complaint, the designated official shall investigate the merits of the complaint and determine whether the activity is in compliance with the Board of Regents policy on sales of products and services. The designated official shall proceed to resolve the complaint through administrative channels if possible. If the designated official is unable to resolve the complaint within fifteen (15) working days of receipt, it will be presumed that the complaint cannot be resolved through administrative channels.
  - iii If it is impossible for the complaint to be resolved by the designated official through administrative channels, the complaint shall be given to the chief executive officer of the university for referral, within ten (10) working days, to the Institutional Competition Review Committee for review. An Institutional Competition Review Committee (hereinafter "Committee") shall be separately constituted and appointed by the chief executive officer for each complaint. Each Committee shall be made up of five (5) members as follows: three (3) members from the university community (one of whom shall serve as Chair of the Committee) and two (2) members representing the private sector.
  - iv The Committee shall, within five (5) working days of its receipt of the complaint, and after consultation with the complainant, determine whether the complainant wishes to make an oral presentation to the Committee or whether the issue(s) shall be determined based on written submissions of the parties. If the complainant desires to personally make an oral presentation to the Committee, same shall be held within twenty (20) working days of the receipt of the complaint. The Committee shall listen to the complainant and a representative of the department or area offering the product or service. The Committee shall determine whether sales of the product or service are in compliance with the Board of Regents policy on sales of products and services. The Committee will prepare a written conclusion of its determination and recommendation of action within fifteen (15) working days of the conclusion of the oral presentation, or within fifteen (15) working days of receipt of the written submissions.
  - v The Committee shall forward its recommendation to the chief executive officer of the university for review. The chief executive officer shall accept, reject, or modify the recommendation of the Committee and shall inform the President and Chief Executive Officer of the Board and the other chief executive officers of the recommendation of the hearing committee along with a statement of the action taken thereon by the chief executive officer within fifteen (15) working days of receipt of the Committee recommendation.
  - vi If the proposed action of the chief executive officer does not satisfactorily resolve the complaint or charge, the complainant may appeal the chief executive officer's decision to the Kansas Board of Regents within twenty (20) working days of receipt of the Committee's recommendations. Should review be granted, the Chair of the Board shall appoint, within twenty (20) working days of receipt of the appeal, a Regents Review Committee to review the complaint. A Regents Review Committee shall be separately constituted for each complaint. Each Regents Review Committee shall be made up of three (3) members as follows: one member, who shall serve as Chair of the Regents Review Committee, shall be the Chair of the Board of Regents or the Chair's designee, one member shall be designated by the institutional chief executive officer where the complaint arose and one member shall be designated by the complainant. The Regents Review Committee will, within thirty (30) working days of its receipt of the complaints, make a complete review of the matter and provide its written Report and Decision to the President and Chief Executive Officer of the Board of Regents for implementation and reporting to the full Board of Regents.

- vii This procedure is intended to facilitate discussion and the resolution of issues and not as a formal or judicial process. Neither party may be represented by counsel. Time limits should not be used to adversely affect any complaints and unusual circumstances may justify a waiver of such time limits. It is further anticipated by the Board of Regents that a conscientious and good faith effort will be made by both parties to resolve the complaint at the earliest possible opportunity and that appeals to the Board of Regents will be the exception.
- viii This procedure shall not negate any other policy or afford additional rights relating to the processing of claims or charges of proscribed conduct which may be made by persons directly involved with or affected by the operation and management of a state university. This procedure is applicable only to any individual without current access to an established institutional grievance procedure.

## 12 SERVICE CLEARING ACTIVITIES

All service clearing activities must be consistent with Board policy on the sale of products or services.

### a Institutional Related Activities

Each state university shall develop policies and procedures for identifying appropriate institutionally related service activities including, but not limited to, telecommunications, printing services, central stores, fleet management, and duplicating and reproduction services, and provide for administrative approvals prior to providing such services.

### b Other Organizations or Classes of Individuals

- i A state university may provide services to specific organizations or classes of individuals outside the University as approved in advance by the university's chief executive officer. Such services will ordinarily be approved only if the organization or class of individuals has made a written request for such service.
- ii Individual projects to be undertaken for approved organizations or classes of individuals shall be reviewed by each university on written application prescribed by the university.

## 13 CONTRACTS

### a General Provisions

- i State universities may enter into contracts to acquire products or services normally requiring the expenditure of funds, including leases of real property as described in chapter II, section E "Facilities" of this Policy Manual, with any party or parties including any agency of the United States or any state or any subdivision of any state or with any person, partnership or corporation if the purpose of such contract is related to the operation, function or mission of the state university. (K.S.A. 76-721) The Board's President and Chief Executive Officer must be notified in writing of any contract which requires expenditures or transfers by the state university of an amount greater than one million dollars (\$1,000,000), excluding contracts directly related to a capital improvement project.
- ii All contracts between the state universities and other state agencies shall be subject to the provisions of K.S.A. 75-3711b. (K.S.A. 76-721).
- iii Any contract with a corporation whose operations are substantially controlled by a state university shall provide that the books and records of such corporation shall be public records and shall require an annual audit by an independent certified public accountant to be furnished to the Board of Regents and filed with the state agency in charge of post auditing state expenditures.
- iv Only the chief executive officer of the state university, or a specifically authorized designee of the chief executive officer of the state university, shall execute contracts on behalf of a state university. All delegations of authority made pursuant to this provision shall be filed with the General Counsel of the Board of Regents at least annually.



- v All contracts shall be in the name of the state university. Individual schools, divisions and departments shall not enter into contracts.
- b Contracts with Other State Agencies, Indirect Cost Reimbursement
  - i When contracts are negotiated with state agencies for projects to be performed by university personnel, generally in and with university facilities, and when the funds used by the state agency for the project derive directly from its state appropriation from general revenue, the university will forego reimbursement for the entire indirect costs computed at its current audited rates. It is required in such cases that (i) the state agency certify in writing that the funds for the project derive directly and completely from its state appropriation from general revenue, and (ii) the contract state explicitly the university contribution of the indirect costs, with specified current audited rates, estimated base and estimated amount of the contribution.
  - ii When contracts are negotiated with state agencies for projects to be performed by university personnel, generally in and with university facilities, and when the funds used by the state agency for the purpose derive from federal or other non-state allocations to the State, the university will normally expect to be reimbursed for its related indirect costs at its current audited rates. When the terms of the allocation to the State do not provide full reimbursement of all indirect costs of the work for which the allocation was made, reimbursement of university indirect costs related to the project will be negotiated downward. In general, the distribution of available but less than full indirect cost reimbursement funds between the state agency and the university shall be in proportion to the state agency's audited administrative cost rate and the university's audited indirect costs rate; if the state agency's rate is not available, it may be approximated by the university's research administration indirect cost rate component. In all such cases where the university agrees to receive reimbursement at less than its full audited rate, the proposal, and whenever possible the contract, shall contain statements indicating (i) the justification for the reduction, in terms of this policy, and (ii) the amount of the university's unreimbursed indirect costs specified as a university contribution to the project.
  - iii When the funds to be used by the state agency derive from agency fee income (not interpreted as to include federal funds by formula, program or project), and the state agency certifies in writing that in setting the fees in question it has ignored the reimbursement for indirect costs of the university necessary for the conduct of the project being negotiated, the indirect costs of the project will be contributed by the university under the same terms as when the state agency funds derive from its state appropriation from general revenue. (In these circumstances the state agency is to be encouraged in the future to take into account in setting its fees the real indirect costs of contracting entities such as the university in order that proper, business-like reimbursements may be made.)
  - iv In no case of a contract with a state agency will the university (i) require indirect cost reimbursement when the funds received by the state agency for financing the project provide no part allocable for indirect costs, or (ii) contribute the entire indirect costs of a project when the funds received by the state agency for financing the project do include a part allocable for indirect costs.
  - v When state agencies submit or forward proposals for federal or other non-state funded programs or projects that will require the services of the university, it is expected that prior consultations will take place with university representatives, and that the proposal as forwarded will contain an identifiable component describing the university's anticipated participation, complete with staffing plan, facilities commitments, and a proposed budget estimating both direct and indirect costs for the university's portion of the program or project. To the maximum legal extent possible under the laws and regulations of the prospective sponsor, full reimbursement shall be sought for the indirect costs of the state agency and of the university.
  - vi This policy governs all contracts and similar agreements between state agencies and the university (individual schools, divisions and departments are not authorized to execute such instruments).

#### 14 CAPITAL FINANCING

Policy Objective/Purpose. This policy provides a framework within which decisions surrounding capital financing are made by the Board in exercising its fiduciary responsibilities and by each Chief Executive Officer in administering the

affairs of the university, including responsibility for determining whether to use debt to finance particular capital projects and the ongoing management of debt.

a Authorization

- i Debt Obligations Issued by or on Behalf of the Board. Pursuant to legislative authority, including specific appropriation provisos in conjunction with K.S.A. 74-8901, *et seq.*, the Board is authorized to issue or seek issuance of debt obligations on behalf of the state universities. The Board may issue debt obligations directly or by using the services of the Kansas Development Finance Authority.
- ii Revenue Bonds Issued on Behalf of Affiliated Corporations. At the time of Board approval of the project plan for a project to be built on state property and financed with revenue bonds issued on behalf of endowment associations, foundations, other affiliated corporations, or the Wichita State University Board of Trustees, the state university having possession of the property shall obtain approval from the Board for the proposed bond financing.

b Types of Debt

For purposes of this policy, the term “debt obligation” includes bonds, notes, debentures, interim certificates, grant and revenue anticipation notes, interest in a lease, lease certificate of participation or other evidences of indebtedness, whether or not the interest on which is subject to federal income taxation. Any capital project financing proposal involving derivative instruments shall require additional review by the Board’s Fiscal Affairs and Audit Committee prior to Board approval of the project. Such additional review may include a presentation by Kansas Development Finance Authority staff to explain the rationale for using derivatives and an independent assessment of the feasibility of the proposal.

c Use of Debt

Debt obligations cannot be used to fund university employee compensation or other non-capital expenses.

d Period of Debt

Period of debt cannot exceed planned useful life of the asset being financed and must be for a reasonable term in relation to the amount financed.

e Pledge of Available Revenue

If the state university for which the debt obligations for a project are issued, in consultation with the Kansas Development Finance Authority, determines that the debt obligations will be more marketable with a pledge of generally available unencumbered funds of the university, or a credit enhancement in the form of a supplemental pledge or assurance of revenues other than those generated by the facility for which the debt obligations are to be issued, the desire to utilize such a pledge or assurance shall be reported to the Board at the time of the request for approval of the capital improvement, and language permitting the pledge of other available revenues for debt service purposes shall be included in the legislative proviso authorizing issuance of the debt obligations. Any debt obligations issued by the Board directly pursuant to K.S.A. 76-6a13 *et seq.* shall be subject to the pledge of revenue restrictions set forth in K.S.A. 76-6a15. This paragraph shall apply to projects submitted to the Board for approval after October 1, 2009. In the case of debt obligations issued with a pledge of generally available unencumbered funds, each financing is expected to be supported by a project financial plan identifying revenues sufficient to fulfill annual debt service requirements.

f Refunding Bonds

Refunding bonds may be issued in an aggregate principal amount not to exceed the amount necessary to refund outstanding bonds that were issued on behalf of the university, plus costs. If one or more of the following conditions is met, refunding bonds may be issued without further approval of the Board:

- i Issuance of refunding bonds will achieve a present value savings of not less than 3% of the principal amount of the outstanding bonds to be refunded and final maturity of the bonds shall not be significantly extended beyond the original final maturity of the refunded bonds;
- ii Issuance of refunding bonds will restructure debt service requirements on the outstanding bonds in a way that is fiscally or administratively advantageous to the university as recommended and upon request, explained by Kansas Development Finance Authority or bond counsel for the proposed transaction (this option may be used only after the university has presented to the Fiscal Affairs and Audit Committee information regarding the prudence of exercising it under the specific circumstances and the Committee has approved the issuance); or
- iii Issuance of Refunding Bonds will eliminate burdensome or unduly constraining covenants contained in legal documentation authorizing the issuance of the outstanding bonds, as recommended and upon request, explained by Kansas Development Finance Authority or bond counsel for the proposed transaction (this option may be used only after the university has presented to the Fiscal Affairs and Audit Committee information regarding the prudence of exercising it under the specific circumstances and the Committee has approved the issuance).

g Responsibilities of the Board

The Board will consider the impact that each debt issuance will have on a university's debt burden and its continuing ability to provide strong debt service coverage. The Board will annually review each university's debt capacity plan prepared and submitted in a format and in accordance with a schedule established by Board staff. The Board may assess a university's debt affordability and capacity by gathering input from other sources, for example, bond rating service scorecards, prepared and provided annually to the Board by Kansas Development Finance Authority staff. To fulfill its fiduciary responsibilities, it is essential that the Board of Regents understand the outstanding amount of debt obligations of each university. Board staff provides support to the Board in this responsibility by annually issuing a schedule for preparation and submission of the debt capacity plan and any related reports and specifying the content and format of the plan and related reports. Such schedule and format parameters will be prepared in consultation with Council of Business Officers.

In assessing each university's current debt levels, and when exercising oversight regarding assumption of additional debt by a university, the Board takes into account both the university's debt affordability and debt capacity. Debt affordability focuses on a university's ability to service its debt through its operating budget and identified revenue streams and is driven by strength in income and cash flows. Debt capacity focuses on a university's financial leverage in terms of debt funding as a percentage of the university's total capital.

h Responsibilities of the University

- i Each university shall provide the Board with adequate information to allow for reasonable and prudent oversight of the university's debt portfolio including, but not limited to, annual submission of the completed and updated debt capacity plan. The debt capacity plan, including key financial ratios, is intended to provide the university's administration and the Board with information necessary to determine whether the university will exceed its debt capacity. The financial ratios described in each university's debt capacity plan are not intended to track to a specific credit rating, but rather to help the university maintain sound financing for capital needs as they arise. The Board recognizes that rating agencies and other credit analysts use these and other measures in evaluating an issuer's ability to issue and repay debt. The Board expects at a minimum that each university set a target for debt burden ratio and bond coverage ratio and to continuously project debt capacity into the future. Each university's target will be used as a guidepost for that university, not a firm boundary.

(1) Debt Burden Ratio is a percentage and represents the principal (excluding refunded principal) and interest on debt divided by total expenditures. The outstanding principal and interest included in each university's debt capacity plan shall be derived from the university's annual financial report. The principal and interest on new debt is based on the plan of financing for proposed projects.

(2) Average Debt Service Coverage represents the adjusted change in net assets divided by debt service. The average is calculated using the current fiscal year, two years prior to the current fiscal year and projected figures for the two subsequent fiscal years including requested projects. The outstanding principal and interest included

in each university's debt capacity plan shall be derived from the university's annual financial report. The principal and interest on new debt shall be based on the plan of financing for proposed projects.

(3) Viability Ratio represents expendable net assets divided by total plant-related debt. The ratio is an indicator of an institution's ability to assume new debt and measures the debt capacity. The viability ratio represents expendable net assets divided by long-term debt. The ratio assists with answering the question: "Are resources, including debt, managed strategically to advance the mission?" The Viability Ratio measures the most basic determinant of clear financial health: the availability of expendable net assets to cover debt should the institution need to settle its obligations as of the balance sheet date.

(4) A university may elect to monitor additional selected ratios (including, but not limited to those suggested by the rating agencies) to provide further information regarding its financial performance and the impact of new debt for a specific project.

- ii Each university shall adopt debt policies and procedures with respect to matters involving: debt issuance; debt management, compliance practices relating to use of tax exempt bond proceeds and bond financed assets; arbitrage and rebate compliance; record retention; refunding; and continuing disclosure obligations and designate a Bond Compliance Officer who is responsible for coordinating and overseeing post-issuance compliance for tax-exempt debt obligations issued on behalf of the university. Each university shall provide both the Board and the Kansas Development Finance Authority with a copy of its current policies and procedures, including the contact information for the Bond Compliance Officer.

## 15 PURCHASING PURSUANT TO K.S.A. 76-769

### a Guiding Principles

- i Each state university choosing to utilize the provisions of K.S.A. 76-769 shall develop and be guided by procurement policies and procedures that:
  - (1) Focus on the stewardship of public funds;
  - (2) Advance and support the mission of the institution;
  - (3) Promote a competitive and fair procurement environment; and
  - (4) Are open and transparent, including adherence to the Kansas Open Records Act.
- ii State universities utilizing the provisions of K.S.A. 76-769 are encouraged to engage in cooperative purchasing opportunities with other public universities or other state agencies to achieve the lowest competitive price, including purchasing from current State central purchasing contracts, state travel services, and products pursuant to the Prison Made Goods Act, if it is in the best interest of the state university.

### b Requirements for Policies and Procedures

The policies and procedures developed by each state university in accordance with this section shall address, at a minimum:

- i How the system of administration will advance and support the mission of the state university and provide increased levels of service to university students, faculty and staff as they work collectively to advance the university interest;
- ii How the state university intends to promote a competitive procurement environment including a statement regarding what competitive bid limit thresholds will be utilized;
- iii How notice of procurement opportunities will be provided to vendors and to the public in general;

## Chapter II: Governance – State Universities

- iv The criteria to be utilized as contracts and purchase orders are awarded;
- v The process to be utilized to resolve vendor protests or requests for information, if any, that are submitted by vendors or the public in general;
- vi How the state university intends to cooperate with the State and other state universities as procurement decisions are made; and
- vii What steps are taken to ensure that all university procurement officials are guided by a purchasing code of ethics, such as the National Association of Educational Procurement Code of Ethics.

### 16 PURCHASING INSURANCE

- a State universities may purchase insurance of any kind or nature except employee health insurance. (K.S.A. 75-4101(d).)
- b Any purchase of insurance shall be made on a competitively bid or competitively negotiated bases and purchased from an insurance company authorized to transact business in the State of Kansas. State universities shall use a competitive procurement procedure for such purchases, which procedure shall be on file at the institutions and open for public inspection.
- c Prior to such purchases, state universities are encouraged to consult with other state universities to determine whether coverage for more than one state university would be advantageous.
- d For joint insurance purchases in which all KBOR institutions participate (e.g. property, auto, and cyber), the Council of Business Officers shall provide overall strategic direction, oversight, and decision making.
  - i. The Council of Business Officers will designate a point-of-contact for each insurance program to ensure timely and efficient claims handling, competitive program renewal, and completion of risk mitigation recommendations made by insurance carriers.
  - ii. Each university chief financial officer shall designate an institutional point of contact to coordinate with the designated program contact(s) on the handling of institutional insurance matters.
- e If a state university does not obtain insurance coverage for state university-owned aircraft and vehicles through State contracts, coverage that at least matches the State’s insurance coverage shall be purchased.
- f The chief executive officer of each state university shall implement procedures to ensure the provision of insurance coverage that at least matches the State’s insurance coverage for all travel of students or university employees in chartered or rental aircraft or vehicles while on university business or university sponsored activities.

### 17 ADVERTISING

The use of general use and restricted use funds is permitted for the purchase of advertising subject to authorization by the chief executive officer of the state university or the chief executive officer’s designee.

### 18 AUTHORIZED DISPOSITION OF SURPLUS PROPERTY

- a Guiding Principles
  - i Each state university choosing to utilize the provisions of K.S.A 75-6606(c) shall develop and be guided by policies and procedures for the disposition of surplus university property that:
    - (1) Focus on the stewardship of public property;
    - (2) Advance and support the mission of the institution;

- (3) Promote the reuse of surplus property at the institution;
  - (4) Operate in a fair, equitable and transparent manner;
  - (5) Prohibit the giving or sale of property to an individual without first complying with university policies and procedures; and
  - (6) Are in full compliance with all local, state and federal laws, rules and regulations.
- ii Each state university is encouraged to engage in cooperative opportunities with the other state universities to promote the reuse of surplus property system-wide. Each state university is also encouraged to consider sustainability practices, as surplus property is disposed.

b Policy Requirements

The policies and procedures developed by each state university in accordance with this section shall address, at a minimum:

- i How notice of the planned disposal of surplus property will be provided to the general public; and
- ii How the disposition of property and receipt of revenues will be documented and utilized.

c Disposal Methods

The following methods are authorized for the disposition of surplus property:

- i Advertised fixed price;
- ii Advertised negotiated price;
- iii Advertised sealed bid;
- iv Advertised public auction;
- v Donation to not-for-profit organizations, or individuals and entities eligible to participate in the Federal Surplus Property Program; and
- vi Cannibalize, recycle, junkyard and or trash.

19 REFUND FROM FEE AGENCY ACCOUNTS

- a State universities may make direct refunds of tuition fees, charges or other institutional receipts from the appropriate fee agency account.
- b All refunds are to be deducted from receipts before submitting monthly receipt vouchers to the State Treasurer.
- c Each state university shall maintain appropriate documentation for all refunds and retain the same for audit.
- d Each state university shall file with the Division of Accounts and Reports the specific procedures to be used by the institution in implementing the above policy.

20 SPONSORED RESEARCH OVERHEAD

Sponsored research overhead funds received by state universities shall be used to strengthen research programs and capabilities in those institutions. Appropriate uses for such funds include, but are not limited to: remodeling and equipping



research laboratories, hiring personnel associated with grant administration, technicians or graduate research assistants; funding pilot projects that may lead to federal grants; financing computer acquisition or operations; and paying rent for supplemental research facilities.

21 THE KANSAS PARTNERSHIP FOR FACULTY OF DISTINCTION PROGRAM

The President and Chief Executive Officer of the Kansas Board of Regents, or designee, shall be responsible for administering the following procedures, which shall be in addition to the procedures set out in K.S.A. 76-773 et seq.

For purposes of this program, “joint donors” will be considered to be related or associated if they have expressed a mutual commitment to furthering the purposes of this program through their joint gift. The institution shall be responsible for demonstrating that such a relationship exists between or among joint donors. In the case of a joint donation, support for an endowed professorship must come from persons or groups that share “common characteristics or similarities such that the joint monetary donation conforms with the purposes of the program.” K.S.A. 76-773(c). For example, an appropriate fund raising activity would be for a college of engineering to solicit funds, especially major gifts, from engineering college alumni to support an endowed professorship in engineering. Alternatively, an example that would not conform to the intent of the “common characteristics and similarities” standards of the program would be for the institution to seek donations from all university alumni to support an endowed professorship in engineering.

- a The chancellor, president, director or other chief executive officer of an eligible educational institution shall notify the Board President and Chief Executive Officer of the receipt of each qualifying gift. Such notification will be in a format determined by the Board President and Chief Executive Officer and shall include:
  - i The name of the account of the faculty position to be endowed by the gift;
  - ii The amount of the gift received; and
  - iii The date the gift was received.

The Board President and Chief Executive Officer shall determine if the gift qualifies for certification under the program. No gift shall be certified until the threshold amount of cash, as per K.S.A. 76-775 for each type of institution, is on deposit with the institution’s endowment association. If the gift qualifies for certification under the program and has been deposited in cash with the endowment association, the Board President and Chief Executive Officer will certify to the Director of Accounts and Reports the amount and date of receipt of the qualifying gift and the appropriate professorship account to which it applies.

Only qualified cash gifts from qualified donors may be used to meet the minimum threshold required for establishment of the endowed professorship. An institution may receive non-cash gifts for an endowed professorship, but such non-cash gifts must be converted to cash and on deposit with the institution’s endowment association before they are eligible for certification under the program.

- b Institutions may add new gifts to a certified endowed professorship, as long as the new donations are made by the same single donor or entity or by a member of the same class of joint donors. Only qualified new gifts may be used to increase the total amount of the certified endowed professorship account that is eligible for the state earnings equivalent award.
- c The Board President and Chief Executive Officer will certify receipt of each addition to an original qualifying gift (certified endowed professorship), provided that the addition meets or exceeds at least 20 percent of the institution’s minimum threshold for a qualifying gift and the addition satisfies all other requirements for certification. The chancellor, president, director or other chief executive officer of an eligible educational institution shall notify the Board President and Chief Executive Officer of the receipt of each addition to a previously certified gift. Such notification shall be in a format determined by the Board President and Chief Executive Officer.
- d In accordance with K.S.A. 76-775, the Director of Accounts and Reports shall transfer from the state general fund the amount determined to be the earnings equivalent award for such qualifying gift. The Board President and Chief Executive Officer shall certify no later than June 30 of each year the endowed professorships at all institutions. Prior



to June 30 of each year, the Board President and Chief Executive Officer will produce a report listing all certified endowed professorships and request the chief executive officer of each eligible institution, as applicable, to verify the accuracy of such report for her or his institution.

If on July 1 of any fiscal year the total of all transfers from the state general fund for earnings equivalent awards for qualifying gifts is equal to or greater than the applicable maximum stated in K.S.A. 76-775 and amendments thereto, no new qualifying gifts or additions to qualifying gifts will be certified by the Board during that fiscal year. If on July 1 of the subsequent year the total of all transfers from the state general fund for earnings equivalent awards for qualifying gifts is less than the applicable maximum, the Board President and Chief Executive Officer shall certify any new qualifying gifts or additions to gifts in the following manner. If for any reason the Board should need to accept qualifying gifts after the maximum total amount of new gifts per year for all or any individual institution has been reached, the date received by the Board shall determine the order in which gifts shall be certified.

- e The Board President and Chief Executive Officer shall prepare and distribute to each participating institution a semi-annual report showing the accumulated amount of gifts that have been certified for all eligible institutions.
- f On or before September 1 of each year, each eligible institution that has established one or more certified endowed professorships shall file a report on a form provided by the Board President and Chief Executive Officer. Such report shall specify how funds (from the State General Fund earnings equivalent awards and from the endowment association's earnings) were expended to support the endowed professorship(s) for the previous state fiscal year. The Board President and Chief Executive Officer may request other information from the institutions to improve the program or report on its effectiveness.

## 22 VEHICLES AND EQUIPMENT

### a Purchase of Vehicles

Purchase and replacement of vehicles are delegated to the chief executive officer of each state university or the chief executive officer's designee. Replacement of vehicles should be made in accordance with Department of Administration guidelines and procedures.

### b Transfer of Equipment

Equipment purchased by externally-sponsored research projects may be transferred to another college or university only if the following conditions are met:

- i The project investigator is moving to another academic institution and the financial support is also transferred by the granting agency without interruption;
- ii The granting agency approves transfer to the new institution of equipment purchased wholly by grant funds;
- iii The equipment is specialized in nature, acquired specifically for the investigator for that investigator's particular program, and is essential to continuance of the program without undue interruption in the work;
- iv The granting state university does not need the equipment in its current related research program; and
- v The entire cost of physical transfer of the equipment will be borne by the granting agency or the recipient institution.

## 23 TRAVEL

### a Out-of-State Travel Requests – Faculty and Staff

Approval of out-of-state travel requests for staff and faculty of each state university is vested in the chief executive officer, or his or her designee, of the respective state universities.

b Out-of-State Travel Requests – Chief Executive Officers

Approval of out-of-state travel requests for the chief executive officer of a state university is vested in the Board and delegated to the Board President and Chief Executive Officer. Requests for out-of-state travel, regardless of source of funding, shall be submitted to the Board Office in such form as prescribed by the Board President and Chief Executive Officer generally at least two weeks prior to the date travel commences, but in no event after the date travel commences. Expenses will be allowed pursuant to Department of Administration or Internal Revenue Service regulations governing travel. Out of state travel that is within 130 miles of the chief executive officer's main campus or that is within the Kansas City metropolitan area shall not require approval.

c International Travel Requests – Faculty, Staff and Chief Executive Officers

The purpose of this policy is to encourage responsible international engagement and to aid university employees, including student employees, in the planning of their international travel and activities when they are conducted on behalf of the university or as part of a university program.

i The state universities recognize the need, benefits and opportunities presented for their employees, including student employees, to travel and conduct activities abroad on official university business. However, this travel, by its very nature, creates risk to state university information security and/or technology. Therefore, each state university shall develop policies, processes and procedures addressing and mitigating each of the following identified Risks (Individual, Informational, and Institutional) for all chief executive officers, staff, faculty, and student employees while on university affiliated and/or sponsored travel.

