

March 9, 2007

Lincoln, Nebraska
March 9, 2007

The Board of Regents of the University of Nebraska met on March 9, 2007, 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 February 26, 2007.

Regents present:

Chuck Hassebrook, Vice Chairman
Howard Hawks
Jim McClurg
Bob Phares
Kent Schroeder
Bob Whitehouse
Charles S. Wilson, Chairman
Mike Eiberger
Jonathan Henning
Matt Schaefer
Alexander Williams

Regent not present:

Randolph M. Ferlic

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 Perlman, Chancellor, UNL
Barbara Couture, Senior Vice Chancellor for Academic Affairs, 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
John Wiltse, Senior Associate 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 March 9, 2007. Attendance is indicated above.

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

Motion Moved by McClurg and seconded by Schroeder to approve the minutes and ratify the actions of the regularly scheduled meeting of January 19, 2007.

Action Student Opinion: Voting Aye: Henning, Schaefer, Williams and Eiberger. Voting Aye: Hassebrook, Hawks, McClurg, Phares, Schroeder, Whitehouse and Wilson. Absent: Ferlic. Motion carried.

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

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Regent Wilson welcomed Steve Bradford, Faculty Senate President-Elect from the University of Nebraska-Lincoln.

IV.

KUDOS AND RESOLUTIONS

Regent Whitehouse presented a KUDOS award to Tim Kaldahl, interim Director of Communications for University Affairs at the University of Nebraska at Omaha.

Regent Schaefer presented a KUDOS award to Jane Petersen, coordinator of Training and Instructional Support at the University of Nebraska at Kearney.

Regent Phares presented a KUDOS award to Lisa Muschall Oncology/Hematology Section Administrator in Internal Medicine at the University of Nebraska Medical Center.

Regent McClurg presented a KUDOS award to David Svatora database analyst for Shared Computing Services at the University of Nebraska-Lincoln.

Regent Williams presented a KUDOS award to Art McWilliams Dining Manager for the Hewitt Dining Center at the University of Nebraska-Lincoln.

Resolutions:

Regent Hassebrook presented the following Resolution:

Whereas, members of the University of Nebraska at Kearney community are dedicated to providing advanced services to all students, faculty and staff; and

Whereas, a technologically safe and convenient identification card system is a critical service component in today's university environment; and

Whereas, since the fall of 2005, members of the University of Nebraska at Kearney I.D. Card Committee have dedicated countless hours of diligent work to select, configure, strategically plan, install and expand UNK's I.D. card system; and

Whereas, UNK's upgraded card system, referred to as the "Enhanced UNK Card Program," now provides access for 39 doors on campus, tracking for approximately 1,700 meal plans, 4,000 Loper Dollars accounts, 25 locations that accept Loper Dollars, two self-service deposit stations and an on-line card office. It also provides students, faculty and staff with the benefits of banking functionality using official university identification cards, including the convenience of selected ATM access and purchases; and

Whereas, the dedication, flexibility and continuous input of members of the I.D. Card Committee have resulted in a tremendously successful, virtually seamless transition and expansion of UNK's ID card system.

Now, therefore, be it resolved, that the University of Nebraska Board of Regents congratulates all members of the University of Nebraska at Kearney I.D. Card Committee for their outstanding work and uncommon commitment to UNK's students, faculty, and staff.

Regent Schroeder presented the following Resolution:

Whereas, Michael Eiberger has served with distinction as Student Regent and President of the Student Senate of the University of Nebraska at Kearney; and

Whereas, Regent Eiberger has conscientiously and effectively advocated for the advancement of student government throughout the University of Nebraska system and at the University of Nebraska at Kearney; and

Whereas, Regent Eiberger has diligently represented the students of UNK in all issues affecting their campus, their education and their future careers, and has worked in cooperation with his fellow Student Regents in bringing issues of significance before the Board of Regents; and

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Whereas, Regent Eiberger has been a popular and respected campus leader, as evidenced by his election by the student body as UNK's 2005 Homecoming King; and

Whereas, Regent Eiberger created and established The Loper Legion, served on various UNK search and screening committees, was appointed to the Economic Development Task Force of the Board of Regents and organized a student-led campus beautification project; and

Whereas, beyond his commitment to the Board of Regents and Student Senate, Regent Eiberger has served as a Chancellor's Ambassador, Diplomat, Resident Advisor, Summer Advising and Enrollment Program Advisor, an office holder and active member of various campus organizations and a frequent volunteer in campus and community projects; and

Whereas, Regent Eiberger's additional contributions to the University of Nebraska at Kearney through his participation in Phi Beta Lambda and the Midwest Affiliate of College and University Residence Halls have been significant.

Now, therefore, be it resolved, that the University of Nebraska Board of Regents expresses its sincere appreciation for the exceptional contributions of Regent Michael Eiberger during his term of office and wishes him well in all future endeavors.

