

## **KANSAS BOARD OF REGENTS**

### **MINUTES**

November 15, 2023

The November 15, 2023, meeting of the Kansas Board of Regents was called to order by Chair Jon Rolph at 1:35 p.m. The meeting was held in the Memorial Union at Emporia State University, 1331 Market Street, Emporia, KS 66801. Proper notice was given according to law.

MEMBERS PRESENT:

- Jon Rolph, Chair
- Carl Ice, Vice Chair
- Blake Benson
- John Dicus
- Alysia Johnston
- Cynthia Lane
- Diana Mendoza
- Neelima Parasker
- Wint Winter

### **WELCOME**

Chair Rolph welcomed everyone to Emporia State University and thanked them for hosting.

### **APPROVAL OF MINUTES**

Regent Dicus moved that the minutes of the September 20-21, 2023, meeting be approved. The motion was seconded by Regent Benson. The motion carried.

### **CONSIDERATION OF DISCUSSION AGENDA**

#### *Other Matters*

#### **RESPONSES TO STUDENT ATHLETE HEALTH CARE TASK FORCE RECOMMENDATIONS**

Elaine Frisbie, Vice President of Finance and Administration, reminded the Board that this agenda item is a continuation from last month's meeting when KU, KSU, and WSU presented. A task force was formed and presented its recommendations to the Board in June of 2023. The U.S. Council for Athletes' Health (USCAH) assisted the task force with a comprehensive assessment and collaborated with each institution to produce a comprehensive report. The report was generated with strengths and opportunities at each campus understanding the recommendations would be implemented differently for each athletic department. ESU, FHSU, and PSU will be presenting their responses today.

David Spafford, Vice President and Director of Athletics for Emporia State University, provided an overview of ESU athletics including student-athlete accomplishments. He presented the following growth opportunities:

- Determine formal arrangements with Newman Regional Health;
- Clinical oversight, organizational structure, and leadership – develop an Associate Athletic Director and Sports Medicine role;
- Policy and procedure development, education, compliance, and review processes related to student-athlete health and safety;
- NCAA-required health and safety education and compliance;
- Compliance and education – Culture of accountability;
- Performance reviews for personnel and internal and external reviews for all athletic department support departments;
- Staffing – Planning to add an Associate Athletic Director for Sports Medicine, a fourth full-time Assistant Athletic Trainer, and a second graduate assistant for strength and conditioning;
- Facilities – Plan to improve space and delivery of care; and
- Documentation and records retention.

Vice President and Director of Athletics Spafford reported that staff members have been assigned recommendations with timelines of completion. ESU is tracking with an internal audit to completion.

Nathaniel Hepner, Head Athletics Trainer for Fort Hays State University, reported that FHSU took this opportunity to bolster the Sports Medicine Department to grow the Student Athlete Health Care System, and to incorporate the entire University's resource availability to enhance all FHSU Student Health Care. He shared his excitement on the creative ways FHSU will address these recommendations. He identified the following growth opportunities:

- Policy and procedures: create a separate sports medicine policy and procedures manual, develop policy and procedures for sports psychology and behavioral services and strength and conditioning; establish an education and compliance process for all sports medicine policies and procedures; establish a formal process for all stakeholders to receive notification when policies change; establish an evaluation process for ensuring compliance with all sports medicine policies and procedures; and develop an annual review and revision process for all sports medicine policies and procedures.
- Emergency Action Plans (EAP) and emergency planning: create a separate sports medicine EAP manual; create an education and compliance process for all sports medicine EAPs; develop a formal process to notify all stakeholders when EAPs change; and begin an annual review and revision process for all sports medicine EAPs.
- EAPs for non-traumatic catastrophic events: create EAPs for moderate or severe traumatic brain injury, exertional rhabdomyolysis, and exertional and non-exertional collapse.
- NCAA required health and safety education and compliance: create a process to deliver the required health, safety, and wellness education to every stakeholder consistently, with compliance and tracking of all individual completions.
- Additional healthcare personnel: identify resources for additional staffing of healthcare personnel, including athletic trainers, team physicians, and strength and conditioning, nutrition, and mental health personnel.

- Enhance health care programming: improve access to nutritional clinical care and nutritional education programming; create a process for sports medicine professionals' collaboration and coordination for disordered eating care and performance nutrition; and consider having meal programming for student athletes through dining services and fueling stations for student athletes.
- Documentation and records retention: create a process for athletic trainer documentation of services as soon as possible after care is rendered; create a process for strength training and conditioning documentation, workout approval, and medical oversight; create a process for student athletes to be examined for any conditions sustained during athletic participation following their season or career; and consider having a unified electronic medical records system across all sports medicine disciplines.
- Future engagement and forward thinking: facilities, MOU with Hays Med, American Health Care Administration transition, and staffing.

