

Lincoln, Nebraska
November 20, 2009

The Board of Regents of the University of Nebraska met on November 20, 2009, at 10:00 a.m. in the Board Room at Varner Hall, 3835 Holdrege, Lincoln, Nebraska, in a 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 November 11, 2009.

Regents present:
Timothy F. Clare
Randolph M. Ferlic
Chuck Hassebrook
Howard Hawks
Regent McClurg
Bob Phares, Vice Chairman
Kent Schroeder, Chairman
Bob Whitehouse
Brad Bohn
Neal Bonacci
Megan Collins
Cade Craig

University officials present:
James B. Milliken, President
Linda Pratt, Executive Vice President and Provost
Donal J. Burns, Corporation Secretary
John Christensen, Chancellor, UNO
Harold Maurer, Chancellor, UNMC
Harvey S. Perlman, Chancellor, UNL
David Lechner, Vice President for Business and Finance
Joel Pedersen, Vice President and General Counsel
Peter G. Kotsiopoulos, Vice President for University Affairs

Not present:
Douglas A. Kristensen, Chancellor, UNK

I. CALL TO ORDER

II. ROLL CALL

The Board convened at 10:00 a.m. in the Board Room at Varner Hall, 3835 Holdrege, Lincoln, Nebraska on November 20, 2009. Attendance is indicated above.

III. APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS

Motion Moved by Ferlic and seconded by Hawks to approve the minutes and ratify the actions of the regularly scheduled meeting of October 23, 2009.

Action Student Opinion: Voting Aye: Bonacci, Collins, Craig, and Bohn. Voting Aye: Ferlic, Hassebrook, Hawks, Phares, Schroeder, Whitehouse, and Clare. Absent: McClurg. Motion carried.

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

IV. ADMINISTRATIVE AGENDA

Motion Moved by Whitehouse and seconded by Hawks to approve item IV-B-1

University of Nebraska-Lincoln

IV-B-1 Approve the Master Plan and Business Plan for Innovation Campus and authorize the President to submit the same as required by law and provide a commitment for the President to provide an annual update of the plans on behalf of the University to complete the University's obligations under Neb. Rev. Stat. § 2-113(2) (Supp. 2009)

There was discussion

Mr. George Haecker and Mr. Jerry Berggren spoke on the topic of the Industrial Arts Building on the Nebraska Innovation Campus [For handout, see documents file]

Friendly Amendment Regent Hassebrook offered a Friendly Amendment to item IV-B-1: If there is any intended destruction of the Industrial Arts Building, the University of Nebraska-Lincoln will report back to the Board so they can vote on the action. The amendment was accepted.

Action Student Opinion: Voting Aye: Collins, Craig, Bohn, and Bonacci. Voting Aye: Hassebrook, Hawks, Phares, Schroeder, Whitehouse, Clare, and Ferlic. Absent: McClurg. Motion carried.

V. PUBLIC COMMENT

The following individuals spoke on the subject of human Embryonic Stem Cell Research:

1. Ms. Karon Osborne
2. Mr. Alan Worth
3. Ms. Mary Jane Ziola, Nebraskans United for Life
4. Mr. Justin Nabity
5. Mr. Ted Simonson
6. Mr. Jim Cook
7. Mr. David Nabity
8. Dr. John Safranek
9. Mr. Sanford Goodman, President, Nebraska Coalition for Life Saving Cures [For handout, see documents file]
10. Mr. Rick Copeland
11. Rev. Dr. James Keck, Senior pastor, First Plymouth Church
12. Ms. Jan Leeper
13. Mr. John Lillis, Nebraskans United for Life
14. Ms. Rita Hejkal
15. Ms. Patrick McPherson [For handout, see documents file]
16. Mr. Ron Wall
17. Ms. Rachel Pinkerson [For handout, see documents file]
18. Ms. Lela Shanks
19. Ms. Julie Albin-Schmit, Nebraska Right-to-Life
20. Mr Greg Schleppenbach, Representing Catholic Bishops of Nebraska
21. Dr. Lou Safranek
22. Mr. Chip Maxwell, Nebraska Coalition for Ethical Research

VI. RESOLUTION

The following resolution, co-Authored by Regent Howard Hawks, Regent Bob Phares, Regent Randy Ferlic, and Regent Tim Clare was presented by Regent Tim Clare:

WHEREAS, stem cell research – the effort to harness the power of the human body's master builder cells for basic research, development of therapeutic drugs, and treatment of an expanding range of conditions in patients – is one of the most important and exciting fields in biomedical research; and

WHEREAS, patients' medical conditions are being improved or outright cured with non-embryonic stem cells while clinical trials show promise of dramatic advances in this field; and

