

Lincoln, Nebraska
December 1, 2023

The Board of Regents of the University of Nebraska met on December 1, 2023, at 9:00 a.m. in the Boardroom 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 (page 257).

In compliance with the provisions of Neb. Rev. Stat. § 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 22, 2023.

Regents present:

Timothy Clare, Chair

Paul Kenney

Elizabeth O'Connor

Rob Schafer, Vice Chair

Jim Scheer

Jack Stark

Barbara Weitz

Kathy Wilmot

Temo Molina, University of Nebraska at Kearney

Paul Pechous, University of Nebraska-Lincoln

Katie Schultis, University of Nebraska Medical Center

Hakim Lotoro, University of Nebraska at Omaha – left at 11:36 a.m.

University official present:

Walter E. Carter, President

Jeffrey P. Gold, Executive Vice President and Provost; and

Chancellor, University of Nebraska Medical Center

Philip J. Bakken, Corporation Secretary

Rodney D. Bennett, Chancellor, University of Nebraska-Lincoln

Joanne Li, Chancellor, University of Nebraska at Omaha

Douglas A. Kristensen, Chancellor, University of Nebraska at Kearney

Michael J. Boehm, Vice President for Agriculture and Natural Resources

Christopher J. Kabourek, Senior Vice President and CFO

Stacia L. Palser, Vice President and General Counsel

I. CALL TO ORDER

II. ROLL CALL

The Board convened at 9:01 a.m. Attendance is indicated above.

Chair Clare announced the location of the Open Meeting Act in the Boardroom.

III. APPROVAL OF MINUTES AND RATIFICATIONS OF ACTIONS

Motion Moved by Pechous and seconded by Weitz to approve the minutes and ratify the actions of the meeting on November 7, 2023.

Action Student Opinion: Voting Aye: Molina, Pechous, Schultis, and Lotoro. Voting Aye: Kenney, O'Connor, Schafer, Scheer, Stark, Weitz, Wilmot, and Clare. Motion carried.

IV. PRESENTATIONS

None

V. KUDOS

Regent Molina presented a KUDOS award to Brian Peterson, Distance Education Coordinator in the Department of Biology at the University of Nebraska at Kearney.

Regent Pechous presented a KUDOS award to Andrew Brown, Assistant Director of Community Engagement at the University of Nebraska-Lincoln.

Regent Schultis presented a KUDOS award to Erica Hansen, Lead Clinical Research Associate in the Department of Internal Medicine at the Fred and Pamela Buffett Cancer Center at the University of Nebraska Medical Center.

Regent Lotoro presented a KUDOS award to Cara Ortega, Associate Registrar at the University of Nebraska at Omaha.

VI. RESOLUTION OF RECOGNITION

Regent Clare presented the following resolution:

WHEREAS, Walter E. Carter has served as President of the University of Nebraska since January 1, 2020; and

WHEREAS, during his tenure as President, Walter E. Carter has provided outstanding leadership to the University, guiding the development of the Five-Year Strategy and more recently a Five-Point Reinvention Plan to set the University on a course for readmission into the Association of American Universities; and

WHEREAS, Walter E. Carter provided the long-term financial health and viability of the University through a historic deferred maintenance partnership with state policymakers and administrative efficiencies which addressed extremely difficult budget challenges while protecting the University's core mission areas; and

WHEREAS, Walter E. Carter has been an effective and tireless advocate for the University of Nebraska, building enduring relationships with the Governor and members of the Nebraska Legislature that have helped to maintain a stable base of state support and to secure funding for initiatives that serve all of Nebraska, including the UNK-UNMC Rural Health Education project; and

WHEREAS, Walter E. Carter made affordable access to a high quality education his highest priority, advocating for a two-year tuition freeze and increasing student financial aid, championing the *Nebraska Promise* program, and bringing the *Nebraska Career Scholarship* program to fruition; and

WHEREAS, Walter E. Carter has served as President during a period of record levels of funding for research and intellectual property in areas critical to Nebraska and the world; and

WHEREAS, Walter E. Carter has played a pivotal role in the University of Nebraska Foundation's highly successful *Only in Nebraska: A Campaign for Our University's Future*, which has raised more than \$2 billion and engaged nearly 132,000 unique donors to support student access and success; faculty, academic, and clinical excellence; and transformational research and innovation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Regents expresses on behalf of the University of Nebraska, along with its wide-reaching community, the deepest admiration, respect, and thanks to Walter E. Carter for his exemplary service as President of the University of Nebraska, bestows upon him the title of President Emeritus, and wishes Ted, Lynda, and their family continued success and happiness.

