

Lincoln, Nebraska
September 14, 2012

The Board of Regents of the University of Nebraska met on September 14, 2012, at 12:40 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 4, 2012.

Regents present:

Timothy F. Clare, Vice Chair
Randolph M. Ferlic
Chuck Hassebrook
Howard Hawks
Jim McClurg, Chair
Bob Phares
Kent Schroeder
Bob Whitehouse
Faisal Ahmed
Devin Bertelsen
Cameron Deter
Eric Kamler

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
Ronnie D. Green, Vice President for Agriculture and Natural Resources
David E. Lechner, Vice President for Business and Finance
Joel D. Pedersen, Vice President and General Counsel
Sharon R. Stephan, Vice President for University Affairs

I. CALL TO ORDER

II. ROLL CALL

The Board convened at 12:40 p.m. in the board room of Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska on September 14, 2012. 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 of June 8, 2012.

Action Student Opinion: Voting Aye: Bertelsen, Deter, Kamler, and Ahmed. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Phares, Schroeder, Whitehouse, and Clare. Motion carried.

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

IV.

KUDOS

Regent Ahmed presented a KUDOS award to Robyn Schoenbeck, Enrollment Evaluator in the office of Student Records and Registration at the University of Nebraska at Kearney.

Regent Phares presented a KUDOS award to Christy Tilford, Interim Director for Undergraduate Admissions at the University of Nebraska at Omaha.

Regent Hassebrook presented a KUDOS award to Zainudeen (Deen) Popoola, Custodial Services Department at the University of Nebraska-Lincoln.

Regent Kamler presented a KUDOS award to Paula Allen, Administrative Assistant in the Office of the Association of Students of the University of Nebraska (ASUN) at the University of Nebraska-Lincoln.

Regent Ferlic presented a KUDOS award to Deborah Andersen, Nurse Manager in the Surgery-Transplant Department for the College of Medicine at the University of Nebraska Medical Center.

V.

RESOLUTIONS

Regent Hawks presented the following resolution

WHEREAS, Vaughn Hammond has distinguished himself and the University of Nebraska through his service to the Nebraska National Guard and the United States of America by helping to advance agriculture in Afghanistan; and

WHEREAS, Vaughn Hammond has worked closely with the National Guard Agribusiness Development Team (ADT-2) from Nebraska; and

WHEREAS, his efforts included training the teachers of the Paktya Department of Agriculture, in extension-type work related to irrigation and livestock; and

WHEREAS, Vaughn's expertise and experience in fruits and market vegetables helped improve important crops in Afghanistan; and

WHEREAS, Vaughn's work was purposeful and mission-centered, resulting in Afghan producers implementing new practices and seeing success in yield and income; and

WHEREAS, Vaughn and his family have endured being separated during difficult times:

NOW, THEREFORE, BE IT RESOLVED that the Board of Regents thanks and expresses its gratitude and appreciation to Vaughn Hammond for his service to the University, the United States and agriculture producers in Afghanistan.

Regent Schroeder presented the following resolution

WHEREAS, Jennifer Rees has distinguished herself and the University of Nebraska through her service to the Nebraska National Guard and the United States of America by providing extension training; and

WHEREAS, she developed for the National Guard Agribusiness Development Team deploying to Afghanistan two training sessions for ADT2 soldiers and three training sessions for ADT3 soldiers in extension-type work related to crop and livestock production; and

WHEREAS, Jenny serves as a point of contact for agriculture questions and information, providing information back to ADT team members in the field within 24 hours; and

WHEREAS, Jenny's positive attitude, organizational skills, communication skills, technology expertise, energy, work ethic and knowledge is respected by colleagues, soldiers and producers; and

WHEREAS, Jenny brings purposeful and mission-centered, research-based education to people in need which results in Afghan producers having access to new practices and improved income; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Regents thanks and expresses its gratitude and appreciation to Jennifer Rees for her service to the University, the United States, the National Guard and agriculture producers in Afghanistan.

