

Lincoln, Nebraska
September 20, 2013

The Board of Regents of the University of Nebraska met on September 20, 2013, at 1:04 p.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 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.* § 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 September 9, 2013.

Regents present:
Timothy F. Clare, Chair
Hal Daub
Howard Hawks, Vice Chair
Bob Phares
Jim Pillen
Robert Schafer
Kent Schroeder
Bob Whitehouse
Jeremy Hosein
Martha Spangler
Moses Moxey
Eric Reznicek

University officials present:
James B. Milliken, President
Susan M. Fritz, Interim Executive Vice President and Provost
Carmen K. Maurer, Corporation Secretary
John E. Christensen, Chancellor, UNO
Douglas A. Kristensen, Chancellor, UNK
Harold M. Maurer, Chancellor, UNMC
Harvey S. Perlman, Chancellor, UNL
David E. Lechner, Senior Vice President for Business and Finance | CFO
Joel D. Pedersen, Vice President and General Counsel
Sharon R. Stephan, Vice President for University Affairs
Ronnie D. Green, Vice President for Agriculture and Natural Resources

I. CALL TO ORDER

II. ROLL CALL

The Board convened at 1:04 p.m. in the Board room of Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska on September 20, 2013. Attendance is indicated above.

III. APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS

Motion Moved by Phares and seconded by Whitehouse to approve the minutes and ratify the actions of the regularly scheduled meeting of July 18, 2013.

Action Student Opinion: Voting Aye: Moxey, Reznicek, Spangler, and Hosein. Voting Aye: Daub, Hawks, Phares, Pillen, Schafer, Schroeder, Whitehouse, and Clare. Motion carried.

Regent Clare announced the location of the Open Meetings Act in the board room.

IV. KUDOS

Regent Moxey presented a KUDOS award to Lisa Paskewitz, Office Assistant for Enrollment Management at the University of Nebraska at Omaha.

Regent Pillen presented a KUDOS award to Eric Haynes, Director of Athletic Facilities at the University of Nebraska-Lincoln.

Regent Schafer presented a KUDOS award to Kellie Devney, Residency Program Coordinator in Neurosurgery for the College of Medicine at the University of Nebraska Medical Center.

Regent Reznicek presented a KUDOS award to Tamora Plugge, Executive Assistant to the Senior Vice Chancellor for Academic and Student Affairs at the University of Nebraska at Kearney.

X. UNIVERSITY ADMINISTRATIVE AGENDA

ACADEMIC AFFAIRS

X-A-1 There being no objection, item X-A-1 was taken up at this point in the meeting.

Motion Moved by Clare and seconded by Phares to approve item X-A-1

Approve the name change from the School of Music to the “Glenn Korff School of Music” at the University of Nebraska-Lincoln

Action Student Opinion: Voting Aye: Reznicek, Spangler, Hosein, and Moxey. Voting Aye: Hawks, Phares, Pillen, Schafer, Schroeder, Whitehouse, Clare, and Daub. Motion carried.

VII. PUBLIC COMMENT

The following individuals spoke on the subject of merging the Department of Computer and Electronics Engineering and the Department of Electrical Engineering:

1. Professor Bing Chen
2. Mr. Trenton Evans
3. Mr. John Smith
4. Mr. Timothy Struble-Larsen

V. RESOLUTIONS

Regent Whitehouse presented the following resolution regarding the Peter Kiewit Institute:

Whereas, the University of Nebraska is the state’s only public research university with responsibility for education, research and outreach across Nebraska; and

Whereas, the university has set forth a number of strategic goals relating to high quality education, research that matters to Nebraska, outreach to Nebraska business and development of a talented workforce; and

Whereas, since 1995 pursuant to wide agreement and a decision by the Board of Regents, education, research and outreach in information science and technology and engineering in Omaha have been delivered through the Peter Kiewit Institute, an innovative collaboration between two campuses and the UNO College of Information Science and Technology and the UNL College of Engineering; and

Whereas, since 1995, the Peter Kiewit Institute has enjoyed much success, including significantly increased enrollments, growth in research, and widely successful relationships with business and industry; and

