

# **Overview of the Use of External Consultants and Consulting Contractors at the University of Kansas**



**for the**

**University Senate of the University of Kansas**

**By**

**The University of Kansas Senate Planning and Resources Committee**

**23 April 2017**

## 1. INITIAL OVERVIEW OF CONSULTANTS

On 9 October 2016 a request for information was e-mailed by a member of the Planning and Resources Committee asking for more information on consultants used by the University of Kansas and other university expenditures, as seen in Appendix A. Information was provided to the KU Planning and Resources committee answering some of the questions (App. A). The Administration was asked to list all of the consulting expenditures made over the past five years to vendors who were paid \$10,000 or more. Below is the Administration's list of consultants and the amounts which the Administration claimed they were paid over the past five years which was delivered to the Planning and Resources Committee on 8 December 2016:

**TABLE 1.1 OVERVIEW OF CONSULTANT PAYMENTS 2012 – 2016  
REPORTED TO PLANNING AND RESOURCES 8 DECEMBER 2016**

<b>Consultant</b>		<b>Consultant</b>	
ORACLE AMERICA INC	\$6,242,936.82	BRAILSFORD & DUNLAVEY INC	\$42,060.00
HIGHSTREET IT SOLUTIONS INC	\$1,183,815.00	ACQUIA INC	\$40,000.00
PERCEPTIVE SOFTWARE INC	\$657,953.81	SHAM ROCK SOLUTIONS LLC	\$38,272.00
TEKSYSTEMS INC	\$650,132.12	SAS INSTITUTE INC	\$36,825.00
HYPERGENINC	\$384,682.50	COW GOVERNMENT LLC	\$36,544.86
MICROSOFT CORPORATION	\$367,720.00	PERFORMANCE ARCHITECTS INC	\$33,592.24
HURON CONSULTING SERVICES LLC	\$212,485.00	APEX IT	\$31,159.29
IBM CORP	\$195,233.00	EXPERTS US INC	\$28,455.85
SCIQUEST INC	\$189,519.00	TAYLOR ZAVALA	\$26,243.75
UNICON INC	\$181,962.68	BLACKBOARD INC	\$25,149.29
LEEFROG TECHNOLOGIES INC	\$139,980.00	VFAINC	\$23,830.00
SKYBRIDGE GLOBAL INC	\$130,784.72	VERACITY SOLUTIONS	\$21,920.00
PUBLIC FINANCIAL MANAGEMENT INC	110,000.00	MARYVILLE TECHNOLOGIES	\$21,525.50
LHHEIMBACH INC	\$91,406.25	RESIDENTIAL MANAGEMENT SYSTEMS INC	\$21,017.65
KENEXA TECHNOLOGY INC	\$76,333.30	TIME LINK A KRONOS COMPANY	\$20,550.00
TOUCHNET INFORMATION SYSTEMS INC	\$75,450.00	HRCHITECT INC	\$18,500.00
SERVICE-NOW.COM	\$70,000.00	BURNS & MCDONNELL ENGINEERING CO INC	\$16,164.00
CHOICE SOLUTIONS LLC	\$64,095.00	VOGL CONSULTING LLC	\$16,000.00
COLLEGENET INC	\$63,279.45	OPEN TECHNOLOGIES INC	\$14,995.02
SERVICE NOW INC	\$61,719.75	COVISION INC	\$14,855.40
NORTH AMERICAN COMMUNICATIONS RESOURCE	\$61,147.00	PINNACLE++USE VNDR 69950++	\$14,286.73
FISHNET SECURITY INC++USE 75026	\$54,799.31	CALERO SOFTWARE LLC	\$13,108.00
DLT SOLUTIONS LLC	\$50,486.30	LOOP1 SYSTEMS INC	\$11,054.87
DEMANDENGINE INC	\$45,547.19	COMPUTERIZED FACILITY INTEGRATION LLC	\$10,972.50
PAETEC SOFTWARE CORP	\$43,984.71	JANICE Z KINNEY ASSOCIATES	\$10,000.00
RAC SOFTWARE INC	\$42,190.00	Total:	\$12,034,724.86

## 2. CHALLENGES WITH TABLE 1.1

Although a special request for detailed numbers relating to the Huron account were requested in October, it was suspected that the figure of \$212,485 shown in Table 1.1 was simply too low. Accordingly, an independent investigation was conducted to determine what the expenditure levels actually were.

