

June 28, 2018
Volume 75

Lincoln, Nebraska
June 28, 2018

III. APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS

Motion Moved by Hawks seconded by Clare to approve the minutes and ratify the actions of the regularly scheduled meeting on March 29, 2018.

Action Student Opinion: Voting Aye: Krejdl, Traynor, Valquier Chavez, and Hotovy. Voting Aye: Daub, Hawks, Kenney, Phares, Pillen, Schafer, Whitehouse, and Clare. Motion carried.

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

Chairman Schafer welcomed newly-elected student regents Logan Krejdl, University of Nebraska at Kearney; Hunter Traynor, University of Nebraska-Lincoln; Sarah Hotovy, University of Nebraska Medical Center; and Renata Valquier Chavez, University of Nebraska at Omaha.

President Bounds welcomed newly-elected Faculty Senate Presidents Grace Mims, University of Nebraska at Kearney; Jeff Rudy, University of Nebraska-Lincoln; Corrine Hanson, University of Nebraska Medical Center; and Chris Kelly, University of Nebraska at Omaha.

IV. KUDOS

None

V. RESOLUTIONS

None

VI. HEARINGS

None

VII. PUBLIC COMMENT

Ms. Jackie Cranson spoke on the topic of licensing Husker trademarks to Nebraska-based apparel businesses. [See the documents file for a copy of the handout distributed by Ms. Cranson]

Ms. Malorie Maddox, Vice President for Communications, BlueCross BlueShield Nebraska, addressed the Board regarding the University's change in health insurance administrators.

VIII. UNIVERSITY CONSENT AGENDA

Motion Moved by Pillen and seconded by Kenney to approve items VIII-A-1, VIII-A-2, VIII-A-3, VIII-B-1, VIII-B-2, VIII-B-3, VIII-B-4, VIII-B-5, VIII-B-6, VIII-B-7, VIII-B-8, VIII-B-9, VIII-B-10, VIII-B-11, VIII-B-12, and VIII-B-13

A. ACADEMIC AFFAIRS

- VIII-A-1 President's Personnel Recommendations
- VIII-A-2 Approve recommendations relating to academic program reviews required by the NCCPE and approve forwarding of the program review reports to the NCCPE
- VIII-A-3 Approve Amendments to RP-5.9 of the *Policies of the Board of Regents* related to student fees
- See Attachment 2 to the minutes for the full text of the amendments to RP-5.9 (pages 38-42).

B. BUSINESS AFFAIRS

University of Nebraska

- VIII-B-1 Approve Amendments to RP-6.2.1 of the *Policies of the Board of Regents*, Purchasing Policy, to comply with federal Uniform Guidance related to procurement
- See Attachment 3 to the minutes for the full text of the amendments to RP-6.2.1 (pages 44-51).
- VIII-B-2 Approve agreements with Oracle for the purchase of licenses and leasing of hardware for Nebraska Student Information Systems (NeSIS)
- VIII-B-3 Approve the Agency Agreement for Management and Investment of Endowments within the University of Nebraska Trust Fund between the University and the University of Nebraska Foundation for management and investment of funds in the University of Nebraska Trust Fund

University of Nebraska at Kearney

- VIII-B-4 Approve naming the Early Childhood Education Center the "LaVonne Kopecky Plambeck Early Childhood Education Center" at the University of Nebraska at Kearney

University of Nebraska-Lincoln

- VIII-B-5 Approve renaming the former College of Business Administration Building to "Louise Pound Hall" at the University of Nebraska-Lincoln
- VIII-B-6 Approval to establish a quasi-endowment from the Sandra Johnson Estate to create the "Oscar, Elizabeth and Sandra Johnson Fund" at the University of Nebraska-Lincoln
- VIII-B-7 (1) Approve the appointment of Robert Wilhelm as a member of the "Class C" Directors of the Nebraska Innovation Campus Development Corporation (NICDC) effective July 1, 2018, and the reappointment of Tom Henning, Dana Bradford and Hank Bounds as members of "Class A" Directors of the NICDC Board of Directors for three-year terms effective July 1, 2018. (2) Approve the appointment of the Executive Vice Chancellor and Chief Academic Officer of the University of Nebraska-Lincoln as an ex-officio, non-voting member of the Board of Directors of the Nebraska Innovation