(1) Individual Risk includes, but is not limited to personal safety, the security of all carried property, hygiene, health, and other immediate concerns. Each state university shall:

(a) Implement a policy that requires each traveler, supervisor, or a dedicated staff unit to review any travel advisories posted on the U.S. Department of State and Centers for Disease Control website and factor such advisories into the risk decision-making process.

(b) Implement a policy limiting and/or prohibiting travel to certain countries as appropriate. Such policy shall specifically address travel to countries designated as Travel Advisory Levels 3 or 4. If travel is approved, the traveler must sign appropriate university waivers.

In addition, each state university shall consider the following as a best practice:

(c) Develop and implement training on personal safety tailored to the specific destination in the case of Advisory Levels 3 and 4. In some instances, a university-contracted travel assistance provider may offer this capability providing “duty of care” services.

(2) Informational Risk includes, but is not limited to, theft of research data and intellectual property through cyber, physical, and other methods. Each state university international travel policy shall include processes and procedures to notify all university travelers of the risks to their data while abroad.

In addition, each state university shall consider implementing the following as best practices:

(a) Advise travelers on how to mitigate Informational Risk through standard practices, cyber hygiene, and limiting the amount of data at risk.

(b) Implement a loaner laptop and cellphone program for official international travel, with the requirement that all research data, information, presentations, and other data be stored on the loaner equipment or in an approved cloud environment during travel. Upon return, the data on these devices will be removed by university IT.

(3) Institutional Risk includes, but is not limited to, harm to the state university's employees, students, and reputation. Each state university international travel policy shall include measures to address Institutional Risk (e.g., requiring international travel pre-registration, risk advisory groups, etc.).

24 RESTRICTED PARTY SCREENING

The purpose of this policy is to reduce risk and ensure compliance with applicable federal regulations that prohibit export and other transactions with listed entities with restrictions or prohibitions as determined by multiple U.S. federal agencies. Requiring restricted parties screening is an essential component of the Board’s commitment to export compliance.

The United States government and its export regulations restrict or prohibit U.S. individuals and entities, including institutions of higher education, from exporting or providing services of any kind to any party identified in the U.S. government export denial, debarment, or blocked persons lists (“Restricted Parties”). The restrictions on interactions with Restricted Parties vary depending on the particular list and may include limits or prohibitions on export, regulatory, financial and commercial interactions.

The United States government recommends that all organizations, including state universities, review the lists of Restricted Parties prior to engaging in any transaction with a third party (“Restricted Party Screening”).

Each state university shall develop policies, processes, and procedures outlining when and how third parties shall undergo Restricted Party Screening. In developing such policies, processes, and procedures, each state university shall consider including the following groups of individuals and entities as those third parties that should undergo Restricted Party Screening:

- a Visitors, visiting professors, researchers, and scientists (foreign and domestic)
- b New employees and affiliates
- c Recipients of international shipments (sending or hand-carrying)
- d International travel destination, host, sponsor, and/or collaborator
- e Research collaborators (foreign and domestic)
- f Participants in short-term educational programs
- g Research sponsors
- h Vendors/suppliers (foreign and domestic)
- i Recipients of transfers of items including technology
- j Donors
- k Professional and Continuing Education registrants
- l Consortia supporters and members.

25 VISITORS WITH ACCESS TO RESTRICTED MATERIAL

The purpose of this policy is to 1) enhance the safety of visitors to state university campuses and those campus communities; 2) protect and promote each university’s mission, vision, and values; 3) safeguard intellectual property; 4) ensure compliance with applicable federal regulations and laws prohibiting transactions with restricted entities; 5) support IT security and services and other mission-critical infrastructure; and 6) reduce overall risk to the state universities’ employees, students, research and information. This policy and its exclusions are not intended to replace existing security/compliance procedures already in place at state universities.

For purposes of this policy, a “Visitor” is an individual (international or domestic): 1) who is not otherwise employed by and/or does not have a current formal affiliate status with a state university; and 2) who is coming to a state university either in person or by way of telecommunication to conduct business; and 3) who has access to state university intellectual property, research data, research facilities, networks, or secure physical spaces (collectively, “Restricted Material”). Visitors may include, but are not limited to, vendors, contractors, external faculty, external researchers, and industry partners.

For purposes of this policy, a Visitor does not include prospective students who are visiting campuses or individuals attending events that are open to the public (e.g., sporting, musical, and theatrical events), who will be in public spaces and who will not have access to Restricted Material.

Each state university shall establish policies and procedures that demonstrate a commitment to maintaining an open and free academic environment that supports both domestic and international collaborations while maintaining compliance with

federal and state laws and regulations applicable to visitors on state university campuses, including but not limited to export control regulations. Such policies shall include the following components:

- a Due diligence screening using approved commercial software or U.S. government websites to determine if a Visitor or their employing organization/entity is restricted by export control laws, sanction programs, and/or debarment lists;
- b Training that details employee and Visitor responsibilities, acceptable behavior by Visitors, and authorized accesses to networks and facilities;
- c Control and recording of Visitors such as badging and where/what individuals had access to while at the institution;
- d Providing for safety of Visitors while at state universities;
- e Reporting procedures concerning Visitor misconduct or other issues that arise while at the university; and
- f Identifying how the state university will review visits and assess risk.

## 26 INFORMATION TECHNOLOGY AND SECURITY

- a Designation of campus information technology officer and campus information security officer.

By October 1, 2024, each state university chief executive officer shall appoint or designate a campus information technology officer and a campus information security officer.

- b Duties

- i Campus information technology officer

The campus information technology officer or their designee shall:

- (1) review and consult with the university chief executive officer or their designee regarding information technology plans;
- (2) develop processes and procedures to implement the policy established pursuant to subsection c.;
- (3) monitor the university's compliance with the policy established pursuant to subsection c.;
- (4) Review and approve implementation of all information technology at the university and network-connected affiliates, to include working with the campus information security officer to evaluate the risk associated with proposed changes to campus technology operations and systems and advising the university chief executive officer or their designee regarding the same;
- (5) Ensure adequate policy and governance processes are in place for compliance with technology and security standards up to and including removal and/or isolation of non-compliant systems;
- (6) designate the ownership of information technology processes;
- (7) review all contracts related to information technology entered into by a person or entity within the university; and
- (8) perform such other duties as designated in the university policy adopted pursuant to subsection c below and such other duties as assigned by the university's chief executive officer or their designee.

- ii Campus information security officer

The campus information security officer or their designee shall:

- (1) establish and be responsible for security standards, processes and policies to protect the university's information technology systems and infrastructure, subject to the minimum standards adopted pursuant to Chapter I.A.4.b.iii(4) and the university policy established pursuant to subsection c below;
- (2) ensure the confidentiality, availability, and integrity of the information transacted, stored or processed in the university's information technology systems and infrastructure;
- (3) detect and respond to security incidents consistent with university information security standards and policy;
- (4) ensure all individuals who access the university's data and information resources are appropriately trained, in the campus information security officer's discretion, on cybersecurity awareness;
- (5) ensure that all systems that connect and/or integrate to the university's network, data, and information resources are secured in a manner consistent with the university's processes, policies and standards;
- (6) establish a formal information security exception process for managing risks associated with deviations from the university's security processes, policies or standards;
- (7) review all contracts related to information technology entered into by a person or entity within the university to make efforts to reduce the risk of security vulnerabilities within the supply chain or product and ensure each contract contains appropriate security language;
- (8) ensure compliance with applicable state and federal laws, rules and regulations and Board and university policies and standards relating to information technology and cybersecurity;
- (9) ensure that annual audits for compliance with applicable state and federal laws, rules and regulations, Board and university policies and standards are performed; and
- (10) perform such other duties as designated in the university policy adopted pursuant to subsection c below and such other duties as assigned by the university's chief executive officer or their designee.

c Establishment of information technology and security policy.

- i Each state university shall establish a written information technology and security policy. The policy shall:
  - (1) meet the minimum standards developed by the Information Technology and Security Council pursuant to Chapter I.A.4.b.(4).
  - (2) contain a formal process by which specific exceptions to policy requirements are granted by the chief executive officer, or their designee, after consultation with the campus information technology officer and campus information security officer, and a process for documenting approval of such exceptions.
- ii Each state university shall review the policy on an annual basis and shall ensure that it continuously meets the minimum standards pursuant to Chapter I.A.4.b.(4).

d State university reporting

Each state university shall annually make a campus information security report to the Board Governance Committee at a time designated by the Committee, including the result of any cybersecurity audit since the university's last report. In addition, the university shall certify in writing:

- (1) that the university has established a policy that complies with subsection c above; and

(2) that the university has complied with its formal process regarding policy exceptions as required by subsection c.i.(2).

The certification shall be signed by the university’s chief executive officer, information technology officer, and the information security officer.

Any report submitted pursuant to this subsection shall remain confidential to the extent permitted by the Kansas Open Records Act.

## 27 ENTERPRISE RISK MANAGEMENT

Best practices in effective governance at an institution include assessment of potential risks and exposures, evaluation of the probability and the impact of each, and adoption of risk mitigation strategies. These enterprise risk management practices help inform institutional decision making and provide the means for institutional oversight of cybersecurity risk management pursuant to Board policy (proposed KBOR policy II.D.26). This policy formalizes the expectations for each KBOR institution to establish an ongoing system of risk management appropriate to the institution’s mission and strategic initiatives.

- a Pursuant to this policy, each KBOR institution shall adopt an enterprise risk management process. The process should be developed to assure that potentially significant and likely risk exposures are identified and communicated to institutional leadership, including the chief executive officer, the chief academic officer and chief financial officer, and that plans to reduce the risk of occurrence or mitigate the exposure have been developed.
- b Under the leadership of each institution’s chief executive officer, an institution-wide body, such as a campus cabinet or president’s leadership team, is to identify and quantify risks, determine risk tolerances, and oversee risk mitigation strategies or measures where appropriate. In doing so, the body may consider assessments of the institution’s cybersecurity readiness and policy compliance, significant internal and external audit findings of the institution and its controlled affiliated corporations, findings of regulatory non-compliance, and significant risk events.
- c Institutions are expected to adopt risk management practices suitable and appropriate to the institution’s activities and goals and in alignment with applicable Board policies. Tailoring risk management activities to the institution’s focus and goals may result in similar institutions assessing the likelihood, and the impact, of similarly described risks differently, with risk tolerance and mitigation strategies that reflect those differences.
- d By January 1st annually, institutions are to communicate to the Board’s Governance Committee that an institutional enterprise risk management process is in place, summarize the identified risk exposures and risk mitigation activities resulting from the process. Any report submitted pursuant to this subsection shall remain confidential to the extent permitted by the Kansas Open Records Act.

## E FACILITIES

*Guiding Principle.* Each state university shall inform the Board’s Director of Facilities in a timely manner about construction projects at each campus, including all relevant milestones (including design phases, procurement, and construction phases) and unforeseen changes. Consistent with Board policy on procurement, each capital project involving a state university, its affiliated corporations or other related organizations shall, for projects using state funds, be advertised and bid in a manner that advances and supports the mission of the university, promotes a competitive and fair procurement environment, and is open and transparent.

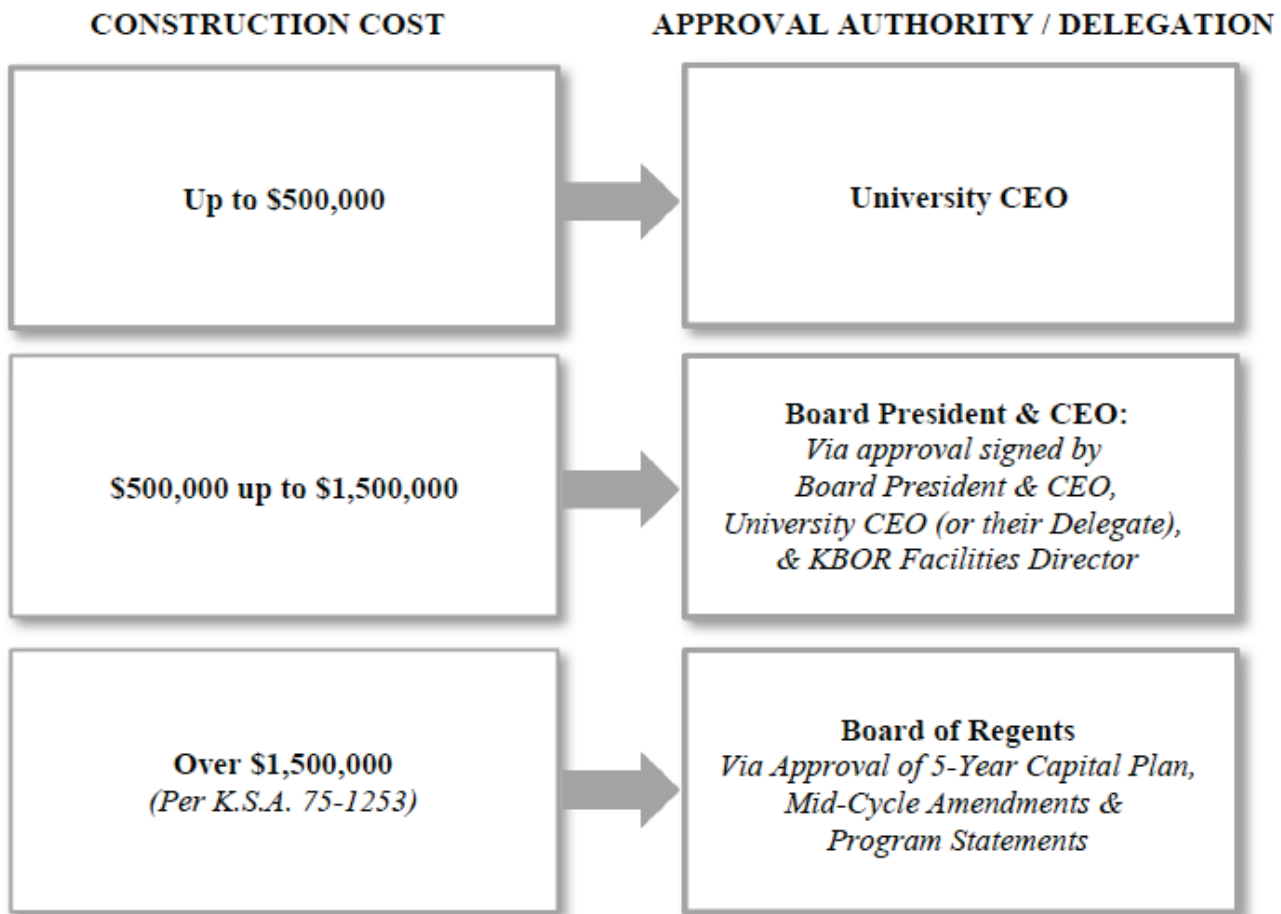
### 1 PROJECT PLANNING

- a Each state university shall maintain a Campus Master Plan that documents concepts and guiding principles for future land use and development of campus facilities and infrastructure in support of the institution’s mission and strategic plan. Each state university shall submit a new Campus Master Plan at least once every ten years for Board review and approval. Significant modifications or updates to the Campus Master Plan shall also be submitted to the Board for review and approval. Each state university shall present its Campus Master Plan to the Board every three years for informational purposes. Additionally, each state university shall present its Campus Master Plan to the Board when a new facility is planned, in order to demonstrate how it will be incorporated in the Campus Master Plan, how the new facility will be operated and maintained, the anticipated life span of the new facility/infrastructure (in years) and the universities’ plan for funding maintenance expenses for the new facility.
- b Campus Master Plans, or significant modifications and updates to existing Campus Master Plans, shall:
  - i address current and deferred maintenance needs;
  - ii include a plan to ensure compliance with space utilization standards established by the Board;
  - iii demonstrate how newly planned facilities will be incorporated into the Plan;
  - iv forecast the life expectancy of newly planned facilities (in years) based on design criteria and anticipated real world conditions; and
  - v demonstrate how the new facilities will be operated and maintained and identify the funding plan for future maintenance.
- c Annually, in concert with the capital budget planning process, each university shall demonstrate that any capital improvement or repair project proposed to be financed in whole or in part with debt obligations can be accommodated within the university’s debt capacity as measured by the university’s ratios described in the university’s approved debt capacity plan. In consultation with the Board’s Director of Facilities, each university shall identify and present to the Board for approval any substantial change to its previously approved project debt financing plan.



2 SUMMARY OF APPROVAL REQUIREMENTS

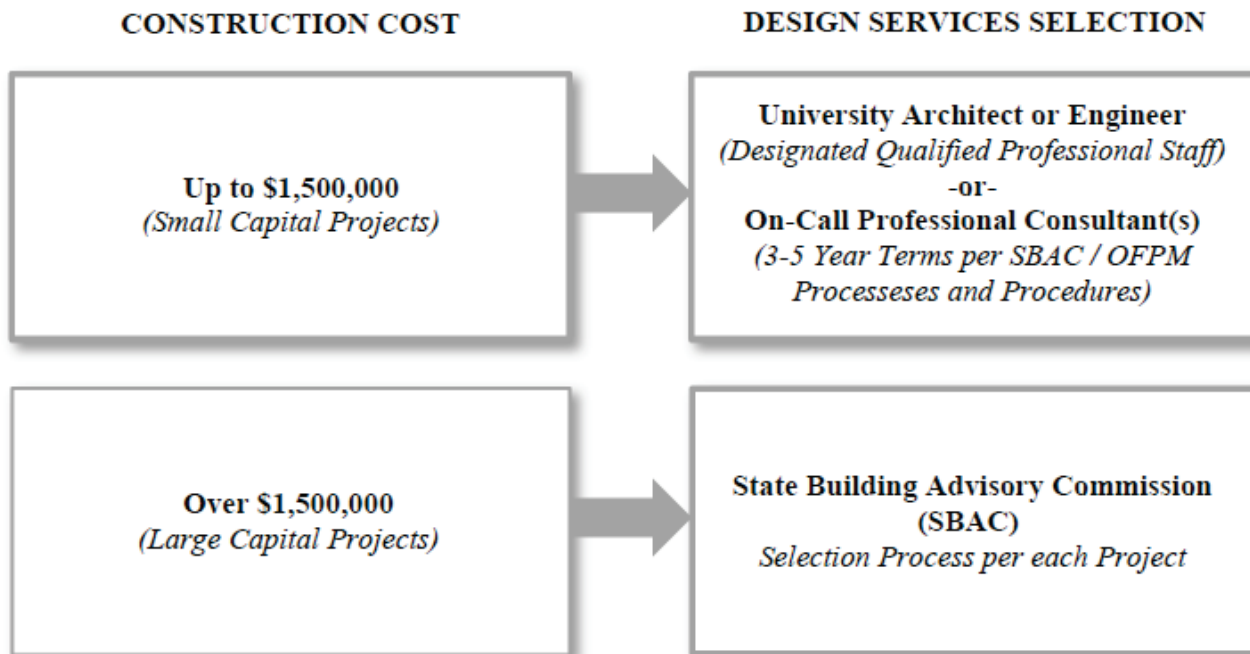
a Capital Projects Approval



Notes:

- Approval requirements applicable to all projects with state funding or on state-owned property except for projects done in partnership with private developers which require Board approval, but which are not included in the five-year capital plan.
- Design Development plans must be approved by the Board President and CEO via signed memorandum.
- Joint Committee on State Building Construction (JCSBC) must be advised of all project expenditures.

b Architect & Engineer Selection (Projects with State Funding)



3 CAPITAL IMPROVEMENT PROJECTS

a Definitions

- i Large capital improvement projects are those that are expected to equal or exceed \$1,500,000 in estimated construction costs, regardless of funding source, including: new construction, building additions, major renovation, remodeling or alterations, demolition of structures, annual maintenance, deferred maintenance, rehabilitation and repair, fixed equipment replacement, and utility or infrastructure projects. “Total project costs” include project soft costs. Any large capital improvement project located on state property is governed by the applicable and relevant processes and policies for capital improvements established by the State of Kansas and the Kansas Board of Regents, regardless of funding source.
- ii Small (or On-Call) capital improvement projects are those that are expected to be less than \$1,500,000 in estimated construction costs, regardless of funding source, including: new construction, building additions, renovation, remodeling or alterations, demolition of structures, annual maintenance, deferred maintenance, rehabilitation and repair, fixed equipment replacement, and utility or infrastructure projects. “Total project costs” include project soft costs. Any small capital improvement project located on state property is governed by the applicable and relevant processes and policies for capital improvements established by the State of Kansas and the Kansas Board of Regents, regardless of funding source.
- iii Educational Building Fund (EBF) means the fund created pursuant to K.S.A. 76-6b01 et seq. and funded by the annual mill levy authorized by Article 6, Section 6 of the Kansas Constitution.

b Process

i Large Capital Improvement Projects

- (1) *Initial Request:* Each state university shall submit initial concept requests for authorization of large capital improvement projects with the university’s five-year capital plan submitted to the Board for consideration on March 1 of each year utilizing the Kansas Division of Budget forms. Typically, Board review of each five-year

capital plan will take place in April with Board approval in May of each year. Upon Board approval of the five-year capital plan, and prior to proceeding with selection of an architect and/or engineer for design services, each university shall submit for Board review and approval, as outlined in 3.b.i(5), a written program statement for each project. Each request approved by the Board shall be filed with the appropriate state offices on or before July 1st in the format determined by the State Budget Director. No state university shall pursue gubernatorial or legislative approval of any large capital improvement project without prior Board approval.

(2) *New Space*: All large capital improvement project proposals for new buildings or major additions on state-owned property, shall include detailed plans for facility maintenance, utilizing the Board’s standard calculation worksheet template(s), as part of the program statement. For all new construction projects and additions on state property, a structured plan shall demonstrate a commitment for how and from what proposed revenues maintenance over the projected life of the building will be financed, consistent with existing university facilities. Such plan will be incorporated within the overall maintenance plan for the university. The worksheet for calculating the maintenance and operating costs are determined by industry standard methods and shall consider building type, complexity, and function. Maintenance expenditures and plans shall be reviewed by the Board annually. Such annual maintenance and operating plans shall be included in the program statement and shall adhere to standards prescribed by the Board’s Director of Facilities.

(3) *Amendments* to the current year capital improvements project list may be submitted to the Board at times other than those specified above. Following Board approval, the state universities shall be responsible for advising the Joint Committee on State Building Construction of amendments after the capital plans are due at the Budget Office on July 1st of each year.

(4) *Licensed Professional Consultants*: The design and construction administration for all new buildings and major renovations on state property shall be performed by licensed professional consultants retained in accordance with Kansas statutes. A written program statement for each building project shall be submitted and approved by the Board and by the Legislature or Joint Committee on State Building Construction, as set forth in section E.3.b.i.5., before such services are obtained.

(5) *Program Statements*: Minimum requirements for program statements include goals and objectives, detailed project scope and description, project budget (indicating estimated total project development costs in line item format), project schedules, and project delivery method. For projects creating new space, the program statement must also include a list of spaces with detailed descriptions, area summaries, functional criteria, room data sheets, justification and impact of the additional space on overall campus space, the projected design life of the building (in years) and completion of the maintenance assessment worksheet and the revenue sources proposed for maintenance and operations over the life of the facility. Additional information that the state university deems necessary may also be included. Board approval of program statements are only required for large capital projects, except in the case where a small capital project is a new building or addition. At the time of the request for approval of a program statement, the state university shall submit, to the Board’s Director of Facilities, a statement identifying the procurement method that it intends to utilize to execute the project, or, if the project will be completed by an endowment association or research foundation as defined in K.S.A. 76-756 or 76-759, a statement demonstrating that the project is authorized by K.S.A. 76-757 or K.S.A. 76-759. For reference purposes, a summary of state university procurement methods and endowment association and research foundation project authorization is set out in subsection II.E.3.d. below. The state university shall provide further notification if the procurement method or project authorization changes.

(6) *Design Development Plans*: Following Legislative and Board approval of a specific capital improvement project, design development plans for a building or project and the location of the new building shall be submitted to the President and Chief Executive Officer for review and approval before final plans are prepared. The Board President and Chief Executive Officer, upon the recommendation of the Director of Facilities, may approve design development plans on behalf of the Board by issuance of a signed memorandum. Board approval of design development plans are only required for large capital projects, except in the case where a small capital project is a new building or addition.

ii Small Capital Improvement Projects

Authority to approve projects costing less than \$500,000 in construction costs is delegated to the state university chief executive officer. Upon written request of the university’s chief executive officer, and with concurrence of the Board’s Director of Facilities, the Board President and Chief Executive Officer has the authority to authorize projects with construction that equal or exceed \$500,000 but are less than \$1,500,000. The large capital projects requirements for Licensed Professional Consultants also apply for small capital projects. Large capital project requirements for Program Statement, Design Development Plans, and Maintenance Assessment shall apply to those small capital projects that add new space.

c Funding

i *Funding Sources:* Capital improvement projects may be paid for from the State General Fund (SGF), tuition, the Educational Building Fund, revenue bond proceeds (in accordance with chapter II.D. of this Policy Manual), restricted fees, auxiliary revenues, research overhead funds, private donations, tuition interest earnings as defined by K.S.A. 76-7,102(d), in accordance with K.S.A. 76-719(e), and other resources as approved by the Board.

ii Moneys in the Educational Building Fund (EBF) may be expended as authorized by K.S.A. 76-6b02. The Board further narrows the use of EBF allocations to the universities to state-owned “mission critical” buildings (those predominantly used for academic and/or research missions) and campus infrastructure that directly supports the operation of those facilities.

The Board receives an annual appropriation from the EBF. This appropriation is allocated by the Board to the state universities pursuant to the “adjusted square footage” formula used by the Board since 2007, which factors in gross square footage, building age and complexity of the physical plant. Buildings razed after adoption of this policy shall not impact future distribution of the appropriation among the universities.

