

The Board of Regents of the University of Nebraska met on November 3, 2006, at 1:00 p.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, Omaha World Herald, the Daily Nebraskan, the Gateway, the Antelope, the Kearney Hub, and the Lincoln office of the Associated Press on October 23, 2006.

Regents present:

- Randolph M. Ferlic
- Chuck Hassebrook
- Howard Hawks
- Jim McClurg, Chairman
- Drew Miller
- Bob Phares
- Kent Schroeder
- Charles S. Wilson, Vice Chairman
- Dan Connealy
- Mike Eiberger
- Steve Massara
- Matt Schaefer

University officials present:

- James B. Milliken, President
- Linda R. Pratt, Interim Executive Vice President and Provost
- John Christensen, Interim Chancellor, UNO
- Harold Maurer, Chancellor, UNMC
- Douglas A. Kristensen, Chancellor, UNK
- Harvey S. Perlman, Chancellor, UNL
- John Owens, Vice President for Agriculture and Natural Resources
- Donal J. Burns, Associate Executive Vice President and Provost and Corporation Secretary
- David Lechner, Vice President for Business and Finance
- Richard R. Wood, Vice President and General Counsel
- Peter G. Kotsiopoulos, Vice President for University Affairs

I. CALL TO ORDER

II. ROLL CALL

The Board convened at 1:00 p.m. in the Board Room at Varner Hall, 3835 Holdrege, Lincoln, Nebraska on November 3, 2006. Attendance is indicated above.

III. APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS

Motion Moved by Hawks and seconded by Phares to approve the minutes and ratify the actions of the regularly scheduled meeting of September 8, 2006.

Action Student Opinion: Voting Aye: Eiberger, Massara, Schaefer and Connealy. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Miller, Schroeder, Wilson and Phares. Motion carried.

Regent McClurg announced the location of the Open Meetings Act in the Board room.

IV. KUDOS AND RESOLUTIONS

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Regent Miller presented a KUDOS award to Kimberly S. Christensen, Buyer in the Office of Business Services at the University of Nebraska at Kearney.

Regent Phares presented a KUDOS award to Christine Carey, Recruitment Staff Assistant in the Office of Research and Graduate Studies at the University of Nebraska - Lincoln.

Regent Ferlic presented a KUDOS award to Rhonda Simpson, staffer in the College of Dentistry at the University of Nebraska Medical Center.

Regent Hassebrook presented the following resolution:

Whereas, Student Body President and Regent Steve Massara has effectively represented the constituents of the University of Nebraska at Omaha to the university administration, the University of Nebraska Board of Regents, and the public; and

Whereas, he organized a “Grassroots” visibility campaign which resulted in UNO Student Government senators increasing communication to their constituents on issues concerning their college, university, and community as a whole along with a record voter turnout for Student Government elections; and

Whereas, he received several awards including the Student Government Leadership Award, Outstanding Senator Award, Outstanding Executive Award, Vice-Chancellor’s Award, Health Physical Education and Recreation Outstanding Undergraduate Award, and Pinnacle Award; and

Whereas, his involvement and volunteer contributions in the following roles were immeasurable: Emerging Leaders, Student Government Secretary, Faculty Senate Liaison, Student Government College of Education Senator, Student Government President and Regent; and

Whereas, Regent Massara won the respect and admiration of innumerable students, faculty and staff, and was a positive role model on campus.

Therefore, be it resolved, that the University of Nebraska Board of Regents publicly recognizes the accomplishments of Regent Steve Massara and extends their appreciation for his service and wishes him well in all his future endeavors.

Regent Wilson presented the following resolution

Whereas, Dan Connealy has served as a member of the University of Nebraska Board of Regents and as President of the University of Nebraska Medical Center Student Senate during the 2005-2006 terms; and

Whereas, Regent Connealy has taken an active and positive role in Board of Regents meetings and events across the state, and, as a member of the Executive Committee, discussed and set the final agenda for the Regents meetings; and

Whereas, Regent Connealy, as a member of the UNMC Chancellor’s Advisory Board, discussed important Regental issues and provided input regarding the potential impact of those issues on UNMC students; and

Whereas, Regent Connealy provided input into the design and décor of the student functional areas of the Michael F. Sorrell Center for Health Science Education, was a student volunteer for the Rural Health Education Network and Area Health Education Center, and was involved in numerous UNMC public affairs and alumni affairs activities, including speaking at the groundbreaking for the Sorrell Center; and

Whereas, Regent Connealy drafted a resolution supporting UNMC faculty salary increases that was unanimously supported by the UNMC Student Senate, and, with fellow Student Senate member Jonathan Henning, drafted a unanimously supported Student Senate resolution opposing Initiative 423, as well as a letter to the editor that was published by the Omaha World-Herald and other local papers.