Dr. Ryan Sorell, Team Physician and Athletics Health Care Administrator for Pittsburg State University, reported that PSU evaluated the growth opportunities and presented current processes and future plans to address the recommendations. Dr. Sorell set those out as follows:

- Staffing and resources: growth potential exists in nutrition, mental health, strength and conditioning, athletic training, clear lines of accountability, and the appointment of a medical review officer. PSU will coordinate additional nutritional resources through Aladdin, identify an athletics mental health point person at Bryan Student Health Center, hire two additional athletic trainers, and revise and clarify the athletics organization chart.
- Annual reviews: PSU will implement a formal and consistent annual review process across all areas (staff performance, area performance, student satisfaction, policy/procedure review). It will perform an institution-wide employee review process overhaul, establish a student-athlete exit interview format and process, and conduct student-athlete satisfaction surveys.
- Policies and procedures: PSU will expand athletics policies and procedures, including policies that govern student-athlete education around drugs and alcohol, nutrition, sleep, and mental health. It will put in place an annual review process for all policies and procedures, and it will review EAPs regularly and practice them annually.
- Best practices: PSU will build consistency in managing electrical medical records; expand baseline scoring beyond concussions to strength, flexibility, cognition, and reflexes; grow nutrition support through partnership with Aladdin and internal certifications; maintain rehabilitation equipment; and grow its supply of emergency care equipment (AEDs, spine boards, and epi pens).
- Successes: PSU has a strong and growth partnership with Freeman Health System and Community Health Center of Southeast Kansas. This results in short notice visits, rapid diagnostics, and expanded mental health services, on-site physical therapy, a good ratio of athletic trainers to student-athletes with minimal gaps, and a wide variety of doctors across specialties available to work with student athletes.

Regent Winter inquired about the mental health needs among student-athletes. Dr. Sorell stated there are multiple stressors, such as social media stresses, the pandemic, the demand of being an athlete. He also noted there is currently less of a stigma attached to students acknowledging their

struggles. He reported the need to identify the issues and provide an opportunity for students to receive counseling and continuing services in a timely manner.

Regent Mendoza expressed appreciation for the expansion of women's sports programs highlighted by today's presenters. Regent Rolph thanked the universities for their presentations.

(PowerPoint Presentations filed with Official Minutes)

## **INTRODUCTIONS**

President Muma introduced Dr. Jennifer Friend, Wichita State University's new Dean of the College of Applied Studies; Dr. Marie Bukowski, new Dean of the College of Fine Arts; and Dr. Brent Mai, new Dean of Libraries. President Hush introduced two student leaders: Associated Student Government (ASG) President Sophia Dawson, and ASG Vice President Camila Viorel. President Flanders introduced Adam York, Kansas Board of Regents Director of Government Relations.

## **GENERAL REPORTS**

### **REPORT FROM CHAIR**

Chair Rolph welcomed everyone to ESU and extended his appreciation to ESU for hosting today along with KU and KUMC for hosting last month's campus visits. He recognized Regent Ice on his induction into the Kansas Business Hall of Fame. He reported there was a 10% increase in high school participation in Apply Kansas over 2022. He thanked everyone involved in the Free Application Days initiative. He stated the Board is looking forward to the ESU campus visit tomorrow and to meeting with students, faculty, staff, and community members. He reported he is cancer free and thanked everyone for their support.

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

President Flanders thanked the entire system for their execution of the Free Application Days initiative. He reported statistics regarding the need for post-secondary education. He extended his appreciation to the universities, community colleges, technical colleges and independent colleges. He congratulated Hector Martinez, Board of Regents Director of Adult Education, on becoming President-Elect of the Coalition on Adult Basic Education, which is an association with over 45,000 members.

### **REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS**

Jolynn Dowling, WSU Faculty Senate President, presented the report for the Council of Faculty Senate Presidents on behalf of Dr. Don Von Bergen. She reported the Faculty Student Presidents are working on the Faculty of the Year Award which will be awarded in the spring. She reported interest in the Academic Affairs vacancies with particular interest in disseminating to their respective constituents. She inquired about faculty representatives serving on the search committees to ensure knowledge of university systems, the role of faculty, and university curriculum and instruction.

### REPORT FROM STUDENTS' ADVISORY COMMITTEE

The Students' Advisory Committee report was presented by Caleb Stout. Mr. Stout reported the Committee has been meeting biweekly to discuss the goals and interests as student leaders. The Committee members are collaborating to understand how to best partner with the Board on dual and concurrent enrollment and on items to take to the Legislature. The Committee is planning Kansas Higher Ed Day which will be in February.

### REPORT ON BUILDING A FUTURE DASHBOARD

Regent Lane presented on updates to the pillar one dashboard. She stated a year ago the Board determined the need to create a dashboard to continue the focus on data relevant to student success. At that time a committee was formed to identify the pillar one metrics for affordability, access, and success. The Board approved the specific items measured within each of the metrics. The data team created a dashboard that is now active on the Kansas Board of Regents website. Regent Lane noted that during today's Board Academic Affairs Standing Committee meeting, the Committee reviewed supporting metrics to enhance the foundational metrics. Those metrics are the percentage of students participating in co-requisite versus developmental education courses, sufficient course load completion, and high school enrollment by different demographic groups. She stated there are four supporting metrics that will be discussed during BAASC meetings starting in January: FAFSA completion rates, transfer students by program, high school students enrolled concurrently at Fall census, and sufficient course load enrollment at Fall census. She reported the data on advising and grades will be reported individually by the universities until it can be collected through, for example, EAB Navigate. Additional proposed supporting metrics include students participating with centralized professional advisors, students accessing support services, students retained relative to those flagged in early alert systems, courses with a high number of students falling behind, progress of students with below average grades, and students with passing grades relative to those flagged in early alert systems. Regent Lane stated they will continue to learn and adjust while reviewing data to ensure advancement of student success. Regent Rolph thanked everyone for their work on the data dashboard.

(PowerPoint Presentation filed with Official Minutes)

## STANDING COMMITTEE AND OTHER REPORTS

### ACADEMIC AFFAIRS

Regent Lane presented the Board of Academic Affairs Standing Committee report. BAASC held a virtual meeting on October 31, 2023, and met in person today. At the October 31 meeting, BAASC approved performance funding reports. Regent Lane noted that they were extremely informative. During today's BAASC meeting, WSU presented a request to offer a foreign language course outside of its service area as a dual credit course. The Committee received reports on transfer and articulation quality assurance, open education resources, data dashboard, and an update on academic affairs. To conclude the meeting, universities reported good news from their campuses.