Additionally, the universities shall contribute funds for small capital projects (including annual and deferred maintenance, and rehabilitation and repair projects) from State General Fund appropriations, tuition, restricted fees, auxiliary revenues, research overhead funds and other resources as approved by the Board.

iii *Federal Funding Requests:* All institutional requests for federal funds or grants for capital improvements resulting in a new building or major addition to an existing facility (\$1.5 million in construction costs or greater) shall be provided in writing to the Board President and Chief Executive Officer before the request is submitted to the appropriate federal agency.

iv *Sufficient Funds:* Capital improvement projects financed in part or in total from private donations may proceed to signature of contract for completion of construction only when donor commitments and other funding contributions are documented for the use of the project to demonstrate the availability of sufficient funds necessary to complete the project and avoid financial risk to the university. Documentation of sufficient funds will be provided upon the Board’s request.

v *Fund Raising:* In addition to the project approval required in subsection 3.b.i. of this section, notification of all capital improvement projects to be funded in part or in whole from private resources must be submitted in writing to the Board’s President and Chief Executive Officer and approved before fund raising efforts are publicly announced. This provision shall not be construed to prohibit fund raising efforts prior to their public announcement.

vi *Debt Financing:* Requests to finance a capital project located on state property with a debt obligation (as defined in KBOR Policy Manual Chapter II.D.14.b) will include in the university’s issue paper the most recently calculated debt burden ratio, average debt service coverage, and viability ratio as defined in KBOR Policy Manual II.D.14.h(i) at the time of each debt authorization request.

d State university procurement and authorization for capital improvement projects executed by endowment associations and research foundations.

i *State universities*

- (1) Procurement processes for architectural services, engineering services, construction, construction management or ancillary technical services shall be performed in accordance with the applicable state law and policies for any capital project to be carried out on state property.
  - (2) *Architectural, Engineering, Land Surveying and Ancillary Technical Services.* Generally, professional services shall be procured in compliance with all relevant provisions of K.S.A. 75-1250, *et seq.*, K.S.A. 75-5801, *et seq.* and K.S.A. 75-3784.
  - (3) *Construction and Construction Management.* Generally, procurement of these services must be based on competitive bids pursuant to K.S.A. 75-3739. Approval to utilize the state alternative delivery process as authorized in K.S.A. 75-37,141 may also be sought.
  - (4) *Alternative project delivery program.* As an alternative to paragraph (3) above, for state university capital projects on state property that are totally financed from non-state money (no SGF or EBF revenue) universities are permitted to utilize the state university construction project delivery process as authorized in K.S.A. 76-7,125, *et seq.* The processes defined in the statute authorize both standard (Design Bid Build) and alternative delivery methods (Construction Manager at Risk). To utilize the construction manager at risk delivery method, the state university must make a request to that effect with the state educational institution procurement committee as provided in K.S.A. 76-7,131(b), in accordance with Subsection II.E.3.e. below. This procurement method and project delivery option most typically is available for projects funded by revenue from Athletics, Housing, Student Union, etc. Projects procured pursuant to K.S.A. 76-7,125, *et seq.* shall be completed in adherence with applicable state project approval processes (*i.e.*, the project shall receive prior approval from the Board, which shall be given only after advising and consulting with the joint committee on state building construction; the plans and specifications must be approved by the Secretary of Administration; the project shall be inspected by the Secretary of Administration; and the project shall become property of the State upon completion and acceptance by the Secretary of Administration. This encompasses design and construction compliance.).
  - (5) K.S.A. 76-760 authorizes a state university to initiate and complete a capital project of up to \$1 million in total project costs on state property if the project is financed totally from private moneys granted or given to the state university. The university shall execute all contracts for such projects and complete the projects in adherence with applicable state project approval processes relevant to the capital improvement on state property (*i.e.*, the project shall receive prior approval from the Board, which shall be given only after advising and consulting with the joint committee on state building construction; the plans and specifications must be approved by the Secretary of Administration; the project shall be inspected by the division of architectural services; and the project shall become property of the State upon completion and acceptance by the Secretary of Administration. This encompasses design and construction compliance.). K.S.A. 76-760 provides that such projects are “exempt from the provisions of K.S.A. 75-3739, 75-3740, 75-3740a, 75-3741, 75-3741a, 75-3741b, 75-3742, 75-3743 and 75-3744.” This authorization is available to the universities to execute small capital projects with private gifts or grants.
- ii. *Endowment associations.* K.S.A. 76-757 authorizes an endowment association, as defined in K.S.A. 76-756, to initiate and complete a capital project on state property if the project is financed totally from private moneys granted or given to the association. The association shall execute all contracts for such projects in adherence with applicable state project approval processes relevant to the capital improvement on state property (*i.e.*, the project shall receive prior approval from the Board, which shall be given only after advising and consulting with the joint committee on state building construction; the plans and specifications must be approved by the Secretary of Administration; and the project shall become property of the State upon completion and acceptance by the Secretary of Administration. This encompasses design and construction compliance.). This authorization is available to the endowment and foundation associations to execute any size project with private gifts or grants.
  - iii. *Research Foundations.* K.S.A. 76-759 authorizes a research foundation, as defined by K.S.A. 76-759(b)(2), to initiate and complete capital projects on state property that are totally financed from nonstate money of the research foundation. The research foundation shall execute all contracts for such projects in adherence with applicable state project approval processes relevant to the capital improvement on state property (*i.e.*, the project shall receive prior approval from the Board, which shall be given only after advising and consulting with the joint

committee on state building construction; the plans and specifications must be approved by the Secretary of Administration; and the project shall become property of the State upon completion and acceptance by the Secretary of Administration. This encompasses design and construction compliance.). This authorization is available to the research foundation associations to execute any size project with non-state money.

iv. *Other projects.* Procurement of projects not described in paragraphs i.-iii. above shall be accomplished in accordance with applicable laws and Board policy on a case-by-case basis. Additional detailed information about processes and procedures can be referenced in the University Facilities Guidelines document that serves as a supplement to the KBOR policy manual.

- e State educational institution procurement committee. The state educational institution procurement committee authorized by K.S.A. 76-7,131 shall be composed of five members designated from time to time by the Board's Director of Facilities, in consultation with the Board President and CEO and in accordance with the statutory requirements. Requests pursuant to K.S.A. 76-7,131(b) shall be submitted to the Board's Director of Facilities.

#### 4 MAINTENANCE ASSESSMENT

##### a Definition

i Annual Maintenance is defined as a combination of the following:

- (1) Capital Renewal/Replacement - The replacement of major building and/or utility components and systems to extend useful life of a facility (e.g. roof replacements, HVAC retrofits);
- (2) Normal/Routine Maintenance and Minor Repairs - The cyclical, planned work performed on capital assets such as buildings, fixed equipment, and infrastructure to help them reach their originally anticipated life; and
- (3) Preventive Maintenance - The planned program of periodic inspection, adjustment, cleaning, lubrication and/or selective parts replacement, as well as performance testing and analysis intended to maximize the reliability, performance, and lifecycle of building systems and equipment.

ii Deferred Maintenance is annual maintenance and necessary renewal of facilities systems and components that have been postponed, delayed, or deferred, to a future budget cycle or until funds are available.

##### b Process

Beginning in FY 2023, and each year thereafter, each university shall calculate a maintenance assessment as a percentage of the professionally estimated replacement cost of mission critical buildings according to an assessment schedule culminating in a sustainable 2% of current replacement value (CRV) as approved by the Board on an annual basis. Each university shall itemize all project expenditures toward their annual required maintenance assessment using a standardized KBOR template for the Board's review annually in December. Maintenance funds must be spent annually toward maintenance of campus buildings unless approved by the Board as an exception. Parameters and criteria for the university's prioritization of projects should be referenced in Board's University Facilities Guidelines.

At a minimum, the Board will review every three years the performance of the Maintenance Assessment and the Capital Renewal Initiative and make adjustments informed by the Board's review.

##### c Funding

Each state university shall identify and expend campus funds, which may include EBF allocations, annually for the purpose of addressing annual and deferred maintenance according to a prioritized assessment plan reviewed by the Board at the annual budget workshop. Funding for the maintenance assessment may include contributions from university, state, federal and philanthropic sources. However, new construction of a building or other capital improvements of which at least 51% of the cost is financed with private money shall be subject to the provisions of K.S.A. 76-790.



5 FACILITY REPORTS

a Biennial

Each state university shall maintain, prepare, and assemble data to be included in the State University Facilities Report to be submitted by the Board in January of odd numbered years. This report is submitted to the Legislature in odd numbered years to satisfy the reporting requirements of K.S.A. 76-7, 103. The State University Facilities Report combines the facilities condition report (previously termed the Report on State University Deferred and Annual Maintenance report), the building inventory, and the space utilization efficiency report (previously termed the Inventory of Physical Facilities and Space Utilization report).

b Annual

i Space Inventory and Space Utilization Efficiency

Each state university shall report on-campus space inventory and space utilization efficiency to the Board of Regents by October 1, 2022, and annually thereafter, as part of the State University Facilities Report in compliance with the methodology and best practices for space standards and management as identified in the Board’s University Facilities Guidelines. Parameters and criteria for prioritization of projects should be referenced in this guiding documents.

ii Facilities Condition

Each state university shall maintain and manage facilities condition data and comprehensive building inventory utilizing the facilities database and report to the Board of Regents by October 1, 2022, and annually thereafter to be included in the State University Facilities Report in compliance with the methodology and best practices for building inventory and facilities condition data as identified in the Board’s University Facilities Guidelines. Parameters and criteria for prioritization of projects should be referenced in this guiding document. Each university shall have facilities condition assessments, as well as utility and site infrastructure assessments entered into the database for all assets on state-owned property by October 1, 2027.

iii Maintenance Assessment Expenditures

Each state university shall annually report project expenditures from their Deferred Maintenance Projects Fund (for the previous fiscal year) or other private funds utilizing the Board’s standard template by October 1st of each year.

iv Educational Building Fund (EBF) Expenditures

Each state university shall submit annual EBF expenditures (for the previous fiscal year) utilizing the Board’s standard template by October 1st of each year.

6 ENERGY CONSERVATION MEASURES (K.S.A. 75-37,125)

a Definition

Energy conservation measure means an energy study, audit, improvement or equipment which is designed to provide energy and operating cost savings at least equivalent to the amount expended by the participating state university for such energy study, audit, improvement or equipment over a period of its anticipated useful life.

b Process

i When an energy conservation measure is to be financed with revenue bond proceeds pursuant to K.S.A. 74-8960, the applicable processes for approval of and issuance of revenue bonds shall be followed.



- ii When an energy conservation measure is to be financed by means other than with revenue bond proceeds pursuant to K.S.A. 74-8960, the provisions of K.S.A. 75-37,125 and any other applicable statutory provisions shall be followed and the project shall be presented to the Board for approval prior to entering into any contract, lease-purchase agreement or other financing arrangement.
- iii A contractual provision in the contract with an entity providing energy conservation measures shall guarantee that the actual amount of savings of energy and operational costs attributable to the energy conservation measure be not less than the cost of the energy conservation measure over the time specified including financing costs.

## 7 OBSOLETE BUILDINGS

Each state university shall evaluate all buildings in the university's inventory to determine if any building is obsolete. If a building is found to be obsolete, the state university shall request approval of the Board to retire the building from service and shall make a recommendation to the Board regarding the prudence of razing, repurposing and/or divesting of the building. Each recommendation shall include the following information:

- a Estimated costs and funding source(s);
- b the building's condition;
- c current backlog of deferred maintenance;
- d historical status or designation; and
- e an assessment of any environmental issues associated with the property to be vacated.

Refer to the Land Transactions section of this policy for procedures and conditions under which a state educational institution may sell and convey real property given as an endowment, bequest or gift to the institution.

## 8 INSPECTIONS

- a State Fire Marshal

An annual inspection of all buildings at each state university shall be made by the State Fire Marshal with copies of the inspection report to be sent to the university. In lieu of the State Fire Marshal conducted inspection, a state university may enter into a memorandum of agreement with the State Fire Marshal pursuant to the State Fire Marshal Commissioned Inspector Act, K.S.A. 31-701 et seq. Annual inspections conducted by a university commissioned inspector shall be performed in accordance with the Act and the university's memorandum of agreement. A list of commissioned inspectors shall be filed with the Director of Facilities for each University. Over the course of the year as inspections are conducted, the State Fire Marshall's office will copy the Director of Facilities on any notice of citation, plan of correction, potential sanction, violation, cease and desist order or hazard requiring follow up by the state university, who will review with the President and Chief Executive Officer.

- b Department of Administration

Each state university shall obtain such Department of Administration reviews and inspections for new construction or renovation as are required by the Department's Building Design and Construction Manual.

- c Boiler and Other Inspections Required by Law

Each state university shall provide for such boiler and other inspections as are required by law. (K.S.A. 44-913 et seq.) Each state university shall retain its annual inspection reports for 21 years or until no longer useful.

## 9 PRIVATE HOUSING

Unless directly authorized to do so by the Board, state universities shall not do any of the following:

- a enter into agreements, written or verbal or implied relating to private housing;
- b give preference to any owner or operator of private housing;

- c guarantee occupancy in or payments for private housing; or
- d provide public funds for the supervision, maintenance or operation of private housing.

The President and Chief Executive Officer of the Board, upon the recommendation of the Director of Facilities, may approve on behalf of the Board any agreement relating to private housing that is for a term of less than three years.

For purposes of this section, “private housing” means privately-owned residential housing made available for university students’ or university employees’ use while attending or working for the university at the university’s main or branch campus.

10 REPORTS DUE

A listing of required submittals and their respective due dates may be accessed on the Board of Regents’ website.

11 LAND TRANSACTIONS

a Leases (Including Oil and Gas Agreements)

- i All leases of state-owned real property shall be approved by university counsel as to form, shall be submitted to the Board for approval in accordance with paragraph iv. of this subsection or subparagraph 11.e.i. 4., 5, or 6, as applicable, and shall be submitted to other state agencies for approval where required by law. (K.S.A. 75-3739(1), 75-3743, 75-3744, 76-165, and/or 76-769(b)) All leases of state-owned real property for less than fair lease value shall be subject to the approval of the Board unless: (1) the use of the leased space is determined by the state university’s chief executive officer to be of benefit to the institution, (2) the lease meets the criteria for execution by the state university’s chief executive officer in paragraph iv. of this subsection, and (3) the rental rates are certified by the state university’s chief financial officer as fair and equitable for the type of lease arrangement, which may include non-monetary considerations.
- ii No real property owned or controlled by the State of Kansas shall be leased unless a notice of intention to lease said property has been published at least thirty days prior to execution of any documents; provided, however, that this requirement shall not be imposed on leases with another state agency or a political subdivision. (K.S.A. 75- 430a(d))
- iii No lease of land for the production of oil, gas or other minerals shall be for a period of more than ten years and so long as oil, gas or other minerals are produced in paying quantities thereon, shall be awarded only upon competitive bids pursuant to K.S.A. 76-165, and shall retain to the state a royalty interest of not less than one-eighth part of all oil, gas or other minerals produced. When a state university leases land for the production of oil, gas, sand, gravel or any other mineral, the university shall provide information to the state geological survey in accordance with K.S.A. 76-323b. (K.S.A. 76-164 through 76-168)
- iv State university leases of state-owned real property to or from third parties not associated with the state university may be executed by the university’s chief executive officer without Board approval unless:
  - (1) the lease involves construction on state property;
  - (2) the lease is an oil, gas or mineral lease covered by K.S.A. 76-165;
  - (3) the lease is for a term of more than 10 years; or
  - (4) the lease is for an amount in excess of \$25,000 per year.
- v Leases with state university endowments, foundations, and other related organizations are governed by subsection 11.e. below.

## Chapter II: Governance – State Universities

### b Easements

- i The state universities' chief executive officers shall act on behalf of the Board in granting or conveying right-of-way easements across any land under the custody and control of the Board. Easements may be granted with or without receiving consideration therefore, and may permit use of the land for purposes of access, convenience or necessity and such other right-of-way purposes as are customarily related to such easements. (K.S.A. 74-3264 and 75-2131)
- ii Easement documents shall be submitted to the Attorney General for approval as to form. (K.S.A. 74-3264 and 75-2131)

### c Sale of Real Property

- i Following receipt of the appraisals required by law, any sales of real property owned or controlled by the Board of Regents or a state university must be approved by the Board of Regents and authorized by the Legislature. K.S.A. 74-3254 and 76-7,152 may serve as pre-authorization by the Legislature to dispose of certain devises. (K.S.A. 75-3043a, 74-3254, and 76-7,152)
- ii No real property owned or controlled by the Board of Regents or a state university shall be sold unless a notice of intention to sell said property has been published at least thirty days prior to execution of any documents. (K.S.A. 75-430a(d))
- iii No real property owned or controlled by the Board of Regents or a state university shall be sold, and no transaction for the sale of such property shall be closed, until the property has been surveyed as required by law. (K.S.A. 75-6611)
- iv Sale and conveyance of real property given to the state university as an endowment, bequest or gift where K.S.A. 76-7,152 is the authorizing statute for the sale requires Board of Regents approval in accordance with the following. If the university determines that such real estate is no longer needed, the university shall make a recommendation to the Board regarding the prudence of selling the property. The recommendation shall include the following:
  - (1) justification for selling of the property;
  - (2) the professional survey of the property described in paragraph 11.c.iii.;
  - (3) the appraised value of the property as determined pursuant to paragraph 11.c.i.;
  - (4) a proposal for disposition of the sale proceeds;
  - (5) confirmation that selling the property would be consistent with any restrictions placed on the endowment, bequest or gift; and
  - (6) a plan for acknowledgement of the original donors.

All relevant requirements for the sale of real property referenced in this section 11.c. shall apply to sales made pursuant to this paragraph. Any sale and conveyance authorized pursuant to this paragraph 11.c.iv. shall not be subject to the provisions of K.S.A. 75-6609.

- v Sales of real property to state university endowments, foundations, and other related entities are governed by subsection 11.e. below.

### d Acquisition of Real Property

- i The Board of Regents may acquire real property necessary to properly maintain and carry on a state university or the business thereof. (K.S.A. 76-147)
  - ii State universities shall submit a description of all properties that they desire to purchase, or otherwise acquire, to the Board for approval. If such property is valued at less than \$250,000, the Board President and Chief Executive Officer, upon the recommendation of the Director of Facilities, may approve the acquisition on behalf of the Board. Such description shall include a legal description of the property, anticipated use and the estimated cost of purchase and any cost relating to the razing or renovating and maintaining such property.
  - iii No real property shall be purchased by the Board of Regents or a state university until the property has been appraised as required by law (K.S.A. 75-3043a or 76-147). Prior to purchase, a warranty deed and environmental assessment will be required. Exceptions to the requirement for a warranty deed may be made by the Board President and Chief Executive Officer.
  - iv Each state university shall record all deeds to real estate acquired, and any other instruments relating to the acquisition required by law to be recorded, with the register of deeds of the county where the real estate is located. All original instruments relating to land acquisitions shall be maintained in the Board office. (K.S.A. 75-3516)
  - v Acquisition of real property from state university endowments, foundations, and other related organizations are governed by subsection 11.e. below.
- e Real Property Transactions with State University Endowments, Foundations and Other Related Organizations
- i State university endowments, foundations and other related organizations are organized under the laws of the State of Kansas and exist to support the state universities. While state law and organizational charters typically impose upon these related organizations special responsibilities for the administration of property received by the organizations, this policy shall establish the basis for all real property transactions described herein between all related organizations, the state universities and the Board. For purposes of this paragraph e., the term “related organizations” includes all state university affiliated corporations as defined in section II.D.8. of this Policy Manual.
    - (1) The approval of the Board of Regents shall be required prior to the acceptance by a state university of any gift of property from any related organization.
    - (2) In the event any related organization desires to sell to the Board or the university properties held by the related organization as a result of purchase, or a gift or devise that conveyed unrestricted and unqualified fee to the related organization, the purchase price shall not be more than the highest appraised value as determined by two independent real estate appraisers. (K.S.A. 76-147)
    - (3) Where trades of real property between the State and any related organization may benefit the state university and disposal of the state property has been approved by the Legislature, the Board of Regents may authorize the state university to negotiate a trade of the realty. The valuation of the related organization’s property shall be determined in the same-manner as that of state properties. (K.S.A. 75-3043a or 76-147)
    - (4) Leases of real property by the state universities from any related organizations shall be subject to the approval of the Board and to the following limitations:
      - (a) If the related organization holds properties in unrestricted accounts for which no remuneration is required under its fiduciary responsibility, or if the property is held on the basis of a gift or devise which so permits, the related organization may make the property available to the state university on a no-fee basis.
      - (b) Any occupancy by the state university shall be subject to a written agreement.
      - (c) For properties held by any related organization as investments for eventual development by the state university, the rental cost shall not exceed an amount calculated to amortize the investment, or the market

value in a case where the state university seeks to occupy a property previously leased by the related organization on a private or commercial basis.

(5) Leases of state-owned real property by the state universities to any affiliated corporation or other related organization shall be subject to the approval of the Board, but may be approved by the Board President and Chief Executive Officer if:

(a) the terms of the lease require state university funding of less than \$1,000,000 in construction costs per project; and

(b) the terms of the lease require no state university funds for operating and maintenance expenses.

(6) To the extent the terms of any sublease were identified in the request for authorization of a lease submitted to the Board for approval pursuant to subparagraph (5), no further Board approvals of the sublease are required. Any subsequent subleases of state-owned real property by an affiliated corporation or other related organization to third parties, the terms of which are not identified in the request for authorization of a lease submitted to the Board for approval pursuant to subparagraph (5), shall be subject to the approval of the Board, but may be approved by the Board President and Chief Executive Officer if:

(a) the terms of the sublease require state university funding of less than \$1,000,000 in construction costs per project;

(b) the terms of the sublease require no state university funding for operating and maintenance expenses;

(c) the sublease is for a term of less than 30 years; and

(d) the sublease includes a provision that either requires the facility condition index to be at least 80% of new at the end of the sublease, or the facility will be demolished at no cost to the university.

(7) State university transfers of real property received by devise to the state university's endowment or foundation in accordance with K.S.A. 74-3254 shall be subject to approval by the Board and any conditions imposed by the testator.

ii Construction of Buildings: When any related organization constructs a building on the organization's property for the state university's use and at the request of the state university, the state university is authorized to enter into lease agreements on an amortizing basis, subject to the advance approval of the Board of Regents.

iii Issuing Bonds: In the event any related organization proposes or is requested to issue bonds and the proceeds will be used to fund construction or improvement upon state-owned property, the state university having possession of the property shall obtain Board approval of the project before the bond issuance process is initiated.

f Designation on the State or National Historic Register: Each state university shall seek approval from the Board prior to initiating the process to place state property on the state or national historic register.

## 12 OCCUPANCY LEASES

State university leases of space in a privately-owned building from an entity with which the university has or had a direct or indirect partnership to construct the building may be executed by the university's chief executive officer without Board approval unless:

a The lease is for a term of more than 10 years; or

b the lease is for an aggregate amount in excess of \$100,000 per year paid from any funding source other than grant moneys.

13 NAMING OF BUILDINGS, FACILITIES AND CAMPUSES

a Authority for Naming

The initial naming of any state university building or other major component is the province of the Board of Regents. The authority to re-name or remove the name of any state university building or other major component, or to seek a legislative name change for a campus, 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 building or other major component. New names shall not be put into use prior to obtaining the appropriate approvals.

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 a building is razed or given over to a new use.

Naming or renaming a minor component shall be deemed a naming or renaming of a major component subject to this policy if (i) the existing or proposed name is a proper-noun name, and (ii) the proper-noun name is or will be displayed outdoors. For example, naming an interior room the “John Doe Lecture Hall” would constitute naming a minor component and would not require Board approval. However, this would be deemed to be naming a major component and Board approval would be required if the “John Doe Lecture Hall” name is to be displayed on an outdoor sign. Naming or re-naming a minor component does not otherwise require Board approval. Naming or changing a name or portion of a name using only descriptors of the building or other major component or how it is to be used, such as North Garage or Early Childhood Education Center, does not require Board approval.

For purposes of this policy, “major component” means entire buildings, wings of buildings, and large sections of campus, “minor component” means campus areas or sections of facilities such as rooms, labs, open outdoor spaces, streets, structures and physical features, and “state university building or other major component” means any such structure or area that the university has the authority to name regardless of ownership or location.

b Criteria

- i Generally, buildings and other major components 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.
- 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 and other major components shall not be named for sitting presidents, chancellors, Board members, or federal, state or local elected officials, or current university employees, however buildings and other major components named for such individuals before appointment, or election, or employment, or between appointments or elections to or employment in one or more of those positions 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. Proposed names for campuses require approval by the Board in accordance with this policy whether the proposed name or name change also requires legislative action. Any naming or re-naming requiring legislative action shall also follow the Board’s policies and processes for seeking legislation.

14 PARKING AND TRAFFIC RULES

The chief executive officer of each state university shall act on behalf of the Board in exercising the authority of the Board to care for, control, maintain and supervise all roads, streets, driveways and parking facilities for vehicles on the grounds of the state university. The chief executive officers will adopt rules and policies as authorized by K.S.A. 74-3209 through 74-3216, as amended.

15 WEAPONS POSSESSION

- a Pursuant to the authority vested in the Board of Regents by Article 6, Section 2 of the Kansas Constitution, K.S.A. 76-712 and other state laws, and in accordance with K.S.A. 75-7c20 allowing concealed carry and K.S.A. 75-7c24 authorizing prohibition of open carry, concealed carry of handguns shall be permitted on each state university campus, while open carry of firearms and possession of weapons other than concealed handguns shall be prohibited on each state university campus.
- b For purposes of this policy:
  - i The term “weapons” includes:
    - (1) Any object or device which will, is designed to, or may be readily converted to expel bullet, shot or shell by the action of an explosive or other propellant;
    - (2) any handgun, pistol, revolver, rifle, shotgun or other firearm of any nature, including those that are concealed or openly carried;
    - (3) any BB gun, pellet gun, air/C’O2 gun, or blow gun, or any device, such as a Taser, which is designed to discharge electric darts or other similar projectiles; however, personal self-defense stun guns that do not fit within the preceding definition shall not be deemed to be a weapon for the purposes of this policy;
    - (4) any explosive, incendiary or poison gas (A) bomb, (B) mine, (C) grenade, (D) rocket having a propellant charge of more than four ounces, or (E) missile having an explosive or incendiary charge of more than ¼ ounce;
    - (5) any incendiary or explosive material, liquid, solid or mixture equipped with a fuse, wick or other detonating device;
    - (6) any tear gas bomb or smoke bomb; however, personal self-defense items containing mace or pepper spray shall not be deemed to be a weapon for the purposes of this policy;
    - (7) any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;
    - (8) any straight-blade knife of four inches or more such as a dagger, dirk, dangerous knife or stiletto; except that an ordinary pocket knife or culinary knife designed for and used solely in the preparation or service of food shall not be construed to be a weapon for the purposes of this policy;
    - (9) any martial arts weapon such as nunchucks or throwing stars;
    - (10) any longbow, crossbow and arrows or other projectile that could cause serious harm to any person; or
    - (11) any other dangerous or deadly weapon or instrument of like character.
  - ii The term “handgun” means:
    - (1) A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition; or



- (2) any other weapon which will or is designed to expel a projectile by the action of an explosive and which is designed to be fired by the use of a single hand.
  - iii The term “firearm” includes any handgun, rifle, shotgun, and any other weapon which will or is designed to expel a projectile by the action of an explosive.
  - iv The term “adequate security measures” shall have the same meaning as the term is defined in K.S.A. 75-7c20, and “building” shall have the same meaning as the term “state building” is defined in K.S.A. 75-7c20.
  - v The term “campus” means any building or grounds owned by a state university or the Board and any building or grounds leased by a state university or the Board for state university use.
- c Nothing in this policy shall be read to prohibit possession of weapons on campus (1) as necessary for the conduct of Board approved academic programs or university approved activities or practices, or (2) by university police or security officers while acting within the scope of their employment. Each university shall develop and follow policies and procedures for the safe possession, use and storage of such weapons and shall notify the Board in writing of any activities or practices involving weapons that are approved by the university under subparagraph c(1).
- d Beginning July 1, 2017, any individual who is 21 years of age or older, and beginning July 1, 2021, any licensed individual who is 18-21 years of age, and who is lawfully eligible to carry a concealed handgun in Kansas shall not be precluded from doing so on state university campuses except in buildings and areas of buildings for which adequate security measures are provided, and except as otherwise prohibited by law.
- i Each individual who lawfully possesses a handgun on any state university campus shall be wholly and solely responsible for carrying, storing and using that handgun in a safe manner and in accordance with the law, Board policy and university policy. Nothing in this policy shall be interpreted to require individuals who lawfully possess a handgun to use it in defense of others.
  - ii Each university shall develop and follow policies and procedures for the safe possession and storage of lawfully possessed handguns, and shall submit such policies and procedures to the Board office for review and approval by the Board Governance Committee prior to publication or implementation. Each university’s policies and procedures shall include detailed provisions regarding how and where to report suspected violations of this policy, how faculty, staff and students shall be notified of the laws and policies pertaining to concealed carry on campus, and shall also provide interested students, faculty and staff with information about any known locally or regionally available firearm safety instruction.
- e Open carry of any firearm anywhere on any campus shall be prohibited. Each entrance to each building and facility on each campus shall be conspicuously posted with appropriate signs indicating that openly carrying a firearm into that building or facility is prohibited. Additional signs may be posted as appropriate.
- f Except in those instances where necessary for self-defense or transferring to safe storage and except as otherwise provided in subparagraphs c(1) and c(2), it shall be a violation of Board policy to openly display any lawfully possessed concealed carry handgun while on campus.
- g Regardless whether the individual is otherwise lawfully eligible to carry a concealed handgun, it shall be a violation of Board policy to commit any of the following offenses on a university campus:
- i Possess a firearm under the influence of alcohol or drugs, as defined by K.S.A. 21-6332, and amendments thereto;
  - ii discharge a firearm in violation of K.S.A. 21-6308, and amendments thereto;
  - iii discharge a firearm within or into the corporate limits of any city in violation of K.S.A. 21-6308a; or
  - iv otherwise possess, store, transport, trade, sell, or in any other way use a firearm in violation of any applicable law.

