The Board of Regents of the University of Nebraska met on December 3, 2015, at 10:19 a.m. in the board room at Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska, in a publicly convened session, the same being open to the public and having been preceded by advance publicized notices, copies of which are attached to the minutes of this meeting as Attachment 1 and Attachment 2.

In compliance with the provisions of Neb. Rev. Stat. § 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 as follows: November 23, 2015, a notice containing Amendments to the Standing Rules of the Board of Regents was sent to the above groups and posted in the first floor lobby of Varner Hall; November 25, 2015, a notice of this meeting was sent to the above groups and posted in the first floor lobby of Varner Hall.

Regents present:
Timothy Clare
Hal Daub
Howard Hawks
Bob Phares, Chair
Jim Pillen
Robert Schafer
Kent Schroeder, Vice Chair
Bob Whitehouse
Andrew Shaw, University of Nebraska Medical Center
Evan Calhoun, University of Nebraska at Kearney
Thien Chau, University of Nebraska-Lincoln
Brock Lewis, University of Nebraska at Omaha

University officials present:
Hank M. Bounds, President
Susan M. Fritz, Executive Vice President and Provost
Carmen K. Maurer, Corporation Secretary
Jeffrey P. Gold, Chancellor, University of Nebraska Medical Center
Douglas A. Kristensen, Chancellor, University of Nebraska at Kearney
Harvey S. Perlman, Chancellor, University of Nebraska-Lincoln
John E. Christensen, Chancellor, University of Nebraska at Omaha
David E. Lechner, Senior Vice President for Business and Finance | CFO
Joel D. Pedersen, Vice President and General Counsel
Ronnie D. Green, Vice President for Agriculture and Natural Resources
Matthew C. Hammons, Interim Vice President for University Affairs

I. CALL TO ORDER

II. ROLL CALL

The Board convened at 10:19 a.m. in the Board room of Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska on December 3, 2015. Attendance is indicated above.

III. APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS

Motion
Moved by Hawks and seconded by Schroeder to approve the minutes and ratify the actions of the regularly scheduled meeting on October 9, 2015.

Action

Chairman Phares announced the location of the Open Meetings Act in the board room.
IV. KUDOS

Regent Hawks presented a KUDOS award to Galen Kathol, Business Director in the College of Medicine at the University of Nebraska Medical Center.

Regent Schroeder presented a KUDOS award to Renee Hagerman, Administrative Secretary in the Office of the Chancellor at the University of Nebraska-Lincoln.

Regent Shafer presented a KUDOS award to Steven McGahan, Assistant Director/Instructional Designer, eCampus, at the University of Nebraska at Kearney.

Regent Clare presented a KUDOS award to Joe Price, Project Director, College of Arts and Sciences at the University of Nebraska at Omaha.

Regent Phares congratulated Regent Bob Whitehouse who will be inducted into the National Interscholastic Athletic Administrators Association (NIAAA) Hall of Fame later this month.

V. RESOLUTION

Resolution supporting the 2016 Capital Plan

WHEREAS, University of Nebraska buildings are valued at $4 billion, representing 70 percent of the State of Nebraska’s total building assets; and

WHEREAS, the University of Nebraska and the state have a successful history of partnering to address deferred maintenance needs in order to keep university facilities updated, functional and safe for students and faculty; and

WHEREAS, in 1998 the Legislature passed LB1100, which committed the state and university to each invest $5.5 million annually for deferred maintenance, and in 2006 the Legislature passed LB605, which committed the state and university to increase their annual investments for deferred maintenance to $11 million; and

WHEREAS, the mutual investments from both parties have contributed to our current momentum, resulting in updated teaching and research space across the campuses, including facilities that are now among the university’s most heavily utilized student learning spaces; and

WHEREAS, in today’s competitive higher education marketplace, continued upkeep of university facilities is vital to our ability to recruit and retain top talent and provide students with learning spaces that will prepare them to be successful in the workforce; and

WHEREAS, based on an independent facility analysis, the university has developed a list of buildings most in need of renovation and renewal, including some that have heavily used teaching and lab space and where investments would advance key priorities like undergraduate and STEM education; and

WHEREAS, the upcoming scheduled repayment of LB605 bonds, combined with historically low interest rates and a need to act to protect shared investments in university facilities, present an opportunity to continue our successful partnership; and

WHEREAS, the university will ask the State of Nebraska to increase its annual investment in deferred maintenance by $11 million, to be matched by the university, to finance an estimated $400 million in building renewal projects, which would help maintain facilities at a level at which we can continue to provide a quality education for our students and remain competitive;

WHEREAS, the university and its leadership will continue to strive to reduce costs in order to reduce the pressure of future tuition increases.