### FISCAL AFFAIRS AND AUDIT

Regent Benson presented the Fiscal Affairs and Audit Standing Committee report. The Committee welcomed Emporia State University's new Chief Financial Officer, Angela Wolgram. The Board's

Director of Finance and Administration, Becky Pottebaum, presented the Board Office's operating budget, including how the agency uses federal and state money for its operations. Director Pottebaum then presented the annual internal audit of the Alumni Account for Fiscal Year 2023. The Committee was pleased to hear that no discrepancies were identified and that transactions were all found to be consistent with allowable uses. The Committee then reviewed the items on the Board's agenda related to Fiscal Affairs. Director of Facilities, Chad Bristow, gave an update on the capital renewal initiative and explained that the new deferred maintenance report will be presented next month. Vice President Frisbie reported that Legislative Division of Post Audit's (LPA) work is underway on state university spending for diversity, equity, and inclusion (DEI) activities and foreign gift reporting. LPA staff are interviewing university personnel and working to arrive at a definition of DEI to collect data from the universities. She reported that LPA plans to complete the audit in February 2024.

### GOVERNANCE

Chair Rolph reported that the Governance Committee approved an affiliation agreement between Fort Hays State University, Northwest Kansas Technical College, and North Central Kansas Technical College. He recognized the exceptional leadership involved in that process. The Committee received a progress update toward amending the Board's policy on non-reappointment of university employees other than tenured and tenure-track faculty, and standardizing notice requirements. A report was received on proposed new regulations for the adult learner program and the Committee approved moving forward with the process to adopt those regulations. ESU presented its campus safety and security report. Chair Rolph stated that an orientation on the CEO compensation policy data and process was given for the Committee's new members.

### RETIREMENT PLAN

Regent Ice reported the Board of Regents retirement plans' assets exceeded 6 billion dollars as of June 30, 2023. He reported that the Board of Regents Retirement Plan Committee holds semiannual meetings. At its most recent meeting on October 17, 2023, the Board's investment consultant, Advanced Capital Group reviewed the plans' investment options and performance. After hearing the report, the Committee removed one investment option from its investment watch list and kept two others on the watch list. The Committee approved updates to its charter and vendor management document, which are on today's agenda for the Board's consideration. He reported the Committee adopted new plan provisions, and that it heard a presentation on a new default investment option that the Committee is considering.

### APPROVAL OF CONSENT AGENDA

Regent Dicus moved, with the second by Regent Winter, that the Consent Agenda be approved. The motion carried.

#### *Academic Affairs*

#### OFF-CAMPUS FACE-TO-FACE COURSES IN KC METRO FOR WICHITA STATE UNIVERSITY

Wichita State University received approval to conduct face to face courses at Shawnee Mission South High School. Off-campus face-to-face academic courses and programs that are (1) not part of an approved off-campus academic specialty

program, and (2) 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 need and demand and a justification for any duplication. The courses WSU seeks to provide are Elementary Arabic I, Elementary Arabic II, and Intermediate Arabic. KU and PSU have indicated support for WSU to offer these courses at Shawnee Mission South High School.

*Fiscal Affairs and Audit*

ACT ON REQUEST TO RAZE BUILDING AND APPROVE ALLOCATION OF FY 2024 BUILDING DEMOLITION FUND FOR BRENNAN HALLS I, II, and III - WSU

Wichita State University received approval to raze Brennan Halls I, II, and III which are located on the south side of 17th Street along Yale Avenue. Following demolition, the building site will be returned to green space. WSU was authorized to use the FY 2024 Building Demolition Fund to finance a portion of the cost. The anticipated total project cost to raze the structures (including abatement of hazardous materials) is \$1,110,000. WSU plans to use \$895,000 from the FY 2024 Building Demolition Fund appropriation to raze the three buildings, and the remaining \$215,000 will come from carry over from WSU's FY 2023 allocation for the Intensive English Language Center and Intensive English Annex demolition project fund balance.

AMEND THE FY 2024 CAPITAL IMPROVEMENT PROJECT PLAN FOR MCKNIGHT PRINTMAKING VENTILATION PROJECT - WSU

Wichita State University received authorization to amend its FY 2024 Capital Improvement Project Plan to change the funding source for the McKnight Printmaking Ventilation Project from the FY 2024 Capital Renewal Fund (SGF) to the FY 2024 Educational Building Fund (EBF) allocation.

AMEND THE FY 2024 CAPITAL IMPROVEMENT PROJECT PLAN AND ACCEPT THE PROGRAM STATEMENT FOR SOCCER FIELD - PSU

Pittsburg State University received approval to amend its FY 2024 Capital Improvement Project Plan and to accept the program statement to build a soccer field with synthetic turf to serve the new women's soccer program for the 2024-25 season. The \$2.5 million project will be financed entirely with private funds, will be completed ahead of the Fall 2024 semester, and can accommodate future site amenities as the new sports program grows.

AMEND THE FY 2024 CAPITAL IMPROVEMENT PROJECT PLAN AND ACCEPT THE PROGRAM STATEMENT FOR THE MCRAE HALL HEATING AND COOLING SYSTEM REPLACEMENT PROJECT - PSU

Pittsburg State University received authorization to amend its FY 2024 Capital Improvement Plan and to accept the program statement for the replacement of the failing variable refrigerant flow system that provides heating and cooling to

McCray Hall. The project construction cost is estimated to be just over \$2 million and will be funded by the university's allocation from the Educational Building Fund. The work is expected to begin in Spring 2024 and to be completed in Summer 2024.