- h Beginning July 1, 2017, each individual who lawfully possesses a concealed handgun on campus shall at all times have that handgun in their custody and control, and shall either keep it on their person with safety mechanism, if any, engaged, or stored 1) in any secure storage location provided by or authorized by the university specifically for that purpose, 2) at their residence, or 3) in their vehicle. If stored in a location provided or authorized by the university specifically for that purpose, the handgun must be secured, concealed from view, and in a location that can be accessed only by the individual and the university. If stored in a vehicle on campus, the handgun must be secured and concealed from view. For any dormitory or scholarship hall that does not have adequate security measures, each resident who lawfully possesses a handgun on campus and elects to store the handgun they possess in the room to which they are assigned when not carrying it on their person in a concealed fashion shall secure the handgun in a secure storage device that conceals the gun from view. Such storage devices shall be provided by the individual who possesses the handgun and must meet minimum industry standards for safe-keeping of handguns.
- i Beginning July 1, 2017, each state university shall determine whether and to what extent otherwise lawfully possessed concealed handguns will be prohibited in any campus buildings or areas of buildings by provision of adequate security measures, permanent or temporary, at each public entrance to the building or area. Each entrance to each building where concealed carry is prohibited as provided in this paragraph shall be conspicuously posted with appropriate signs indicating that carrying a concealed handgun into that building is prohibited. Additional signs may be posted as appropriate. Each state university that prohibits concealed carry pursuant to this paragraph shall submit to the Board office for review and approval by the Board Governance Committee a list of the buildings and areas of buildings so restricted, the rationale therefor, and a description of the adequate security measures to be provided.
  - i The list shall be provided at the time such buildings and areas are first identified as requiring adequate security and, as buildings or areas of buildings are added to the list, at the time so amended. Once the Governance Committee has approved a building or area for provision of adequate security measures, re-approval of that building or area is not required.
  - ii Because safety and security considerations may warrant a university implementing adequate security measures on an as-needed, temporary basis that are intended to address a specific concern, each university shall include in its annual security report to the Board information regarding all instances in which adequate security measures were implemented on an as needed, temporary basis during the previous year and the reasons therefor.
- j Any individual who violates one or more provisions of this policy may be issued a lawful directive to leave campus with the weapon immediately. Any individual who violates the directive shall be considered to be in trespass and may be cited accordingly. Any employee or student of the university who violates one or more provisions of this policy shall be subject to discipline in accordance with applicable university codes of conduct. Any individual who violates state or federal law may be detained, arrested or otherwise subjected to lawful processes appropriate to the circumstances.
- k Notice of this policy shall be given in each state university’s weapons policy and housing contracts. To the extent adequate security measures are used to prohibit concealed carry into stadiums, arenas and other large venues that require tickets for admission, the tickets shall state that concealed carry will be prohibited at that event.

16 USE OF CAMPUS GROUNDS AND FACILITIES

- a State university facilities and grounds shall not be made available for fund raising events for any candidate, party committee or political committee, or for filming or otherwise producing partisan political advertisements.
- b Except as prohibited in subsection a., state university facilities may be made available for the purpose of holding political meetings, or public forums, provided there is no interference with regularly scheduled functions, the person requesting the space can clearly demonstrate that there is not otherwise available a reasonably suitable facility in the community, students are permitted to hear the speakers without charge, and payment of the regular fees for use of the facilities is made in advance of such use. University policies regulating availability and use of campus facilities shall be content-neutral and limited to narrowly drawn time, place and manner restrictions that are consistent with established principles of the First Amendment to the Constitution of the United States.
- c The outdoor areas of each state university campus are public forums, open on the same terms to any member of the campus community subject to reasonable time, place, and manner restrictions that are consistent with established

principles of the First Amendment to the Constitution of the United States. Members of the campus community may engage in non-commercial expressive activity in any outdoor area of campus in accordance with published university policies establishing time, place and manner restrictions. University policies regulating availability and use of campus outdoor areas shall be content-neutral and limited to narrowly drawn time, place and manner restrictions that are consistent with established principles of the First Amendment to the Constitution of the United States.

- d Members of the campus community shall be permitted to engage in non-commercial chalking in the outdoor areas of campus, subject to the following restrictions. Universities may prohibit chalking in designated portions of the outdoor areas of campus provided members of the campus community are afforded ample alternative areas to engage in non-commercial chalking. University policies regulating chalking in outdoor areas of campus shall be content-neutral and limited to narrowly drawn time, place and manner restrictions that are consistent with established principles of the First Amendment to the Constitution of the United States.
- e The state universities shall not discourage students, faculty and staff from hearing diverse points of view from speakers and programs sponsored by the university or recognized student, faculty, and employee organizations. University policies or rules on the advance reservation of rooms, the posting of notices, the payment of rental charges when applicable, and such other rules as the university prescribes for the use of its facilities to avoid interference with the regular program of the institution shall be content-neutral and limited to narrowly drawn time, place and manner restrictions that are consistent with established principles of the First Amendment to the Constitution of the United States.
- f Nothing in this policy shall be interpreted as prohibiting a state university from regulating or restricting expressive activity that is not protected by the First Amendment.
- g Other than the Governor, elected officials and candidates for elected office shall not be introduced or recognized on campus unless they are in attendance at a campus event in an official capacity and at the request of the university.
- h The distribution of handbills shall be prohibited in those areas devoted primarily to instruction and study or at the immediate sites and times of enclosed public events.
- i State universities shall have the authority to develop additional policies and guidelines that are not in conflict with this policy and that are consistent with First Amendment precedent. Such policies and guidelines shall be reviewed by the Governance Committee and filed with the President and Chief Executive Officer of the Board.
- j For purposes of this policy, the terms “candidate,” “party committee,” and “political committee” shall have the meanings specified in K.S.A. 25-4143, as amended. ‘Campus community’ means students, administrators, faculty and staff at the relevant state university and guests invited to the university by the university’s students, administrators, faculty, or staff. ‘Outdoor areas of campus’ means the generally accessible outside areas of campus where a majority of students, administrators, faculty, and staff at the university are commonly allowed without ticketed entrance.

#### 17 CONSUMPTION, SERVICE AND SALE OF ALCOHOL IN NON-CLASSROOM AREAS

In accordance with K.S.A. 2018 Supp. 41-719(g), and amendments thereto, state universities are permitted to allow consumption of alcoholic liquor on state university property under authorized and appropriately controlled conditions and guidelines to be determined by the chief executive officer of each university and set forth in an institutional policy on service of alcoholic liquor.

In addition to authorizing consumption in accordance with K.S.A. 2018 Supp. 41-2018, any service or sale of alcoholic liquor on campus must be approved, in advance, by the chief executive officer of the institution, or the chief executive officer’s designee, and may only be allowed in those non-classroom areas, and outside grounds immediately adjacent thereto, that are specifically designated for such activities in the institutional policy on service of alcoholic liquor. Service and sale of alcoholic liquor on campus shall be in compliance with the Kansas Club and Drinking Establishment Act, including but not limited to acquisition of the appropriate license or permit for each designated area, and may only be for on-premise consumption.

## Chapter II: Governance – State Universities

Each institution shall file and maintain a current copy of its policy on service of alcoholic liquor with the President and Chief Executive Officer on behalf of the Board.

For purposes of this policy, alcoholic liquor has the meaning specified in K.S.A. 2018 Supp. 41-102 and includes beer, wine and spirits.

**F OTHER**

**1 INTERACTION WITH LEGISLATURE, COURTS, AND OTHER STATE AGENCIES**

**a Legislative Appearances and Committee Hearings**

State university employees should make every effort to accommodate legislative committee requests to provide expert testimony on proposed legislation. The university shall notify the Board President and Chief Executive Officer of the invitation.

**b Legislative Requests and Proposed Legislation (Also see FISCAL MANAGEMENT AND BUSINESS ADMINISTRATION)**

i All requests for funds, programs, changes in legislation and new legislation affecting the Board and system institutions shall be submitted to the Board for consideration no later than the November meeting of the Board. Emergency situations may warrant special exceptions, but to the extent possible, no request for legislation during the ongoing legislative session shall be submitted after the March meeting of the Board. Non-budgetary legislative items shall be submitted by the government relations officer of the institution to the Board's director of government relations and shall contain actual bill language when possible. Requests for funds, programs, changes in legislation and new legislation that are approved by the Board shall be included in the Board's annual legislative proposals. Requests that are not approved by the Board shall not be submitted to the Legislature for introduction.

ii Once approval has been granted, all institutions are authorized to work for these requests and each institution is expected to support the entire request. Conversely, all institutions are prohibited from requesting or working for additional legislation or funds.

iii When legislation having an effect on the operation of the higher education system, proposed by someone or some group other than the Board, is brought to the Board's attention, it shall be the responsibility of the Board to make a decision as to whether the position of the system is that of support, non-support, or opposition.

**c Legislative Post Audit Reports**

i Each state university, upon receiving notification from the Legislative Division of Post Audit that a performance or financial audit of the university is to be conducted, shall forward such notification to the Board President and Chief Executive Officer. Each state university shall submit a written report to the Board, in accordance with the schedule maintained on the Board of Regents' website, detailing progress during the preceding calendar year toward implementation of accepted Post Audit recommendations. This report shall be made on an annual basis until all accepted recommendations have been fully implemented.

ii Discussion of pending or anticipated Legislative Post Audits shall be a standing item on the Board's Fiscal Affairs and Audit Committee agenda.

**d Information Requests from Other State Agencies**

i System-wide Requests: Requests directed to state universities for system-wide information from other state agencies or other branches of state government shall be transmitted through the Board office. State universities receiving requests directly from other state agencies or branches of state government shall advise the requesting party of this policy and advise the Board office of the request. When time is not sufficient to allow transmission of responses through the Board office, responses may be submitted directly to the requesting party with copies to the Board office.

ii University-Specific Requests: Responses to requests received by a state university for information related specifically to that university may be sent directly to the requesting party, with a copy to the Board office.

e Attorney General Opinions

Any state university or state university official wishing to seek an opinion from the Attorney General shall do so by making a request through the office of the General Counsel of the Board.

f Kansas Governmental Ethics Commission Opinions

Any state university or state university official wishing to seek an opinion from the Kansas Governmental Ethics Commission shall do so by making a request through the office of the General Counsel of the Board.

g State and Federal Court Actions

i Any state university intending to sue another state university or submit a brief in opposition to another state university in a case that is pending before any state or federal court shall, before filing suit or as soon as aware of the opposition but no later than requesting leave to file a brief, notify the Board President and Chief Executive Officer. The university chief executive officer shall fulfill this notification responsibility.

ii Any state university intending to appeal a state court or federal court decision shall, before the notice of appeal is filed, notify the Attorney General's office.

2 INTERFERENCE WITH CONDUCT OF INSTITUTION

Actions by faculty, staff, students or visitors that unnecessarily or unreasonably obstruct or interfere with the teaching, research or learning functions or other normal and necessary activities of a state university, or that create an imminent threat of danger to persons or property, may constitute grounds for restitution, suspension, dismissal or termination, or temporary or permanent exclusion from the campus or any part thereof.

Interference with the conduct of the institution shall include, but not be limited to, actions by faculty, staff, students or visitors that violate any statutory, administrative, or regulatory provision that could subject the university to any sanction under any federal or state law, regulation, or policy, or to any potential or actual loss of accreditation. Interference with the conduct of the institution shall not include any constitutionally protected expression, though such expression may be limited by reasonable, narrowly drawn and content neutral time, place or manner restrictions.

3 STATEMENT ON DIVERSITY AND MULTICULTURALISM

Opportunities to gain experience within a diverse environment and to develop appreciation of multiculturalism are considered to be important elements of the educational experience for all students. An emphasis on multiculturalism and diversity should foster an atmosphere within the university which recognizes and celebrates both the similarities and differences among all persons to create a collegiate community which reflects the world community and which provides a wide range of role models for students. The focus of responsibility for the design of educational experiences, including multicultural experiences, resides with each institution.

No state university shall, on its applications for admission or hiring, reappointing or promoting a faculty member, require statements pledging allegiance to, support for, or opposition to diversity, equity or inclusion. Nothing in this policy shall prohibit a university from complying with federal or state laws, regulations, grant requirements or similar measures.

4 AFFIRMATIVE ACTION, EQUAL OPPORTUNITY AND TITLE IX SEX DISCRIMINATION

The Board of Regents believes and supports the view that every individual has the right to expect that all decisions with reference to employment, i.e. selection, discipline, promotion or termination, and all decisions with reference to student status, i.e. admission, academic achievements and discipline, be made without regard to age, race, color, religion, sex, marital status, national origin, physical handicap or disability, status as a Vietnam Era Veteran, sexual orientation or other factors which cannot be lawfully considered, to the extent specified by applicable federal and state laws. To this end, each state university shall develop and maintain an equal employment opportunity, equal educational opportunity and non-discrimination policy in the operation and administration of all University programs and services.



Notwithstanding the above, and in accordance with K.S.A. 73-201 *et seq.*, and amendments thereto, positive consideration in hiring decisions shall be given to Vietnam Era Veterans for whom that law applies.

Further, each state university shall establish a comprehensive affirmative action program designed to provide equal employment and educational opportunities as required and allowed by law.

Each state university shall appoint a Title IX Coordinator as required by 34 C.F.R. § 106.8(a). Each state university Title IX Coordinator shall report directly to the university chief executive officer or their designee.

## 5 RACIAL, SEXUAL AND OTHER UNLAWFUL HARASSMENT

Unlawful harassment cannot and will not be tolerated at state universities. Each state university shall develop and maintain specific policies that seek to: (i) identify prohibited conduct in this area; (ii) educate campus constituencies with regard to this negative behavior; (iii) eliminate such behavior; and (iv) set forth the manner in which such behaviors or conduct is to be addressed.

## 6 USE OF SOCIAL MEDIA BY FACULTY AND STAFF

### a Commitment to Academic Freedom and First Amendment

The Kansas Board of Regents strongly supports principles of academic freedom. It highly values the work of state university faculty members. Academic freedom protects their work and enhances the valuable service they provide to the people of Kansas.

The Board also supports this statement from the 1940 Statement of Principles of the American Association of University Professors:

*“College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.”*

Further, the Kansas Board of Regents recognizes the First Amendment rights as well as the responsibilities of all employees, including faculty and staff, to speak on matters of public concern as private citizens, if they choose to do so, including through social media. In general, for both faculty and staff, any communication via social media that is protected by the First Amendment and that is otherwise permissible under the law is not precluded by this policy.

This policy shall be construed and applied in a manner that is consistent with the First Amendment and academic freedom principles.

### b Social Media Policy

In keeping with the Kansas Board of Regents’ commitment to the First Amendment and principles of academic freedom, the Board supports the responsible use of existing and emerging communications technologies, including social media, to serve the teaching, research, and public service missions of the state universities. These communications technologies are powerful tools for advancing state university missions, but at the same time pose risks of substantial harm to personal reputations and to the efficient operation of the higher education system. The Board therefore believes it is prudent to adopt this policy on the proper – and improper – use of social media.

1 For purposes of this policy: “social media” means any online tool or service through which virtual communities are created allowing users to publish commentary and other content, including but not limited to blogs, wikis, and social networking sites such as Facebook, LinkedIn, Twitter, Flickr, and YouTube; “social media” does not include e-mail sent to a known and finite number of individuals, or non-social sharing or networking platforms such as Listserv and group or team collaboration worksites.



- 2 Authorship of content on social media in accordance with commonly accepted professional standards and in compliance with all applicable laws and university and Board policies shall not be considered an improper use of social media in the following contexts:
  - i academic research or other scholarly activity;
  - ii academic instruction within the instructor’s area of expertise; and
  - iii statements, debate, or expressions made as part of shared governance and in accordance with university policies and processes, whether made by a group or individual employee.
- 3 The United States Supreme Court has held that public employers generally have authority to discipline their employees for speech in a number of circumstances, including but not limited to speech that:
  - i is directed to inciting or producing imminent violence or other breach of the peace and is likely to incite or produce such action;
  - ii when made pursuant to (i.e. in furtherance of) the employee’s official duties, is contrary to the best interests of the employer;
  - iii discloses without lawful authority any confidential student information, protected health care information, personnel records, personal financial information, or confidential research data; or
  - iv subject to the balancing analysis required by the following paragraph, impairs discipline by superiors or harmony among co-workers, has a detrimental impact on close working relationships for which personal loyalty and confidence are necessary, impedes the performance of the speaker’s official duties, interferes with the regular operation of the employer, or otherwise adversely affects the employer’s ability to efficiently provide services.

In determining whether the an employee’s communication is actionable under subparagraph iv, the interest of the employer in promoting the efficiency of the public services it performs through its employees must be balanced against the employee’s right as a citizen to speak on matters of public concern.

- 4 When determining whether a particular use of social media constitutes an improper use, the following shall be considered: academic freedom principles referenced in subsection b.2., the employee’s position within the university, whether the employee used or publicized the university name, brands, website, official title or school/department/college or otherwise created the appearance of the communication being endorsed, approved or connected to the university in a manner that discredits the university, whether the communication was made during the employee’s working hours or and whether the communication was transmitted utilizing university systems or equipment.
- 5 The chief executive officer of a state university, or the chief executive officer’s delegate, has the authority to make use of progressive discipline measures pursuant to Board or university policy, up to and including suspension, dismissal and termination, with respect to any faculty or non-student staff member who is found to have made an improper use of social media. Existing university grievance and review processes shall apply to any such action.

c Application of Policy

This policy on the use of social media shall be construed and applied in a manner that is consistent with the First Amendment and academic freedom principles and shall apply prospectively from its the date of its original adoption by the Kansas Board of Regents on December 18, 2013.

7 USE OF CONTROVERSIAL MATERIAL, INCLUDING THE USE OF SEXUALLY EXPLICIT MATERIALS, IN INSTRUCTION

The Kansas Board of Regents recognizes that academic freedom must be balanced by academic responsibility. Therefore, it is the policy of the Kansas Board of Regents to require each institution within its jurisdiction to adopt the following set of precepts on the use of sexually explicit materials, the teaching about pedophilia and the conduct and management of courses relative to these topics:

*“Students are entitled to an atmosphere conducive to learning and to even-handed treatment in all aspects of the teacher-student relationship. Faculty members may not refuse to enroll or teach students on the grounds of their beliefs or the possible uses to which they may put the knowledge to be gained in a course. Students should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or their own social behavior. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance, whether personality, race, religion, degree of political activism, or personal beliefs.*

*It is the mastery teachers have of their subjects and their own scholarship that entitles them to their classrooms and to freedom in the presentation of their subjects. Thus, it is improper for an instructor persistently to intrude material that has no relation to the subject, or to fail to present the subject matter of the course as announced to the students and as approved by the faculty in their collective responsibility for the curriculum.”\**

Each state university will ensure that existing policy governing sexual harassment is accessible for the purpose of addressing such issues as they might arise from course content or pedagogy. Campus policies on sexual harassment and on the use of sexually explicit materials in instruction will be placed on file with the Kansas Board of Regents. (2003 Session Laws of Kansas, Chapter 160, Section 45(b).

\* Source: Excerpted from the AAUP’s 1970 Statement on Freedom and Responsibility

8 SUSTAINABILITY AND IMPLEMENTATION PRINCIPLES

The purpose of this policy is to outline specific ways, reflective of each university’s resource constraints and environmental impacts, in which state universities may be able to enhance their service to Kansans as well as their leadership in addressing these challenges both on campus and, through their extensive contacts and relationships, throughout Kansas and the world.

a Policy Statement

University policies, practices and programs should, when possible, embody approaches that reduce life cycle costs, restore or maintain the functioning of natural systems, and enhance human well-being.

For purposes of this policy provision, sustainability shall mean societal efforts to meet the needs of present users without compromising the ability of future generations to meet their own needs. Sustainability presumes that the planet’s resources are finite, and should be used conservatively, wisely and equitably.

b Implementation Principles

i Learning Opportunities: State universities shall incorporate issues of sustainability into the learning experiences of students throughout their academic experiences.

ii Campus Life: State universities shall strive to infuse sustainability principles into the organization of campus life. This includes encouraging students, faculty and staff to:

(1) Minimize their environmental impact,

(2) Enhance campus ecology,

(3) Develop and foster awareness and campus culture that recognizes the importance of sustainability principles,

- (4) Enhance/facilitate access to environmental and ecological goods, and
  - (5) Carry these lifestyles with them when they leave the campus community.
- iii Operations: State universities shall comply with all relevant environmental laws and regulations and executive orders from the Governor, and aspire to go beyond compliance by integrating values of sustainability, stewardship, and resource conservation into activities and services. As operational decisions are made, university personnel should consider ways to improve the long-term quality and regenerative capacity of the environmental, social and economic system that support the institutional activities and needs and promote practices that minimize harmful effects of operations on the surrounding environment. State universities shall strive to maximize the efficiencies of operations and services while pursuing the goals detailed above within the resources available to institutions as they pursue excellence in fulfilling institutional missions.
  - iv Campus Planning: State universities shall evaluate the impact of their construction projects; incorporate green building and design methods to the extent economically feasible; and consider the impact of planning decisions on future generations of the campus community, with the goal of minimizing the environmental footprint.
  - v Administration: State universities shall develop sustainability goals to inform institutional policies and procedures. These policies and procedures shall rely on scientific and technical analysis, informed by economic realities of funding, to support efforts to develop objectives and targets for operations with indicators, or measures to assure accountability to the Board. Whenever economically feasible, sustainability shall be included in areas of planning, decision-making, assessment, and reporting.
  - vi Outreach: State universities shall conscientiously share the knowledge, awareness, and expertise generated by their engagement with sustainability in accordance with their respective missions and roles in serving society as a whole.

## 9 ATHLETIC CONFERENCES

Any change by a state university in its athletic conference membership shall require expedited Board Chairman, Board Vice Chairman, and Board President and CEO approval before entering into discussions or negotiations relative to such change. Expedited Board Chairman, Board Vice Chairman, and Board President and CEO approval shall also be required before the final decision to change is made and communicated to any third party. The state university chief executive officer shall make a recommendation to the Board Chairman, Board Vice Chairman, and Board President and CEO upon full consideration of all relevant factors, including student competition in intercollegiate sports appropriate to the institution, fiscal resources available, and sound standards of student academic performance.

## 10 WOMEN'S SPORTS

As required by L. 2023, Ch. 13, each state university shall expressly designate each interscholastic, intercollegiate, intramural or club athletic team or sport that is sponsored by the university as one of the following, based on biological sex:

- (1) Males, men or boys;
- (2) females, women or girls; or
- (3) coed or mixed.

Athletic teams or sports designated for females, women or girls shall not be open to students of the male sex.

Each state university shall use information collected when individuals elect to participate on a team or in a sport to determine which sex team is appropriate for each respective student. Should a dispute arise, the state university shall refer to the original birth or adoption certificate completed at or near the time of birth. If the original birth or adoption certificate is not available, documentation provided by a licensed physician indicating biological sex at birth may be utilized. If biological

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sex at birth is unable to be determined by the above means, the student shall be eligible to participate in male, men's, boy's, coed, or mixed athletic activities only.

Nothing in this policy shall be construed to require a state university to take any action that would violate Title IX of the Higher Education Amendments of 1972 or any other provision of federal law.

**CHAPTER III: COORDINATION<sup>2</sup> - STATE UNIVERSITIES, COMMUNITY COLLEGES, TECHNICAL COLLEGES, WASHBURN UNIVERSITY AND/OR THE WASHBURN INSTITUTE OF TECHNOLOGY**

**A ACADEMIC AFFAIRS** (See Chapter II., Section A. for additional academic affairs policies applicable to state universities)

**1 PERFORMANCE AGREEMENTS**

In accordance with K.S.A 74-3202d the Kansas Board of Regents has adopted policies and procedures for the development of Performance Agreements with each postsecondary educational institution. These policies and procedures are described in the Board approved document “Performance Agreement Guidelines and Procedures.”

Each postsecondary educational institution’s receipt of new state funds shall be contingent on compliance with its performance agreement, as described in the Performance Agreement Guidelines and Procedures. The failure of a postsecondary educational institution to enter a performance agreement shall prevent that postsecondary educational institution from receiving any new state funds.

**2 TRANSFER AND ARTICULATION**

**a Purpose**

Transfer is recognized as a crucial element within a seamless educational system. The purpose of this policy is to promote seamlessness in the public postsecondary education system in Kansas. A seamless educational system offers the best resources to provide a high quality education for every student, and empowers and encourages each student to reach maximum potential by engaging in life-long learning. This includes:

- i Aligning high school and college expectations and standards to improve access and success;
- ii Providing access to postsecondary education;
- iii Providing high quality advising and information at every point of the journey to ensure that students understand the preparation required to succeed at the next level;
- iv Building connections and strengthening communications within and between the parts of the system; and
- v Providing a smooth transition from one level of learning to the next level, including graduate and professional education.

**b Systemwide Transfer and Articulation**

To facilitate transfer and articulation across the Kansas public postsecondary education system, the Board shall provide for a Transfer and Articulation Council with oversight responsibility for implementing the Board’s systemwide transfer and articulation policy. The Council’s mission is to create structures and processes that facilitate student transfer and degree completion within Kansas higher education. The Council provides status reports, as appropriate, to the System Council of Chief Academic Officers.

- i The Transfer and Articulation Council shall:
  - (1) Charge the Kansas Core Outcomes Groups with developing specific course articulations;
  - (2) Adjudicate disagreement from the Kansas Core Outcomes Groups;
  - (3) Provide final recommendation on systemwide transfer of specific courses;

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<sup>2</sup> See Chapter I., Section A.3 for definition of Coordination.

(The Board of Regents approves specific courses to be accepted for systemwide transfer from any public postsecondary educational institution in Kansas. Each course approved and accepted for systemwide transfer by the Board is identified by a shared course number that supports a student-first philosophy, and is designed to enhance educational planning and effortless course transfer. A Kansas Regents Shared Number (KRSN) uses a 3-letter prefix and a 4-digit course number to differentiate the KRSN number from individual institution course prefixes and numbers. Each institution retains its own unique course prefix and course number.)