NOW, THEREFORE BE IT RESOLVED, that the Board of Regents thanks the state for its partnership, expresses its support for the 2016 deferred maintenance request, which extends a rational, proven approach to maintaining valuable building assets, and urges the Governor and Legislature to support the request and continue to partner with the university to provide high-quality facilities that are suited to 21st-century teaching and research.
Motion
Moved by Phares and seconded by Hawks to approve the Resolution

There was discussion. Regent Daub proposed that the following language be added to the Resolution: Whereas, the university and its leadership will continue to strive to reduce costs in order to reduce the pressure of future tuition increases. Regents Phares and Hawks accepted Regent Daub’s friendly amendment to the resolution, which was incorporated into the Resolution.

Action

VI. HEARINGS

Amendments to the Standing Rules of the Board of Regents

VII. PUBLIC COMMENT

None

VIII. CONSENT AGENDA

Regent Phares made the following comments with regard to item VIII-A-1, President’s Personnel Recommendations:

Following a national search for the position of Executive Vice President and Provost, Dr. Susan Fritz was appointed to the position for an initial term to end December 31, 2015. In support of Dr. Fritz’s outstanding work over the past three years, today’s recommendation removes that end date from the Special Appointment. In addition, President Bounds’ contract was proposed to be extended to June 30, 2020, in recognition of his performance and vision demonstrated since his arrival.

Motion
Moved by Schroeder and seconded by Whitehouse to approve items VIII-A-1, VIII-A-2, VIII-B-1, VIII-B-2, and VII-B-3

A. ACADEMIC AFFAIRS

VIII-A-1
President’s Personnel Recommendations

VIII-A-2
Approve the First Amendment to the Contract of Employment of Hank M. Bounds, Ph.D., as President of the University of Nebraska by extending the term of the Contract to June 30, 2020

B. BUSINESS AFFAIRS

University of Nebraska-Lincoln

VIII-B-1
Approve the request to notify the Federal Communications Commission by appropriate means that the Board of Regents of the University of Nebraska, which holds the broadcast license for KUON-TV, will not participate in the voluntary spectrum auction

VIII-B-2
Approve the sole source purchase of Flip Chip Module assembly processing for UNL’s Department of Physics and Astronomy

University of Nebraska Medical Center

VIII-B-3
Approve the sole source lease/purchase of a system to be used for systematic study of metabolites

Action
IX. ADMINISTRATIVE AGENDA

A. ACADEMIC AFFAIRS

Motion Moved by Daub and seconded by Clare to approve item IX-A-1

IX-A-1 Approval is requested to dissolve the Center for Ergonomics and Safety Research in the College of Engineering at the University of Nebraska-Lincoln

There was discussion


Motion Moved by Schroeder and seconded by Chau to approve item IX-A-2

IX-A-2 Approval is requested to dissolve the Center for the Study of Higher and Postsecondary Education in the College of Education and Human Sciences at the University of Nebraska-Lincoln

There was discussion


Motion Moved by Schroeder and seconded by Clare to approve item IX-A-3

IX-A-3 Approval is requested to establish the Department of Biomechanics in the College of Education at the University of Nebraska at Omaha

There was discussion


Motion Moved by Clare and seconded by Pillen to approve item IX-A-4

IX-A-4 Approval is requested to split the existing Department of Marketing and Management into two departments: the Department of Management and the Department of Marketing and Entrepreneurship in the College of Business Administration at the University of Nebraska at Omaha

There was discussion


Motion Moved by Hawks and seconded by Clare to approve item IX-A-5


RP-5.7.1 Residency Determination for Tuition Purposes

The text of Board of Regents Policy RP-5.7.1, Residency Determination for Tuition Purposes, should be amended to read:

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3. Resident Tuition Categories

An individual will qualify as a resident of the State of Nebraska for tuition purposes at the University of Nebraska if, prior to the commencement of the term for which residency is sought, he or she meets the standards set forth in any one of the following categories:

***
m. A person who enrolls in the University of Nebraska and who is a veteran as defined in Title 38 of the United States Code and was discharged or released from a period of not fewer than ninety days of service in the active military, naval, or air service less than three years before the date of initial enrollment, a spouse or dependent of such a veteran, or an eligible recipient entitled to educational assistance of such a veteran as provided in 38 U.S.C. 3311(b)(9) or 38 U.S.C. 3319, as such sections existed on January 1, 2015, is a veteran as defined in Neb. Rev. Stat. § 80-401.01 and has been off active duty for two years or less, or a spouse or dependent of such a veteran, who enrolls at the University of Nebraska, if the person is registered to vote in Nebraska and demonstrates objective evidence of intent to be a resident of Nebraska.

