

December 11, 2004

Lincoln, Nebraska  
December 11, 2004

The Board of Regents of the University of Nebraska met on December 11, 2004, at 8:30 a.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 November 30, 2004.

Regents present:

Ryan Arnold  
Don S. Blank, Chairman  
Brett Chloupek  
Jonathan Croskey  
Randolph M. Ferlic  
Chuck Hassebrook  
Howard L. Hawks, Vice Chairman  
Jim McClurg  
Drew Miller  
Katie Weichman  
Charles S. Wilson

Regent not present:

Kent Schroeder

University officials present:

James B. Milliken, 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 for Agriculture and Natural Resources  
Donal Burns, Interim 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 8:30 a.m. in the Board Room at Varner Hall, 3835 Holdrege, Lincoln, Nebraska, Saturday, December 11, 2004. Attendance is indicated above.

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

Motion Moved by Wilson and seconded McClurg to approve the minutes and ratify the actions of the regularly scheduled meeting of October 29, 2004.

Action Student Opinion: Aye: Chloupek, Croskey, Weichman, and Arnold. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Miller, Wilson, and Blank. Voting Nay: None. Motion carried.

IV. **KUDOS**

**Regent McClurg presented a KUDOS award to Linda D. Rossiter**, Administrative Assistant for the Department of English at the University of Nebraska-Lincoln.

**Regent Weichman presented a KUDOS award to Alecia J. Kimbrough**, Senior Auditor in the Department of Operations Analysis at the University of Nebraska-Lincoln.

**Regent Miller presented a KUDOS award to Brian L. Synek**, Senior Auditor in the Operations Analysis Department at the University of Nebraska-Lincoln.

**Regent Croskey presented a KUDOS award to Vicki L. Adolf**, the Nurse Coordinator in the Geriatric Psychiatry Department at the University of Nebraska Medical Center.

**Regent Arnold presented a KUDOS award to Mark H. Fleisher**, Associate Professor in the Geriatric Psychiatry Department at the University of Nebraska Medical Center.

**Regent Hawks presented a KUDOS award to Jane E. Christensen**, Associate Director of the Honors Program at the University of Nebraska at Kearney.

**Regent Chloupek presented a KUDOS award to William Murphy**, Head Athletic Trainer at the University of Nebraska at Kearney.

**Regent Hassebrook presented a KUDOS award to Jon D. Larsen**, Head Strength and conditioning Coordinator for the Division of Intercollegiate Athletics at the University of Nebraska at Kearney.

**RESOLUTIONS**

Motion

**Regent Ferlic presented the following Resolution.:**

Whereas, the University of Nebraska at Omaha Service-Learning Academy is now in its seventh year of providing meaningful service to the community and enhancing student learning; and

Whereas, service-learning at UNO has grown from seven classes and 133 students in 1998 to more than 70 classes and more than 1,000 students last year; and

Whereas, more than 80 faculty members have taught 230 courses with service-learning components in the past six years; and

Whereas, more than 150 non-profit community organizations have joined as partners in UNO service-learning courses; and

Whereas, a conservative estimate of the value of services provided by students involved in service-learning at UNO over the past six years is \$1.3 million.

Now, therefore, be it resolved, that the University of Nebraska Board of Regents recognizes the importance of the learning experiences, the community service, and the good will generated by service-learning and commends the students and faculty involved in the University of Nebraska at Omaha Service-Learning Academy for their outstanding work.

**Regent Miller presented the following resolution:**

Whereas, the University of Nebraska at Omaha and the Urban League formed a partnership in 2002 to establish the Computer Technology Center (CTC) at 4401 North 21st Street in Omaha; and

Whereas, surveys by the Urban League of Nebraska have shown that low-income households are significantly less likely to have computers than households with higher incomes; and

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Whereas, census data have demonstrated that Hispanic and African-American children are much less likely to have access to computers; and

Whereas, the CTC provides 45 work stations, two network printers, two projectors, and Internet service for low-income families; and

Whereas, the CTC provides improved access to technology, supports citizens on the path to self-sufficiency, and provides a community-based learning laboratory for UNO students.