Resolution Adopted There being no objection, the above resolution was approved and adopted by the general consent of the Board.

VII. HEARINGS

None

VIII. PRESIDENT'S REMARKS

President Carter shared an update on implementation of the University of Nebraska's Five-Point Plan.

IX. PUBLIC COMMENT

David Begley addressed the Board regarding UNMC leadership.

Kathie Sweet addressed the Board regarding the Montessori education program.

Mary Boden Anderson addressed the Board regarding the Montessori education program.

William Aviles addressed the Board regarding UNK budgets.

Michelle Warren addressed the Board regarding University budget cuts.

Al Koontz addressed the Board regarding UNK budget cuts.

Sarah Zuckerman addressed the Board regarding shared governance in the budget reduction process.

Lisa Gammel addressed the Board regarding the Montessori education program.

Alexander Vazansky addressed the Board regarding academic freedom and shared governance at UNL.

Harlie Shurck addressed the Board regarding the Montessori education program.

Regina Werum addressed the Board regarding budget cuts and the impact on teaching.

Patsy Koch Johns addressed the Board regarding education.

Becki Carter addressed the Board regarding the Montessori education program.

Nicole Merrill and Allison Kenney-Walker submitted written testimony on the topic of the Montessori education program.

Chair Clare declared the opportunity for public comment closed.

X. UNIVERSITY CONSENT AGENDA

Motion Moved by Wilmot and seconded by Pechous to approve all Consent items.

A. ACADEMIC AFFAIRS

X-A-1 President's Personnel Recommendations

X-A-2 Approval to award degrees and certificates for the 2023-2024 Academic Year, including 2024 Summer Sessions for the Nebraska College of Technical Agriculture (NCTA), the University of Nebraska at Kearney (UNK), the University of Nebraska-Lincoln (UNL), the University of Nebraska Medical Center (UNMC), and the University of Nebraska at Omaha (UNO).

Action Student Opinion: Voting Aye: Pechous, Lotoro, and Molina. Voting Aye: O'Connor, Schafer, Scheer, Stark, Weitz, Wilmot, Clare, and Kenney. Motion carried.

XI. UNIVERSITY ADMINISTRATIVE AGENDA

A. ACADEMIC AFFAIRS

Motion Moved by Scheer and seconded by Weitz to approve item XI-A-1.

XI-A-1 Approval to transition the Graduate Certificate in Medical Family Therapy jointly administered by the Department of Child, Youth, and Family Studies in the College of Education and Human Sciences at UNL and the Department of Internal Medicine in the College of Medicine at UNMC to a program solely administered by the UNL department and college.

Action Student Opinion: Voting Aye: Lotoro, Molina, and Pechous. Voting Aye: Schafer, Scheer, Stark, Weitz, Wilmot, Clare, Kenney, and O'Connor. Motion carried.