1) For purposes of this section, objective evidence of intent to be a resident of Nebraska may be demonstrated by obtaining a Nebraska driver’s license, a Nebraska identification card, or a Nebraska motor vehicle registration.

2) For purposes of this section, a person who is an eligible individual under 38 U.S.C. 3679(c)(2), as such section existed on January 1, 2015, or who is a spouse or dependent of such a veteran and who is younger than eighteen years of age is not required to register to vote in Nebraska until he or she attains eighteen years of age.

3) This section does not apply to a veteran who qualifies for benefits pursuant to 38 U.S.C. § 3317 (the Yellow Ribbon program), as that section existed on January 1, 2014. Spouses or dependents of veterans who qualify for Yellow Ribbon benefits are still eligible for in-state tuition under this section.

There was discussion

Action

Motion
Moved by Schroeder and seconded by Daub to approve item IX-A-6

IX-A-6 Approve amendments to the Standing Rules of the Board of Regents

STANDING RULES OF THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA

SECTION 1. Structure of the Board

1.1 Membership. The Board shall consist of the eight voting members elected from districts within the state and four non-voting student members, all as provided by the Constitution and laws of the State of Nebraska and the Bylaws of the Board of Regents.

1.2 Officers. The officers of the Board shall be the Chairperson and the Vice Chairperson, whom the Board shall, at its annual meeting in January, select from among its voting members. A Chairperson and a Vice Chairperson shall be elected at the annual meeting for a term of one year, and thereafter, succeed to the office of Chairperson for a term of one year. A nominee eligible for Vice Chairperson must have sufficient remaining term as Regent, such that he or she may fulfill the duties of Chairperson the following year. If there is more than one nominee for an office, then the elections shall be by secret ballot and the total number of votes for each nominee shall be announced and entered into the minutes. The duties of the Chairperson and Vice Chairperson shall be those set forth in Section 1.3 of the Bylaws of the Board and Section 4.3 of these Rules. In the event that the Chairperson and the Vice Chairperson are both absent or otherwise unable to discharge their duties, the Board shall, by a majority vote of its members present and qualified to vote, select a presiding officer pro tempore.

1.3 Committees.

1.3.1 The Board shall have four standing committees: Executive, Academic Affairs, Audit, Risk and Compliance, and Business Affairs. The Board may
from time to time create such other committees and task forces as it determines to be necessary.

1.3.2 The Executive Committee shall consist of the Chairperson, Vice Chairperson, the most recent immediate past Chairperson, and an additional elected Regent, and one Student Regent both appointed by the Chairperson. The elected Regent appointed by the Board Chairperson may not be reappointed to a second consecutive term.

1.3.3 The Chairperson of the Board shall, after consulting with the other members of the Board, appoint the members of the Academic Affairs, Audit, Risk and Compliance, and Business Affairs committees and select one member of each committee to serve as its chairperson. Such appointments shall be made each year, after the Board's annual meeting in January and before its next scheduled meeting. All proposed committee agenda topics will be submitted by the committee chairs to the Executive Committee for approval.

1.3.4 In those instances where a committee or task force determines that Board action is called for, it may bring its specific recommendations to the Board. Committee and task force actions and recommendations shall be advisory only and shall have no binding force or effect unless the Board has expressly delegated to a committee or task force power to act on behalf of the Board upon a specific matter. Where a committee or task force takes action on behalf of the Board pursuant to a specific delegation of power, minutes of the committee or task force meeting or meetings relating thereto shall be prepared and distributed to the Board, the President and other appropriate parties within two (2) working days of any such meeting, and the proceedings of the committee or task force shall be in compliance with the provisions of the Nebraska Open Meetings Law (Neb. Rev. Stat. §§ 84-1408 to 84-1414).

1.4 Staff. The Corporation Secretary shall serve as staff to the Board and the Executive Committee. The Executive Vice President and Provost shall serve as staff to the Academic Affairs Committee; and the Vice President for Business and Finance shall serve as staff to the Audit Committee and the Business Affairs Committee; and the President shall designate the individual charged with oversight of the University’s internal audit function to serve as staff to the Audit, Risk and Compliance Committee.