AMEND THE FY 2024 CAPITAL IMPROVEMENT PROJECT PLAN AND ACCEPT THE PROGRAM STATEMENT FOR THE STUDENT RECREATION CENTER/KANSAS NATIONAL GUARD ROOFING PROJECT - PSU

Pittsburg State University received approval to amend its FY 2024 Capital Improvement Plan and to accept the program statement to recover an existing modified bitumen roof with a new thermoplastic polyolefin single-ply roofing membrane and edge flashing for the Student Recreation Center / Kansas National Guard building. Maintenance Renewal monies will fund the work scheduled to be bid through the Department of Administration's state processes, to begin in Spring 2024 and to be completed in Summer 2024.

AMEND THE FY 2024 CAPITAL IMPROVEMENT PROJECT PLAN AND APPROVE PROGRAM STATEMENT TO RENOVATE THOMPSON HALL - KSU

Kansas State University received authorization to amend its FY 2024 Capital Improvement Plan and to accept the program statement for renovations to Thompson Hall. Renovation of the space is scheduled to begin in May 2024 and be completed in September 2024. The estimated cost is \$9.0 million, to be funded with capital renewal and university funds.

ACT ON REQUEST TO RAZE BUILDING AND APPROVE ALLOCATION OF FY 2024 BUILDING DEMOLITION FUND FOR SWINE BARN - KSU

Kansas State University received approval to raze the swine barn located at the Swine Teaching and Research Center and utilize \$200,000 from the Building Demolition Fund to finance the demolition. The building will be razed in Spring 2024.

ACT ON REQUEST TO APPROVE PROGRAM STATEMENT TO CONSTRUCT SWINE NURSERY BARN - KSU

Kansas State University received program statement approval to construct a new nursery barn at the Swine Teaching and Research Center in the same location as the facility to be razed in Spring 2024. Construction of the nursery barn is scheduled to begin May 2024 and be completed in September 2024. The estimated cost is \$832,000 to be funded with Department of Animal Science and Industry funds and private donations.

ACT ON REQUEST TO INCREASE PROJECT BUDGET TO RAZE BUILDING AND APPROVE ADDITIONAL ALLOCATION OF FY 2024 BUILDING DEMOLITION FUND FOR EDWARDS HALL - KSU

Kansas State University received authorization to amend its FY 2024 Capital Improvement Plan and accept the revised program statement for demolition of



Edwards Hall. Following the Board's approval to raze the building in June 2022, a contractor was selected to complete demolition and disposal of the building. After realizing abatement of the building would be much more costly than anticipated, the contractor forfeited the bid bond and withdrew from the project. The need to treat the full demolition as an abatement project for removal and disposal increased the project budget from \$1 million to \$2,504,547. The university requests an additional \$1,504,547 from the Building Demolition Fund to properly abate, demolish, and dispose of the building.

#### ACT ON REQUEST TO APPROVE LEASE – PSU

Pittsburg State University received approval to enter into a three-year lease agreement with the Kansas Bureau of Investigation (KBI). The KBI will use the space as temporary laboratory, storage, and workspace while it seeks a permanent facility in Pittsburg. The KBI will make monthly payments of \$5,000.

#### Technical Education Authority

#### NEW PROGRAMS FOR LABETTE COMMUNITY COLLEGE, SALINA AREA TECHNICAL COLLEGE, AND HUTCHINSON COMMUNITY COLLEGE

Labette Community College received authorization to offer an Associate of Applied Science (60 credit hours) in Diagnostic Medical Sonography (51.0910). The college plans to begin the expanded proposed program in the spring of 2024 and estimates the initial cost of the proposed program expansion at \$273,272.

Salina Area Technical College received approval to offer a Technical Certificate C (53 credit hours) and Associate of Applied Science (65 credit hours) in Industrial Machine Mechanic (47.0303). The college plans to begin the proposed program in the fall of 2024 and estimates the initial cost of the proposed program at \$4,669,245.

Hutchinson Community College received authorization to offer a Technical Certificate A (24 credit hours) in Audio Technology (10.0203). The college plans to begin the proposed program in the spring of 2024 and estimates the initial cost of the proposed program at \$38,118.

#### PROMISE ACT PROGRAM FOR LABETTE COMMUNITY COLLEGE AND SALINA AREA TECHNICAL COLLEGE

The following programs were approved to become Promise Eligible programs:

- Labette Community College: Diagnostic Medical Sonography (51.0910), which falls under the Mental and Physical Healthcare category specified in legislation.
- Salina Area Technical College: Industrial Machine Mechanic (47.0303), which falls under the Advanced Manufacturing and Building Trades category specified in legislation.

**EXCEL IN CTE FEES FOR SALINA AREA TECHNICAL COLLEGE'S INDUSTRIAL MACHINE MECHANIC PROGRAM**

Excel in Career Technical Education fees for the below program were approved:

- Salina Area Technical College: Industrial Machine Mechanic total \$430. Fees include \$120 for uniforms, \$250 for textbooks, and \$60 for an OSHA exam. Additionally, students have the option to purchase a tool kit for \$1,000.

**REASSIGNMENT OF COURSE METHODOLOGY**

The re-assignment of Pharmacology courses into program-specific buckets for FY 2023 funding calculations was approved.

*Other Matters*

**ACT ON AMENDMENTS TO RETIREMENT PLAN COMMITTEE CHARTER AND VENDOR MANAGEMENT DOCUMENT**

Amendments to the Retirement Plan Committee Charter and the Vendor Management Document were approved.

