

**WASHBURN UNIVERSITY OF TOPEKA**  
**BOARD OF REGENTS**  
**MINUTES**  
**June 15, 2017**

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**I. Call to Order**

Chairperson McGivern called the meeting to order at 4:00 p.m. in the Kansas Room of the Memorial Union on the Washburn University campus.

**II. Roll Call**

Present were: Mr. Beck, Mr. Boles, Mr. Hoferer, Mr. McGivern, Mrs. Parks, Mr. Sneed, Mrs. Sourk, and Mr. Wolgast. Ms. Van Etten arrived at 4:02 during the President's Report.

**III. FY 2018 Public Budget – Publish Notice of Hearing**

It was moved by Regent Hoferer and seconded by Regent Sourk to approve to publish the notice of hearing for the FY 2018 public budget. Motion passed.

**IV. Approval of Minutes of the April 13, 2017 meeting**

It was moved by Regent Parks and seconded by Regent Boles to approve the Minutes of the April 13, 2017 meeting. Motion passed.

**V. Election of Officers**

**A. Nominating Committee**

Regent Parks, Chair of the Nominating Committee, said the committee met and makes the following recommendations:

For special officers, Jim Martin as Treasurer, Marc Fried as Secretary to the Board, and Cynthia Holthaus as Assistant Secretary to the Board. For officers of the Board, John McGivern as Chair and Paul Hoferer as Vice-Chair. Motion to approve the recommended appointments was made by Regent Parks, seconded by Regent Beck. Motion approved.

**VI. Officer Reports**

**A. Chair's Report**

Regent McGivern commented that the board is engaged and asking questions and he commends the members for their commitment and due diligence

## **B. President's Report**

President Farley introduced Alexis Simmons, the newly elected president of the Washburn Student Government Association (WSGA).

Dr. Farley said there is a new program in Topeka – Top City Interns program -- sponsored by Forge, a subunit of the Greater Topeka Chamber of Commerce. He said 173 interns signed up from 43 different universities and colleges, 27 different states and 7 countries. Washburn is housing 50 interns at the Washburn Village. The program is designed to help the interns meet and interact more as a group and also to help them understand better what Topeka and Shawnee County are about so they will consider coming back to Topeka when they are done with their school, whether with same company or different company.

President Farley said the Mathematical Association of America in Kansas brings mathematicians together. Sarah Cook, Associate Professor in Mathematics and Statistics, received the Distinguished Teaching Award from the association. She has taught here since 1998, and Regent Sourk had her as a professor.

Dr. Farley introduced Loren Ferre, Director of Athletics, who noted that several camps were being held on campus this week, and Coach Ballard will have his first camps next week. The camps bring potential students on campus.

President Farley said the Sunflower Music Festival is being held on campus this week. The festival has been going for over 30 years. Dr. Farley noted the concerts are free every evening, including one this evening. The Blanche Bryden Institute portion of the festival provides an opportunity for students to work with internationally renowned music professionals. Last night's concert drew a 90% capacity crowd in White Concert Hall.

Dr. Farley reported that the Mulvane Art Fair was last weekend, indicating it has become a major event in Topeka and on campus.

President Farley said Washburn is hosting a high school leadership academy and he met with the students today. Regent Wolgast also spoke to the group yesterday, and the first question was why are we allowing guns on campus?

Dr. Farley reported KTWU has again won several awards, it would take some time to read the list of awards they have received, but in particular a production called "Portrait of a Landscape: The Flint Hills" has won several awards from several different organizations. Eugene Williams, Director of KTWU, was present and recognized Val VanDerSluis and Jared Gregg.

## **C. Committee Reports**

### **1. Budget/Finance Committee**

Item was moved to Action Items VII. B. 1.

## **2. Presidential Assessment Committee**

The Presidential Assessment Committee report will be brought to the Board at a future meeting.

### **D. Treasurer's Report**

There was no Treasurer's Report.

## **VII. New Business**

### **A. Consent Agenda**

It was moved by Regent Sourk and seconded by Regent Parks to approve the Consent Agenda. Motion passed.

