

January 19, 2002

Lincoln, Nebraska  
January 19, 2002

The Board of Regents of the University of Nebraska met on January 19, 2002 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 January 7, 2002.

Regents present:

Don S. Blank  
Randolph M. Ferlic  
Nathan Fuerst  
Chuck Hasebrook  
Jay Matzke  
Drew Miller by telephone  
Nancy L. O'Brien  
Shay Riggs  
Ryan Samuelson  
Kent Schroeder, Vice Chair  
Brock Wentz  
Charles S. Wilson, Chair

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 8:30 a.m. in the Board Room at Varner Hall, 3835 Holdrege, Lincoln, Nebraska, Saturday, January 19, 2002. Attendance is indicated above.

Chairman Wilson welcomed UNO Student Regent Shay Riggs to the Board and also to UNMC Student Regent Brock Wentz.

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

Motion Moved by Matzke and seconded by Schroeder to approve the minutes and ratify the actions of the regularly scheduled meeting of December 8, 2001.

Action Student Opinion: Aye: Samuelson, Wentz, and Fuerst. Abstain: Riggs. Voting Aye: Ferlic, Hassebrook, O'Brien, Schroeder, Wilson, and Blank. Voting Nay: None. Abstain: Matzke. Regent Miller recorded by telephone his vote of Aye. Motion carried.

IV. **ELECTION OF OFFICERS**

Motion Moved by Hassebrook and seconded by Samuelson to nominate Regent Schroeder for the position of Chairman of the Board.

Motion Moved by Matzke and seconded by O'Brien to close nominations and accept as unanimous vote.

Action Nominations were closed.

Action Regent Schroeder was elected as Chair of the Board by Acclamation.

Motion Moved by Blank and seconded by Matzke to nominate Regent Ferlic for the position of Vice Chair of the Board.

Motion Moved by Matzke and seconded by O'Brien to close nominations and accept as unanimous vote.

Action Nominations were closed.

Action Regent Ferlic was elected as Vice Chair of the Board by Acclamation.

V. **KUDOS**

**Regent Fuerst presented a KUDOS award to Tyler Schmidt**, an officer with the University of Nebraska-Lincoln Police Department.

**Regent Samuelson presented a KUDOS award to Rebecca Carr**, Research Analyst in the Office of the Senior Vice Chancellor for Academic Affairs at the University of Nebraska-Lincoln.

**Regent Riggs presented a KUDOS award to Leah Hall Dorothy**, Assistant Director of Campus Recreation at the University of Nebraska-Lincoln.

**Regent Wentz presented a KUDOS award to Dr. Yoshihara Ameku**, Administrator of the Pre-Clinical Lab in the College of Dentistry at the University of Nebraska Medical Center.

**Regent O'Brien presented a KUDOS award to Jayne Sutton**, Administrative Assistant in the Office of the President of the University of Nebraska.

**RESOLUTIONS**

Regent Hassebrook presented the following Resolution:

Whereas, Javine Winterboer has served with distinction as a member of the University of Nebraska Board of Regents during the 2001 term; and

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Whereas, during her tenure, Regent Winterboer made it a high priority to keep students at the University of Nebraska Medical Center well informed on all issues that might potentially impact on their educational experience and professional preparation; and

Whereas, Regent Winterboer has effectively presented the perspective of health professions students on appropriate issues to the Board of Regents and the administration of the University; and

Whereas, Regent Winterboer has taken a leadership role with the UNMC Scholarship Committee, the UNMC Legislative Team, and the Education Task Force Committee; and

Whereas, Regent Winterboer has been an active participant 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 Javine Winterboer during her service on the Board and wishes her well in all her future endeavors.

Regent Winterboer thanked the Board for their support and assistance during her time on the Board.

**VI. STRATEGIC OR POLICY ISSUE**

Gerry A. Oligmueller, State Budget Administrator, and Michael Calvert, Director of Legislative Fiscal Office spoke to the Board on the state of Nebraska's fiscal forecast. Mr. Oligmueller spoke regarding the budget in the recent past and present. Mr. Calvert spoke regarding the landscape of the budget going forward. (For handouts, see documents file.)

Discussion was held.

Chairman Schroeder thanked Mr. Oligmueller and Mr. Calvert for the presentation.

**VII. HEARINGS**

None.

The Board recessed at 9:50 a.m. and reconvened at 10:00 a.m.