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Therefore, be it resolved, that the University of Nebraska Board of Regents expresses its sincere appreciation for the contributions and dedicated service of Regent Dan Connealy during his term on the Board and wishes him well in all of his future endeavors.

Regent Hawks presented the following resolution:

Whereas, Drew Miller has served with great distinction as a member of the University of Nebraska Board of Regents since 1994; and re-elected in 2000; and

Whereas, Regent Miller drew from his considerable and extensive business background to work with University business leaders in encouraging the development and establishment of improved best business practices and administrative efficiencies for the University of Nebraska; and

Whereas, Regent Miller proposed a policy change to allow veterans of all branches of the U.S. armed services to be eligible to attend the University of Nebraska at in-state tuition rates, welcoming Nebraska veterans home and encouraging them to begin or continue their college studies in Nebraska; and

Whereas, Regent Miller has been outspoken and vigilant in his support and concern for advancing scientific research as one of the major missions of the University; and

Whereas, Regent Miller dedicated his time and expertise with the University of Nebraska Technical Assistance Center Advisory Council, and many other civic and community groups; and

Whereas, Regent Miller consistently shared his views in support of ongoing excellence in academics at the University; and served as a candid, honest and forthcoming voice on the Board of Regents.

Now, therefore, be it resolved, that the University of Nebraska Board of Regents expresses its sincere gratitude to Regent Drew Miller for his years of service and the contributions as a member of this Board, and wishes him good luck and great success in his future endeavors.

The above resolutions were passed by acclamation.

President Milliken recognized Alan Moeller, Vice Chancellor for Finance and Personnel at the Institute of Agriculture and Natural Resources, as the recipient of the “Public Service to Agriculture Award”.

V.

HEARINGS

A hearing on the following item was opened by the Chairman:

Approve adoption of Section 4.4.8 of the *Bylaws of the Board of Regents* relating to Faculty Practice Appointments and Faculty Research Appointments.

There was no discussion.

Chairman McClurg closed the hearing.

VI.

PUBLIC COMMENT

Regent Howard Hawks addressed the Board about President Milliken’s response to Initiative 423, which is on the ballot for the November 7 general election.

Mike Wienberg addressed the Board about agenda item IX-A-3, the academic freedom complaint filed by Dr. Pamela Jean Owens.

Dr. Pamela Owens addressed the Board about agenda item IX-A-3, the academic freedom complaint that she filed with the Board of Regents.

Dr. Bonnie O’Connell addressed the Board about agenda item IX-A-3, the academic freedom complaint filed by Dr. Pamela Jean Owens.

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VII. STRATEGIC OR POLICY ISSUE

The strategic issues were the enrollment report, an update of the LB 605 timetable and the Spellings Report. Dr. Marijane Hancock, Director of Institutional Research, presented the enrollment report. David Lechner, Vice President for Business and Finance, provided an updated time line for LB 605 projects and Dr. Linda R. Pratt, Interim Executive Vice President and Provost, updated the Board about the Spellings Report.

VIII. UNIVERSITY CONSENT AGENDA

Motion Moved by Miller and seconded Ferlic to approve items VIII-A-1; VIII-A-2; VIII-A-3; VIII-A-4; VIII-B-1; VIII-B-2; VIII-B-3; VIII-B-4; VIII-B-5; and VIII-B-6.

A. ACADEMIC

VIII-A-1 President's Personnel Recommendations.

VIII-A-2 Approve the revised Bylaws of the College of Architecture of the University of Nebraska-Lincoln.

VIII-A-3 Approve the Bylaws of the College of Education and Human Sciences at the University of Nebraska-Lincoln.

VIII-A-4 Approve Bylaws of the Faculty of the College of Journalism and Mass Communications of the University of Nebraska-Lincoln.

B. BUSINESS

Central Administration

VIII-B-1 Approve the acceptance of certain audited financial statements of the University of Nebraska and related entities.

VIII-B-2 Approve reappointment of Harold Maurer, M.D. and Duane Acklie to the Board of Directors of The Nebraska Medical Center effective January 1, 2007, for a term of three years.

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VIII-B-3 Authorize the Vice Chancellor for Business & Finance and the Athletics Director to complete negotiations and authorize the Chancellor to approve a contract for a 2006 postseason football game.

VIII-B-4 Approve the rehabilitation of the Tractor Testing Facility.