There was discussion

Action


B. BUSINESS AFFAIRS

Motion

Moved by Clare and seconded by Daub to approve item IX-B-1

University of Nebraska

IX-B-1 Approve revisions to Board of Regents Policy RP-6.6.11 relating to the Othmer-Topp Endowment

RP-6.6.11 Othmer-Topp Endowment Spending Policy

Annual spending from the Othmer-Topp Endowment is limited to a rate no greater than the spending rate established by the University of Nebraska Foundation. Changes in the spending policy shall be established by the Othmer-Topp Endowment Committee and approved by the Board of Regents.

Allocation of income from the Endowment are classified into three major categories, commonly referred to as the 75% fund, the Regents 12½% fund and the UNL 12½% fund.
First priority and second priority uses of income from the 75% fund and the nature of approvals necessary for use of income for first priority and second priority uses of the 75% fund are as follows:

1. In accordance with the requirements of Neb. Rev. Stat., §§ 85-123 and 85-123.01, gifts under Mildred Othmer's Will shall be deposited in the University Trust Fund and used as follows:
   a. In accordance with Mrs. Othmer's Will a sufficient amount of funds received from her estate shall be added to the endowed professorship previously established by the Regents under the Last Will and Testament of Donald F. Othmer for the Donald F. and Mildred Topp Othmer Professorship of Chemical Engineering to bring the endowed fund for such professorship to $2,500,000.
   b. The remainder of the gifts received from Mildred Othmer's estate shall be allocated to an account hereby established as the Othmer-Topp Endowment Fund to be held in perpetuity and used in accordance with the Last Will and Testament of Mildred Topp Othmer for University purposes as directed by the Board of Regents. The initial use of the Othmer-Topp Endowment Fund shall be as follows:
      1) The income from seventy-five percent (75%) of the Othmer-Topp Endowment Fund shall be distributed to the University of Nebraska-Lincoln (a) to have first priority use as shall be determined by the Chancellor, with approval of the President and the Board of Regents, to be necessary for (i) enhancement of the chemical engineering program at the University of Nebraska-Lincoln, and (ii) installation, maintenance and operation of technology upgrades for the University of Nebraska libraries; and (b) second priority use for such other general purposes at the University of Nebraska-Lincoln as the President and the Board of Regents may from time to time approve. Within the second priority general purposes approved by the President and the Board, the income may be used as determined by the Chancellor. The President and the Board hereby approve the following initial second priority general purposes with the understanding that additional second priority purposes may be approved in the future:
         a) Distinguished Professorships as approved by the Board on January 16, 1999;
         b) The establishment of a Great Plains Regional Humanities Center should UNL be the recipient of a competitive challenge grant from the National Endowment of the Humanities;
         c) The establishment of a program of competitive campus-wide graduate fellowships under the direction of the Dean of Graduate Studies; and
         d) The establishment of the Academic Program Improvement Fund (APIF) which will provide funds to academic programs for investment and enhancement in order to allow UNL to achieve “…excellence in a select number of research, professional and graduate programs and enable them to achieve a level of quality that places them among the top programs in the nation and beyond.
      On or before March 1 of each year the Chancellor will provide an annual written report to the President and the Board of Regents of Expenditures of endowment income for the second priority general purposes approved by the President and the Board.
      Any buildings, facilities or programs funded with amounts specified in ab. 1)(i) of this paragraph shall be named in honor and memory of Donald F. Othmer, and any technology upgrades funded with amounts specified in (a)(ii) of this paragraph shall be named in honor of Mildred Topp Othmer.
   2) The income from twelve and one half percent (12½%) of the Othmer-Topp Endowment fund shall be distributed to the Board of Regents to be used as determined by the President and Regents shall determine is necessary and appropriate for enhancement of the functions and facilities of the Regents and the chief governing administrative unit of the University for governance and administration of the University.
3) The income from twelve and one half percent (12½%) of the Othmer-Topp Endowment fund shall be distributed to the University of Nebraska-Lincoln to be used as determined by the Chancellor, with the approval of the President and the Board of Regents, for the enhancement of academic programs at the University of Nebraska-Lincoln.

4) Any unexpended income shall be reinvested at the end of any fiscal year of the University shall be added to the principal of the Othmer-Topp Endowment Fund.

2. On or before March 1 of each year, the UNL Chancellor and the University President will provide an annual written report to the Board of Regents of expenditures of endowment income for the 75% fund, the Board of Regents 12½% Fund, and the UNL 12½% fund.