**TABLE 2.1 ACTUAL HURON CONSULTING CHARGES GATHERED INDEPENDENTLY**

Business Unit	Voucher ID	Invoice Number	Gross Invoice Amount	Payment Amount	Invoice Date	Short Vendor Name	Vendor ID	Name 1	Created on
KURES	699707	1012097	340,679.28	340679.3	2/7/2013	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	2/12/2013
KURES	698264	1011393	219,785.33	219785.3	1/21/2013	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	1/25/2013
KURES	697225	1010853	191,428.45	191428.5	1/8/2013	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	1/15/2013
KURES	696327	1010217	212,886.75	212886.8	12/21/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	1/4/2013
KURES	694483	1009288	284,241.35	284241.4	12/5/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	12/10/2012
KURES	694473	1008826	292,507.25	292507.3	11/21/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	12/10/2012
KURES	693231	1008368	4,000.00	4000	11/8/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	11/27/2012
KURES	692171	1008032	296,728.70	296728.7	11/5/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	11/13/2012
KURES	692105	1008274	2,100.00	2100	11/7/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	11/13/2012
KURES	690090	1007904	322,278.65	322278.7	10/17/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	10/19/2012
KURES	688973	1006645	284,011.25	284011.3	10/2/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	10/9/2012
KURES	687492	1006075	277,394.40	277394.4	9/18/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	9/24/2012
KURES	686148	1005417	312,346.00	312346	9/4/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	9/6/2012
KURES	685976	1004892	2,000.00	2000	8/14/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	9/1/2012
KURES	684930	1005006	359,418.77	359418.8	8/15/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	8/22/2012
KURES	683488	1004401	363,689.00	363689	8/2/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	8/3/2012
KURES	681868	1003949	258,811.90	258811.9	7/20/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	7/27/2012
KURES	681433	1003317	295,940.90	295940.9	7/3/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	7/11/2012
KURES	680011	1002674	294,794.15	294794.2	6/19/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	6/22/2012
KURES	678619	1002021	320,591.25	320591.3	6/4/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	6/12/2012
KURES	676178	1001475	51,488.11	51488.11	5/16/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	5/21/2012
KURES	676175	1000376	21,951.13	21951.13	4/24/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	5/21/2012
KURES	676037	1001484	299,569.55	299569.6	5/17/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	5/18/2012
KURES	675195	1000604	315,965.65	315965.7	5/2/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	5/10/2012
KURES	672986	1000065	291,336.10	291336.1	4/17/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	4/19/2012
KURES	671999	199528	16,285.39	16285.39	4/5/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	4/10/2012
KURES	671954	199437	256,856.50	256856.5	4/4/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	4/10/2012
KURES	670032	198851	215,141.73	215141.7	3/19/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	3/21/2012
KURES	669089	197896	256,104.25	256104.3	3/2/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	3/9/2012
KURES	669054	197397	3,850.00	3850	2/20/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	3/9/2012
KURES	667196	197555	200,425.95	200426	2/20/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	2/21/2012
