

Lincoln, Nebraska
August 30, 2002

The Board of Regents of the University of Nebraska met on August 30, 2002, at 1:30 p.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 August 19, 2002.

Regents present:

Don S. Blank
Randolph M. Ferlic, Vice Chair
Chuck Hassebrook
Ryan Hatt
Jim McClurg
Drew Miller
Nancy L. O'Brien
Shay Riggs
Kent Schroeder, Chair
Charles S. Wilson
Brock Wentz
Ryan Wilkins

University officials present:

L. Dennis Smith, President
Jay Noren, Executive Vice President and Provost
Nancy Belck, Chancellor, UNO
Harold Maurer, Chancellor, UNMC
Doug Kristensen, 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 1:30 p.m. in the Board Room at Varner Hall, 3835 Holdrege, Lincoln, Nebraska, Friday, August 30, 2002. Attendance is indicated above. Regent Miller arrived at 1:35 p.m.

Chairman Schroeder introduced and welcomed Dr. Jay Noren, Executive Vice President and Provost.

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

Motion Moved by McClurg and seconded by Wilson to approve the minutes and ratify the actions of the regularly scheduled meeting of July 13, 2002.

Chairman Schroeder pointed out that on page 47 & 48 the minutes were corrected to show that the item referenced as IX-B-3 was actually X-B-3. Regent Blank stated on page 42 the minutes should reflect that Regent O'Brien and Regent Wilson agreed to the friendly amendment. Corrections will be made to minutes.

Regent Ferlic asked that the minutes reflect his rationale for his votes on the capital queue at the July 13, 2002 meeting. He indicated that he made the objection to reducing the university's capital request to \$500,000 from \$13 million on the basis that it would jeopardize the university's position on the state's capital queue. Ferlic felt that it was important for the full amount to go to the Nebraska Coordinating Commission in order for the university to be a part of the Coordinating Commission's prioritization process. He stated that it would be unfair for the premier program at the University of Nebraska at Omaha to be harmed as a result of reducing the capital request.

The Board agreed that Regent Ferlic's concerns could be added to the minutes.

Action as amended Student Opinion: Aye: Riggs, Wentz, Wilkins, and Hatt. Voting Aye: Ferlic, Hassebrook, McClurg, Miller, O'Brien, Schroeder, Wilson, and Blank. Voting Nay: None. Motion carried.

IV. **KUDOS**

Regent Miller presented a KUDOS award to Joe Kaminski, Director of Campus Recreation at the University of Nebraska at Omaha.

Regent O'Brien presented a KUDOS award to Robert Harris, Payroll Manager in the Human Resources department at the University of Nebraska at Omaha.

Regent Wentz presented a KUDOS award to Tom Wawrzniak, refrigeration control technician in the Maintenance and Operations Department at the University of Nebraska at Omaha.

Regent McClurg presented a KUDOS award to Monica N. Norby, Director of Research Communications at University of Nebraska-Lincoln.

Regent Wilkins presented a KUDOS award to Karen Janovy, Curator of Education for the Sheldon Memorial Art Gallery and Sculpture Garden.

Regent Blank presented a KUDOS award to Patricia L. Masek, Secretary Specialist in the Electrical Engineering Department of the College of Engineering and Technology, University of Nebraska-Lincoln.

Regent Hatt presented a KUDOS award to Duane Hess, Network Manager for the Information Technology Services Department at the University of Nebraska at Kearney.

RESOLUTIONS

Regent Wilson presented the following Resolution.

Whereas, Dr. Charlyne R. Berens has been named one of three outstanding journalism Teachers of the Year by the national Freedom Forum; and

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Whereas, recipients of this award are selected because of their outstanding teaching and their leadership in journalism education; and

Whereas, Charlyne Berens has been actively involved in recruiting and working with honors students and learning-community students in the University of Nebraska-Lincoln College of Journalism and Mass Communications; and

Whereas, Charlyne Berens also has a distinguished career as a professional journalist, having served as co-publisher and editor of the Seward County Independent newspaper for 14 years; and

Whereas, Charlyne Berens has been a leader in the Nebraska Press Association, becoming the second woman in Nebraska history to be elected president of the association in 1989.

