

The Board of Regents of the University of Nebraska met on December 8, 2011 at 10:40 a.m. in the board room at Varner Hall, 3835 Holdrege Street, 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 23, 2011.

Regents present:
Timothy F. Clare
Randolph M. Ferlic
Chuck Hassebrook
Jim McClurg, Vice Chair
Bob Phares
Kent Schroeder
Bob Whitehouse, Chairman
Lane Carr
Jordan Gonzales
Elizabeth O'Connor
Jeremy Peterson

Not present:
Howard Hawks

University officials present:
James B. Milliken, President
Linda R. Pratt, Executive Vice President and Provost
Carmen K. Maurer, Interim Corporation Secretary
John E. Christensen, Chancellor, UNO
Harold M. Maurer, Chancellor, UNMC
Douglas A. Kristensen, Chancellor, UNK
Harvey S. Perlman, Chancellor, UNL
David E. Lechner, Vice President for Business and Finance
Joel D. Pedersen, Vice President and General Counsel
Sharon R. Stephan, Vice President for University Affairs

I. CALL TO ORDER

II. ROLL CALL

The Board convened at 10:40 a.m. in the board room of Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska, on December 8, 2011. Attendance is indicated above.

III. APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS

Motion Moved by Phares and seconded by McClurg to approve the minutes and ratify the actions of the regularly scheduled meeting of October 28, 2011.

Action Student Opinion: Voting Aye: Gonzales, O'Connor, Peterson, and Carr. Voting Aye: Ferlic, Hassebrook, McClurg, Phares, Schroeder, Whitehouse, and Clare. Not present: Hawks. Motion carried.

Regent Whitehouse announced the location of the Open Meetings Act in the board room.

IV. KUDOS

Regent Ferlic presented a KUDOS award to Michael Ruhrdanz, Director of Communications and Operations for Information Services at the University of Nebraska-Lincoln.

Regent Peterson presented a KUDOS award to Jeffrey Bassford, Business Officer for the Institute for Agriculture and Natural Resources Finance and Personnel Office at the University of Nebraska-Lincoln.

Regent Schroeder presented a KUDOS award to Dan McDermott, Groundskeeper at the University of Nebraska at Omaha.

Regent Hassebrook presented a KUDOS award to Carmen Brewer, Assistant Director of Graduate Admissions at the University of Nebraska at Kearney.

Regent Phares presented a KUDOS award to Alice Weyant, Compensation Administrator for Human Resources Strategic Staffing and Compensation at the University of Nebraska at Omaha.

V.

RESOLUTIONS

Regent McClurg presented the following resolution:

WHEREAS, Jeremy Peterson 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 2010-2011 term;

WHEREAS, Regent Peterson has taken an active and positive role in Board of Regents meetings and events across the state, and has advocated for students on matters of affordable tuition;

WHEREAS, Regent Peterson has continued to further develop the Student Senate Outreach Fund to support local healthcare initiatives, and to further ensure the continued funding of this account;

WHEREAS, Regent Peterson has chaired the bi-annual Student Senate Blood Drive, has overseen the creation of a student committee to participate in the development of inter-professional education programs, and promoted the Student Senate involvement in improving the fitness facility used by students;

WHEREAS, Regent Peterson has participated in the advancement and implementation of mobile technology on campus, and worked with the UNMC library staff to improve the availability of resources for students;

WHEREAS, Regent Peterson has served on two search committees to fill UNMC leadership positions, and has participated as a Student Senate representative to the UNMC legislation committee;

WHEREAS, Regent Peterson has improved the functionality and efficiency of the UNMC Student Senate, has quickly and concisely informed students on a range of initiatives, has gathered student input on many topics, and has overseen multiple social events to facilitate inter-professional relationships;

NOW, THEREFORE, BE IT RESOLVED, that the University of Nebraska Board of Regents expresses its sincere appreciation for the contributions and dedicated service of Regent Jeremy Peterson during his term on the Board and wishes him well in all of his future endeavors.