- Action Student Opinion: Voting Aye: Hotovy, Krejdl, Traynor, and Valquier Chavez. Voting Aye: Phares, Pillen, Schafer, Whitehouse, Clare, Daub, Hawks, and Kenney. Motion carried.
- Motion Moved by Hawks and seconded by Pillen to approve item IX-A-3
- IX-A-3 Approval is requested to establish the Department of Cyber Systems and merge the Information Technology-related programs into the Department of Cyber Systems in the College of Business and Technology, and to dissolve the Department of Computer Science and Information Technology in the College of Natural and Social Sciences at the University of Nebraska at Kearney
- Action Student Opinion: Voting Aye: Krejdl, Traynor, Valquier Chavez, and Hotovy. Voting Aye: KrTolve
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There was discussion

Action

Student Opinion: Voting Aye: Krejdl, Traynor, Valquier Chavez, and Hotovy. Voting

IX-B-6 Approve the University of Nebraska's FY 2018-19 Operating Budget. Reappropriate with the State of Nebraska's Department of Administrative Services any unexpended balances existing on June 30, 2018 that are committed to be spent in FY 2018-19. In order to meaningfully address a budget shortfall and appropriately sustain operations, the President is authorized to implement tuition increases, effective for the Spring 2019 semester, should a portion of the State approved (105th Legislature, 2nd Session) appropriation designated for the University be withheld from its regularly scheduled payment; provided that any such tuition increases shall not, in the aggregate, produce projected revenue in excess of the aggregate projected reduction in the State approved and appropriated payment(s).

There was discussion

Action Student Opinion: Voting Aye: Hotovy, Krejdl, Traynor, and Valquier Chavez. Voting Aye: Clare, Hawks, Kenney, Phares, Pillen, Schafer, and Whitehouse. Voting No: Daub. Motion carried.

Motion Moved by Phares and seconded by Hawks to approve item IX-B-7

IX-B-7 Approve the Nebraska College of Technical Agriculture's FY 2018-19 Operating Budget. Reappropriate with the State of Nebraska's Department of Administrative Services any unexpended balances existing on June 30, 2018 that are committed to be spent in FY 2018-19. In order to meaningfully address a budget shortfall and appropriately sustain operations, the President is authorized to implement tuition increases, effective for the Spring 2019 semester, should a portion of the State approved (105th Legislature, 2nd Session) appropriation designated for the University be withheld from its regularly scheduled payment; provided that any such tuition increases shall not, in the aggregate, produce projected revenue in excess of the aggregate projected reduction in the State approved and appropriated payment(s).

There was discussion

Action Student Opinion: Voting Aye: Krejdl, Traynor, Valquier Chavez, and Hotovy. Voting Aye: Hawks, Kenney, Phares, Pillen, Schafer, Whitehouse, and Clare. Voting No: Daub. Motion carried.

Motion Moved by Pillen and seconded by Daub to approve item IX-B-8

University of Nebraska

IX-B-8 Approve a contract with Bolero Information Systems, LLC to continue research administration software maintenance and enhancements for UNL, UNK and UNO, and to develop a replacement single instance for all NU campuses

Action Student Opinion: Voting Aye: Traynor, Valquier Chavez, Hotovy, and Krejdl. Voting Aye: Hawks, Kenney, Phares, Pillen, Schafer, Whitehouse, Clare, and Daub. Motion carried.