2.3. The Board of Regents may from time to time as it shall deem necessary, but within the limits prescribed by the Last Will and Testament of Mildred Topp Othmer, change the purposes for which the Othmer-Topp Endowment Fund is used.

There was discussion


Motion Moved by Whitehouse and seconded by Clare to approve item IX-B-2

University of Nebraska at Kearney

IX-B-2 Approve the Residence Hall Room and Board Rates for the Academic Year 2016-17 at the University of Nebraska at Kearney

There was discussion


Motion Moved by Pillen and seconded by Schafer to approve item IX-B-3

University of Nebraska-Lincoln

IX-B-3 Approve acceptance of a gift from the Johnny Carson Foundation for the University of Nebraska–Lincoln to support the Johnny Carson Center for Emerging Media Arts

There was discussion


Motion Moved by Clare and seconded by Pillen to approve item IX-B-4

University of Nebraska Medical Center

IX-B-4 Approve the construction of and associated budget for a partial additional parking level and inter-floor ramping in the Lot 50 parking structure on the University of Nebraska Medical Center campus in Omaha

There was discussion


Motion Moved by Pillen and seconded by Clare to approve items IX-B-5, IX-B-6, IX-B-7, IX-B-8, and IX-B-10

IX-B-5 Approve the purchase of real property located at 3867 Leavenworth Street
IX-B-6 Approve the purchase of real property located at 3875 Leavenworth Street
IX-B-7 Approve the purchase of real property located at 3903 Dewey Street
IX-B-8 Approve the purchase of real property located at 3929 Harney Street
IX-B-10 Approve the sale of a parcel of land to Clarkson Regional Health Services to provide a contiguous site for the construction of a parking garage and apartment style dormitory space for Clarkson College in Omaha

There was discussion

Action


Motion

Moved by Daub and seconded by Clare to approve item IX-B-9

IX-B-9 Approve acceptance of a gift from Ruth and Bill Scott for the University of Nebraska Medical Center to support the Frederick F. Paustian Inflammatory Bowel Disease Center and The Ruth and Bill Scott Endowed Presidential Chair of Internal Medicine

There was discussion

Action


C. FOR INFORMATION ONLY

IX-C-1 University of Nebraska Strategic Planning Framework
IX-C-2 University of Nebraska Strategic Framework Accountability Measures
IX-C-3 Calendar of establishing and reporting accountability measures
IX-C-4 University of Nebraska Strategic Dashboard Indicators
IX-C-5 Board of Regents agenda items related to the University of Nebraska Strategic Framework

D. REPORTS

IX-D-1 Fall 2015 Headcount Enrollment and Student Credit Hour Reports
IX-D-2 Expedited Approval of the American Government Graduate Certificate in the Department of Political Science in the College of Arts and Sciences at the University of Nebraska at Omaha
IX-D-3 Report on the University of Nebraska Academic Calendar for 2020-2030
IX-D-4 Quarterly Status Report of Six-Year Capital Plan
IX-D-5 Quarterly Status of Capital Construction Projects
IX-D-6 Bids and Contracts Report
IX-D-7 UNL Room and Board Report
IX-D-8 UNO Room and Board Report
IX-D-9 Strategic Framework Report on Debt Management
IX-D-10 Strategic Framework Report on Long-Term Investments
IX-D-11 Report on the Othmer-Topp Endowment Fund, second priority uses, for the fiscal year ended June 30, 2015

IX-D-12 Naming the new College of Law Clinic addition at the University of Nebraska Lincoln the “Marvin and Virginia Schmid Clinic Building”

IX-D-13 Renaming the College of Law’s Entrepreneurship Legal Clinic at the University of Nebraska-Lincoln to the “Weibling Entrepreneurship Clinic”

Chairman Phares accepted the reports on behalf of the Board

X. ADDITIONAL BUSINESS

Motion

Moved by Lewis and seconded by Hawks that the Board go into closed session as authorized by Neb. Rev. Stat. § 84-1410 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 subjects:

(a) Strategy session with respect to possible acquisition of facilities and property by the University; and
(b) Personnel matters involving members of the University staff.

Chairman Phares declared that the closed session would be strictly limited to a discussion of:

(a) Strategy session with respect to possible acquisition of facilities and property by the University; and
(b) Personnel matters involving members of the University staff.

Action


The Board went into closed session at 11:15 a.m. The Board reconvened the open meeting at 12:25 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman Phares at 12:26 p.m.

Respectfully submitted,

Carmen K. Maurer
Corporation Secretary

Robert A. Phares
Chairman of the Board