Regent Hawks presented the following Resolution:

Whereas, Matthew Schaefer has served with distinction as a member of the University of Nebraska Board of Regents and President of the Association of Students of the University of Nebraska-Lincoln since March 2006; and

Whereas, Regent Schaefer has been proactive in presenting the views of UNL students to fellow board members, the Nebraska Legislature and the citizens of the state; and

Whereas, Regent Schaefer has been very effective in serving as the voice of the students in his meetings with the UNL administration; and

Whereas, under Regent Schaefer's leadership, the USA Today Readership Program has been expanded to provide newspapers on weekends in addition to those provided during the week; and

Whereas, in conjunction with the ASUN Government Liaison Committee, Regent Schaefer led a campaign on campus against Initiative 423, and has built a statewide coalition of student governments in support of LB 32, a bill that exempts college textbooks from sales tax; and

Whereas, Regent Schaefer has led an initiative to secure funding to purchase recording equipment for course instructors to use in the classroom in order to expand the use of podcasting at UNL; and

Whereas, Regent Schaefer, working with ASUN representatives, has strengthened student government relationships with the city of Lincoln at both the neighborhood and government level by communicating regularly with community officials, hosting open forums, participating in focus groups and conducting several community service projects.

Now, therefore, be it resolved, that the University of Nebraska Board of Regents expresses sincere appreciation for Regent Matthew Schaefer's dedicated service and effective leadership as a member of the board and wishes him well in all his future endeavors.

The above Resolutions were approved by acclamation.

Chancellor Kristensen introduced Barbara Johnson, the new Vice Chancellor for Business and Finance at the University of Nebraska at Kearney.

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V. **HEARINGS**

Approve amendments of both Section 3.4.2 of the *Bylaws of the Board of Regents of the University of Nebraska* and RP-3.3.1 of the Policies of the Board of Regents relating to vacation and sick leave

Approve amendments of Sections 1.3 and 1.4 of the Standing Rules of the Board of Regents and RP-1.6 of the Policies of the Board of Regents relating to the standing committees of the Board

VI. **PUBLIC COMMENT**

None

VII. **STRATEGIC OR POLICY ISSUE**

The strategic issue was the Research Report.

VII. **UNIVERSITY CONSENT AGENDA**

Motion Moved by Hawks and seconded by McClurg to approve items VIII-A-1, VIII-A-2 and VIII-B-1.

A. **ACADEMIC**

VIII-A-1 The President's Personnel Recommendations.

VIII-A-2 Waiver of the requirements of Section 2.1 of the Bylaws of the Board of Regents relating to employment searches and approve the appointment of Linda R. Pratt, Ph.D., as Executive Vice President and Provost, and Dean of the Graduate

B. **BUSINESS**

VIII-B-1 Approve revised Board of Regents Policy RP-6.2.3 that reflects changes to the environmental review policy

The text of the proposed policy changes are incorporated into the permanent record of the minutes of the meeting as Attachment A below.

Action Student Opinion: Voting Aye: Schaefer, Williams, Eiberger and Henning. Voting Aye: Hawks, McClurg, Phares, Schroeder, Whitehouse, Wilson and Hassebrook. Absent: Ferlic. Motion carried.

IX. **UNIVERSITY ADMINISTRATIVE AGENDA**

A. **ACADEMIC**

Motion Moved by McClurg and seconded by Schroeder to approve items IX-A-1 and IX-A-2.

X-A-1 Approve the UNL undergraduate major in Forensic Science with a Bachelor of Science in Forensic Science

X-A-2 Approve the UNL Bachelor of Science in Food Technology for Companion Animals degree

There was discussion.

Action Student Opinion. Voting Aye: Williams, Eiberger, Henning and Schaefer. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Wilson, Hassebrook and Hawks. Absent: Ferlic. Motion carried.

Motion Moved by Hassebrook and seconded by McClurg to approve item IX-A-3.

X-A-3 Approval of Letter of Intent to Establish a Northern Division of the University of Nebraska Medical Center College of Nursing

There was discussion.

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Friendly Amendment

Regent Hawks offered a friendly amendment to the Letter of Intent, which was accepted, to amend paragraph 3 of the section entitled Financing to read:

**LETTER OF INTENT
TO ESTABLISH A NORTHERN DIVISION
OF THE UNIVERSITY OF NEBRASKA MEDICAL CENTER
COLLEGE OF NURSING**

Introduction

This Letter of Intent addresses the planning for a proposed new Northern Division of the University of Nebraska Medical Center (UNMC) College of Nursing. The proposal rests on the findings of a Feasibility Study conducted between April and September, 2006 and presented to the Board of Regents on November 3, 2006.

As addressed in the Feasibility Study Report, there is a serious nursing workforce shortage in Nebraska, and in particular, in the Norfolk region that is likely to increase in the future. The Northeast Region of the state has a growing population, and presently comprises 15.3% of the state's population. The Region anticipates growing patient needs and medical services sufficient to sustain a new Division of the College of Nursing. A public-private partnership between UNMC and the Region is the desired vehicle for bringing baccalaureate and graduate nursing education to the Region in order to meet nursing workforce needs. An appreciation exists that a better educated nursing workforce will improve patient care, advance sophisticated medical specialty care, and provide future faculty for colleges of nursing in the Region.