Now, therefore, be it resolved, that the University of Nebraska Board of Regents recognizes the powerful potential of the Community Technology Center and the positive impact of the campus and community partnerships that support it, and commends the UNO faculty and staff and the leadership of the Urban League who are responsible for the Center's success.

**Regent Wilson presented the following resolution:**

Whereas, Ryan Arnold 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 2003-2004 term; and

Whereas, Regent Arnold made communication a priority, providing information about issues that might impact the educational experience and professional preparation of UNMC students, including participation in the design of the Student-to-Student Guide to Medical School section of the new UNMC online pre-matriculation program; and

Whereas, Regent Arnold effectively brought to the Board of Regents and the administration of the university the perspective of health professions students on appropriate issues and has provided valuable input as a member of the UNMC Center for Health Science Education Steering Committee, the UNMC Legislative Team, the Student Affairs and General Affairs Committees, and the Information Technology Planning Committee; and

Whereas, Regent Arnold and the student senate participated in several important activities, including the design and planning of the new UNMC Center for Health Science Education, the selection process for the new president of the University of Nebraska, the coordination of the I-Notes student e-mail pilot program, and the selection of the Alvin Earle Teaching Award for the UNMC College of Medicine Faculty; and

Whereas, during his term, Regent Arnold has taken an active and positive role in the meetings and activities of the Board of Regents.

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 Ryan Arnold during his service on the Board and wishes him well in all of his future endeavors.

**Regent Hassebrook presented the following resolution:**

Whereas, Jonathan (Jono) Croskey has served with distinction in his roles as president of the University of Nebraska at Omaha Student Body and member of the University of Nebraska Board of Regents; and

Whereas, Regent Croskey has led the UNO Student Government in communicating to state legislators the potential impact of budget cuts on academic programs; and

Whereas, Regent Croskey has emphasized volunteer activities, including establishment of a volunteer program with students of Walnut Hill Elementary School in Omaha; and

Whereas, Regent Croskey has served effectively as a senator from the College of Arts and Sciences, as Director of Legislative and Public Relations for student government, and as a member of the Emerging Leaders program; and

Whereas, Regent Croskey has shown tremendous school spirit, especially through his encouragement of student attendance at UNO athletic events.

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Now, therefore, be it resolved, that the University of Nebraska Board of Regents commends Regent Jonathan Croskey for his accomplishments during his service on the board and expresses its gratitude for his efforts on behalf of the student body of the University of Nebraska at Omaha.

**Regent Hawks presented the following resolution:**

Whereas, Don Blank has served with great distinction as a member of the University of Nebraska Board of Regents since January 1987; and

Whereas, Regent Blank served as chairman of the board in 1990, 1991, 1996, and 2004, and as vice-chairman in 1995 and 2003, establishing a strong record of leadership on the board; and

Whereas, as chairman, Regent Blank led the Regents during the interview and selection process for a new president of the university; and

Whereas, during his tenure, Regent Blank traveled over 250,000 miles to fulfill his responsibilities to the university;

Whereas, during his years on the board, Regent Blank has provided keen insight into highly significant issues, including academic program prioritization and difficult budget cuts; and

Whereas, Regent Blank has consistently presented his views in the execution of his responsibilities and openly discussed issues in an effort to reach constructive compromises; and

Whereas, Regent Blank's sense of humor and cordial treatment of all members of the university community, including students, faculty, staff and administrators, as well as his interaction with colleagues on the Board, have contributed to his effectiveness as a Regent.

Now, therefore, be it resolved, that the University of Nebraska Board of Regents expresses its sincere gratitude to Regent Don Blank for his admirable contribution of 18 years of service to the University of Nebraska and to the citizens of this state and wishes him and his wife, Jan, all the best in their future endeavors.

Motion Moved by Wilson and seconded by Ferlic to adopt the preceding resolutions.

Action The resolutions were adopted by acclamation.

V. **STRATEGIC OR POLICY ISSUE**

Gerry Oligmueller, State Budget Administrator and Mike Calvert, Director of the Legislative Fiscal Office, gave a presentation on the 2005 State Fiscal Outlook.

(For handout, see Documents File.)

VI. **HEARINGS**

None.

VII. **PUBLIC COMMENT**

None.

