

Lincoln, Nebraska
December 11, 2009

The Board of Regents of the University of Nebraska met on December 11, 2009 at 10:30 a.m. in the Board Room at Varner Hall, 3835 Holdrege, 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.

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, 2009.

Regents present:
Timothy F. Clare
Randolph M. Ferlic
Chuck Hassebrook
Jim McClurg
Bob Phares, Vice Chairman
Kent Schroeder, Chairman
Bob Whitehouse
Brad Bohn
Neal Bonacci
Megan Collins
Cade Craig

Not present:
Howard Hawks

University officials present:
James B. Milliken, President
Linda Pratt, Executive Vice President and Provost
Donal J. Burns, Corporation Secretary
John Christensen, Chancellor, UNO
Harold Maurer, Chancellor, UNMC
Douglas A. Kristensen, Chancellor, UNK
Harvey S. Perlman, Chancellor, UNL
David Lechner, Vice President for Business and Finance
Joel Pedersen, Vice President and General Counsel
Peter G. Kotsiopulos, Vice President for University Affairs

I. CALL TO ORDER

II. ROLL CALL

The Board convened at 10:30 a.m. in the Board Room at Varner Hall, 3835 Holdrege, Lincoln, Nebraska on December 11, 2009. Attendance is indicated above.

III. APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS

Motion Moved by Ferlic and seconded by McClurg to approve the minutes and ratify the actions of the regularly scheduled meeting of November 20, 2009.

Action Student Opinion: Voting Aye: Bonacci, Collins, Craig, and Bohn. Voting Aye: Ferlic, Hassebrook, McClurg, Phares, Schroeder, Whitehouse, and Clare. Not present: Hawks. Motion carried.

Regent Schroeder announced the location of the Open Meetings Act in the Board room.

IV. KUDOS

Regent Hassebrook presented a KUDOS award to Gary Aerts, director of the Enterprise Information Solutions Group-Lincoln Information Services at the University of Nebraska-Lincoln.

Regent Ferlic presented a KUDOS award to Lynn Conner, administrative technician in athletics at the University of Nebraska at Omaha.

Regent Bohn presented a KUDOS award to Cindy Sands, Office Associate I for the College of Medicine at the University of Nebraska Medical Center.

Regent Craig presented a KUDOS award to Gail Sims-Aubert, assistant director of Residential and Greek Life at the University of Nebraska at Kearney.

V. PUBLIC COMMENT

Ms. Ivy Harper spoke on the topic of Land Grant University Reform.

VI. RESOLUTIONS

Regent Clare presented the following resolution:

WHEREAS, over the past year, Neal Bonacci has served in the capacity of student regent on the University of Nebraska Board of Regents; and

WHEREAS, Regent Bonacci, in addition to his duties on the Board, has worked tirelessly at the University of Nebraska at Omaha, both in his studies and as student body president; and

WHEREAS, as student body president, Regent Bonacci was committed to UNO's sustainability and recycling efforts, advocating for increased recycling receptacles around campus, greater investigation of options for sustainability, and more ways to make UNO a "green" community; and

WHEREAS, while serving on the Board, Regent Bonacci reached out to students in unique ways, always keeping his fellow peers first and foremost when making important decisions for the university and its future; and

WHEREAS, under Regent Bonacci's leadership, student government experienced a cohesiveness that has rarely been seen and with his determination, this year's elections had the highest voter turnout in several years; and

WHEREAS, Regent Bonacci has faithfully, and with an honest heart, carried out the duties of UNO Student Body President, as well as duties related to this Board;

NOW, THEREFORE, BE IT RESOLVED, that Neal Bonacci, outgoing Student Body President and UNO Student Regent, be commended by the University of Nebraska Board of Regents for his exemplary service and dedication to his fellow students at the University of Nebraska at Omaha.

Regent Whitehouse presented the following resolution:

WHEREAS, Brad Bohn 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 2008-2009 term;

WHEREAS, Regent Bohn has taken an active and positive role in Board of Regents meetings and events across the state, and has advocated for students on the matters of affordable tuition;

WHEREAS, Regent Bohn has championed the University's position during the Legislative process, by personally visiting state senators and spearheading student letter-writing campaigns;

WHEREAS, Regent Bohn has advocated for and saw the declaration of a tobacco-free campus, has provided input on the design of a new signature art piece on the UNMC campus, and has chaired the annual Student Senate blood drive;

WHEREAS, Regent Bohn has represented student interests in parking and other matters, while considerable construction was taking place at UNMC;

WHEREAS, Regent Bohn has improved the functionality and efficiency of the UNMC Student Senate, has quickly and concisely informed students on a range of initiatives, has gathered student input on many topics, and has collaborated with Information Technology Services to create a new student leaders network;

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 Brad Bohn during his term on the Board and wishes him well in all of his future endeavors.