Whereas, in response to questions about current and future needs for education, research and outreach in Omaha and the role of the Peter Kiewit Institute, the Academic Affairs Committee of the Board of Regents spent months reviewing the development and progress of PKI and its capacity for meeting future needs in Omaha and Nebraska, receiving input from a wide range of internal and external stakeholders; and

Whereas, a recent external study conducted for the Board by distinguished national leaders in engineering and information technology confirmed that PKI has enjoyed significant success to date and very high, although in some cases unrealized potential, and made specific recommendations for achieving future success; and

Whereas, the Board and the President charged the two chancellors with administrative responsibility for the constituent colleges in PKI, UNO Chancellor Christensen and UNL Chancellor Perlman, with leading the development of a plan to address the key challenges identified by the Academic Affairs Committee; and

Whereas, working with the UNO and UNL senior vice chancellors, the deans of the two constituent colleges and the PKI executive director, the chancellors have developed aggressive and ambitious plans to fulfill the potential of PKI in the years ahead; and

Whereas, integrated strategic planning and increased collaboration, dramatic growth in faculty hires, enrollment and research expenditures, improvement of graduation and retention rates, enhanced industry engagement, and investment in a single, strong College of Engineering with a significantly larger presence in Omaha will be a key element of PKI reaching its full potential; and

Whereas, the university is partnering with the Greater Omaha Chamber of Commerce to, among other things, assess the workforce needs of metropolitan businesses, which will inform future planning and metrics based on data and constituent feedback; and

Whereas, the Board of Regents remains strongly supportive of and fully committed to the success of PKI and intends to regularly monitor the institute's performance to ensure appropriate benchmarks are established and met, and to require annual reports on performance and plans from the cognizant chancellors;

Now, therefore, be it resolved that upon the recommendation of the Academic Affairs Committee, the Board of Regents of the University of Nebraska:

(1) accepts the plans of the university's academic leadership to move PKI forward to the next level of accomplishment to provide the education, research, and outreach that meet the engineering and information science and technology needs of Omaha and Nebraska,

(2) commits to support efforts of administration and faculty to meet these important goals and to providing the oversight and governance appropriate to ensure success, and

(3) directs that a new, integrated plan for PKI, advancing the goals and objectives of the campus plans and setting forth metrics reflecting commitments and goals in the campus plans including investments, faculty hiring, program development and enrollment goals, be submitted to the Academic Affairs Committee by December 31, 2013, for the Committee's review and any recommendations to the Board.

There was discussion

Motion Moved by Whitehouse and seconded by Daub to accept the PKI resolution

Action Student Opinion: Voting Aye: Spangler, Hosein, Moxey, and Reznicek. Voting Aye: Phares, Pillen, Schafer, Schroeder, Whitehouse, Clare, Daub, and Hawks. Motion carried.

VI. HEARINGS

Conform Section 3.12.2 of the *Bylaws of the Board of Regents* to practices and legal requirements relating to disability retirement

Regent Schroeder asked who was responsible for approving requests for disability retirement and was informed that Chancellors are responsible for approving such requests on their respective campuses. Regent Phares requested that this information be specifically reflected in the minutes.

VII. PUBLIC COMMENT (see page 78 of minutes)

VIII. PRESIDENT’S REMARKS (none)

IX. UNIVERSITY CONSENT AGENDA

Motion Moved by Phares and seconded by Schroeder to approve items IX-A-1, IX-A-2, IX-A-3, IX-A-4, IX-A-5, IX-A-6, IX-B-1, IX-B-2, IX-B-3, and IX-B-4

There was discussion

A. ACADEMIC AFFAIRS

IX-A-1 The President’s Personnel Recommendations

IX-A-2 The Board of Regents’ Personnel Recommendation

IX-A-3 Approval to Award Degrees and Certificates for the 2013-2014 academic year and 2014 summer sessions at the University of at Kearney

IX-A-4 Approval to Award Degrees and Certificates for the 2013-2014 academic year and 2014 summer sessions at the University of Nebraska-Lincoln

IX-A-5 Approval to Award Degrees and Certificates for the 2013-2014 academic year and 2014 summer sessions at the University of Nebraska Medical Center

IX-A-6 Approval to Award Degrees and Certificates for the 2013-2014 academic year and 2014 summer sessions at the University of Nebraska at Omaha

B. BUSINESS AFFAIRS

University of Nebraska

IX-B-1 Approve changes to conform Section 3.12.2 of the *Bylaws of the Board of Regents* to practices and legal requirements relating to disability retirement

3.12.2 - Disability Retirement.

