

October 17, 2003

Lincoln, Nebraska  
October 17, 2003

The Board of Regents of the University of Nebraska met on October 17, 2003, at 1:15 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, Daily Nebraskan, The Gateway, The Antelope, Kearney Hub and Omaha World Herald on October 6, 2003.

Regents present:

Kyle Arganbright  
Joe Bilek  
Don S. Blank, Vice Chairman  
Randolph M. Ferlic, Chairman  
Chuck Hassebrook  
Howard L. Hawks  
Casey Johnston  
Jim McClurg  
Michelle McGeorge  
Drew Miller  
Kent Schroeder  
Charles S. Wilson

University officials present:

L. Dennis Smith, President  
Jay Noren, Executive Vice President and Provost  
Nancy Belck, Chancellor, UNO  
Harold Maurer, Chancellor, UNMC  
Douglas A. Kristensen, Chancellor, UNK  
Harvey S. Perlman, Chancellor, UNL  
John Owens, Vice President and Vice Chancellor for Agriculture and Natural Resources  
Kim M. Robak, Vice President for External Affairs and Corporation Secretary  
David Lechner, Vice President for Business and Finance  
Richard R. Wood, Vice President and General Counsel

I. **CALL TO ORDER**

II. **ROLL CALL**

The Board convened at 1:15 p.m. in the Board Room at Varner Hall, 3835 Holdrege, Lincoln, Nebraska, Friday, October 17, 2003. Attendance is indicated above.

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

Motion Moved by Wilson and seconded by McClurg to approve the minutes and ratify the actions of the regularly scheduled meeting of August 9, 2003.

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Action Student Opinion: Aye: Arganbright, Bilek, Johnston, and McGeorge. Voting Aye: Blank, Ferlic, Hassebrook, Hawks, McClurg, Miller, Schroeder, and Wilson. Voting Nay: None. Motion carried.

IV. **KUDOS**

**Regent Hawks presented a KUDOS award to Linda Hotovy**, Accounting Clerk in the School of Biological Sciences at the University of Nebraska-Lincoln.

**Regent Hassebrook presented a KUDOS award to Sylvana Airan**, Assistant Director of Business Contracts and Student Accounts in the Housing Department at the University of Nebraska-Lincoln.

**Regent Arganbright presented a KUDOS award to Leonard Wit, Jr.**, Supervisor in the Department of Agronomy & Horticulture at the University of Nebraska Institute of Agriculture and Natural Resources.

**Regent Miller presented a KUDOS award to Kenneth D. Jensen**, Manager of the Instructional Design Center in the College of Education & Human Sciences at the University of Nebraska-Lincoln.

**Regent Schroeder presented a KUDOS award to Tonda Humphress**, Assistant to the Director of Judicial Affairs at the University of Nebraska-Lincoln.

**Regent McClurg presented a KUDOS award to Keith Dietze**, Director of University-wide Benefits for the University of Nebraska.

**Regent Johnston presented a KUDOS award to Kim Laursen**, Education Coordinator for Information Technology Services at the University of Nebraska Medical Center.

**Regent Blank presented a KUDOS award to Michael P. Molvar**, Assistant Dean and Quality Officer for the College of Dentistry at the University of Nebraska Medical Center.

**Regent Wilson presented a KUDOS award to Douglas Wheatley**, Associate Professor in the Department of Family Medicine at the University of Nebraska Medical Center.

**Regent Bilek presented a KUDOS award to Cindy Teller**, Staff Assistant in the Department of Mathematics at the University of Nebraska at Omaha.

**Regent McGeorge presented a KUDOS award to Michelle Widger**, Publications Coordinator in the Office of Communications at the University of Nebraska at Kearney

**Regent Schroeder presented a KUDOS award to Suzanne Petersen**, recently retired as professional counselor and Interim Associate Director of University of Nebraska at Kearney's Counseling Center.

V. **STRATEGIC OR POLICY ISSUE**

L. Dennis Smith presented the State of the University Address. (For speech, see documents file.)

The Board recessed at 2:15 p.m. and reconvened at 2:25 p.m.