VIII-B-5 Approve Change Order for installation of a moveable grid ceiling system in the Black Box Theatre as part of the Temple Building Renovation and Addition Project.

VIII-B-6 Approve naming of the South Stadium offices the "June and Paul Schorr III Center for Computer Science and Engineering."

Action Student Opinion: Voting Aye: Massara, Schaefer, Connealy and Eiberger. Voting Aye: Hassebrook, Hawks, McClurg, Miller, Schroeder, Wilson, Phares and Ferlic. Motion carried.

IX. UNIVERSITY ADMINISTRATIVE AGENDA

A. ACADEMIC

Motion Moved by Wilson and seconded by Schroeder to approve item IX-A-1.

IX-A-1 Approve adoption of Section 4.4.8 of the *Bylaws of the Board of Regents* relating to Faculty Practice Appointments and Faculty Research Appointments.

4.4.8 Faculty Practice and Faculty Research Appointments, University of Nebraska-Lincoln.

Notwithstanding the contrary provisions of Section 4.4.1, members of the full-time, permanent faculty at the University of Nebraska-Lincoln may be employed by a Faculty Practice Appointment or a Faculty Research Appointment. Such faculty appointments shall be for a stated term not to exceed five years and shall carry no presumption of renewal. Any Faculty Practice or Faculty Research Appointment may be renewed for succeeding terms not to exceed five years each. Except for termination of a Faculty Research Appointment on shorter notice due to lack of funding as provided below in subparagraph (g), each such appointment will terminate at the end of its stated term if written notice of non-reappointment is given to the appointee by the appropriate administrative officer in accordance with the following standards:

- (a) If the stated term of the appointment on a Faculty Practice Appointment or a Faculty Research Appointment expires at the end of one year of service or sooner, notice shall be given by an appropriate administrative officer not less than three (3) months in advance of the termination date.
- (b) If the stated term of the appointment expires after one year of continuous service, but not later than two years of continuous service on a Faculty Practice Appointment or a Faculty Research Appointment, notice shall be given by an appropriate administrative officer not less than six (6) months in advance of the termination date.
- (c) If the stated term of the appointment expires after two years of continuous service on a Faculty Practice Appointment or a Faculty Research Appointment, notice shall be given by an appropriate administrative officer not less than twelve (12) months in advance of the termination date.
- (d) As used in this section, the term "continuous service" shall include consecutive service from one academic year to the next succeeding academic year.
- (e) If written notice is not given to the appointee by the appropriate administrative officer in the manner herein provided and within the time specified in subsection (a), (b), or (c) of this section, as appropriate, the appointment shall be extended for a period of twelve (12) months. Any appointment extended as provided in this section shall be considered to be an appointment for one year of service, and subject to reappointment in accordance with the provisions specified above.
- (f) All notices required by this section shall be deemed to have been properly given if mailed to the appointee's home address, as reflected by the records of the University, by certified mail, with sufficient postage attached.
- (g) Notwithstanding the contrary provisions of subparagraphs (a), (b), (c), and (e) of this Section, in the event a Faculty Research Appointment is funded in whole or in part by funds from a specific source external to the University, such as a research grant, and such funds are reduced or discontinued, then the Faculty Research Appointment may be terminated by the University by giving the appointee at least 90 days written notice of the date of termination.

There was discussion.

- Action Student Opinion: Voting Aye: Schaefer, Connealy, Eiberger and Massara. Voting Aye: Hawks, McClurg, Miller, Schroeder, Wilson, Phares, Ferlic and Hassebrook. Motion carried.
 - Motion Moved by Ferlic and seconded by Phares to approve item IX-A-2.
 - IX-A-2 Approval of PreK-16 Initiative Dual-Enrollment Program at the University of Nebraska at Omaha.
- There was discussion.
- Action Student Opinion: Voting Aye: Connealy, Eiberger, Massara and Schaefer. Voting Aye: McClurg, Miller, Schroeder, Wilson, Phares, Ferlic, Hassebrook and Hawks. Motion carried.

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B. BUSINESS

Central Administration

- Motion Moved by Hassebrook and seconded by Schroeder to approve item IX-B-1.
- IX-B-1 Approve submission of a budget deficit request for fiscal year 2006-2007 to the State of Nebraska.
- There was discussion.
- Action Student Opinion: Voting Aye: Eiberger, Massara, Schaefer and Connealy. Voting Aye: Schroeder, Wilson, Phares, Ferlic, Hassebrook, Hawks. Voting Nay: Miller and McClurg. Motion carried.