An employee, regardless of age, is eligible for a disability retirement should a physical or mental disabilities prevent such employee from satisfactorily performing work. A Disability Retirement will allow a disabled employee to receive university retiree benefits.

~~Approval of a A~~ Disability Retirement is predicated on 1) the disabled employee’s obtainment of a Social Security Disability Award, or 2) long term disability benefits approval by the group long term disability insurance company. In addition, university administration may also approve a Disability Retirement when good cause is otherwise established, in certain situations. ~~In addition, Disability Retirements for academic/administrative staff and faculty must be approved by the Board of Regents.~~

IX-B-2 Approve a 30 year lease of University-owned Omaha Educational Broadband Services (EBS) Licenses

University of Nebraska-Lincoln

IX-B-3 Approve the sole source purchase of a Pulsed Laser Deposition System

University of Nebraska at Omaha

IX-B-4 Approve the naming of the Barbi Hayes Overlook at the Glacier Creek Preserve/Allwine Prairie

Action Student Opinion: Voting Aye: Hosein, Moxey, Reznicek, and Spangler. Voting Aye: Pillen, Schafer, Schroeder, Whitehouse, Clare, Daub, Hawks, and Phares. Motion carried.

X. UNIVERSITY ADMINISTRATIVE AGENDA

A. ACADEMIC AFFAIRS

Motion Moved by Whitehouse and seconded by Phares to approve item X-A-2

X-A-2 Discontinuation of the Graduate Certificate in Instructional Technology in the Teacher Education Department in the College of Education at the University of Nebraska at Omaha

There was discussion

Action Student Opinion: Voting Aye: Moxey, Reznicek, Spangler, and Hosein. Voting Aye: Schafer, Schroeder, Whitehouse, Clare, Daub, Hawks, Phares, and Pillen. Motion carried.

B. BUSINESS AFFAIRS

University of Nebraska-Lincoln

Motion Moved by Phares and seconded by Schroeder to approve item X-B-1

X-B-1 Accept the University of Nebraska-Lincoln 2013-2022 Physical and Landscape Master Plan

There was discussion regarding the Master Plan with respect to the mall/parking lot, which extends from the east side of Memorial Stadium to 14th Street.

Motion Moved by Hawks and seconded by Pillen to amend the previous motion, such that the UNL Master Plan would not include the mall/parking lot which extends from the east side of Memorial Stadium to 14th Street, and further, that the plans for the mall/parking lot be taken up for separate consideration at a subsequent meeting.

Further discussion ensued

Action On the Hawks/Pillen motion to amend the original motion made by Phares

Student Opinion: Voting Aye: Spangler, Hosein, Moxey, and Reznicek. Voting Aye: Whitehouse, Clare, Daub, Hawks, Phares, Pillen, and Schafer. Voting No: Schroeder. Motion carried.

Action On the Phares motion, as amended

Student Opinion: Voting Aye: Reznicek, Spangler, Hosein, and Moxey. Voting Aye: Whitehouse, Clare, Daub, Hawks, Phares, Pillen, and Schafer. Voting No: Schroeder. Motion carried.

Motion Moved by Hawks and seconded by Clare to approve items X-B-2 and X-B-3

X-B-2 Approve an early start to selected portions of the Nebraska Soccer and Tennis Complex at the University of Nebraska-Lincoln

X-B-3 Approve the selection of RDG Planning and Design to provide design services for the Nebraska Soccer and Tennis Complex Project at the University of Nebraska Lincoln

Action Student Opinion: Voting Aye: Hosein, Moxey, Reznicek, and Spangler. Voting Aye: Clare, Daub, Hawks, Phares, Pillen, Schafer, Schroeder, and Whitehouse. Motion carried.