B. BUSINESS AND FINANCE

- University of Nebraska at Kearney
- Motion Moved by Kenney and seconded by Scheer to approve item XI-B-1
- XI-B-1 Approval to name the new Sorority Life Building at UNK “Bess Furman Armstrong Hall” pursuant to Regents Policy 6.2.7(3)(c).
- Action Student Opinion: Voting Aye: Lotoro, Molina, and Pechous. Voting Aye: Scheer, Stark, Weitz, Wilmot, Clare, Kenney, O’Connor, and Schafer. Motion carried.
- University of Nebraska-Lincoln
- Motion Moved by Molina and seconded by Stark to approve item XI-B-2.
- XI-B-2 Approval of contract for Construction Manager at Risk (CMR) with Kiewit Building Group Inc. and the University of Nebraska for the Memorial Stadium Improvement Project.
- Action Student Opinion: Voting Aye: Molina, Pechous, and Lotoro. Voting Aye: Stark, Weitz, Wilmot, Clare, Kenney, O’Connor, Schafer, and Scheer. Motion carried.
- Motion Moved by Pechous and seconded by Weitz to approve item XI-B-3.
- XI-B-3 Approval of Interlocal Cooperation Agreement with the Nebraska State Patrol for Supplemental Security and Law Enforcement at UNL Events.
- Action Student Opinion: Voting Aye: Pechous, Lotoro, and Molina. Voting Aye: Weitz, Wilmot, Clare, Kenney, O’Connor, Schafer, Scheer, and Stark. Motion carried.
- Motion Moved by Kenney and seconded by Scheer to approve item XI-B-4.
- XI-B-4 Acceptance of Learjet 45 gift for the University of Nebraska.
- Action Student Opinion: Voting Aye: Molina and Pechous. Abstention: Lotoro. Voting Aye: Wilmot, Clare, Kenney, O’Connor, Schafer, Scheer, Stark, and Weitz. Motion carried.
- Motion Moved by Molina and seconded by Lotoro to approve item XI-B-5.
- XI-B-5 Approval of Ground Lease for Proposed USDA-ARS Buildings to be located at Nebraska Innovation Campus.
- Motion Moved by Wilmot and seconded by Schafer to postpone temporarily (lay on the table) item XI-B-5.
- Action Student Opinion: Voting Aye: Lotoro. Voting Nay: Pechous. Abstention: Molina. Voting Aye: Schafer and Wilmot. Voting Nay: Kenney, O’Connor, Scheer, Stark, Weitz, and Clare. Motion failed.
- Action Student Opinion: Voting Aye: Lotoro, Molina, Pechous, and Schultis. Voting Aye: Clare, Kenney, O’Connor, Schafer, Scheer, Stark, Weitz, and Wilmot. Motion carried.

The Board recessed at 11:05 a.m. and reconvened the open meeting at 11:15 a.m.

- University of Nebraska Medical Center
Motion Moved by Kenney and seconded by Stark to approve item XI-B-6.
- XI-B-6 Approval of Program Statement for the Infectious Diseases Air Transport Training (IDAT) Facility at UNMC.
- Action Student Opinion: Voting Aye: Pechous, Schultis, Lotoro, and Molina. Voting Aye: O'Connor, Schafer, Scheer, Stark, Weitz, Wilmot, Clare, and Kenney. Motion carried.
- University of Nebraska at Omaha
Motion Moved by Lotoro and seconded by Stark to approve item XI-B-7.
- XI-B-7 Acceptance of gift from the Nebraska Philanthropic Trust for the Extension Facility at Baxter Arena.
- Action Student Opinion: Voting Aye: Schultis, Lotoro, Molina, and Pechous. Voting Aye: Schafer, Scheer, Stark, Weitz, Wilmot, Clare, Kenney, and O'Connor. Motion carried.
- University of Nebraska at Kearney and University of Nebraska Medical Center
Motion Moved by Wilmot and seconded by Lotoro to approve item XI-B-8.
- XI-B-8 Approval to name the Rural Health Education Complex the "Douglas A. Kristensen Rural Health Education Complex" at UNK pursuant to Regents Policy 6.2.7 and to waive the restriction on naming in honor of a current University employee set forth in Regents Policy 6.2.7(4)(b).
- Action Student Opinion: Voting Aye: Lotoro, Molina, Pechous, and Schultis. Voting Aye: Scheer, Stark, Weitz, Wilmot, Clare, Kenney, O'Connor, and Schafer. Motion carried.
- C. EXECUTIVE**
- Motion Moved by Wilmot and seconded by Schafer to approve item XI-C-1.
- XI-C-1 Approval of Christopher J. Kabourek as Interim President of the University of Nebraska.
- Action Student Opinion: Voting Aye: Molina, Pechous, and Lotoro. Voting Aye: Stark, Weitz, Wilmot, Clare, Kenney, O'Connor, Schafer, and Scheer. Motion carried.
- Interim President-Elect Kabourek thanked the Board. President Carter offered remarks in support of Mr. Kabourek's appointment.
- Motion Moved by Scheer and seconded by Kenney to approve item XI-C-2.
- XI-C-2 Appointment of Board Chair as "Designated Representative" to Nebraska Medicine.
- Action Student Opinion: Voting Aye: Pechous and Molina. Voting Aye: Weitz, Wilmot, Clare, Kenney, O'Connor, Schafer, Scheer, and Stark. Motion carried.