VIII. **COMMITTEE REPORTS**

Academic Affairs

The Academic Affairs committee met on Friday afternoon and the topic of discussion was University Response to LR 174.

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Business Affairs

The Business Affairs committee met on Friday afternoon and the topics of discussion were LB 1100-2 and Mead Remedial Investigation/Feasibility Study.

Information Technology

The Information Technology committee met on Friday afternoon and the topics of discussion were Blackboard Usage and University and Statewide Information Technology Planning.

IX. **UNIVERSITY CONSENT AGENDA**

Motion Moved by Wilson and seconded by McClurg to approve items IX-A-1, IX-A-2, IX-A-3, IX-B-1, and IX-B-2.

**A. ACADEMIC**

IX-A-1 President's Personnel Recommendations.

**University of Nebraska-Lincoln**

Leaves of Absence

Hong Jiang, Associate Professor (Continuous), Computer Science and Engineering; Leave with 49% pay effective 01/03/05 to 05/13/05, \$91,826 AY, 1.00 FTE.

Marshall C. Olds, Professor (Continuous), Modern Languages and Literatures; Leave without pay effective 01/03/05 to 05/13/05, \$89,672 AY, 1.00 FTE.

**University of Nebraska Medical Center**

Leave of Absence

Margaret Ofé Fleck, Assistant Professor (Health Professions Appointment), College of Nursing; Faculty Assistance for Doctoral Studies with full pay effective 01/03/05 through 05/13/05, \$45,918 AY, 1.00 FTE.

**University of Nebraska at Omaha**

Leave of Absence

Rene P. Maixner, Instructor (Special), Foreign Languages; Leave without pay effective 01/03/05 to 05/13/05, \$29,690 AY, 1.00 FTE.

David Herbster, Athletic Director (Special), Athletics; effective 01/01/05 to 12/31/07, \$100,000 FY, 1.00 FTE.

IX-A-2 Approve the award of an Honorary Degree for the December 2004 commencement ceremony.

IX-A-3 Approve the requests for outside employment at the University of Nebraska Medical Center.

**B. BUSINESS AFFAIRS**

University of Nebraska-Lincoln

IX-B-1 Approve a change to the contracting method and selection process for the UNL Othmer Hall-Finishing of Basement for Shell Space.

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Central Administration

- IX-B-2 Approve appointment of two members, Byers W. Shaw, M.D. and Randolph M. Ferlic, M.D., to the Board of Directors of The Nebraska Medical Center effective January 1, 2005, for a term of three years.
- Action Student Opinion: Aye: Weichman, Arnold, Chloupek, and Croskey. Voting Aye: Hawks, McClurg, Miller, Wilson, Blank, Ferlic, and Hassebrook. Voting Nay: None. Motion carried.
- Motion Regent Wilson proposed the following Motion in regard to IX-B-2: In making subsequent appointments of persons who are appointed by the Board of Regents to the Nebraska Medical Center Board of Directors, the Board of Regents will achieve and maintain appropriate representation from throughout the state with no more than three persons from any one of three Congressional districts.
- Moved by Wilson and seconded by Hassebrook to discuss the proposed motion.
- Discussion was held.
- Substitute Motion Regent Miller proposed a Substitute Motion: The BOR will promote geographic diversity in the Nebraska Medical Center Board of Directors membership by having at least two members in each Congressional district. The Board of Regents will appoint members to achieve this goal and encourages Clarkson Hospital to assist in this effort by also appointing members from across the state.
- Moved by Miller and seconded Wilson to discuss the proposed substitute motion.
- Discussion was held.
- Action on Substitute Motion Student Opinion: Nay: Arnold, Chloupek, Croskey, Weichman, and Arnold. Voting Aye: Miller. Voting Nay: McClurg, Wilson, Blank, Ferlic, Hassebrook. Abstain: Hawks. Substitute motion failed.
- Action on Original Motion Student Opinion: Aye: Chloupek, Croskey, Weichman. Nay: Arnold. Voting Aye: Miller, Wilson, Blank, Ferlic, Hassebrook, McClurg. Voting Nay: Hawks. Motion carried.

X. **UNIVERSITY ADMINISTRATIVE AGENDA**

A. **ACADEMIC**

None.

