

AGENDA
THE BOARD OF REGENTS
OF THE UNIVERSITY OF NEBRASKA
Chadron State College
Chadron, Nebraska
Friday, July 29, 2005
11:15 a.m.

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN ON JUNE 10, 2005
- IV. KUDOS (NONE) AND RESOLUTIONS
- V. STRATEGIC OR POLICY ISSUES: NONE
- VI. HEARINGS: NONE
- VII. PUBLIC COMMENT

The Standing Rules of the Board provide that any person may appear and address the Board of Regents on any item on the agenda for this meeting. Each person will be given up to five minutes to make his or her remarks.

- VIII. COMMITTEE REPORTS AND APPROPRIATE ACTION
- IX. UNIVERSITY CONSENT AGENDA
 - A. ACADEMIC AFFAIRS
 - 1. President's Personnel Recommendations. Addendum IX-A-1
 - 2. Approve the request for outside employment at the University of Nebraska-Lincoln. Addendum IX-A-2
 - B. BUSINESS AFFAIRS
 - University of Nebraska-Lincoln
 - 1. Approve the University of Nebraska-Lincoln Panhandle Research and Extension Center construction of feedlot pens at the Panhandle Research Feedlot. Addendum IX-B-1
 - 2. Subcontracts in conjunction with the National Science Foundation ANDRILL award for ice drilling in the Antarctic region. Addendum IX-B-2

- X. UNIVERSITY ADMINISTRATIVE AGENDA
 - A. ACADEMIC AFFAIRS
 - None.
 - B. BUSINESS AFFAIRS
 - Central Administration
 - 1. Delegate authority to the Chairman of the Board and the President on a one time basis to approve a written agreement with the University of Nebraska Foundation relating to acceptance of a major private gift to the University of Nebraska Foundation for the benefit of the University, including the naming of a University program in honor of the private donor. Addendum X-B-1
 - C. FOR INFORMATION ONLY
 - 1. This proposed amendment of Section 5.6 of the *Bylaws of the Board of Regents* relating to public information regarding students was presented at the June 10, 2005 meeting. It is presented again for information purposes only in accordance with the requirements of Section 1.11 of the *Bylaws of the Board of Regents*. Approval of this amendment will be requested at the next business meeting of the Regents. Addendum X-C-1
 - 2. This proposed amendment of Section 3.4.5 of the *Bylaws of the Board of Regents* relating to outside professional employment is presented for information purposes only in accordance with the requirements of Section 1.11 of the *Bylaws of the Board of Regents*. Approval of this amendment will be requested at the next business meeting of the Regents. Addendum X-C-2
 - D. REPORTS
 - None.
- XI. ADDITIONAL BUSINESS

IX. UNIVERSITY CONSENT AGENDA

A. ACADEMIC AFFAIRS

1. President's Personnel Recommendations. Addendum IX-A-1
2. Approve the request for outside employment at the University of Nebraska-Lincoln. Addendum IX-A-2

B. BUSINESS AFFAIRS

University of Nebraska-Lincoln

1. Approve the University of Nebraska-Lincoln Panhandle Research and Extension Center construction of feedlot pens at the Panhandle Research Feedlot. Addendum IX-B-1
2. Subcontracts in conjunction with the National Science Foundation ANDRILL award for ice drilling in the Antarctic region. Addendum IX-B-2

X. UNIVERSITY ADMINISTRATIVE AGENDA

A. ACADEMIC AFFAIRS

None.

B. BUSINESS AFFAIRS

Central Administration

1. Delegate authority to the Chairman of the Board and the President on a one time basis to approve a written agreement with the University of Nebraska Foundation relating to acceptance of a major private gift to the University of Nebraska Foundation for the benefit of the University, including the naming of a University program in honor of the private donor. Addendum X-B-1

C. FOR INFORMATION ONLY

1. This proposed amendment of Section 5.6 of the *Bylaws of the Board of Regents* relating to public information regarding students was presented at the June 10, 2005 meeting. It is presented again for information purposes only in accordance with the requirements of Section 1.11 of the *Bylaws of the Board of Regents*. Approval of this amendment will be requested at the next business meeting of the Regents. Addendum X-C-1

2. This proposed amendment of Section 3.4.5 of the *Bylaws of the Board of Regents* relating to outside professional employment is presented for information purposes only in accordance with the requirements of Section 1.11 of the *Bylaws of the Board of Regents*. Approval of this amendment will be requested at the next business meeting of the Regents. Addendum X-C-2

D. REPORTS

None.