**BREAK**

At 3:00 p.m., Chair Rolph called for a break. At 3:20 p.m., the meeting resumed.

**CONSIDERATION OF DISCUSSION AGENDA**

*Academic Affairs*

**RESULTS OF THE FAFSA CHALLENGE AWARDS**

Tara Lebar, Associate Director of Academic Affairs, presented the results of the FAFSA (Free Application for Federal Student Aid) Challenge. This program, which started in February 2021, recognizes the high schools with the highest FAFSA completion percentage and the most improved FAFSA completion percentages in each KSHSAA athletic division. Associate Director Lebar recognized the top schools in each category (listed below) and noted that each of them will receive a commemorative award and will be recognized on the Kansas FAFSA Challenge Webpage and on social media. The Board members congratulated all the winners.

	<b><u>Highest FAFSA Completion Percentage</u></b>		<b><u>FAFSA Completion</u></b>
6A	Blue Valley Northwest High School	Overland Park, KS	59%
5A	Sumner Academy of Arts & Science	Kansas City, KS	83%
4A	Hayden Catholic High School	Topeka, KS	74%
3A	Humboldt High School	Humboldt, KS	100%
2A	Wichita County Jr-Sr High School	Leoti, KS	85%
1A	*Axtell High School	Axtell, KS	100%

	*Brewster High School	Brewster, KS	100%
	*Kiowa County High School	Grainfield, KS	100%
	*Tipton Catholic High School	Tipton, KS	100%
Virtual/ Academy	Northeast Magnet High School	Wichita, KS	62%

\*1A schools tied with 100% FAFSA completion.

	<b><u>Most Improved FAFSA Completion Percentage</u></b>		<b><u>FAFSA Completion</u></b>	<b><u>Percent Improvement</u></b>
6A	Wichita High School Northwest	Wichita, KS	59%	+59.7%
5A	Newton Senior High School	Newton, KS	63%	+28.1%
4A	Rose Hill High School	Rose Hill, KS	54%	+70.2%
3A	Atchison County Comm. HS	Effingham, KS	37%	+63.7%
2A	Jefferson Co. North High School	Winchester, KS	64%	+77.3%
1A	Brewster High School	Brewster, KS	100%	+119.8%
Virtual/ Academy	Kansas Connections Academy	Elkhart, KS	37%	+75.6%

Regent Rolph thanked Tara for her leadership.

**BACHELOR OF SCIENCE IN CRIMINALISTICS - FHSU**

Karla Wiscombe, Interim Vice President for Academic Affairs, presented FHSU’s request to offer a Bachelor of Science in Criminalistics (43.0402). This program will total 120 semester credit hours. The university’s estimated cost of the program for the first three years is as follows: year one - \$41,930, year two - \$76,408, year three - \$121,637. Student tuition and fees along with state funding will finance operating expenses to offer the program. Regent Lane reported the discussion in BAASC included ensuring courses are congruent with systemwide transfer courses and understanding the need for the program. Regent Ice asked about the enrollment projections. Jill Arensdorf, Provost and Vice President for Academic Affairs, reported they plan to meet the calculated enrollment projections. She stated that currently for students to pursue this track, it would require them to double major, completing 150 credit hours. Adding this program would allow students to graduate sooner with only 120 credit hours. Dr. Arensdorf reported these students would be equipped to work within the lab and in the court room. Regent Benson moved to approve, and Regent Mendoza seconded. The motion carried.

*Fiscal Affairs and Audit*

**FY 2024 HOUSING AND FOOD SERVICE RATE ADJUSTMENT PROPOSALS  
SUBMITTED BY STATE UNIVERSITIES (FIRST READ)**

Elaine Frisbie, Vice President for Finance and Administration, presented the first read of the FY 2025 Housing and Food Service Rate Adjustment proposals for the state universities. According to Board policy, these enterprises are distinct business units at the campus and should be self-supporting. She reported they discussed with university CFOs the financial standing of the student housing and food service enterprises and how the universities are managing cost control with balancing the needs of students. Vice President Frisbie reported institutions are increasing

around 3.2-4% noting inflation and maintenance costs. Regent Benson stated each institution reported extensive engagement of students in the conversations. Regent Ice requested a comparison of rates across institutions as opposed to the percentages and exploring the leverage of consolidating purchases. Regent Lane asked for guidance on rates in comparison to the market to ensure they remain affordable for Kansas students. President Flanders stated Board staff will look at the average Kansas family wage, what percentage the rates would be for a Kansas family, and how many Kansas residents are living in the residence halls in comparison to out of state students. Regent Parasker reported universities are enforcing the first-year student requirement to live in residence halls. Chancellor Girod noted students have a range of options and the rates vary based on their housing choices. Regent Johnston inquired about what occupancy rate a university needs to break even. Regent Winter reported the percentage increases are significantly below the inflation rate. Vice President Frisbie reported the Board will act on the proposals at the December meeting.

#### CHANGES TO APPROPRIATION LANGUAGE FOR FY 2025 BUDGET

Elaine Frisbie, Vice President for Finance and Administration, presented requests for several changes to appropriation provisos for the upcoming legislative session to make best use of the state funds appropriated to the Board. The requested changes include:

- updating the language granting residency status to members of certain Native American tribal nations for tuition purposes;
- continuing to appropriate student financial aid programs on a biennial basis;
- placing authority to oversee state aid to institutions with Postsecondary Technical Education Authority and Board of Regents;
- unifying provisos for career and technical education capital outlay aid to have consistent matching requirements;
- continuing to allow for reimbursements to institutions up to the amount of waiver expenses for Hero's Scholarships; and
- allowing for State General Fund transfers to institutions in excess of the statutory cap for faculty of distinction matching grants.

