

# UNIVERSITY OF Nebraska

## Board of Regents Policies

**\*\*Contains Amendments through October 17, 2003**

# Board of Regents Policies

<b>Chapter 1. The Board of Regents</b> .....	1
RP-1.1 Governance of the Board .....	1
RP-1.1.1 Direct Responsibilities of the Board .....	1
RP-1.1.2 Code of Ethics of the Board .....	1
RP-1.2 Duties and Privileges of Members .....	2
RP-1.2.1 Duties of Members .....	2
RP-1.2.2 Duties of the Chairperson .....	3
RP-1.2.3 Right of Student Members to Indicate Positions .....	3
RP-1.2.4 Reimbursement and Remuneration of Student Regents .....	3
RP-1.2.5 Athletic Tickets .....	3
RP-1.3 Meetings of the Board .....	4
RP-1.3.1 Format of the Agenda .....	4
RP-1.3.2 Copies of the Minutes .....	4
RP-1.4 University Seal, Logo, Policy Manual, and Doctoral Gown .....	4
RP-1.4.1 University Seal .....	4
RP-1.4.2 University Identifier .....	5
RP-1.4.3 University Policy Manual .....	5
RP-1.4.4 Doctoral Gown .....	6
RP-1.5 Honorary Degrees and Awards .....	6
RP-1.5.1 Honorary Degrees .....	6
RP-1.5.2 Nebraska Builder Awards .....	8
RP-1.5.3 Other Honorary Awards .....	9
RP-1.6 Committees of the Board .....	9
RP-1.6.1 Committee Reports .....	9
RP-1.6.2 Executive Committee .....	9
RP-1.6.3 Planning Committee .....	9
RP-1.6.4 Academic Affairs Committee .....	10
RP-1.6.5 Business Affairs Committee .....	10
RP-1.6.6 General Affairs Committee .....	10
RP-1.6.7 Information Technology Committee .....	10
RP-1.6.8 Outreach and Service Committee .....	10
RP-1.6.9 Audit Committee .....	10
RP 1.7 Records of the Board of Regents .....	10
RP-1.7.1 Custodian of Records .....	10
RP-1.7.2 Disposition and/or Preservation of Records .....	11
<b>Chapter 2. Structure of the University</b> .....	12
RP-2.1 Interrelationships of the Board, the Administration, the Faculty, and the Student Body .....	12
RP-2.1.1 Not Currently Used .....	12
RP-2.1.2 Campus Disorders and Administrative Response .....	12
RP-2.1.3 Right to A Public Hearing .....	13
RP-2.1.4 Selection of Members of the Presidential Advisory Search Committee .....	14
RP-2.1.5 Standards of Conduct for Employees and Students Regarding Alcohol and Drugs .....	15
RP-2.1.6 Relationship of Teaching, Research, and Service .....	16
RP-2.1.7 Statement on Intercollegiate Athletics .....	19
RP-2.2 Senior Administrative Officers .....	19
RP-2.2.1 Installation Ceremony for the President and Chancellors .....	19

RP-2.3 President of the University	19
RP-2.3.1 Enforcement of Compliance with Big 12 Conference, North Central Conference, and NCAA Rules and Regulations	19
RP-2.3.2 Authorization to Approve Changes in Program Names	20
RP-2.3.3 Expedited Approval of Certain Graduate Certificates	20
RP-2.4 Advisory Groups	20
RP-2.4.1 University-wide Calendar Committee	20
RP-2.5 The Chancellors-Vice Presidents	21
RP-2.5.1 Policy on Abortions	21
RP-2.6 The Colleges	21
RP-2.7 Other University Activities	22
RP-2.7.1 Coordination of Outreach Activities	22
RP-2.7.2 University of Nebraska Press	22
RP-2.7.3 UNL University Health Center Governing Board	23
RP-2.8 Provisions for Student Government	23
RP-2.8.1 Eligibility to Hold Office	23

## **Chapter 3. Terms and Conditions of Employment** . . . . . 25

RP-3.1 Equal Opportunity/Affirmative Action	25
RP-3.1.1 Nondiscrimination on the Basis of Individual Characteristics—Employees	25
RP-3.1.2 Policy for Americans with Disabilities	25
RP-3.1.3 Equal Opportunity/Affirmative Action Guidelines	30
RP-3.2 Compensation for Services Rendered	38
RP-3.2.1 Retirement Plan and Options	38
RP-3.2.2 Deferred Compensation	39
RP-3.2.3 Ancillary Groups or Organizations—Group Insurance Plan	39
RP-3.2.4 Health Care Benefits for Federal Appointments	40
RP-3.2.5 Incentive Programs	40
RP-3.2.6 Employee and Dependent Scholarship Program	41
RP-3.2.7 Operating Policy For The University Of Nebraska General Self-insurance Program	43
RP-3.2.8 Conflict of Interest	55
RP-3.2.9 Access to Retirement Accumulations	68
RP-3.3 Conditions of Employment	69
RP-3.3.1 Vacation Accrual: Academic-Administrative Staff	69
RP-3.3.2 Vacation Accrual: Managerial-Professional Staff	69
RP-3.3.3 Sexual Harassment	69
RP-3.3.4 Grievance Policy—General Nonacademic	69
RP-3.3.5 Union Solicitation	70
RP-3.3.6 Payroll Deductions for Union Dues	71
RP-3.3.7 Graduate Teaching Assistants	71
RP-3.3.8 Nebraska College of Technical Agriculture Personnel Policies	71
RP-3.3.9 Commercial Media	71
RP-3.3.10 Years of Service for Transferred Employees	72
RP-3.3.11 Family/Medical Leaves of Absence	72
RP-3.3.12 Crisis Leave Sharing Policy	74
RP-3.3.13 Parental Leave Policies	76

## **Chapter 4. Rights and Responsibilities of Professional Staff** . . . . . 79

RP-4.1 Political Activity	79
RP-4.1.1 Academic Responsibility	79
RP-4.1.2 Regent Campaigns	79
RP-4.2 Academic-Administrative Personnel Matters	80
RP-4.2.1 Prohibition of Rollover Contracts	80
RP-4.2.2 Faculty Assistance for Doctoral Study	80

RP-4.2.3 Faculty Development Fellowships . . . . .	81
RP-4.2.4 Maude Hammond Fling Fellowships . . . . .	82
RP-4.2.5 Health Care Policy for Tenured Early Retirees . . . . .	83
RP-4.2.6 Emeritus Status . . . . .	83
RP-4.2.7 Senior Consultant Status — UNMC . . . . .	85
RP-4.2.8 Evaluation of Faculty and Administrators . . . . .	85
RP-4.2.9 Faculty Status of Librarians . . . . .	85
RP-4.2.10 Faculty Status for Museum Personnel . . . . .	85
RP-4.2.11 Financial Exigency Procedures . . . . .	86
RP-4.3 Standards for Promotion, Continuous Appointment, and Salary Adjustment . . . . .	88
RP-4.3.1 Policies for the Granting of Tenure . . . . .	88
RP-4.3.2 Tenure Recommendations . . . . .	90
RP-4.3.3 Post-Tenure Review Policy . . . . .	90
RP-4.4 Intellectual Property . . . . .	91
RP-4.4.1 Ownership of Intellectual Property . . . . .	91
RP-4.4.2 Patent and Technology Transfer Policy . . . . .	100

