

April 7, 2001

Lincoln, Nebraska
April 7, 2001

The Board of Regents of the University of Nebraska met on April 7 2001 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, Daily Nebraskan, The Gateway, The Antelope, Kearney Hub and Omaha World Herald on March 26, 2001.

Regents present:

Don S. Blank
Randolph M. Ferlic
Nathan Fuerst
Chuck Hassebrook
William Marunda
Jay Matzke
Drew Miller
Nancy L. O'Brien
Ryan Samuelson
Kent Schroeder, Vice Chair
Charles S. Wilson, Chair
Javine Winterboer

University officials present:

L. Dennis Smith, President
Lee B. Jones, Executive Vice President and Provost
Nancy Belck, Chancellor, UNO
Harold Maurer, Chancellor, UNMC
Gladys S. Johnston, 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 8:35 a.m. in the Board Room at Varner Hall, 3835 Holdrege, Lincoln, Nebraska, Saturday, April 7, 2001. Attendance is indicated above.

Chairman Wilson welcomed Nathan Fuerst to the Board.

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

Motion Moved by Samuelson and seconded by Schroeder to approve the minutes and ratify the actions of the regularly scheduled meeting of March 3, 2001.

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Action Student Opinion: Aye: Marunda, Samuelson, Winterboer, and Fuerst. Voting Aye: Ferlic, Hassebrook, Matzke, O'Brien, Schroeder, Wilson, and Blank. Voting Nay: None. Absent: Miller. Motion carried.

IV. **KUDOS**

Regent Winterboer presented a KUDOS award to James C. O'Donnell, Senior Programmer for the Information Technology System at the University of Nebraska Medical Center.

Regent Fuerst presented a KUDOS award to Frances Beurivage, Interpreter Coordinator in the Office of Services for Students with Disabilities at the University of Nebraska-Lincoln.

Regent Marunda presented a KUDOS award to Cheryl A. Smith, Custodian in the Department of Facilities Management and Planning at the University of Nebraska-Lincoln.

Regent Matzke presented a KUDOS award to Ralph E. Hammock, Jr., Senior Videographer for University Television at the University of Nebraska-Lincoln.

Regent Blank presented a KUDOS award to Valerie Egger, Staff Assistant for Nebraska Network 21 at the University of Nebraska-Lincoln.

Chairman Wilson announced that Regent Ferlic will be honored with the Creighton University Alumni Achievement Citation, which is the highest honor bestowed on an alumni and will be presented to Ferlic at the May 12 commencement.

V. **HEARINGS**

A hearing on the following items were opened by the Chair.

There were no public comments regarding the proposed amendment of Section 1.4 of the *Bylaws of the Board of Regents of the University of Nebraska*. Addendum IX-C-2.

Public comment was heard regarding the proposed amendment of Section 3.7 of the *Bylaws of the Board of Regents of the University of Nebraska*. Addendum IX-C-3.

The following people spoke in favor of extending tuition remission to domestic partners and/or members of an established household:

Daniel Justice
Linda Crump
Barbara DiBernard
Amelia Montes
Gina Matkin.
Wally Bacon
Angela Clements
Pat Tetreault
Hollis Glaser
George Wolf
Joan Lidgett
Sheila Scheideler

Chairman Wilson closed the hearing.

Motion Moved by Miller and seconded by Marunda to move Addendum IX-C-3 up in the order of the agenda.

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Discussion was held.

Motion to Table

Moved by Ferlic and seconded by Blank to Table the Motion to move the agenda item.

Action on Motion
to Table

Student Opinion: Aye: Samuelson, Winterboer, and Fuerst. Nay: Marunda. Voting Aye: Matzke, O'Brien, Schroeder, Wilson, Blank, and Ferlic. Voting Nay: Hassebrook and Miller. Motion carried.

V.

PUBLIC COMMENT

Angela Clements informed the Board of a Resolution passed by the University of Nebraska-Lincoln Student Government's Human Rights Committee calling for a public apology from Regent Miller for his comments at the March Board of Regents meeting regarding minority recruitment.

Regent Miller asked that a copy of the above-stated Resolution be sent to him since he has not seen the Resolution. Miller stated he would not do a blanket apology, but if someone was offended and wished to speak with him he would do so. Miller stated he has apologized to individuals who were offended.

Amelia Montes spoke to the Board in regard of the tuition increase and where the money raised would go to. Montes stated staff workers should receive an increase also, not only faculty.