The resolutions were adopted by acclamation.

VII. HEARINGS

None

VIII. UNIVERSITY CONSENT AGENDA

Motion Moved by McClurg and seconded by Phares to approve items VIII-A-1 and VIII-A-2

Regent Schroeder made the following comments regarding the renewal of President Milliken's contract:

Pursuant to the terms of the President's existing contract, an evaluation process was agreed upon between the Board and President Milliken. To that end, ROI Consulting Group, Inc., headed by Dr. Barbara Kaufman, was employed to facilitate the comprehensive performance assessment. As a part of the evaluation process, Dr. Kaufman interviewed 36 internal and external interviewees.

The evaluation focused on the operation of the University system and leadership effectiveness. Six separate criteria were used in the evaluation: the University's agenda, academic leadership, administrative leadership, internal relationships, external relationships, and working relationship with the Board of Regents. Dr. Kaufman related to the Executive Committee that President Milliken's performance assessment was one of the best, if not the best, evaluation that she has had the pleasure of conducting.

Regent Schroeder indicated that the Board of Regents was extremely pleased that President Milliken has agreed to accept a contract extension. The Board, or for that matter all Nebraskans, were fortunate to have a leader of his quality at the helm of the University.

Immediately after the vote on the Consent Agenda, President Milliken made the following remarks:

President Milliken thanked the Board for its confidence in his leadership as president of the University. He looks forward to continuing to work with the Board, with his colleagues on the campuses and at Varner Hall, and to continue to build the best University in America in terms of the impact it has on the state. He thanked the Board for their vote of confidence.

A. ACADEMIC AFFAIRS

VIII-A-1 The President's Personnel Recommendations

VIII-A-2 Approve amendment of the Contract of Employment of James B. Milliken, J.D., as President of the University of Nebraska to extend the term of the contract to July 31, 2015

Action Student Opinion: Voting Aye: Collins, Craig, Bohn, and Bonacci. Voting Aye: Hassebrook, McClurg, Phares, Schroeder, Whitehouse, Clare, and Ferlic. Absent: Hawks. Motion carried.

IX. UNIVERSITY ADMINISTRATIVE AGENDA

A. ACADEMIC AFFAIRS

Motion Moved by Hassebrook and seconded by McClurg to approve item IX-A-1

IX-A-1 Approve a new University of Nebraska Board of Regents Policy RP-2.6.1 to establish the authority and regulations for naming and renaming academic organizational units at the University of Nebraska

RP-2.6.1 Policy on Naming Academic Organizational Units

1. Purpose

The purpose of this policy is to establish the authority and regulations for naming and renaming the various academic organizational units at the University of Nebraska such as a College, Program, Department, Center, Institute or School .

2. Definitions

(a) "Identification" means the name or title used to designate a particular academic organizational unit for the purpose of specifically identifying it to members of the University community and to the general public.

(b) "Generic Name" when used in conjunction with Identification means the name that may be given which is based solely upon the identifier pertinent to the same without a modifier designating a particular person, family or organization. Examples of Generic Names are: "College of Architecture, College of Arts and Sciences, College of Journalism, School of Public Administration or School of Communication".

3. Authority

(a) The assignment of a Generic Name shall be approved by the Chancellor responsible for the unit and the President. Such naming shall be reported to the Board of Regents.

(b) Identification using the name of or in honor of an individual, a family, or an organization shall be approved by the cognizant Chancellor, the President and the Board of Regents.

4. Criteria

(a) Identification using the name of or in honor of individuals, families, or entities is permitted upon meeting one or more of the following criteria:

1) Extraordinary service to the University as a faculty member, staff member, or University officer;

2) Alumni who have provided extraordinary service to the University;

3) Distinguished persons who have provided extraordinary service to the University or who otherwise merit special recognition;

4) Donors who have made a significant financial contribution to the University generally, to a campus, to a college or major unit, or to a related program; and/or

5) Donors who have made a significant financial contribution toward the related maintenance and operating costs of the unit or related activity of the University of Nebraska.

(b) Except for Identification in honor of individuals designated by donors qualifying under subsections a.4) and/or a.5) of this Section 4, units shall not be named for individuals currently employed by the University or the State of Nebraska or elected officials. Unless expressly waived by the Board of Regents, a unit shall not be named for an individual not otherwise qualifying under the exceptions in subsections a.4) and/or a.5) earlier than five years following the departure, death, or retirement of the person from the University or the State or the end of an elected official's service in office.