Chairman Ferlic introduced and welcomed Vice Chancellor Rubens Pamies to the University of Nebraska.

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VI. **HEARINGS**

Hearings on the following items were opened by the Chair.

There were no public comments regarding the proposed amendment of Sections 1.3.1 and 1.3.3 of the *Standing Rules of the Board of Regents of the University of Nebraska* and creation of Regents' Policy 1.6.9 of the *Board of Regents' Policies of the University of Nebraska* creating an Audit Committee. Addendum IX-B-1

Motion Moved by Wilson and seconded by Hawks to close the hearing.

Action Student Opinion: Aye: Bilek, Johnston, McGeorge, and Arganbright. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Miller, Schroeder, Wilson, and Blank. Voting Nay: None. Motion carried.

There were no public comments regarding the proposed Amendment of Section 3.10 of the *Bylaws of the Board of Regents of the University of Nebraska* relating to ownership, patent and commercialization of inventions and discoveries, and the approval of Regents' Policy 4.4.2 Regents' Patent and Technology Transfer Policy. Addendum X-A-2

Motion Moved by Miller and seconded by McClurg to close the hearing.

Action Student Opinion: Aye: Johnston, McGeorge, Arganbright, and Bilek. Voting Aye: Hassebrook, Hawks, McClurg, Miller, Schroeder, Wilson, Blank, and Ferlic. Voting Nay: None. Motion carried.

VII. **PUBLIC COMMENT**

None.

VIII. **COMMITTEE REPORTS**

Academic Affairs

The Academic Affairs committee met on Friday morning and the topic of discussion was a NU Center for Biosecurity Update.

Planning

The Planning committee met on Friday morning and the topic of discussion was the Gender Equity Report.

Information Technology

The Information Technology committee met on Friday morning and the topic of discussion was a NETV Digital Update.

Audit

Regent McClurg reported that the Audit Committee held its second meeting and will continue to meet quarterly. A charter has been adopted by the committee which will be sent out to the audit professionals across the university. (For charter, see documents file.) The committee will be looking at the university's operations and audit functions at each campus.

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Chairman Ferlic asked permission of the Board to discuss agenda items X-A-2 and X-A-3 at this time.

- Motion Moved by Hawks and seconded by McClurg to open discussion and approve item X-A-2.
- X-A-2 Approve amendment of RP-2.1.4 relating to selection of the Presidential Advisory Search Committee to provide that each elected member of the Board of Regents shall select one member from the general public to serve on the Committee.
- Discussion was held.
- Action Student Opinion: Aye: Arganbright and Bilek. Nay: McGeorge and Johnston. Voting Aye: Hawks, McClurg, Miller, and Ferlic. Voting Nay: Schroeder, Wilson, Blank, and Hassebrook. Motion failed.
- Motion Moved by Blank and Hassebrook to amend RP-2.1.4 to change the process of selection of search committee by having (1) the chairman of the board appoint the Regent co-chair of the search committee prior to the vote, (2) the Regent co-chair's nominees would be removed off the list of public at large nominees, (3) the Regents would then vote to select seven public-at-large nominees from all the remaining nominees, and (4) the Regent co-chair would be a full voting member of the committee.
- Discussion was held.
- Motion Moved by Hawks and seconded by Arganbright to amend Regent Blank's motion to state that the Regents shall select eight public-at-large nominees and the Regent co-chair's nominees not be removed.
- Discussion continued.
- Action Student Opinion: Aye: Arganbright. Voting Nay: Bilek, Johnston, and McGeorge. Voting Aye: Miller, Ferlic, and Hawks. Voting Nay: McClurg, Schroeder, Wilson, Blank, and Hassebrook. Motion failed.
- Discussion continued.
- Motion Moved by Miller and seconded by Hawks to amend Regent Blank's motion to change the number of public-at-large representation on the search committee to eight.
- Discussion continued.
- Action Student Opinion: Aye: Arganbright. Nay: Bilek, Johnston, and McGeorge. Voting Aye: Miller, Ferlic, and Hawks. Voting Nay: Schroeder, Wilson, Blank, Hassebrook, and McClurg. Motion failed.
- Discussion continued.
- Action on Blank's original motion Student Opinion: Nay: Johnston, McGeorge, Arganbright, and Bilek. Voting Aye: Blank, Ferlic, Hassebrook, and Miller. Voting Nay: Schroeder, Wilson, Hawks, and McClurg. Motion failed.
- Motion Moved by Arganbright and seconded by McGeorge to amend RP 2.1.4 relating to the process of the selection of search committee in specific to § 3 of the policy to add three ex officio student members, one from each campus, not represented on the committee.

