

June 23, 2001

Lincoln, Nebraska
June 23, 2001

The Board of Regents of the University of Nebraska met on June 23, 2001 at 8:30 a.m. in the Board Room at Varner Hall, 3835 Holdrege, Lincoln, Nebraska, in publicly convened session, the same being open to the public and having been preceded by advance publicized notice, a copy of which is attached to the minutes of this meeting as Attachment 1.

In compliance with the provisions of Neb. Rev. Stat. Section 84-1411, printed notice of this meeting was sent to each member of the Board and was posted in the first floor lobby of Varner Hall. In addition, copies of such notice were sent to the Lincoln Journal Star, Daily Nebraskan, The Gateway, The Antelope, Kearney Hub and Omaha World Herald on June 11, 2001.

Regents present:

Don S. Blank
Randolph M. Ferlic
Nathan Fuerst
Chuck Hassebrook
Drew Miller
Nancy L. O'Brien
Mallory Prucha
Ryan Samuelson
Kent Schroeder, Vice Chair
Charles S. Wilson, Chair
Javine Winterboer

University officials present:

L. Dennis Smith, President
Lee B. Jones, Executive Vice President and Provost
Nancy Belck, Chancellor, UNO
Harold Maurer, Chancellor, UNMC
Gladys S. Johnston, Chancellor, UNK
Harvey S. Perlman, Chancellor, UNL
John Owens, Vice President and Vice Chancellor for Agriculture and Natural Resources
Kim M. Robak, Vice President for External Affairs and Corporation Secretary
David Lechner, Vice President for Business and Finance
Richard R. Wood, Vice President and General Counsel

I. **CALL TO ORDER**

II. **ROLL CALL**

The Board convened at 8:30 a.m. in the Board Room at Varner Hall, 3835 Holdrege, Lincoln, Nebraska, Saturday, June 23, 2001. Attendance is indicated above. Regent Matzke was absent.

Chairman Wilson welcomed Mallory Prucha, the new UNO Student Regent, to the Board.

III. **APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS**

Motion Moved by O'Brien and seconded by Samuelson to approve the minutes and ratify the actions of the regularly scheduled meeting of May 19, 2001.

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Action Student Opinion: Aye: Prucha, Samuelson, Winterboer, and Fuerst. Voting Aye: Ferlic, Hassebrook, Miller, O'Brien, Schroeder, Wilson, and Blank. Voting Nay: None. Absent: Matzke. Motion carried.

IV. **KUDOS**

Regent Hassebrook presented a KUDOS award to Larry Wathor, Building Service Manager at the Lied Center for Performing Arts on the campus of the University of Nebraska-Lincoln.

Regent Samuelson presented a KUDOS award to Mark Harris, Administrative Coordinator for the University of Nebraska State Museum on the campus of the University of Nebraska-Lincoln.

Regent Winterboer presented a KUDOS award to Marge Virgilito, Staff Assistant in the Academic Records Office at the University of Nebraska Medical Center.

Regent Prucha presented a KUDOS award to Frank Burton, Custodial Supervisor in the Department of Environmental Services at the University of Nebraska at Omaha.

RESOLUTIONS

Motion Moved by Blank and seconded by Samuelson to approved the following Resolutions by Acclamation.

Regent O'Brien presented the following Resolution:

WHEREAS, the University of Nebraska at Omaha's Maverick softball program offers outstanding opportunities to student athletes; and

WHEREAS, the Maverick softball coach, Jeanne Tostenson, this year led her team to the NCAA Division II national championship – the second national softball title in UNO's history; and

WHEREAS, the UNO softball team's 54-to-6 season, a school record, and marked the programs fourth season with 50 or more victories; and

WHEREAS, the accomplishments of these Maverick student athletes and their coaches are sources of pride to the University of Nebraska and to the state of Nebraska;

NOW, THEREFORE, BE IT RESOLVED, that the University of Nebraska Board of Regents congratulates coach Jeanne Tostenson and the members of the Maverick softball team on their national championship and on their many contributions to the University through their sportsmanship, academic achievement, and competitive spirit.