Dustin McKnight spoke to the Board on behalf of his father, Scott McKnight, regarding the reinstatement of the men's swimming and diving program. McKnight distributed data regarding the cost of swimming programs at the University of Nebraska-Lincoln and at other institutions.

Bob Blank spoke to the Board against adding contraceptives to the employees' health care package. Blank distributed a package of information to the Board.

VII.

COMMITTEE REPORTS

Academic Affairs

Regent Schroeder reported that the committee met on Friday and discussed "Simultaneous Renewal of the Education of Educators and of Schools.

Business Affairs

Regent Miller reported that the committee met on Friday and discussed the Audit Management letter, heard an update in regard to the Burns Committee, and received information about Interlocal Cooperative Agreement between LES and the University.

Chairman Wilson accepted the reports.

VIII.

STRATEGIC OR POLICY ISSUE

Dr. Sandra Squires, Professor at University of Nebraska at Omaha, introduced the topic of Gender Equity and spoke on behalf of the University-Wide Gender Equity Committee. Squires presented a video segment from the Honoring Women's Voices Conference that was held in March 2001. Dr. Joy Ritchie, Director of Women's Studies at University of Nebraska-Lincoln, and Dr. Karen Falconer Ali-Hindi, Interim Director of Arts and

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Sciences at University of Nebraska at Omaha, gave a PowerPoint presentation on Women's Studies Programs on each campus.

Discussion was held.

The Board recessed at 10:30 a.m. and reconvened at 10:35 a.m.

IX. **UNIVERSITY ADMINISTRATIVE AGENDA**

A. **CONSENT**

Motion Moved by Blank and seconded by Matzke to approve IX-A-1.

IX-A-1 PERSONNEL

Central Administration

Adjustment

Harvey S. Perlman, Chancellor, University of Nebraska-Lincoln (Special), Vice President (Special), University of Nebraska, Harvey and Susan Perlman Professor of Law (Special), and Professor (Continuous) Law, University of Nebraska-Lincoln, effective 04/01/01, \$220,000 FY, 1.00 FTE, increase salary from \$180,730, and add titles of Chancellor and Vice President.

L. Dennis Smith, President (Special), University of Nebraska; and Professor (Continuous), School of Biological Sciences, University of Nebraska-Lincoln, effective 04/01/01, \$245,000 FY, 1.00 FTE, increase salary from \$209,780.

University of Nebraska-Lincoln

Adjustment

Steven L. Willborn, Dean (Special), College of Law, Professor (Continuous) College of Law, Richard C. and Catherine Stuart Schomoker Professor of Law (Special), College of Law, effective 07/01/01, \$200,000 FY (includes \$18,182 administrative stipend and \$10,000 Professorship stipend), 1.00 FTE, increase salary from \$178,608, and add title of Dean of the College of Law.

Action Student Opinion: Aye: Winterboer, Fuerst, and Marunda. Absent: Samuelson. Voting Aye: Matzke, Miller, O'Brien, Schroeder, Wilson, Blank, Ferlic, and Hassebrook. Voting Nay: None. Motion carried.

B. **ACADEMIC**

Motion Moved by Marunda and seconded by Miller to approve IX-B-1.

IX-B-1 Approve the revised University of Nebraska at Omaha Student Code of Conduct.

Discussion was held.

Action Student Opinion: Aye: Fuerst, Marunda, Samuelson, and Winterboer. Voting Aye: Miller, O'Brien, Schroeder, Wilson, Blank, Ferlic, Hassebrook, and Matzke. Voting Nay: None. Motion carried.

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- Motion Moved by Winterboer and seconded by O'Brien to approve IX-B-2.
- IX-B-2 Approve amending the Constitution of Students of the University of Nebraska Medical Center.
- Discussion was held.
- Action Student Opinion: Aye: Marunda, Samuelson, Winterboer, and Fuerst. Voting Aye: O'Brien, Schroeder, Wilson, Blank, Ferlic, Hassebrook, Matzke, and Miller. Voting Nay: None. Motion carried.
- Motion Moved by Samuelson and seconded by Winterboer to approve IX-B-3.
- IX-B-3 Approve the request for outside employment at the University of Nebraska at Omaha for Robert L. Ottemann.
- Action Student Opinion: Aye: Samuelson, Winterboer, Fuerst, and Marunda. Voting Aye: Schroeder, Wilson, Blank, Ferlic, Hassebrook, Matzke, Miller, and O'Brien. Voting Nay: None. Motion carried.
- Motion Moved by O'Brien and seconded by Ferlic to approve IX-B-4.
- IX-B-4 Approve the Award of Honorary Degrees.
- Action Student Opinion: Aye: Winterboer, Fuerst, Marunda, and Samuelson. Voting Aye: Wilson, Blank, Ferlic, Hassebrook, Matzke, Miller, O'Brien, and Schroeder. Voting Nay: None. Motion carried.