Regent Parasker moved to approve the changes; Regent Dicus seconded the motion. The motion carried.

#### KU SCHOOL OF PHARMACY TUITION RATE

Vice President Frisbie presented KU's request to reduce the non-resident rate for its Doctorate in Pharmacy program to be in line with out-of-state competitors. She stated KU is making this request off cycle to advertise the adjusted price and drive program interest for the current application cycle. This request is a 63% reduction to the non-resident tuition rate.

#### REQUEST TO RESTRUCTURE CERTAIN ALL-INCLUSIVE TUITION RATES - KU

KU is requesting approval to align its all-inclusive rate for online and off-campus location programs to be effective fall 2024. All-inclusive is defined as a single published rate with no additional fees. A market analysis was conducted for existing and in-development all-inclusive rate programs, and a nine-tier structure was identified. The new structure would ensure consistent and transparent pricing to students and support efficiency in tuition assessment and

financial aid administration. Current and future programs with all-inclusive rates will be required to align with the proposed tiered rate structure. This is a one-time realignment that will increase transparency and provide clarity of program costs to students, faculty, and staff.

#### ESTABLISH NEW NON-STANDARD TUITION RATE FOR SUMMER MASTER OF MUSIC EDUCATION (MME) PROGRAM - KU

KU is requesting approval to create a new tuition rate for the summer Master of Music Education (MME) program at \$495 per credit hour. The MME program is designed for students interested in choral and instrumental pedagogy. This is an educational pathway taken by students who aspire to be music educators. The summer program is designed to attract current K-12 educators. KU is requesting an off-cycle tuition rate approval to begin aggressively marketing this program.

Regent Ice moved to approve the KU School of Pharmacy tuition rate, KU's request to restructure certain all-inclusive tuition rates, and KU's request to establish a new non-standard tuition rate for the summer MME program. The motion was seconded by Regent Benson. The motion carried.

#### AMEND BOARD'S TUITION ASSISTANCE POLICY - SYSTEM

Elaine Frisbie, Vice President for Finance and Administration, presented a policy change to unify the tuition assistance policy, permitting each university to provide tuition assistance benefits to current and past employees and their spouses and dependents. With this change the universities can determine within the policy parameters eligibility for tuition assistance as well as the extent of any benefit provided. Regent Benson recused himself from the discussion. Regent Ice inquired about the use of tuition assistance. Regent Lane moved to approve, seconded by Regent Ice. The motion carried. The following amendment was adopted:

### **CHAPTER II: GOVERNANCE - STATE UNIVERSITIES**

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#### **D. FISCAL MANAGEMENT AND BUSINESS ADMINISTRATION**

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##### **1. TUITION AND FEES**

###### **e Tuition Assistance for Spouses and Dependents of University and Board Office Faculty/Staff**

Each state university may implement a tuition assistance program for spouses and dependents of ~~full-time~~ 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 ~~it applies~~ they apply to each ~~institution~~ university and any subsequent changes must be approved by the Board in advance of implementation. The

~~institution will~~ 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 ~~institution~~ university proposing a tuition assistance program would ~~present in the spring to the Board of Regents their specific plan~~ 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.

#### ACT ON REQUEST TO APPROVE PROGRAM STATEMENT TO CONSTRUCT CANCER CENTER - KUMC

Chad Bristow, Director of Facilities, presented the University of Kansas Medical Center's request to approve the program statement to construct a new Cancer Center Research Building. The total project cost budget is \$250 million for an approximately 212,000 gross square foot university facility. Chair Rolph moved to approve the program statement, and Regent Winter seconded. The motion carried.

#### AMEND FY 2024 CAPITAL IMPROVEMENT PROJECT PLAN, APPROVE PROGRAM STATEMENT TO CONSTRUCT NEW RESIDENCE HALL AND DINING FACILITY AT KANSAS STATE UNIVERSITY AEROSPACE AND TECHNOLOGY CAMPUS IN SALINA, AND ACT ON REQUEST TO SEEK LEGISLATIVE BONDING AUTHORITY - KSU

Chad Bristow, Director of Facilities, presented the request to amend the FY 2024 Capital Improvement Plan and to accept the program statement to construct a new residence hall and dining facility on the Kansas State University Salina campus. The existing residence halls have been at capacity for five consecutive years. The approximately 55,000 square foot residence hall will house up to 267 students. With the addition of a new residence hall, on campus housing will exceed the capacity of the current dining hall. The new 12,500 square foot dining facility will serve all on campus students, offer a variety of eating and seating options and be centrally located on campus. The estimated project cost is \$39,225,104. Regent Benson moved to approve the program statement. Regent Parasker seconded the motion. The motion carried. Legislative bonding authority will be sought during the upcoming legislative session.

#### AMEND FY 2024 CAPITAL IMPROVEMENT PROJECT PLAN, APPROVE PROGRAM STATEMENT TO REMODEL STRONG COMPLEX RESIDENCE HALLS, AND ACT ON REQUEST TO SEEK LEGISLATIVE BONDING AUTHORITY - KSU

Chad Bristow, Director of Facilities, presented Kansas State University's amendment of the FY 2024 Capital Improvement Plan and program statement to remodel the Strong Complex residence halls. Boyd, Putnam, and Van Zile Halls, known as the Strong Complex, are the oldest residence halls on the Manhattan campus. The project will renovate all three halls to meet the needs of today's undergraduate students, while enhancing their experience by providing daily access to the Honors Program, which will move to the ground level of Boyd Hall. Renovations will include updates to HVAC, plumbing, heating and electrical systems in addition to addressing ADA accessibility and code compliance issues. The 200,000 square foot project is estimated to cost \$32 million, to be funded with \$25 million from bonds paid with Housing and Dining revenue and \$7 million from private donations. Regent Parasker moved to approve;

Regent Mendoza seconded the motion. The motion carried. Legislative bonding authority will be sought during the upcoming legislative session.

