

The Board of Regents of the University of Nebraska met on January 22, 2010, at 1:00 p.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 January 11, 2010.

Regents present:

Timothy F. Clare
Randolph M. Ferlic
Chuck Hassebrook
Howard Hawks
Jim McClurg
Bob Phares, Vice Chairman
Kent Schroeder, Chairman
Bob Whitehouse
Megan Collins
Michel Crabb
Cade Craig
Andrew Klutman

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. Kotsiopoulos, Vice President for University Affairs

I. CALL TO ORDER

II. ROLL CALL

The Board convened at 1:00 p.m. in the Board Room at Varner Hall, 3835 Holdrege, Lincoln, Nebraska on January 22, 2010. 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 December 11, 2009.

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

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

IV. ELECTION OF OFFICERS

- Motion Moved by Hawks and seconded by Ferlic to nominate Regent Phares for the position of Chairman of the Board. Since there were no further nominations, Chairman Schroeder declared nominations closed and called for a roll-call vote.
- Action Student Opinion: Voting Aye: Collins, Crabb, Craig, and Klutman. Voting Aye: Hassebrook, Hawks, McClurg, Phares, Schroeder, Whitehouse, Clare, and Ferlic. Motion carried.
- Action Regent Phares was elected as Chairman of the Board.
- Motion Moved by Hassebrook and seconded by Ferlic to nominate Regent Whitehouse for the position of Vice Chairman of the Board. Since there were no further nominations, Chairman Phares declared nominations closed and called for a roll-call vote.
- Action Student Opinion: Voting Aye: Collins, Crabb, Craig, and Klutman. Voting Aye: Hawks, McClurg, Phares, Schroeder, Whitehouse, Clare, Ferlic, and Hassebrook. Motion carried.
- Action Regent Whitehouse was elected Vice Chairman of the Board.
- Chairman Phares recognized Regent Schroeder's past service as Chairman of the Board.
- Chairman Phares welcomed newly-elected Regents Crabb and Klutman.

V. KUDOS

Regent Schroeder presented a KUDOS award to Darla Morris, Field Training Specialist, Nebraska Safety Center at the University of Nebraska at Kearney.

Regent Hassebrook presented a KUDOS award to Melanie Stewart, Research Resources Manager at the University of Nebraska Medical Center.

Regent Ferlic presented a KUDOS to David Daniels, Assistant director of Fitness, Campus Recreation at the University of Nebraska at Omaha.

Regent Collins presented a KUDOS to Beth Benson, Information Coordinator, Financial Systems at the University of Nebraska-Lincoln.

Regent Whitehouse presented at KUDOS to Linda Rizijis, Director of Nursing, University Health Center at the University of Nebraska-Lincoln.

VI. PUBLIC COMMENT

Ms. Ivy Harper spoke on the topic of Political/Corporation/College clique with respect to student loan reform.

VII. RESOLUTIONS

None

VIII. HEARINGS

Amendment of Section 1.2 of the *Bylaws of the Board of Regents of the University of Nebraska* relating to adoption of rules and regulations for faculty and student self-government organizations and related public hearings

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 – A hearing was not held on this item since it was withdrawn from consideration

Dr. Rubens Pamies, Vice Chancellor for Academic Affairs at the University of Nebraska Medical Center, commented on the Medical Center's involvement with relief efforts in Haiti and the UNMC team that will be traveling to Haiti at the weekend and will provide medical assistance to the earthquake victims.

Regent Phares reported that the Business Affairs Committee met on January 15 2010 and recommends approval of the following projects: UNL item X-B-5, agreement with 2010 National Special Olympics games; UNL item X-B-6, disposal of certain buildings at the Innovation Campus; and UNO item X-B-8, ground lease agreement for student housing and parking, with clarification on terms.

