

*President Milliken's remarks on Human Embryonic Stem Cell Research as delivered at the Board of Regents meeting on October 23, 2009*

Over some period of time, I have written to the members of the Board and made public statements regarding embryonic stem cell research at the University of Nebraska and the consequences of the president's executive order and the new NIH guidelines. The essence of my messages since March of this year have been that notwithstanding the changes in federal policy, until the Board of Regents had an opportunity to consider the new guidelines, the University would not conduct research that would not have been allowed under the previous Bush administration guidelines. This was to give the Board adequate time to consider whether its policies were appropriate.

The NIH guidelines were finalized in July and they have received considerable attention. I know members of the Board have been contacted by both supporters of the current federal guidelines and those who wish to limit research to the prior Bush administration guidelines. Time has been provided at this meeting to hear comment from both sides and I expect there will be additional consideration in November.

I recently wrote to the Board to confirm my understanding of the existing policy of the University and to make clear my own position. I understand, of course, that there are strongly held views on this matter, and I respect individuals' rights to express their views and to seek policy decisions consistent with those views.

I know the Board is familiar with the pertinent history and so I will refer to it only briefly. To me, the key points are three: (1) the 2001 resolution of the Board of Regents requiring University researchers to follow federal policy and use only federally approved stem cell lines, (2) the 48-0 passage and signing by the Governor of LB 606, establishing guidelines in state law for embryonic stem cell research, and (3) the NIH guidelines on stem cell research which became effective July 7, 2009.

Board policy today permits embryonic stem cell research at the University of Nebraska consistent with state and federal law. Any limitation of that policy--such as restricting research to that permissible under previous federal guidelines--would require additional Board action. This is supported by an opinion of the General Counsel of the University, distributed to the Board on October 2, 2009.

When the LB 606 compromise was negotiated, I believe it was clearly understood by all parties that it would constitute a resolution of the public policy considerations regarding embryonic stem cell research in Nebraska. The Legislative history is clear that a change in federal guidelines expanding available embryonic stem cell lines would not be grounds for changing Nebraska law on this matter. Nor, in my view, should it trigger a change in the Board's policies. When the issue was raised shortly after the elections in November of 2008, I wrote to the Board to explain why I believed LB 606 resolved the issue of limitations on research in Nebraska,

regardless of the outcome of the elections, and that the Board policy and state law would permit research permitted by new federal guidelines without additional action of the Board.

While I would prefer to have a resolution adopted by a clear majority of the Board affirmatively endorsing this position, such a resolution is not necessary to establish the University's policy. I believe we need to move beyond this period of consideration so that our faculty, our students and members of the public understand the University's policy. As I said earlier, I expect this consideration will continue in November. I am not suggesting it will be finished today, that's a decision for the members of the Board of Regents. But absent Board action to the contrary—and consistent with previous Board action and a thoughtful, overwhelmingly endorsed legislative compromise—the University must adhere to applicable federal and state laws, regulations and guidelines. Not only is this required by Board policy it is permissible under the laws of Nebraska—agreed to by all parties. I strongly believe it is the right thing to do for the University and our state.

Embryonic stem cell research holds enormous promise, and if the University of Nebraska is to be a leading research university it should be appropriately engaged in this research. The guidelines for that engagement are now set by federal law and regulations, state law and Board policy. I believe that to do otherwise would unnecessarily limit the opportunities for discoveries to save and improve lives. In my view, it would also risk great harm to the reputation of the University and damage our ability to recruit and retain outstanding research and clinical faculty.

Thus my recommendation to the Board to be considered today or at any time in the future is that it maintain its current policy that permits embryonic stem cell research authorized by federal and Nebraska law. Thank you.