AMEND FY 2024 CAPITAL IMPROVEMENTS REQUEST AND APPROVE REVISED PROGRAM STATEMENT FOR THE 11<sup>TH</sup> AND MISSISSIPPI GATEWAY PROJECT - KU

Chancellor Girod presented KU's request to amend the FY 2024 Capital Improvement Plan and to accept the revised program statement for the 11th and Mississippi Gateway District Project, increasing the project budget from \$335,000,000 to \$448,000,000. The total project space has increased from 455,000 to 535,500 square feet. Chancellor Girod highlighted several factors that have contributed to significantly higher construction rates in the Kansas City market, including the shortage of materials and workers, which have added to the increase in the cost of construction for this project. The project will be funded through private donations, state economic development funds and Kansas Athletics Incorporated revenue bonds financed by increased stadium revenues. Construction is planned for completion in August of 2025. Regent Lane made a motion to approve, Regent Parasker seconded the motion. The motion carried. Regent Dicus recused himself from voting on this project.

BONDING AUTHORITY - KU AND KU ATHLETICS INC.

General Counsel John Yeary introduced the University of Kansas and KU Athletics, Inc. (KAI) request to approve the issuance of bonds by the Kansas Development Finance Authority (K DFA) in an amount not to exceed \$115,000,000 to partially fund improvements to the David Booth Kansas Memorial Stadium; and \$31,500,000 to refinance existing KAI debt by prepaying senior notes to eliminate certain covenants and restrictions, including restrictions related to financing. K DFA has the authority to issue those bonds on behalf of the state. He reported that after consulting with K DFA, Kansas Athletics, Inc. proposes to have K DFA issue debt obligations in an aggregate principal amount sufficient to finance expenditures for costs of the project in an amount not to exceed \$115 million, plus any additional amounts required to finance costs of issuance, costs of interest on such bonds during the construction of the project, credit enhancement costs, and any required reserves for the payment of principal and interest on such bonds. While KU does not expect KAI bonds to be issued for the project until 2025 after all other funding sources have been exhausted, KU would like to begin working with K DFA to be prepared at that time. General Counsel Yeary stated that although KAI will have the financial capacity to make debt service payments on the 2025 bonds, to achieve significant interest rate savings in connection with the issuance of those bonds it may be necessary for KU to enter into an agreement with K DFA to provide supplemental security to the bondholders. This supplemental security would likely be in the form of a pledge by KU of generally available unencumbered funds of the University. Regent Benson moved to approve; Regent Winter seconded the motion. The motion carried. Regent Dicus abstained from voting on this item.

FINANCING FOR UNIVERSITY STADIUM PROJECT - WSU

General Counsel John Yeary presented the Wichita State University Board of Trustees' (BOT) request to approve the Kansas Development Finance Authority's (K DFA) issuance of bonds on behalf of the BOT to finance certain costs of construction and renovation related to the University Stadium project located on state property of Wichita State University. The BOT proposes to request that the K DFA issue bonds to finance project expenditures, in a principal amount not to exceed \$11,800,000, plus costs and reserves. The debt will be secured with a

pledge of proceeds from a special tax levy. The total cost of the Project is estimated at \$78 million. Regent Winter moved to approve. Regent Dicus seconded the motion. The motion carried.

### Governance

#### BOARD POLICY, FAIRNESS IN WOMEN'S SPORTS ACT

General Counsel John Yeary presented a draft Board Policy as required by the Kansas Fairness in Women's Sports Act, L. 2023, Ch. 13, Sections 1-6. Regent Dicus moved to adopt the policy, and Regent Johnston seconded the motion. The motion carried. The following policy was adopted:

### **CHAPTER II: GOVERNANCE - STATE UNIVERSITIES**

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#### **F. OTHER**

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#### **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 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.



POLICY AND AFFILIATION AGREEMENT BETWEEN FORT HAYS STATE UNIVERSITY, NORTHWEST KANSAS TECHNICAL COLLEGE, AND NORTH CENTRAL KANSAS TECHNICAL COLLEGE - FHSU

President Mason, Northwest Kansas Technical College President Ben Schears, and North Central Kansas Technical College President Eric Burks presented Fort Hays State University's affiliation with Northwest Kansas Technical College and North Central Kansas Technical College pursuant to authorizing legislation passed last year. The affiliation is contingent upon approval by the Higher Learning Commission (HLC) and the parties entering into a formal Affiliation Agreement. The HLC requires a Change of Control application accompanied by an "executable copy" of the Affiliation Agreement. President Mason reported they intend to submit the Change of Control application to HLC in early December 2023 and are anticipating approval by the HLC Board by July 2024. The proposed Affiliation Agreement aligns with the parties' Memorandum of Understanding that the Board approved in January 2023. Additionally, Board Policy Manual Ch. III.A.15, entitled "Principles and Guidelines for Institutional Affiliations with State Universities," sets forth factors that must be considered when the Board engages in a decision to approve a proposed affiliation. President Mason reported the parties are requesting approval of their Affiliation Agreement, authorization for the Board Chair to sign the agreement upon HLC approval, and acceptance of the policy submission with plans to implement in fall 2024. Chair Rolph made a motion to approve, and Regent Ice seconded the motion. Regent Parasker commended the collaboration among institutions. Regent Johnston inquired about how the affiliation will affect athletic teams. President Schears stated the athletic teams will be unchanged outside of the apparel and mascot. Regent Winter commended their leadership, cooperation, and self-sacrifice. The motion carried.