**Chapter 5. Responsibilities and Rights of Students . . . . . 105**

RP-5.1 Responsibilities and Rights . . . . .	105
RP-5.1.1 Non-Discrimination on the Basis of Individual Characteristics — Students . . . . .	105
RP-5.1.2 The Student in the Academic Community . . . . .	105
RP-5.1.3 University Right to Change, Discontinue Programs . . . . .	107
RP-5.2 Admissions . . . . .	108
RP-5.2.1 Admission Standards . . . . .	108
RP-5.2.2 Records of Transfer or Continuing Studies Students . . . . .	110
RP-5.3 Disciplinary Procedures . . . . .	110
RP-5.3.1 Failure to Pay Financial Obligations . . . . .	110
RP-5.3.2 Recordings and Commercial Distribution of Course Notes . . . . .	110
RP-5.4 University Housing . . . . .	111
RP-5.4.1 University Housing . . . . .	111
RP-5.5 Student Communications . . . . .	111
RP-5.5.1 Guidelines for the Student Press . . . . .	111
RP-5.5.2 Publications Committee . . . . .	112
RP-5.6 Campus Speakers . . . . .	114
RP-5.6.1 Sponsorship of Speakers with Student Fees . . . . .	114
RP-5.7 Tuition . . . . .	115
RP-5.7.1 Residency Determination for Tuition Purposes . . . . .	115
RP-5.7.2 Differentiated Graduate Tuition . . . . .	120
RP-5.7.3 Tuition Refund Schedule . . . . .	120
RP-5.7.4 Tuition Level Guidelines . . . . .	120
RP-5.7.5 Tuition Policy . . . . .	121
RP-5.7.6 Tuition Policy for Distance Education For-Credit Hours . . . . .	121
RP-5.8 Student Financial Aid . . . . .	122
RP-5.8.1 Use of “Fellow” and “Scholar” . . . . .	122
RP-5.8.2 Tuition Remission — Graduate Assistants . . . . .	122
RP-5.8.3 Tuition Scholarships for Non-Residents . . . . .	122
RP-5.8.4 Rules for Granting of Nonresident Tuition Scholarships to Children of Alumni of the University . . . . .	123
RP-5.8.5 Undergraduate Regents Scholarships . . . . .	124
RP-5.9 Student Fees . . . . .	125
RP-5.9.1 University Program and Facilities Fees . . . . .	125
RP-5.9.2 Miscellaneous Fees . . . . .	128
RP-5.9.3 Reporting of Laboratory Fees . . . . .	128

<b>Chapter 6. Business and Financial Management</b>	<b>129</b>
RP-6.1 Claims	129
RP-6.1.1 Not Currently Used	129
RP-6.1.2 Travel Reimbursement — Overseas Travel	129
RP-6.1.3 Approval of Veterinary Diagnostic Laboratory Fees	129
RP-6.2 Property	129
RP-6.2.1 Purchasing Policy	129
RP-6.2.2 Disposal of Personal Property	135
RP-6.2.3 Acquisition and Disposal of Real Property	137
RP-6.2.4 Vacating of Streets and Curb Cuts	142
RP-6.2.5 Use of University Personnel in Planning/Construction	142
RP-6.2.6 Provision of Housing for University President and Chancellors	143
RP-6.2.7 Naming of Facilities	144
RP-6.3 Contracts	145
RP-6.3.1 Administrative Approval of University Contracts	145
RP-6.3.2 Licensed Professional Services	149
RP-6.3.3 Negotiation of Art Work by Sheldon Memorial Art Gallery	150
RP-6.3.4 Bid Proposal Summary	150
RP-6.3.5 General Policy for University Injury and Illness Prevention Program	150
RP-6.3.6 Capital Project Management	152
RP-6.3.7 Construction Management and Design/Build Selection	153
RP-6.3.8 Trusteed Self-Insurance Fund	155
RP-6.3.9 Athletic Staff Contracts with Equipment Manufacturers or Suppliers	155
RP-6.3.10 University Business Activities	155
RP-6.4 Use of Property	156
RP-6.4.1 Dispensing of Alcoholic Beverages on University Property	156
RP-6.4.2 Religious Activities	157
RP-6.4.3 Use of UNO Field House, UNL Coliseum and UNK Health and Sports Center Facility by Political Parties	158
RP-6.4.4 Use of Rifle Ranges	158
RP-6.4.5 Use of Devaney Sports Center	159
RP-6.4.6 Use of Intercollegiate Facilities	159
RP-6.4.7 Trespass Policy	159
RP-6.5 Budgets	160
RP-6.5.1 Fundamental Principle Regarding Budgets and Planning	160
RP-6.5.2 Acquiring Works of Art for Construction Projects	161
RP-6.5.3 Interim Budget Adjustments	161
RP-6.6 Accounting	161
RP-6.6.1 Annual Financial Report	161
RP-6.6.2 Recording and Expenditure of Restricted Funds	161
RP-6.6.3 Permanent Endowment Funds Administered by the Board of Education Lands & Funds	162
RP-6.6.4 Endowment Funds Investment	163
RP-6.6.5 Establishment of Reserves, Allocations and Designations	163
RP-6.6.6 Gifts and Bequests to University Foundation	165
RP-6.6.7 Gifts, Grants and Bequests	165
RP-6.6.8 Use of Gifts to Replace Public Funds Prohibited	167
RP-6.6.9 Authority to Establish Accounts	167
RP-6.6.10 Collection of Delinquent Debts	168
RP-6.6.11 Othmer-Topp Endowment Spending Policy	168

# **Chapter 1. The Board of Regents**

## **RP-1.1 Governance of the Board**

### **RP-1.1.1 Direct Responsibilities of the Board**

Under the constitution and statutes of the State of Nebraska, the Board of Regents has the authority and the responsibility for the general government of the University of Nebraska. It must exercise general supervision over all elements of the University and control and direction of all expenditures and establish the general operating policies of the institution. To assist it in the discharge of its responsibilities, the Board of Regents employs a staff and faculty who have the professional competence to develop and operate the University's programs. The Board delegates, through its Bylaws and Policies, large areas of authority and responsibility to the professional staff for the ongoing operations of the University. The Board of Regents assumes direct responsibility for:

1. Establishing short- and long-range objectives for the University System and its component campuses, and adopting and maintaining policies and programs to achieve these objectives;
2. Establishing appropriate delegation and controls to insure successful administration of its policies;
3. Approving and promulgating appropriate rules for the operation of the institution;
4. Providing the necessary physical plant for meeting foreseeable future needs, through the adoption and implementation of sound plans for the orderly development and maintenance of the System's facilities;
5. Maintaining the fiscal soundness of the University System;
6. Submitting budgets for operations and capital construction to the appropriate authority;
7. Apportioning legislative appropriations within the limits of the Board's authority;
8. Approving the appointment or removal of the President, the Vice Presidents and other key administrative officers and faculty, and fixing their compensation; and
9. Maintaining oversight of the progress which the institution makes toward its objectives, the effectiveness of policy control through its administrative officers, quality of the educational and service programs offered by the institution, and the utilization of the available resources.

**Reference:** BRUN, Minutes, 34, pp. 165-167 (April 8, 1972).  
See Also, Bylaws BRUN (1973+), s.1.2.

### **RP-1.1.2 Code of Ethics of the Board**

No member of the Legislature or any state officer shall have a conflict of interest, as defined by the Legislature, directly in any contract, with the State or any county or municipality thereof, authorized by any law enacted during the term for which he or she shall have been elected or appointed, or within one year after the expiration of such term. The Legislature shall prescribe standards and definitions for determining the existence of such conflicts of interest in contracts, and it shall prescribe sanctions for enforcing this section.