- (4) Assure quality and adherence to the agreed-upon learning outcomes of courses articulated across the institutions; and
  - (5) Review proposed revisions to Board policies and bring forward issues and trends that affect transfer and articulation.
- ii In addition, the Transfer and Articulation Council shall:
- (1) Identify courses acceptable for systemwide articulation and transfer with a focus on lower division general education courses and introductory courses to majors;
  - (2) Create an effective, faculty-led structure for discipline level course articulations based on learning outcomes;
  - (3) Ensure that appeals processes exist: (a) for individual students at the institutional level; and (b) at the system level to ensure equitable resolution of transfer concerns between institutions;
  - (4) Address barriers to inter-institutional cooperation as they arise;
  - (5) Use learning outcomes to determine course equivalency; and
  - (6) Implement a clear and ongoing transfer structure.
- iii The Transfer and Articulation Council shall have a core outcomes subcommittee and a quality assurance subcommittee.
- iv Kansas Core Outcomes Groups – These groups composed of faculty representing specific disciplines, shall carry out the work of course transfer articulation in accordance with the *Kansas Transfer and Articulation Procedures*. Each Kansas core outcomes group shall:
- (1) Receive its charge from the Transfer and Articulation Council;
  - (2) Review specific courses within the discipline to articulate learning outcomes associated with courses and agree upon system-wide transfer of course credit as direct equivalents for transfer; and
  - (3) Report to the Transfer and Articulation Council.

One Transfer and Articulation Council member shall be appointed by the Council to serve as a non-voting ex officio member liaison to each discipline-specific core outcomes group. The Council liaison's role is to ensure that the mission of the Transfer and Articulation Council is communicated to, and carried out by, each core outcomes group and to ensure excellent communication between the Council and each core outcomes group.

- c System Support. Board staff shall support the Board's systemwide transfer initiative by:
- i Maintaining a website for dissemination of transfer information;
  - ii Maintaining a list of equivalent courses offered by institutions for all courses that transfer systemwide; and

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- iii Collecting and reporting common data on transfer student success and completion as one measure of system effectiveness.
- d Institutional Transfer and Articulation. To promote seamlessness, each public postsecondary educational institution shall develop and publicize its own transfer policy.
  - i Each public university shall appoint a point person for transfer and articulation issues and shall clearly identify that individual's contact information on the university web site.
  - ii An institutional transfer policy shall not conflict with the Board's systemwide transfer policy.
  - iii An institutional transfer policy shall include an appeal process.
  - iv An institutional transfer policy shall treat transfer students the same way academically as non-transfer students.
  - v An institutional transfer policy shall ensure transfer of substantially equivalent courses from any Kansas public postsecondary institution.
  - vi An institutional transfer policy shall ensure transfer of general education courses from any Kansas public postsecondary institution accredited by a nationally recognized agency, subject to conditions in paragraphs f.(iii) and b.
  - vii Courses not substantially equivalent to a course offered by the receiving institution may be transferred at the discretion of the receiving institution.
- e Articulation Agreements
  - i Between Community Colleges, Technical Colleges and the Institute of Technology

In accordance with K.S.A. 74-32,420, the board of trustees of each Kansas community college, the governing board of each Kansas technical college and the board of control of the Institute of Technology shall establish transfer and articulation agreements providing for the transferability of substantially equivalent courses of study and programs in order to facilitate the articulation of students to and among those institutions.

    - (1) The Board of Regents shall be notified of each agreement at the time the agreement is executed.
    - (2) Each agreement shall be effective only after submission to and approval by the Board of Regents. (K.S.A. 74-32,420). Preliminary approval shall be given by the Board President and Chief Executive Officer, or designee, upon verification that the agreement is consistent with this policy. Final approval shall require ratification by the Board.
  - ii Between Community Colleges, Technical Colleges, the Institute of Technology, State Universities, and Washburn University

In accordance with K.S.A. 72-4454, Kansas technical colleges, community colleges, the Institute of Technology, state universities and Washburn University shall establish articulation agreements providing for the transferability of substantially equivalent courses of study and programs that are offered at those institutions in order to facilitate articulation of students in technical programs to and among the Kansas technical colleges, community colleges, Institute of Technology, state universities and Washburn University.
  - iii Institutions are strongly encouraged to develop program-to-program articulation agreements. Such agreements may provide additional transfer opportunities over and above the opportunities named in this policy, but may not conflict with this policy.
- f General Transfer Provisions



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- i Each Kansas public postsecondary educational institution shall establish its residency requirements, graduation requirements, and any admission requirements to professional or specific programs.
    - (1) Admission to an institution shall not equate with admission to a professional school or a specific program.
    - (2) Students with a completed associate degree who transfer into a professional school or specialty program may need more than two academic years of course work to complete the baccalaureate degree, depending on requirements of the program.
  - ii Requirements for transfer of credits between and among Kansas public postsecondary educational institutions include the following:
    - (1) Transfer coursework must be transcribed in credit hours.
    - (2) Students transferring to Kansas public universities with a completed AA or AS degree shall be given junior standing.
  - iii Public universities are encouraged to develop program-to-program articulation agreements for the AAS degree, particularly when offering applied baccalaureate degrees.
  - iv Completed technical programs (non-degree) and completed AAS degrees shall transfer according to option (1) or (2) below:
    - (1) As a block to articulated programs at community colleges, technical colleges, and to those universities that have program to program articulation agreements.
    - (2) On a course-by-course basis.
- g Transfer of Systemwide General Education Requirements

This subsection refers to the application of the systemwide general education requirements, established in Chapter III.A.18., for transfer students at Kansas public institutions. For the purposes of this policy subsection:

“Acceptable grade” means that systemwide course transfer credit, as detailed in 2.g.i.(1)(a)(ii), 2.g.i.(2)(a)(ii), or 2.g.iii., shall not be denied by a receiving Kansas public institution based on a grading standard when a transfer student earns “C” (2.0) or higher. The receiving Kansas public institution may apply a “D” (1.0) if it is also acceptable for its native students (the application of a “D” must apply equally to both resident and native students).

“Coordinated institution” means each community college and Washburn University.

“Institution-specific communication course” means a distinct communication course that is taught at a Kansas public institution that is required to meet a communication general education requirement.

“Institution-specific English/writing course” means a distinct English/writing course taught at a Kansas public institution that is required to meet an English general education requirement.

“Kansas public institution” means each state university and each participating coordinated institution.

“Major” means a field of study within a degree program, having its own curriculum. A degree program may have more than one major.

“Program-specific communication course” means a communication course that is required for students pursuing a specific major(s) to meet a communication general education course requirement (e.g., public speaking for business majors).

“Program-specific English/writing course” means an English course that is required for students pursuing a specific major(s) to meet an English general education course requirement (e.g., English for business majors).

“Specialized program grade requirement” means a grade standard that is required by a selective admission program or is necessary to meet programmatic accreditation or licensure standards.

“Systemwide transfer course” means a course approved by the Board, for which faculty develop and update learning outcomes. These courses transfer to any Kansas public institution offering an equivalent course.

i Application of General Education English and/or Communications Courses When the Receiving Kansas Public Institution Uses a Program- or Institution-Specific Course.

Historically, three of the most common general education transfer courses, English composition I and II and public speaking, have not met general education English and communication requirements at some Kansas public institutions because such institutions have required students, or some specific majors, to take a program- or institution-specific course. Unless the Board President and Chief Executive Officer has granted an exception, as detailed in 2.g.v., a Kansas public institution offering a program- or institution-specific-English or communication course shall operate within the following parameters when serving a transfer student.

(1) English Requirement

(a) A transfer student meeting one of the following shall not be required to complete a program- or institution-specific-English course to meet the English general education requirement in paragraph 18.a.ii.(1) of the Board’s policy:

(i) The transfer student provides the receiving Kansas public institution an official transcript from a Kansas public institution noting “KS Systemwide General Education Completed” and, if applicable to the student’s major, the grades earned in the English courses meet any specialized program grade requirement; or

(ii) The transfer student provides the receiving Kansas public institution an official transcript from a Kansas public institution noting three-credit hours of systemwide transfer course credit in English composition I with an acceptable grade and three-credit hours of systemwide transfer credit in English composition II with an acceptable grade, and, if applicable to the transfer student’s major, the grades earned in such courses meet any specialized program grade requirement.

(b) A transfer student meeting one of the criteria in paragraph 2.g.i.(1)(a)(i) or 2.g.i.(1)(a)(ii) of this policy shall only be required to complete a program- or institution-specific English course if:

(i) the receiving Kansas public institution transfers and applies the six-credit hours of transfer English general education courses towards meeting the six-credit hour English requirement defined in 18.a.ii.(1);

(ii) the transfer student selects a major at the receiving Kansas public institution that requires all majors (transfer and native students) to complete the program- or institution-specific English/writing course as a credit-hour requirement that is separate from the six-credit hour English general education requirement in 18.a.ii.(1);

(iii) the receiving Kansas public institution notes on the official degree sheet on its website that the program- or institution-specific English/writing course is a requirement in the major area or an additional non-general education requirement area of the degree; and

(iv) any changes made to meet the requirements in 2.g.i.(1)(b)(ii)-(iii) do not result in increasing the total number of credit hours required to complete the degree for a native or transfer student.

(2) Communication Requirement

(a) A transfer student meeting one of the following criteria shall not be required to complete a program- or institution-specific communication course to meet the communication general education requirement detailed in 18.a.ii.(2):

(i) the transfer student provides the receiving Kansas public institution an official transcript from a Kansas public institution noting “KS Systemwide General Education Completed” and, if applicable to the student’s major, the grade earned in the communication course meets any specialized program grade requirement; or

(ii) the transfer student provides the receiving Kansas public institution an official transcript from a Kansas public institution noting three-credit hours of systemwide transfer course credit in public speaking with an acceptable grade and, if applicable to the student’s major, the grade earned in such a course meets any specialized program grade requirement.

(b) A transfer student meeting the criteria in 2.g.i.(2)(a)(i) or 2.g.i.(2)(a)(ii) shall only be required to complete a program- or institution-specific communication course if:

(i) the receiving Kansas public institution transfers and applies the three-credit hours of transfer communication general education towards meeting the three-credit hour communication requirement defined in 18.a.ii.(2);

(ii) the transfer student selects a major at the receiving Kansas public institution that requires all majors (transfer and native students) to complete the institution- or program-specific communication course as a credit-hour requirement that is separate from the three-credit hour communication requirement detailed in 18.a.ii.(2);

(iii) the receiving Kansas public institution notes on the official degree sheet on its website that the program- or institution-specific communication course is listed in the major area or an additional non-general education degree requirement area; and

(iv) any changes made by the receiving Kansas public institution to meet the requirements in 2.g.i.(2)(b)(ii)-(iii) do not result in increasing the total number of credit hours required to complete the degree for a native or transfer student.

ii Transfer Students Who Complete the Systemwide General Education Framework.

(1) Except as provided in 2.g.ii.(2), when a transfer student has successfully completed the systemwide general education requirements specified in paragraphs 18.a.ii.(1)-(7) and provides an official transcript from a Kansas public institution noting “KS Systemwide General Education Completed,” the receiving Kansas public institution shall not require the student to complete any additional general education requirement.

(2) The Board’s expectation is for the systemwide general education program to provide a vehicle for students to complete general education at one Kansas public institution and not be required to complete any additional general education courses at a second Kansas public institution. While this systemwide general education program establishes a powerful policy lever to allow many students to complete the general education and not need additional general education courses after transferring, it should be recognized that there will be some situations in which a student who completes the systemwide general education at one Kansas public institution and subsequently transfers may pursue a major at the receiving Kansas public institution that requires an additional course(s) that is classified in the general education area of the degree. When a transfer student provides an official transcript from a Kansas public institution noting “KS Systemwide General Education Completed,” the receiving Kansas public institution shall only be permitted to require an additional general education requirement(s) if the transfer student:

(a) pursues a major at the receiving Kansas public institution for which the Board President and Chief Executive Officer has granted permission, as detailed in 2.g.v., to continue requiring – and not waive – a

specific course requirement that is classified in the general education area of the degree and the transfer student did not complete such a course prior to transferring;

(b) pursues a major at the receiving Kansas public institution for which the Board President and Chief Executive Officer has granted permission, as defined in 18.c, to deviate from the systemwide general education requirements; or

(c) pursues a major at the receiving Kansas public institution in which there is a specialized program grade requirement in a specific general education course and such a grade was not successfully achieved prior to transferring. Refer to 2.g.i.(1)-(2) for information about transfer credit associated with a program- or institution-specific English/writing or communication course requirement.

iii Transfer of Coursework for Students Who Do Not Complete the Systemwide General Education Framework

(1) Except as provided in 2.g.iii.(2), when a transfer student who did not complete the systemwide general education requirements provides an official transcript(s) from a Kansas public institution, the receiving Kansas public institution shall apply credits earned in systemwide transfer courses that fit under one of the general education discipline areas detailed in 18.a.ii.(1-6) toward meeting credit-hour requirements within the applicable general education discipline area. A systemwide general education discipline area in which a transfer student completed the requisite systemwide transfer credit hours shall be considered completed. For example, if a transfer student completed three-credit hours of systemwide transfer credit in American government with an acceptable grade and three-credit hours of systemwide transfer credit in introduction to psychology with an acceptable grade, it shall complete the social and behavioral sciences discipline area requirement in 18.a.ii.(5).

(2) When a transfer student has not completed the systemwide general education, the application of any general education transfer course that is not designated as a systemwide transfer course shall be at the discretion of the receiving Kansas public institution. When a transfer student has completed a systemwide transfer course that fits within a systemwide general education subject in a discipline area requirement noted in paragraphs 18.a.ii.(1)-(6), the receiving Kansas public institution shall only be permitted to exclude such a course from meeting a requirement in the general education discipline area when the transfer student:

(a) completed a performance course, as noted in 18.a.ii.(6);

(b) did not earn an acceptable grade in the systemwide transfer course in the discipline area;

(c) pursues a major at the receiving Kansas public institution in which there is a specialized program grade requirement in a specific general education course in the discipline area and such a grade was not successfully achieved prior to transferring. Refer to 2.g.i.(1)-(2) for information about transfer credit associated with a program- or institution-specific English or communication course requirement;

(d) pursues a major at the receiving Kansas public institution for which the Board President and Chief Executive Officer has granted permission, as detailed in 2.g.v., to continue requiring – and not waive – a specific course requirement that is classified in the general education discipline area of its degree and the transfer student did not complete such a course prior to transferring; or

(e) pursues a major at the receiving Kansas public institution for which the Board President and Chief Executive Officer has granted permission, as defined in 18.c, to deviate from the discipline area in the systemwide general education requirements.

iv Application of Transfer Credit Earned by Exam Toward Completing Systemwide General Education Requirements.

(1) Credit by exam in a general education subject detailed in paragraphs 18.a.(1)-(6), once recorded on Kansas public institution's transcript, is transferable on the same basis as if the credit had been earned through completing the course(s) at the awarding Kansas public institution.

(2) When a Kansas public institution awards credit by exam in any general education subject detailed in paragraphs 18.a.(1)-(6), the receiving Kansas public institution shall not be permitted to require the transfer student to provide official copies of the exam scores.

v Request to Require a Specific General Education Course – in Lieu of Waiving a Requirement – For Transfer Students Who Completed the Systemwide General Education or Completed a Systemwide Transfer Course Discipline Area Requirement

(1) It should be noted that Kansas public institutions have a role and responsibility in removing barriers, promoting affordability, and advancing timely completion. As such, Kansas public institutions should recognize these core tenets when redesigning degree programs around the systemwide general education requirements and thinking about the impact of such decisions on transfer students.

(2) When a Kansas public institution wishes to require an explicit general education course for students in a specific major – even when a student has completed the systemwide general education or completed the systemwide general education discipline area requirement that is linked to the explicit general education course – it shall submit a request to the Board President and Chief Executive Officer. (e.g., a Kansas public institution requests for all transfer students who completed the social and behavioral sciences discipline area requirement and are majoring in social work to take introduction to psychology – in lieu of waiving it– within the social and behavioral sciences discipline area of the general education because of programmatic accreditation).

(3) This request can be for one major or all the majors in a degree (e.g., bachelor of arts), college (e.g., college of arts and sciences), or department (e.g., social sciences department). For example, if a Kansas public institution wishes to require all transfer majors pursuing a bachelor of arts degree to take a specific course – in lieu of waiving it – it could be submitted in one request.

(4) This request shall include a degree sheet with the general education requirements (disciplines, course title options, and credit hours), the major requirements (course titles and credit hours), and any other degree requirements (course titles and credit hours) that are needed to complete the degree and shall address:

- (a) the requested course title, total number of credit hours for the requested course, and the systemwide general education discipline area in which the requested course requirement fits;
- (b) academic rationale;
- (c) reason for why this is classified as a general education course and not included in the major or another non-general education area of the degree; and
- (d) if based on accreditation or licensure, include background.

(5) After review of the request, additional information on how such a requirement would financially impact transfer students may also be required.

(6) Board staff shall provide a timeline each year for institutions to submit requests based on the criteria herein.

h Students who intend to transfer are responsible for becoming acquainted with the program and degree requirements of the institution to which they expect to transfer.

### 3 REVERSE TRANSFER AGREEMENTS

Reverse transfer is an important element of a seamless educational system. The state universities, community colleges, technical colleges, Washburn University and Washburn Institute of Technology shall work together, through the System Council of Presidents and System Council of Chief Academic Officers, to develop a process to assist students to complete coursework for and attain all certificates and degrees for which they are eligible.

The process and resulting agreements shall:

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- a Be consistent with state and federal law, Board policies and applicable accreditation standards;
- b Provide a mechanism for each student who is transferring credits from a community college or technical college to a university to participate in the reverse transfer process; the established mechanism shall include an opportunity for each otherwise eligible student to opt-in to the process, thereby permitting sharing of that student's Family Educational Rights and Privacy Act protected information; and
- c Provide guidelines for determining which transferring institution will award the credential if the student has transfer credits from more than one institution.

### 4 CREDIT FOR PRIOR LEARNING

- a Each Kansas public postsecondary educational institution shall award credit for prior learning in accordance with this policy and in a manner that is appropriate to the institution's nature and mission.
- b The Kansas Credit for Prior Learning Task Force consists of representation from each university and representation from the community college and technical college sectors. These representatives shall be appointed by the Vice President for Academic Affairs, in consultation with the Vice President of Workforce Development. The role of the Kansas Credit for Prior Learning Task Force shall be to provide oversight, as directed by the Board, for implementation of this policy and the Kansas Credit for Prior Learning Guidelines. These Guidelines were approved by the Kansas Board of Regents in June 2014.
- c The Kansas Credit for Prior Learning Task Force shall be coordinated by a Board staff member under the oversight of the Board Academic Affairs Standing Committee.
- d The Kansas Credit for Prior Learning Task Force shall work to ensure standardized recognition of credit for prior learning from all Kansas public postsecondary institutions.
- e The Kansas Credit for Prior Learning Task Force shall receive and consider recommendations from the Kansas Collaborative on Military Credit Advisory Committee regarding the evaluation of military training for credentials and awarding of college credit.
- f Each Kansas public postsecondary educational institution shall follow the requirements set forth in the Kansas Credit for Prior Learning Guidelines when evaluating and awarding credit for prior learning. These Guidelines shall provide for:
  - i specifications for awarding credit for learning gained outside a traditional academic environment for the state universities, community colleges, technical colleges, Washburn University and Washburn Institute of Technology;
  - ii consistency with state and federal law, Board policies, applicable accreditation standards;
  - iii a consistent and transparent means for students to advance toward a degree or credential;
  - iv annual review for updates by the Kansas Credit for Prior Learning Task Force.

### 5 APPROVAL OF PROGRAMS FOR COMMUNITY COLLEGES, TECHNICAL COLLEGES AND WASHBURN INSTITUTE OF TECHNOLOGY

- a In accordance with the Higher Education Act requirement that the Board coordinate educational programs, courses of instruction, and program and course locations, Board approval is required for the establishment of new degree and technical certificate programs. When the Board considers the establishment of new degree and certificate programs, information regarding its need, quality, cost and means of assessment become paramount. The minimization of unnecessary program duplication is a high priority of the Kansas Board of Regents. This document outlines the policies, procedures and criteria the Board utilizes when reviewing requests for new degree and certificate programs.



- b Institutions must submit a complete program proposal to board staff, and enter the proposed program into the Kansas Higher Education Data System (KHEDS). Once Board staff has received a complete program proposal from an institution, the proposal will be made available in electronic form on the Kansas Board of Regents website for other institutions to view. All institutions shall be notified of the proposed program by email. Institutions with concerns, comments or objections to the new program must state those concerns, comments or objections in writing to Board staff within a 10-day time period. At that time, institutions shall submit, in writing, a list of concerns, comments or objections to Board staff. The list of concerns, comments and objections will be compiled by board staff and forwarded to the proposing institution for follow-up. The proposing institution is expected to communicate with other institutions filing concerns, comments or objections to minimize or eliminate the identified issues. Final proposals must contain all required information including evidence that concerns, comments or objections have been addressed and be submitted in the approved format. This process shall not prevent an institution from submitting a new program proposal, but it is designed to make the approval process more transparent, improve proposals and reduce potential conflict related to unnecessary duplication.
- c The Board President and Chief Executive Officer, or designee, shall determine if each proposed program is similar to others in the state and may serve the same potential student population. A similar program is one that has a like CIP code, title, content or competencies. If the President and Chief Executive Officer, or designee, determines that one or more similar programs exist, the following information shall be provided by the institution.
  - i Whether the institution has a valid inability to offer the program collaboratively. This will be determined by geographic proximity of similar programs eligible for collaboration, the transportability of existing programs to the proposed population, and if the proposed program varies to an extent that would not allow collaboration.
  - ii The existing and future labor market demand for graduates of the program. This will be based on the Kansas Department of Labor’s “Long Term Occupational Outlook” report for a specific Standard Occupational Classification code.
  - iii Whether sufficient clinical sites are available (if applicable to the program)
- d Board staff shall compile, analyze and make recommendations to the Board on the information provided. The recommendations and information provided shall be reviewed by the Kansas Postsecondary Technical Education Authority to determine whether the program represents unnecessary program duplication before approval will be granted.
  - i Procedures for Program Approval
    - (1) Time Limitations
      - (a) Notification of new program submissions will include: Program name, proposed CIP code, number of credits, and a link to where the full program proposal may be viewed electronically.

At the time of program submission to board staff, the institutional representative shall enter the new programs into KHEDS.

Board staff will notify all institutions of the proposed program. Within 14 days from the date of notification, institutions shall submit, in writing, a list of concerns, comments or objections to Board staff. The list of concerns, comments and objections will be compiled by Board staff and forwarded to the proposing institution for follow-up. Final proposals shall contain all required information including evidence that concerns and questions have been addressed and be submitted in the approved format.
      - (b) Completed proposals for technical degree and certificate programs are reviewed by the Kansas Postsecondary Technical Education Authority (Authority). Proposals recommended for approval by the Authority are forwarded to the Kansas Board of Regents for final approval.



(c) Programs recommended for approval normally will be presented to the Kansas Board of Regents for action within two months of receipt of a complete final proposal. The institution will be informed of program status throughout the approval process and of program approval status prior to Board action. Note: Program approval does not indicate eligibility for Perkins funds.

(2) Criteria for Program Approval

(a) The institution shall provide documentation of need at the local, regional, and State levels for the proposed new program. Documentation shall include labor data regarding employment trends, projected job openings, specific support from local business/industry and student enrollment projections. If the program is duplicative, the institution shall provide justification why the program should be approved.

(b) The institution shall submit a plan for financing and providing adequate facilities for the proposed new program. An estimate of costs needed to implement and operate the program for the first two years must be included.

(c) The institution shall include an outline of the proposed program of study that includes the following:

- Description of proposed program of study
- Method or type of instruction
- Proposed Classification of Instructional Program (CIP) code
- Syllabus for courses in the proposed program of study
- Listing of all the courses in the proposed program of study
- Outcome(s) of proposed program of study
- Specific faculty requirements, if any
- Evidence that concerns, comments and objections raised by other institutions have been addressed.
- A review of similar programs in the state and the need for an additional program
- Written approval from the institution's curriculum committee and Board of Trustees.

(d) New courses or programs shall be designed to provide instruction in a manner such that the course content is directly related to program content and objectives, and is consistent with the legal limitation and responsibilities applicable to the institution.

(e) The institution shall provide documentation of the involvement of a steering committee and/or advisory council, comprised of local representatives from business and industry and the program area, and curriculum committee in the planning and development of a new technical program (names of committee members and occupational category represented shall be included).

(f) If external accreditation is required for the proposed program (i.e. Board of Nursing), a statement of intent to seek accreditation is to be included.

(g) If a satellite or partnership with another educational institution offering the same program has been established, a statement of intent or Memorandum of Agreement is to be included.

(h) A review of other similar programs being offered in the State and the reason why an additional program is needed as well as other information regarding the needs of the area for this program and its feasibility shall be included.

(i) Any concern, comment or objection from other institutions will be considered by Board staff and the Board as a whole when determining approval.

(3) Application Procedure

Institutions must complete and submit the following forms:

CA-1 Application for New Program

CA-1a Fiscal summary for New Programs

ii Procedures for Approval of Special Programs - Business and Industry Service Program

The purpose of this program is to allow community colleges, technical colleges, and the Washburn Institute of Technology to design and implement training activities to meet expressed needs of Kansas business and industry. Instructional activities will be approved for a one-year period with an option for reapplication. Forms to be submitted are available on the Kansas Board of Regents website.

6 APPROVAL OF CREDIT COURSES FOR COMMUNITY COLLEGES, TECHNICAL COLLEGES, AND WASHBURN INSTITUTE OF TECHNOLOGY

a Policy

K.S.A. 71-601 *et seq.*, K.S.A. 71-1801 *et seq.*, K.S.A. 74-32,468 and K.S.A. 74-32,402 require that the Kansas Board of Regents approve courses for which credit hours are awarded in community colleges, technical colleges and the Washburn Institute of Technology. Procedures for receiving and acting on credit courses submitted by community colleges, technical colleges and the Institute shall be the responsibility of the President and Chief Executive Officer of the Kansas Board of Regents. Procedures will ensure that quality of instruction is properly addressed by the institutions' boards of trustees, governing boards or board of control and that the approval of credit courses is acted on in a timely and effective manner.

b Procedure

i Statutes Regarding Definition of Credit Hour

Chapter 71, Article 6---State Aid and Fiscal Provisions

K.S.A. 2011 Supp. 71-601. (a) "Credit hour" means the basic unit of collegiate level instruction, as determined by the state board, in a subject or course offered at a level not higher than those subjects or courses normally offered to freshmen and sophomores in four-year institutions of postsecondary education which subject or course is approved by the state board. (b) The term "credit hour" does not include instruction in a subject or course taken by a student enrolled for audit or in any subject or course not approved by the state board. (c) The state board shall determine whether the subjects and courses offered in the community colleges are at the level of freshmen and sophomore subjects and courses offered in the state educational institutions and shall not approve for funding any subject or course offered at a higher level.