Now, therefore, be it resolved, that the University of Nebraska Board of Regents congratulates Dr. Charlyne R. Berens, associate professor of journalism and mass communications, on her receipt of the Freedom Forum Teacher of the Year award, for her outstanding work in educating journalists, and for her many contributions to the University of Nebraska.

V. **STRATEGIC OR POLICY ISSUE**

President Smith introduced the topic of diversity. Smith stated that the achievement of rich diversity among our student body, faculty and staff is a long-standing goal of the Board of Regents and the university. Smith also stated that the university is committed to this goal because an academic community populated by men and women of differing cultural and ethnic backgrounds is a better learning environment. Such a community is more representative of the world our students will enter upon graduation and we have an obligation to prepare them to succeed in that world.

Before moving on to the strategic issue discussion, President Smith introduced the two new Equity in Opportunity Administrative Fellows, R. Ellen Davis-Hall and Bryan D. Samuel. The fellows in this program devote a significant portion of their time working in Varner Hall and accompanying President Smith and other administrators to community visits and participate in a variety of meetings and conferences. The purpose is to help talented young faculty and administrators to become more familiar with the work of senior university administrators and to encourage them to consider pursuing such positions.

President Smith stated that the University-wide Committee on Diversity will give a report on the subject of diversity. Shari Clarke, Associate to the President, who serves as the staff person to the University-wide Committee on Diversity introduced Denise Maybank. Denise Maybank introduced the members of the committee. The following members of the committee served as the panel for this discussion:

- Denise Maybank, Director of Multicultural Affairs, University of Nebraska at Omaha;
- Linda Crump, Assistant to the Chancellor for Equity, Access & Diversity Programs, University of Nebraska-Lincoln;
- Valda Boyd Ford, Director of the Office of Community Partnership and Multicultural Affairs, University of Nebraska Medical Center;
- Merry Ellen Turner, Director of International Programs, University of Nebraska at Omaha; and
- Bryan Samuel, Executive Assistant to Vice Chancellor for Student Affairs, University of Nebraska at Kearney.

Discussion was held.

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Chairman Schroeder thanked the panel for the presentation.

The Board recessed at 3:00 p.m. and reconvened at 3:05 p.m.

VI. **HEARINGS**

None.

VII. **PUBLIC COMMENT**

None.

VIII. **COMMITTEE REPORTS**

The Academic Affairs committee met on Friday morning and the topic was Performance Criteria for Continuation of Regents Scholarships.

The Information Technology committee met on Friday morning and the topic was Academic Portal and Blackboard.

IX. **UNIVERSITY CONSENT AGENDA**

Regent Ferlic requested that faculty and others have their conflict of interest statements up to date. President Smith stated that he co-chaired an AAU committee that recently issued a publication on conflicts of interest. Smith stated that he will be discussing this issue with the Chancellors of each campus, and that this should solve potential conflicts of the type Ferlic addressed.

A. ACADEMIC

Regent Hassebrook requested that IX-B-3 be removed from the Consent Agenda.

Motion Moved by Miller and seconded by Blank to approve items IX-A-1, IX-A-2, IX-A-3, IX-A-4, IX-A-5, IX-B-1, IX-B-2, IX-B-4, IX-B-5, IX-B-6, IX-B-7, and IX-B-8.

IX-A-1 President's Personnel Recommendations.

University of Nebraska at Kearney

Adjustment

Galen D. Hadley, Interim Senior Vice Chancellor for Academic Affairs (Special), and Professor (Continuous), Accounting and Finance; effective 09/01/02, \$109,750, 1.00 FTE. Add title of Interim Senior Vice Chancellor for Academic Affairs and change salary from \$87,556 AY. (To avoid potential conflicts of interest, effective 09/01/02, Marilyn Hadley, Dean of the College of Education, will report to Chancellor Kristensen.)