The resolutions were accepted by acclamation

VI. PUBLIC COMMENT

None

VII. HEARINGS

None

VIII. UNIVERSITY CONSENT AGENDA

A. ACADEMIC AFFAIRS

Motion Moved by Hawks and seconded by Whitehouse to approve items VIII-A-1, VIII-A-2, VIII-A-3, VIII-A-4, VIII-A-5, VIII-B-1, VIII-B-2, and VIII-B-3

VIII-A-1 President's Personnel Recommendations

VIII-A-2 Approval to Award Degrees and Certificates for the 2012-2013 academic year and 2013 summer sessions at the University of Nebraska at Kearney

VIII-A-3 Approval to Award Degrees and Certificates for the 2012-2013 academic year and 2013 summer sessions at the University of Nebraska-Lincoln

VIII-A-4 Approval to Award Degrees and Certificates for the 2012-2013 academic year and 2013 summer sessions at the University of Nebraska Medical Center

VIII-A-5 Approval to Award Degrees and Certificates for the 2012-2013 academic year at the University of Nebraska at Omaha

B. BUSINESS AFFAIRS

VIII-B-1 Approve amendment to Board of Regents' Policy 6.3.1, 4. v., which requires semi-annual reporting of technology licenses to a single annual report from University Technology Development Corporation

In order to better meet the Board of Regents' reporting needs related to technology transfer licenses, reporting requirements under *Board of Regents' Policy 6.3.1, 4.v.* is amended as shown below.

4. President's Administrative Authority to Approve and Execute Contracts

Pursuant to Section 6.4 of the Bylaws, the President shall have authority to approve and to execute the following types of contracts....

- v. Any contract (1) granting a license or assigning the right to grant a license in any University technology as part of the transfer of such technology for commercial purposes, or (2) granting a sponsorship of any intercollegiate athletic sport or activity of the University for a total fee not exceeding \$4,000,000, including the grant of a license or right to use University trademarks, trade names, or logographics in connection therewith, provided that an semi-annual written report of all such contracts shall be made to the Board of Regents at a public meeting of the Board, in such format and including such information as may be requested.

VIII-B-2 Approve Outside Employment per *Board of Regents Bylaws 3.4.5*

- VIII-B-3 Approve the Real Estate Purchase Agreement for disposal of a portion of Real Property located at 733 North 16th Street to The House Corporation of Delta Tau Delta Fraternity consisting of approximately 0.05 acres
- VIII-B-4 Approve the return to the practice of providing an Official Residence of the President from support received from the University of Nebraska Foundation
- Action Student Opinion: Voting Aye: Deter, Kamler, Ahmed, and Bertelsen. Voting Aye: Hassebrook, Hawks, McClurg, Phares, Schroeder, Whitehouse, Clare, and Ferlic. Motion carried.

IX. UNIVERSITY ADMINISTRATIVE AGENDA

B. BUSINESS AFFAIRS

- Motion Moved by Schroeder and seconded by Whitehouse to approve item IX-B-1
- IX-B-1 Approve the Program Statement and Budget for the University of Nebraska USPFO Building Renovation as part of the University of Nebraska Capital Construction Biennial Request
- There was discussion
- Action Student Opinion: Voting Aye: Ahmed, Bertelsen, Deter, and Kamler. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, and Hawks. Motion carried.
- Motion Moved by Hassebrook and seconded by Clare to approve item IX-B-2
- IX-B-2 Approve an agreement authorizing payment of a fee to the University of Nebraska Foundation for the management of certain University Endowments
- There was discussion.
- Friendly Amendment Regent Howard Hawks offered a friendly amendment to item IX-B-2
- Recommended Action: Approve an agreement authorizing payment of a fee to the University of Nebraska Foundation for the management of certain University Endowments known as Fund N
- Approval of the item is subject to accurately conforming the executed agreement to reflect the explanation of the agreement as set forth in the agenda item. Joel Pedersen, Vice President and General Counsel, and David Lechner, Vice President for Business and Finance, are authorized to facilitate any such change in the agreement with the Foundation.
- Regents Ferlic and Hawks requested an update on the management fee arrangement with the Foundation in one year.
- The amendment was accepted
- Action on Friendly Amendment Student Opinion: Voting Aye: Bertelsen, Deter, Kamler, and Ahmed. Voting Aye: Phares, Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, Hawks, and McClurg. Motion carried.
- Motion Moved by Hawks and seconded by Phares to approve items IX-B-3 and IX-B-4
- University of Nebraska at Kearney
- IX-B-3 Approve the resolution authorizing the expenditure of up to \$6,000,000 from surplus funds for Centennial Towers East Projects at University of Nebraska at Kearney
- IX-B-4 Approve the resolution authorizing the expenditure of up to \$1,300,000 from surplus funds for capital improvements for Randall Hall and entry to Mantor Hall at University of Nebraska at Kearney