(PowerPoint filed with Official Minutes)

Other Matters

LEGISLATIVE UPDATE AND THE NON-BUDGETARY LEGISLATIVE PROPOSALS (FIRST READ)

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

- Create a public university research fund aligned with the state's strategic economic interests to grow the workforce in key industries, increase the competitiveness of existing Kansas companies, and recruit new companies into Kansas.
- Clarify eligibility for all AO-K students to receive the \$500 program stipend authorized by the 2023 Legislature.
- Amend the Nursing Service Scholarship Program (K.S.A. 74-3291 through 74-3299) to expand access for nursing students in Kansas.
- Amend service scholarships to unify and equalize interest rates and adjust the accrual date of interest incurred for service scholarship non-compliance.
- Allow for third party investments into 529 college savings accounts as well as other adjustments to provide more college investment pathways.
- FHSU is seeking approval to exchange property located on the Hays campus in Ellis County with the FHSU Foundation, for Foundation property also located in Ellis

County. FHSU proposes to exchange for Foundation property is approximately 320 acres of land used primarily for agriculture purposes (mostly crop production) by the University Farm and Department of Agriculture to be used to alleviate the housing shortage in Hays. The exact value of the properties will be determined once a qualified appraisal is completed.

- Kansas State University is seeking approval to sell the K-State Housing and Dining Services Honors House in Riley County, Kansas.
- Kansas State University Polytechnic Campus is seeking to change its name to Kansas State University – Salina and to also clean up language in several statutes to align with the mission of the Salina campus.

Director York reported other legislative items to be aware of:

- Clarify eligibility and conform to federal definitions under the Hero’s Scholarship Act. The Kansas Hero’s Scholarship Act (K.S.A. 75-4364) establishes a waiver for eligible individuals to attend a Kansas public postsecondary educational institution without payment of tuition and required fees in the pursuit of an undergraduate degree. The waiver does not cover other costs of attendance, such as living expenses or required books or materials.
- In light of the United States Supreme Court’s recent ruling on race-based admissions policies, the Board of Regents will ask the Legislature to consider whether changes to the program are warranted. A review of other race-based statutory language contained in scholarship program legislation may also be warranted.

#### NAME AN OUTDOOR CLASSROOM - KSU

President Linton recommended naming the Outdoor Classroom at Kansas State University’s Center for Child Development in honor of Robert and the late Betty Tointon, who generously gave their time, energy, and financial investment to the College of Health and Human Sciences and the Carl R. Ice College of Engineering, as well as K-State Athletics and the K-State Alumni Association. Regent Ice moved to approve, and Regent Johnston seconded. The motion carried. The Outdoor Classroom will be named the Tointon Family Infant Toddler Outdoor Classroom.

#### NEW INSTITUTIONAL AND ASPIRATIONAL PEERS - KSU

President Linton presented Kansas State University’s request to change its institutional and aspirational peers. In 2022, KSU began a process to develop Next-Gen K-State, a new university-wide strategic plan, launched in September 2023, to build upon the institution’s successes and shape KSU’s future as it strives to become a next-generation land-grant university. University leaders designed this process to be heavily informed by data, analysis, and broad engagement with the KSU community, informed and guided by a 24-member advisory committee comprising students, faculty, staff, administrators, governance council leaders, and alumni dedicated to envisioning the future of KSU. Through this process, university leaders and the strategic planning advisory committee established a comparison set of peer institutions and specific criteria to allow for comparative analysis and benchmarking of institutional performance. Additionally, these same leaders established a set of aspirational institutions based on similar criteria to inform future growth and performance targets. The analysis was informed by current national data from the U.S. Department of Education’s Integrated Postsecondary Education Data System (IPEDS), National

Science Foundation data on research expenditures, and other publicly available institutional or aggregate datasets. Regent Lane moved to approve, and Regent Benson seconded. The motion carried. The following institutions will be KSU’s new peers, effective immediately:

<b>Peer Institutions</b>	<b>Aspirational Institutions</b>
<ul style="list-style-type: none"> <li>• Auburn University</li> <li>• Iowa State University</li> <li>• Oklahoma State University</li> <li>• University of Arkansas – Fayetteville</li> <li>• University of Nebraska-Lincoln</li> </ul>	<ul style="list-style-type: none"> <li>• Colorado State University</li> <li>• Louisiana State University</li> <li>• North Carolina State University</li> <li>• Oregon State University</li> <li>• Purdue University</li> <li>• University of Georgia</li> </ul>

(PowerPoint filed with Official Minutes)

NAME INSTITUTE - KU

Chancellor Girod recommended naming the KU Institute for Sustainable Engineering after The Wonderful Company, which has demonstrated remarkable generosity by making substantial contributions to support the Institute for Sustainable Engineering at the School of Engineering. The Wonderful Company is a privately held \$5 billion company committed to offering high-quality, healthy brands, and helping consumers make better choices every day. It grows, harvests, bottles, packages, and markets a diverse range of products, including fruits, nuts, flowers, water, wines, and juices. Regent Winter moved to approve. Regent Parasker seconded the motion. The motion carried. The Institute will be named the Wonderful Institute for Sustainable Engineering.

ADJOURNMENT

Chair Rolph called the meeting adjourned at 4:59 p.m.

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Blake Flanders, President and CEO

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Jon Rolph, Chair