Motion Moved by Hawks and seconded by Phares to approve item IX-B-9

- IX-B-9 Approve the contract between the Board of Regents, Nebraska Medicine, and Cenergistic to provide consultant services for the Occupant Behavior Energy Conservation Program for the University of Nebraska
- There was discussion
- Action Student Opinion: Voting Aye: Valquier Chavez, Hotovy, Krejdl, and Traynor. Voting Aye: Kenney, Phares, Pillen, Schafer, Whitehouse, Clare, Daub, and Hawks. Motion carried.
- Motion Moved by Kenney and seconded by Clare to approve item IX-B-10
- University of Nebraska at Kearney
- IX-B-10 Approve a scope and budget change for the Early Childhood Education Center to be constructed on the University of Nebraska at Kearney campus
- There was discussion
- Action Student Opinion: Voting Aye: Hotovy, Krejdl, Traynor, and Valquier Chavez. Voting Aye: Phares, Pillen, Schafer, Whitehouse, Clare, Daub, Hawks, and Kenney. Motion carried.
- Motion Moved by Whitehouse and seconded by Phares to approve item IX-B-11
- IX-B-11 Authorize the President, in consultation with the Executive Committee of the Board, to approve terms and conditions to complete the purchase of real estate at 807 West 25th Street, Kearney, NE
- There was discussion
- Action Student Opinion: Voting Aye: Krejdl, Traynor, Valquier Chavez, and Hotovy. Voting Aye: Pillen, Schafer, Whitehouse, Clare, Daub, Hawks, Kenney, and Phares. Motion carried.
- Motion Moved by Phares and seconded by Daub to approve item IX-B-12
- University of Nebraska-Lincoln
- IX-B-12 Approve a budget increase for Loop Road Renovation at the University of Nebraska-Lincoln
- There was discussion
- Action Student Opinion: Voting Aye: Traynor, Valquier Chavez, Hotovy, and Krejdl. Voting Aye: Schafer, Whitehouse, Clare, Daub, Hawks, Kenney, Phares, and Pillen. Motion carried.
- Motion Moved by Daub and seconded by Kenney to approve item IX-B-13

IX-B-13 Approve increase in budget for the Global Center for Advanced Interprofessional Learning to build a three-story lighted iconic art decorative screen wall prominently located on the main southern entrance to the University of Medical Center campus

There was discussion

Action Student Opinion: Voting Aye: Valquier Chavez, Hotovy, Krejdl, and Traynor. Voting Aye: Whitehouse, Clare, Daub, Hawks, Kenney, Phares, Pillen, and Schafer. Motion carried.

Motion Moved by Hotovy and seconded by Phares to approve item IX-B-14

IX-B-14 Approve a scope and budget change for the Wittson Hall Renovation Project to create and name the Wigton Heritage Center on the University of Nebraska Medical Center campus

There was discussion

Action Student Opinion: Voting Aye: Hotov3.7(yas1475 T6(TheG0 Ten, an Va(v)3.ui8(er Chav.3(Voting)] carried.

- IX-D-2 Laboratory, Student, and Miscellaneous Fees for 2018-2019
- IX-D-3 Spring 2018 Enrollment report
- IX-D-4 Renaming the Department of Family Studies and Interior Design to the Department of Family Studies in the College of Business and Technology at the University of Nebraska at Kearney
- IX-D-5 Expedited Approval of the Business in Health Administration Graduate Certificate in the College of Business Administration at

IX-D-20 Strategic Framework report on State

ATTACHMENT 2
ADDENDUM VIII-A-3

Amendments to RP-5.9 of the *Policies of the Board of Regents* of the University of Nebraska, Student Fees:

RP-5.9 Student Fees

Campuses must establish and adhere to a campus review and approval process for all proposed student fees. Administrative charges may not be charged against student fees by a campus.

RP-5.9.1 University Program and Facilities Fees

1. Definitions
 - a. Name. The official name for student fees is “University Program and Facilities Fees” (UPFF).
 - b. Fund A. That portion of UPFF designated for student activities which are managed by student groups shall be distributed according to an annual budget developed by the appropriate student government organization on each campus. This portion of the UPFF shall be called Fund A.
 - c. Fund B. That portion of the UPFF designated to pay debt services, staff salaries, maintenance of facilities and related expenses, and those additional items designated by the Chancellor will be budgeted separately with emphasis upon continuing support. This portion of the UPFF shall be designated as Fund B.
2. Use of Fund A Monies
 - a. Allocation of Fund A monies is restricted to the following three organizations on each campus: (1) student government, (2) student programming, and (3) student newspaper. Fund A monies may not be used for academic programs or functions directly related to academic programs.
 - b. Offices receiving Fund A support must benefit a broad based student population. Student governments may not distribute Fund A monies to individuals, except in the form of wages for services performed, nor to groups or organizations that are not established by and under the direct control of student government.
 - c. Student programming organizations may make grants of Fund A monies to other student groups and organizations to support the programming needs of such groups and organizations. Such grants may only be made on a one fiscal year basis; may be made only with the approval of the cognizant Chancellor; may not be expended for wages, equipment, office supplies, or travel; and may not be granted to a single organization more than once in a two-year period.
3. Approval of Fund A Budgets
 - a. The Board of Regents hereby delegates authority to establish and allocate Fund A monies to the elected student governments subject only to approval by the appropriate Chancellor.
 - b. An allocations body comprised of students, faculty, and staff shall be established on each campus to recommend disbursements of Fund A.