Neb. Rev. Stat. 85-106 authorizes the Board of Regents to enact policies for the government of the University. Accordingly, the Board of Regents hereby adopts the following code of ethics:

1. Introduction. The activities of the Board of Regents and those of its employees shall be consistent with the principle that there shall be no conflict between private interests of a public official or employee and his or her official duties.
- 2 Guidelines. The Board and its employees shall conform to the following guidelines:
  - a. Inform themselves of conflict of interest perils and remain alert to them in their activities;
  - b. Make certain that no outside activities could interfere with the discharge of their obligations to the University;
  - c. Freely disclose their outside activities to the University regarding situations that could involve or be construed as conflicts of interest;
  - d. Consult in advance with the appropriate officers of the University on outside activities undertaken in the general field of their competence; and
  - e. Special inducements to University personnel which might be construed to provide financial benefit to the giver shall not be accepted.
3. Special Provisions as to members of the Board of Regents:
  - a. No member of the Board shall have any substantial financial or personal interest in business transactions of the University without disclosure of such interest and without disqualifying himself or herself from the decision-making process.
  - b. No member of the Board shall grant or make available to any person any consideration, treatment, advantage, information, or favor beyond that which it is general practice to grant or make available to the public at large.
  - c. No member of the Board shall accept any gift, whether in the form of money, thing, favor, loan, or promise, that would not be offered or given if he or she were not an official.

**Reference:** Neb. Const. Art. III, s. 16.  
BRUN, Minutes, 31, pp. 46-47 (May 31, 1969).  
See Bylaws BRUN (1973+), s. 1.10.  
See Bylaws BRUN (1973+), s. 1.10.1.  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

## **RP-1.2 Duties and Privileges of Members**

### **RP-1.2.1 Duties of Members**

1. Members of the Board are expected to attend all regularly scheduled meetings in order to expedite the business of the Board. Absences, although sometimes unavoidable, constitute an imposition on all other members of the Board.
2. The authority of the Regents is conferred upon them as a Board, and they can bind the University only by acting together as a Board. No individual member is authorized to give administrative directive to any segment of the University or to commit the Board to any policy, declaration, or action without prior approval of the entire Board.
3. As is the case with other members of the University community, each Board member shall be constantly mindful of the visibility of close association with the University and shall assume the responsibilities which this association implies.<sup>1</sup>

4. Requests for studies by individual Regents that are going to take considerable staff time must be approved by the Executive Committee of the Board.<sup>2</sup>

**Reference:** <sup>1</sup>BRUN, Minutes, 34, pp. 165-167 (April 8, 1972).  
<sup>2</sup>BRUN, Minutes, 38, p. 286 (November 7, 1975).

#### **RP-1.2.2 Duties of the Chairperson**

##### 1. Meetings

The primary responsibility of the Chairperson during meetings is to ensure that decisions are arrived at fairly and expeditiously. In meeting this responsibility the Chairperson must at all times recognize the need for all aspects of the issue to be presented adequately before decisions are made. The Chairperson shall exercise the privilege of prudently speaking to the issues before the Board in order to maintain the atmosphere of fairness.

The Chairperson, being a duly elected member of the Board, has the right to vote on every issue.

##### 2. Other than at meetings

The Chairperson shall advise the University President on questions relative to the interpretation of Board policy as is necessary during the period between Board meetings. The exercise of this responsibility shall not be allowed to interfere with the integrity of the administrative structure of the University and the normal channels through which the business of the University is conducted.

**Reference:** BRUN, Minutes, 34, pp. 165-167 (April 8, 1972).  
See also, Bylaws BRUN (1973+), s. 1.3.

#### **RP-1.2.3 Right of Student Members to Indicate Positions**

At any meeting of the Board, the nonvoting student members of the Board of Regents will be given the opportunity to formally state their positions on matters coming before the Board for a vote. After the voting members of the Board have registered their votes on any matter to be voted upon by the Board, the Corporation Secretary will ask each nonvoting student member to indicate his or her position in favor of or opposed to the matter. The statements of position of each nonvoting student member will be recorded in the minutes of the Board.

**Reference:** BRUN, Minutes, 54, p. 82 (January 14, 1989).  
Reaffirmed BRUN, Minutes, 55, p. 40 (January 13, 1990).

#### **RP-1.2.4 Reimbursement and Remuneration of Student Regents**

Reimbursement is permitted for nonvoting student members for expenses actually incurred in the discharge of their duties which are incidental to the office of student body president, but not necessarily incidental to service as a member of the Board of Regents.<sup>1</sup>

**Reference:** <sup>1</sup>BRUN, Minutes, 45, pp. 196-198 (February 21, 1981).  
See also, Bylaws BRUN (1973+), s. 1.8.

#### **RP-1.2.5 Athletic Tickets**

Former Nebraska Governors who have served at least one term and former Regents who have served at least three years shall receive complimentary tickets to athletic events.



Student Regents will receive the same allocation of tickets during their active term as elected Regents. Student Regent tickets will be for seats located in the student body section.

**Reference:** BRUN, Minutes, 38, p. 198 (July 26, 1975).  
Reaffirmed BRUN, Minutes 39, p. 179 (May 14, 1976).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

### **RP-1.3 Meetings of the Board**

#### **RP-1.3.1 Format of the Agenda**

The agenda format for Board meetings will contain four sections. Central Administration will be one section unto itself, and it will be broken down in three subsections: The President's Report, Academic Affairs, and Business Affairs. The same format will be followed for each of the four major administrative units—UNL, UNMC, UNK, and UNO—each unit being a separate section, and each of the sections containing three subsections.

The Executive Vice President and Provost and the Vice President for Business and Finance will be responsible for briefing the subcommittee members on agenda items.

The subcommittee structure will also be utilized during interim periods and called into action for special projects.

**Reference:** BRUN, Minutes, 38, p. 182 (July 26, 1975).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

#### **RP-1.3.2 Copies of the Minutes**

A charge of \$1.00 per page will be made for a copy of the minutes of the meetings of the Board of Regents.

**Reference:** BRUN, Minutes, 33, p. 162 (August 7, 1971).

### **RP-1.4 University Seal, Logo, Policy Manual, and Doctoral Gown**

#### **RP-1.4.1 University Seal**

The corporate seal of the Board of Regents, adopted February 26, 1944, shall be used in all ordinary business transactions, such as conveyances of land and other contracts made by the Board of Regents, where a seal is required by law or by the Bylaws, or by special action of the Board of Regents.

The seal of the University of Nebraska adopted September 6, 1871, shall be used upon all diplomas and certificates issued by the Board of Regents to students, and in certification of the fact of the granting of a degree or diploma, and may be used in all other academic matters where customary, requested, or desirable.<sup>1</sup>

Use of the University of Nebraska seal should be reserved for formal and "official" uses by the University, such as:

1. Printed materials which are defined as "official." These materials include formal documents and publications such as diplomas, certificates, legal and official records, transcripts, formal invitations from University officials, programs for formal academic ceremonies (Commencement, Honors Convocation, etc.), and annual reports.
2. The University flag.

3. On the front of podiums and banners at University events.
4. Attached to the outside of University buildings, on official building signs, and displayed within buildings.
5. Affixed to all leases, contracts, and other legal agreements binding the University.<sup>1</sup>
6. On appropriate licensed commercial products.<sup>2</sup>

The Corporation Secretary of the Board of Regents is the official custodian of the seal.<sup>1</sup>

**Reference:** See also, <sup>1</sup>Bylaws BRUN (1973+), s. 1.4.6.  
<sup>2</sup>BRUN, Minutes, 46, p. 189 (November 11, 1981).

**RP-1.4.2 University Identifier**

The Board approved the policy of having a common logo design for all activities of the University of Nebraska on all campuses.

The Board adopted, as a new common identifier (logo) for the University of Nebraska, and each of the four campuses of the University, the identifiers (logos) set forth below.



**Reference:** BRUN, Minutes, 44, p. 274, (June 14, 1980).  
 BRUN, Minutes, 44, p. 302, (July 26, 1980).  
 BRUN, Minutes, 63, p. 159, (June 23, 2001).