As approved by action of the Board:

- 1. Liquidated Claims Approval – March 2017**
- 2. Liquidated Claims Approval – April 2017**

#### **3. Personnel**

##### **a. Faculty/Staff Personnel Actions**

Christopher Enos from Interim Director to Director of University Police effective May 1, 2017 at an annual salary of \$78,884; hire Andrew Farkas, Assistant Professor of English, and correction to budget line – return \$1,000 from College of Arts & Sciences Adjunct fund; Keith Farwell, Program Director Diagnostic Medical Sonography/Assistant Professor Allied Health, position conversion from tenure track to Lecturer; and Harry “Rusty” Taylor, Respiratory Therapy Program Director/Instructor Allied Health, title change from Instructor to Lecturer.

### **B. Action Items**

#### **1. FY 2018 General Fund Budget – Washburn University and Washburn Institute of Technology**

Vice President for Administration and Treasurer Jim Martin presented the item, reporting the Budget and Finance committee of the Board has reviewed the budget. Notable points about the budget: 1) we have taken a conservative approach on revenues, budgeting no increases in credit hours from last year except for a couple of new programs; 2) Expenses has some increases for utilities, programs for veterans and a 1.5% salary program for faculty and staff. No increase in student fees is planned, but a 2.89% tuition increase for undergraduate programs is included.

It was moved by Regent Boles and seconded by Regent Parks to approve the budget. Vote was 8 – 1 to approve the budget with Regent Sneed voting no. He stated that he believes the budget is raising money on the backs of the students. Until the law school plan is clarified he can no longer support the budget. He appreciates the work of the committee and the staff and his vote is no reflection on them. Motion passed.

**2. Apple Computer System Purchase**

Vice President for Administration and Treasurer Jim Martin presented the item and explained this is part of the regular technology replacement cycle. It was moved by Regent Boles and seconded by Regent Wolgast to approve the item. Motion passed.

**3. Kansas Room Audio Visual Project – C14046/C18041**

Vice President for Administration and Treasurer Jim Martin said this item is to complete the updated communications in the Kansas Room and by the end of the summer to make it a high tech room. The vendor is a state approved vendor. It was moved by Regent Sneed and seconded by Regent Hoferer to approve the item. Motion passed.

**4. Ratification of Microsoft Campus Agreement Renewal**

Vice President for Administration and Treasurer Jim Martin presented the item. He said we have to pay Microsoft an annual license fee to use their products which also allows employees to use the programs from home to give them greater access. This is the third year of a three-year agreement. It was moved by Regent Wolgast and seconded by Regent Van Etten to approve the item. Motion passed.

**5. Washburn Tech Automotive Collision Parking Lot Repairs Project #CK1801**

Vice President for Administration and Treasurer Jim Martin said this section of the parking lot at Washburn Institute of Technology (Tech) is in very bad shape, having eroded to travel in some places. It is the northeast portion of the lot. Dinkel Construction is a Topeka company and is the low bidder. This is a high priority for Tech. It was moved by Regent Parks and seconded by Regent Van Etten to approve the item. Motion passed.

**6. Washburn Tech Logoed Embroidered Program Uniforms and Clothing**

Vice President for Administration and Treasurer Jim Martin presented the item saying many of the Tech programs have a uniform requirement. Tech buys the uniforms and then sells them to the students. In response to a question about how students feel about it, Dean Coco responded that many of the students, when going into the workforce, will have to do this so it prepares them for the workplace environment. Companies who come onto campus like to see that the students are wearing uniforms. Chaz Havens, instructor at Tech, commented that students like this because it is a shirt they can dirty that isn't a regular shirt. It was moved by Regent Boles and seconded by Regent Hoferer to approve the item. Motion passed.

## **7. Chartwells' Amendment Number Eight to Food Services Agreement**

Vice President for Administration and Treasurer Jim Martin said a number of questions have been asked prior to the meeting, so he will address this a bit in detail.