C. BUSINESS

Central Administration

- Motion Moved by Blank and seconded by Winterboer to approve IX-C-3.
- IX-C-3 Approve proposed amendment Section 3.7 of the *Bylaws of the Board of Regents of the University of Nebraska* to provide for the transfer of reduced tuition and fees for full-time employees to an employee's spouse and dependent children.
- Discussion was held.
- Amendment Moved by Marunda and seconded by Fuerst to change the wording to include "designated members of established households of full-time employees."
- Discussion continued.
- Action on Amendment Student Opinion: Aye: Fuerst and Marunda. Nay: Samuelson and Winterboer. Voting Aye: None. Voting Nay: Blank, Ferlic, Hassebrook, Matzke, Miller, O'Brien, Schroeder, and Wilson. Amendment failed.
- Discussion continued.
- Chairman Wilson directed President Smith to evaluate the cost of domestic partner benefits, and to look at terminology used at other institutions.

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Action on
Original Motion

Student Opinion: Aye: Samuelson and Winterboer. Nay: Marunda and Fuerst. Voting Aye: Ferlic, Hassebrook, Matzke, Miller, O'Brien, Schroeder, Wilson, and Blank. Voting Nay: None. Motion carried.

Motion

Moved by Winterboer and seconded by Blank to approve IX-C-1.

IX-C-1

Approve the proposed FY 2001-02 and FY 2002-03 tuition rate increases for the University of Nebraska (including Nebraska College of Technical Agriculture).

President Smith made a presentation regarding the tuition increase. (See documents file for copy of PowerPoint presentation.)

Discussion was held.

Amendment

Moved by Hassebrook and seconded by Matzke to amend item to increase the \$1 million to \$3 million for need-based scholarships

Discussion continued.

Action on
Amendment

Student Opinion: Aye: Fuerst. Nay: Samuelson, Winterboer, and Marunda. Voting Aye: Hassebrook and Matzke. Voting Nay: Miller, O'Brien, Schroeder, Wilson, Blank, and Ferlic. Amendment failed.

Discussion continued.

Regent Matzke moved to amend the tuition increase to six percent and eleven percent. The amendment motion died for lack of a second.

Action on
Original Motion

Student Opinion: Aye: Winterboer, Fuerst, Marunda, and Samuelson. Voting Aye: Miller, O'Brien, Schroeder, Wilson, Blank, and Ferlic. Voting Nay: Matzke and Hassebrook. Motion carried.

The Board recessed at 12:35 p.m. and reconvened at 12:40 p.m.

Regent Blank commended the Student Regents on the jobs they are doing especially in regard to the tuition increase issue.

Chairman Wilson recognized that this is the last meeting for Elsie Cafferty, UNK Faculty Senate President; Doug Paterson, UNO Faculty Senate President; and Sheila Scheideler, UNL Faculty Senate President and thanked them for their service.

Motion

Moved by Blank and seconded by Matzke to approve IX-C-2.

IX-C-2

Approve proposed amendment of Section 1.4 of the *Bylaws of the Board of Regents of the University of Nebraska* relating to the time of the annual meeting of the Board of Regents.

Action

Student Opinion: Aye: Fuerst, Marunda, Samuelson, and Winterboer. Voting Aye: Miller, O'Brien, Schroeder, Wilson, Blank, Ferlic, Hassebrook, and Matzke. Voting Nay: None. Motion carried.

Motion

Moved by Samuelson and seconded by Matzke to approve IX-C-4.

IX-C-4

Accept the gift from Ken Morrison and approve naming of the "Morrison Wing" at the George W. Beadle Center for Genetics and Biomaterials Research.