**RP-1.4.3 University Policy Manual**

The Corporation Secretary or designee shall be responsible for updating and editing the University Policy Manual. The manual will include all current policies and will be updated as soon as possible whenever a policy change occurs.

The format of the University Policy Manual will be similar to that of the University of Nebraska Bylaws of the Board of Regents. Proposed policy additions or revisions will be submitted to the Corporate Secretary or designee for appropriate codification, formatting, and editing prior to presentation to the Board. Policy proposals will also specify the effect of the proposals on existing policies.

**Reference:** BRUN, Minutes, 43, p. 168 (July 28, 1979).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

#### **RP-1.4.4 Doctoral Gown**

The official doctoral gown for the University is the black gown with panels of scarlet and cream. All persons who hold the doctorate from the University of Nebraska are authorized to wear the gown when appearing in academic costume.

**Reference:** BRUN, Minutes, 28, p. 126 (October 15, 1966).

#### **RP-1.5 Honorary Degrees and Awards**

##### **RP-1.5.1 Honorary Degrees**

Other than the earned doctorate, the greatest recognition that the University of Nebraska can give to an individual is an Honorary Degree. Such awards are not given lightly and are awarded only when the achievement in scholarship, public service or leadership is of such merit that public distinction is warranted.

##### **1. Purpose and Criteria**

- a. The University of Nebraska may award Honorary Doctoral Degrees to recognize individuals who have attained achievements of extraordinary and lasting distinction.
- b. The following criteria are suggested in selecting honorary degree recipients:
  - 1) Persons who have rendered distinguished service to the university;
  - 2) Persons who have rendered distinguished service to the state;
  - 3) Graduates, former students or former employees who have achieved distinction;
  - 4) Persons who have a record of scholarship, creativity, leadership, humanitarian or public service, although not associated with the university or the state.
- c. Honorary Doctoral Degrees shall not be awarded to members of the university faculty, staff or Board of Regents so long as a relationship exists with the university. Such degrees should be awarded only in exceptional cases to retired faculty members or staff for career distinction achieved at the University of Nebraska.
- d. Honorary Doctoral Degrees shall not be awarded to any person seeking or holding an elective state or federal office in Nebraska.
- e. The University of Nebraska shall award no more than one honorary degree to any single individual.

##### **2. Nominating Process**

- a. Honorary degree recipients may be nominated from campus committees, the Board of Regents or the general public.
- b. Each campus of the university shall create a committee to solicit suggestions and nominations from all sources on its respective campus. After preparing the recommendations and following the procedures established for faculty approval, the committee shall present the recommendations to the Chancellor of the campus. The

Chancellor will review the recommendations and forward them to the Executive Vice President and Provost, with his or her recommendations.

- c. Nominations from the Board of Regents or from the public shall be made to the Executive Vice President and Provost. Nominations shall remain on file and available for consideration for two (2) years.
- d. The President of the university is encouraged to confer with the President of the University of Nebraska Foundation for possible nominations. The Chancellors are encouraged to confer with their offices of alumni affairs for possible nominations.
- e. Each nomination shall be presented in written form and shall include the name of the nominator(s), a vitae or brief biography of the proposed recipient, a description of accomplishments making the nominee worthy of an honorary degree, and any other supporting documentation deemed appropriate to assist in the deliberations.

### 3. Selection Process

- a. All nominations for honorary degrees shall be provided to the Executive Vice President and Provost by December 10 of each year. The nominations shall be for all commencement exercises for the following calendar year.
- b. The Chair of the Board of Regents shall select three (3) members of the Board to serve as a committee of the Board to review the nominations with the Executive Vice President and Provost and to make recommendations to the entire Board. The honorary degree committee shall evaluate each nomination against the criteria set forth above. The committee shall meet prior to January 1 of each year and make recommendations for the next calendar year.
- c. The Board of Regents shall review and approve or reject the honorary degree nominations in closed session at the first Board meeting following the committee deliberations. The authority to award honorary degrees rests with the Board of Regents.
- d. The Chancellor of each campus shall extend invitations to honorary degree recipients following formal approval by the Board of Regents.

### 4. Conferring the Award

- a. All honorary degrees given by any of the four campuses of the university shall be in the name of the University of Nebraska. The general diploma format adopted by the Graduate College shall be used with the "University of Nebraska" printed across the top and the names of all campuses of the university printed across the bottom.
- b. The inscription "upon recommendation of the faculty" shall appear on diplomas for degrees recommended by campus committees. The word "honorary" shall appear in the line preceding the degree title. Attestations shall include the signature or the campus Chancellor, the Chair of the Board of Regents, the President of the University and the Corporation Secretary.
- c. A list of such degrees awarded shall be maintained by the Corporation Secretary.
- d. The University of Nebraska shall grant no more than one honorary degree to an individual.
- e. Honorary degrees shall not be granted in absentia unless specifically recommended by the faculty and approved by the Board of Regents. Individuals being recognized must accept the degree in person within three (3) years of approval by the Board of Regents. In

special circumstances, and with approval by the Board of Regents, an honorary degree may be awarded separate from a campus commencement ceremony.

- f. An honorary degree recipient may be asked to be a commencement speaker. However, the two roles are separate as to process and should not be considered reciprocal.
- g. Prior to public announcement by the President or Chancellor, all matters relating to honorary degrees shall be confidential.

**Reference:** BRUN, Minutes, 54, p. 192 (July 22, 1989).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).  
BRUN, Minutes, 63, p. 101 (December 9, 2000).

### **RP-1.5.2 Nebraska Builder Awards**

#### 1. Definition

This is an award given annually at the University of Nebraska-Lincoln spring commencement to individuals who have literally been a “builder” of the university and/or state.

#### 2. Nomination

Nominations will be made by members of the Board of Regents, the Chancellor of the University of Nebraska-Lincoln, and the President of the University of Nebraska.

#### 3. Guidelines

The following guidelines are suggested in selecting builder recipients:

- a. Achievements of the nominee should be university- or state-oriented.
- b. Nominee should be a resident of the state of Nebraska. If the nominee was a resident and has now left the state, the nominee's contribution should be Nebraska-oriented.
- c. Presenting this award to individuals actively associated with the university (faculty, staff, administrators, Regents, etc.) is strongly discouraged.
- d. In order to avoid even the appearance of favoritism for any political party or any person who may be seeking an elective state office or federal office in Nebraska, Nebraska Builder Awards shall not be awarded to any incumbent of or candidate for any elective state constitutional office, including state senator, or to any incumbent of or candidate for the U.S. House of Representatives or U.S. Senate from the State of Nebraska.

#### 4. Nominating Procedure

The nomination should be presented in written form covering the following areas:

- a. Brief biography;
- b. Description of achievement(s) of nominee; and
- c. Name of nominator.

Since the nominations are to be presented at spring commencement at the UNL campus, the nominations should be sent to the Executive Vice President and Provost two weeks prior to the January meeting of the Board of Regents. These nominations will then be sent out to the Regents for consideration prior to that meeting.

Because this is a statewide award, each Regent is urged to give special consideration to potential recipients in their Regental district.

It will be the policy of the Board of Regents to award no more than two Nebraska Builder Awards per year.

**Reference:** BRUN, Minutes, 54, p. 192 (July 22, 1989).

### **RP-1.5.3 Other Honorary Awards**

#### 1. UNO Order of the Tower Award

The UNO Order of the Tower Award is made by the Chancellor of UNO to individuals or groups who have provided significant service, support, or promotion of UNO, the greater Omaha area, or the objectives of higher education. The Chancellor of UNO will develop criteria and guidelines for the awards.