Leaders of Northeast and North Central Nebraska communities are committed to raising funds necessary for a public-private partnership with the state and to working closely with UNMC to ensure success of a new Division. Leaders of UNMC are committed to planning to deliver nursing education programs at a new Division in Norfolk that will serve Northeast and North Central Nebraska.

Thus, in accordance with the directions contained in the University of Nebraska Board of Regent's **Resolution** dated January 19, 2007 (rev2), this **Letter of Intent** is jointly written by the UNMC College of Nursing (UNMC), Northeast Community College (NECC), and Faith Regional Health Services (FRHS).

Vision

- UNMC, NECC, and FRHS desire to enter into this Letter of Intent by incorporating their respective positions into a document that will serve as the model to follow in bringing UNMC's nursing programs to the Region in partnership with each other.
- UNMC and NECC commit to efforts to develop an articulation between the UNMC College of Nursing and the NECC Associate Degree in Nursing Program (AND); an articulation should encourage students to achieve the highest degree commensurate with their abilities.
- The partners intend to ensure the high quality of the UNMC and the NECC nursing programs relative to recruitment of faculty and students, and the availability of clinical sites for training and other learning opportunities in the Northeast and North Central regions of Nebraska.
- A future Northern Division of the College of Nursing must be sustained by new funding, both private and public.

Governance and Authority

1. UNMC, NECC, and FRHS are each responsible for their respective separate organizations. Each partner retains authority for all academic, personnel, and operations matters.
2. The Dean of the UNMC College of Nursing and the Vice President of Educational Services at NECC are each responsible for such academic program issues as strategic planning, ensuring on-

going accreditation, and meeting standards for high quality nursing education as set by various bodies such as the University of Nebraska, Northeast Community College, the Nebraska Coordinating Commission for Postsecondary Education, the Nebraska State Board of Nursing, and national nursing organizations.

3. Parameters for dissolution of the partnership will be developed in the future Joint Operating Agreement (also called an Interlocal Agreement), the Academic Affiliation Agreement, and any other appropriate documents by each of the partners. The partners agree that such parameters shall include those specified by the NU Board of Regents in its **Resolution** of January 19, 2007, Section 4, a) through d).

Financing

1. The University of Nebraska requires that funding commitments and academic and hospital partnerships be in place before committing to a UNMC Northern Division.

2. The Northeast/North Central regions will provide commitments to fund the building of a state-of-the-art nursing education facility, currently estimated to be \$10.7 million, which will house both the UNMC and the NECC nursing programs.

3. Fund raising activities for the new nursing facility will begin in 2007. There will be timely updates to the NU Board of Regents on the status of the fund raising campaign, with a first report to the Board no later than January 1, 2008. Funds will be raised in cash or legally binding commitments, under the leadership of the Northeast Community College Foundation, and placed in the NECC Foundation.

4. NECC and UNMC agree that the new nursing facility will be located on the NECC campus in Norfolk, Nebraska, and owned by NECC. A Joint Operating Agreement between UNMC and NECC (also called an Interlocal Agreement) will be developed in the future and will outline provisions for operation and maintenance of the new facility by NECC and UNMC.

5. UNMC will assist the Norfolk partners from time to time, as requested and appropriate, in fund raising activities.

6. FRHS will provide funding of \$165,000 in the first year (2007-2008) of the proposed budget for a new UNMC Northern Division. The use of these funds is primarily devoted to securing staff as identified in the first year of the budget.

7. Area health services will provide \$350,000 annually, with consideration for inflation, for the UNMC College of Nursing Northern Division for innovative nursing initiatives. The partners agree that a permanent commitment of funds from the community at this level is necessary for the continued existence of the new Division. These community funds will be under the control of the UNMC Dean of the College of Nursing to be used for needs of the Division and its students related to innovative initiatives and new learning technologies. Of this amount, FRHS commits to providing a maximum of \$250,000 per year for fiscal years 2008 – 2011. At the end of the 2011 fiscal year, FRHS will have an opportunity to reevaluate its financial support for the UNMC College of Nursing Northern Division and to renegotiate a new financial commitment with UNMC every four years based on the Division's satisfactory performance. FRHS annual operating margins below 5% as determined by standard accounting methodologies may result in a reduced financial commitment.

8. Per the **Resolution** of the Board of Regents, Section 2, the financial commitments pertaining to the new facility and the community funds will be specified in a future Joint Operating Agreement to be executed no later than March 1, 2008.

9. Legislative funds for the Northern Division will be sought no earlier than the 2008 session of the Legislature.

Academic Program Curricula, Clinical Training, and Student Numbers

1. The UNMC College of Nursing will deliver the fully accredited generic BSN curriculum on site at the Northern Division. The RN to BSN program and the graduate education programs (MS

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and PhD) will also be delivered when there is qualified student demand; these programs (RN to BSN, MS, and PhD) are wholly or partially delivered by distance education. NECC will continue to deliver its accredited PN/ADN programs.