- Action Student Opinion: Voting Aye: Deter, Kamler, Ahmed, and Bertelsen. Voting Aye: Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, Hawks, McClurg, and Phares. Motion carried.
- Motion Moved by Clare and seconded by Phares to approve item IX-B-5
- University of Nebraska-Lincoln
- IX-B-5 Approve the Program Statement and Budget for the College of Business Administration Replacement Building at the University of Nebraska-Lincoln
- Action Student Opinion: Voting Aye: Kamler, Ahmed, Bertelsen, and Deter. Voting Aye: Whitehouse, Clare, Ferlic, Hassebrook, Hawks, McClurg, Phares, and Schroeder. Motion carried.
- Motion Moved by Schroeder and seconded by Phares to approve items IX-B-6, IX-B-7, IX-B-8, IX-B-9, and IX-B-10
- IX-B-6 Approve the First Amendment to the Master Lease between the Board of Regents of the University of Nebraska and the Nebraska Innovation Campus Development Corporation for Nebraska Innovation Campus
- IX-B-7 Approve the Amended and Restated Covenants, Conditions and Restrictions to the Nebraska Innovation Campus between the Board of Regents, Nebraska Innovation Campus Development Corporation, and Nebraska Nova LLC and allow the Chancellor of the University of Nebraska-Lincoln, in consultation with the President and General Counsel, to enter into the Management and Parking Agreement referenced in the Amended and Restated Covenants, Conditions and Restrictions
- IX-B-8 Approve the University lease program at Nebraska Innovation Campus, including the Letters of Intent to Lease between the Board of Regents and Nebraska Nova, or its assigned LLC, to lease space for the University at Nebraska Innovation Campus and allow the Chancellor of the University of Nebraska-Lincoln, in consultation with the President and General Counsel, to enter into Leases materially consistent with the terms of the approved Letters of Intent to Lease
- IX-B-9 Approve the Property Transfer Agreement between the Board of Regents, the Nebraska Innovation Campus Development Corporation, and Nebraska Nova LLC and allow the Chancellor of the University of Nebraska-Lincoln, in consultation with the President and General Counsel to enter into the condominium documents, the Owner's Representative Agreement and the other Closing Documents referenced in the Property Transfer Agreement
- IX-B-10 Approve the Development Agreement-Estoppel, Nondisturbance Agreement; and the Site Development Lease Form-Estoppel and Nondisturbance Agreement
- Action Student Opinion: Voting Aye: Ahmed, Bertelsen, Deter, and Kamler. Voting Aye: Clare, Ferlic, Hassebrook, Hawks, McClurg, Phares, Schroeder, and Whitehouse. Motion carried.
- Motion Moved by Hawks and seconded by Ferlic to approve item IX-B-11
- IX-B-11 Approve a sole source five year contract extension with Paciolan Systems, Inc. for ticketing software
- Regent Hawks stated his motion was subject to limiting the term of the contract to not exceed five years, without the ability to automatically renew.
- Regent Hawks requested that the minutes reflect his concern that the arrangement avoid obsolescence.
- Motion Moved by Regent Schroeder to table item IX-B-11. Motion failed for a second.