University of Nebraska-Lincoln

Leaves of Absence

Robert Cook, Associate Professor (Continuous), Construction Systems Technology; Leave without pay effective 08/19/02 to 05/16/03, \$61,855 AY current salary, 1.00 FTE. (This leave has been approved by the Regents Executive Committee.)

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Sylvia Wiegand, Professor (Continuous), Mathematics and Statistics; Leave without pay effective 09/01/02 to 05/16/03, \$84,096 AY current salary, 1.00 FTE.

- IX-A-2 Approve the agreement between the Teachers Education Program-Lincoln Public Schools and the Board of Regents of the University of Nebraska-Lincoln.
- IX-A-3 Approval of the Amendments to the Bylaws of the Faculty of the University of Nebraska Medical Center.
- IX-A-4 Approve the request for outside employment at the University of Nebraska-Lincoln for James D. McManis.
- IX-A-5 Approve the request for outside employment at the University of Nebraska Medical Center for J. Bruce Bavitz, D.M.D.; Dennis P. Gutz, D.D.S.; Curtis G. Kuster, D.D.S.; Peter M Spalding, D.D.S.; Phyllis Warkentin, M.D.; and Samuel C. Augustine, Pharm.D.

B. BUSINESS

Central Administration

- IX-B-1 Approve a nonqualified 457(b) Deferred Compensation Plan and authorize the Vice President for Business & Finance to execute such documents as required to administer the program.

University of Nebraska-Lincoln

- IX-B-2 Approve the acquisition of real property for the relocation of UNL facilities due to the Antelope Valley Project.
- IX-B-3 See item under Administrative Agenda.
- IX-B-4 Approve the sole source purchase of X-Ray Diffraction Equipment from Rigaku MSC.
- IX-B-5 Authorize the Vice President for Business and Finance to execute the Microsoft Campus Agreement - Student Option for UNL.
- IX-B-6 Approve the renaming of the Mary Riepma Ross Film Theater the "Mary Riepma Ross Media Arts Center."

University of Nebraska Medical Center

- IX-B-7 Accept a report deferring the construction of research laboratories in the 4230 Building and approve the Program Statement and budget for the construction of a laboratory rodent containment facility to be located in the 4230 Building on the UNMC campus in Omaha.

University of Nebraska at Omaha

- IX-B-8 Approve the designation of the Lyle O. Remde Athletic Scholarship Fund as a quasi-endowment fund.

Discussion was held.

Regent O'Brien stated that she appreciated the fact that the leave of absence that needed to be approved before the board meeting came before the executive committee for approval.

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Action Student Opinion: Aye: Wentz, Wilkins, Hatt, and Riggs. Voting Aye: Hassebrook, McClurg, Miller, O'Brien, Schroeder, Wilson, Blank, and Ferlic. Voting Nay: None. Motion carried.

X. **UNIVERSITY ADMINISTRATIVE AGENDA**

A. **ACADEMIC**

None.

B. **BUSINESS**

University of Nebraska-Lincoln

Motion Moved by Blank and seconded by Wilson to approve item IX-B-3 (from Consent Agenda).

IX-B-3 Approve the Program Statement for the UNL Transportation Services Facility Relocation.
Discussion was held.

Action Student Opinion: Aye: Wilkins, Hatt, Riggs, and Wentz. Voting Aye: McClurg, Miller, O'Brien, Schroeder, Wilson, Blank, Ferlic, and Hassebrook. Voting Nay: None. Motion carried.

Central Administration

Motion Moved by Wilson and seconded by Blank to approve item X-B-1.

X-B-1 Approve the 2003 Retirement Incentive Program for Tenured Faculty.
Discussion was held.

Action Student Opinion: Aye: Hatt, Riggs, Wentz, and Wilkins. Voting Aye: Miller, O'Brien, Schroeder, Wilson, Blank, Ferlic, Hassebrook, and McClurg. Voting Nay: None. Motion carried.

University of Nebraska-Lincoln

Motion Moved by O'Brien and seconded by Wilson to approve item X-B-2.