- c. Hearing dates for the initial meetings of the student government bodies established to allocate fees shall be published in the student newspaper (or appropriate campus news media) ten (10) days prior to such hearings with costs being defrayed by the UPFF allocation to student publications, and a tentative allocation shall be published in the student newspaper (or appropriate campus news media). This published information shall include the salaries, the operating budgets, and the capital expenditures of all groups receiving fee funding. The cost will be dealt with as above, and coinciding with the publication of the tentative allocation, there shall be a publication of the final hearing dates of the student government body responsible for fee allocations.
- d. After a final hearing, the fees allocation body shall draw up the final allocation proposal to be submitted to the student government of each campus for approval; after such approval by the student government, the final allocation shall be published in the student newspaper (or appropriate campus news media), and after approval by the above bodies, the proposal shall be submitted to the responsible campus Vice Chancellor and Chancellor for approval.
- e. Redistribution of Fund A monies among ~~30~~ 153 0006 Tw(4an-st3ibledesi.2()06 ouped 8an-st3ibdwith (th6)]T

specific expenditure areas for which said student government is seeking authorization.

5. Refunds of Fund A UPFF

For a period of at least one month during each academic term, each student who has paid a Fund A student fee for that term shall be eligible to apply for, and each eligible applicant therefore shall receive a full or partial refund of his or her Fund A student fee for that academic term. No student who applies for and receives a refund of his or her Fund A student fee shall, by virtue of such refund, be denied the right to stand for election to any student government office, or be denied the right to vote in any student government elections, or be denied any other political right within or ancillary to student government on his or her campus.

6. Use of Fund B Monies

Upon recommendation of the campus Chancellor and the President, and with the approval of the Board, Fund B monies may be allocated for support of (i) University contracts requiring payment in whole or in part from dedicated student fees, (ii) student unions and centers, (iii) intercollegiate athletic programs, (iv) student health services, (v) student recreational programs, (vi) international student services, (vii) student transit services, and (viii) facilities related to any of the foregoing. Fund B monies shall not be allocated for the benefit of an individual student (including athletic scholarships) except for wages paid to a student who is an hourly paid employee, employed by and at one of the facilities above; for support of the University's physical plant, except for facilities used primarily for those student services or activities permitted above or facilities subject to bonded indebtedness requiring dedicated student fees; or for support of any academic program, or any function or facility directly related to an academic program. In the event a facility is used in part for those student services or activities permitted above, and in part for other purposes (such as academic programs, or faculty, staff, or community services and activities), Fund B monies may be used to support the facility only up to the proportion that the permitted student services or activities in the facility bear to the total use of the facility.

7. Collection of User Fees and Contributions by Student Organizations

Student groups and organizations may, with the approval of the cognizant Chancellor, establish, charge, and collect appropriate user fees for services and activities sponsored by such groups and organizations in University facilities or with University equipment or with the official sanction or assistance of University personnel. Any such fees must be collected, deposited, and disbursed in accordance with established University policies, and may only be used in support of the services and activities of the organization receiving the fee.

Any student organization, office, or group which has received official University recognition may, with the approval of the cognizant Chancellor, solicit and collect voluntary contributions. Such contributions must be solicited, collected, deposited, and disbursed in accordance with established University policies, and may only be used in support of the student organization, office, or group by which the contributions were solicited.