President's Personnel Recommendations
Meeting Date: July 29, 2005

University of Nebraska-Lincoln

Leaves of Absence

John E. Anderson, Professor (Continuous) Economics; Faculty Development Fellowship with half pay effective 08-15-05 through 05-12-06, \$127,892 AY, 1.00 FTE.

Renee A. Price, Assistant Professor (Specific Term) School of Accountancy; leave without pay effective 08-15-05 through 05-12-06, \$106,175 AY, 1.00 FTE.

University of Nebraska at Omaha

Leaves of Absence

Z. Randall Stroope, Professor (Continuous), Music; Faculty Development Fellowship with half pay, effective 08-15-2005 to 05-12-2006, \$57,345 AY, 1.00 FTE.

TO: The Board of Regents
Academic Affairs

MEETING DATE: July 29, 2005

SUBJECT: Request for Approval of Outside Employment

RECOMMENDED ACTION: Approval of the following request to participate in an activity outside the University in accordance with University policy as follows:

Andrew Benson, Associate Professor, Food Science and Technology

PREVIOUS ACTION: None.

EXPLANATION: The request by Andrew Benson for approval of an outside activity is in accordance with Section 3.4.5 (c) of the *Bylaws of the Board of Regents of the University of Nebraska* specifying that University employees must have the approval of the Board of Regents if they involve the charging of fees for work performed in University buildings with University equipment and materials. The University will be reimbursed for all costs associated with this program.

Andrew Benson is requesting permission of the Board of Regents to serve as a consultant to the Biobalance Corporation of New York, New York, relative to development of a detection assay for the M17 strain of *E. coli*. These duties will be performed from August 1, 2005 to July 31, 2006. This activity will not interfere or conflict with Andrew Benson's performance of his University duties and responsibilities.

SPONSOR: John C. Owens
NU Vice President for Agriculture and Natural Resources
IANR Vice Chancellor

APPROVAL: _____
Harvey Perlman, Chancellor
University of Nebraska-Lincoln

DATE: July 7, 2005

TO: The Board of Regents
 Business Affairs

MEETING DATE: July 29, 2005

SUBJECT: University of Nebraska-Lincoln (UNL) – Panhandle Research and Extension Center (PHREC) construction of feedlot pens at the Panhandle Research Feedlot

RECOMMENDED ACTION: Approve the UNL – PHREC construction of feedlot pens at the Panhandle Research Feedlot.

PREVIOUS ACTION: None

EXPLANATION: This project will construct 61 new research pens at the Panhandle Research Feedlot to provide the University with a state-of-the-art research feedlot. This facility will enhance the quality and quantity of feedlot nutrition and management research demanded by the industry. Our current research feedlot is outdated and does not provide adequate resources to conduct cutting-edge research. The proposed expansion will position the UNL Panhandle Research Feedlot as the premier beef cattle feedlot research facility in the region.

The total project cost of \$650,000 includes the design and construction of the 61 research pens as well as concrete work and watering tanks. The project will be totally funded by donations which PHREC has received.

Proposed start of construction	August 2005
Proposed completion of construction	December 2005

PROJECT COST: \$650,000

ON-GOING FISCAL IMPACT:	Annual Operating Costs	None
	2% Assessment	N/A

SOURCE OF FUNDS: Donations

SPONSORS: Christine A. Jackson
 Vice Chancellor for Business & Finance

John C. Owens
 NU Vice President for Agriculture and Natural Resources
 IANR Vice Chancellor

APPROVAL: _____
 Harvey Perlman, Chancellor
 University of Nebraska-Lincoln

DATE: July 19, 2005

TO: The Board of Regents
Business Affairs

MEETING DATE: July 29, 2005

SUBJECT: National Science Foundation (NSF) ANDRILL award for ice drilling in the Antarctic region

RECOMMENDED ACTION: Subcontracts in conjunction with the National Science Foundation (NSF) ANDRILL award for ice drilling in the Antarctic region.