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Discussion was held.

Action Student Opinion: Aye: Arganbright and Bilek. Nay: McGeorge and Johnston. Voting Aye: Hawks. Voting Nay: Wilson, Blank, Ferlic, Hassebrook, McClurg, Miller, and Schroeder. Motion failed.

Regent Wilson withdrew the following agenda item X-A-3.

X-A-3 Approve amendment of RP-2.1.4 relating to selection of the Presidential Advisory Search Committee to provide that the Board of Regents shall select one representative of the general public to serve as Co-Chairperson and one member of the Board of Regents to serve as the second Co-Chairperson.

Ballots were distributed to the elected Regents to vote on the Presidential Search Committee.

The Board recessed at 3:08 p.m. and reconvened at 3:15 pm.

IX. **UNIVERSITY CONSENT AGENDA**

Regent Hassebrook asked that item IX-A-2 be removed from the Consent Agenda.

Motion Moved by Wilson and seconded by McClurg to approve items IX-A-1, IX-A-3, IX-A-4, IX-A-5, IX-B-1, IX-B-2, IX-B-3, IX-B-4, IX-B-5, IX-B-6, IX-B-7, and IX-B-8.

**A. ACADEMIC**

IX-A-1 President's Personnel Recommendations

University of Nebraska-Lincoln

Adjustment

Richard Edwards, Professor (Continuous) Economics; remove title and stipend as Senior Vice Chancellor of Academic Affairs and place on Faculty Development Fellowship with full pay (administrative stipend will be removed) effective 01/01/04 to 06/30/04, \$204,486 FY current salary (includes \$20,449 FY administrative stipend), 1.00 FTE.

Leaves of Absence

Thomas M. Carr, Jr., Professor (Continuous) Modern Languages & Literatures; Faculty Development Fellowship with half pay effective 01/05/04 to 05/14/04, \$70,001 AY, 1.00 FTE.

Jessica A. Coope, Associate Professor (Continuous) History; Faculty Development Fellowship with half pay effective 01/05/04 to 05/14/04, \$56,623 AY, 1.00 FTE.

Barbara DiBernard, Professor (Continuous), English; Faculty Development Fellowship with half pay effective 01/05/04 to 01/02/05, \$68,092 AY, 1.00 FTE.

Stephen Dimagno, Associate Professor (Continuous), Chemistry; Faculty Development Fellowship with full pay effective 01/05/04 to 05/14/04, \$66,060 AY, 1.00 FTE.

Gwendolyn A. Foster, Associate Professor (Continuous), English; Faculty Development Fellowship with full pay effective 01/05/04 to 05/14/04, \$56,891 AY, 1.00 FTE.

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Mark A. Griep, Associate Professor (Continuous), Chemistry; Faculty Development Fellowship with full pay effective 01/05/04 to 05/14/04, \$56,659 AY, 1.00 FTE.

Richard O. Hoffman, Professor (Continuous), Industrial and Management Systems Engineering; Faculty Development Fellowship with full pay effective 01/05/04 to 05/14/04, \$74,650 AY, 1.00 FTE.

Karl D. Hostetler, Professor (Continuous) Curriculum and Instruction; Faculty Development Fellowship with full pay effective 01/05/04 to 05/14/04, \$69,949 AY, 1.00 FTE.

Richard K. Koelsch, Associate Professor (Continuous), Biological Systems Engineering; Faculty Development Fellowship with full pay effective 01/01/04 to 06/30/04 \$91,208 FY, 1.00 FTE.