#### 2. UNMC J. G. Elliot Award

The J. G. Elliot Award is made by the Chancellor of UNMC to individuals who have made a "significant contribution" to the State of Nebraska in the field of medicine or health services.

#### 3. All recipients of the UNO Order of the Tower Award and the UNMC J.G. Elliot Award will be endorsed by the Board of Regents, and this endorsement shall be so recognized in the Board of Regents minutes.

**Reference:** BRUN, Minutes, 54, p. 192 (July 22, 1989).

### **RP-1.6 Committees of the Board**

#### **RP-1.6.1 Committee Reports**

There shall be an opportunity at each Board meeting for each of the committees to report on its activity. All resolutions and committee reports which involve matters for the record shall be made in writing and shall constitute the official records of the committees.

**Reference:** BRUN, Minutes, 34, pp. 165-167 (April 8, 1972).  
Policy amended in BRUN committee, March 20, 1999.

#### **RP-1.6.2 Executive Committee**

The Executive Committee shall serve as the consultant group for the President during times when the full Board is not in session and shall make recommendations to the full Board when appropriate.<sup>1</sup>

The Executive Committee shall review the proposed agenda of each meeting of the Board of Regents and approve all agenda items of the remaining committees of the Board.

**Reference:** <sup>1</sup>BRUN, Minutes, 34, pp. 165-167 (April 8, 1972).  
<sup>2</sup>BRUN, Minutes, 37, pp. 2-3 (February 2, 1974).  
Policy amended in BRUN committee, March 20, 1999.

#### **RP-1.6.3 Planning Committee**

The Planning Committee shall address long range and strategic planning for the University and the Board.

**Reference:** BRUN, Minutes, 41, p. 196 (March 18, 1978).  
Policy amended in BRUN committee, March 20, 1999.

#### **RP-1.6.4 Academic Affairs Committee**

The Academic Affairs Committee shall address matters involving teaching, research, service and extension in support of the University mission.

**Reference:** BRUN, Minutes, 37, pp. 2-3 (February 2, 1974).  
Policy amended in BRUN committee, March 20, 1999.

#### **RP-1.6.5 Business Affairs Committee**

Business Affairs Committee shall address matters of finance, budget, and business administration in support of the University mission.

**Reference:** Policy amended in BRUN committee, March 20, 1999.

#### **RP-1.6.6 General Affairs Committee**

The General Affairs Committee shall address matters involving students and those matters that do not fit within the description of the other committees of the Board.

**Reference:** Policy created in BRUN committee, March 20, 1999.

#### **RP-1.6.7 Information Technology Committee**

The Information Technology Committee shall address the adequacy and effectiveness of University information technology resources and services in supporting the University mission.

**Reference:** Policy created in BRUN committee, March 20, 1999.

#### **RP-1.6.8 Outreach and Service Committee**

The Outreach and Service Committee shall address matters involving outreach and service to all areas of the state of Nebraska in support of the University mission.

**Reference:** BRUN, Minutes, 64, p. 103 (April 26, 2003).

#### **RP-1.6.9 Audit Committee**

The Audit Committee shall address policies affecting operations review, accountability, and audit.

**Reference:** BRUN, Minutes, 64, p. 138 (October 17, 2003).

### **RP 1.7 Records of the Board of Regents**

#### **RP-1.7.1 Custodian of Records**

The Corporation Secretary shall serve as the custodian of the records of the Board and all documentary files thereof. The Corporation Secretary shall be responsible for disposition and/or preservation of records of the Board.

**Reference:** BRUN, Minutes, 63, p. 189 (December 8, 2001).

**RP-1.7.2 Disposition and/or Preservation of Records**

Records shall be disposed of and/or preserved as set forth in a records retention schedule approved by the Corporation Secretary in accordance with applicable law.

**Reference:** BRUN, Minutes, 63, p. 189 (December 8, 2001).



## **Chapter 2. Structure of the University**

### **RP-2.1 Interrelationships of the Board, the Administration, the Faculty, and the Student Body**

#### **RP-2.1.1 Not Currently Used**

#### **RP-2.1.2 Campus Disorders and Administrative Response**

##### 1. Demonstrations

Members of the academic community, including the guests of the University, have the right to extensive latitude in making their opinions known. It is understood, however, that in exercising this right the rights of others must not be jeopardized. The public exploration and resolution of differing views can be successful only when groups and individuals discuss the issues in forums where the right to disagree, speak freely, and be heard is preserved. Within this context, the University community recognizes peaceful demonstrations as a legitimate means of expressing one's opinion.

The preservation of freedom of speech, and the recognition of the right to peaceful demonstration as part of that freedom, is possible only in an orderly environment in which individuals are not endangered by force or violence and in which they are free from coercion and interference in the exercise of their rights or in carrying out their legitimate activities. Consequently, in the specific case of campus demonstrations, the University community may impose behavioral restrictions which are necessary to preserve the orderly functioning of the University and the right of all to be heard. Such restrictions fall into two categories:

##### a. Prevention of violence or the use of force:

Demonstrations which coerce individuals, constitute a hazard to the safety of any persons, or threaten destruction of property are not protected by freedom of speech provisions and will not be tolerated. Similarly, a hostile audience will not be allowed to interfere with a peaceful demonstration.

##### b. Protection from interference with University operations:

The University community may restrict conduct which interferes with the holding of classes, the carrying forward of University business, properly organized and scheduled University events, or the discharge of responsibility by any University officer, employee, or student. Although the mere presence of demonstrators in public areas within buildings does not necessarily constitute interference, demonstrators cannot be allowed physically to obstruct access to University facilities. Noise and boisterous activity is objectionable when it prevents others from exercising their rights and duties.

Persons engaging in disruptive action shall be subject to disciplinary measures, including separation from the University, and also to charges of violation of the law.

##### 2. Response to Disruptive Action

The response of the University to disruptive behavior must ultimately depend on the judgment of the officials who are in charge. However, the following guidelines should be observed:

- a. Every effort will be made to end the disruption through reason and persuasion. These efforts shall include a clear indication of the willingness to discuss issues and to make clear the procedures for discussion and arbitration of the issues involved. Discussion of the issues will not be conducted under condition of duress.

- b. If the discussion methods fail, the individuals involved will be notified that they are in violation of University regulations, and they will be asked to cease the activity. In the event the alleged violators do not cease the activity within a reasonable length of time, temporary sanctions, which may include conduct probation and, if necessary, suspension, may be imposed on the scene. However, unless both the student and the University officials agree to a postponement, the University must hold disciplinary hearings within five (5) school days or the temporary sanctions will be dissolved. Such disciplinary hearing shall be held, as far as possible, in accordance with the established disciplinary procedures of the University. No temporary sanction shall be made part of a student's permanent record. If a student is found innocent of the action for which temporary sanctions were imposed, no record of the temporary sanction or of the hearing shall become part of any of the student's files or records, and the student shall be given the opportunity to make up any work which was not completed because of the disciplinary action.
- c. If the use of institutional sanctions and discussion methods are not effective in ending the disruptions, or when alleged violators are not members of the University community, extra-institutional methods (including the invoking of police force) may be used. Nonmembers of the University community who are engaged in disruptive behavior may be referred to civil authorities for appropriate action.
- d. Evidence regarding the activity of nonstudent members of the University community who are alleged to have engaged in disruptive behavior may be referred to their supervisors for appropriate action.

The University community abhors the use of force as a method for settling disagreement and will always make exhaustive attempts to deal with issues by rational methods. When, however, such rational efforts prove ineffective or when imminent danger to life or property exists, more forceful methods shall be used to protect the rights and property of members of the community.

