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II. ROLL CALL

The Board convened at 8:32 a.m. in the boardroom of Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska. Attendance is indicated above.

Speaker of the Legislature, State Senator Jim Scheer, appeared before the Board of Regents to bring greetings from the Unicameral and provide a brief commentary on the current legislative session.

President Bounds introduced and welcomed Wendy Hind, Vice President for University Affairs, and Christopher Kabourek, Interim Vice President for Business and Finance and Chief Financial Officer.

Regent Whitehouse thanked David Lechner, former Vice President for Business and Finance and Chief Financial Officer. It was announced over the holiday break that David has accepted the position of Senior Vice President for Business and Financial Strategy at the University of South Florida system. While David was absent and has already left, the Chair requested that the minutes reflect the Board's gratitude to David for his 18 years of service and the many contributions he made to the university's successes. A letter of thanks will be sent to David.

III. APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS

Motion Moved by Hawks and seconded by Kenney to approve the minutes and ratify the actions of the regularly scheduled meeting on December 5, 2017.

Action Student Opinion: Voting Aye: Lueck, Partridge, Zach, and Eby. Voting Aye: Daub, Hawks, Kenney, Phares, Pillen, Schafer, Whitehouse, and Clare. Motion carried.

Chairman Whitehouse announced the location of the Open Meetings Act in the board room.

IV. KUDOS

Regent Clare presented a KUDOS award to Tricia Danburg, Assistant Director of Alumni Engagement for the University of Nebraska Alumni Association.

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Ronnie Green as Chancellor at UNL; naming Jeff Gold Interim Chancellor at UNO; budget cuts of nearly \$49 million; a re-examination of Free Speech on campuses; nearly 11,000

B. BUSINESS AFFAIRS

University of Nebraska

- X-B-1 Accept the audited financial statements of the University of Nebraska and related entities
- Action Student Opinion: Voting Aye: Zach, Eby, Lueck, and Partridge. Voting Aye: Kenney, Phares, Pillen, Schafer, Whitehouse, Clare, Daub, and Hawks. Motion carried.

XI. ADMINISTRATIVE AGENDA

A. ACADEMIC AFFAIRS

- Motion Moved by Whitehouse and seconded by Clare to approve item XI-A-1
- XI-A-1 Approve Amendment to *Bylaws of the Board of Regents* Section 4.10 Total Period of Service Prior to a “Continuous Appointment”
- See Attachment 3 to the minutes for the full text of amendments to *Board of Regents Bylaw 4.10 Total Period of Service Prior to a “Continuous Appointment* (page 13).
- Action Student Opinion: Voting Aye: Eby, Lueck, Partridge, and Zach. Voting Aye: Phares, Pillen, Schafer, Whitehouse, Clare, Daub, Hawks, and Kenney. Motion carried.
- Motion Moved by Lueck and seconded by Phares to approve item XI-A-2
- XI-A-2 Approval is requested to create a Bachelor of Arts and a Bachelor of Science in Women’s, Gender and Ethnic Studies in the Women’s and Gender Studies Program and the Ethnic Studies Program in the College of Natural and Social Sciences at the University of Nebraska at Kearney
- Action Student Opinion: Voting Aye: Partridge, Zach, Eby, and Lueck. Voting Aye: Schafer, Whitehouse, Clare, Daub, Hawks, Kenney, Phares, and Pillen. Motion carried.
- XI-A-3 Action on item XI-A-3 was deferred until after the opportunity for a closed session.

B. BUSINESS AFFAIRS

- Motion Moved by Pillen and seconded by Phares to approve item XI-B-1
- University of Nebraska
- XI-B-1 Approve entering into a 3-year agreement to participate in the Big Ten Academic Alliance OmniSOC
- There was discussion
- Action Student Opinion: Voting Aye: Eby, Lueck, Partridge, and Zach. Voting Aye: Clare, Daub, Hawks, Kenney, Phares, Pillen, Schafer, and Whitehouse. Motion carried.

- Motion Moved by Daub and seconded by Phares to approve item XI-B-2
- XI-B-2 Approve refinancing of the UNMC Eye Institute bonds by The University of Nebraska Facilities Corporation in accordance with the requirements of Section 147(f) of the Internal Revenue Code and as set forth in the notices of public hearing published in the *Lincoln Journal Star* and *The Daily Record* regarding such subject
- There was discussion
- Action Student Opinion: Voting Aye: Lueck, Partridge, Zach, and Eby. Voting Aye: Daub, Hawks, Kenney, Phares, Pillen, Schafer, Whitehouse, and Clare. Motion carried.
- Motion Moved by Hawks and seconded by Daub to approve item XI-B-3
- University of Nebraska-Lincoln
- XI-B-3 Approve naming the Love Library Board Room the “Joan R. Giesecke Board Room” at the University of Nebraska-Lincoln
- Action Student Opinion: Voting Aye: Partridge, Zach, Eby, and Lueck. Voting A: Partrid , Pharey. 421len, S

XI-C-1 Adopt the Policy to be designated as *Board of Regents Policy* RP-6.4.10, Commitment to Free Expression; Guide for Facilities Use; and Education; and related report.

See Attachment 4 to the minutes for the full text of *Board of Regents Policy* RP-6.4.10 (pages 14-17).

There was discussion. Regent Daub distributed a handout. See the documents file for a copy of the handout.