2. The academic resources at NECC should be sufficient to provide the general education requirements that are part of the UNMC baccalaureate degree; the UNMC College of Nursing will assess the prerequisite courses at NECC for transfer.
3. An Academic Affiliation Agreement will be developed between UNMC College of Nursing and NECC by May 1, 2008.
4. Both academic programs need access to clinical sites sufficient to meet curricular requirements as outlined in the Feasibility Study recommendations. To meet its need for high-level acuity education, UNMC requires access to FRHS units, particularly in the areas of OB/GYN, pediatrics, and medical/surgical care. NECC also requires access to FRHS in these same clinical areas. Also, NECC agrees to seek sites at other smaller hospitals where UNMC would not be able to achieve a minimum clinical group size of eight or more. Both academic programs agree to work cooperatively to determine the number and assignment of clinical sites that are appropriate for each program's level of need.
5. NECC agrees to reduce enrollment to 50 ADN students annually beginning in the first year that UNMC recruits and accepts students. The transition to this enrollment reduction will seek to lessen any negative economic impact on NECC and any negative effect on the nursing workforce for FRHS.

Research and Clinical Practice

1. All UNMC faculty, regardless of location, are accountable for the full range of UNMC's missions: teaching, research, clinical practice, and community service.
2. FRHS will help, as requested and appropriate, to assure that UNMC nurse practitioner faculty have access to clinical practice sites and are able to secure necessary practice agreements in the Norfolk area in order to maintain their advanced practice certification which is needed for fulfilling their academic role. FRHS also will help UNMC doctorally prepared faculty, as requested and appropriate, with access to research subjects. Such help will be vital to recruitment of new faculty to the area

Personnel

1. The key leaders in this partnership are the President of NECC, the Dean of the UNMC College of Nursing, and the CEO of FRHS. These leaders, and their successors, agree to work together for the success of this initiative.
2. The Dean of the UNMC College of Nursing will seek to hire sufficient faculty and staff to establish the Division. A minimum of an Assistant Dean, 10 faculty, and appropriate staff is required to admit the first class of students. When fully established, the Division requires an Assistant Dean, approximately 15 faculty, and appropriate staff.
3. FRHS agrees to provide appropriate nursing staff preceptors necessary for clinical training. Should it be necessary for FRHS to employ additional staff to serve as preceptors for UNMC students, costs for this will be covered by the new state budget for the UNMC College of Nursing Northern Division.
4. UNMC College of Nursing agrees to provide opportunities for staff education and research at FRHS and other healthcare agencies that provide clinical preceptors.

Evaluation

1. Evaluation of indicators of success of this partnership will be conducted at least annually.

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2. All partners and other appropriate parties will participate in evaluation and in determining specific indicators of success.

Conclusion

UNMC, NECC, and FRHS leaders are eager to cooperate for the good of the Northeast Region of Nebraska and anticipate a successful partnership. The spirit of cooperation that has permeated the discussions to this point is expected to continue in the future.

This document will be the Letter of Intent of the parties when it is approved by the Board of Regents of the University of Nebraska, the Board of Governors of Northeast Community College, and the Board of Directors of Faith Regional Health Services.

Virginia P. Tilden
Dean, UNMC College of Nursing

Bill R. Path
President, NECC

Harold M. Maurer
Chancellor, UNMC

Robert L. Driewer
CEO, Faith Regional Health Services

James B. Milliken
President, University of Nebraska

Donald D. Oelsligle
Chairman, Board of Governors, NECC

Donal J. Burns
Corporation Secretary
University of Nebraska

Steffan R. Lacey
Chairman, Board of Directors, FRHS

2/22/07
Rev 3/5/07

Action Student Opinion: Voting Aye: Eiberger, Henning, Schaefer and Williams. Voting Aye: Phares, Schroeder, Whitehouse, Wilson, Hassebrook, Hawks and McClurg. Absent: Ferlic. Motion carried.

B. BUSINESS

Central Administration

Motion Moved by McClurg and seconded by Whitehouse to approve item IX-B-1.

IX-B-1 Approve amendments of both Section 3.4.2 of the Bylaws of the Board of Regents and RP-3.3.1 of the Policies of the Board of Regents relating to vacation and sick leave

The text of the proposed *Bylaws* amendment is as follows:

3.4.2 Vacations. Members of the managerial-professional staff designated in accordance with policy adopted by the Board, and all full-time members of the all-year academic-administrative staff shall ~~be allowed one month~~ earn and receive sixteen (16) hours of vacation per year month; provided, that once an employee has accumulated two hundred eighty (280) hours of unused vacation, he or she shall not earn or receive additional vacation until his or her accumulated and unused vacation is less than two hundred eighty (280) hours.

For members of the academic-year staff, vacations are fixed by the University calendar for the academic year, normally the period between the end of the first academic term and the first working day following the New Year's holiday (as defined by the President), and the period of the Fall and Spring Recesses.

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Other members of the managerial-professional staff and other academic staff on all-year appointments shall ~~be allowed two weeks~~ earn and receive eight (8) hours of vacation per month during each of the first two years of employment, ~~three weeks~~ twelve (12) hours of vacation per month during the third through the fifth year of employment and ~~one month~~ sixteen (16) hours of vacation per month during each year thereafter; provided, that once an employee has accumulated two hundred eighty (280) hours of unused vacation, he or she shall not earn or receive additional vacation until his or her accumulated and unused vacation is less than two hundred eighty (280) hours.