- Action Student Opinion: Voting Aye: Bertelsen, Deter, Kamler, and Ahmed. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Phares, Schroeder, Whitehouse, and Clare. Motion carried.
- Motion Moved by Hawks and seconded by Clare to approve item IX-B-12
- IX-B-12 Approve replacing the exterior panel system on the Bob Devaney Sports Center
- There was discussion
- Action Student Opinion: Voting Aye: Deter, Kamler, Ahmed, and Bertelsen. Voting Aye: Hassebrook, Hawks, McClurg, Phares, Schroeder, Whitehouse, Clare, and Ferlic. Motion carried.
- Motion Moved by Ferlic and seconded by Kamler to approve items IX-B-13 and IX-B-14
- University of Nebraska Medical Center
- IX-B-13 Approve the purchase of real property located at 3872 Leavenworth Street, Omaha, Nebraska
- IX-B-14 Approve the purchase of real property located at 3863 Mason Street, Omaha, Nebraska
- Regent Clare stated that the agenda items need to indicate that the appraisals and site assessments were satisfactory.
- Action Student Opinion: Voting Aye: Kamler, Ahmed, Bertelsen, and Deter. Voting Aye: Hawks, McClurg, Phares, Schroeder, Whitehouse, Clare, Ferlic, and Hassebrook. Motion carried.
- Motion Moved by Phares and seconded by Whitehouse to approve item IX-B-15
- IX-B-15 Approve the sole source purchase of liquid handling robotic workstations for the UNMC Biobank
- Action Student Opinion: Voting Aye: Ahmed, Bertelsen, Deter, and Kamler. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, and Hawks. Motion carried.
- Motion Moved by Hassebrook and seconded by Ferlic to approve item IX-B-16
- IX-B-16 Approve the purchase of a hip simulator and two universal joint simulators for the Biomechanics Laboratory in the Department of Orthopaedic Surgery and Rehabilitation at the University of Nebraska Medical Center
- Action Student Opinion: Voting Aye: Bertelsen, Deter, Kamler, and Ahmed. Voting Aye: Phares, Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, Hawks, and McClurg. Motion carried.
- Motion Moved by Schroeder and seconded by Bertelsen to approve item IX-B-17
- Additional Item – University of Nebraska-Lincoln
- IX-B-17 Approve the development team of America First Real Estate Group, LLC and the project scope for the mixed-use component of the 18th and R Parking Garage
- There was discussion
- Motion Moved by Ferlic and seconded by Whitehouse to postpone the original motion indefinitely.
- Action Student Opinion: Voting Aye: Deter, Kamler, Ahmed, and Bertelsen. Voting Aye: Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, Hawks, McClurg, and Phares. Motion to postpone indefinitely passed, negating the original motion.

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 Personnel Reports
- IX-D-2 Review of Academic and Research Centers
- IX-D-3 Memorandum of Understanding between the University of Nebraska-Lincoln and the University of Nebraska at Omaha providing an administrative restructuring that will formalize the role of the Human Sciences Ph.D. specializations in Child, Youth and Family (CYAF) Studies and Gerontology in the cooperative Ph.D. program
- IX-D-4 Memorandum of Understanding between the University of Nebraska-Lincoln and the University of Nebraska at Omaha providing the establishment of three joint programs between existing programs (the Juris Doctorate and Master of Arts in Social Gerontology; the Juris Doctorate and Graduate Certificate in Gerontology; and the Master of Legal Studies and Master of Arts in Social Gerontology), between existing programs in the College of Law at UNL, Department of Gerontology at UNO, and Graduate Studies at UNL
- IX-D-5 Corporation Secretary's Authorized Amendments to *Board of Regents Policy* RP-6.4.2, Religious Activities

RP-6.4.2 Religious Activities

The Constitution of the United States and the Constitution of the State of Nebraska require that the University of Nebraska refrain from activities which either inhibit or promote any particular religion or sect. As a public institution the University has, on the one hand, a legal duty to refrain from excessive entanglement with religion. On the other hand, the University, as one of the State's leading institutions of advanced learning, has a public duty to be at the forefront of our society in providing an open forum for the free expression and exchange of thoughts and ideas. It is the purpose and intent of the Board of Regents in this policy to encourage and promote the latter duty to the maximum extent possible within the parameters of the law. Campus concerns related to this issue are often situational; legal advice and interpretation regularly depend on the particular set of facts at hand. Therefore, campus representatives are encouraged to continue to contact the Office of the Vice President and General Counsel for legal advice with respect to questions concerning the interpretation of the law and its application to particular situations involving religious activities.