Regent Clare presented the following resolution:

WHEREAS, Jan Thayer was a founding member of the Nebraska Health System Board of Directors, which was formed in 1997 and later renamed The Nebraska Medical Center; and

WHEREAS, Jan's keen knowledge of health care, particularly related to assisted living facilities, had made her a valuable asset to the Board; and

WHEREAS, Jan has served the Board with dedication and leadership, serving as a member of the Executive Committee and consistently demonstrating a high level of commitment to the success of this important partnership between the University and the hospital;

NOW, THEREFORE, BE IT RESOLVED that the Board of Regents of the University of Nebraska extends its sincere gratitude and appreciation for the outstanding work that Jan Thayer has done on behalf of the Nebraska Medical Center, the University and the State of Nebraska, during her 14 years of service on the Board of Directors of the Nebraska Medical Center.

Action The resolutions were adopted by acclamation.

VI. HEARINGS

Technical amendments to § 4.14.2(c) (8) and (9) of the Bylaws of the Board of Regents of the University of Nebraska relating to the powers and rules of procedure to be followed by the Academic Freedom and Tenure committees to be created by the faculty governing agencies on each campus.

VII. PUBLIC COMMENT

None

VIII. UNIVERSITY CONSENT AGENDA

Motion Moved by Ferlic and seconded by McClurg to approve items VIII-A-1, VIII-A-2, VIII-A-3, VIII-A-4, VIII-B-1, and VIII-B-2

A. ACADEMIC AFFAIRS

VIII-A-1 The President's Personnel Recommendations

VIII-A-2 Approve Board of Regents Policy RP-4.3.4 concerning authority to appoint Endowed Chairs and Named Professorships

RP-4.3.4 Approval of Appointments to Endowed Chairs and Named Professorships

The University of Nebraska is fortunate to have the resources and private funding necessary to establish and designate a substantial number of Endowed Chairs and Named Professorships. The purposes underlying these Chairs and Professorships are to advance the University's academic goals and objectives; to recognize and support faculty members of exceptional academic distinction; and to assist the University in its efforts to attract and retain outstanding scholars and leaders.

Except when a donor agreement otherwise specifies, the appointment of Endowed Chairs, Named Professorships, and similarly named appointments is governed by processes established by the relevant campus and approved by its Chancellor. In those instances when donor agreements supporting the appointments provide that the selection of the recipient is subject to the approval of the Board of Regents, the Board of Regents hereby delegates to the President the authority to approve these Chairs and Professorships and similarly named appointments, on behalf of the Board of Regents. The University shall provide timely written notice of such appointments to the University of Nebraska Foundation for those Chairs and Professorships funded through the Foundation.

Appointments to Endowed Chairs and Named Professorships shall be included in the quarterly personnel report provided to the Board of Regents.

VIII-A-3 Approve Changes to Board of Regents Policy RP-4.2.6 concerning Emeritus Status

RP-4.2.6 Emeritus Status

Emeritus Status is the rank customarily awarded by the President or Chancellor of each campus given by the Board of Regents to a faculty member an employee at the time of his or her retirement. Emeritus status is given in recognition of substantial service rendered to the University in the field of teaching, or of research, or service and to facilitate retired faculty to continue their research and to provide advice and the benefits of their expertise to colleagues and students of administration in these fields. Emeritus status ~~It~~ may also be given to senior administrators including, but not limited to,

Chancellors, Vice Presidents, Vice Chancellors, Deans, and other administrators whose work with academic programs has contributed to the educational work of the University. a retired librarian, registrar, comptroller, administrative dean, director, or head of other similar division or subdivision whose work impinges directly upon the educational program.

The Board of Regents must approve emeritus status for a retiring president.

Designations of emeritus status are reported to the Board of Regents in the regularly scheduled personnel reports.

While length of service is not necessarily material, employment for at least ten years is to be presumed, although exceptions to this term may be made by the President or Chancellor awarding the emeritus rank. Board of Regents.