Sharon S. Kuska, Professor (Continuous), Architecture; Faculty Development Fellowship with half pay effective 01/05/04 to 01/02/05, \$65,527 AY, 1.00 FTE.

Amelia M. Montes, Assistant Professor (Specific Term), English and Ethnic Studies; Leave of Absence with 14% pay effective 01/05/04 to 01/03/05, \$48,981 AY, 1.00 FTE.

Catherine A. Nickel, Associate Professor (Continuous), Modern Languages & Literatures; Faculty Development Fellowship with full pay effective 01/05/04 to 05/14/04, \$53,108 AY, 1.00 FTE.

Paul A. Olson, Professor (Continuous), English; Faculty Development Fellowship with full pay effective 01/05/04 to 05/14/04, \$125,503 AY, 1.00 FTE.

Guillermo Orti, Associate Professor (Continuous), Biological Sciences; Faculty Development Fellowship with full pay effective 01/05/04 to 05/14/04, \$60,747 AY, 1.00 FTE.

John Osterman, Associate Professor (Continuous), Biological Sciences; Faculty Development Fellowship with full pay effective 01/05/04 to 05/14/04, \$56,443 AY, 1.00 FTE.

Peter Pinnell, Associate Professor (Continuous), Art and Art History; Faculty Development Fellowship with full pay effective 01/05/04 to 05/14/04, \$51,775 AY, 1.00 FTE.

Jeffrey S. Royer, Professor (Continuous), Agricultural Economics; Faculty Development Fellowship with full pay effective 01/01/04 to 06/30/04, \$113,669 FY, 1.00 FTE.

Anna W. Shavers, Associate Professor (Continuous), Law; Faculty Development Fellowship with full pay effective 01/05/04 to 05/14/04, \$88,631 AY, 1.00 FTE.

#### University of Nebraska Medical Center

#### Leaves of Absence

Kathleen L. Barr, Associate Professor (Health Professions Appointment), College of Nursing; Faculty Development Fellowship with full pay effective 02/01/04 to 07/31/04, \$75,166 FY, 1.00 FTE.

Jon A. Vanderhoof, Professor (Continuous), Pediatrics; extend leave of absence without pay for additional year, effective 10/20/03 to 10/19/04, \$118,796 FY, 1.00 FTE.

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- IX-A-2 Removed from Consent Agenda. Item voted on under Administrative Agenda (see below).
- IX-A-3 Approve the requests for outside employment at the University of Nebraska Medical Center for Keith J. Mueller, Ph.D., and Stephen I. Rennard, M.D.
- IX-A-4 Approve the request for outside employment at the University of Nebraska-Lincoln for Stephen Forget.
- IX-A-5 Approve the name change from the Center for Curriculum and Instruction to the Department of Teaching, Learning and Teacher Education at UNL.

**B. BUSINESS**

Central Administration

- IX-B-1 Approve Amendment of Sections 1.3.1 and 1.3.3 of the *Standing Rules of the Board of Regents of the University of Nebraska* and creation of Regents' Policy 1.6.9 of the *Board of Regents' Policies of the University of Nebraska* creating an Audit Committee.

University of Nebraska-Lincoln

- IX-B-2 Approve the name "Splinter Laboratories" for the laboratory building on the University of Nebraska-Lincoln East Campus currently named the Biological Systems Engineering Labs.
- IX-B-3 Approve the Resolution to authorize the expenditure of up to \$916,000 from the Replacement Fund of the UNL Parking Revenue Bonds to improve certain property and equipment.
- IX-B-4 Approve the Resolution to authorize expenditure of up to \$832,568 for capital improvements for the Nebraska Unions and University Housing facilities from the Replacement Fund of the Student Fees and Facilities Revenue Bonds at UNL.
- IX-B-5 Approve the conveyance of real property from the Board of Regents of the University of Nebraska to the Joint Antelope Valley Authority (JAVA) for the Vine Street Bridge Project and accept the City of Lincoln's appraised value.
- IX-B-6 Approve the conveyance of real property to the City of Lincoln for public street right-of-way in conjunction with the Vine Street Streetscape Project and accept the City of Lincoln's appraised value on the subject parcel, which is adjacent to the north boundary of Vine Street between 22nd and 23rd Streets.
- IX-B-7 Approve the amendment to subcontract with the Child Guidance Center of Lincoln and UNL.
- IX-B-8 Approve the amendment to subcontract between the Board of Regents of the University of Nebraska and Creighton University.
- Action Student Opinion: Aye: Arganbright, Bilek, Johnston, and McGeorge. Voting Aye: Blank, Ferlic, Hassebrook, Hawks, McClurg, Miller, Schroeder, and Wilson. Voting Nay: None. Motion carried.