University of Nebraska at Kearney

- Motion Moved by Miller and seconded by Schroeder to approve item IX-B-2.
- IX-B-2 Approve the Program Statement for the Campuswide Utilities Plant and System.
- Action Student Opinion: Massara, Schaefer, Connealy and Eiberger. Voting Aye: Schroeder, Wilson, Phares, Ferlic, Hassebrook, Hawks, McClurg and Miller. Motion carried.

University of Nebraska - Lincoln

- Motion Moved by Wilson and seconded by Schroeder to approve item IX-B-3.
- IX-B-3 Approve the Program Statement and Budget for the Multicultural Center.
- There was discussion.
- Action Student Opinion: Voting Aye: Schaefer, Connealy, Eiberger and Massara. Voting Aye: Wilson, Phares, Ferlic, Hassebrook, Hawks, McClurg, Miller and Schroeder. Motion carried.
- Motion Moved by Hassebrook and seconded by Eiberger to approve item IX-B-4.
- IX-B-4 Approve the sole source three-year ticketing software contract.
- There was discussion.
- Action Student Opinion: Voting Aye: Connealy, Eiberger, Massara and Schaefer. Voting Aye: Phares, Ferlic, Hassebrook, Hawks, McClurg, Miller, Schroeder and Wilson. Motion carried.
- Motion Moved by Wilson and seconded by Schroeder to approve items IX-B-5 and IX-B-6.
- IX-B-5 Approve the Resolution to authorize the expenditure of up to \$695,000 from the Surplus Fund of the UNL Parking Revenue Bonds to improve certain property and equipment.
- IX-B-6 Approve the Resolution to authorize expenditure of up to \$3,423,700 for capital improvements for the Nebraska Unions and University Housing facilities from the Replacement Fund of the Student Fees and Facilities Revenue Bonds at the University of Nebraska-Lincoln.
- There was discussion.
- Action Student Opinion: Voting Aye: Eiberger, Connealy, Massara and Schaefer. Voting Aye: Hawks, Ferlic, Hassebrook, Phares, McClurg, Miller, Schroeder and Wilson. Motion carried.
- Motion Moved by Phares and seconded by Hassebrook to approve item IX-B-7.
- IX-B-7 Approve the contract for the purchase of real estate located in Keith County, Nebraska.
- There was discussion.

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- Action Student Opinion: Voting Aye: Eiberger, Massara, Schaefer and Connealy. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Miller, Schroeder, Wilson and Phares. Motion carried.
- Motion Moved by Miller and seconded by Schroeder to approve item IX-B-8.
- IX-B-8 Approve an increase of \$3,041,619 in the project budget for the Othmer Hall-Finishing of Basement and First Floor Shell Space.
- Action Student Opinion: Voting Aye: Massara, Schaefer, Connealy and Eiberger. Voting Aye: Hassebrook, Hawks, McClurg, Miller, Schroeder, Wilson, Phares and Ferlic. Motion carried.
- Motion Moved by Hassebrook and seconded by Wilson to approve item IX-B-9.
- IX-B-9 Approve an increase in the project budget of \$2,544,000 for the Ken Morrison Life Sciences Research Center
- Action Student Opinion: Voting Aye: Schaefer, Connealy, Eiberger and Massara. Voting Aye: Hawks, McClurg, Miller, Schroeder, Wilson, Phares, Ferlic and Hassebrook. Motion carried.
- University of Nebraska at Omaha
- Motion Moved by Hawks and seconded by Wilson to approve item IX-B-10.
- IX-B-10 Approve the architectural firm of HDR for the design services for the Criss Library Phase II Renovation at the University of Nebraska at Omaha.
- There was discussion.
- Action Student Opinion: Voting Aye: Connealy, Eiberger, Massara and Schaefer. Voting Aye: McClurg, Miller, Schroeder, Wilson, Phares, Ferlic, Hassebrook and Hawks. Motion carried.
- Motion Moved by Hawks and seconded by Ferlic to approve item IX-B-11.
- IX-B-11 Approve the Program Statement and Budget for the UNO Campus Utilities Infrastructure Renewal.
- There was discussion.
- Action Student Opinion: Voting Aye: Eiberger, Massara, Schaefer and Connealy. Voting Aye: Miller, Schroeder, Wilson, Phares, Ferlic, Hassebrook, Hawks and McClurg. Motion carried.
- C. FOR INFORMATION ONLY**
- IX-C-1 Board of Regents agenda items related to the Strategic Framework.
- IX-C-2 Strategic Framework Calendar of Establishing and Reporting Accountability Measures.
- IX-C-3 Strategic Framework document.
- D. REPORTS**
- IX-D-1 Fall 2006 Headcount Enrollment Report and Student Credit Hour Report.
- IX-D-2 Quarterly Personnel Report for the period July 1 through September 30, 2006 and report on Faculty Performance Fund Adjustments.
- IX-D-3 Leaves of Absences approved for the period ended June 30, 2006.
- IX-D-4 Othmer-Topp Endowment Fund, second priority uses, for the year ended June 30, 2006.
- IX-D-5 Gifts, Grants, Contracts and Bequests for the period July 1 through September 30, 2006.
- IX-D-6 Bids and Contracts for the period ended October 12, 2006.