1. General Principles

While it is believed that, because of past service, there are substantial perquisites and privileges which should accrue to persons who have retired from active service to the University because of having reached retirement age or because of ill health, emeritus status ~~this rating~~ normally signifies non-activity in connection with all assigned duties. ~~It is not intended, however, that Retirement should not shall sever all appropriate connection between the person and the University, and emeritus members are.~~ ~~In fact, a retired staff member is encouraged to maintain their his or her associations and to continue study, and scholarly investigation, and professional advising of students, to such a degree as his or her health and strength may permit.~~

The practical development of this program of continuation is indicated in essence in the following paragraphs.

2. ~~Special~~ Privileges

- a. Office space or desk room, while ordinarily not assigned to emeritus faculty ~~a retired staff member~~, may be so assigned by the dean or director of the division concerned if, in his or her judgment, such location is especially desirable in a given instance and it is recommended by the staff of the department.
- b. Similarly, research facilities, while not ordinarily available to emeritus faculty ~~a retired employee~~, may be granted, where practicable, by the dean or director, if the proposed work is deemed, by the dean or director, to be a considerable contribution to the scholarly life of the University and it is recommended by the staff of the department. When an emeritus member ~~a retired person~~ is pursuing such study, he or she has the same rights as active members of the faculty in applying for publication privileges or for grants-in-aid for research.
- c. Unless renewed, the assignments end with the University fiscal year.

Any item not covered in this policy shall be determined by the chief executive officer of the college or division concerned in conformity with the implications of similar relationships herein included, or referred to the Chancellor for ruling.

3. Perquisites

Official rosters of the University shall carry the names of living persons officially awarded emeritus status. ~~retired from active duty.~~

- a. On all formal occasions, in all social affairs, in all public meetings, and as University representatives, emeritus members ~~retired persons~~ are recognized on the same basis as active staff members. They do not attend departmental or faculty meetings except upon invitation by the presiding officer thereof, and then without vote. Emeritus faculty may also attend ~~Attendance at senate meetings (without vote but with privileges of the floor.) is encouraged.~~
- b. Official notices and communications will be accommodated to these ends, using, where necessary, the United States mail.

- c. When emeritus members ~~retired employees~~ are called upon to act as references for former students, to furnish information to earlier associates, or to perform any other similar University service stemming from a responsibility which continues beyond their retirement, it is expected that they will use official stationery and such other departmental office privileges as they might customarily use.
- d. Library and e-mail privileges shall continue, fully, subject to the same limitations as are necessary for active staff members.
- e. Student Union, cultural and athletic events, etc. are available to emeritus members pursuant to campus policies. ~~open to retired persons on the same basis as to other faculty members.~~
- f. Emeritus faculty ~~Retired persons~~ may submit manuscripts or studies for publication, subject to acceptance by publishing boards.

VIII-A-4 Approve request from President Milliken, in accordance with his employment contract and university policy, to serve on the board of directors of an outside organization

B. BUSINESS AFFAIRS

VIII-B-1 Approve a Change Order for the Voelte-Keegan Nanoscience Research Center Project at the University of Nebraska-Lincoln

Additional Item

VIII-B-2 Approve appointment of two members, Gail Walling Yanney, M.D. and Nancy Keegan to the Board of Directors of The Nebraska Medical Center effective January 1, 2012, for a term of three years

Action Student Opinion: Voting Aye: O'Connor, Peterson, Carr, and Gonzales. Voting Aye: Hassebrook, McClurg, Phares, Schroeder, Whitehouse, Clare, and Ferlic. Not present: Hawks. Motion carried.

IX. UNIVERSITY ADMINISTRATIVE AGENDA

A. ACADEMIC AFFAIRS

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

IX-A-1 Approve technical amendments to § 4.14.2(c) (8) and (9) of the Bylaws of the Board of Regents of the University of Nebraska relating to the powers and rules of procedure to be followed by the Academic Freedom and Tenure committees to be created by the faculty governing agencies on each campus

The text of § 4.14.2(c)(8) should be amended to read:

(8) The Committee may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. It may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence; provided, that ~~a professional staff member who is a complainant in a complaint filed under paragraph (a) of Section 4.14.2 or who is a member of the faculty named as a respondent in a complaint filed under paragraph (b) or (b)(1) of Section 4.14.2~~ any party may file with the Committee at least three (3) days before the hearing a written request that the rules of evidence followed by the District Courts in the State of Nebraska shall be applicable. If such a written request is filed, the Committee shall notify the parties that the proceedings shall comply with the principles of law with respect to proceedings in the District Courts in Nebraska, and all counsel and parties shall be bound by such rules and standards of ethics and codes of trial conduct as are applied in the District Courts.