RP-5.9.2 Course and Laboratory Fees; Miscellaneous Fees

The following fundamental concepts shall be observed with regard to the expenditure of non-UPFF student fee revenues:

1. A description of the fees charged and their purpose must be provided to students on a website or in another manner determined by the campus.
2. Student fee expenditures must align with the purposes and descriptions for which they were collected.
3. Student fees shall be expended for purposes that directly benefits the students charged.
4. Fees shall not be distributed for the benefit of an individual student (ex: scholarship or fellowship) nor be awarded on a competitive basis.

Costs related to the development, instruction and assessment of offering a course are expected to be borne by the department and college, including materials related to the mechanics of teaching the course, such as course outlines, syllabi, exams, and similar handouts. The department is also expected to bear the costs of staffing courses, including personnel employed to aid in the course such as teaching assistants and guest speakers.

A Course fee is defined as a charge applied to students enrolled in a specific course for expenses directly related to the student's participation. A Laboratory (lab) fee is defined as a charge made to students to underwrite, in whole or in part, the cost of services, rentals, and consumable supplies utilized in a laboratory environment. Costs that may be assessed through these fees include, but are not limited to, any consumable materials, services provided as a part of the class, travel costs for the student to attend a required field trip, computer related software for student use specific to the course, individual exams or assessments produced by a third party that are purchased at a group rate, materials such as manuals, chemicals, glassware, protective or other clothing, paints, brushes and canvasses that will be consumed by the student in the course of instructional activities. A course or lab fee may also include the costs of purchase, maintenance, repair and replacement of equipment used in the delivery of a course or execution of a lab. A course or lab fee shall not be expended for general departmental or administrative costs.

~~Course fees are established to cover the costs related to a particular course, for example, the costs associated with the bulk purchase of self-assessments or copyright fees. A laboratory fee is defined as a~~

RP-5.9.43 Reporting of Course, Laboratory, Online Course and Miscellaneous Fees

The Chancellors on each of the campuses shall report to the President no later than March 1 of each year a listing of all planned changes in student fees of any nature for the next academic year. All fees must be reviewed by the campus at least once every four years. Any planned increase in fees must be approved by the President and subsequently included as a report to the Board of Regents in a meeting agenda, prior to the proposed implementation of the increased fees. A list of all laboratory fees will be included in the schedule of classes which is provided to students prior to the time that they register for classes.

**ATTACHMENT 3
ADDENDUM VIII-B-1**

Amendments to RP-6.2.1 of the *Policies of the Board of Regents* of the University of Nebraska,
Purchasing Policy

RP-6.2.1 Purchasing Policy

1. Policy References

- a. The *Bylaws of the Board of Regents of the University of Nebraska*, Section 6.1, relating to Obligations.
- b. The *Bylaws of the Board of Regents of the University of Nebraska*, Section 6.4, relating to Contracts.
- c. Neb. Rev. Stat., § 73-101 et seq. relating to Public Lettings.

2. Purpose

The purpose of this policy is to provide uniform purchasing guidelines for the University of Nebraska.

3. Applicability

This policy shall apply to the purchase of personal property and services, and to the purchase of labor, materials, and equipment for the construction, maintenance, repair, remodeling, renovation, renewal or demolition of any University building or other improvement to real property. The purchase of services of architects, engineers, landscape architects, and land surveyors and the acquisition of real property are excluded from this policy.

4. Definitions

- a. Article. Article shall mean any item of personal property, and shall include all materials, supplies, furniture, equipment, printing, stationery, software, automotive and road equipment and all other chattels, goods, wares and merchandise whatsoever.
- b. Bylaws. Bylaws shall mean the *Bylaws of the Board of Regents of the University of Nebraska*.
- c. Contractor. Contractor shall mean any pers

- d. Emergency. Emergency shall mean any situation where it is necessary that the University enter into a contract of purchase to (a) avoid the loss of life, health, safety, or property,
(b) respond to time limits established by a person or agency external to the University, or
(c) obtain cost savings for the University where the time constraints of