Motion Moved by Hawks and seconded by Daub to approve item X-B-4

X-B-4 Approve the attached Resolution to authorize expenditure of up to \$2,719,200 for capital improvements for the Campus Recreation, Nebraska Unions and University Housing facilities from the Replacement Fund of the Student Fees and Facilities Revenue Bonds at the University of Nebraska-Lincoln

Action Student Opinion: Voting Aye: Moxey, Reznicek, Spangler, and Hosein. Voting Aye: Daub, Hawks, Phares, Pillen, Schafer, Schroeder, Whitehouse, and Clare. Motion carried.

- Motion Moved by Schroder and seconded by Clare to approve item X-B-5
- X-B-5 Approve the Resolution to authorize the expenditure of up to \$927,000 from the Surplus Fund of the UNL Parking Revenue Bonds to improve certain property and equipment
- Action Student Opinion: Voting Aye: Reznicek, Spangler, Hosein, and Moxey. Voting Aye: Hawks, Phares, Pillen, Schafer, Schroeder, Whitehouse, Clare, and Daub. Motion carried.
- Motion Moved by Clare and seconded by Phares to approve items X-B-6 and X-B-7
- X-B-6 Approve the attached Resolution relating to the Centralized Renewable Energy System (CRES) Project at the University of Nebraska Innovation Campus which (1) approves the issuance of not to exceed \$5,500,000 principal amount of taxable Bonds, Series 2013 by Nebraska Utility Corporation (NUCorp) pursuant to a Bond Resolution, and (2) authorizes the execution and delivery of an Energy Services Agreement, a Continuing Disclosure Agreement, a Tax Compliance Agreement, an Inducement Letter and a Preliminary Official Statement in connection with the sale of such Bonds, (3) authorizes the sale of such Bonds at a negotiated sale or private placement pursuant to a Bond Purchase Agreement and authorizes the Senior Vice President | CFO to determine interest rates (not to exceed a true interest cost of 6.00%), principal amounts, principal maturities and redemption provisions of such Bonds, and (4) approves the preparation and use of a final Official Statement
- X-B-7 Approve the Agreement with the City of Lincoln for providing BTU's for the Centralized Renewable Energy System (CRES) at Nebraska Innovation Campus
- There was discussion
- Action Student Opinion: Voting Aye: Spangler, Hosein, Moxey, and Reznicek. Voting Aye: Phares, Pillen, Schafer, Schroeder, Whitehouse, Clare, Daub, and Hawks. Motion carried.
- Motion Moved by Whitehouse and seconded by Hawks to approve item X-B-8
- X-B-8 Approve the Stumpf Research Center Farm Lease Agreement between the University of Nebraska Foundation and the Board of Regents of the University of Nebraska for the Stumpf Property located in Perkins County, Nebraska, for a period of ten (10) years with option to renew
- Action Student Opinion: Voting Aye: Hosein, Moxey, Reznicek, and Spangler. Voting Aye: Pillen, Schafer, Schroeder, Whitehouse, Daub, Hawks, and Phares. Abstain: Clare; abstained due a potential or perceived conflict of interest, arising from his legal representation of the Stumpf family. Motion carried.*

*Section 4.4.4 of the Standing Rules of the Board states: If a member of the Board is present when a question is put and the member refuses to cast an affirmative or negative vote, his or her refusal to cast an affirmative or negative vote on the pending question shall be recorded as a negative vote, unless such member has declared a conflict of interest and abstained from all discussion and voting as mandated by Section 4.4.3.

University of Nebraska Medical Center

- Motion Moved by Clare and seconded by Schafer to approve item X-B-9
- X-B-9 Approve the purchase of real property at 4014 Leavenworth Street, Omaha, Nebraska
- There was discussion
- Action Student Opinion: Voting Aye: Moxey, Reznicek, Spangler, and Hosein. Voting Aye: Schafer, Schroeder, Whitehouse, Clare, Daub, Hawks, Phares, and Pillen. Motion carried.