Washburn views this as a one-time deal and not a regular occurrence. Chartwells has worked on our campus since 2009. When Lincoln Hall was added, we extended the agreement to 2025. When we signed the extension, Chartwells agreed to pay additional monies to help with the new construction. So far, \$3 million has been paid and an additional \$750,000 is scheduled. Chartwells also provided money for scholarships and an additional \$15,000 for repairs and maintenance.

The original agreement, and then the extension, contains a provision for Chartwells to cancel the agreement upon 60 days' notice if sales are not fair and equitable. If cancelled, Washburn would need to repay the unamortized portion of donations already made, as well as lose the \$750,000 and scholarships in the future. This would put us in a position to have to hire another vendor in the short term who would know we would be in a difficult situation when we would be trying to negotiate a new agreement.

Chartwells approached us back in December 2016 about this matter. They spoke with our business services and we asked for documentation from Chartwells. Some of their problems are issues that are not Washburn's issues. We wanted to keep the donations received, future donations and scholarships. Negotiations were difficult, but we agreed to give \$100,000, but also have a clawback that if we fill up the dorms and they get the food contracts to a certain number, Chartwells will pay back the \$100,000 over five years. In response to a question if there is something in writing that keeps Chartwells from doing this in two years, Vice President Martin responded no.

In response to a comment that the expectation of a full Lincoln Hall in the first year was never considered, Vice President Martin stated that Chartwells was advised that full dorms was never a promise.

In response to a question if this contract has been bid since 2006, Dr. Farley said that when the agreement was renewed in 2009, Washburn did information gathering to compare if it was competitive.

In response to a question if the clawback numbers are reasonable? Vice President Martin stated they are stretch goals but are less than 100% capacity. What would help is to sell meals to commuters. Several comments expressed concern that the 60-day notice could force another such agreement in the future. Another comment was made that the \$100,000 is .54% of the total contract.

In response to a question about what the deadline is to respond, Vice President Martin stated the agreement contemplates payment by June 30. Vice President Martin said he anticipates more students on campus and new management for the Chartwells team on campus, so this shouldn't be an issue moving forward.

In response to a question about if the clawback numbers can be reached, Vice President Martin stated it would be met with 97% or 98% capacity of the residence halls to meet the numbers or less if we get more commuters to purchase meal plans.

It was moved by Regent Hoferer and seconded by Regent Wolgast to approve the item. A voice vote was not determinative so a show of hands vote was taken. Regents Beck, Hoferer, McGivern, Parks and Wolgast voted in favor of the motion. Regents Boles, Sneed, Sourk and Van Etten voted against the Motion. Motion passed 5-4.

Regent Sneed remarked that to allow this payment is an extreme departure of our bidding processes and will signal to other vendors they can do the same. His vote is not intended as a reflection on Chartwells but he does not agree with this as a solution.

#### **8. Exclusive Pouring Rights Agreement**

Vice President for Administration and Treasurer Jim Martin said Pepsi has had exclusive pouring rights for over thirty years. A team was put together to negotiate with Pepsi a seven year contract which provides additional monies to some departments like athletics. In response to a question about if drinks sold go to Chartwells, Janel Rutherford, Director of Business and Auxiliary Services in the Memorial Union, stated yes and then we get a percentage back from Chartwells. Vice President Martin added that this is a better deal than the original contract. Today's market is tougher. It was moved by Regent Boles and seconded by Regent Sneed to approve the item. Motion passed.

#### **9. Renewal of Property Insurance**

Vice President for Administration and Treasurer Jim Martin said this is the annual renewal of property insurance with the Midwest Higher Education Compact (MHEC). MHEC advised that we will see a premium drop this next year. The current premium is \$240,000, and they expect the new premium to be below \$200,000. It was moved by Regent Parks and seconded by Regent Van Etten to approve the item. Motion passed.

#### **10. New Mass Media Minor**

Vice President for Academic Affairs JuliAnn Mazachek presented the item for the School of Applied Studies. She said this doesn't add any costs but creates additional needed learning, exactly what we should be doing for our students today. Students going out with this kind of education will make them more valuable. It was moved by Regent Van Etten and seconded by Regent Wolgast to approve the item. Motion passed.