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- IX-D-7 Changes in Construction Projects by Budget or Use Categories.
- IX-D-8 Quarterly Status Report of Six-Year Capital Plan and Capital Construction Report.
- IX-D-9 Three-year lease agreement between the University of Nebraska-Lincoln and Nebraska Tennis Center, Inc.
- IX-D-10 Lease agreement for the use of a building at 1000 N 22nd Street in Lincoln.
- IX-D-11 Design Development report for South Stadium Office Building Renovation for Computer Science and Engineering at the University of Nebraska-Lincoln.
- IX-D-12 Naming the multi-purpose room on the third floor of the Ron and Carol Cope Stadium at the University of Nebraska at Kearney the “Wiens/FirsTier Community Room.”
- IX-D-13 Naming of Room 203 of the Otto Olsen building at the University of Nebraska at Kearney, “The Task Lighting Corporation Interior Design Lighting Laboratory.”
- IX-D-14 Naming two amphitheatres in the Michael F. Sorrell Center for Health Science Education: “Frederick F. Paustian, M.D. Amphitheater” and “Mary Ann “Maisie” Paustian Amphitheater” and one-half floor in the Research Center of Excellence Building II: “Frederick F. Paustian Gastroenterology Research Laboratories” at the University of Nebraska Medical Center.

Chairman McClurg accepted the reports.

XI. ADDITIONAL BUSINESS

Closed Session

Motion Moved by Eiberger and seconded by Wilson that the Board go into closed session as authorized by 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 persons who have not requested a public hearing, for the purpose of holding a discussion limited to the following subjects:

- (a) Proposed private gifts to the University of Nebraska Foundation for the benefit of the University;
- (b) A pending personnel matter in regard to the academic freedom complaint filed by Dr. Pamela Owens; and
- (c) Fulfillment of the terms and conditions of a private gift to the University of Nebraska Foundation for the benefit of the University relating to the naming of a University facility.
- (d) Strategy with respect to negotiations for the transfer of real estate.

Action Student Opinion: Voting Aye: Massara, Schaefer, Connealy and Eiberger. Voting Aye: Schroeder, Wilson, Phares, Ferlic, Hassebrook, Hawks, McClurg and Miller. Motion carried.

Regent McClurg declared that the closed session would be strictly limited to a discussion of:

- (a) Proposed private gifts to the University of Nebraska Foundation for the benefit of the University;
- (b) A pending personnel matter in regard to the academic freedom complaint filed by Dr. Pamela Owens; and
- (c) Fulfillment of the terms and conditions of a private gift to the University of Nebraska Foundation for the benefit of the University relating to the naming of a University facility.
- (d) Strategy with respect to negotiations for the transfer of real estate.

The Board went into closed session at 3:47 p.m. and reconvened the open meeting at 4:39 p.m.

Motion Moved by Wilson and seconded by Schroeder to approve item IX-A-3 and the associated decision.

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IX-A-3 Consider the report of the Academic Freedom and Tenure Committee of the University of Nebraska at Omaha, and render a decision In the Matter of the Academic Freedom Complaint filed by Dr. Pamela Jean Owens.

Action Student Opinion: Voting Aye: Schaefer, Connealy, Eiberger and Massara. Voting Aye: Wilson, Phares, Ferlic, Hassebrook, Hawks, McClurg, Miller and Schroeder. Motion carried.

Regent Ferlic presented the Internal Audit Report on Applying Agreed-Upon Procedures for the University of Nebraska at Omaha.

Motion Moved by Ferlic and seconded by Phares to accept the report.

Action Student Opinion: Voting Aye: Connealy, Eiberger, Massara and Schaefer. Voting Aye: Phares, Ferlic, Hassebrook, Hawks, McClurg, Miller, Schroeder and Wilson. Motion carried.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:52 p.m.

Respectfully submitted,

Donal J. Burns
Corporation Secretary

Jim McClurg
Chairman of the Board