PREVIOUS ACTION: None

EXPLANATION: The University of Nebraska has been given an indication that an award from NSF will be made in order to obtain ice core samples from drill sites in the Antarctic region. UNL is to serve as the lead institution in this 5-year project. The total amount of the agreement is anticipated to be \$12,978,160.

The request is submitted in accordance with Regents Policy 6.3.1.4.p, which requires Board approval for any contract for the procurement of professional services where the amount will exceed \$200,000. Under the terms of this cooperative agreement, the University of Nebraska will be required to make several subcontracts, for each of the 5 years of the contract, to assist in completing the terms of this agreement. The anticipated amount for all subawards, for the 5 years of the award, is approximately \$8 million. Upon approval of this item the Vice Chancellor for Business and Finance will execute, on behalf of the Board of Regents, the subcontracts and any modifications to the amounts of sub-awards during the term of this agreement.

PROJECT COST: \$8,000,000 (anticipated)

SOURCE OF FUNDS: Restricted Funds – NSF

SPONSORS: Prem S. Paul
Vice Chancellor for Research

Christine A. Jackson
Vice Chancellor for Business & Finance

APPROVAL: _____
Harvey Perlman, Chancellor
University of Nebraska-Lincoln

DATE: July 19, 2005

TO: Board of Regents
Business Affairs

MEETING DATE: July 29, 2005

SUBJECT: Delegation of Authority to the Chairman and President to Accept a Gift

RECOMMENDED ACTION: Delegate authority to the Chairman of the Board and the President on a one time basis to approve a written agreement with the University of Nebraska Foundation relating to acceptance of a major private gift to the University of Nebraska Foundation for the benefit of the University, including the naming of a University program in honor of the private donor.

PREVIOUS ACTION: None

EXPLANATION: The University of Nebraska Foundation has recently entered into an agreement for a major private gift to be used to provide a substantial endowment for a University program. A condition of the agreement requires that the name of the donor and the details concerning this gift must remain confidential until the time the donor and the University Foundation publicly announce the same.

The written agreement between the private donor and the University Foundation for this gift requires certain agreements and actions by the University as a condition of the gift, including provisions for the naming of the University program to be endowed. Board of Regents policies regarding the naming of programs will be followed.

Approval of this agenda item will delegate authority to the Chairman and the President on a one time basis to finalize and approve the terms of a formal agreement with the University Foundation as required by the donor. The formal agreement between the University and the Foundation will become a public document at the time it is executed by the parties, which is expected to occur at the time the donor and University Foundation announce the gift.

SPONSORS: David E. Lechner
Vice President for Business & Finance

Richard R. Wood
Vice President and General Counsel

APPROVED: _____
James B. Milliken
President

DATE: July 19, 2005

TO: The Board of Regents
Business Affairs

MEETING DATE: July 29, 2005

SUBJECT: Amendment of Section 5.6 of the *Bylaws of the Board of Regents*.

RECOMMENDED ACTION: None. This proposed amendment of Section 5.6 of the *Bylaws of the Board of Regents* relating to public information regarding students was presented at the June 10, 2005 meeting. It is presented again for information purposes only in accordance with the requirements of Section 1.11 of the *Bylaws of the Board of Regents*. Approval of this amendment will be requested at the next business meeting of the Regents.

PREVIOUS ACTION: Section 5.6 of the *Bylaws* was originally adopted on November 10, 1978. It was amended on June 16, 1984, to delete "marital status" as public information; and on June 3, 1992, to permit the release of names of students mentioned in campus security or campus police reports concerning accidents and incidents.

EXPLANATION: It is requested that the Board of Regents approve the following amendment of Section 5.6 of the *Bylaws of the Board of Regents* to add additional information regarding students that is considered to be public information:

5.6 Public Information Regarding Students. Public information regarding students attending the University shall be the (i) student's name, ~~current~~ (ii) local address, (iii) permanent address, (iv) telephone listings, (v) year at the University, (vi) dates of attendance, and (vii) academic college and major field of study, (viii) enrollment status (e.g., undergraduate or graduate; full-time or part-time), (ix) participation in officially recognized activities and sports, (x) degrees, honors and awards received, and (xi) most recent educational agency or institution attended. The names of students mentioned in some kinds of campus security or campus police reports concerning accidents and incidents may also be released to the public. Each major administrative unit shall define the kinds of reports and information that may be released to the public. Information contained in personal files of the student is considered confidential and requires written authorization by the student for release; provided such records with names and personal identification deleted, and kept confidential, may be made available for governmental or University approved research and analysis.