In addition, all members of the professional staff are entitled to all legal and University holidays each year or their equivalent.

Except as to vacation fixed by the calendar for the academic year, ~~the following rules shall be applicable to the arrangement of vacations:~~

~~(a) Vacations shall be so arranged as~~ employees shall be encouraged to take vacation each year during times that do not to interfere with the conduct of University business.

~~(b) Vacation time is not cumulative, except upon recommendation of the President or Chancellor, as appropriate, and affirmative action of the Board.~~

The text of the proposed Regents Policy RP-3.3.1 amendments is as follows:

RP-3.3.1 Vacation Accrual: Academic-Administrative Staff

The maximum vacation period for which may be earned and accrued by members of the Academic-Administrative (all-year) staff, effective ~~July 1, 1974~~ April 1, 2007, shall be for one month which consists of 24 work days two hundred eighty (280) hours; provided that any employee who has accumulated more than 280 hours of vacation as of said effective date shall be entitled to retain any such excess vacation over 280 hours for future use. The basis for computation is the accrual of ~~two~~ sixteen (16) hours of vacation days per monthly pay period.

If an employee's balance of floating holidays is in excess of 32 hours, the employee must first submit floating holiday absences to bring that balance to 32 or less prior to submitting vacation leave.

The service date shall be the basis from which number of years of employment is determined, and this is defined as the month in which current continuous service began in a permanent full-time status. Vacation time is to be credited beginning the first month of hire in a permanent, full-time status with the accrual of ~~full~~ pro-rata entitlement at the end of that monthly pay period; assuming supervisory approval, vacation time may be taken as it accrues without a specified waiting period.

The text of the proposed amendments of University of Nebraska Employee Policies and Practices relating to vacation leave is as follows:

Vacation Leave

- 1.0 All regular employees of the University of Nebraska shall be granted vacation leave according to schedules in Sections 2.0 and 3.0.
 - 1.1 Vacation leave shall accrue on a pay period basis and an account of such leave earned and used shall be maintained ~~and balanced annually.~~
 - 1.2 ~~Vacation leave not used within one calendar year following the year in which time accrued shall be lost~~ Effective April 1, 2007, the maximum vacation leave which may be earned and accrued by members of the Managerial-Professional staff and members of the Office and Service staff shall be two hundred eighty (280) hours; provided that any employee who has accumulated more than 280 hours of vacation leave as of said effective date shall be entitled to retain any such excess vacation leave over 280 hours future use.

- 1.3 The rate at which an employee accrues vacation leave shall be computed from the service date and adjusted by breaks in service if such break in service is less than three years.
- 1.4 Employees may be advanced vacation leave in an amount not to exceed a total of forty hours (40) (one work week), prorated for part-time employees. Employees shall reimburse the University for all used, unearned vacation leave upon separation.
- 2.0 Managerial-Professional Staff - Members of the Managerial-Professional staff shall earn ~~twelve (12) workdays of vacation during each of the first two (2) years of employment, eighteen (18) workdays during the third through the fifth year of employment, and twenty-four (24) workdays during each year thereafter~~ and receive eight (8) hours of vacation leave per month during each of the first two years of employment, twelve (12) hours of vacation leave per month during the third through the fifth year of employment and sixteen (16) hours of vacation leave per month during each year thereafter; provided, that once a member of the Managerial-Professional staff member has accumulated two hundred eighty (280) hours of unused vacation leave, he or she shall not earn or receive additional vacation leave until his or her accumulated and unused vacation leave is less than two hundred eighty (280) hours.
- 3.0 Office and Service Staff - Office and Service employees shall earn vacation leave according to the following schedule; provided, that once an Office and Service employee has accumulated two hundred eighty (280) hours of unused vacation, he or she shall not earn or receive additional vacation leave until his or her accumulated and unused vacation leave is less than two hundred eighty (280) hours.

<u>Years of Employment</u>	<u>Hours per Month</u>	<u>Hours per Year</u>	<u>Days per Year</u>	<u>Hours per Day</u>
1 st through 5 th year	8.00	96	12	0.26301
Beginning of 6 th yr	10.00	120	15	0.32877
Beginning of 7 th yr	10.67	128	16	0.35068
Beginning of 8 th yr	11.33	136	17	0.37260
Beginning of 9 th yr	12.00	144	18	0.39452
Beginning of 10 th yr	12.67	152	19	0.41644
Beginning of 11 th yr	13.33	160	20	0.43836
Beginning of 12 th yr	14.00	168	21	0.46027
Beginning of 13 th yr	14.67	176	22	0.48219
Beginning of 14 th yr	15.33	184	23	0.50411
Beginning of 15 th yr	16.00	192	24	0.52603
Beginning of 16 th yr and all following years	16.67	200	25	0.54795

- 4.0 Vacation Leave Use
- 4.1 Regular part-time employees shall earn vacation leave on a proportionate basis to their FTE.
- 4.2 Vacation leave shall be arranged to not interfere with the conduct of University business.
- 4.3 Unused vacation shall be paid when an employee separates. Upon death of an employee, his or her beneficiary shall be paid for any unused vacation leave of the employee.
- 5.0 All regular employees who transfer from employment with the State government or the State colleges shall accrue vacation leave at a rate based on the hiring date with the organization from which they are transferring.
- 6.0 New senior members of the managerial-professional staff may be granted, upon employment, the right to earn vacation days at the rate of ~~eighteen (18) work days or twenty-four (24) workdays~~ twelve (12) hours or sixteen (16) hours per year month at the

discretion of the Chancellor or President where such exception is necessitated by the conditions in Sections 6.1 and 6.2.