KURES	665905	196799	288,722.40	288722.4	2/3/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	2/7/2012
KURES	663943	196161	392,415.80	392415.8	1/19/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	1/19/2012
KURES	662432	195117	221,008.10	221008.1	12/21/2011	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	12/30/2011
KURES	658056	192614	262,500.00	262500	11/3/2011	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	11/11/2011
KURES	656068	190914	8,050.00	8050	9/26/2011	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	10/21/2011
KURES	641243	185620	242,500.00	242500	6/1/2011	HURON CONS-002	16934	HURON CONSULTING SERVICES*USE 55691*	6/8/2011
KURES	639381	181814	29,602.97	29602.97	3/6/2011	HURON CONS-002	16934	HURON CONSULTING SERVICES*USE 55691*	5/23/2011
KURES	626899	179811	10,392.25	10392.25	1/11/2011	HURON CONS-002	16934	HURON CONSULTING SERVICES*USE 55691*	1/28/2011
KURES	619757	174484	3,282.55	3282.55	9/2/2010	HURON CONS-002	16934	HURON CONSULTING SERVICES*USE 55691*	11/15/2010
KURES	618074	176290	5,761.33	5761.33	10/14/2010	HURON CONS-002	16934	HURON CONSULTING SERVICES*USE 55691*	10/28/2010
KURES	575226	159048	86,343.68	86343.68	8/6/2009	HURON CONS-002	16934	HURON CONSULTING SERVICES*USE 55691*	9/22/2009
KURES	565704	156888	100,199.06	100199.1	6/18/2009	HURON CONS-002	16934	HURON CONSULTING SERVICES*USE 55691*	6/26/2009
			<u>8,415,385.88</u>						
UKANS	1072538	1013030	1,587.50	1587.5	3/4/2013	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	3/5/2013
UKANS	1072536	1013029	2,458.75	2458.75	3/4/2013	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	3/5/2013
UKANS	1069644	1011815	1,650.00	1650	2/4/2013	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	2/7/2013
UKANS	1069931	1011813	4,565.00	4565	2/4/2013	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	2/7/2013
UKANS	1069928	1011817	2,943.75	2943.75	2/4/2013	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	2/7/2013
UKANS	1067447	1011156	23,544.98	23544.98	1/15/2013	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	1/17/2013
UKANS	1066639	1010832	1,500.00	1500	1/8/2013	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	1/10/2013
UKANS	1065420	1009420	4,200.00	4200	12/6/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	12/26/2012
UKANS	1057446	1007185	3,850.00	3850	10/11/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	10/18/2012
UKANS	1056080	1005709	3,650.00	3650	9/10/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	9/20/2012
UKANS	1050248	1004810	24,820.00	24820	8/10/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	8/14/2012
UKANS	1047547	1003502	11,420.00	11420	7/6/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	7/16/2012
UKANS	1045324	1002341	11,200.00	11200	6/11/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	6/18/2012
UKANS	1045322	1002341	700.00	700	6/11/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	6/18/2012
UKANS	1044841	1001286	29,171.06	29171.06	5/11/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	6/14/2012
UKANS	1040441	1000979	7,000.00	7000	5/4/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	5/10/2012
UKANS	1037911	199856	109,449.23	109449.2	4/12/2012	HURON CONS-003	55691	HURON CONSULTING SERVICES LLC	4/20/2012
UKANS	978869	175505	122,544.00	122544	9/28/2010	HURON CONS-002	16934	HURON CONSULTING SERVICES*USE 55691*	10/27/2010
			<u>366,254.27</u>						
UKANS	1064188	1009129	206,500.00	206500	11/30/2012	HURON TECH-001	59833	HURON TECHNOLOGIES INC	12/14/2012
UKANS	1043117	1001387	159,300.00	159300	5/15/2012	HURON TECH-001	59833	HURON TECHNOLOGIES INC	6/1/2012
			<u>365,800.00</u>						
			<u>9,147,440.15</u>						