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- Action Student Opinion: Aye: Marunda, Samuelson, Winterboer, and Fuerst. Voting Aye: O'Brien, Schroeder, Wilson, Blank, Ferlic, Hassebrook, Matzke, and Miller. Voting Nay: None. Motion carried.
- Motion Moved by Matzke and seconded by O'Brien to approve IX-C-5.
- IX-C-5 Approve contraceptives as an additional benefit in the University of Nebraska's employee health benefits package.
- Discussion was held.
- Amendment Moved by O'Brien and seconded by Matzke to move the effective date of the benefit up to July 1, 2001 instead of January 2002.
- Discussion continued.
- Action on Amendment Student Opinion: Aye: Winterboer, Fuerst, and Marunda. Nay: Samuelson. Voting Aye: Schroeder, Wilson, Blank, Ferlic, Hassebrook, Matzke, and O'Brien. Voting Nay: Miller. Amendment Motion carried.
- Discussion continued.
- Action on Motion as Amended Student Opinion: Aye: Winterboer, Fuerst, Marunda, and Samuelson. Voting Aye: Wilson, Blank, Ferlic, Hassebrook, Matzke, Miller, O'Brien, and Schroeder. Voting Nay: None. Motion carried.

University of Nebraska at Kearney

- Motion Moved by O'Brien and seconded by Schroeder to approve IX-C-6, IX-C-8, IX-C-16, and IX-C-18.
- IX-C-6 Approve the Fund B, University Program and Facilities Fees (UPFF): 2001-2002 Allocation for the University of Nebraska at Kearney.

University of Nebraska-Lincoln

- IX-C-8 Approve the Fund B, University Program and Facilities Fees (UPFF): 2001-2002 Allocation for the University of Nebraska-Lincoln.

University of Nebraska Medical Center

- IX-C-16 Approve the Fund B, University Program and Facilities Fees (UPFF): 2001-2002 Allocation for the University of Nebraska Medical Center.

University of Nebraska at Omaha

- IX-C-18 Approve the Fund B, University Program and Facilities Fee (UPFF): 2001-2002 Allocation for the University of Nebraska at Omaha.

- Action Student Opinion: Aye: Fuerst, Marunda, Samuelson, and Winterboer. Voting Aye: Blank, Ferlic, Hassebrook, Matzke, Miller, O'Brien, Schroeder, and Wilson. Voting Nay: None. Motion carried.

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University of Nebraska at Kearney

- Motion Moved by Samuelson and seconded by Blank to approve IX-C-7.
- IX-C-7 Approve the Resolution providing for expenditures from the Replacement Fund of the University of Nebraska at Kearney Student Fees and Facilities Revenue Bonds in the amount of \$1,105,000 for Capital Improvements for Revenue Bond Facilities.
- Action Student Opinion: Aye: Marunda, Samuelson, Winterboer, and Fuerst. Voting Aye: Ferlic, Hassebrook, Matzke, Miller, O'Brien, Schroeder, Wilson, and Blank. Voting Nay: None. Motion carried.

University of Nebraska-Lincoln

- Motion Moved by Matzke and seconded by Winterboer to approve IX-C-9.
- IX-C-9 Approve the purchase agreement and waiver of an appraisal for Acquisition of Real Property with The Chicken House, Inc., Sidney, Nebraska.
- Action Student Opinion: Aye: Samuelson, Winterboer, Fuerst, and Marunda. Voting Aye: Hassebrook, Matzke, Miller, O'Brien, Schroeder, Wilson, Blank, and Ferlic. Voting Nay: None. Motion carried.
- Motion Moved by Winterboer and seconded by O'Brien to approve IX-C-10 and IX-C-11.
- IX-C-10 Approve the sole source purchase from North Carolina SRT, Inc. in the amount of \$311,312 for the Crossflow Membrane Systems.
- IX-C-11 Approve the lowest responsible bid of Bioengineering AG, in the amount of \$717,270 for two sizes of fermentors and all accessories selected from the bid.
- Action Student Opinion: Aye: Winterboer, Fuerst, Marunda, and Samuelson. Voting Aye: Matzke, Miller, O'Brien, Schroeder, Wilson, Blank, Ferlic, and Hassebrook. Voting Nay: None. Motion carried.
- Motion Moved by O'Brien and seconded by Winterboer to approve IX-C-12.
- IX-C-12 Approve the firm of Alley Poyner Architecture to provide design services for the University of Nebraska-Lincoln Natural Resources & Research Complex Phase I.
- Action Student Opinion: Aye: Fuerst, Marunda, Samuelson, and Winterboer. Voting Aye: Miller, O'Brien, Schroeder, Wilson, Blank, Ferlic, Hassebrook, and Matzke. Voting Nay: None. Motion carried.
- Motion Moved by Miller and seconded by O'Brien to approve IX-C-13.
- IX-C-13 Approve the Resolution to establish a protected area for a Native American Memorial to be located on the East Campus at the University of Nebraska-Lincoln.