9. Purchases Using Cooperative or Consortium

- a. Purchases do not require competitive bidding if sourced from (i) any purchasing cooperative or consortium of which the University or a major administrative unit thereof is a member, (ii) the U.S. Government or any agency or instrumentality thereof, (iii) the State of Nebraska or any agency or instrumentality thereof, (iv) a political subdivision of the State of Nebraska, (v) any governmental or public entity created by an interlocal cooperation agreement pursuant to the Nebraska Interlocal Cooperation Act, (vi) any private or public postsecondary educational institution, or (vii) any vendor pursuant a U.S. Government General Services Administration (GSA) pricing agreement; provided, however, under no circumstances shall the University be contractually obligated or liable for any purchase by another educational institution or governmental entity, or by any other member of a purchasing cooperative or consortium.

6.10. Competitive Bidding

- a. Procurement by competitive proposals (RFP) is normally conducted with more than one source submitting an offer. The following requirements apply

- 1) RFPs must be publicized and identify all evaluation factors and their relative importance.
- 2) Proposals must be solicited from an adequate number of qualified sources.
- 3) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

- b. Except as otherwise provided in this purchasing policy, any purchase committing the University to an expenditure of \$150,000 or more shall be made to the lowest responsible bidder, taking into consideration the best interests of the University, the quality or performance of any articles or service to be purchased, their conformity with specifications, the purpose for which required, and the time of delivery or performance. The University may utilize a competitive reverse auction, to include a web-based version, to meet the competitive bidding requirements stated in this policy. In determining the lowest responsible bidder, in addition to price, bids may be rejected and awards made upon consideration of the following factors:

- 1) The ability, capacity, and skill of the bidder to comply with the University's specifications and perform the contract required;
- 2) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- 3) Whether the bidder can perform the contract within the time specified;

- 4) The quality of the bidder's performance of previous contracts (see also Section 10.d 6-e);
- 5) The previous and existing compliance by the bidder with laws relating to the contract;
- 6) The life-cycle cost of an article in relation to its purchase price and specific use by the University (see also Section 10.g 6-f);
- 7) The performance of an article, taking into consideration any commonly accepted tests and standards of produc

- 1) Purchase of unique or non-competitive articles or services. Without limiting the generality of the foregoing sentence, examples of unique or non-competitive articles and services are public utility services, regulated central office telephone services, books, pamphlets and periodicals, and specially designed business, research or scientific equipment and related software. (See also Section 5. ~~cb~~ requiring written justification for sole source purchases and approval of the same by the principal business officer);
- 2) Contracts for professional services; provided, however, that any contract for architectural, engineering, land surveying or landscape architectural services shall be made in accordance with applicable law and *Board of Regents Policies* requiring competitive negotiations for such services;
- 3) Purchases necessary in emergency situations;
- 4) Contracts for maintenance or servicing of equipment with the manufacturer of the equipment or the manufacturer's authorized service agent, where in the judgment of the principal business officer such maintenance or service can be most effectively performed by the manufacturer or its authorized service agent;
- 5) ~~Purchases from (i) any purchasing cooperative or consortium of which the University or a major administrative unit thereof is a member, (ii) the U.S. Government or any agency or instrumentality thereof, (iii) the State of Nebraska or any agency or instrumentality thereof, (iv) a political subdivision of the State of Nebraska, (v) any governmental or public entity created by an interlocal cooperation agreement pursuant to~~

~~7) Purchases, buildings and other improvements costing less than one hundred fifty thousand dollars (\$150,000).~~

~~f.g.~~ When required by the University, each bidder will furnish life-cycle costs between alternatives for all classes of e

non- resident bidder, necessary for receiving the benefit of that state's preference law on the date when a bid for a public contract is first advertised or announced. This section shall not apply to any contract for any project upon which federal funds would be

14.18. Reports

Each principal business officer or the Vice President for Business and Finance shall immediately notify the General Counsel's office in any instance where a decision made concerning the awarding of a contract ~~of purchase~~ is disputed by a party outside the University.

Reference: BRUN, Minutes, 51, p. 147, attachment 4 (November 15, 1985).
BRUN, Minutes, 60, p. 142 (June 1, 1996).
BRUN, Minutes, 61, pp. 86-87 (November 22, 1997).