### **3. BENEFITS OF WORK PRODUCT UNCLEAR**

In addition to asking Vice Provost Goddard for financial information related to consultants, a request was made for evidence of work product, particularly of Shorelight and Huron. To date, no evidence of any form of positive work product has been produced. Provost Vitter's "Changing for Excellence" program was put in place by the Huron group and was supposed to be the primary work product of the \$9M spent. Aside from generating a great deal of entropy, few positive effects have been documented by either the Huron or Shorelight contracts. Given the most recent Climate Survey, it could be argued that quite the opposite has occurred. Perhaps foremost among the CFE/Huron work products are the Shared Service Centers. These Centers are notorious among many members of the University community for extremely high turn-over rates, high costs associated with physically moving personnel and equipment, capricious dismissals, low morale and general inefficiencies. It has been asserted that Shorelight's performance targets have been missed, but proving that is nearly impossible given the secrecy surrounding the contract.

### **4. SECRET CONTRACTS AND NONDISCLOSURE AGREEMENTS INAPPROPRIATE**

Over the course of this past academic year, the Planning and Resources Committee requested several documents which would show how contractor performance would stack up to their corresponding statements of work. Because such statements of work are contained in contracts made between vendors and the University, such contracts were requested. As a precondition for examination of the contracts, the Administration insisted that the members of P&R be bound by a Confidentiality and Nondisclosure Agreement (Appendix A). The terms of this agreement were so offensive to the members of the Committee that each refused to sign. What is more worrisome is i.) that Administration officers saw absolutely no problem with issuance of contracts which were not open to public scrutiny and ii.) binding its faculty, staff and students to terms of secrecy which could leave them jobless and bankrupted simply for doing a proper job of oversight and reporting was considered pro-forma. The idea that a Public university serves the Public good and therefore must be open to Public scrutiny is clearly missing among many in the KU Administration. The culture of secrecy currently infecting the Administration ultimately leads to mistrust and the appearance of malfeasance and nefarious dealings. The Planning and Resources Committee Recommends that Governance objects in the strongest possible terms to the use of Secret Contracts and Nondisclosure Agreements being required to view what should be public documents. P&R also recommends that the Administration come into compliance with both the letter And the spirit of the Sunshine Laws of the state.

### **5. MORE STUDY NEEDED**

Because more than \$21M in consultant fees have been paid by KU over the past 5+ years, it is recommended that the next Planning and Resources Committee scrutinize several aspects of the payments to consultants listed in Table 1.1 and 2.1 in great detail, including:

- All transactions into and out of the Provost Fund Swap Account
- Accounts outside of KU which received funds from the six categories listed in Chapter 2 including:  
    "Restricted Fees – General"      "Research Overhead"      "F&A Unrestricted"  
    "F&A Return"      "General Fees"      "KUCR Restricted Fees"

(independent of whether or not the funds were sent through the Provost Fund Swap Account or the like)

- Any documentation demonstrating that the University received a satisfactory work product from any of the consultants
- KORA requests need to be made requesting all Statements of Work and consultant contracts

### **6. CONCLUSIONS**

The Planning and Resources committee concludes that there is strong evidence pointing to more than \$21M being spent on consultants and consultant-like activities over the past 7 years at KU, with i.) little-to-no tangible evidence of positive work products relating to the bulk of those monies, ii.) virtually no transparency in contracting and iii.) no functional independent oversight.

**Appendix A**  
**Supporting Documentation**

**ATTACHMENT B:**

**October 9 Email to Committee from Professor Ron Barrett-Gonzalez**

DEC. 8<sup>TH</sup>  
P & R MEETING  
+ K & K

All --

It breaks my heart that I will be unable to attend this first P&R meeting of the Fall as I will be en route to a conference in Korea at that time (the other two dates are clear for me).

Stacey,

Given that I am unable to attend, I would like to ask for your help with some items. With the permission of the Committee, I would like to ask the Administration for COMPLETE and full accounting records for:

i. The Chancellor's Jet, all associated flight operations costs including those of the physical plant (hangar), utilities, payroll, lease agreements, maintenance and any other expenses including passenger manifests and flight schedules over the past five years;

Leisa Julian will have to provide this information

CHANCELLOR'S FINANCIAL OFFICER

NEGOTIATING

ii. Huron and related consultants including which accounts funds were drawn from what reasons the funds were extracted, who the funds went to precisely within Huron and the names of the Huron employees supported by such consulting agreements. I would like these records to stretch back to the very start of the relationship between KU and Huron and go through today;

COMMITTEE RECOMMENDED

iii. Shorelight and related organizations including payments made by the University to Shorelight, when they were made, for what reasons and the amounts;

iv. All consultants under contract from KU today for total contract values over \$10k over the past five years;

Below are all the "consultants: we can find over the past 5 years with expenditures exceeding \$10K. We can drill into these if you have specific questions on individual items.

HURON:

ENDOWMENT:

PHASE I

PHASE II

KOCR F&A

RETURN

PHASE III

10 INITIATIVES

? AWARE OF CHALLENGE

DRILLING = CONFIDENTIAL

Row Labels	Sum of Monetary Amount
ORACLE AMERICA INC / IMPLEMENTATION OF IT SYSTEMS	\$ 6,242,936.82
HIGHSTREET IT SOLUTIONS INC	\$ 1,183,815.00
PERCEPTIVE SOFTWARE INC++USE 74051+++	\$ 657,953.81
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VFA INC	\$ 23,830.00
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MARYVILLE TECHNOLOGIES	\$ 21,525.50
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LOOP1 SYSTEMS INC	\$ 11,054.87
COMPUTERIZED FACILITY INTEGRATION LLC	\$ 10,972.50
JANICE Z KINNEY ASSOCIATES	\$ 10,000.00