Chapter 71, Article 18---Postsecondary Tiered Technical Education State Aid Act

K.S.A. 2011 Supp. 71-1802. (c)(1) "Credit hour" means the basic unit of collegiate level instruction, as determined by the state board, in a subject or course offered by any community college, technical college or the institute of technology at a postsecondary level not higher than those programs or courses normally offered to freshmen and sophomores in four-year public institutions of postsecondary education, in a program that has been approved by the state board. (2) The term "credit hour" does not include instruction in a program or course taken by a student enrolled for audit or not for postsecondary credit, or in any program or course not approved by the state board. (3) The state board shall determine whether the programs and courses offered are at the level of freshmen and sophomore programs and courses offered in the state educational institutions and shall not approve for funding any program or course offered at a higher level.

ii Qualitative Process for Course Approval

Quality of instruction is the responsibility of the community college, technical college or institute governing board and chief executive officer. Each institution shall utilize a process whereby credit courses are subjected to a qualitative process review prior to application for course approval. The review by each institution shall minimally comply with the following expectations:

## Chapter III: Coordination

- (1) courses meet the intent of K.S.A. 71-601 and 71-1802(c) in respect to level of instruction
  - (2) the amount of credit assigned to each course is appropriate for the skills, knowledge and competencies included therein
  - (3) faculty in the discipline or technical field have either initiated the course proposal or have been meaningfully involved in its review and recommendation for approval
  - (4) learning outcomes and appropriate assessment methods are clearly defined in the course outline, syllabus, and/or competencies identified
  - (5) facilities, equipment, and other learning resources are adequate to support the expected learning outcomes of the course
  - (6) a “curriculum committee” or equivalent group composed of faculty and administration has reviewed the course proposals.
- iii Role and Responsibility of the President and Chief Executive Officer or Designee of the Board of Regents

Regarding approval of credit courses, the responsibility of the Board President and Chief Executive, or designee, is to:

- (1) Ensure compliance with the intent of K.S.A. 71-601 and 71-1802(c)
- (2) Ensure consistency and uniformity in respect to the course approval process
- (3) Ensure that institutions have provided required course information
- (4) Consult with institution administration if problems arise regarding a course
- (5) Provide assistance to institutional staff to facilitate course approval
- (6) Approve or disapprove courses

The Board President and Chief Executive Officer is authorized to make judgments about matters or issues that are not specifically addressed in these Procedures for Approval of Credit Courses.

### 7 APPROVAL OF PROGRAMS FOR WASHBURN UNIVERSITY

The state university process for approval of new academic program proposals, chapter II.A.7.c., shall apply to the review and approval of all graduate programs, and specialized professional baccalaureate degree programs (e.g., engineering, architecture), for Washburn University, except that in lieu of Council of Chief Academic Officers and Council of Presidents review and approval, such programs shall be reviewed by the System Council of Chief Academic Officers and the System Council of Presidents, on the same day, for informational purposes only, and the programs will then be reviewed by the Board’s Academic Affairs Standing Committee prior to being placed on the Board agenda for approval.

The state university expedited program review process, chapter II.A.7.e., shall apply to the review and approval of Washburn University programs that meet the criteria for expedited review, except that in lieu of Council of Chief Academic Officers and Council of Presidents review and approval, such programs shall be reviewed by the System Council of Chief Academic Officers and the System Council of Presidents.

### 8 OFF-CAMPUS DELIVERY OF ACADEMIC COURSES AND PROGRAMS

The term “off-campus academic courses and programs,” for the purposes of this section, refers to courses and programs offered through off-campus face-to-face instruction, and distance education. However, for purposes of the provisions of this policy dealing with delivery of off-campus academic courses or programs for credit outside an institution’s assigned

## Chapter III: Coordination

service area, the term shall not include 1) distance education courses or programs, as defined herein, or 2) clinical, practicum, internship and similar requirements if the program to which the requirement is tied is delivered within the institution's service area.

Changing demographics and changing workplace demands are among the environmental shifts that are challenging traditional requirements for productive employment and enlightened citizenship. Kansas public postsecondary institutions accept the on-going responsibility to 1) identify the configurations of knowledge and skills needed by students to compete and thrive and 2) provide programs that assist individuals and groups in acquiring the postsecondary education they need.

This policy is accordingly designed to emphasize students' needs. This philosophy recognizes that students seeking off-campus academic courses and programs are a diverse population with differences in educational requirements, motivation, constraints, goals, access and opportunities. To accommodate these differences, such academic programs are designed to reach established as well as underserved constituencies.

Using available learning resources, including electronic delivery, off-campus academic courses and programs at the Kansas public postsecondary institutions collectively work toward increasing opportunities for the entry and reentry of individuals and groups into higher education by assisting them to overcome or minimize participatory barriers such as location, employment, finance, and family-social-civic responsibilities. These efforts, which may involve a variety of course and delivery formats, are sustained by a commitment to developing and maintaining convenient, quality and affordable services and instruction.

### a General Provisions

College or university delivery of off-campus academic courses or programs is the administrative vehicle for extending the institution's instructional and research resources through service to the people of the State. Off-campus academic courses and programs may be offered for academic credit or they may be noncredit, and they can be delivered via distance education or through off-campus face-to-face instruction.

Delivery of off-campus academic courses and programs is an integral part of higher education and when offered for credit should be publicly and institutionally supported commensurate with the needs of society and at a level that provides for high quality programs in Kansas.

The Board of Regents expects the public colleges and universities to respond to local educational needs within their approved service areas, including workforce training, and noncredit courses and programs.

The Board of Regents also supports the exploration and use of electronic and other media to deliver quality distance education courses and programs.

The Board encourages and expects coordinated and cooperative efforts in the planning and delivery of off-campus face-to-face academic courses and programs. The Board's goal for the Kansas public higher education system is to expand education opportunities for students while avoiding unnecessary duplication.

Decisions to offer off-campus academic courses and programs shall be guided by the following:

- i The mission of the institution;
- ii student need for specialization of programs and diversity of formats, time frames or cost structures;
- iii any other educational and economic needs in a particular area, as identified by the Board;
- iv the availability of adequate instructional and fiscal resources; and
- v cooperation between institutions.

### b Definitions

## Chapter III: Coordination

- i "Campus" is defined as the buildings and grounds of each respective state university, Washburn University, community college, technical college or Washburn Institute of Technology that are located within the institution's service area.
  - ii "Credit" refers to a unit of measure of educational experience within a planned curriculum leading to a certificate or degree.
  - iii "Noncredit academic off-campus courses or programs" refer to educational activities, such as workshops, seminars, conferences and short courses offered for Continuing Education Units without academic credit for which a fee is charged. These activities receive no direct financial support from the state.
  - iv A "distance education course" is one in which faculty and students are physically separated in place or time and in which at least seventy-five percent of the instruction and interaction are provided synchronously or asynchronously via some form of mediated delivery system (i.e., 11.25 or more hours of instruction per credit hour are delivered via audio or video recording, live interactive video, CD-ROM, the Internet or World Wide Web, etc.).
  - v A "distance education program" is one in which fifty percent or more of the required courses for the program are delivered via distance education courses.
  - vi "Home institution" means each institution that is assigned, in accordance with this policy, to a particular service area. There may be more than one home institution in a given service area.
  - vii "Home university" means each university that is assigned, in accordance with this policy, to a particular service area.
  - viii "Kansas City metropolitan area" is Johnson and Wyandotte Counties.
- c Administration of Requests for Off-Campus Face-to-Face Academic Courses or Programs to be Delivered Outside Assigned Service Areas
- i At the time a state university or Washburn University seeks approval from the Board to offer an off-campus face-to-face academic course or program outside of its assigned service area, the Vice President for Academic Affairs of the Board shall ascertain that the request has been made in accordance with Board policy.
  - ii At the time a community college, technical college or Washburn Institute of Technology seeks approval from the Board to offer an off-campus face-to-face academic course outside its assigned service area:
    - (1) If the course is part of a technical program, the Vice President of Workforce Development shall ascertain that the request has been made in accordance with Board policy;
    - (2) If the course is not part of a technical program, the Vice President for Academic Affairs shall ascertain that request has been made in accordance with Board policy.
  - iii The Vice President for Academic Affairs of the Board shall also:
    - (1) Coordinate systematic assessment of state need for off-campus academic services;
    - (2) be responsible for maintaining appropriate off-campus academic services records;
    - (3) be responsible for producing state-level reports as assigned; and
    - (4) be responsible for monitoring the execution of Board policy system-wide.
- d Maintenance of Quality

## Chapter III: Coordination

- i It is the responsibility of the chief academic officer of each institution to ensure that institutional procedures, including new program approvals and existing program reviews, result in high standards of quality in off-campus academic courses and programs.
  - ii The selection of qualified faculty for off-campus academic courses and programs shall follow established campus appointment and operating procedures.
  - iii Instructional and student support services for off-campus academic courses and programs, including library and laboratory resources, shall be appropriate to the needs of the course and program.
- e State Universities and Washburn University
- i Credit awarded by a state university or Washburn University for off-campus academic courses shall be accepted for transfer by one another. Application of transfer credit toward fulfilling degree requirements shall remain the prerogative of the faculty of the receiving institution.
  - ii Service Areas
    - (1) In-State Responsibilities and Requirements
      - (a) The State shall be divided into three geographic areas to ensure that needs for off-campus face-to-face courses and programs are met without unnecessary duplication. These areas shall be served dually by the University of Kansas and Pittsburg State University, Wichita State University and Emporia State University, and Kansas State University and Fort Hays State University. These geographic service areas shall be established by the Board. (See "Map of State University and Washburn University Service Areas" at the end of this policy.) In addition, the University of Kansas, Kansas State University, Emporia State University, and Washburn University will share responsibility for serving Shawnee County. Instances of apparent duplication in Shawnee County among the state universities and Washburn University shall be evaluated and resolved by the Board's Vice President for Academic Affairs.
      - (b) Assignment of particular service areas to specific state universities and Washburn University applies only to off-campus academic courses and programs that are offered for credit and delivered on a face-to-face basis. These service areas do not apply to distance education courses or programs or to credit courses offered as part of a conference.
      - (c) The universities that share a service area have primary responsibility, in coordination with one another, for meeting the needs of the area that are within the university's mission, and have priority in offering off-campus face-to-face academic courses and programs within the area over other state universities and Washburn University.
      - (d) The universities that share a service area have the responsibility, in coordination with one another, to request that other public institutions in Kansas serve identified or expressed needs in that area when the home institutions are unable to do so.
      - (e) Off-campus face-to-face academic courses that are not part of an approved off-campus academic specialty program and offered by a state university or Washburn University outside the university's service area must be approved by the home universities and by the Vice President for Academic Affairs prior to any public announcement of the course or program. This paragraph shall not apply to off-campus face-to-face academic courses and programs offered by a state university or Washburn University outside the university's service area in the Kansas City metropolitan area of Johnson and Wyandotte Counties, which are subject to paragraph (f).
      - (f) Off-campus face-to-face academic courses and programs that are not part of an approved off-campus academic specialty program and offered by a state university or Washburn University outside the university's service area in the Kansas City metropolitan area must be approved by the Board and require additional documentation concerning the need/demand and a justification for any duplication. This



paragraph shall not apply to of-campus face-to-face academic courses and programs that Kansas State University seeks to offer at its Olathe location, which are subject to paragraph (g).

(g) Johnson County Education Research Authority Act (JCERTA Act): Any face-to-face academic course or program that Kansas State University seeks to offer at its Olathe location shall be subject to approval by the Vice President of Academic Affairs prior to any public announcement of the course or program. Before receiving such approval, the university shall demonstrate compliance with any applicable requirements of the JCERTA Act, K.S.A. 19-5001, et seq. The Vice President of Academic Affairs shall not approve the course or program unless it is an animal health or food safety and security course or program as described by K.S.A. 19-5005(a)(2); or an undergraduate or graduate course or program, not including pre-baccalaureate programs, lower-division courses or courses for students attending high school, as described by K.S.A. 19-5005(a)(3).

(h) Institutions shall maintain a record of off-campus academic courses and programs and provide information to the Board as requested.

(2) Out-of-State Offerings

(a) Courses to be offered by a state university or by Washburn University outside the State of Kansas must be approved by the Vice President for Academic Affairs prior to public announcement of the course; out-of-state degree programs must be approved by the Board prior to public announcement of the program.

Exceptions:

(i) Courses and programs qualifying as distance education courses or distance education programs as defined in paragraph b.iv. or paragraph b.v. are exempt from this provision.

(ii) Field study courses are exempt from approval even when the "field" component includes offering of instruction at a location outside an institution's service area.

(iii) Study abroad courses are exempt from approval.

(iv) Noncredit off-campus academic courses and programs offered by a state university or Washburn University outside the State of Kansas are exempt from approval but must be reported as requested.

(b) Any university offering courses and programs in other states shall comply with those states' statutes, rules and regulations. If compliance is not feasible, the course or program shall not be made available in that state and any students enrolled shall be withdrawn.

(c) Direct costs, including cost of instruction, must be supported by restricted fees with the following exception: credit off-campus academic courses offered to an institution's regularly enrolled students at an out-of-state location or locations, including abroad, which take advantage of unique educational resources critical to the instruction, may be included in the instructional base.

(d) Except for royalties payable under the university's intellectual property policy, out-of-state instruction designed to produce a profit for any individual who is an employee of the State of Kansas is prohibited.

(3) Approval of Off-Campus Academic Specialty Programs

(a) An "off-campus academic specialty" is a program unique to a state university or Washburn University that may be offered at approved locations or statewide for a period not to exceed ten years.

(b) Approval Procedures

(i) A state university's written request for approval of an academic specialty must be made to the Council of Chief Academic Officers through the Board staff. Washburn University's written request



for approval of an academic specialty must be made to the System Council of Chief Academic Officers through Board staff.

(ii) The request must contain the following information:

- 1) Name and CIP code of the proposed program;
- 2) degrees that may be awarded through the program;
- 3) statement of need for the program substantiated with data;
- 4) purpose of the program;
- 5) students likely to enroll in the program and estimated enrollment;
- 6) unique and distinguishing features of the proposed program, such as its faculty, facilities, resources, and history sufficient to support designation as an off-campus academic specialty;
- 7) curriculum, including the department, number, name, and a brief description of content for each course within the program;
- 8) other information the institution may wish to provide in support of its request;
- 9) name, title, address, and telephone number of the designated representative of the program;
- 10) signature of the chief academic officer of the institution authorizing the request;
- 11) date of the request;
- 12) specific locations where the program will be offered; and
- 13) requested approval period.

(iii) By a majority vote, the Council of Chief Academic Officers (or System Council of Chief Academic Officers in the case of Washburn University) shall recommend approval or denial of the proposed specialty program, including the curriculum, to the Board's Vice President for Academic Affairs.

(iv) Any substantive changes in the approved curriculum must be approved by the Council of Chief Academic Officers (or System Council of Chief Academic Officers in the case of Washburn University) and the Vice President for Academic Affairs.

(v) Board staff will maintain information about the curriculum and courses of approved off-campus academic specialties for use in reviewing requests to offer courses outside the university's service area.

(vi) Subsequent to institutional identification of specific courses comprising the curriculum, and approval by the Council of Chief Academic Officers (or System Council of Chief Academic Officers in the case of Washburn University) and the Vice President for Academic Affairs, a university's off-campus face-to-face program will be designated as an "off-campus academic specialty program" and may be offered at approved locations or statewide for a period not to exceed ten years.

(vii) In the tenth year after its approval by the Council, or at the end of the approved period, the university may indicate its desire to continue an off-campus academic specialty by following the approval procedures outlined in (3)(b)(i) and (3)(b)(ii).

## Chapter III: Coordination

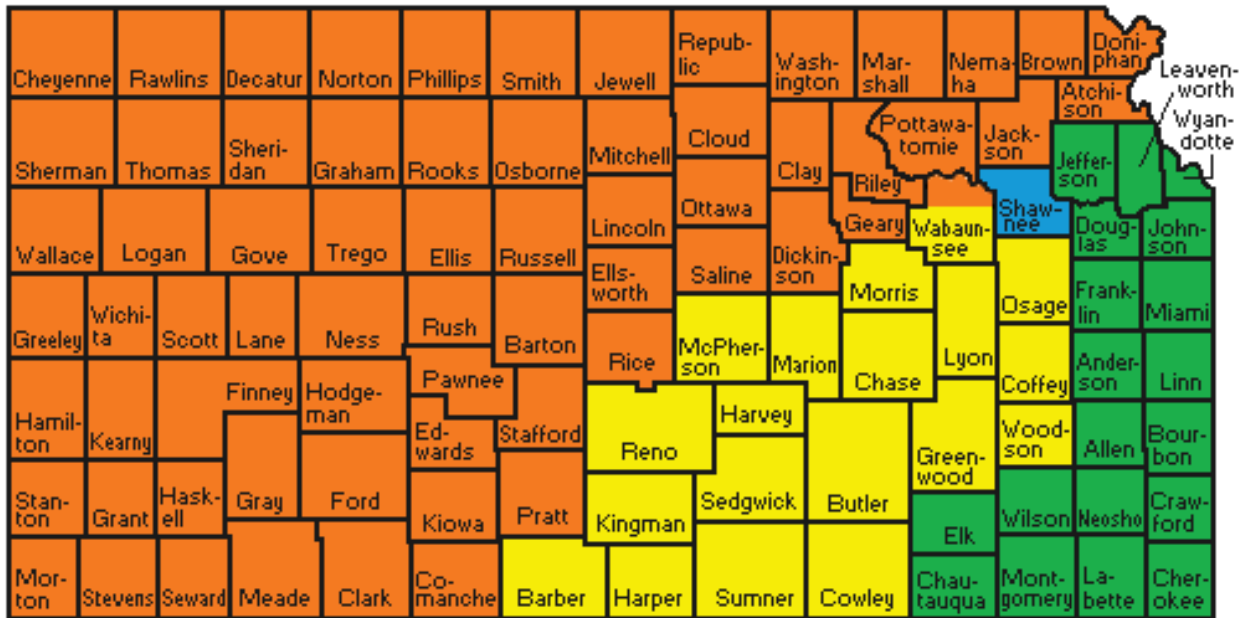
- f Community Colleges, Technical Colleges and Washburn Institute of Technology
  - i The provisions in this policy dealing with community colleges, technical colleges and Washburn Institute of Technology are adopted pursuant to the Board's authority conferred by K.S.A. 71-601, 71-609, 71-620, 71-1801 *et seq.*, 72-4480, 72-4482, 74-3205d and 74-32,433.
  - ii Service Areas; In-State Responsibilities and Requirements
    - (1) The areas shown in the "Map of Service Areas for Kansas Community Colleges" and the "Map of Service Areas for Kansas Technical Colleges," both of which are at the end of this policy, shall be considered the service areas for community colleges and technical colleges for purposes of this policy. The service area for the Washburn Institute of Technology shall be Shawnee County for purposes of this policy.
    - (2) Assignment of particular service areas to specific colleges and the Washburn Institute of Technology applies only to off-campus academic courses and programs that are offered for credit and submitted for state reimbursement, and delivered on a face-to-face basis. These service areas do not apply to distance education courses or programs. These service areas and this geographic jurisdiction policy do not apply to courses, whether face-to-face or distance, delivered on a military reservation, installation or enclave pursuant to a contract with the federal government.
    - (3) The community college and technical college in a service area have primary responsibility for meeting the needs of that area that are within the college's mission, and have priority over other community colleges and technical colleges in offering off-campus face-to-face academic courses and programs within that area.
    - (4) The colleges in a service area have the responsibility to request that other public institutions in Kansas serve identified or expressed needs in that area when the home institutions are unable to do so.
    - (5) To maintain eligibility of the course for state reimbursement, prior to offering any off-campus face-to-face academic courses for credit in a service area other than its own, each community college, technical college and Washburn Institute of Technology shall seek approval for offering the course or program from the chief executive officer of each two-year college assigned to that service area no later than 30 days prior to the course(s) starting. In addition, to maintain eligibility of the course for state reimbursement, prior to offering any new off-campus face-to-face academic courses for credit in a service area other than its own and in a county in which the main campus of a state university or Washburn University is located, each community college, technical college and Washburn Institute of Technology shall seek approval for offering the course or program from the chief executive officer of that university no later than 30 days prior to the course(s) starting. Each institution from which approval is required shall have the option to offer the course or program itself, approve the request of the out-of-service-area institution, or reject the request of the out-of-service-area institution. If each home institution is unable or chooses not to offer the course or program and approves the request, or does not respond to the request within 30 days, then the out-of-service-area institution may proceed in accordance with Board policy. If a home institution rejects the out-of-service-area institution's request, the out-of-service-area institution may appeal in accordance with paragraph g.
    - (6) Institutions shall maintain a record of off-campus academic courses and programs and provide notice to the Board of all agreements allowing off-campus face-to-face academic courses outside an institution's service area, including those agreements with the federal government for delivery of courses on a military reservation, installation or enclave no later than 30 days prior to the course(s) starting.
- g Appeal Process
  - i Each home institution shall reply within 30 calendar days of having received a request for an off-campus academic course or program to be offered in its service area. Failure to reply within 30 calendar days of receiving a request shall be deemed an approval.
  - ii If an institution is denied approval to offer an off-campus academic course or program in the service area of another institution, the requesting institution may appeal the denial to the Board President and Chief Executive

### Chapter III: Coordination

Officer, who shall have ultimate authority to decide the issue. Factors to be considered in arriving at a decision shall include:

- (1) Whether there is student need for the course or program in the service area that is not being met by the home institution(s);
- (2) whether one or more of the home institutions intend to offer the course or program within a reasonable time period;
- (3) the extent to which the requesting and home institutions have attempted to reach a cooperative agreement with regard to deliverance of the course or program;
- (4) the feasibility of a cooperative effort between the interested institutions;
- (5) whether the course or program is within the mission of the institution that wishes to offer it; and
- (6) whether the course or program is within the mission of any of the home institutions.

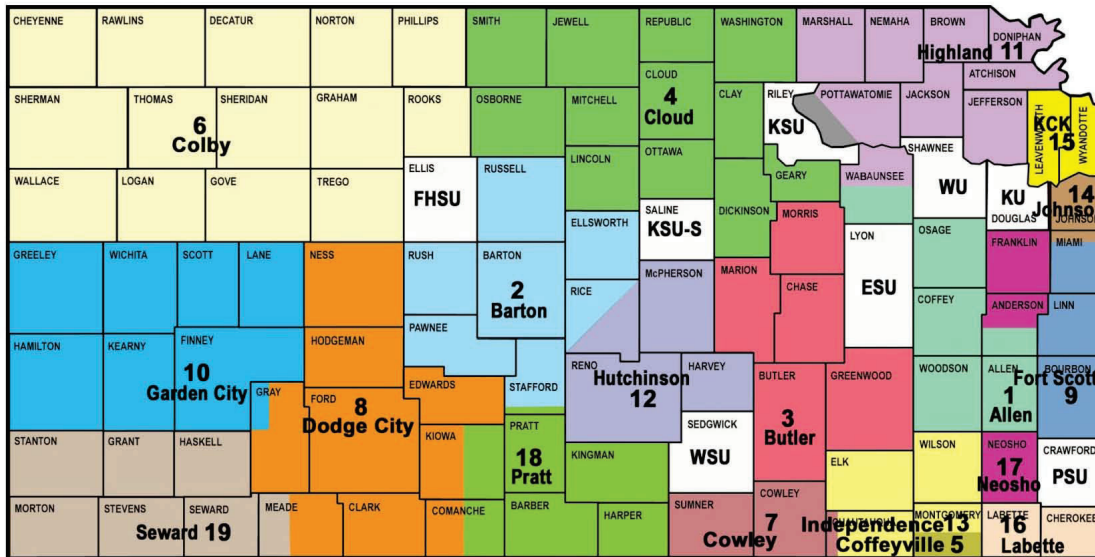
**MAP OF STATE UNIVERSITY AND WASHBURN UNIVERSITY SERVICE AREAS**



Service Area	University	County of Main Campus
	Fort Hays State University Kansas State University	Ellis County Riley County
	Wichita State University Emporia State University	Sedgwick County Lyon County
	University of Kansas Pittsburg State University	Douglas County Crawford County
	Washburn University	Shawnee County*

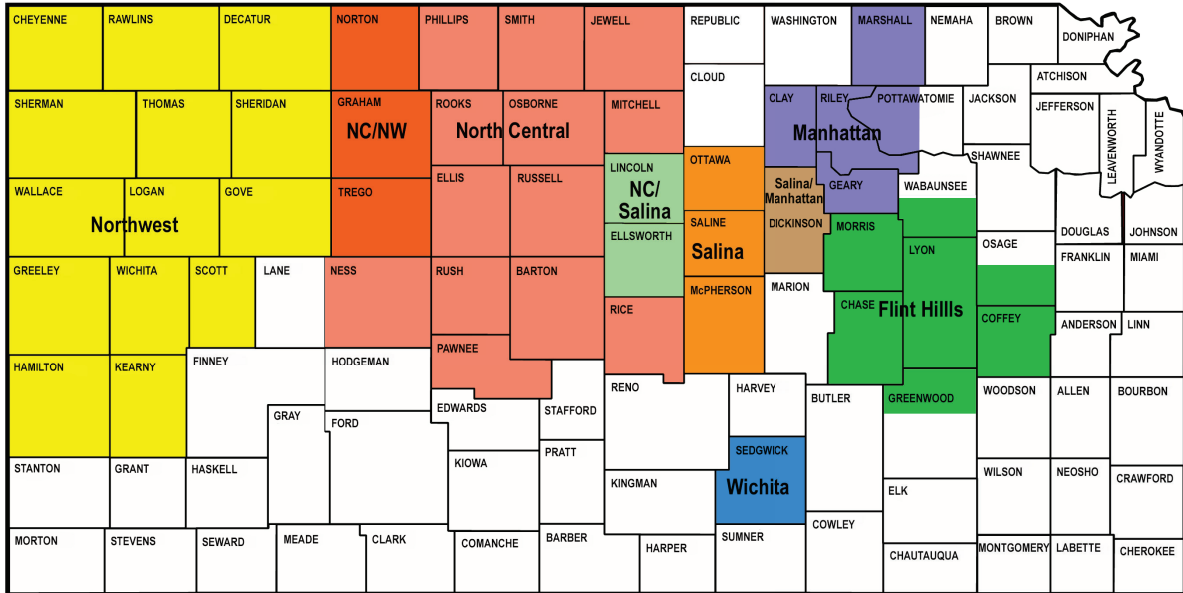
\*KU, KSU, ESU, and WU share responsibility for serving Shawnee County

**MAP OF SERVICE AREAS FOR KANSAS COMMUNITY COLLEGES**



- |   |  |
|---|--|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #c8e6c9; border: 1px solid black;"></span> 1. Allen County Community College, Iola           | <span style="display: inline-block; width: 15px; height: 10px; background-color: #bbdefb; border: 1px solid black;"></span> 12. Hutchinson Community College, Hutchinson                       |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #bbdefb; border: 1px solid black;"></span> 2. Barton County Community College, Great Bend    | <span style="display: inline-block; width: 15px; height: 10px; background-color: #fff9c4; border: 1px solid black;"></span> 13. Independence Community College, Independence                   |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #e91e63; border: 1px solid black;"></span> 3. Butler County Community College, El Dorado     | <span style="display: inline-block; width: 15px; height: 10px; background-color: #d7ccc8; border: 1px solid black;"></span> 14. Johnson County Community College, Overland Park                |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #c8e6c9; border: 1px solid black;"></span> 4. Cloud County Community College, Concordia      | <span style="display: inline-block; width: 15px; height: 10px; background-color: #fff176; border: 1px solid black;"></span> 15. Kansas City Kansas Community College, Kansas City              |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #c8e6c9; border: 1px solid black;"></span> 5. Coffeyville Community College, Coffeyville     | <span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black;"></span> 16. Labette Community College, Parsons                             |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #fff9c4; border: 1px solid black;"></span> 6. Colby Community College, Colby                 | <span style="display: inline-block; width: 15px; height: 10px; background-color: #e91e63; border: 1px solid black;"></span> 17. Neosho County Community College, Chanute                       |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #e91e63; border: 1px solid black;"></span> 7. Cowley County Community College, Arkansas City | <span style="display: inline-block; width: 15px; height: 10px; background-color: #c8e6c9; border: 1px solid black;"></span> 18. Pratt Community College, Pratt                                 |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #ff9800; border: 1px solid black;"></span> 8. Dodge City Community College, Dodge City       | <span style="display: inline-block; width: 15px; height: 10px; background-color: #d7ccc8; border: 1px solid black;"></span> 19. Seward County Community College/Area Technical School, Liberal |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #0070c0; border: 1px solid black;"></span> 9. Fort Scott Community College, Fort Scott       | <span style="display: inline-block; width: 15px; height: 10px; background-color: #fff; border: 1px solid black;"></span> State Universities/Washburn   |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #0070c0; border: 1px solid black;"></span> 10. Garden City Community College, Garden City    | <span style="display: inline-block; width: 15px; height: 10px; background-color: #666; border: 1px solid black;"></span> Unassigned  |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #9c27b0; border: 1px solid black;"></span> 11. Highland Community College, Highland          |  |