Regent Fuerst presented the following Resolution:

WHEREAS, the University of Nebraska-Lincoln volleyball team represented the highest standards of both academic and athletic excellence this year in a season capped by winning the NCAA national championship; and

WHEREAS, this Husker team is only the second team in NCAA history to finish a season undefeated and win the national title; and

WHEREAS, the Husker volleyball team was ranked number one in the American Volleyball Coaches/USA Today poll for 14 straight weeks, and

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WHEREAS, the UNL Volleyball team compiled an amazing 91 percent winning record against conference opponents and is the only team east of California to win two national championships; and

WHEREAS, Coach John Cook, because of his outstanding leadership and coaching skills, has been named American Volleyball Coaches Association Coach of the year in his first season as head coach; and

WHEREAS, the Husker volleyball team was honored by President George W. Bush during an official White House ceremony;

NOW, THEREFORE, BE IT RESOLVED, that the University of Nebraska Board of Regents recognizes the outstanding athletic achievements of the University of Nebraska-Lincoln volleyball team during this past season, congratulates them for their national championship, and wishes them well in future competition.

Regent Blank presented the following Resolution:

WHEREAS, the University of Nebraska-Lincoln baseball team made its first trip to the College World Series this season, capping a 50-win season that included the Big 12 Championship and its third consecutive Big 12 tournament championship; and

WHEREAS, the Huskers compiled a perfect 5-0 record in the 2001 NCAA tournament games, averaging 10.2 runs per game and becoming the first baseball team in Big 12 history to sweep the regular season and postseason titles in the same season; and

WHEREAS, Coach Dave Van Horn was named Coach of the Year by Baseball America magazine for having established a record of excellence by leading his team to 167 wins in just four seasons and moving the Husker baseball program to the status of a national power; and

WHEREAS, Husker pitcher Shane Komine, Nebraska's first two-time baseball All-American, was named 2001 Big 12 pitcher of the year as well as being named to the All-Big 12 first team; and

WHEREAS, nine UNL players were selected to the All-Big 12 team with five Huskers named to the first team – Shane Komine, Dan Johnson, Matt Hopper, John Cole, and Tom Ott; and

WHEREAS, the Huskers left their old ball park in style, advancing to the College World Series in a final game before 5,484 fans, the largest crowd in Buck Beltzer Field history;

NOW, THEREFORE, BE IT RESOLVED, that the University of Nebraska Board of Regents congratulates the Cornhusker baseball team for its outstanding achievements during the 2001 season and wishes them success in building on their outstanding record.

Regent Schroeder presented the following Resolution:

WHEREAS, Nadyne Beideck's career at the University of Nebraska began when she was a student worker in 1954; and

WHEREAS, Nadyne assumed her first full-time position in 1956 at the University of Nebraska-Lincoln Teachers College, working on the staff of the Nebraska Community Education Project; and

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WHEREAS, Nadyne took time to devote her attention to caring for two daughters from 1959 until 1968, when she returned to the Teachers College, serving as secretary for the Department of Educational Administration; and

WHEREAS, Nadyne came to Varner Hall in 1989 to work in the Office of the Vice President for Business and Finance as Administrative Assistant and Executive Secretary; and

WHEREAS, throughout her career, Nadyne has been a consummate professional, exhibiting efficiency, effectiveness, thorough attention to detail, and consistent follow-up to ensure that jobs are properly completed; and

WHEREAS, Nadyne also has been an unassuming, unselfish, compassionate, and a caring colleague, always willing to be of assistance to people both within her department and in other offices; and

WHEREAS, Nadyne has an infectious sense of humor and a perpetually upbeat attitude;

NOW, THEREFORE, BE IT RESOLVED, that the University of Nebraska Board of Regents reluctantly acknowledges Nadyne Beideck's intention to retire at the end of August 2001, and congratulates her on her distinguished career at the University, and wishes her well in all her future endeavors.