v. KU Architect's office, payroll and responsibilities of each individual within the office;



vi. Work and rework associated with the LEEP 2 expansion, Learned Hall and all changes made around the Chi-Omega fountain over the past five years;

vii. All gifts to KU over \$10k coming to KU from the Endowment Association along with letters of gift and stipulations as to how the funds be spent, especially those going to individual faculty members and/or administrators; PUT  
ADAC-BLE

viii. All individuals on campus who get an endowed stipend like the one that Art Hall is receiving from Endowment along with any associated terms, conditions, contracts, restrictions and/or letters of gift;

I can provide a list of those who get an endowed stipend from the operating budget book.  
Leisa will have to provide the other information from KUEA.

ix. The Academic Accelerator Program since its start through today;

x. The General Counsel's office including expenses associated with travel, overhead, all salaries, associated staff members and consulting attorneys over the past five years.

General Counsels Office - Lawrence Campus expenditures (does not include Medical Center General Counsel expenses) \*\*

	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016 *	*
Unclassified Salaries	755,251.22	930,160.63	999,011.11	1,027,930.85	1,184,487.55	
Student Wages	3,304.08	2,001.01	2,718.38	2,983.50	7,988.75	
Fringe Benefits	193,125.38	203,799.78	250,293.50	255,576.02	275,096.83	
Other Operating	58,933.96	45,937.17	47,301.99	43,904.33	73,205.89	
Travel	20,993.19	20,470.01	19,345.20	33,341.20	65,748.48	
Equipment	9,939.39	11,019.87	778.00	2,238.82	-	
Total	1,041,547.22	1,213,388.47	1,319,448.18	1,365,974.72	1,606,527.50	-

BUDGET  
LWAC

\* In 2016 Export Control was included in the General Counsel unit as a separate cost center. In 2016 Export Control expenses were \$262,783.91. There have been Export Control expenditures included in prior years but they were not separated out - additional staff were hired in FY 2016. In prior years Export Control was in the Research budget and not in the General Counsel budget.

\*\* Consulting attorneys are usually paid for with private funds and are not included in the General Counsel's cost center.

DEMIS reports were used to gather this data.

I would like to have an explanation of what a "Provost Fund Swap" account is and why it has been used, who used it, where funds came from and where they went to over the past five years.

I would like an update on the status of the NSF audit of KUCR. I would like to know what triggered the audit, what the audit found and what is being done about it along with any findings documents and/or associated reports produced by the NSF auditors.

The NSF Office of Inspector General provides its annual work plan to Congress at the beginning of each federal fiscal year. Starting in 2012 and 2013, NSF OIG included what is referred to as "data analytics" audits of NSF awardees on their work plan. As the name implies, the auditors use data analytics to select awardees for audit and to test 100% of the population of NSF award transactions for a given timeframe. KU is one of several research universities that NSF OIG has selected for these audits. While we do not know the specific factor(s) that led to KU's selection, we know that the auditors consider high-dollar or complex awards. Unlike in a complaint-driven audit, the auditors are testing compliance against all applicable cost principals under the former OMB Circular A-133 and NSF spending rules.

We have gone through several rounds of questions and we are still waiting to hear a final response from the firm contracted by NSF OIG to perform our audit. KU was first notified of the audit in October 2014 and it will likely be some time before the process is complete. This is typical of the experience of other universities under these data analytics audits. It would be premature to speak to any possible findings until the firm's work has been completed and reviewed by NSF OIG and we receive the audit report. When NSF OIG issues its audit report, KU will have an opportunity to go into audit resolution with the NSF's Policy Office. Once the audit resolution process is complete, we will know the full extent of NSF's findings and how much, if any, award funds the agency will recover.

I also would like to have a full and factual accounting of the costs associated with the Service Centers. I would like to have a breakdown of all associated expenses including physical movement of individuals, rework of office spaces and list of all associated individuals. I am interested in finding out exactly how much money has been saved by the creation of these entities and whether or not there has been growth in administration lines associated with the centers.

I would like to see the organization chart for the KU Administration.