**MAP OF SERVICE AREAS FOR KANSAS TECHNICAL COLLEGES**



- Flint Hills Technical College**  
Emporia
- Manhattan Area Technical College**  
Manhattan
- North Central Kansas Technical College**  
Beloit
- Northwest Kansas Technical College**  
Goodland
- Salina/Manhattan Shared**
- North Central/Northwest Shared**
- North Central/Salina Shared**
- Salina Area Technical College**  
Salina
- WSU Tech**  
Wichita

9 DEGREES

The following applies to all institutions governed, supervised, or coordinated by the Board of Regents:

a Definitions of Terms

- i “Office” means the Office of the Kansas Board of Regents, as represented by the administrator or designated agent.
- ii “Program” means an academic plan that is approved by the appropriate governing board and leads to an award, for example, a degree or a career/technical certificate.
- iii “Graduate degree program” or “post-baccalaureate degree program” means a program leading to a master’s or doctor’s degree conferred upon completion of a course of study for which admission can be gained only through possession of a bachelor’s degree satisfactory to the university offering the graduate instruction.
- iv “Professional practice degree program” means a program leading to a master’s or doctor’s degree conferred on completion of a course of study for which admission into some schools may be gained with less than a baccalaureate, but for which pre-admission and professional study together invariably require more time than is required for a bachelor’s degree alone, regardless of how many matriculants already have a bachelor’s degree. While these degrees may contain doctorate in the title, they are not considered research doctoral degrees.
- v “Lower-division instruction” means course content and teaching at a level appropriate for first and second-year postsecondary students generally, but available to more advanced students who have no prior experience in the subject, and “upper-division instruction” means course content and teaching appropriate for third and fourth-year students or others with a strong background in the subject.
- vi "Full-time student" means a student who is engaged in academic study as the primary occupation, thus ordinarily requiring 36 to 48 hours per week divided between interaction with teachers and independent preparation. A full-time student receives "full-time instruction," ordinarily 12 to 18 teacher hours weekly.
- vii “Part-time student” means a student who is not engaged in academic study as the primary occupation, thus ordinarily requiring less than 36 hours per week divided between interaction with teachers and independent preparation. A part-time student receives “part-time instruction,” ordinarily less than 12 teacher hours per week.
- viii “Academic Year” means a period of time approximately 9 months in length commencing with the fall term during which full-term instruction is provided. An academic year is generally divided into two equal length semesters.

b Standards

In order to receive and hold authorization to offer a given degree, an institution must remain open to inspection at all times and continuously satisfy each of the following standard requirements as written, except where the Office approves modification in writing.

i Quality

- (1) All institutions shall justify a degree offer by assuring the quality of all attendant teaching, learning, and faculty-student interaction.
- (2) The quality and content of each course or program of instruction, training, or study shall be such as may reasonably and adequately achieve the stated objective for which the course or program is offered.

ii Curriculum

The curriculum shall have a structure that reflects acceptance of responsibility by the faculty at the degree-granting institution for what is to be learned overall, as well as in each course, and thus for the logical sequence



and increasing difficulty of subjects and instructional levels. The curriculum shall reflect the distinction between the liberal disciplines and the occupations and professions, the nature of specialization in study and work, the contribution of liberal arts and sciences, and the relationship between teaching and faculty creativity. A graduate curriculum shall reflect a concept of the graduate school as a group of scholars, the faculty members of which have had extensive collegiate teaching experience and are engaged in the advancement of knowledge. Periods of study and other fundamental requirements for the five levels of academic degree are as follows:

(1) “Associate degree” means a degree consisting of courses totaling a minimum of 60 semester credit hours. Additional requirements for specific types of associate degrees follow:

- (a) “Associate in arts degree” means a transfer-oriented degree:
  - (i) Granted to those who successfully complete programs equivalent to the freshman and sophomore level requirements for a bachelor of arts degree; and
  - (ii) In which not less than 30 semester credit hours in general education are required.
- (b) “Associate in science degree” means a transfer- or professional-oriented degree:
  - (i) Granted to those who successfully complete programs equivalent to the freshman and sophomore level requirements for a bachelor of science degree; and
  - (ii) In which not less than 30 semester credit hours in general education are required.
- (c) “Associate in applied science degree” means a degree:
  - (i) Granted to those who successfully complete programs which emphasize preparation in the applied arts and sciences for careers, typically at the technical or semi-professional level; and
  - (ii) Consisting of a minimum of 60 semester credit hours and a maximum of 68 semester credit hours, in which not less than 15 semester credit hours in general education and not less than 30 semester credit hours in the area of specialized preparation are required. An exception/waiver to the 68 semester credit hour limit may be granted to meet specific criteria such as external program accreditations or other special requirements. Selected courses may transfer to a college or university upon validation of applicable coursework.
- (d) “Associate in general studies” means a degree:
  - (i) Granted to those who successfully complete programs with an emphasis on a broad range of knowledge; and
  - (ii) In which not less than 24 semester credit hours in general education and not less than 36 semester credit hours in a program of college-level work are required.
- (e) “Associate in fine arts degree” means a transfer-oriented degree:
  - (i) Granted to those who successfully complete programs equivalent to the freshman and sophomore level requirements for a bachelor of fine arts degree; and
  - (ii) in which not less than 30 semester credit hours in general education are required.
- (f) Other specific types of associate degrees may be offered upon approval by the Board office.

(2) “Baccalaureate degree” means a degree:

- (a) Requiring the equivalent of at least four academic years of full-time postsecondary study consisting

of courses totaling 120 semester credit hours in the liberal arts, sciences or professional fields. Any baccalaureate degree offered at a state university that exceeds 120 semester credit hours shall require approval by the Board of Academic Affairs Standing Committee.

(b) Incorporating in its program design a minimum of 45 semester credit hours in upper division courses. Institutions are not permitted to make programmatic exceptions.

(c) The degree shall require distinct specialization, i.e., a “major,” which should entail approximately the equivalent of one academic year of work in the main subject plus one academic year in related subjects, or two academic years in closely related subjects within a liberal arts interdisciplinary program.

(3) “Master’s degree” means a degree:

(a) Granted to those who successfully complete an educational program in the liberal arts and sciences or a professional field; and

(b) Requiring not less than one year of academic work or the equivalent in part-time attendance beyond the baccalaureate degree.

(c) The curriculum shall specialize in a single discipline or single occupational or professional area and culminate in a demonstration of mastery such as a research thesis, a work of art, or the solution of a practical professional problem.

(d) A professional practice master’s degree may be authorized for study beyond fulfillment of undergraduate requirements approved by the Office if the total period of study is at least five academic years.

(4) “Educational specialist degree” means a degree granted to those who successfully complete an educational program requiring not less than one year of academic work or the equivalent in part-time attendance beyond the master’s degree in the field of education.

(5) “Doctor’s degree” means a degree:

(a) Granted to those who successfully complete an educational program requiring three or more academic years of full-time study or the equivalent in part-time attendance beyond the baccalaureate degree and may be either a research degree or a professional practice degree. For the research degree and the professional practice degree:

(i) Study for a closely related master’s degree may be counted toward doctoral requirements.

(ii) The doctor’s degree shall represent a student’s ability to perform independently basic or applied research at the level of the professional scholar or to perform independently the work of a profession that involves the highest levels of knowledge and expertise.

(iii) Requirements for the degree shall include demonstration of mastery of a significant body of knowledge through comprehensive examination, unless a graduate must pass a similar examination in order to be admitted to professional practice in Kansas.

(b) In addition, for the research degree:

(i) Evidence of competence in independent research, usually in the form of a doctoral dissertation, is required.

(ii) The curricular program shall be appropriately broad and shall manifest full understanding of the level and range of doctoral scholarship, the function of a dissertation and its defense, the nature of comprehensive examination, and the distinction between matriculation and degree candidacy.

(6) "Honorary degree" is a degree that is awarded as an exceptional honor bestowed upon a person without the fulfillment of the usual requirements. State universities may award honorary degrees upon approval by the Kansas Board of Regents and only in accordance with the following:

(a) Criteria

(i) Honorary degrees may be conferred only upon persons of notable intellectual, scholarly, professional, or creative achievement, or service to humanity. A candidate's qualifications must be deeply grounded in a career of scholarship, research, creative activity, service to humanity or other profession consistent with the academic endeavors of the University awarding the degree.

(ii) Honorary degrees will be awarded only to exceptional candidates. Awarding this degree need not be considered an annual occurrence.

(iii) An honorary degree shall not be awarded for philanthropic activity or service to the University or the State of Kansas.

(iv) An honorary degree shall not be conferred upon any faculty member, administrator, or other official associated with the University until at least five years after such individual has been separated from the institution.

(v) An honorary degree shall not be conferred upon any holder of a Kansas elected or appointed public office until at least five years after such individual has vacated office.

(b) Process

The chief executive officer of the state university shall nominate to the Board for consideration, in accordance with K.S.A. 76-716, the name of any candidate for an honorary degree at least two months before the commencement or other event at which the degree is to be conferred. The nomination shall include such statements or materials demonstrating that:

(i) the nominee's achievements and/or service are of such exceptional character as to merit the award of an honorary degree.

(ii) the honorary degree is not sought to recognize the nominee's philanthropic activity or service to the University or the State of Kansas.

(iii) the nominee has not been a faculty member, administrator, or other official associated with the University, or has been separated at least five years from the institution.

(iv) the nominee has not held a Kansas elected or appointed public office for a least five years.

(c) At the time the agenda item is submitted, the name shall not be included; however, the state university shall send the proposed nomination, statement and materials individually to Regents and the Board President and Chief Executive Officer at least four weeks before the state university sends its agenda material requests to the Board office for the Board meeting at which the nomination is to be considered. No public communication of a proposed nomination shall be made until the name is presented for consideration to the open meeting of the Board. No candidate for nomination shall be promised an honorary degree before the Board has acted on the nomination.

(7) "Posthumous degree" is a degree that is awarded after the death of a person when the usual requirements have not been completed. Individual institutions may award posthumous degrees consistent with an institution's degree granting authority (e.g., a regional institution normally will not award doctoral degrees). It is the responsibility of each institution may establish procedures that will identify and evaluate persons nominated for

a posthumous degree. The only systemwide requirement is that, normally, the local procedures shall ascertain that the deceased was a degree-seeking student (e.g., declared major, filed plan of study).

iii Degree and Program Inventory Procedures, Policies, Definitions

(1) Only programs listed in the Program Inventory may be listed as majors or publicized as degree programs offered by the institution.

(2) The program classification code as used in the NCES document: Classification of Instructional Programs shall be used as the basis of identifying degree and certificate programs at the Kansas public postsecondary education institutions.

(3) Institutions shall report their degrees conferred each year on the Higher Education General Information Survey under the same codes as in the Degree and Certificate Program Inventory.

(4) Institutions retain the choice of “major” nomenclature, but concurrence by the Board office must be obtained in the choice of the CIP code under which majors are listed.

(5) Programs listed in the Inventory are subject to minimum degree productivity standards adopted by the Board of Regents.

(6) Additions to the Inventory require approval through the regular Board procedures for approval of new programs.

10 DEFINITION OF CERTIFICATE FOR COMMUNITY COLLEGES AND TECHNICAL COLLEGES

Community colleges and technical colleges may offer two types of certificates based upon the number of credit hours required of the student. A Technical Certificate may be granted for programs of instruction that are less than 60 semester hours in length but more than 15 semester hours. Certificates of Completion may be awarded for a course or sequence of courses not exceeding 15 semester hours.

11 COLLABORATIVE PROGRAM/DEGREE

The Kansas Board of Regents encourages and supports system-wide cooperative and collaborative efforts among postsecondary institutions within the State of Kansas and between Kansas institutions and out-of-state institutions, including international institutions.

a Definition of collaborative programs/degrees

Collaborative programs/degrees are defined as programs/degrees developed and/or approved jointly by more than one institution; students from each participating institution may study parts of the program/degree at the collaborating institutions. In this policy, “program” refers to a formal academic course of study. Although most programs result in a degree or a major within a degree, in some cases, such as teaching endorsements, a program does not result in a major or a degree.

b Requirements for collaborative programs/degrees

i All new collaborative programs must be reported to the System Council of Chief Academic Officers and the System Council of Presidents and include the following information:

(1) A brief description of the nature of the collaboration and the benefits to Kansas

(2) Lists of partners in the collaboration and degrees/certificates (if any) to be conferred by each partner

(3) Description of faculty load and faculty compensation for each partner

- (4) Tuition/fees for each partner
- (5) Description of student support services provided by each partner

- Academic Advising
- Financial Aid
- Access to facilities
- Transcribing procedures

- (6) Plans for joint use of facilities
- (7) Plans for joint purchase and/or maintenance of facilities

The purpose of the report is to announce the program and to facilitate advisory input related to issues of program duplication, and the structure/operation of the collaboration.

- ii If the program falls into either of the two categories below, a new program proposal must be submitted for Board approval in accordance with program approval policies for governed and coordinated institutions and including the information requested in paragraph b.i. above.
  - (1) The proposed program is new to any of the Kansas public collaborating institutions.
  - (2) The proposal involves an institution that is not accredited by a regional accrediting agency approved by the U.S. Department of Education, including international institutions.

Kansas public collaborating institutions should submit a single proposal. [Programs not leading to a major or degree are exempt from the requirements of paragraph b.ii.]

- iii If the program involves a private or out-of-state postsecondary institution, the private and/or out-of-state institution must have degree-granting authority in Kansas as stipulated by K.S.A. 74-32,167, as amended, of the Kansas Private and Out-of-State Postsecondary Educational Institution Act.
- iv Each of the collaborating institutions is responsible for assessing the quality of instruction and services in accordance with its institutional effectiveness plan.
- v State universities participating in collaborative degree programs must include the collaborative program in the program review process. If the collaboration involves more than one state university, the universities must coordinate the program review.
- vi Collaborative programs must be so indicated on applicable degree inventories.
- vii Discontinuation of collaborative programs, or withdrawal and/or addition of one or more collaborative partners must be reported to the System Council of Chief Academic Officers and the System Council of Presidents as an information item.

## 12 ACCREDITATION OF DEGREE GRANTING INSTITUTIONS

It is the policy of the Board of Regents that all public post-secondary institutions conferring college degrees achieve and maintain accredited status with a nationally recognized accrediting agency for higher education in the United States.

Any public post-secondary institution that has not achieved or does not maintain accredited status with a nationally recognized accreditor may be subject to loss of degree granting authority.

Each public post-secondary institution pursuing institutional accreditation shall continue to comply with all standards established by the institution's current accrediting agency; and shall submit an end of fiscal year report to the Board of Regents confirming adequate progress toward accredited status, including as applicable any supporting documentation.

13 DUAL CREDIT ENROLLMENT OF HIGH SCHOOL STUDENTS IN ELIGIBLE PUBLIC POSTSECONDARY INSTITUTIONS THROUGH COOPERATIVE AGREEMENTS ENTERED PURSUANT TO THE KANSAS CHALLENGE TO SECONDARY SCHOOL STUDENTS ACT

The Kansas Challenge to Secondary School Students Act, K.S.A. 72-3220 through 72-3224, (Challenge Act) provides a means for school districts, in cooperation with eligible postsecondary institutions, to challenge high school students by procuring early college opportunities. The Kansas Board of Regents encourages all system postsecondary institutions to collaborate with local school districts and provide dual credit opportunities to high school students through cooperative agreements entered pursuant to the Challenge Act. The Challenge Act does not mandate system postsecondary institutions to offer dual credit enrollment to students in local school districts. However, if an eligible system postsecondary institution chooses not to offer dual credit enrollment with local districts pursuant to the Challenge Act, in accordance with Board policy for Off-Campus Delivery of Academic Courses and Programs, the home institution shall allow eligible system postsecondary institutions outside the institution's service area to provide the Challenge Act opportunities with those school districts. The Challenge Act requires dual credit to be offered only through a cooperative agreement.

a Purposes of Dual Credit Cooperative Agreements

Systemwide purposes of Dual Credit Cooperative Agreements are:

i To Reduce Time-to Degree and Lower Costs

Dual Credit Cooperative Agreements enable students to get an early start on their college education, thus potentially reducing the time required to complete a degree.

ii To Challenge High School Students and Promote College-Level Success

Dual Credit Cooperative Agreements are aimed at providing a college-level learning experience for qualified students by enhancing the amount, level and diversity of learning in high school beyond the traditional secondary curriculum. Systemwide Transfer courses especially encouraged.

iii To Foster Improved Relationships Between Kansas Public Postsecondary Education Institutions and Kansas Secondary Schools

Dual Credit Cooperative Agreements are intended to foster improved relationships among stakeholders by clarifying expectations, roles, and responsibilities

b Procedures and Standards for Implementing Dual Credit Cooperative Agreements

i Requirements of Dual Credit Cooperative Agreements Entered into Pursuant to the Kansas Challenge to Secondary School Students Act

Each eligible postsecondary educational institution that accepts high school students for dual credit enrollment pursuant to the Kansas Challenge to Secondary School Students Act must have a cooperative agreement with the respective school district. The cooperative agreement shall include, but need not be limited to, the following:

(1) The academic credit to be granted for course work successfully completed by the student at the institution, which credit shall qualify as both high school and college credit;

(2) The requirement that such course work qualify as credit applicable toward the award of a degree or certificate at the institution;

(3) Except as otherwise provided in subsection b.ii below, the requirement that the student shall pay the negotiated amount of tuition and related costs charged by the institution for the student's enrollment; and

(4) The requirement that the eligible postsecondary educational institution shall notify the student or the student's parent or guardian if the course the student enrolled in is not a systemwide transfer course approved by the Board of Regents and, as a result, the student may not receive credit for such course if the student transfers to or attends another state postsecondary educational institution.

ii Payment for Dual Credit Courses

(1) The board of education of a school district, in its discretion, may pay all or a portion of the negotiated amount of tuition and related costs, including fees, books, materials and equipment, charged by an eligible postsecondary educational institution for a student's dual credit enrollment at such institution. As part of any agreement entered into pursuant to this section, the board of education of a school district shall not be required to pay any amount of tuition and required fees that are waived for an eligible foster child pursuant to the foster child educational assistance act, K.S.A. 75-53,111 et seq., and amendments thereto, except that the board, in its discretion, may pay any related costs that are not waived pursuant to that act. Any such payment shall be paid directly to the eligible postsecondary educational institution and shall be credited to the student's account.

(2) Except as otherwise provided in K.S.A. 72-3223(b), and amendments thereto, each student enrolled in dual credit enrollment courses at an eligible postsecondary educational institution pursuant to K.S.A. 72-3220 et seq., and amendments thereto, shall be responsible for the payment of the negotiated tuition and related costs, including fees, books, materials and equipment, charged by such institution for the student's enrollment.

(3) The board of education of a school district, in its discretion, may provide for the transportation of a student to or from any eligible postsecondary educational institution.

(4) School districts are precluded from paying tuition for any technical education courses that are funded as part of the Excel in Career Technical Education program, but in its discretion a school district may pay all or a portion of the negotiated amount of related costs, including fees, books, materials and equipment, charged by an eligible postsecondary educational institution for a student's dual credit enrollment at such institution.

c Definitions<sup>3</sup>

For purposes of this policy and the Kansas Challenge to Secondary School Students Act:

i "Student" means a person who:

(1) is enrolled in grades 10, 11, or 12 maintained by a school district, or a gifted child who is enrolled in any of the grades 9 through 12 maintained by a school district;

(2) has an individualized plan of study or an individualized education program;

(3) has demonstrated the ability to benefit from participation in the regular curricula of eligible postsecondary institutions;

(4) has been authorized by the principal of the school attended to apply for enrollment at an eligible postsecondary educational institution; and

(5) is acceptable or has been accepted for enrollment at an eligible postsecondary educational institution as a degree-seeking or non-degree seeking student.

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<sup>3</sup> These definitions apply for purposes of this policy and the Kansas Challenge to Secondary School Students Act. Different definitions may apply for other purposes, such as data collections requiring IPEDS terminology and definitions.



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- ii “Dual Credit Courses” as defined by the Higher Learning Commission are courses taught to high school students for which the students receive both high school and college credit and involve the accredited institution’s responsibility for the quality of its offerings.
  - iii “Dual Credit Cooperative Agreement” means a written memorandum of understanding between an eligible postsecondary institution and a school district entered pursuant to the Kansas Challenge to Secondary School Students Act for the purpose of offering dual credit courses to eligible students who receive both high school credit and college credit.
  - iv “Eligible postsecondary educational institution” means any state university, community college, technical college, municipal university, affiliated institute of technology, or accredited independent institution.
  - v “Dual credit enrollment” is a subset of dual credit and means enrollment of high school students in dual credit courses, pursuant to a dual credit cooperative agreement. Courses are taught by a postsecondary educational institution faculty member in which students receive both high school credit and college credit for completing the course.
  - vi “Concurrent enrollment” is a subset of dual credit and means enrollment of high school students in dual credit courses, pursuant to a dual credit cooperative agreement. Courses are taught by high school teachers during the regular high school day in which students receive both high school credit and college credit for completing the course.
  - vii “Dual enrollment” means enrollment of high school students in college courses outside a cooperative agreement between the district and postsecondary institution entered pursuant to the Kansas Challenge to Secondary School Students Act, in which a transcript is issued for credit from the institution without regard to high school credit. All modes of delivery of academic offerings and all campus locations are appropriate for dual enrollment courses including main campus, additional locations, and distance delivery.
- d Curriculum Standards, Course Content/Materials, and Assessment of Students Applicable to Public Eligible Postsecondary Educational Institutions
- i Courses administered through a dual credit cooperative agreement shall be university/college catalogued courses with the same departmental id, course descriptions, numbers, titles and credits. Courses must have been approved through the curriculum approval process of the postsecondary partner institution.
  - ii The high school and college-level prerequisites, the content of courses, course goals and objectives, must be the same as those for the same courses offered to students at any location or by any delivery method.
  - iii Materials such as textbooks must be comparable to those used in the same course throughout the postsecondary partner institution. Procedures for selection of textbooks and related material by high school faculty who teach concurrently enrolled students must follow the postsecondary partner’s institutional policies.
  - iv College faculty at the postsecondary partner institution shall annually, or as necessary, review concurrent enrollment courses in their discipline to ensure that:
    - (1) Concurrent enrollment students are held to equivalent grading standards and standards of achievement as those expected of students in on-campus sections;
    - (2) Concurrent enrollment students are being assessed using equivalent methods (i.e., papers, portfolios, quizzes, labs) as students in on-campus sections;
    - (3) High school faculty are utilizing an equivalent final examination for each concurrent enrollment course, as is given in a representative section of the same course taught at the public postsecondary institution awarding the course credit; and

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- (4) High school faculty are applying equivalent scoring rubric for the assigned course as is used in the on-campus course; and that course management, instructional delivery, and content meet or exceed those in regular on-campus sections.
  - (5) Remedial/developmental course work shall not be offered as a concurrent enrollment course.
- e High School Faculty
- i Qualifications
    - (1) High school faculty teaching college-level, non-tiered concurrent enrollment courses through a dual credit cooperative agreement shall meet the faculty qualifications and standards established by the nationally recognized agency that accredits the sponsoring higher education institution.
    - (2) Faculty teaching college-level tiered technical courses through a dual credit cooperative agreement shall attain instructional eligibility by meeting the academic standards established by the nationally recognized agency that accredits the sponsoring higher education institution.
    - (3) Postsecondary partner institutions may set higher standards and are responsible for meeting the accreditation requirements for all course offerings.
  - ii Orientation, Professional Development and Evaluation
    - (1) The postsecondary partner institution shall provide the high school faculty with orientation and training in course curriculum, assessment criteria, course philosophy, and administrative requirements.
    - (2) The postsecondary partner institution shall provide the high school faculty with ongoing professional development opportunities.
    - (3) Orientation and/or professional development activities shall include collaborative faculty development such as pedagogy, instructional design, course management, instructional delivery, curricular reform initiatives, and student assessment strategies.
    - (4) The postsecondary partner institution shall conduct evaluations of high school faculty teaching concurrent enrollment courses within campus faculty evaluation schedules.
- f Student Eligibility for Enrollment, Advising and Student Guides Applicable to Dual Credit Cooperative Agreements with Public Eligible Postsecondary Educational Institutions
- i High school students enrolled in dual credit courses administered through a cooperative agreement shall be enrolled as degree or non-degree/non-matriculated students at the postsecondary partner institution. Each dual credit enrolled student must meet the postsecondary partner institution's requirements for admission as a degree-seeking or non-degree/non-matriculated student. Dual credit enrolled students shall have met institutional enrollment requirements; satisfied course prerequisites; and followed institutional procedures regarding assessment/placement. In order to enroll in a dual credit course, students shall achieve the same score or sub score on a standardized placement test as is required for students enrolled in the same on-campus course. Postsecondary partner institutions may establish higher standards and are responsible for meeting the accreditation requirements for all course offerings.
  - ii Only students meeting the above requirements and authorized by the high school principal, or designee, as having an individualized plan of study or individualized education program may to apply for dual credit enrollment at an eligible postsecondary educational institution pursuant to the Kansas Challenge to Secondary School Students Act.
  - iii Advising of students who desire to enroll in dual credit courses must be carried out by both the high school and postsecondary institution.

- iv Students shall be provided with a student guide created as part of the cooperative agreement that outlines their rights and responsibilities as university/college students. The student guide shall also provide a description of how courses may be transferred in the Kansas public postsecondary education system. Student guides shall include a link to the KBOR Transfer Kansas website and/or a link to the institution's course catalog if Systemwide Transfer (SWT) courses are clearly indicated to provide notification to students of courses approved for SWT. Student guides will include implications of student enrollment in courses not approved for SWT.
  - v In order to remain eligible for participation in dual credit enrollment, a student shall remain in good standing at the eligible postsecondary educational institution.
- g Reporting of Dual Credit Enrollment Entered Pursuant to the Kansas Challenge to Secondary School Students Act
- i Each eligible postsecondary educational institution that accepts students for enrollment pursuant to the Kansas Challenge to Secondary School Students Act shall submit a report annually to the state board of regents. Such report shall include, but not be limited to, the following:
    - (1) The number of students from each school district enrolled at the eligible postsecondary educational institution, including the number of students in the custody of the secretary for children and families;
    - (2) the number of students who successfully complete the courses in which such students are enrolled at the eligible postsecondary educational institution;
    - (3) the tuition rate charged for students compared to the tuition rate charged to individuals who are regularly enrolled and attending the eligible postsecondary educational institution; and
    - (4) the amount and percentage of tuition each school district is paying pursuant to K.S.A. 72-3223, and amendments thereto.
  - ii The state board of regents shall compile and prepare a summary report of the submitted reports pursuant to subsection g.i, above, and shall submit such report to the house standing committee on education and the senate standing committee on education on or before February 1 of each year.
  - iii Institutions will report the following as a part of the regular Kansas Postsecondary Database collection:
    - (1) Demographic information for each high school student enrolled;
    - (2) Credentials of high school faculty teaching concurrent enrollment courses; and
    - (3) College credit hours generated by each high school student regardless of enrollment type.
  - iv By January 31 of each year, each public postsecondary institution shall provide to Board staff a list of high schools with which it has dual cooperative agreements. All institutions will also submit the following to the Board office:
    - (1) A sample copy of the dual credit enrollment cooperative agreements used with local school districts; and
    - (2) A sample copy of the student guide for dual credit enrollment students.
  - v All reports and information shall be reviewed for compliance and the results will be provided to the Board President and Chief Executive Officer.