**VIII. PUBLIC COMMENT**

Professor Gerard Harbison, Chemistry Department from the University of Nebraska-Lincoln, spoke to the Board regarding the unfairness of the opportunity hiring program at the University of Nebraska-Lincoln.

Chancellor Perlman responded to Professor Harbison's comments regarding opportunity hires. Perlman stated that it is important to have a diverse faculty to maintain a quality institution.

Miles Bryant responded to Professor Haribson's comments. Although Bryant agreed that through opportunity hires the University may hire people it wouldn't in an open search, but it is a necessary way for the campus to grow.

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IX. **COMMITTEE REPORTS**

Planning

Regent O'Brien said the committee met on Friday and was updated on all four campuses' strategic plans.

Business Affairs

Regent Wilson reported that the committee met on Friday and received an update on Administrative costs and social security numbers. Regent Wilson said that the administrative costs look good. Regent Samuelson thanked Dave Lechner for the presentation. He reiterated that the social security issue should be a priority, and that he is pleased that there is progress.

Chairman Schroeder accepted the reports.

President Smith presented information to the Board regarding the Business-Higher Education Forum Diversity Report, entitled "Investing in People, Developing all of America's Talent on Campus and in the Workplace," released on January 10, 2002. (For Report, see documents file.)

X. **UNIVERSITY CONSENT AGENDA**

Regent Matzke requested Items X-A-2, X-B-2, and X-B-5 be removed from the Consent Agenda and be voted on separately. The items were voted on under Administrative Agenda.

Motion Moved by Wilson and seconded by Blank approve items X-A-1, X-B-1, X-B-3, X-B-4, and X-B-6.

**A. ACADEMIC**

X-A-1 President's Personnel Recommendations.

University of Nebraska Medical Center

Adjustment

Thomas H. Rosenquist, Vice Chancellor for Research (Special), Chancellor's Office; Professor (Continuous) Cell Biology and Anatomy; Professor (Courtesy), Pathology and Microbiology; and Professor (Courtesy), Pediatrics; effective 02/01/02, \$192,931 FY (includes \$5,000 annual administrative stipend), 1.00 FTE. Change title from Interim Vice Chancellor for Research and end appointments as Chairperson of Cell Biology and Anatomy, and Ardith and Anna Von Housen named professorship.

X-A-2 See below under Administrative Agenda.

**B. BUSINESS**

University of Nebraska at Kearney

X-B-1 Approve the project budget of \$937,500 for the design and construction of a utilities extension on the University of Nebraska at Kearney campus and approve Farris Engineering as project engineers for a fee not to exceed \$84,960.

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X-B-2 See below under Administrative Agenda.

University of Nebraska-Lincoln

X-B-3 Approve a supplemental Resolution providing for the inclusion of the Colonial Terrace Apartments Complex as facilities under the Resolution of the Board dated December 1, 1964 and authorize the expenditure of \$60,000 from the 1986 Surplus Fund to make certain repairs and renovations to the Colonial Terrace Apartments.

X-B-4 Approve Change of Scope for the Hamilton Hall Infrastructure Upgrade and increase the project budget in the amount of \$3,457,000 from \$14,116,060 to \$17,573,060 due to increased NIH funding.

X-B-5 See below under Administrative Agenda.

University of Nebraska Medical Center

X-B-6 Approve the sole source purchase of a 600 MHz Nuclear Magnetic Resonance (NMR) device and upgrade the existing 500 MHz NMR from Varian NMR Systems in the amount of \$1,100,000.

Discussion was held.

Action Student Opinion: Aye: Samuelson, Wentz, Fuerst, and Riggs. Voting Aye: Hassebrook, Matzke, O'Brien, Schroeder, Wilson, Blank, and Ferlic. Voting Nay: None. Regent Miller recorded by telephone his vote of Aye. Motion carried.

**XI. UNIVERSITY ADMINISTRATIVE AGENDA**

**A. ACADEMIC**

Motion Moved by O'Brien and seconded by Matzke to approve item X-A-2 from Consent Agenda.

X-A-2 Approve the request for outside employment at the University of Nebraska at Kearney for James S. Fleming.

Discussion was held

Action Student Opinion: Aye: Wentz, Fuerst, Riggs, and Samuelson. Voting Aye: Matzke, O'Brien, Schroeder, Wilson, Blank, Ferlic, and Hassebrook. Voting Nay: None. Regent Miller recorded by telephone his vote of Aye. Motion carried.