**Reference:** BRUN, Minutes, 30, pp. 270-272 (April 19, 1969).

### **RP-2.1.3 Right to A Public Hearing**

It shall be the right of any individual member or group of members of the University (i.e., students, faculty, or administrators) to be granted, upon petition to the appropriate policy-making body or office, a public hearing at which the policy indicated by the group of petitioners in their petition shall be discussed. The policy making body or office petitioned shall schedule the hearing for some time convenient to the interested parties, if possible no later than two weeks after the petition is submitted during periods when the University is in session, and shall announce publicly in advance the time and place of the hearing. At the hearing, that body responsible for the policy indicated in the petitions shall clarify said policy, offer the reasons which justify that policy in view of the objections or questions raised about it in the petition, and respond to any additional questions or criticisms of the policy or related policies raised at the hearing by any member of the University. It is expected that, before such a petition is submitted, all other normal channels for raising questions about the policy have been exhausted. If, in the view of the policy-making body or office to whom the petition is submitted, the petition is merely a form of harassment or adequate answers are available through other normal channels, the petition may be referred to the relevant academic senate committee to determine whether the hearing must be held. A decision by the committee not to hold a public hearing shall be overruled by the submission to that committee of a petition requesting such hearing and signed by at least 100 members of the University community.

**Reference:** BRUN, Minutes, 30, p. 272 (April 19, 1969).

## **RP-2.1.4 Selection of Members of the Presidential Advisory Search Committee**

### **1. General Statement**

Every effort shall be made to have the membership of the advisory search committee appointed pursuant to Section 2.1 of the Bylaws of the Board of Regents (the "Committee") representative of the State and the University.

### **2. Voting Members**

#### **a. Central Administration**

The Board shall select one (1) administrator from Central Administration to serve on the Committee.

#### **b. Campus Administration**

Each Chancellor shall nominate two (2) individuals, with the rank of Dean or above, to serve on the Committee. The Board shall select one (1) representative from each campus. At least one (1) of the four (4) representatives shall be a Chancellor.

#### **c. Faculty**

The Faculty senate of each major administrative unit may nominate not less than two (2), nor more than four (4) faculty members to serve on the Committee. The Board shall select one (1) of the faculty nominees from each major administrative unit.

#### **d. Student**

The student government of each major administrative unit shall nominate two (2) students to serve on the Committee. The Board shall select one (1) of the student nominees.

#### **e. University of Nebraska Foundation**

The University of Nebraska Foundation shall nominate two (2) individuals to represent the Foundation on the Committee. The Board shall select one (1) of the Foundation nominees.

#### **f. General Public**

Each elected regent may nominate two (2) individuals at large to serve on the Committee, at least one (1) of whom shall be an alumnus of the University of Nebraska. The Board shall, after giving strong consideration to geographic representation of the entire State, select six (6) of the nominees to serve on the Committee.

### **3. Ex Officio Members**

The Chairperson of the Board of Regents shall select a member of the Board to serve as an ex officio (nonvoting) member on the Committee.

### **4. Officers**

Co-Chairpersons of the Committee - The Chairperson of the Board of Regents shall appoint one (1) of the six (6) representatives of the general public to serve as Co-Chairperson. The Board representative to the Committee shall serve as the second Co-Chairperson.

## 5. Responsibility of the Advisory Committee

The Committee shall be charged with the responsibility of deliberately and thoughtfully reviewing all nominations and applications for the position of President of the University of Nebraska and forwarding to the Board of Regents not less than four (4) and no more than eight (8) candidates for consideration by the Board.

**Reference:** BRUN, Minutes, 54, p. 223 (September 8, 1989).  
BRUN, Minutes, 55, p. 128 (June 23, 1990).  
BRUN, Minutes, 55, p. 187 (September 7, 1990).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

### **RP-2.1.5 Standards of Conduct for Employees and Students Regarding Alcohol and Drugs**

The illegal possession, use, or distribution of drugs or alcohol by students and employees is a violation of University rules as well as State and Federal laws. Officers of the University are to cooperate with State and Federal agencies in the prevention of drug abuse. In satisfaction of this mandate and in order to fulfill its obligations under the Drug Free Workplace Act of 1988, 41 U.S.C. § 701, and the Drug Free Schools and Communities Act of 1989, 20 U.S.C. § 1145g, the University has formulated standards of conduct for both its employees and its students which prohibit the following acts:

1. use, possession, manufacture, distribution, or sale of illegal drugs or drug paraphernalia on University premises or while on University business or at University activities or in University-supplied vehicles either during or after working hours;
2. unauthorized use, possession, manufacture, distribution, or sale of a controlled substance as defined by the Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., or Nebraska Drug Control Laws, Neb. Rev. Stat. §§ 28-401 et seq., on University premises, or while engaged on University business or at University activities, or in University-supplied vehicles either during or after working hours;
3. unauthorized use, manufacture, distribution, possession, or sale of alcohol on University premises or while on University business or at University activities, in University-supplied vehicles either during or after working hours;
4. storing in a locker, desk, vehicle, or other place on University-owned or -occupied premises, any unauthorized controlled substances, drug paraphernalia, or alcohol;
5. use of alcohol off University premises that adversely affects an employee's or student's work or academic performance or an employee's or student's safety or the safety of others;
6. possession, use, manufacture, distribution, or sale of illegal drugs off University premises that adversely affects the employee's work performance or the student's academic performance or an employee's or student's safety or the safety of others;
7. violation of State or Federal laws relating to the unauthorized use, possession, manufacture, distribution, or sale of alcohol, controlled substances, or drug paraphernalia;
8. in the case of employees--failure to notify an employee's supervisor of an employee's arrest or conviction under any criminal drug statute as a result of a violation of law which occurs at the University of Nebraska workplace.

**Reference:** BRUN, Minutes, 55, p. 205 (October 12, 1990).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

### RP-2.1.6 Relationship of Teaching, Research, and Service

The University of Nebraska is a major institution of higher education, consisting of four unique campuses, which serves the state, the nation, and the world through three fundamental missions of teaching, research, and service. Teaching, research, and service are all important activities for University faculty, and all three are valued at the University of Nebraska.

1. The Board of Regents re-affirms that the first priority of the University of Nebraska and each of its campuses is teaching with special emphasis on teaching the undergraduate or first-professional-level student. Postgraduate and postdoctoral education is also a vital part of the University mission but should not eclipse the importance of teaching undergraduates.
2. The Board of Regents re-affirms the vital role of research at the University of Nebraska and encourages the continued pursuit of new knowledge in diverse areas of endeavor with continued emphasis on (but without limitation to) areas of special interest and benefit to Nebraska. The University of Nebraska is a recognized research university which has extensive programs in basic and applied research in numerous fields of endeavor. There has been, and should continue to be, a strong emphasis on research in areas of special interest and importance for Nebraskans. Indeed, the Nebraska Research Initiative, funded by the Nebraska taxpayer, specifies that research efforts funded from that source focus on matters of special concern to Nebraskans. Furthermore, the land-grant activities of the University of Nebraska always have been manifested by an emphasis on applied research and application of knowledge for the benefit of Nebraskans. However, Nebraska is an integral and interactive part of the nation and the world and, accordingly, the University of Nebraska has a role in basic and applied research in diverse areas and disciplines not limited by geographic boundaries.
3. The need to provide opportunities for life-long learning has never been greater. A large percentage of postsecondary students nationwide are what are commonly called “nontraditional.” Studies indicate that current college graduates will change careers many times during their lifetimes for which there will be a corresponding need for new education and training. Advances in information technology make possible teaching and service opportunities throughout the state without regard to physical location. The life-long learning activities of the University, always fundamental to a land grant university, are more important than ever. The University’s programs can offer invaluable benefit to citizens across the state for developing critical thinking skills, enhancing individual opportunity, and strengthening our communities. The University must recognize and take advantage of new opportunities to meet its traditional responsibilities. Accordingly, the Board of Regents encourages the administration and faculty to develop policies and programs for teaching and service that are accessible to Nebraskans throughout the state, as well as on our campuses, and to reward faculty for efforts to improve the University’s ability to provide learning opportunities for all Nebraskans.
4. Recognizing that teaching, research, and service are all essential activities for a great public university, the Board of Regents expects the overall allocation of faculty time for teaching, research, and service on each campus to reflect the role and mission of that specific campus. The Board of Regents endorses the concept of diverse types of scholarly activity described by Ernest Boyer in his important work, Scholarship Reconsidered (1988). Boyer describes four primary scholarly activities.
  - a. The scholarship of discovery is essentially what many refer to as basic research. This activity adds to human understanding through disciplined investigation.
  - b. The scholarship of integration brings together disparate facts or research findings from many sources and/or disciplines, frequently casting related elements into a new perspective. This activity interprets, adds context to, and/or explains research results, often from an interdisciplinary perspective.