WHEREAS, stem cell research has the potential for important new discoveries in both therapeutic treatment and drug development to treat such common diseases and disorders as Parkinson's disease, spinal cord injury, stroke, burns, heart disease, diabetes, osteoarthritis, and rheumatoid arthritis; and

WHEREAS, federally funded research from the National Institutes of Health (NIH) since 2001 has invested approximately \$3.7 billion on all types of stem cell research (source: <http://www.hhs.gov/asl/testify/2008/05/t20080508c.html> last accessed March 23, 2008); and

WHEREAS, the University of Nebraska Medical Center (UNMC) is nationally known for success with stem cell research, especially with the use of non-embryonic stem cells, which include stem cells harvested from bone marrow, blood, fat, nasal tissue, skin, the umbilical cord, and other places in the body; and

WHEREAS, in 2000, the President of the University of Nebraska established a committee to develop guidelines for human embryonic stem cell research conducted by University of Nebraska researchers, and the resulting recommendations adopted by the Board of Regents in 2001 require the University to follow federal guidelines, at the time effectively limiting human embryonic stem cell research to stem cell lines created on or before August 9, 2001; and

WHEREAS, Nebraska's Stem Cell Research Act created the Stem Cell Research Advisory Committee, including the deans of both UNMC and Creighton University Medical Center and four other members from outside Nebraska who are conducting human stem cell research with funding from the NIH, in order to establish and administer a grant process to fund non-embryonic stem cell research projects conducted by Nebraska institutions or researchers; and

WHEREAS, the Stem Cell Research Advisory Committee, not later than 2011, is to report on the progress of the projects funded under the Stem Cell Research Act; and

WHEREAS, the Stem Cell Research Act did not alter the Board of Regents 2001 policy requiring University institutions or researchers to adhere to federal policy and use only federally approved stem cell lines; and

WHEREAS, the Stem Cell Research Act also provides that no University facilities or funds shall be used to destroy human embryos for the purpose of research, and similarly that no University facilities or funds shall be used to create a human embryo, including by somatic cell nuclear transfer; and

WHEREAS, science has recently discovered a breakthrough in stem cell research called direct reprogramming, which turns body cells into induced pluripotent stem cells (iPS cells) that function like embryonic stem cells and can be used in place of them; and

WHEREAS, international leaders in stem cell research have declared that producing iPS cells through direct reprogramming is superior to harvesting stem cells from human embryos because it is easier, it produces what scientists need for basic research, development of therapeutic drugs, and treatment of patients, and it poses no ethical problems; and

WHEREAS, federally funded research was further broadened with President Bush's June 2007 directive in Executive Order 13435, which expanded the NIH Embryonic Stem Cell registry to include all types of iPS cells, and renamed the registry as the Human Pluripotent Stem Cell Registry; and

WHEREAS, additional research is needed to realize the potential of stem cells and their uses as this field of research advances, especially including new methods of advancing iPS cells and more reliable methods to reprogram non-embryonic cells to a pluripotent state.

NOW, THEREFORE BE IT RESOLVED by the Board of Regents of the University of Nebraska, that no research with stem cells derived from human embryos may be conducted unless the stem cell lines used in the research were derived prior to 8 p.m. Central Standard Time on August 9, 2001, and are listed on the human embryonic stem cell registry established by the National Institutes of Health; and

BE IT FURTHER RESOLVED, that the Board fully supports and encourages stem cell research that utilizes stem cells from non-embryonic sources, including iPS cells; and

BE IT FURTHER RESOLVED, that all University of Nebraska policies, guidelines, rules, protocols, or other documents will be revised, as necessary, to comply with this directive.

Comments were made by President Milliken, UNMC Faculty Senate President Karen Honeycutt, Chancellor Maurer, Regent Clare, Regent Phares, Regent Hassebrook, Regent Hawks, Regent Bohn, Regent Whitehouse, Regent Ferlic, Regent McClurg, and Chair Schroeder.

Motion Moved by Clare and seconded by Ferlic to pass the Resolution on stem cell research.

Action Student Opinion: Voting Aye: Collins. Voting No: Craig, Bohn, and Bonacci. Voting Aye: Hawks, Phares, Clare, and Ferlic. Voting No: McClurg, Schroeder, Whitehouse, and Hassebrook. Motion failed.

VII. ADDITIONAL BUSINESS

The Board adjourned for lunch at 12:50 p.m. and reconvened at 1:31 p.m.

Closed Session

Motion Moved by Bonacci 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 subject:

(a) a personnel matter.

Action Student Opinion: Voting Aye: Bohn, Bonacci, Collins, and Craig. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, and Hawks. Motion carried.

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

(a) a personnel matter.

The Board went into closed session at 1:32 p.m. and reconvened the open meeting at 2:35 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman Schroeder at 2:35 p.m.

Respectfully submitted,

Donal J. Burns
Corporation Secretary

Kent Schroeder
Chairman of the Board