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X. **UNIVERSITY ADMINISTRATIVE AGENDA**

**A. ACADEMIC**

Motion Moved by Miller and seconded by Hawks to approve item IX-A-2 from the Consent Agenda.

IX-A-2 Approve the Amendment of Section 3.10 of the *Bylaws of the Board of Regents of the University of Nebraska* relating to ownership, patent and commercialization of inventions and discoveries, and approve a new patent and technology policy, RP-4.4.2 Regents' Patent and Technology Transfer Policy.

Discussion was held.

Action Student Opinion: Aye: Bilek, Johnston, McGeorge, and Arganbright. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Miller, Schroeder, Wilson, and Blank. Voting Nay: None. Motion carried.

Additional Items – Central Administration

Motion Moved by McClurg and seconded by Wilson to approve item X-A-1.

X-A-1 Consider the report of the Special Committee of the Academic Rights and Responsibilities Committee of the University of Nebraska-Lincoln, and render a decision In the Matter of the Academic Freedom Complaint filed by Margaret R. Bolick, Ph.D.

Discussion was held.

Action Student Opinion: Aye: Johnston, McGeorge, Arganbright, and Bilek. Voting Aye: Hassebrook, Hawks, McClurg, Miller, Schroeder, Wilson, Blank, and Ferlic. Voting Nay: None. Motion carried.

X-A-2 Item voted on earlier in the meeting (see above).

X-A-3 Regent Wilson withdrew item earlier in the meeting (see above).

**B. BUSINESS**

University of Nebraska-Lincoln

Motion Moved by Wilson and seconded by Miller to approve item X-B-1.

X-B-1 Approve the conveyance of real property from the Board of Regents of the University of Nebraska to Lincoln Electric System for constructing a new substation.

Action Student Opinion: Aye: McGeorge, Arganbright, Bilek, and Johnston. Voting Aye: Hawks, McClurg, Miller, Schroeder, Wilson, Blank, Ferlic, and Hassebrook. Voting Nay: None. Motion carried.

University of Nebraska at Omaha

Motion Moved by Hawks and seconded by Hassebrook to approve item X-B-2.

X-B-2 Approve an amendment to the ground lease agreement with the Suzanne and Walter Scott Foundation providing for the construction and operation of a business and technology facility and related facilities, to add approximately four acres of adjacent land to the

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agreement; and authorize the President to execute all legal instruments necessary to carry out the terms and conditions of the lease amendment.

Action Student Opinion: Aye: Arganbright, Bilek, Johnston, and McGeorge. Voting Aye: McClurg, Miller, Schroeder, Wilson, Blank, Ferlic, Hassebrook, and Hawks. Voting Nay: None. Motion carried.

Additional Item – Central Administration

Motion Moved by McClurg and seconded by Hassebrook to approve item X-B-3.

X-B-3 (1) Approve incurrence of debt by Nebraska Health System d/b/a The Nebraska Medical Center (the "Corporation") with respect to not to exceed \$45 million aggregate principal amount Hospital Authority No. 2 of Douglas County, Nebraska Revenue Bonds (The Nebraska Medical Center) Series 2003, and (2) Consent to the pledge, pursuant to a deed of trust, of the Corporation's leasehold interest in that certain Amended and Restated Ground Lease dated April 2001 for the benefit of First National Bank of Omaha, as trustee (the "Master Trustee"), under the Master Trust Indenture dated as of November 1, 2003 between the Corporation and the Master Trustee.

Discussion was held.