Action Motion to approve Resolutions approved by Acclamation.

Motion Moved by Schroeder and seconded by Blank to adopt the following resolution.

WHEREAS, a request has been submitted to the Board of Regents to voluntarily recognize the Fraternal Order of Police as the exclusive agent for bargaining and other appropriate labor matters for supervisory employees and for non-supervisory employees of the University of Nebraska-Lincoln Police Department; and

WHEREAS, it has been the past practice of the Board of Regents to require that the matter of recognition of any labor organization as the exclusive agent of any group of employees for collective bargaining purposes be determined by formal proceedings in accordance with the provisions of the State Employees Collective Bargaining Act and the State Industrial Relations Act for resolution of questions of representation and for elections;

NOW, THEREFORE, BE IT RESOLVED by the Board of Regents of the University of Nebraska that the Board will continue its past practice of requiring the matter of recognition of any labor organization as the exclusive agent of any group of employees for collective bargaining purposes to be determined by formal proceedings in accordance with the provisions of the State Employees Collective Bargaining Act and the State Industrial Relations Act for resolution of questions of representation and for elections; and

BE IT FURTHER RESOLVED that the request for voluntary recognition of the Fraternal Order of Police as the exclusive agent for bargaining and other appropriate labor matters for supervisory employees and for non-supervisory employees of the University of Nebraska-Lincoln Police Department is hereby denied.

Discussion was held.

Motion Moved by Hassebrook for a Motion to Table. Motion died for a lack of a second.

Discussion continued.

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Action Student Opinion: Aye: Samuelson, Winterboer, Fuerst, and Prucha. Voting Aye: Miller, O'Brien, Schroeder, Wilson, Blank, and Ferlic. Voting Nay: Hassebrook. Absent: Matzke. Motion carried.

V. **STRATEGIC OR POLICY ISSUE**

President L. Dennis Smith introduced the topic of Academic Prioritization and spoke about the Prioritization Reports completed by each campus. Academic Prioritization is an ongoing process to determine areas of excellence on each campus. Smith gave a PowerPoint presentation (see documents file). Smith indicated that he would direct specific resources toward these priorities and review progress annually. Smith stated that the University would focus on its strengths rather than cutting or eliminating programs. The Chancellors from each campus spoke and answered questions regarding their reports.

Discussion was held.

The Board recessed at 10:15 a.m. and reconvened at 10:27 a.m.

VI. **HEARINGS**

None.

VII. **PUBLIC COMMENT**

None.

VIII. **COMMITTEE REPORTS**

Planning

Regent O'Brien reported that the committee met on Friday to receive and discuss a report from the Institutional Identity Committee for recommendations on a new nameplate (logo) for the University of Nebraska. O'Brien recommended the adoption of the new nameplate (logo).

General Affairs

Regent Hassebrook reported that the committee met on Friday to receive and discuss a report on the Nursing Shortage in Nebraska. Discussed ways of the University of Nebraska can help to alleviate the shortage.

Academic Affairs

Regent Schroeder reported that the committee met on Friday to receive and discuss a report on the Intellectual Property Document.

Chairman Wilson accepted the reports.

IX. **UNIVERSITY CONSENT AGENDA**

Regent Miller requested Item IX-B-5 be removed from Consent Agenda and be voted on separately.

Regent Hassebrook requested Item IX-B-4 be removed from Consent Agenda and be voted on separately.

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Motion Moved by Ferlic and seconded by Schroeder to approve the Consent Agenda, items IX-A-1, IX-A-2, IX-B-1, IX-B-2, IX-B-3, IX-B-6, and IX-B-7.

A. ACADEMIC

IX-A-1 President's Personnel Recommendations.

University of Nebraska-Lincoln

Leaves of Absence

Cecil Blake, Associate Professor (Continuous), Communication Studies; leave without pay effective 08/20/01 to 01/06/02, \$64,767 AY current salary, 1.00 FTE.