Chancellor Perlman announced this is the fulfilment of the commitment made by the University to the Great Plain Tribes in 1998. Perlman went on to state that the memorial marks a campus site of significance to the tribes and the university community and that the installation of the memorial will provide a special opportunity for the university community to join with tribal representatives in a renewed spirit of reconciliation. Perlman also stated that the memorial will be a tangible expression of the university

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community's regret over what happened at the site and a reminder for those who see it that such a cultural injustice should not be repeated.

Discussion was held

- Action Student Opinion: Aye: Marunda, Samuelson, Winterboer, and Fuerst. Voting Aye: O'Brien, Schroeder, Wilson, Blank, Ferlic, Hassebrook, Matzke, and Miller. Voting Nay: None. Motion carried.
- Motion Moved by Matzke and seconded by Winterboer to approve IX-C-14.
- IX-C-14 Approve (1) an Interlocal Cooperative Agreement between the Board of Regents of the University of Nebraska and the City of Lincoln and its Lincoln Electric System providing for the organization and operation of Nebraska Utility Corporation, a not-for-profit corporation, (2) Articles of Incorporation of the Nebraska Utility Corporation, and (3) the By-Laws of the Nebraska Utility Corporation.
- Discussion was held.
- Action Student Opinion: Aye: Samuelson, Winterboer, Fuerst, and Marunda. Voting Aye: Schroeder, Wilson, Blank, Ferlic, Hassebrook, Matzke, Miller, and O'Brien. Voting Nay: None. Motion carried.
- Motion Moved by Blank and seconded by Ferlic to approve IX-C-15.
- IX-C-15 Accept a gift on behalf of the University of Nebraska-Lincoln from the Ann E. Buman Revocable Trust in the amount of \$175,000 and to delegate to the University of Nebraska-Lincoln the supervision of a scholarship program in accordance with the terms of the Trust.
- Action Student Opinion: Aye: Winterboer, Fuerst, Marunda, and Samuelson. Voting Aye: Wilson, Blank, Ferlic, Hassebrook, Matzke, Miller, O'Brien, and Schroeder. Voting Nay: None. Motion carried.
- University of Nebraska Medical Center**
- Motion Moved by Samuelson and seconded by Winterboer to approve IX-C-17.
- IX-C-17 Approve ground lease to Nebraska Health System for construction of the Center for Clinical Excellence facility.
- Action Student Opinion: Aye: Fuerst, Marunda, Samuelson, and Winterboer. Voting Aye: Blank, Ferlic, Hassebrook, Matzke, Miller, O'Brien, Schroeder, and Wilson. Voting Nay: None. Motion carried.
- D. FOR INFORMATION ONLY**
- None.
- E. REPORTS**
- IX-E-1 Gender Equity report.
- IX-E-2 Adjustment to 2000-2001 Operating Budget (Designated Funds).
- IX-E-3 Design Development for the Bruner Hall of Science Renovation at the University of Nebraska at Kearney.

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IX-E-4 Othmer-Topp Endowment Fund, second priority uses, for the year ended December 31, 2000.

IX-E-5 Bids and Contracts report.

Chairman Wilson accepted the reports.

X. **ADDITIONAL BUSINESS**

Regent O'Brien went on record as supporting Addendum IX-A-1 Consent Agenda as she was out of the room.

Regent O'Brien announced to the Board that several members need to return forms to her by Wednesday.

Corporation Secretary Robak announced that Regent Blank goes on record as supporting Addendum IX-C-5 as Blank was out of the room. Blank confirmed this.

Corporation Secretary Robak brought up the 2002 Board of Regents Meeting dates. The Board asked that the tentative dates for 2002 Board Meeting dates be sent out to the members of the Board to check their calendars. Robak asked that everyone please note these dates will be tentative.

CLOSED SESSION

Motion Moved by Schroeder and seconded by Samuelson 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 discussions limited to the following topic of consideration of the award of honorary degrees.

Action Student Opinion: Aye: Marunda, Samuelson, Winterboer, and Fuerst. Voting Aye: Ferlic, Hassebrook, Matzke, Miller, O'Brien, Schroeder, Wilson, and Blank. Voting Nay: None. Motion carried.

The Board went into closed session at 1:15 p.m. and reconvened the open meeting at 1:22 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:22 p.m.

Respectfully submitted,

Kim M. Robak
Corporation Secretary

Charles S. Wilson
Chair of the Board