**B. BUSINESS**

University of Nebraska at Kearney

Motion Moved by Matzke and seconded by Samuelson to approve item X-B-2 from Consent Agenda.

X-B-2 Approve program statement for the Nebraska Safety Center Building.

Discussion was held.

Regent Ferlic requested that the Board, some time in the future, discuss capital construction gifts that are given to the University and the need to make provisions for maintenance costs.

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Regent Blank requested that the future agenda items document future maintenance costs on buildings built or renovated with private donations.

Action Student Opinion: Aye: Fuerst, Riggs, Samuelson, and Wentz. Voting Aye: O'Brien, Schroeder, Wilson, Blank, Ferlic, Hassebrook, and Matzke. Voting Nay: None. Regent Miller recorded by telephone his vote of Aye. Motion carried.

University of Nebraska-Lincoln

Motion Moved by Matzke and seconded by Wentz to approve item X-B-5 from Consent Agenda

X-B-5 Approve the Bill Crediting Program Agreement and its Ponca Tribe of Nebraska Educational Trust Agreement to enable the Ponca Energy for Education Program.

Discussion was held.

Action Student Opinion: Aye: Riggs, Samuelson, Wentz, and Fuerst. Voting Aye: Schroeder, Wilson, Blank, Ferlic, Hassebrook, and Matzke. Voting Nay: None. Absent: None. Regent Miller recorded by telephone his vote of Aye. Motion carried. Regent O'Brien indicated her vote in favor of the motion after the vote was taken.

Amended Additional Item – University of Nebraska at Omaha

Motion Moved by Wilson and seconded by Matzke to approve item XI-B-1.

XI-B-1 (1) Approve ground lease agreement with the Suzanne and Walter Scott Foundation ("Scott Foundation") providing for the construction and operation of additional student residence halls and related facilities on the UNO South Campus over a term ending on August 31, 2043; (2) authorize the President to execute all legal instruments necessary to carry out the terms and conditions of the lease agreement; (3) approve First Amendment to the ground lease agreement for Scott Hall; and (4) approve "Scott Village" as the name of the area within the ground lease for the additional residence halls.

Discussion was held.

Wilson expressed the Board's appreciation to Scott Foundation for the financing.

Action Student Opinion: Aye: Samuelson, Wentz, Fuerst, and Riggs. Voting Aye: Schroeder, Wilson, Blank, Ferlic, Hassebrook, Matzke, and O'Brien. Voting Nay: None. Regent Miller recorded by telephone his vote of Aye. Motion carried.

**C. FOR INFORMATION ONLY**

XI-C-1 This proposed amendment of § 3.9 of the *Bylaws of the Board of Regents of the University of Nebraska* relating to political activities of employees and curtailment of duties and compensation for any employee who becomes a candidate for a full-time public office is presented at this meeting for information only as required by § 1.11 of the Bylaws. It will be placed on the agenda of the Regents' meeting scheduled for February 23, 2002, for public hearing and consideration by the Regents.

**D. REPORTS**

XI-D-1 Tenure Density Report.

XI-D-2 Report of Expedited Approval of a University of Nebraska at Omaha Graduate Certificate Program in Advanced Writing.

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XI-D-3 Design Development Report for the University of Nebraska-Lincoln Barkley Memorial Center Building Addition.

XI-D-4 Report of Bids and Contracts for the period ended December 12, 2001.

Chairman Schroeder accepted the reports.

**XII. ADDITIONAL BUSINESS**

Regent Schroeder handed out the 2002 Committee Assignments.

Motion Moved by Ferlic and seconded by Matzke to commend Regent Wilson for his service for his term as Chair.

Action Motion approved by Acclamation.

**CLOSED SESSION**

Motion Moved by Blank and seconded by Ferlic 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 honorary degrees.

Action Student Opinion: Aye: Wentz, Fuerst, Riggs, and Samuelson. Voting Aye: Wilson, Blank, Ferlic, Hassebrook, Matzke, O'Brien, and Schroeder. Voting Nay: None. Regent Miller recorded by telephone his vote of Aye. Motion carried.

The Board went into closed session at 11:05 a.m. and reconvened the open meeting at 11:10 a.m.

**ADJOURNMENT**

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

Respectfully submitted,

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Kim M. Robak  
Corporation Secretary

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Kent Schroeder  
Chair of the Board