Stephen G. Burnett, Assistant Professor (Specific Term), Classics; leave of absence with 50% pay effective 08/20/01 to 05/17/02, \$43,500 AY current salary, 1.00 FTE. Fulbright Fellowship University of Potsdam, Potsdam, Germany.

Terry B. Gutkin, Professor (Continuous), Educational Psychology; leave without pay effective 08/20/01 to 05/17/02, \$82,950 AY current salary, 1.00 FTE.

Peter Hoffman, Professor (Continuous), Law; Earl Dunlap College Professor of Law (Special) Law; leave without pay effective 08/20/01 to 01/06/02, \$125,631 AY current salary, 1.00 FTE.

Brian Horowitz, Associate Professor (Continuous), Modern Languages and Literatures; leave of absence with 10% pay effective 08/20/01 to 05/17/02, \$23,502 AY current salary, 1.00 FTE. Fulbright Fellowship, Hebrew University, Israel.

Frances W. Kaye, Professor (Continuous), English; leave of absence with 76% pay effective 08/20/01 to 01/06/02, \$58,860 AY current salary, 1.00 FTE. Fulbright Fellowship, University of Calgary, Calgary, Alberta, Canada.

Gary E. Moulton, Professor (Continuous), History, Thomas C. Sorensen Professor of History (Special); leave without pay effective 08/20/01 to 01/06/02, \$76,357 AY current salary, 1.00 FTE.

Steven Schwartzbach, Professor (Continuous), School of Biological Sciences; leave without pay effective 08/20/01 to 01/06/02, \$69,090 AY current salary, 1.00 FTE.

Thomas H. Sires, Professor (Continuous), Construction Systems Technology; Faculty Development Fellowship with full pay effective 08/20/01 to 01/06/02, \$81,046 AY current salary, 1.00 FTE.

Chin Hsien Wang, Professor (Continuous), Chemistry, Mabel D. Clark Distinguished Professor of Chemistry (Special) Chemistry; leave of absence with 66% pay effective 08/20/01 to 05/17/02, \$117,017 AY current salary, 1.00 FTE. Guggenheim Fellowship, Max Planck Institute for Polymer Research in Mainz, Germany.

University of Nebraska Medical Center

Leave of Absence

John R. Spurzem, Associate Professor (Continuous), Internal Medicine, Faculty Development Fellowship with half pay effective 07/01/01 to 06/30/02, \$5,872 FY, .08 FTE. (Remainder of Dr. Spurzem's salary defrayed by Veterans Administration Hospital.)

Institute of Agriculture and Natural Resources

Adjustment

Elbert C. Dickey, Dean and Director (Special), Cooperative Extension, and Professor (Continuous), Biological Systems Engineering, effective 07/01/01, \$159,000, (includes \$15,900 administrative stipend), 1.00 FTE, increase salary from \$133,800, and add titles of Dean and Director.

University of Nebraska at Omaha

Shelton E. Hendricks, Dean (Special), College of Arts and Sciences, and Professor (Continuous), Psychology; effective 07/01/2001, \$128,000 FY (includes \$10,000 administrative stipend), 1.00 FTE. Add title of Dean (Special) College of Arts and Sciences and delete title of Associate Vice Chancellor for Research and Dean of Graduate Studies. Increase salary from \$114,172 (includes \$10,000 administrative stipend).

- IX-A-2 Approve recommendations relating to the review of specified degree programs and approve the forwarding of such program review reports to the Nebraska Coordinating Commission for Postsecondary Education.

B. BUSINESS

Central Administration

- IX-B-1 Approve the policy relating to the implementation of the Employee Scholarship Program and Dependent Scholarship Program (Regents Policy RP-3.2.6).
- IX-B-2 Authorize the Vice President for Business and Finance to take the necessary actions to establish a deferred compensation plan to be funded by the University of Nebraska Foundation under Section 457(f) of the Internal Revenue Code for the current President and for future Presidents of the University, and for each of the current Chancellors and for future Chancellors.