(c) Except for Generic Naming, the cognizant Chancellor shall conduct an appropriate due diligence review of each Identification proposal to carefully consider the overall benefit of such naming to the University, whether the name is and will continue to be a positive reflection on the institution and will not detract from the University's reputation as a public institution of higher education and whether the name comports with the purpose and mission of the University. Such due diligence shall include the following:

- 1) Review of any potential conflict of interest issues affecting the University;
- 2) Review of potential impact upon the academic or research autonomy of the University;
- 3) Evaluation of the impact on future giving by the donor or others;
- 4) Consultation with the General Counsel to ensure compliance with applicable policies, laws and regulations; and
- 5) Consultation as necessary with the University's bond counsel to determine if a proposed naming would adversely affect existing or future tax-exempt bonds.

(d) In order to avoid any appearance of commercial influence or conflict of interest, additional due diligence shall be undertaken before recommending the naming of any unit to include the name of a commercial enterprise. Identification is to include the name of a commercial enterprise only if the proposed name (i) is appropriate in the educational and public setting of the University, (ii) will not detract from the University's reputation as a public institution of higher education, and (iii) will not result in impermissible commercial endorsement or advertising benefitting the commercial enterprise.

5. Procedures

(a) No commitment for naming shall be made prior to approval of the proposed name in accordance with this policy.

(b) Wherever a naming proposal may originate, it shall at the earliest appropriate date be submitted to the Chancellor, from the Chancellor to the President, and from the President to the Board of Regents in those instances where action by the Board is required.

(c) Each Chancellor shall establish campus policies and procedures consistent with this policy. The Executive Vice President and Provost shall establish University-wide procedures for implementing this policy and for assuring compatibility of campus policies and procedures with this policy.

6. Duration of Names and Name Changes

(a) Identification in honor of an individual or individuals, family or non-commercial entity is generally expected not to exceed 25 years to be determined on a case-by-case basis and included in a signed gift agreement associated with the naming where applicable. Typically the duration of a commercial enterprise name should not exceed twenty-five (25) years. Once established, a commercial enterprise name assigned to a unit shall normally remain the same notwithstanding future changes in the commercial enterprise name; provided, however, in the event of a name change in the commercial enterprise, the Board of Regents in the exercise of its sole discretion may elect to remove the established commercial enterprise name from the unit, if such action is determined to be in the best interest of the University.

(b) If a unit is replaced or substantially modified, it may be renamed, subject to any terms, conditions or restrictions set forth in any gift agreement related to the prior naming action.

(c) If there is a change in the function of a unit that has a Generic Name, the Generic Name may be changed in accordance with the requirements of subsection a. of Section 3 of this policy.

(d) If there is a change in the function of a unit that has been named in accordance with Section 4(a)(4) or 4(a)(5) above, such naming will either remain with the existing unit or a comparable substitute naming will be adopted, subject to any terms, conditions or restrictions set forth in any gift agreement related to the prior naming action.

(e) The Board of Regents in the exercise of its sole discretion may elect to remove any established Identification, if such action is determined to be in the best interest of the University for reasons such as (i) the protection of the reputation and stature of the University as a public institution of higher education, (ii) failure to fulfill agreed upon obligations associated with the naming, or (iii) other changes in circumstances. Before taking any such action the General Counsel shall be consulted in regard to any legal obligations the University may have under any pre-existing Agreement related to naming or in regard to any other matter that may have legal bearing upon a proposed change in name.

7. Prior Procedures and Names

Names in existence at the time of the adoption of this policy shall remain in effect, subject to future renaming consistent with this policy and subject to restrictions in any gift agreements related to the prior naming action.

There was discussion

Action Student Opinion: Voting Aye: Craig, Bohn, Bonacci, and Collins. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Clare, Ferlic, and Hassebrook. Absent: Hawks. Motion carried.

Motion Moved by McClurg and seconded by Hassebrook to approve item IX-A-2

IX-A-2 Approve the award of Honorary Degrees

Action Student Opinion: Aye: Bohn, Bonacci, Collins, and Craig. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Clare, Ferlic, and Hassebrook. Absent: Hawks. Motion carried.

Motion Moved by McClurg and seconded by Hassebrook to approve item IX-A-3

IX-A-3 Approve a study abroad agreement at the University of Nebraska at Omaha for Sir Padampat Singhania University (SPSU) students

There was discussion

Action Student Opinion: Voting Aye: Bonacci, Collins, Craig, and Bohn. Voting Aye: Phares, Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, and McClurg. Absent: Hawks. Motion carried.