- c. The scholarship of application links faculty members' expertise in academic areas to specific problems. It is service-related and includes applied research and outreach to businesses, communities, and individuals. Theory and practice interact, and new discovery can result from application.
  - d. The scholarship of teaching is the process of actively seeking and imparting knowledge and making the various forms of scholarship meaningful and of consequence to other persons. The scholarship of teaching stimulates and encourages students to be critical thinkers.
5. Each of the four scholarship activities described by Boyer takes place in varying degrees on the four campuses of the University of Nebraska. The balance among these activities on each campus should relate directly to the role and mission of that campus. Using Boyer's categories of scholarship as a model, the Board of Regents establishes the following elements of scholarship to be emphasized in carrying out the role and mission assigned to each campus.
- a. The University of Nebraska at Kearney (UNK): UNK is primarily an undergraduate institution committed to quality undergraduate programs in a residential setting with a select mix of master's level graduate programs. Scholarship at UNK should emphasize teaching and integration of knowledge.
  - b. The University of Nebraska at Omaha (UNO): UNO is primarily a metropolitan institution committed to meeting the educational needs of the Greater Omaha Area, and also has statewide responsibility for programs to selected areas. Major emphasis is on undergraduate teaching, with a diverse mix of master's degree programs combined with a small number of doctoral programs in selected areas for which UNO has statewide responsibility. UNO has primary responsibility for the urban-grant activities of the University of Nebraska which include integration and application of knowledge to problems of the urban community and applied research on urban issues and greater Omaha area issues. Scholarship at UNO should emphasize teaching, integration, and application of knowledge.
  - c. The University of Nebraska-Lincoln (UNL): UNL is the primary research and doctoral degree-granting institution in the state for fields outside the health professions and offers a broad range of undergraduate and graduate programs. UNL has primary statewide responsibility for the land-grant activities of the University of Nebraska which emphasize application and integration of knowledge and applied research in diverse areas. Scholarship at UNL should emphasize teaching and discovery but should also include the scholarship of integration and application.
  - d. The University of Nebraska Medical Center (UNMC): UNMC provides educational programs in the health professions, placing special emphasis on education and training of physicians and other health professionals in primary care and on programs that benefit health care delivery in rural areas throughout the state. UNMC also has the major responsibility for medical research. Scholarship at UNMC should place primary emphasis on teaching and discovery but should also include integration and application in the health sciences.

The Board of Regents recognizes that quality in the scholarship of teaching, integration, and application can and does exist on campuses where the scholarship of discovery is not among the primary activities. The role of these campuses and the role of the research-oriented campuses are complementary, and all four campuses contribute to the role and mission of the University of Nebraska.

6. The Board of Regents encourages each campus to develop policies for tenure and promotion, and a system of incentives and rewards for faculty performance, which recognize the importance of teaching and which accurately reflect the role and mission of that campus. For example, original research and publication in peer-reviewed journals should be given more weight for faculty at the research campuses than at the other campuses and for faculty in graduate programs. Teaching, especially teaching undergraduates, should be valued at all campuses. This should be reflected in tenure and promotion policies, and there should be a system of appropriate incentives and rewards for quality teaching.

For excellence in teaching to be rewarded, we must first be able to recognize it. The Board of Regents encourages the central administration, campus administrations, and the respective campus faculties to continue to improve methods for the evaluation of the quality of teaching by faculty members so this can be appropriately reflected in decisions regarding tenure and promotion as well as determining other rewards for quality teaching.

7. The Board of Regents encourages administration and faculty to determine what types of service activities for faculty on each campus are consistent with the role and mission of that campus and to develop improved methods of evaluating service activities of faculty members. Amongst other things, faculty should be rewarded for service activities which involve application of knowledge for the benefit of the people of Nebraska. These could include activities which increase the quality and number of jobs available to Nebraskans, increase opportunities for self-employment, protect our natural resources and the quality of our environment, improve the health of Nebraskans, and enhance the quality of life in Nebraska communities. Articles on applied research and service projects published in trade and business journals should also be given credit in faculty promotion and tenure guidelines upon peer acceptance as quality work.
8. The Board of Regents encourages administration and faculty to determine what types of life-long learning programs and activities on each campus are consistent with the role and mission of that campus and to develop improved methods of evaluating and rewarding the contributions of faculty members in the area of life-long learning. For example, faculty should be rewarded for developing and making available appropriate educational materials and courses of instruction for Nebraskans regardless of location.
9. The Board of Regents encourages the University of Nebraska to continue to solicit citizen input to help determine the types of research and service activities to pursue at the University of Nebraska and to keep course content up to date with changing needs through citizen advisory bodies.
10. The Board of Regents encourages each campus to recognize the diversity of scholarship strengths within the faculty and to develop and utilize the strengths and interests of each faculty member within the framework of the campus role and mission. Thus, one faculty member may spend the majority of his or her time as a researcher whereas another may spend most of his or her time in activities related to classroom teaching. Both should be encouraged, and both should be rewarded. However, the overall allocation of faculty time on each campus should reflect the role and mission of that campus.
11. Finally, the Board of Regents recognizes and encourages the diversity of the four campuses with each campus having a different role and mission and each campus having distinctive core competencies. The Board encourages intercampus collaborations which leverage the strengths of the individual campuses and their faculty in joint efforts.

**Reference:** BRUN, Minutes, 60, pp. 81-83 (September 29, 1995).  
BRUN, Minutes, 62, p. 25 (April 4, 1998).

### **RP-2.1.7 Statement on Intercollegiate Athletics**

The Board of Regents recognizes the integral and important role of intercollegiate athletics at the University of Nebraska-Lincoln, the University of Nebraska at Omaha, and the University of Nebraska at Kearney. Intercollegiate athletics provide opportunities for participants to develop important skills, a source of desirable entertainment for non-participating students, and a valuable link with the broader community outside the University.

While it is the intention of the Board of Regents to continue to support and promote an appropriate level of intercollegiate athletic activity at the University, it must remain clear that the teaching, research, and outreach missions of the University are the Board's highest priorities. The Board intends to maintain a desirable balance between the academic and athletic missions at the University.

It is the policy of the Board of Regents that no increases in expenditures of mandatory student fee funds or state general funds shall be used for any future expansion in the number of team sports, the construction of new or expanded intercollegiate athletics facilities, or the hiring of additional athletic department staff. This limitation is not intended to affect nominal inflationary growth in spending by the campus' existing athletic programs or changes required by gender equity considerations related to existing programs. With regard to private support, solicitation of private donations for athletic programs should be conducted in a manner that minimizes competition with private fund raising for academic programs.