- 6.1 Exceptions may be granted in order to continue such provisions to a staff member who has been eligible for the benefits of such provisions under a prior University employee category.
- 6.2 Exceptions maybe granted in order to recognize prior related work experience.
- 6.3 If ~~eighteen (18) workdays~~ twelve (12) hours of vacation ~~per month~~ are granted during the first year of employment, the employee shall earn ~~twenty-four (24) sixteen (16) hours of vacation days~~ per month beginning with the fourth year of employment.

The text of the proposed amendments of University of Nebraska Employee Policies and Practices relating to payment of a portion of accrued sick leave for office and service employees upon retirement or death is as follows:

- 2.3 Sick leave shall be cumulative for up to a maximum of 1,440 hours, or 180 working days. Accrued leave in excess of 1,440 hours will be adjusted back to the 1,440 hours at the end of each calendar year, upon retirement, and upon death of an Office and Service employee. Once an employee has accrued 1,440 hours of sick leave, he or she shall not accrue sick leave until his or her accrued sick leave is below 1, 440 hours.
- 2.4 In recognition and appreciation of past service to the University, Office and Service employees who retire shall be paid receive a supplemental salary payment equal to 1/4 of their unused accrued sick leave (360 hours maximum) up to a maximum 360 hours with the rate of payment equal to the regular rate of pay at the time of retirement.
- 2.5 Upon the death of an Office and Service employee and in recognition and appreciation of past service to the University by the deceased employee, the beneficiary shall be paid receive a supplemental death benefit payment equal to 1/4 of the unused accrued sick leave (360 hours maximum) of the deceased employee up to a maximum of 360 hours with the rate of payment equal to the regular rate of pay on the date of death.

There was discussion.

- Action Student Opinion: Voting Aye: Henning, Schaefer, Williams and Eiberger. Voting Aye: Schroeder, Whitehouse, Wilson, Hasebrook, Hawks and Phares. Absent: Ferlic. Motion carried.
- Motion Moved by Phares and seconded by Hawks to approve item IX-B-2.
- IX-B-2 Approve amendments of Sections 1.3 and 1.4 of the Standing Rules of the Board of Regents and RP-1.6 of the Policies of the Board of Regents relating to the standing committees of the Board

The text of these proposed Standing Rules amendments is as follows:

- 1.3 **Committees.**
 - 1.3.1 The Board shall have ~~nine~~ four standing committees: Executive, Academic Affairs, Audit, and Business Affairs, ~~General Affairs, Information Technology, Outreach and Service, Planning, and Student Affairs.~~ The Board may from time to time create such other committees and task forces as it determines to be necessary.
 - 1.3.2 The Executive Committee shall consist of the Chairperson, Vice Chairperson, immediate past Chairperson, and one Student Regent appointed by the Chairperson.

- 1.3.3 The Chairperson of the Board shall, after consulting with the other members of the Board, appoint the members of the Academic Affairs, Audit, and Business Affairs, ~~General Affairs, Information Technology, Outreach and Service, Planning, and Student Affairs~~ committees and select one member of each committee to serve as its chairperson. Such appointments shall be made each year, after the Board's annual meeting in January and before its next scheduled meeting. All proposed committee agenda topics will be submitted by the committee chairs to the Executive Committee for approval.
- 1.3.4 In those instances where a committee or task force determines that Board action is called for, it may bring its specific recommendations to the Board. Committee and task force actions and recommendations shall be advisory only and shall have no binding force or effect unless the Board has expressly delegated to a committee or task force power to act on behalf of the Board upon a specific matter. Where a committee or task force takes action on behalf of the Board pursuant to a specific delegation of power, minutes of the committee or task force meeting or meetings relating thereto shall be prepared and distributed to the Board, the President and other appropriate parties within two (2) working days of any such meeting, and the proceedings of the committee or task force shall be in compliance with the provisions of the Nebraska Open Meetings Law (Neb. Rev. Stat. §§ 84-1408 to 84-1414).
- 1.4 **Staff.** The Corporation Secretary shall serve as staff to the Board; and the Executive Committee, the Information Technology Committee, and the Planning Committee. The Executive Vice President and Provost shall serve as staff to the Academic Affairs Committee and the Outreach and Service Committee; and the Vice President for Business and Finance shall serve as staff to the Audit Committee and the Business Affairs Committee; ~~the Vice President and General Counsel shall serve as staff to the General Affairs Committee;~~ and ~~the Associate to the President shall serve as staff to the Student Affairs Committee.~~

As a result of the changes to the Standing Rules of the Board of Regents, it is also necessary to delete sections of Board policies relating to committees which no longer exist. These committees are: (1) Planning Committee, (2) General Affairs Committee, (3) Information Technology Committee, (4) Outreach and Service Committee and (5) Student Affairs Committee.