University of Nebraska-Lincoln

- IX-B-3 (1) Approve the Memorandum of Agreement (“MOA”) between the Board of Regents, the United States Bureau of Reclamation, the Nebraska State Historic Preservation Officer, and the Loup Basin Reclamation District (“District”) (2) approve the State Museum’s Management Plan for the preservation of the archeological and historic sites, and authorize the Director of the State Museum to amend such Plan so long as such amendments further the research and preservation goals underlying the MOA, and (3) authorize acceptance by the Corporation Secretary of a preservation easement to such archeological and historic sites.
- IX-B-6 Approve a supplemental Resolution providing for the inclusion of the Esther L. Kauffman Academic Residential Center as a facility under the Resolution of the Board dated as of December 1, 1964.

University of Nebraska Medical Center

- IX-B-7 Approve the contract for the purchase of real estate located at 4525 Farnam Street, Omaha, Nebraska.

Discussion was held.

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- Action Student Opinion: Aye: Winterboer, Fuerst, Prucha, and Samuelson. Voting Aye: Miller, O'Brien, Schroeder, Wilson, Blank, Ferlic, and Hassebrook. Voting Nay: None. Absent: Matzke. Motion carried.
- Motion Moved by O'Brien and seconded by Winterboer to approve item IX-B-4.
- IX-B-4 Approve the Program Statement for UNL Barkley Memorial Center Building Addition.
Discussion was held.
- Action Student Opinion: Aye: Fuerst, Prucha, Samuelson, and Winterboer. Voting Aye: Miller, O'Brien, Schroeder, Wilson, Blank, Ferlic, and Hassebrook. Voting Nay: None. Absent: Matzke. Motion carried.
- Motion Moved by Miller and seconded by O'Brien to approve item IX-B-5.
- IX-B-5 Approve an increase to the project cost in the amount of \$1,600,000 for the Sheldon Memorial Art Gallery Mechanical Upgrade and Vapor Barrier project.
Discussion was held.
- Action Student Opinion: Aye: Prucha, Samuelson, Winterboer, and Fuerst. Voting Aye: O'Brien, Schroeder, Wilson, Blank, Ferlic, Hassebrook, and Miller. Voting Nay: None. Absent: Matzke. Motion carried.
- X. **UNIVERSITY ADMINISTRATIVE AGENDA**
- A. **ACADEMIC**
- Motion Moved by Winterboer and seconded by O'Brien to approve item X-A-1.
- X-A-1 Approve the initiation of a Seniors Learning Passport program to permit Senior Citizens to participate in Undergraduate classes with available space.
- Amendment Moved by Blank and seconded by O'Brien to amend the age of the participants to the 65 years of age.
Discussion was held.
- Action on Amendment Student Opinion: Aye: Samuelson, Winterboer, Fuerst, and Prucha. Voting Aye: Schroeder, Wilson, Blank, Ferlic, Hassebrook, Miller, and O'Brien. Voting Nay: None. Absent: Matzke. Motion carried.
- Amendment Moved by Hassebrook to limit participation to families with income less than \$40,000. Motion died for lack of a second.
- Action on Original Motion as Amended Student Opinion: Aye: Winterboer, Fuerst, Prucha, and Samuelson. Voting Aye: Wilson, Blank, Ferlic, Hassebrook, Miller, O'Brien, and Schroeder. Voting Nay: None. Absent: Matzke. Motion carried.