I would like to see a list of all the administrators between the Department Chairs and the Provost and associated staff. I would like to have a brief list of their job descriptions and salaries as of today (Fall 2016) along with similar lists for 2010, 2000 and 1990.

Clearly I don't ask for much ;-)

Again, I am sad beyond belief that I am unable to be there as the information above is critical for helping the University community understand the operations of the institution. Although I will be airborne at that time, I would like to try to establish a Skype connection or phone in to this most important meeting from the plane if possible. Till then...

Many thanks in advance,

## Confidentiality and Non-Disclosure Agreement

This Confidentiality and Non-Disclosure Agreement is entered into by and between the University of Kansas ("KU") and the undersigned ("Recipient"), to be effective as of the date fully executed by the Recipient, and in consideration of the disclosure by KU of certain Confidential Information, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

1. During the course of evaluating the return on investment of major KU contract agreements, Recipient will acquire and have access to Confidential Information belonging to KU or third parties through licensed or restricted use, including, but not limited to contracts and financial information that may be subject to non-disclosure or confidentiality requirements. When used in this Agreement, the term "Confidential Information" means all non-public data and information disclosed to Recipient, whether disclosed orally or disclosed or accessed in written, electronic or other form or media, and whether or not marked, designated, or otherwise identified as "confidential."

2. Recipient agrees to hold all Confidential Information in strict confidence, and not disclose it to any third party except as required by law. Recipient shall comply with all applicable off-site and on-site access and data privacy and security rules and procedures of KU. Recipient acknowledges and agrees all Confidential Information is the property of KU or under licensed or restricted use from a third party and access to or disclosure of Confidential Information to Recipient does not convey any right or title in the Confidential Information to Recipient. Recipient shall not appropriate the Confidential Information for Recipient's own use or to for use by any third party. Recipient shall only use the Confidential Information for the exclusive benefit of KU.

3. Recipient shall not use, sell, transfer, publish, disclose, reproduce, redistribute, or otherwise make available the Confidential Information received from the University of Kansas, or permit the Confidential Information to be accessed, transferred, published, disclosed, copied, redistributed, sold, or otherwise used, for any purpose other than the purpose of performing the authorized services or assistance to KU under KU's direction. If Recipient is required by law or similar process to disclose any Confidential Information, then to the extent legally permitted, Recipient will provide KU with prompt written notice of such request or requirement so that KU (or the contractor whose Confidential Information is proposed to be disclosed) may seek an appropriate protective order at its own expense or waive compliance with this provision. KU shall respond to such request, in writing, within five (5) working days of the request, by either authorizing the disclosure or advising of its election to seek a protective order. If KU fails to respond within the prescribed period, the disclosure will be deemed approved. If KU (or the contractor whose Confidential Information is proposed to be disclosed) chooses to seek an appropriate protective order, Recipient will refrain from disclosing such information (unless legally compelled to do so) until the request for a protective order is resolved, and will then comply with any validly-issued protective order.

4. Recipient acknowledges that money damages would not provide an adequate remedy to KU if Recipient breaches or threatens to breach this Agreement. Accordingly, in the event of any breach or threatened breach by Recipient, KU shall, in addition to all other rights and remedies at law or in equity, be entitled to obtain equitable relief in the form of specific performance, temporary restraining order, temporary or permanent

injunction or any other equitable remedy which may then be available from any court having equity jurisdiction, all without the need to post a bond or other security or to prove any amount of actual damage or that money damages will not provide an adequate remedy.

5. All Confidential Information in tangible form shall be returned to KU or destroyed promptly upon request, and Recipient shall not thereafter retain any such Confidential Information in any form.

6. This Agreement and all matters arising out of or related to the Agreement shall be governed by and construed in accordance with the laws of the State of Kansas. If any provision of this Agreement is found to be unenforceable, the remainder shall be enforced as fully as possible, and the unenforceable provision shall be deemed modified to the limited extent required to permit its enforcement in a manner most closely representing the intention of the parties as expressed herein.

Agreed and accepted by:

UNIVERSITY OF KANSAS

By: Neeli Bendeppudi  
Title: Provost and Executive Vice Chancellor  
Date: February 23, 2017

RECIPIENT:

Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

*[Handwritten signature and date]*  
Date: \_\_\_\_\_