B. BUSINESS AFFAIRS

Motion Moved by Phares and seconded by McClurg to approve item IX-B-1

University of Nebraska

IX-B-1 Approve and authorize the President to accept, execute and administratively process the transfer of title of the Nebraska State Fairgrounds in Lancaster County from the State of Nebraska to the Board of Regents as provided by law

There was discussion

Action Student Opinion: Voting Aye: Collins, Craig, Bohn, and Bonacci. Voting Aye: Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, McClurg, and Phares. Absent: Hawks. Motion carried.

Motion Moved by McClurg and seconded by Ferlic to approve item IX-B-2

- IX-B-2 Approve the acceptance of certain audited financial statements of the University of Nebraska and related entities
- Action Student Opinion: Voting Aye: Craig, Bohn, Bonacci, and Collins. Voting Aye: Whitehouse, Clare, Ferlic, Hassebrook, McClurg, Phares, and Schroeder. Absent: Hawks. Motion carried.
- Motion Moved by Hassebrook and seconded by McClurg to approve item IX-B-3
- University of Nebraska at Kearney
- IX-B-3 Approve an exclusive agreement between Bottling Group, LLC (The Pepsi Bottling Group) and the University of Nebraska at Kearney, granting the exclusive license to pouring and vending rights on the UNK campus for a period of ten (10) years
- Action Student Opinion: Voting Aye: Bohn, Bonacci, Collins, and Craig. Voting Aye: Clare, Ferlic, Hassebrook, McClurg, Phares, Schroeder, and Whitehouse. Absent: Hawks. Motion carried.
- Motion Moved by Phares and seconded by Ferlic to approve item IX-B-4
- University of Nebraska Medical Center
- IX-B-4 Approve the renovation of mechanical infrastructure located on Level 1 of Wittson Hall on the UNMC campus in Omaha and associated project budget
- Action Student Opinion: Voting Aye: Bonacci, Collins, Craig, and Bohn. Voting Aye: Ferlic, Hassebrook, McClurg, Phares, Schroeder, Whitehouse, and Clare. Not present: Hawks. Motion carried
- Motion Moved by McClurg and seconded by Hassebrook to approve item IX-B-5
- University of Nebraska-Lincoln
- IX-B-5 Approve the Contract for the Sale of Real Estate between the University of Nebraska Foundation and the University of Nebraska-Lincoln for approximately 60 acres and improvements
- There was discussion
- Action Student Opinion: Voting Aye: Collins, Craig, Bohn, and Bonacci. Voting Aye: Hassebrook, McClurg, Phares, Schroeder, Whitehouse, Clare, and Ferlic. Absent: Hawks. Motion carried.
- C. FOR INFORMATION ONLY**
- IX-C-1 Board of Regents agenda items related to the University of Nebraska Strategic Framework
- IX-C-2 Calendar of establishing and reporting accountability measures
- IX-C-3 Current version of the University of Nebraska Strategic Framework
- IX-C-4 Current version of the University of Nebraska Strategic Dashboard Indicators
- IX-C-5 Amendment of Section 1.2 of the Bylaws of the Board of Regents of the University of Nebraska relating to public hearings and adoption of rules and regulations for faculty and student self-government organizations
- IX-C-6 Amendment of Section 3.2.8 of the Policies of the Board of Regents relating to conflict of interest
- IX-C-7 Amendment of Section 3.8 and adopt a new Section 3.2.2 of the Bylaws of the Board of Regents related to conflict of interest and nepotism

D. REPORTS

- IX-D-1 Quarterly Personnel report for the period July 1 through September 30, 2009
 - IX-D-2 Leaves of Absence for the period July 1, 2008 through June 30, 2009
 - IX-D-3 Status of Six-Year Capital Plan and Capital Construction Report
 - IX-D-4 Gifts, Grants, Contracts and Bequests
 - IX-D-5 Report of Bids and Contracts
 - IX-D-6 Revised Capital Budgets
 - IX-D-7 Endowment Funds Strategic Framework Report
- Chairman Schroeder accepted the reports.

X. ADDITIONAL BUSINESS

Closed Session

Motion Moved by Collins and seconded by Whitehouse that the Board 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 persons who have not requested a public hearing, for the purpose of holding a discussion limited to the following subject:

- (a) Collective bargaining strategy session.

Action Student Opinion: Voting Aye: Craig, Bohn, Bonacci, and Collins. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Clare, Ferlic and Hassebrook. Absent: Hawks. Motion carried.

Regent Schroeder declared that the closed session would be strictly limited to a discussion of:

- (a) Collective bargaining strategy session.

The Board went into closed session at 11:22 a.m. and reconvened the open meeting at 11:52 a.m.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman Schroeder at 11:53 a.m.

Respectfully submitted,

Donal J. Burns
Corporation Secretary

Kent Schroeder
Chairman of the Board