Action Student Opinion: Voting Aye: Lueck, Partridge, Zach, and Eby. Voting Aye: Pillen, Schafer, Whitehouse, Clare, Daub, Hawks, Kenney, and Phares. Motion carried.

Motion Moved by Pillen and seconded by Hawks to adopt the following statement, related to the policy on Free Expression:

The Board of Regents honors the First Amendment of the U.S. Constitution and has long dedicated itself to the free exchange of ideas, reaffirmed by the adoption of Regents Policy 6.4.10, "Commitment to Free Expression; Guide for Facilities Use; and Education." Article VII, Section 10 of the Nebraska State Constitution vests the general government of the University of Nebraska in the elected Board of Regents. In *Board of Regents v. Exon*, the Nebraska Supreme Court made clear "the purpose of the constitutional provision was to... establish the Board of Regents as an independent body charged with the power and responsibility to manage and operate the University as free from political influence and control as possible." Policy development, especially that which furthers both freedom of expression and the University's mission of teaching, research, and public service, is a responsibility of the Board of Regents that cannot be delegated. Accordingly, the Board opposes LB 718 and any Legislation which usurps the power or duties of the Board.

There was discussion

Friendly Amendment Regent Daub offered a friendly amendment to remove "LB 718 and" from the final sentence. The friendly amendment was accepted by Pillen and Hawks, resulting in a motion and second to adopt the following:

The Board of Regents honors the First Amendment of the U.S. Constitution and has long dedicated itself to the free exchange of ideas, reaffirmed by the adoption of Regents Policy 6.4.10, "Commitment to Free Expression; Guide for Facilities Use; and Education." Article VII, Section 10 of the Nebraska State Constitution vests the general government of the University of Nebraska in the elected Board of Regents. In *Board of Regents v. Exon*, the Nebraska Supreme Court made clear "the purpose of the constitutional provision was to... establish the Board of Regents as an independent body charged with the power and responsibility to manage and operate the University as free from political influence and control as possible." Policy development, especially that which furthers both freedom of expression and the University's mission of teaching, research, and public service, is a responsibility of the Board of Regents that cannot be delegated. Accordingly, the Board opposes any Legislation which usurps the power or duties of the Board.

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Action

Student Opinion: Voting Aye: Partridge, Zach, Eby, and Lueck. Voting Aye: Schafer, Whitehouse, Clare, Daub, Hawks, Kenney, Phares, and Pillen. Motion carried.

Honorary Degrees; and
Litigation strategy.

- Action Student Opinion: Voting Aye: Zach, Eby, Lueck, and Partridge. Voting Aye: Whitehouse, Clare, Daub, Hawks, Kenney, Phares, Pillen, and Schafer. Motion carried.
- The Board went into closed session at 10:38 a.m. The Board reconvened the open meeting at 11:57 a.m.
- Motion Moved by Phares and seconded by Clare to approve item XI-A-3
- XI-A-3 Approve the award of Honorary Degrees and Awards
- Action Student Opinion: Voting Aye: Zach, Eby, Lueck, and Partridge. Voting Aye: Whitehouse Clare, Daub, Hawks, Kenney, Phares, Pillen, and Schafer. Motion carried.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman Schafer at 11:59 a.m.

Respectfully submitted,

Carmen K. Maurer
Corporation Secretary

Robert M. Schafer
Chairman of the Board

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more years of previous tenure-related full-time service with the rank of instructor or higher at accredited institutions of higher education, ~~such a~~ written agreement to an initial appointment for an Appointment for a Specific Term will not normally extend the period of service on an ~~faculty~~ Appointment for a Specific Term at the University beyond four years before a Continuous Appointment is acquired, and in no case shall such agreement extend the period of service on an ~~faculty~~ Appointment for a Specific Term at the University beyond seven years before a Continuous Appointment is acquired. The President may provide for an adjustment of a faculty member's appointment where full-time service by the faculty member is interrupted by leave of absence due to maternity, disability or family and medical leave. Unless a contrary agreement is reached at the time the leave of absence is granted, time spent on an academic leave of absence shall be included in the period of service. A Continuous Appointment may be granted earlier, but not later, than the time limits specified in this Section. A person who is eligible under Section 4.4.3 but not granted a Continuous Appointment in accordance with the time limits in this Section shall be given a Notice of Termination, but such notice shall comply with Section 4.4.2.

SPONSOR: Susan M. Fritz, Ph.D.
Executive Vice President and Provost

RECOMMENDED: Joel D. Pedersen
Vice President and General Counsel

DATE: December 21, 2017

ATTACHMENT 2

NOTICE OF MEETING

Notice is hereby given that the Board of Regents of the University of Nebraska will meet in a publicly convened session on Thursday, January 25, 2018, at 8:30 a.m. in the board room of Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska.

An agenda of subjects to be considered at said meeting, kept on a continually current basis, is available for inspection in the office of the Corporation Secretary of the Board of Regents, Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska, or at

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Addendum IX-A-1

ATTACHMENT 3

Amendments to the *Bylaws of the Board of Regents of the University of Nebraska, Section 4.10*

4.10

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Addendum IX-C-1

ATTACHMENT 4

Adoption of

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seek to use speech primarily to deprive others of their freedom to learn, their freedom to contribute and their freedom to participate fully in the University's mission. Therefore, the University encourages all within its