IX. UNIVERSITY CONSENT AGENDA

Motion Moved by Hawks and seconded by Ferlic to approve items IX-A-1, IX-B-1, and IX-B-2

A. ACADEMIC AFFAIRS

IX-A-1 The President's Personnel Recommendations

B. BUSINESS AFFAIRS

University of Nebraska

IX-B-1 Approve the acceptance of the audited financial statements of the University of Nebraska and related entities

IX-B-2 Approve the appointments of Regents Bob Phares and Kent Schroeder and Chancellor Harvey Perlman to the Othmer-Topp Endowments Committee

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

X. UNIVERSITY ADMINISTRATIVE AGENDA

Motion Moved by McClurg and seconded by Schroeder to approve item X-A-1

A. ACADEMIC AFFAIRS

X-A-1 Amendment of Section 1.2 of the Bylaws of the Board of Regents of the University of Nebraska relating to adoption of rules and regulations for faculty and student self-government organizations and related public hearings

The text of the proposed *Bylaws* amendment is as follows:

1.2 The Board of Regents of the University of Nebraska. The Board of Regents of the University of Nebraska, a body corporate created by the people of Nebraska through the Constitution, has constitutional and statutory power for general supervision over all elements of the University, control and direction of all expenditures, and for general operating policies of the University. The Board of Regents consists of eight elected members, who are elected for six-year terms, and four nonvoting Student Regents, as provided in section 1.2.1 of these *Bylaws*. Members hold office until their terms have expired. The Governor fills Board vacancies by appointment as provided in Neb. Rev. Stat. 85-103. The term "Board" when used in these *Bylaws*, shall mean the Board of Regents of the University of Nebraska.

The Board exercises the final authority in government of the University within the limits of the Constitution, the laws of the State of Nebraska, and the laws of the United States. The Board hereby delegates to the President of the University, and through him or her to the appropriate administrative officers, general authority and responsibility to carry out the policies and directions of the Board. The Board

hereby delegates to the faculty and recognized student groups of each of the administrative units the authority to develop reasonable rules and regulations for faculty and student self-government, ~~subject to approval of the Board.~~

In any case where any officer, group or agency has been authorized by these *Bylaws* to adopt rules or regulations, such rules or regulations, before they may be effective, shall be; (1) ~~be subject to review by the Board;~~ (2) ~~be considered by the Board~~ officer, group or agency at a public hearing held after giving reasonable advance public notice thereof required by law; and (3) ~~if approved by the Board;~~ (2) reviewed and approved by the General Counsel for consistency with these Bylaws and applicable policies, laws and regulations and State Statute and (3) filed with the Corporation Secretary for report to the Board being effective as rules and regulations of the Board. The President and cognizant Chancellor are to be timely provided with a courtesy copy of any public hearing notice.

All delegation of authority under these *Bylaws* is subject to the condition that in all matters involving students, faculty, and the operation of the University, the Board reserves to itself all powers and responsibilities to take any action required in the exercise of its constitutional and statutory responsibilities in any situation.

- Action Student Opinion: Voting Aye: Collins, Crabb, Craig, and Klutman. Voting Aye: Phares, Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, Hawks, and McClurg. Motion carried.
- Motion Moved by Ferlic and approved by Hawks to approve item X-A-2
- X-A-2 Approve the creation of the School of Interdisciplinary Informatics at the University of Nebraska at Omaha
- Action Student Opinion: Voting Aye: Collins, Crabb, Craig, and Klutman. Voting Aye: Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, Hawks, McClurg, and Phares. Motion carried.