#### 14 GATEWAY COURSE PLACEMENT AND DEVELOPMENTAL EDUCATION

Higher education institutions have often relied upon standardized testing to place students into gateway English and math courses. While there is a place and continued need for these assessments, a course placement system that relies solely upon test scores – which assess a student's skills and abilities through one assessment on a single day – provides a narrow

evaluation. An overreliance on standardized testing can often lead to unnecessarily forcing students into a developmental education course. Many of these students can demonstrate college readiness based on academic performance but are not good test takers or may have scored below their ability during the performance snapshot. A more holistic approach considers multiple measures for course placement – such as ACT/SAT subject scores, completing certain high school courses, or achieving a requisite high school grade point average. Multiple measures have proven to be a better predictor of success and help reduce unnecessary developmental education placements. In addition to an overreliance on standardized assessment, Kansas colleges and universities have traditionally operated under a system in which each state university or coordinated institution independently determines if a student is eligible to enroll in a gateway math or English course. As such, with no congruity, there can be up to 32 different standards – one for each higher education institution in the system – to determine if a student qualifies for enrollment in a gateway English or math course. The lack of systemwide college math and English readiness standards has created a missed opportunity to communicate clear expectations to high school teachers and counselors and their students who are planning and preparing for higher education.

When a student is deemed underprepared in math or English, prerequisite developmental education courses have been used as the primary remediation strategy. These courses do not provide credit toward a degree and add time and cost to the degree completion pathway. Equally important, students in prerequisite developmental education have consistently exhibited poor completion outcomes and this model is not aligned with evidence-based best practices that are linked to academic success. In Kansas, data has consistently shown that students who are placed into a prerequisite developmental education course(s) often fail to complete the gateway course in the corresponding subject area. By contrast, large-scale datasets from multiple states have shown that students who participate in corequisite developmental education are far more likely to complete a gateway general education course in the corresponding subject area.

There are many limitations with relying on standardized testing for course placement, using a patchwork course placement system that sends mixed messages to K-12 systems and prospective students, and primarily employing prerequisite developmental education for those students who do not meet college-readiness standards. As such, systemwide course placement measures, which include both common high school performance standards and requisite exam scores, and corequisite developmental education are critical strategies to increase clarity, affordability, and success for Kansans.

a Application and Effective Date

All state universities are required, and Washburn University and all coordinated institutions are strongly encouraged, to implement the course placement for developmental education and gateway education policies set out below in Chapter III.A.14.c. Notwithstanding Chapter III.A.6, no course credit hours for gateway math and English courses or for developmental education courses shall be deemed approved by the Board of Regents for the purposes of determining the amount of an institution’s state aid for non-tiered course credit hours, unless the institution delivering the course credit hours abides by all of the conditions detailed within this policy. The gateway and developmental course placement guidance, corequisite support section framework, and funding elements detailed in this policy shall take effect during the Fall 2026 semester and continually apply thereafter.

b Definitions

For the purposes of this policy:

- i “Coordinated institution” means each community college, each technical college, and Washburn Institute of Technology.
- ii “Corequisite support developmental education” is a support section taken at the same time (co-requisitely) – or in the same semester – as the gateway English or math course to give students extra support and increase the likelihood they will pass the gateway course. Corequisite support developmental education includes a “boot camp section,” “compressed course section,” “mandatory tutoring section,” or “supplemental course section,” as further defined in Chapter III.A.14.d.i.(1-4).

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- iii “Gateway English course” is the first college-level English course a student enrolls in to meet an English general education requirement.
  - iv “Gateway math course” is the first college-level math course a student enrolls in that is aligned to the math pathway general education requirement of the student’s declared or intended program of study. In accordance with the Kansas Core Outcomes Group course classification, Intermediate Algebra (Systemwide Transfer Code MAT0990) is a developmental course based on content and rigor and cannot be used to satisfy a general education gateway math course requirement.
  - v “Institutionally designated course placement measure” is any course placement measure that is not included in the systemwide course placement measures and is used to determine eligibility to enroll in a gateway English or math course. These measures could include, but are not limited to, vendor-based assessments, homegrown assessments, or an evaluation of non-cognitive factors such as motivation and workplace experiences. These measures are approved at the institutional level and only apply in cases in which the student did not meet any of the applicable systemwide course placement measures.
  - vi “Prerequisite developmental education” is a prerequisite course to a gateway English or math course. These courses are not college-level, do not apply toward certificate or degree requirements, are not structured to allow the student to remediate and complete the gateway course within the same academic semester, and usually delay graduation. Credit awarded for prerequisite developmental education courses shall not be used to fulfill requirements for associate or baccalaureate degrees.
  - vii “Systemwide course placement measure” is a high school performance grade standard, requisite ACT/SAT score, or other common assessment mechanism that is recognized by all coordinated and state university institutions to determine if a student is eligible to enroll in a gateway English or math course. These measures are informed by recommendations from the Systemwide Course Placement Math and English Committees and will require approval from the Board of Academic Affairs Standing Committee.
- c Course Placement for Developmental Education and Gateway Courses
- i Gateway English
    - (1) Each student who meets either a systemwide English course placement measure or an institutionally designated English course placement measure at a state university or coordinated institution shall be eligible to enroll in a gateway English course without developmental education.
    - (2) State universities and coordinated institutions shall place each student who meets neither a systemwide English course placement measure nor an institutionally designated English course placement measure into a gateway English course section and a corequisite English support developmental education section as detailed in Chapter III.A.14.d.i.(1-4).
  - ii Gateway Math
    - (1) Each state university and coordinated institution student who meets either a systemwide math course placement measure or an institutionally designated math course placement measure that is required for enrollment in the gateway math course associated with the student’s major shall be eligible to enroll in the gateway math course without developmental education.
    - (2) State universities and coordinated institutions shall place each student who meets neither a systemwide math course placement measure nor an institutionally designated math course placement measure that is required for enrollment in the gateway math course associated with the student’s major into the gateway math course and an applicable corequisite math support developmental education section as detailed in Chapter III.A.14.d.i.(1-4).
    - (3) Each student who demonstrates proficiency at a higher level than the gateway math course for the student’s major may be placed, as determined by the state university or coordinated institution, in a course that

is more advanced than the gateway math course if that course fulfills the math requirement for general education and the student's major.

d Corequisite Support Developmental Education

- i Corequisite support developmental education sections may be tailored for specific student groups and offered for different amounts of credit (up to three semester credit hours), and tuition and fees may be charged as otherwise authorized for each institution's credit-bearing courses. Credit awarded in corequisite developmental education sections shall not be used to fulfill requirements for associate or baccalaureate degrees. Corequisite support developmental education shall be delivered through one of the following sections:

(1) Supplemental course section

A student in a supplemental course section attends a corequisite support developmental education section model in which there are structured courses that run before, after, or on opposite days to the gateway course. The gateway course and the concurrent supplemental course are completed in the same semester.

(2) Mandatory tutoring section

A student in a mandatory tutoring section attends a corequisite support developmental education section model in which mandatory tutoring in a lab is required for a specified number of hours per week. The gateway course and concurrent mandatory tutoring are completed in the same semester.

(3) Boot camp section

A student in a boot camp section attends a corequisite support developmental education section model in which the first three to five weeks of the semester are typically developmental content, followed by the college-level content. Classes meet extra hours each week throughout the semester to equal the two classes or class plus lab. The boot camp and gateway course are completed in the same semester.

(4) Compressed course section

A student in a compressed course section attends a corequisite support developmental education section model in which a developmental class is typically compressed into eight weeks, and then the college-level gateway course is typically compressed into eight weeks, so that both classes are completed in the same semester. Classes meet extra hours each week throughout the semester to deliver the applicable credit hours of instruction for both the corequisite section and the gateway course within the compressed timeframes.

e Additional Guidelines

- i Except as otherwise provided by this Chapter III.A.14, to meet the developmental needs of students, Kansas public postsecondary educational institutions may offer courses in developmental reading, mathematics, english, and other content areas. Except as provided in K.S.A. 2012 Supp. 76-7,151, as amended, no funds appropriated from the state general fund for any state university shall be expended for the purposes of providing developmental courses in the areas of mathematics or language arts.
- ii The definitions of prerequisite developmental education and corequisite developmental education, including the developmental education sections detailed in Chapter III.A.14.d.i.(1-4), in this policy will be used when reporting information and gathering data.
- iii Procedures for implementation of this policy are the responsibility of the Board President and Chief Executive Officer.



15 PRINCIPLES AND GUIDELINES FOR INSTITUTIONAL AFFILIATIONS WITH STATE UNIVERSITIES

Proposals for institutional affiliations prepared by the state universities and potential partners must demonstrate potential to increase student access to higher education, enhance the quality and variety of academic programs, and provide benefits to students and the State that justify any increased costs associated with affiliation. The proposal must include an appropriate feasibility study, with third party validation of the data, that will address each of the principles and guidelines above and assess the likelihood of success in meeting the stated goals with identified resources and timelines.

- a The primary benefits of, and key reasons for, the proposal must be clearly and succinctly stated in the introduction to the proposal.
- b The affiliation proposal must clearly articulate and integrate the mission of the affiliated institution.
  - i Basic institutional purposes, service areas, scope of programming, and admissions policies must be explicit.
  - ii Teaching, scholarship and public/community service responsibilities for the affiliated institution must be delineated.
- c The affiliation proposal must define the authority and responsibilities of any local boards that are retained.
  - i The responsibility of the local board regarding decision making must be identified. Specifically, the role of the board regarding authority versus advisory must be stated.
  - ii The chief administrative officer of the affiliated institution will be appointed by and report to the chief executive officer of the state university or his or her designee.
  - iii The responsibility of a local board relative to appropriation and allocation of revenues received from property taxes will be stated in the proposal.
  - iv The functions and authority of local foundations, if retained, must be clearly articulated.
- d The affiliation proposal must explain the responsibility for the maintenance, enhancement and future expansion of the physical plant and infrastructure of the affiliated institution. The proposal must identify how physical plant decisions will be made by the chief executive officer, local board, chief administrative officer of the affiliated institution, and Board of Regents, respectively.

Alternatives to new building construction, such as new or expanded telecommunication networks, must be included in the affiliation proposal, if applicable.

- e The affiliation proposal must identify how the quality of and access to academic programs will be enhanced.
  - i Plans for the improvement, integration and/or consolidation of programs must be evident where this is consistent with the goals for the affiliation.
  - ii Pre/post affiliation performance data must demonstrate program improvements, if applicable.
  - iii Opportunities for program delivery by other state universities at the instructional sites of the affiliated institution must be identified, if applicable.
  - iv Faculty employment, evaluation, and development policies and programs must be consistent with the goals of affiliation.
  - v Plans for the integration of libraries and other academic units must be evident where this is consistent with the mission of the state university and affiliated institution.



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- f A comprehensive budget analysis of the affiliation must be included in the proposal. Such analysis will show impact on revenues and expenditures, before and after the affiliation (projected for three years).
  - g The affiliation proposal must identify administrative efficiencies and economies of scale that will be achieved. These efficiencies may consist of expenditure reductions, enhanced services, or both. The proposal must identify any efficiencies to be achieved.
  - h The affiliation proposal must delineate the mix of revenue from state, local, student, and other sources.
    - i Current or projected resources for the state universities, community colleges, technical colleges, Washburn University or Washburn Institute of Technology must not be diminished by the affiliation. This includes current or projected appropriations, or other unspecified resources, for all institutions combined or for an individual institution.
    - ii Revenue from local property taxes must contribute to support the physical facilities, students of the affiliated institution, or other purposes as identified in the proposal. (Applicable only if the affiliated institution is authorized to generate property taxes.)
    - iii If the affiliation projects an increase in expenditures by the state or increase in revenue to either of the institutions from state, local taxpayers, or students, a justification for such increases must be stated clearly.
    - iv The method for determining the tuition rate of the affiliated institution will be identified in the proposal.
  - i The affiliation proposal must address personnel matters relating to current and future employees, including topics, including but not limited to, classification, collective bargaining, retirement, and continuing contracts.
  - j The impact on accreditation of the institutions must be addressed in the context of an affiliation.
  - k The proposal must provide at least a three-year projection for student enrollment for the affiliated institutions, respectively. Population and demographic trends, or other analytical data supporting the enrollment projections, must be included.
  - l If the affiliation or merger is approved and implemented, an evaluation report from the chief executive officer to the Board will be expected no later than three years from the official date of implementation.
  - m These principles may be revised as necessary in the future, as the context for higher education evolves in the state.
- 16 PARTICIPATION IN MIDWEST STUDENT EXCHANGE PROGRAM FOR STATE UNIVERSITIES, COMMUNITY COLLEGES, TECHNICAL COLLEGES AND WASHBURN UNIVERSITY
- a Each institution shall identify the programs that will be available for enrollment of students pursuant to the Midwest Student Exchange Program (MSEP), and shall report such programs to the System Council of Chief Academic Officers as an information item.
  - b Programs will be approved or discontinued by action of the institution and reported to the System Council of Chief Academic Officers as an information item.
  - c Programs will be removed from the MSEP by action of the institution and reported to the System Council of Chief Academic Officers.
  - d Tuition for students enrolled under the MSEP shall be 150% of the participating institution's in-state resident tuition rate.
  - e Students enrolled through MSEP shall not displace qualified Kansas residents, i.e., MSEP students shall be admitted only into degree programs that have enrolled all qualified Kansas residents wishing to pursue the program.

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- f Each participating institution shall establish guidelines for program participation in MSEP.
- g Board staff will monitor student participation in MSEP via the Midwest Higher Education Compact's annual report.

#### 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;
  - 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.

#### 18 SYSTEMWIDE GENERAL EDUCATION PROGRAM

For the purposes of this policy:

“Coordinated institution” means each community college and Washburn University.

“Kansas public institution” means each state university and each participating coordinated institution.

“Major” means a field of study within a degree program, having its own curriculum. A degree program may have more than one major.

“Systemwide transfer course” means a course approved by the Board, for which faculty develop and update learning outcomes. These courses transfer to any Kansas public institution offering an equivalent course.

- a General Education Requirements at State Universities and Participating Coordinated Institutions. The general education requirements at each state university and each participating coordinated institution shall consist of the following:

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- i Effective no later than the 2024 fall semester, each Kansas public institution shall use a common systemwide general education framework within associate of arts (A.A.) degrees, associate of fine arts (A.F.A.) degrees, associate of science (A.S.) degrees, and all baccalaureate degrees.
- ii The systemwide general education framework shall include 34-35 credit hours within the following seven areas. A student shall be considered to have completed the systemwide general education framework for A.A. degrees, A.F.A. degrees, A.S. degrees, and all baccalaureate degrees by meeting the following requirements:
  - (1) English Discipline Area – 6 Credit Hours
  - (2) Communication Discipline Area – 3 Credit Hours
  - (3) Math and Statistics Discipline Area – 3 Credit Hours  
(Must be college level. Intermediate algebra shall not meet any of the math degree requirements)
  - (4) Natural and Physical Sciences Discipline Area – 4-5 Credit Hours

One course with a lab from the following subject areas:

Anatomy

Astronomy

Biochemistry

Biology

Botany

Chemistry

Earth Science

Ecology

Environmental Science

Geology

Meteorology

Microbiology

Physical Geography

Physical Sciences

Physics

Physiology

Zoology

Other subjects that the offering institution determines fit within the natural and physical sciences area

- (5) Social & Behavioral Sciences Discipline Area – 6 Credit Hours

A minimum of two courses from two of the following subject areas:

Anthropology

Criminal Justice

Economics

Ethnic and/or Gender Studies

Geography

Political Science

Psychology

Social Work

Sociology

Other subjects that the offering institution determines fit within the social sciences area

- (6) Arts & Humanities Discipline Area – 6 Credit Hours

A minimum of two courses from two of the following subject areas:

Art \*

Communications  
Cultural Studies  
Dance\*  
English  
General Humanities  
History  
Literature  
Modern and Classical Languages  
Music\*  
Philosophy  
Religion  
Theater\*

Other subjects that the offering institution determines fit within the arts and humanities

\*The application of performance courses in this subject area is at the discretion of the institution.

(7) Institutionally Designated Area – 6 Credit Hours

This area provides flexibility for each Kansas public institution to define requirements to account for societal issues, local needs, and institutional priorities (Intermediate algebra shall not meet any of the requirements in this area).

- iii Each Kansas public institution that verifies that the student has met the requirements in paragraphs 18.a.ii.(1)-(7) of this policy section shall note “KS Systemwide General Education Completed” on its official transcript.
  - iv The application of the systemwide general education requirements for transfer students is detailed in the Board’s transfer and articulation policy.
- b Incorporating Credit by Exam into the General Education Framework
- i To ensure that students have comparable opportunities to earn general education credit by demonstrating requisite knowledge and skills on national assessments, a Kansas public institution shall award credit, consistent with the provisions established in the Board’s credit by exam policy, for general education courses in:
    - (1) the subjects detailed in paragraphs 18.a.ii.(1)-(6) of this policy section; and
    - (2) any applicable subjects within the institution’s institutionally designated area selected from paragraph 18.a.ii.(7) of this policy section.
  - ii General education credit earned based on achieving a requisite score on an exam detailed in the Board’s credit by exam policy shall be noted on each Kansas public institution’s transcript and apply towards satisfying a general education requirement on the same basis as if the credit had been earned through completing the course(s).
  - iii Transferring credit awarded through credit by exam is addressed in the Board’s transfer and articulation policy.
- c Request for a Major to Deviate from Systemwide General Education Requirements
- i A Kansas public institution may request that a specific major include general education requirements that deviate from the systemwide general education requirements established by this policy by submitting a request to the General Education Council. A Kansas public institution that receives approval to modify one or more requirements of the systemwide general education framework for a specific major shall use the remaining portions of the systemwide general education framework that were not included in the approved modification. The General Education Council shall issue a recommendation to approve or deny the request. The General Education Council’s recommendation shall be submitted for review to the Board President and Chief Executive Officer who will determine if the request is approved or denied. Each request shall include a degree requirements sheet outlining the proposed general education requirements (disciplines, course title options, and credit hours), the

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major requirements (course titles and credit hours), and any other course requirements that are needed to complete the degree and shall address the following:

- (1) Identify the major for which the institution is requesting to modify the systemwide general education requirements and/or add to the systemwide general education requirements.
- (2) If requesting a modification, identify the discipline area(s) of the systemwide general education framework that the institution seeks to modify.
- (3) If requesting to add credit hours to the systemwide general education requirements, identify the addition being requested.
- (4) Identify the challenges the systemwide general education requirements create for students in this major (if, for example, it extends the time to degree beyond four years, or results in certain critical courses being left out of a major).
- (5) Identify the systemwide transfer courses that can be applied to satisfy the modified systemwide general education requirements and/or additions to the systemwide general education requirements.
- (6) Identify any accreditation and/or licensure requirements associated with this major that make it impossible to employ the systemwide general education requirements.
- (7) Detail how the institution will ensure that the potential modified general education or additional general education requirements will not create barriers to transfer students.

### d Coordinated Institutions Opting Out of this Policy

- i Any coordinated institution may opt out of participating in this policy and its required application to the Board's transfer and articulation policy in Chapter III.A 2.g. If a coordinated institution wishes to opt out, the institution's president shall submit written notification to the Board, which will be discussed as an informational agenda item at a regular Board meeting. For each coordinated institution that opts out, all systemwide general education program and transfer-related academic advising, marketing, and general information content will explicitly note that the institution declined to participate in the systemwide general education program.

### e Reporting

#### i Annual Submissions

- (1) Each Kansas public institution shall annually submit the following, which will be subject to verification from the General Education Council. Some of these elements will be published on the Board of Regent's website:
  - (a) a list of the courses meeting the systemwide general education discipline area requirements in paragraphs 18.a.ii.(1)-(6) and the institutionally designated area in paragraph 18.a.ii.(7);
  - (b) a list of the majors in which the Board President and Chief Executive Officer has granted permission to deviate from the systemwide general education requirements; and
  - (c) a list of the majors in which the Board President and Chief Executive Officer has granted permission to continue requiring a specific general education course – and not waive such a course requirement – for a transfer student who has completed the systemwide general education or completed a systemwide general education discipline area requirement. See 2.g.v. for more information.
- (2) Board Staff Report
  - (a) Board staff shall submit an annual report to the Board that includes:

- (i) a list of the majors at each Kansas public institution in which the Board President and Chief Executive Officer has granted permission to deviate from the systemwide general education requirements; and
    - (ii) a list of the majors at each Kansas public institution in which the Board President and Chief Executive Officer has granted permission to continue requiring a specific general education course – and not waive such a course requirement – for a transfer student who has completed the systemwide general education or completed a systemwide general education discipline area requirement.
  - ii Other Submissions
    - (1) As determined by the Board of Academic Affairs Standing Committee, Kansas public institutions shall submit a degree map for each major it offers. These are term-by-term sample course schedules that specify milestones, courses, and special requirements that are necessary for facilitating timely degree completion. The review of the degree maps will include a focus on how the systemwide general education is integrated into the maps. Additionally, an emphasis will be placed on interpreting the pathway to completion through the lens of a prospective, current, and transfer students because this tool will serve as a planning resource for all of these students; and
    - (2) As needed, the General Education Council may request additional information pertaining to this policy and/or general education transfer.
- f General Education Council
  - i A General Education Council comprised of college and university representatives shall be established. The members of the General Education Council shall be approved by the Board President and Chief Executive Officer. The General Education Council shall:
    - (1) Review and verify the annual submissions detailed in subsection 18.e.;
    - (2) review and issue recommendations to the Board President and Chief Executive Officer when an institution submits a request to deviate from the systemwide general education requirements, as detailed in subsection 18.c.;
    - (3) investigate and act upon institutional and/or student complaints, with input from the Board President and Chief Executive Officer and/or Board, as needed, regarding the systemwide general education program requirements policy and its application to the Board’s transfer and articulation policy;
    - (4) issue guidance, with input from the Board President and Chief Executive Officer and/or Board, as needed, regarding the Board’s systemwide general education requirements policy and its application to the Board’s transfer and articulation policy; and
    - (5) develop a procedures document to guide the Council’s activities.

**B FISCAL MANAGEMENT** (see Chapter II., Section B. for additional fiscal management policies applicable to state universities)

1 UNIFIED STATE APPROPRIATION REQUEST

Pursuant to K.S.A. 74-3202c, the Board of Regents develops a unified budget for state funding of state universities, community colleges, technical colleges, Washburn University and the Washburn Institute of Technology, presents that budget to the Governor and the Legislature each year, and receives and allocates the state funds appropriated to the Board for those institutions in accordance with any legislative directives.

2 KANSAS TECHNOLOGY INNOVATION AND INTERNSHIP GRANTS

Under the authorization of the Board of Regents, the Board President and Chief Executive Officer established the following procedures

Procedures

a Background

K.S.A. 74-32,429 et seq. establishes the Kansas Technology Innovation and Internship program for:

- i start-up support for innovative technical courses or programs in emerging technologies, manufacturing or areas of skill shortages; or
- ii internships to enable faculty of a career technical education institution to work in a business/industry setting or to enable employees from business/industry to work in an educational setting at a career technical education institution.

b Participation

Any “career technical education institution” may participate in the program. For purposes of this provision, “career technical education institution” shall mean any “community college,” “technical college” or “institute of technology,” as those terms are defined in K.S.A. 74-32,407, and amendments thereto.

c Conditions for Participation/Application Guidelines

- i Private business must provide financial or in-kind support, or any combination thereof, to the career technical education institution equaling 100% of the amount of the grant request. A letter from the business/industry validating this support must accompany the grant application.
- ii Technology Innovation grants
  - (1) The technical course or program must be new to Kansas, or, if an equivalent course or program is already in existence in Kansas, the new course or program is not offered at a site within 100 miles of a site at which the existing, equivalent course or program is offered.
  - (2) The technical course or program must relate to a business or industry located in the service area of the career technical education institution.
  - (3) The technical course or program must relate to emerging technologies, manufacturing or areas of skill shortages. Board staff will determine if an area has a skill shortage by utilizing data from multiple sources.
  - (4) The application must include a plan for implementation of the grant if awarded. The application must explain how the grant project is innovative in addressing emerging technologies, manufacturing, or areas of skill shortages.



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(5) The application must include a budget and budget narrative for the grant that has been signed by the institution's president.

### iii Internship grants

(1) Internship grants may be awarded to full-time career technical faculty to participate in an internship with a business, industry, or other agency, for the purpose of upgrading knowledge and skills in a particular profession, vocation, or trade. Similarly, full-time employees in private industry or other agencies may participate in an internship in a postsecondary career technical education institution.

(2) A career technical teacher or employee from business/industry may be awarded no more than two internships over a three-year period.

(3) The internship may range from a minimum of two weeks to a maximum of 16 weeks during the award period.

(4) The state funds may be used to support the internship salary, which shall not exceed \$30 per hour with a maximum salary of \$1,200 per week. The maximum grant from state funds for an internship shall not exceed a total of \$6,000, inclusive of all proposed expenditures.

### d Allowable Expenditures

i Technology Innovation grants: Instructional salaries, equipment, instructional supplies and materials, curriculum development, vendor training, and other related costs pre-approved by Board staff and itemized in the application budget.

ii Internship grants: salaries, internship related travel, and related training costs itemized in the application budget.

### e Transfer and Expenditure of Funds

i. Technology Innovation grants: Upon implementation of the grant activities, an institution may request up to 80 percent of the grant funds. The remaining 20 percent of the awarded funds may be requested from Board Finance and Administration staff upon submission and approval of all completed Board final reports. Funds must be expended within the award period. A postsecondary educational institution must act as the fiscal agent for the grant funding.

ii Internship grants: Upon completion of the internship activities, a postsecondary institution acting as the fiscal agent for the funds may request the awarded funds from Board Finance and Administration staff upon submission and approval of all completed Board final reports. Funds must be expended within the award period.

### f Reporting Requirements

i. Technology Innovation grants: All final reports must be submitted to Board staff regarding the outcomes of the grant project within the specified timeframe and prior to the release of the final 20 percent of the awarded funds.

ii Internship grants: Interns and their supervisor(s) must submit all required final report forms, timesheets, and evaluation reports to Board staff upon completion of the internship within the specified timeframe and prior to the release of the awarded funds.

### g Application Forms

Electronic application forms for both the Innovative Technology and Internship grants are available from Board workforce development staff.

### h Application Timeframe

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Grant announcements will be made periodically during the year as funds are available. Grants are awarded on a competitive basis.

### i Allocation of Funds for Grants

Each year the Board President and Chief Executive Officer, or designee, will determine the amount of funds available for grants.