The text of § 4.14.2(c)(9) should be amended to read:

In the event any party to the proceedings desires the issuance of a subpoena, such subpoena shall be issued at the direction of the Corporation ~~Secretary of the Board of Regents~~, and may be served ~~by the party requesting the subpoena or by any law~~

~~enforcement officer~~ in the manner provided for subpoenas in the Nebraska Court Rules of Discovery.

Action Student Opinion: Voting Aye: Peterson, Carr, Gonzales, and O'Connor. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Clare, Ferlic, and Hassebrook. Not present: Hawks. Motion carried.

Motion Moved by McClurg and seconded by Phares to approve item IX-A-2

IX-A-2 Approval is requested to eliminate the department of Industrial and Management Systems Engineering (IMSE) the College of Engineering at the University of Nebraska-Lincoln

There was discussion

Action Student Opinion: Voting Aye: Carr, Gonzales, O'Connor, and Peterson. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Clare, Ferlic, and Hassebrook. Not present: Hawks. Motion carried.

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

IX-A-3 Approval is requested to create a Ph.D. in Exercise Science at the University of Nebraska at Omaha

Action Student Opinion: Voting Aye: Gonzales, O'Connor, Peterson, and Carr. Voting Aye: Phares, Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, and McClurg. Not present: Hawks. Motion carried.

Motion Moved by Ferlic and seconded by Clare to approve item IX-A-4

IX-A-4 Approval is requested to create a Ph.D. in Biostatistics at the University of Nebraska Medical Center

Action Student Opinion: Voting Aye: O'Connor, Peterson, Carr, and Gonzales. Voting Aye: Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, McClurg, and Phares. Not present: Hawks. Motion carried.

B. BUSINESS AFFAIRS

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

University of Nebraska

IX-B-1 Approve the acceptance of audited financial statements of affiliated entities of the University of Nebraska

There was discussion and a preference was expressed to postpone approval of the audited financial statements of the UNMC Physicians and University Dental Associates, pending receipt of the management letters.

Motion to Amend Moved by Ferlic and seconded by McClurg to amend item IX-B-1 to remove references to UNMC Physicians and University Dental Associates.

Action on Amendment Student Opinion: Voting Aye: Peterson, O'Connor, Carr, and Gonzales. Voting Aye: Whitehouse, Clare, Ferlic, Hassebrook, McClurg, Phares, and Schroeder. Not present: Hawks. Motion carried.

Action on Amended Item IX-B-1 Student Opinion: Voting Aye: Carr, Gonzales, O'Connor, and Peterson. Voting Aye: Clare, Ferlic, Hassebrook, McClurg, Phares, Schroeder, and Whitehouse. Not present: Hawks. Motion carried.