D. FOR INFORMATION ONLY

- XI-D-1 Proposed amendments to Sections 1.3 and 1.4 of the Standing Rules relating to establishment of a Health Affairs Standing Committee were presented at this meeting for information purposes only as required by the *Bylaws*. The proposed amendments will be placed on the agenda of the Board of Regents meeting scheduled for February 9, 2024, for public hearing and consideration by the Board.

E. REPORTS

- XI-E-1 Report on renaming the Master of Laws (L.L.M.) in Space, Cyber, and Telecommunications Law to the L.L.M. in Space, Cyber, and National Security Law in the College of Law at UNL.
- XI-E-2 Report on renaming the Department of Pathology and Microbiology to the Department of Pathology, Microbiology, and Immunology at UNMC.
- XI-E-3 Report on Fall 2023 Student Credit Hours.
- XI-E-4 Accountability Measures Dashboard.
- XI-E-5 Intermediate Design Review for CORE Building at UNMC.
- XI-E-6 Report on Othmer-Topp Endowment Fund for fiscal year ended June 30, 2023 at UNL.
- XI-E-7 Report on Bids and Contracts.
- XI-E-8 Quarterly Report on Status of Capital Construction Projects.

Chair Clare accepted the reports on behalf of the Board.

- Motion Moved by Scheer and seconded by Clare that the Board go into closed session as authorized by Neb. Rev. Stat. § 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:

- Personnel matters involving members of the University staff; and
- Strategy with respect to pending litigation.

- Action Student Opinion: Voting Aye: Molina and Pechous. Voting Aye: Wilmot, Clare, Kenney, O'Connor, Schafer, Scheer, Stark, and Weitz. Motion carried.

Chair Clare declared that the closed session would be strictly limited to a discussion of:

- Personnel matters involving members of the University staff; and
- Strategy with respect to pending litigation.

The Board went into closed session at 11:44 a.m.

The Board reconvened the open meeting at 12:36 p.m.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned by Chair Clare at 12:37 p.m.

Respectfully submitted,

Philip J. Bakken
Corporation Secretary

Timothy F. Clare
Chair of the Board



NOTICE OF MEETING

Notice is hereby given that the Board of Regents of the University of Nebraska will meet in a publicly convened session on Tuesday, November 7, 2023 at 4:00 p.m. via videoconference in the Boardroom at Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska.

An agenda of subjects to be considered at said meeting, kept on a continually current basis is available for inspection in the Office of the Corporation Secretary of the Board of Regents at Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska and at <https://nebraska.edu/regents/agendas-minutes>.

Members of the public wishing to address the Board during the Public Comment portion of the meeting *in-person* will continue to follow the provisions of Standing Rule 5.1. Members of the public wishing to address the Board during the Public Comment portion of the meeting *via remote participation* must contact the Corporation Secretary no less than 24 hours prior to the commencement of the meeting. Members of the public may contact the Corporation Secretary at (402) 472-3906 or corpsec@nebraska.edu. Upon receipt of such notice, the Corporation Secretary will provide instructions on remote participation in the public meeting.

A copy of this notice will be delivered to the Lincoln Journal Star, the Omaha World-Herald, the Daily Nebraskan, the Gateway, the Antelope, the Kearney Hub, the Lincoln office of the Associated Press, members of the Board of Regents, and the President's Council of the University of Nebraska System.

Dated: October 31, 2023

Philip J. Bakken, Corporation Secretary
Board of Regents of the University of Nebraska



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