- ~~1. Teaching and study involving religions in a secular, philosophical, historical, or cultural context are appropriate within the University community.~~
- ~~2. Non-sectarian invocations, benedictions, or moments of silent meditation shall be permitted at University functions.~~
- ~~3. The University shall not discriminate on the basis of religion in its personnel policies, and reasonable efforts shall be made by the University to accommodate work schedules to meet the needs of employees in their personal religious activities.~~
- ~~4. There shall be no interference with personal religious activities which are confined to private living quarters within the University housing facilities, or which are confined to patient rooms within University hospital and health facilities.~~

- ~~5. University buildings and facilities shall not be used for religious services, except for the rental of space in University buildings for occasional religious services as provided in Paragraph 6 of this policy. The foregoing shall not be construed to prohibit or interfere with the regular use of appropriate University buildings and facilities by any student organization or other University organization for social, cultural, educational, philosophical, business, entertainment, artistic, musical, or athletic activities. The term "religious services" as used in this policy shall be narrowly construed and shall refer only to the use of University buildings or facilities by any group or organization for the primary purpose of conducting religious ceremonies, religious exercises or religious rituals.~~
- ~~6. The Chancellors may designate space within buildings under their respective jurisdictions which may be rented by any group or organization for occasional religious services when such space is not required for institutional purposes; provided that such space shall not be rented for the regular recurring religious services of any particular group or organization.~~
- ~~7. The authority and jurisdiction for administration and enforcement of this policy is vested in each Chancellor.~~

Reference: BRUN, Minutes, 44, pp. 158-159 (April 19, 1980).

- IX-D-6 Intermediate Design Reports–UNL East Stadium Performance Lab & UNO Community Engagement Center
- IX-D-7 Quarterly Status Report of Six-Year Capital Plan and Capital Construction Report
- IX-D-8 Status of Capital Projects exceeding \$5 million
- IX-D-9 Gifts, Grants, and Contracts
- IX-D-10 Bids and Contracts
- IX-D-11 Annual Report of Licenses
- IX-D-12 Five-year sublease agreement between the University of Nebraska-Lincoln and the Department of Administrative Services, State Building Division on behalf of the Department of Environmental Quality
- IX-D-13 Five-year Ground lease agreement between the University of Nebraska-Lincoln and the Airport Authority of the City of Lincoln
- IX-D-14 Naming of the Janet and Gerard Keating Family Concourse at University of Nebraska-Lincoln Memorial Stadium
- IX-D-15 Naming of the Walter and Leila Morrison Psychology and Cognitive Learning Lab at the University of Nebraska-Lincoln
- IX-D-16 Rename the Water Center to the "Nebraska Water Center"
- IX-D-17 Naming of areas at the University of Nebraska at Omaha
- IX-D-18 Strategic Framework report on Faculty Diversity [2-a-iii]

Chairman McClurg accepted the reports

X. ADDITIONAL BUSINESS

- Motion Moved by Clare and seconded by Whitehouse that the Board of Regents 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) Rendering a decision in the matter of Dr. Fouad Salama;
- (b) Strategy session with respect to potential acquisition of property by the University;
- (c) Proposed private gifts to the University of Nebraska Foundation for the benefit of the University; and
- (d) Strategy session with respect to litigation.

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

- (a) Rendering a decision in the matter of Dr. Fouad Salama;
- (b) Strategy session with respect to potential acquisition of property by the University;
- (c) Proposed private gifts to the University of Nebraska Foundation for the benefit of the University; and
- (d) Strategy session with respect to litigation.

Action Student Opinion: Voting Aye: Kamler, Ahmed, Bertelsen, and Deter. Voting Aye: Whitehouse, Clare, Ferlic, Hassebrook, Hawks, McClurg, Phares, and Schroeder. Motion carried.

The Board went into closed session at 1:50 p.m. and reconvened the open meeting at 3:20 p.m.

Motion Moved by Clare and seconded by Phares to accept the recommendation contained in the report of Regent Kent Schroder as the decision of the Board in the matter of item IX-A-1, effective as of September 14, 2012

IX-A-1 Consider the report and recommendation of the Academic Freedom and Tenure Committee of the University of Nebraska Medical Center, and render a decision in the Matter of Dr. Fouad Salama

Action Student Opinion: Voting Aye: Kamler, Ahmed, and Deter. Voting Aye: Hawks, McClurg, Phares, Schroeder, Whitehouse, Clare, Ferlic, and Hassebrook. Not present: Bertelsen. Motion carried.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman McClurg at 3:23 p.m.

Respectfully submitted,

Carmen K. Maurer
Corporation Secretary

Jim McClurg
Chairman of the Board