Action Student Opinion: Aye: Johnston, McGeorge, and Arganbright. Absent: Bilek. Voting Aye: Miller, Schroeder, Wilson, Blank, Ferlic, Hassebrook, Hawks, and McClurg. Voting Nay: None. Motion carried.

Additional Item – University of Nebraska-Lincoln

Motion Moved by McClurg and seconded by Blank to approve item X-B-4.

X-B-4 Approve the Program Statement for UNL Police Department relocation project to the 17th and R Parking Structure.

Discussion was held.

Action Student Opinion: Aye: Johnston, McGeorge, Arganbright, and Bilek. Voting Aye: Schroeder, Wilson, Blank, Ferlic, Hassebrook, Hawks, McClurg, and Miller. Voting Nay: None. Motion carried.

**C. FOR INFORMATION ONLY**

None.

**D. REPORTS**

X-D-1 Universitywide Report on Gender Equity.

X-D-2 Personnel Report for 2003-2004 and Quarterly Personnel Actions for the period April 1 through June 30, 2003.

X-D-3 Summary Enrollment Report and Student Credit Hour Report for Fall 2003.

X-D-4 Report of Name Change of the Bachelor of Science degree in the College of Agricultural Sciences and Natural Resources from Crop Protection to Plant Protection Sciences.

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- X-D-5 Report on the Memo of Understanding Among Special Education Programs at the University of Nebraska at Kearney, the University of Nebraska-Lincoln, and the University of Nebraska at Omaha.
- X-D-6 Report of Bids and Contracts for the period ended September 25, 2003.
- X-D-7 Gifts, Grants, Contracts and Bequests for the quarter ended June 30, 2003.
- X-D-8 Schematic Design for the University of Nebraska-Lincoln 16th & Y Student Housing Project.
- X-D-9 Design Development for the University of Nebraska-Lincoln Behlen Renovation for Nanotechnology/Atomic, Molecular and Optical Physics.
- X-D-10 Design Development for the University of Nebraska-Lincoln Selleck Hall Dining Addition and Expansion.

Chairman Ferlic accepted the reports.

**XI. ADDITIONAL BUSINESS**

Ballots were redistributed to the Board to vote on the Foundation nominees again as there was a tie.

The 2003-2004 Presidential Search Committee is as follows:

Olamide Alabi  
Kathy Campbell  
Miguel A. Carranza  
Kenneth H. Cowan  
R. Ellen Davis-Hall  
Randolph M. Ferlic, Co-chair  
John C. Goldner  
Marilyn Hadley  
Kay A. Hodge  
Hod Kosman  
William W. Marshall  
Maxine Moul  
Keith Olsen, Co-chair  
Harvey Perlman  
Burton J. Reed  
Stephen K. Wild  
Ethel H. Williams  
Richard Wood

Vote to certify  
the ballot votes

Student Opinion: Aye: McGeorge, Arganbright, Bilek, and Johnston. Voting Aye: Wilson, Blank, Ferlic, Hassebrook, Hawks, McClurg, Miller, and Schroeder. Voting Nay: None. Ballot votes certified.

Chairman Ferlic announced that Regent Hassebrook suggested that the Regents start a dialogue on the qualifications/attributes the Regents want to see in the next President. A separate meeting will be set up with regard to this purpose and to also discuss search firms.

Regent Schroeder asked Chairman Ferlic to send letters to the nominees who have been appointed to the committee and to the nominees who were not appointed.

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**CLOSED SESSION**

Motion Moved by Blank and seconded by McClurg that the Board of Regents 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 individuals who have not requested a public hearing, for the purpose of holding a discussion limited to consideration of the award of an honorary degree.

Action Student Opinion: Aye: Arganbright, Bilek, Johnston, and McGeorge. Voting Aye: Blank, Ferlic, Hassebrook, Hawks, McClurg, Miller, Schroeder, and Wilson. Voting Nay: None. Motion carried.

The Board went into closed session at 3:35 p.m. and reconvened into an open meeting at 3:40 p.m.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 3:40 p.m.

Respectfully submitted,

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Kim M. Robak  
Corporation Secretary

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Randolph M. Ferlic  
Chair of the Board