X-B-2 Approve the Program Statement for the UNL 17th & Vine Student Housing Project.
Discussion was held.

Action Student Opinion: Aye: Riggs, Wentz, Wilkins, and Hatt. Voting Aye: O'Brien, Schroeder, Wilson, Blank, Ferlic, Hassebrook, McClurg, and Miller. Voting Nay: None. Motion carried.

Motion Moved by Blank and seconded by Wentz to approve item X-B-3.

X-B-3 Approve the Resolution (1) adopting a Supplemental Resolution authorizing the issuance of not to exceed \$26,700,000 aggregate principal amount of UNL Student Fees and Facilities Revenue Bonds, Series 2002, for the 17th & Vine Student Housing Project, (2) authorizing the execution and delivery of Supplemental Master Trust Indenture Number 7 and the related Master Note, (3) authorizing the sale of such Revenue Bonds, Series 2002 at a public sale, or at a negotiated sale as determined by the Vice President for

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Business and Finance, approving the Notice of Sale, a Bond Purchase Agreement and the Preliminary Official Statement and authorizing the Vice President for Business and Finance to determine interest rates (not to exceed an average rate of 6.5 percent), principal amounts and principal maturities of such Revenue Bonds, Series 2002, and (4) approving the preparation and use of a Final Official Statement.

- Action Student Opinion: Aye: Wentz, Wilkins, Hatt, and Riggs. Voting Aye: Schroeder, Wilson, Blank, Ferlic, Hassebrook, McClurg, Miller, and O'Brien. Voting Nay: None. Motion carried.
- Motion Moved by Miller and seconded by O'Brien to approve item X-B-4.
- X-B-4 Approve the Program Statement for the UNL 14th and Avery Street Parking Structure.
- Action Student Opinion: Aye: Wilkins, Hatt, Riggs, and Wentz. Voting Aye: Wilson, Blank, Ferlic, Hassebrook, McClurg, Miller, O'Brien, and Schroeder. Voting Nay: None. Motion carried.
- Motion Moved by McClurg and seconded by Wilson to approve item X-B-5.
- X-B-5 Approve the Resolution (1) adopting a Supplemental Resolution authorizing the issuance of Student Fees and Facilities Revenue Refunding Bonds, Series 2002, in a principal amount not to exceed \$16,000,000, (2) authorizing the execution and delivery of a Supplemental Master Indenture and the related Master Note, (3) authorizing the sale of such Revenue Refunding Bonds, Series 2002 at a public sale, or at a negotiated sale as determined by the Vice President for Business and Finance, approving a Notice of Sale, a Bond Purchase Agreement and a Preliminary Official Statement and authorizing the Vice President for Business and Finance to determine interest rates (not to exceed 5%), principal amounts, principal maturities and redemption provisions of such Revenue Refunding Bonds, (4) approving the preparation and use of a final Official Statement and approve a Preliminary Official Statement, and (5) authorizing the Vice President for Business and Finance to call the Series 1996 Revenue Bonds for payment and redemption.
- Action Student Opinion: Aye: Hatt, Riggs, Wentz, and Wilkins. Voting Aye: Blank, Ferlic, Hassebrook, McClurg, Miller, O'Brien, Schroeder, and Wilson. Voting Nay: None. Motion carried.
- C. FOR INFORMATION ONLY**
- None.
- D. REPORTS**
- X-D-1 University-wide Committee on Diversity report.
- X-D-2 Quarterly Personnel Actions for the period April 1 through June 30, 2002.
- X-D-3 Monthly Report of Bids and Contracts for the period ended August 8, 2002.
- X-D-4 Report on the Status of Capital Projects exceeding \$2 million as of June 30, 2002.
- X-D-5 Semi annual report of licenses for the period ended June 30, 2002.
- X-D-6 Report of Gifts, Grants, Contracts and Bequests for the period April 1 through June 30, 2002.

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XI.

ADDITIONAL BUSINESS

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:40 p.m.

Respectfully submitted,

Kim M. Robak
Corporation Secretary

Kent Schroeder
Chair of the Board