The foregoing proposed amendment would add eight additional classifications of public information regarding students to Section 5.6, namely local address; telephone listings; dates of attendance; academic college; enrollment status; participation in officially recognized activities and sports; degrees, honors and awards received; and most recent educational agency or institution attended.

Each proposed additional classification of public information, except college of study, is expressly included in the definition of directory information in the regulations for the Federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, at 34 CFR §99.3. Directory information is considered to be information that may be publicly disclosed without the necessity of obtaining written consent for its release.

With regard to including college of study as public information, the FERPA regulations permit public disclosure of additional information contained in education records of students so long as it is information that “would not generally be considered harmful or an invasion of privacy if disclosed.” Making college of study public information would not generally be considered harmful or an invasion of privacy if disclosed.

SPONSORS:

Jay Noren
Executive Vice President and Provost

Richard R. Wood
Vice President and General Counsel

APPROVAL:

James B. Milliken
President

DATE:

July 19, 2005

TO: The Board of Regents
Business Affairs

MEETING DATE: July 29, 2005

SUBJECT: Amendment of Section 3.4.5 of the *Bylaws of the Board of Regents*.

RECOMMENDED ACTION: None. This proposed amendment of Section 3.4.5 of the *Bylaws of the Board of Regents* relating to outside professional employment is presented for information purposes only in accordance with the requirements of Section 1.11 of the *Bylaws of the Board of Regents*. Approval of this amendment will be requested at the next business meeting of the Regents.

PREVIOUS ACTION: Section 3.4.5 of the *Bylaws* was originally adopted on November 10, 1978. It has been amended once on June 22, 1991.

EXPLANATION: It is requested that the Board of Regents approve the following amendment of Section 3.4.5 of the *Bylaws of the Board of Regents* relating to outside professional employment by members of the University's professional staff:

3.4.5 Outside Employment.

Staff members employed on a part-time basis by the University, such as practicing lawyers or physicians, may engage in outside employment or activities unless it is expressly stipulated to the contrary in the conditions of employment.

Staff members employed by the University, other than those covered in the preceding paragraph, shall be encouraged to engage in professional activities outside the University as a means of contributing to the economic growth and development of the state as well as broadening their experience and keeping them abreast of the latest developments in their specialized fields; provided such activities do not interfere with their regular duties at the University, or represent a conflict of interest. Staff members may accept temporary or occasional employment for such professional services when such employment is recommended by the Dean of the college or director of the division involved and approved by the Chancellor or President, or their designees.

Specific approval of the Board is required before any members of the full-time professional staff:

~~(a) Accept retainer fees or other remuneration on a permanent or yearly basis as May be retained to provide professional consultants services outside the University to an individual person, client, company, firm or governmental agency over a time period lasting more than two years.~~

~~(b) May accept professional employment requiring more than an average of two days per month during the period of ~~their~~ his or her full-time University employment.~~

~~(c) Charge fees for work performed in University buildings with University equipment and materials.~~

~~(d) Provide professional services for remuneration to departments or agencies of state government.~~

The President shall promulgate such executive policies as shall be necessary for administration and enforcement of this Section 3.4.5, including regulations covering the conduct of outside professional activity performed in University buildings using University equipment or materials that assure there is adequate consideration to the University for such use.

Nothing contained in this Section 3.4.5 shall, however, prevent the Board from continuing affect the administration or enforcement of the Medical Service Plan at the University of Nebraska Medical Center adopted March 5, 1972, and or the Dental Service Plan at the University of Nebraska Medical Center, adopted January 16, 1982, or from making or any amendments, changes, or alterations thereto or revisions thereof which have been approved by the Board.

SPONSORS:

Jay Noren
Executive Vice President and Provost

Richard R. Wood
Vice President and General Counsel

APPROVAL:

James B. Milliken
President

DATE:

July 19, 2005