B. BUSINESS AFFAIRS

University of Nebraska

- X-B-1 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

Item was held over until a future meeting
- X-B-2 Amendment of Section 3.2.8 of the Policies of the Board of Regents relating to conflict of interest

Item was held over until a future meeting
- Motion Moved by Hassebrook and seconded by Whitehouse to approve item X-B-3
- X-B-3 Approve amendments to the current Collective Bargaining Agreement between the Board of Regents and the American Association of University Professors (UNO/AAUP) for the 2009-2011 biennium consistent with the agreed upon settlement in lieu of further appeal action of the Commission of Industrial Relations decision
- Action Student Opinion: Voting Aye: Collins, Crabb, Craig, and Klutman. Voting Aye: Whitehouse, Clare, Ferlic, Hassebrook, Hawks, McClurg, Phares and Schroeder. Motion carried.
- Motion Moved by McClurg and seconded by Schroeder to approve item X-B-4
- X-B-4 Approve Execution of a Contract with VMware, Inc and Leasing Agreement relating thereto with Dell Financial Services

There was discussion

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

Motion Moved by Hawks and seconded by McClurg to approve item X-B-5

University of Nebraska-Lincoln

X-B-5 Approve the agreement with the 2010 National Games, a non-profit corporation, to lease certain University of Nebraska-Lincoln facilities and provide residential housing and food services for the 2010 Special Olympic Games

There was discussion

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

Motion Moved by McClurg and seconded by Ferlic to approve item X-B-6

X-B-6 Approve the disposal of certain buildings at the Nebraska Innovation Campus of the University of Nebraska-Lincoln

There was discussion

Action Student Opinion: Voting Aye: Collins, Crabb, Craig, and Klutman. Voting Aye: Hassebrook, Hawks, McClurg, Phares, Schroeder, Whitehouse, and Ferlic. Voting No: Clare. Motion carried.

Motion Moved by McClurg and seconded by Hawks to approve item X-B-7

X-B-7 Approve the Revised Budget and Schedule for the NanoScience Facility at the University of Nebraska-Lincoln

There was discussion

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

Motion Moved by Whitehouse and seconded by McClurg to approve item X-B-8

University of Nebraska at Omaha – Additional Item

X-B-8 (1) Approve a ground lease agreement with the Suzanne and Walter Scott Foundation (Scott Foundation) to provide 480 beds of student housing and related parking on the UNO campus; and (2) authorize the President to execute all legal instruments necessary to carry out the terms and conditions of the lease agreement.

There was discussion

Action Student Opinion: Voting Aye: Collins, Crabb, Craig, and Klutman. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, and Hawks. 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 Fall 2009 Tenure Density Report
- X-D-2 Programs with Tuition Variances
- X-D-3 Expedited approval of University of Nebraska at Omaha Graduate Certificate in Business Bioscientists within the graduate program of Business Administration
- X-D-4 Report of Bids and Contracts
- X-D-5 Additional Item
1) Change to Board of Regents Policy 3.2.8, Conflict of Interest: Campus Conflict of Interest Policies; 2) Code of Conduct for University of Nebraska Student Financial Aid Workers
- Chairman Phares accepted the reports

XI. ADDITIONAL BUSINESS

Closed Session

- Motion Moved by Craig and seconded by McClurg 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 subjects:
- (a) Honorary degrees; and
 - (b) Strategy session related to litigation.

- Action Student Opinion: Voting Aye: Collins, Crabb, Craig, and Klutman. Voting Aye: Phares, Schroeder, Whitehouse, Clare, Ferlic, Hasebrook, Hawks, and McClurg. Motion carried.
- Regent Phares declared that the closed session would be strictly limited to a discussion of:
- (a) Honorary degrees; and
 - (b) Strategy session related to litigation.

The Board went into closed session at 2:15 p.m. and reconvened the open meeting at 3:10 p.m.

- Motion Moved by Ferlic and seconded by Hawks to approve item X-A-3
- X-A-3 Approve the award of Honorary Degrees and Awards

- Action Student Opinion: Voting Aye: Collins, Crabb, Craig, and Klutman. Voting Aye: Schroeder, Whitehouse, Clare, Ferlic, Hasebrook, Hawks, McClurg, and Phares. Motion carried.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman Phares at 3:12 p.m.

Respectfully submitted,

Donal J. Burns
Corporation Secretary

Robert A. Phares
Chairman of the Board