Additional Items – University of Nebraska at Omaha

- Motion Moved by Schroeder and seconded by Daub to approve items X-B-10, X-B-11, and X-B-12
- X-B-10 Amend the Budget and approve the attached Resolution relating to the University/Community Facility Project at the University of Nebraska at Omaha which (1) approves the issuance of not to exceed \$73,000,000 stated principal amount of bonds or other evidences of indebtedness (the "Bonds") by The University Nebraska Facilities

Corporation in one or more series and on one or more dates pursuant to one or more resolutions of The University Nebraska Facilities Corporation, and (2) authorizes the execution and delivery of a Financing Agreement, a Continuing Disclosure Undertaking, a Tax Compliance Agreement, an Inducement Letter and a Preliminary Official Statement in connection with the sale of each series of such Bonds, (3) authorizes the sale of each series of Bonds by direct placement or at a negotiated sale pursuant to a Bond Purchase Agreement and authorizes the Senior Vice President | CFO to determine interest rates (not to exceed an aggregate true interest cost of 5.00% for all Bonds), principal amounts, principal maturities and redemption provisions of such Bonds, and (4) approves the preparation and use of a final Official Statement.

X-B-11 Approve the Intermediate Design and Budget for the University/Community Facility at the University of Nebraska at Omaha

X-B-12 Authorize the Application for a Liquor License for the University/Community Facility

There was discussion

Action Student Opinion: Voting Aye: Reznicek, Spangler, Hosein, and Moxey. Voting Aye: Schroeder, Whitehouse, Clare, Daub, Hawks, Phares, Pillen, and Schafer. Motion carried.

C. FOR INFORMATION ONLY

X-C-1 University of Nebraska Strategic Planning Framework

X-C-2 University of Nebraska Strategic Framework Accountability Measures

X-C-3 Calendar of establishing and reporting accountability measures

X-C-4 University of Nebraska Strategic Dashboard Indicators

X-C-5 Board of Regents agenda items related to the University of Nebraska Strategic Framework

D. REPORTS

X-D-1 Personnel Reports for the period April 1 through June 30, 2013

X-D-2 Chancellor's Salaries

X-D-3 Review of Multi-Departmental Academic Centers for Research, Teaching, and/or Service

X-D-4 Leaves of Absences approved during the period July 1, 2012 through June 30, 2013

X-D-5 Expedited Approval of the Graduate Certificate in Data Analytics in the Department of Information Systems and Quantitative Analysis in the College of Information Science and Technology at the University of Nebraska at Omaha

X-D-6 Renaming the Master of Science in Reading to the Master of Science in Literacy in the Teacher Education Department in the College of Education at the University of Nebraska at Omaha

X-D-7 Strategic Framework report on Faculty Diversity [2-a-iii]

X-D-8 Quarterly Status Report of Six-Year Capital Plan and Capital Construction Report

X-D-9 Status of Capital Projects exceeding \$5 million as of June 30, 2013

X-D-10 Report on Gifts, Grants and Contracts

X-D-11 Report on Bids and Contracts

X-D-12 UNL Naming of the University Suites Residential Facility

X-D-13 UNO Naming of the 2nd Floor Classroom in the College of Public Affairs and Community Service Building

X-D-14 UNO Naming of three 3rd Floor Rooms in Mammel Hall

X-D-15 UNO Purchase of Glacier Creek Prairie

X-D-16 Facilities Space Lease between UNL and US Cellular for placement and operation of wireless communication equipment within Memorial Stadium

Chairman Clare accepted the reports

XI.

ADDITIONAL BUSINESS

Closed Session

Motion

Moved by Schroeder and seconded by Whitehouse 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 assets, facilities and property by the University;
- (b) Personnel matters involving members of the University staff;
- (c) Proposed private gifts to the University of Nebraska Foundation for the benefit of the University; and
- (d) Strategy session related to litigation.

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

- (a) Strategy session with respect to possible acquisition of assets, facilities and property by the University;
- (b) Personnel matters involving members of the University staff;
- (c) Proposed private gifts to the University of Nebraska Foundation for the benefit of the University; and
- (d) Strategy session related to litigation.

Action

Student Opinion: Voting Aye: Spangler, Hosein, Moxey, and Reznicek. Voting Aye: Whitehouse, Clare, Daub, Hawks, Phares, Pillen, Schafer, and Schroeder. Motion carried.

The Board went into closed session at 3:15 p.m. The Board reconvened the open meeting at 3:52 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman Clare at 3:53 p.m.

Respectfully submitted,

Carmen K. Maurer
Corporation Secretary

Timothy F. Clare
Chairman of the Board