The specific changes are as follows:

~~RP-1.6.3 Planning Committee. The Planning Committee shall address long range and strategic planning for the University and the Board.~~

~~RP-1.6.6 General Affairs Committee. The General Affairs Committee shall address matters that do not fit within the description of the other committees of the Board.~~

~~RP-1.6.7 Information Technology Committee. RP-1.6.7 Information Technology Committee The Information Technology Committee shall address the adequacy and effectiveness of University information technology resources and services in supporting the University mission.~~

~~RP-1.6.8 Outreach and Service Committee. RP-1.6.8 Outreach and Service Committee The Outreach and Service Committee shall address matters involving outreach and service to all areas of the state of Nebraska in support of the University mission.~~

~~RP-1.6.10 Student Affairs Committee. RP-1.6.10 Student Affairs Committee The Student Affairs Committee shall address matters involving students on all four campuses of the University of Nebraska.~~

Action

Student Opinion: Voting Aye: Schaefer, Williams, Eiberger and Henning. Voting Aye: Whitehouse, Wilson, Hassebrook, Hawks, McClurg, Phares and Schroeder. Absent: Ferlic. Motion carried.

Moved by Schroeder and seconded by Whitehouse to approve items IX-B-3 and IX-B-4.

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- IX-B-3 Approve amendments to the current Collective Bargaining Agreement between the Board of Regents and the University of Nebraska at Omaha American Association of University Professors (UNO/AAUP) for the 2007-2009 biennium consistent with the decision of the Special Master
- IX-B-4 Approve amendments to the current Collective Bargaining Agreement between the Board of Regents and the University of Nebraska at Kearney Education Association (UNKEA) for the 2007-2009 biennium consistent with the decision of the Special Master
- Action Student Opinion: Voting aye: Williams, Eiberger, Henning and Schaefer. Voting Aye: Wilson, Hassebrook, Hawks, McClurg, Phares, Schroeder and Whitehouse. Absent: Ferlic. Motion carried.
- Motion Moved by Eiberger and seconded by Hassebrook to approve items IX-B-5 and IX-B-6.
- University of Nebraska at Kearney
- IX-B-5 Approve the selection of Leo Daly to provide design services for the Campus-wide Utilities Plant and System
- University of Nebraska-Lincoln
- IX-B-6 Approve the selection of DLR Group in association with Moody Nolan, Inc. and the Rocky Mountain Institute Built Environment Team to provide design services for the Multicultural Center
- There was discussion.
- Action Student Opinion: Voting Aye: Eiberger, Henning, Schaefer and Williams. Voting Aye: Hassebrook, Hawks, McClurg, Phares, Schroeder, Whitehouse and Wilson. Absent: Ferlic. Motion carried.
- Motion Moved by Schroeder and seconded by McClurg to approve item IX-B-7.
- IX-B-7 Approve amendment to Interlocal Agreement with the Joint Antelope Valley Authority (JAVA) and the City of Lincoln providing for an amendment deleting the references to Multi-Purpose/Hard Surface Courts or Play Courts for the purpose of allowing the Parties to issue the related certificate of completion and for JAVA to complete this project
- There was discussion.
- Action Student Opinion: Voting Aye: Eiberger, Henning, Schaefer and Williams. Voting Aye: Hassebrook, Hawks, McClurg, Phares, Schroeder, Whitehouse and Wilson. Absent: Ferlic. Motion carried.
- Motion Moved by McClurg and seconded by Schroeder to approve item IX-B-8.
- IX-B-8 Approve an increase in the project budget of \$6,040,000 and the scope and program statement modifications for the Physical Sciences Replacement Building
- There was discussion.
- Action Student Opinion: Voting Aye: Henning, Schaefer, Williams and Eiberger. Voting Aye: Hassebrook, Hawks, McClurg, Phares, Schroeder, Whitehouse and Wilson. Absent: Ferlic. Motion carried.
- Motion Moved by Hawks and seconded by McClurg to approve items IX-B-9 and IX-B-10.
- University of Nebraska Medical Center
- IX-B-9 Approve renovation of the main electrical switchgear and electrical distribution system serving the Central Utilities Plant

March 9, 2007

IX-B-10 Approve the selection of RDG Planning and Design to provide architectural design services for the renovation of Poynter Hall

Action Student Opinion: Voting Aye: Schaefer, Williams, Eiberger, Henning. Voting Aye: Hawks, McClurg, Phares, Schroeder, Whitehouse and Wilson. Absent: Ferlic. 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

IX-C-4 These proposed revisions to the Bylaws of the Academic Senate of the University of Nebraska-Lincoln are presented for information purposes only. Approval of these amendments will be requested at the Board of Regents' meeting on April 20, 2007.