B. **BUSINESS**

President Milliken stated item X-B-3 has been withdrawn from the agenda.

University of Nebraska at Kearney

- Motion Moved by McClurg and seconded by Wilson to approve item X-B-1.
- X-B-1 Approve an amendment to the University of Nebraska at Kearney Food Service Contract with Chartwells' Division of Compass Group USA, Inc. approved by the Board on April 24, 2004.
- No discussion.
- Action Student Opinion: Aye: Weichman, Arnold, Chloupek, and Croskey. Voting Aye: Wilson, Blank, Ferlic, Hassebrook, Hawks, McClurg, Miller. Voting Nay: None. Motion carried.

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University of Nebraska-Lincoln

- Motion Moved by Ferlic and seconded by McClurg to approve item X-B-2.
- X-B-2 Approve a \$770,000 increase in the project budget for the University of Nebraska-Lincoln Behlen Renovation for Nanotechnology/Atomic, Molecular, and Optical Physics.
- Discussion was held. Regent Hawks requested the minutes reflect that UNL report to the Board by the January 2006 meeting the amount of extended grants received in the area benefitting from the renovation.
- Action Student Opinion: Aye: Weichman, Arnold, Chloupek, and Croskey. Voting Aye: Wilson, Blank, Ferlic, Hassebrook, Hawks, McClurg, Miller. Voting Nay: None. Motion carried.
- X-B-3 Removed from the Agenda.

University of Nebraska Medical Center

- Motion Moved by McClurg and seconded by Hawks to approve item X-B-4.
- X-B-4. Approve a written agreement with the University of Nebraska Foundation relating to a private gift from the Durham Foundation to the University Foundation for the purpose of funding a substantial part of the proposed Research Center of Excellence II Building at the University of Nebraska Medical Center.
- No discussion.
- Action Student Opinion: Aye: Arnold, Chloupek, Croskey, and Weichman. Voting Aye: Blank, Ferlic, Hassebrook, Hawks, McClurg, Miller, and Wilson. Voting Nay: None. Motion carried.

Central Administration

- Motion Moved by Miller and seconded by Crosky to approve item X-B-5.
- X-B-5 Delegate authority to the Executive Committee to conduct strategy sessions with respect to collective bargaining from December 12, 2004, to the next meeting of the Board on January 15, 2005; and authorize the President to approve final offers in the current collective bargaining process as required by law.
- No discussion.
- Action Student Opinion: Aye: Chloupek, Croskey, Weichman, and Arnold. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Miller, Wilson, and Blank. Voting Nay: None. Motion carried.
- Motion Moved by Wilson and seconded by Hassebrook to approve item X-B-6.
- X-B-6 Approve revisions to the 2005-07 University of Nebraska Biennial Operating Budget Request.
- Discussion was held.
- Action Student Opinion: Aye: Croskey, Weichman, Arnold, and Chloupek. Voting Aye: Hassebrook, Hawks, McClurg, Miller, Wilson, Blank, and Ferlic. Voting Nay: None. Motion carried.

**C. FOR INFORMATION ONLY**

None.

**D. REPORTS**

- X-D-1 Tenure Density Report.
- X-D-2. Quarterly Personnel Report for the period July 1 through September 30, 2004.

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X-D-3 Bids and Contracts for the period ended November 11, 2004.

X-D-4 Gifts, Grants, Contracts and Bequests for the period July 1 through September 30, 2004.

Discussion held on X-D-1 and X-D-4.

Chairman Blank accepted the reports.

XI. **ADDITIONAL BUSINESS**

**CLOSED SESSION**

Motion Moved by Wilson 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 for the purpose of holding a discussion with respect to collective bargaining.

Action Student Opinion: Aye: Weichman, Arnold, Chloupek, and Croskey. Voting Aye: Hawks, McClurg, Miller, Wilson, Blank, Ferlic, and Hassebrook. Voting Nay: None. Motion carried.

The Board went into closed session at 11:03 a.m. and reconvened at 11:34 a.m.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:34 a.m.

Respectfully submitted,

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Donal J. Burns  
Interim Corporation Secretary

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Don S. Blank  
Chairman of the Board