#### **11. Proposal to Amend Faculty Handbook – Modifications to Faculty Appointment Categories**

Vice President for Academic Affairs JuliAnn Mazachek said this will be the first of many items we anticipate bringing to the Board in the coming year. The Faculty Handbook is essentially the policy handbook for faculty. This item is a classification to better reflect how we actually do things. Concern was raised that the classifications separated tenure track and tenured but still reference tenure-track in some of the tenured classification language. Vice President Mazachek stated this is necessary because of the underlying requirements. It was moved by Regent Sourk and seconded by Regent Boles to approve the item. Motion passed.

## **12. Faculty Handbook Committee – Creation of a Standing Advisory Committee**

Vice President for Academic Affairs JuliAnn Mazachek said we have not had a specific committee to regularly review the handbook. The current committee has been acting as a task force. She said it is necessary to establish a regular committee to evaluate and review the handbook on an ongoing basis. It was moved by Regent Parks and seconded by Regent Van Etten to approve the item. Motion passed.

### **C. Information Items**

#### **1. East Topeka Learning Center**

Vice President for Academic Affairs JuliAnn Mazachek presented the item. She said Washburn is an academic partner with the Greater Topeka Chamber of Commerce and the Joint Economic Development Organization (JEDO) to develop an east side technical education center to help persons have easier access to such education and training in an area where such training is in need. Funding will be provided by JEDO and the proposed location is at 21<sup>st</sup> and Indiana, which has been purchased by JEDO. JEDO will offer \$1.5 million in the first three years to assist with operation expenses. Vice President Mazachek said this will not be a highly profitable program, so we will need to watch carefully as we go through the program.

The partners have agreed to have a new market study to determine if the offerings need to change or be adjusted. HTK is doing the design and is working with Washburn Institute of Technology Dean Coco on the design of the center. Partnership was originally targeted August, 2018, as the start date, but with the marketing study, it may delay the start six – twelve months. Dean Coco was the leader in the project long before anyone else was involved from Washburn.

In response to a question about the anticipated cost of renovation of the building, Vice President Mazachek stated that JEDO has allotted \$4.5-\$5 million for the renovations, which will be paid by JEDO from the economic development fund. In response to a question that since the money is tight, is there an ability to get out of the agreement, Vice President Mazachek stated this issue has been an issue that has slowed down the process.

In response to a question if there will be an opportunity for grant programs, Dean Coco stated those have not been part of the conversation so far. Regent Wolgast stated that the land had already been purchased by JEDO and that this type of facility in East Topeka has been discussed for about ten years. The property could be used for other things, but this job skill training is needed for this area as we don't have enough skilled workers in that area.

Dr. Farley added that the east side has not had the same attention as other areas of the city. This is part of Washburn wanting to help and be part of the growth of the community. In the long run, we all, including Washburn, would benefit from this kind of facility. Washburn cannot commit to a long-term agreement because if we don't have any students we cannot continue. We will look for alternatives to hope they work. We are proposing language that would allow us to go to JEDO and step away from the agreement if this Board does not agree to continue.

Regent Boles noted that this is very important to the community. Dr. Farley stated when this was addressed at a JEDO meeting the first time, he had never seen the outpouring of support from that part of the community like he witnessed for this project. Regent Parks stated she hoped that this incentivizes businesses on that side to become involved. Regent Sourk noted her company has locations on the east side that would benefit from this training.

**2. Report of Purchases \$20,000 to \$50,000**

There were no questions.

**3. Simulation Software – Chaz Havens**

Washburn Institute of Technology Dean Coco said he believes there is a market for virtual technical education. He has been meeting with three partners in Kansas to work on getting this program out in Kansas. Dr. Tatro added that several school districts do not have access to technical education so this is a way to get that opportunity. Chaz Havens piloted the first program last spring and this fall we will offer five programs.

It was moved by Regent Hoferer and seconded by Regent Boles to recess into executive session for 15 minutes. The Board recessed into executive session at 5:35 p.m. The Board reconvened in open session at 5:50 p.m.

It was moved and seconded to adjourn.  
The meeting adjourned 5:50 p.m.

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Marc Fried  
Secretary, Board of Regents