D. REPORTS

IX-D-1 Quarterly personnel report for the period October through December, 2006

IX-D-2 Spring 2007 Enrollment Reports

IX-D-3 Expedited approval of the University of Nebraska at Omaha Graduate Certificate Program in Early Childhood Auditory-Oral Education of the Deaf/Hard of Hearing

IX-D-4 Semi-Annual Report of Licenses

IX-D-5 Semi-Annual Report on Status of Capital Projects exceeding \$5 million

IX-D-6 Quarterly Status Report of Six-Year Capital Plan and Capital Construction Report

IX-D-7 Quarterly Report of Gifts, Grants, Contracts and Bequests

IX-D-8 Report of Bids and Contracts

IX-D-9 Report on Fire Protection

Chairman Wilson accepted the reports.

XI. ADDITIONAL BUSINESS

Closed Session

Motion Moved by Eiberger and seconded by Hawks that the Board 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 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 personnel matter involving a member of the University staff;
- (c) Strategy with respect to pending litigation; and
- (d) Strategy with respect to the acquisition of real estate.

Action Student Opinion: Voting Aye: Williams, Eiberger, Henning and Schaefer. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Wilson, Hassebrook and Hawks. Absent: Ferlic. Motion carried.

Regent Wilson 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 personnel matter involving a member of the University staff;
- (c) Strategy with respect to pending litigation; and
- (d) Strategy with respect to the acquisition of real estate.

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The Board went into closed session at 3:01 p.m. and reconvened the open meeting at 3:29 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:30 p.m.

Respectfully submitted,

Donal J. Burns
Corporation Secretary

Charles S. Wilson
Chairman of the Board

March 9, 2007

Attachment A
Board of Regents Minutes
March 9, 2007

VIII-B-1

RP- 6.2.3 Acquisition and Disposal of Real Property

6. Environmental Review Policy for the Acquisition of Real Property

- a. An environmental site assessment (ESA) shall be conducted within six months prior to the acquisition of real property, including real property acquired by donation or bequest. Investigation of environmental issues or conditions shall be determined and performed on a property-by-property basis utilizing reasonable steps for conducting All Appropriate Inquiries to qualify for landowner liability protection under applicable law.
 - ~~1) Acquisitions of residential and vacant/unoccupied lands shall, at a minimum, use the American Society for Testing and Materials (ASTM) Standard ESA transaction screen process E-1528.~~
 - ~~2) Acquisition of commercial and industrial sites shall, at a minimum, use the ASTM Standard Phase I ESA process E-1527, and shall include a review of any permits, licenses, notices of violation or consent agreements issued pursuant to environmental laws and regulations.~~
 - ~~3) Investigation of other environmental issues or conditions beyond the scope of the ASTM Standards, e.g. asbestos-containing materials, lead based-paint, lead in drinking water, wetlands, and biological or radiation contamination, may be required but shall be determined and performed on a property-by-property basis.~~
- b. The review process for the ESA shall be coordinated by the principal business officer of the administrative unit acquiring the real property.
 - 1) The ESA ~~process E-1528~~ shall be performed by either an environmental consultant or by a University employee trained to conduct an ESA; ~~but the ESA process E-1527 shall only be performed by an environmental consultant.~~
 - 2) All costs of the ESA shall be paid by the administrative unit acquiring the real property as part of the acquisition process.
 - 3) The ESA report shall be reviewed by the Office of General Counsel and the principal business officer of the administrative unit.
 - 4) A decision to: (a) conduct any further assessment, (b) reject the property, or (c) acquire the property with identified risks, subject to Board approval, shall be made by the principal business officer of the administrative unit after consulting with the Office of General Counsel. If environmental risks exist, consideration shall be given to assuming the risks, mitigating the risks by the grantor prior to acquisition, or requiring indemnification by the grantor.
- c. Steps in the ESA Process
 - 1) If the ~~transaction screen~~ESA indicates areas of concern, the property may (a) be rejected, (b) be acquired with the identified risks, or (c) be subject to further investigation ~~in the form of a Phase I, H or III ESA.~~
 - ~~2) If the Phase I ESA indicates areas of concern, the property may (a) be rejected, (b) be acquired with the identified risks, or (c) be subject to further investigation in the form of a Phase H or III ESA.~~

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- ~~3) If the Phase II ESA indicates areas of concern, the property may: (a) be rejected, (b) be acquired with the identified risks, or (c) be subject to further investigation in the form of a Phase III ESA. The Phase II ESA shall follow good commercial and customary practice and should include an extensive review of prior uses of the land, an examination and physical sampling of the property, and the testing of samples collected.~~
- 2) If the Phase III ESA identifies unacceptable contamination, the property may: (a) be rejected or (b) be acquired with the identified risks. The Phase III The ESA shall follow good commercial and customary practice, including the applicable American Society for Testing and Materials (ASTM) Standards for environmental site assessments. and should include extensive physical sampling of the property, testing of samples, estimates of the extent of contamination, and estimates of the total cost to clean up the property.

End Attachment "A" to the March 9, 2007 Minutes