B. BUSINESS

Central Administration

- Motion Moved by Samuelson and seconded by Winterboer to approve item X-B-1.
- X-B-1 Approve the University of Nebraska fiscal year 2001-2002 Operating Budget Guidelines.
- Discussion was held.
- Action Student Opinion: Aye: Fuerst, Prucha, Samuelson, and Winterboer. Voting Aye: Blank, Ferlic, Hassebrook, Miller, O'Brien, Schroeder, and Wilson. Voting Nay: None. Absent: Matzke. Motion carried.
- Motion Moved by Miller and seconded by Blank to approve item X-B-2.
- X-B-2 Approve the Nebraska College of Technical Agriculture fiscal year 2001-2002 Operating Budget Guidelines.
- Action Student Opinion: Aye: Prucha, Samuelson, Winterboer, and Fuerst. Voting Aye: Ferlic, Hassebrook, Miller, O'Brien, Schroeder, Wilson, and Blank. Voting Nay: None. Absent: Matzke. Motion carried.
- Motion Moved by Winterboer and seconded by O'Brien to approve item X-B-3.
- X-B-3 Approve a new visual identifier for the University of Nebraska to replace the current logo, and approve the proposed amendment to Regents Policy RP-1.4.2 of the Policies of the Board of Regents of the University of Nebraska.
- Discussion was held. Regent Hassebrook noted that his vote was predicated on the low cost of implementation. The University will exhaust existing supplies before ordering materials with the new identifier.
- Action Student Opinion: Aye: Samuelson, Winterboer, Fuerst, and Prucha. Voting Aye: Hassebrook, Miller, O'Brien, Schroeder, Wilson, Blank, and Ferlic. Voting Nay: None. Absent: Matzke. Motion carried.

University of Nebraska-Lincoln

- Motion Moved by Winterboer and seconded by Samuelson to approve item X-B-4.
- X-B-4 Authorize short-term borrowing not to exceed \$18,000,000 by Nebraska Utilities Corporation (NUCorp) in the manner deemed most advantageous by the Board of NUCorp and authorize the expenditure by NUCorp of up to \$18,000,000 for utility related projects, capitalization of the corporation, capitalized interest, and working capital.
- Discussion was held.
- Action Student Opinion: Aye: Winterboer, Fuerst, Prucha, and Samuelson. Voting Aye: Miller, O'Brien, Schroeder, Wilson, Blank, Ferlic, and Hassebrook. Voting Nay: None. Absent: Matzke. Motion carried.

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C. FOR INFORMATION ONLY

X-C-1 Proposed amendments to the Bylaws of the University of Nebraska-Lincoln are presented at this meeting for information only as required by the Bylaws of the University of Nebraska-Lincoln.

D. REPORTS

X-D-1 Report on naming the Watanabe Resource Center at the Lied Transplant Center.

X-D-2 Monthly Report of Bids and Contracts.

X-D-3 Report on the removal of the Department of Theatre Arts from participation in the Interdepartmental M.A. and Ph.D. degrees in Communication Studies and Theatre Arts, and change in the names of the degrees.

Chairman Wilson accepted the reports.

XI. ADDITIONAL BUSINESS

Motion Moved by Samuelson and seconded by Blank to approve the Board of Regents Meeting Schedule for 2002 by Acclamation.

January 18-19, 2002
February 22-23, 2002
April 5-6, 2002
May 31-June 1, 2002
July 12-13, 2002
August 30, 2002
October 11, 2002
November 8, 2002
December 13-14, 2002
January 17-18, 2003

Action Motion to approve meeting schedule approved by Acclamation.

CLOSED SESSION

Motion Moved by Ferlic and seconded by Prucha that the Board of Regents go into closed session as authorized by Section 84-1410 of the Revised Statutes of Nebraska for the protection of the public interest, and to prevent needless injury to the reputation of individuals who have not requested a public hearing, for the purpose of holding a discussion limited to the evaluation of University academic-administrative personnel.

Action Student Opinion: Aye: Fuerst, Prucha, Samuelson, and Winterboer. Voting Aye: Miller, O'Brien, Schroeder, Wilson, Blank, Ferlic, and Hassebrook. Voting Nay: None. Absent: Matzke. Motion carried.

The Board went into closed session at 11:15 a.m. and reconvened the open meeting at 11:40 a.m.

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ADJOURNMENT

There being no further business, the meeting was adjourned at 11:41 a.m.

Respectfully submitted,

Kim M. Robak
Corporation Secretary

Charles S. Wilson
Chair of the Board