- Motion Moved by McClurg and seconded by Ferlic to approve item IX-B-2
- IX-B-2 Approve 30 year lease of University owned Grand Island/Hastings and Kearney EBS Licenses
- There was discussion
- Action Student Opinion: Voting Aye: Gonzales, O'Connor, Peterson, and Carr. Voting Aye: Ferlic, Hassebrook, McClurg, Phares, Schroeder, Whitehouse, and Clare. Not present: Hawks. Motion carried.
- University of Nebraska-Lincoln
- Motion Moved by Hassebrook and seconded by Phares to approve item IX-B-3
- IX-B-3 Approve the budget for the replacement of the roof at the Animal Science Complex
- Action Student Opinion: Voting Aye: O'Connor, Peterson, Carr, and Gonzales. Voting Aye: Hassebrook, McClurg, Phares, Schroeder, Whitehouse, Clare, and Ferlic. Not present: Hawks. Motion carried.
- Motion Moved by Phares and seconded by McClurg to approve item IX-B-4
- IX-B-4 Approve an increase in the project budget for the Life Sciences Annex East Wing Rehabilitation
- There was discussion
- Action Student Opinion: Voting Aye: Peterson, Carr, Gonzales, and O'Connor. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Clare, Ferlic, and Hassebrook. Not present: Hawks. Motion carried.
- Motion Moved by Phares and seconded by McClurg to approve item IX-B-5
- IX-B-5 Approve the lease agreement between UNL and the USDA
- Action Student Opinion: Voting Aye: Carr, Gonzales, O'Connor, and Peterson. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Clare, Ferlic, and Hassebrook. Not present: Hawks. Motion carried.
- University of Nebraska Medical Center
- Motion Moved by Ferlic and seconded by McClurg to approve item IX-B-6
- IX-B-6 Approve 1) installation of controls, HVAC renovations and energy commissioning in the Eppley Science Hall, Lied Transplant Center, Medical Science Building, Durham Research Center I and Durham Research Center II on UNMC campus and 2) an Equipment Lease Purchase Agreement
- Action Student Opinion: Voting Aye: Gonzales, O'Connor, Peterson, and Carr. Voting Aye: Phares, Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, and McClurg. Not present: Hawks. Motion carried.
- University of Nebraska at Omaha
- Motion Moved by Phares and seconded by McClurg to approve item IX-B-7
- IX-B-7 Approve the selection of Alley Poyner Macchietto Architecture, P.C. to provide design services for the Peter Kiewit Institute Remodel
- There was discussion
- Action Student Opinion: Voting Aye: O'Connor, Peterson, Carr, and Gonzales. Voting Aye: Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, McClurg, and Phares. Not present: Hawks. Motion carried.

Additional Item – University of Nebraska-Lincoln

- Motion Moved by Phares and seconded by McClurg to approve item IX-B-8
- IX-B-8 Approve the Building and Ground Lease agreement between the University of Nebraska-Lincoln’s Midwest Roadside Safety Facility (MwRSF) and the Airport Authority of the City of Lincoln
- There was discussion
- Action Student Opinion: Voting Aye: Peterson, O’Connor, Carr, and Gonzales. Voting Aye: Whitehouse, Clare, Ferlic, Hassebrook, McClurg, Phares, and Schroeder. Not present: Hawks. Motion carried.

C. FOR INFORMATION ONLY

- IX-C-1 University of Nebraska Strategic Planning Framework
- IX-C-2 University of Nebraska Strategic Framework Accountability Measures
- IX-C-3 Calendar of establishing and reporting accountability measures
- IX-C-4 University of Nebraska Strategic Dashboard Indicators
- IX-C-5 Board of Regents agenda items related to the University of Nebraska Strategic Framework

D. REPORTS

- IX-D-1 Quarterly Personnel Report
- IX-D-2 Leaves of Absences approved during the period July 1, 2010-June 30, 2011
- IX-D-3 Expedited approval of the University of Nebraska-Lincoln Graduate Certificate in Early Literacy
- IX-D-4 Intermediate Design Report – UNL Life Sciences Annex
- IX-D-5 UNMC Facilities Development Plan Update
- IX-D-6 Six Year Capital Plan and Capital Construction Report
- IX-D-7 Gift, Grants, Contract & Bequests
- IX-D-8 Bids and Contracts
- IX-D-9 Strategic Framework Report – Endowments
- Chairman Whitehouse accepted the reports.

X. ADDITIONAL BUSINESS

Closed Session

Motion Moved by Carr and seconded by Ferlic 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) proposed private gifts to the University of Nebraska Foundation for the benefit of the university.

Regent Whitehouse 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.

Action Student Opinion: Voting Aye: Carr, Gonzales, O'Connor, and Peterson. Voting Aye: Clare, Ferlic, Hassebrook, McClurg, Phares, Schroeder, and Whitehouse. Not present: Hawks. Motion carried.

The Board went into closed session at 11:27 a.m. and reconvened the open meeting at 12:12 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman Whitehouse at 12:13 p.m.

Respectfully submitted,

Carmen K. Maurer
Corporation Secretary

Robert L. Whitehouse
Chairman of the Board