**Reference:** BRUN, Minutes, 60, P. 147 (July 13, 1996).

### **RP-2.2 Senior Administrative Officers**

#### **RP-2.2.1 Installation Ceremony for the President and Chancellors**

Whenever a new University President or campus Chancellor has been appointed, the University shall hold a formal installation ceremony for that individual. The general planning and execution of such installations shall be the responsibility of the University's administration with the advice and assistance of the University faculty and alumni. Such ceremonies shall be held at a time and place conducive to the attendance and involvement of faculty and students and shall be open to the general public.

**Reference:** BRUN, Minutes, 46, p. 322 (March 27, 1982).

### **RP-2.3 President of the University**

#### **RP-2.3.1 Enforcement of Compliance with Big 12 Conference, North Central Conference, and NCAA Rules and Regulations**

The President of the University of Nebraska is directed, upon ascertaining that any violation of the rules and regulations of the Big 12 Conference, North Central Conference, and/or the National Collegiate Athletic Association are directly or indirectly violated by an employee, officer, agent, or any other person under the control of the University of Nebraska or the Board of Regents, to take appropriate disciplinary action against such individual; and the General Counsel of the University of Nebraska is directed, upon ascertaining that any person or entity who is not an officer, employee, agent, or under the control of the Board of Regents of the University of Nebraska has caused a violation of the rules and regulations of the Big 12 Conference, North Central Conference, and/or the National Collegiate Athletic Association regarding any student of the University of Nebraska or regarding any activity of the University of Nebraska, to forthwith commence such legal action as said General Counsel deems appropriate, which legal action may include, but not be limited to, request for damages and/or injunction and/or other relief.

**Reference:** BRUN, Minutes 49, pp. 141-142 (February 18, 1984), edited June, 1998.



### **RP-2.3.2 Authorization to Approve Changes in Program Names**

The President of the University of Nebraska is authorized to approve changes in the name of any degree-granting program of the University provided that a written report of any such name change is made to the Board of Regents at its next regular meeting.

**Reference:** BRUN, Minutes, 59, p. 214 (December 9-10, 1994).

### **RP-2.3.3 Expedited Approval of Certain Graduate Certificates**

The President of the University of Nebraska is authorized to approve certain graduate certificates under conditions described below. When the President approves such a certificate program, a report describing the action will be made to the Board of Regents at its next meeting. For certificates to be considered for expedited review and approval by the President, they must meet the following requirements:

1. The proposed certificate must be a reasonable part of an existing masters program in that it uses existing courses in the program.
2. The proposed certificate must require at least 12-15 hours of work past the bachelors degree but no more than 20 hours. A core of required or elective courses must be in the department/program offering the certificate; however, graduate students may be given an opportunity to take up to one-third of the program in optional or elective courses in collateral departments of relevant disciplines, consistent with the requirements of the existing masters program.
3. The proposed certificate must be a repackaging of existing graduate courses, requiring no additional or reallocated resources to support the program. The proposal for the certificate must demonstrate the availability of internal capacity to offer the certificate.
4. The proposal for the certificate must show evidence of demand and that the proposal is being responsive to a demonstrated need in the university or community. However, the justification need not be as elaborate as that required for a new degree program.
5. Following approval of such a new certificate program, the action must be reported to the Board of Regents at its next meeting.
6. The Nebraska Coordinating Commission for Postsecondary Education (NCCPE) will waive its need to approve such certificate programs.

**Reference:** BRUN, Minutes, 63, p. 61 (July 15, 2000).

## **RP-2.4 Advisory Groups**

### **RP-2.4.1 University-wide Calendar Committee**

A standing University-wide Calendar Committee made up of one faculty member and one administrator from each of the campuses of the University, chaired by a voting member from the Office of the Executive Vice President and Provost, is hereby established and will determine the academic calendar for UNL, UNO, UNK, and the College of Nursing, College of Pharmacy, and portions of the School of Allied Health professions at UNMC. Common calendar scheduling does not apply to students with clinical responsibilities at UNMC. The Calendar Committee shall meet as required and recommend to the Executive Vice President and Provost a calendar for the succeeding academic year.<sup>1</sup>

## 1. Academic Year Calendar Guidelines

The Calendar Committee shall observe the following guidelines in determining the calendar for each academic year:

- a. The fall and spring semesters will have Monday starting dates and Saturday ending dates for classes.
- b. Each semester will have fifteen (15) class meetings on each weekday, Monday through Saturday.
- c. General registration and final examination schedules will be established by each campus of the University outside of the regular class meeting schedule.
- d. The first semester of each academic year will end prior to the Christmas vacation.
- e. The Thanksgiving vacation will be the Wednesday before and the Friday and Saturday after Thanksgiving.
- f. No more than thirty (30) calendar days, including the fall semester final examination schedule, shall elapse between the end of the classes in the fall semester and the beginning of classes in the spring semester.
- g. Spring vacation shall begin on a Sunday and end on the following Sunday, and there shall be no less than five (5) full weeks of instruction from the end of each spring vacation until the beginning of the spring semester final examination schedule.<sup>2</sup>
- h. To avoid problems associated with the date for December commencement, classes in the fall semester shall have a starting date occurring between August 21 and August 27.

**Reference:** <sup>1</sup>BRUN, Minutes, 39, p. 180 (May 14, 1976).  
<sup>2</sup>BRUN, Minutes, 42, pp. 5-6 (June 17, 1978).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).  
BRUN, Minutes, 62, pp. 24-25 (April 4, 1998).

### **RP-2.5 The Chancellors-Vice Presidents**

#### **RP-2.5.1 Policy on Abortions**

It is the policy of the Board of Regents to favor natural childbirth over nontherapeutic abortions in the educational and research programs of the University of Nebraska Medical Center, and in keeping with this policy the performance of nontherapeutic abortions at the University of Nebraska Medical Center and all educational and research programs relating thereto shall be discontinued immediately.

The Chancellor of the University of Nebraska Medical Center is hereby authorized and directed to forthwith promulgate written procedures and regulations in keeping with the requirements of the Constitution of the United States and the Constitution and laws of the State of Nebraska which will implement the above-stated policy and directive by the Board.

**Reference:** BRUN, Minutes, 43, p. 286 (October 12, 1979).  
Reaffirmed BRUN, Minutes, 54, p. 252 (October 6, 1989).

### **RP-2.6 The Colleges**

## **RP-2.7 Other University Activities**

### **RP-2.7.1 Coordination of Outreach Activities**

1. Every effort must be made to ensure coordination among the campuses to extend resources to the citizenry of Nebraska. Intercampus coordination should provide the University with a unique opportunity for maximizing its resources by avoiding undue competition and duplication and matching resources with needs. Further, continuous interaction will minimize misunderstandings about the role and scope of the participating campuses. Since the Cooperative Extension Service within the Institute of Agriculture and Natural Resources already exhibits a well-organized statewide administrative structure, its programs are not included within the purview of these recommendations.
2. The campus deans or directors of extension will constitute an administrative outreach coordinating council to be chaired by a representative from the Office of the Executive Vice President and Provost. This council shall formulate and recommend continuing education and extension policy of a general and intercampus nature. This council should give consideration to the formation of an intercampus advisory committee drawn from faculty from the campuses. In addition, it may be advisable to explore the creation of a small statewide citizens advisory committee to give guidance and assistance in the planning of extension activities.
3. Every effort must be made to protect and advance the sense of purpose, participation, identity, and pride on the part of departments, schools, colleges, and campuses in the design and maintenance of quality extension programs. In order to provide a campuswide overview, it is of utmost importance that the delivery of all outreach programs be coordinated through the extension or continuing education office on each campus. Therefore, no department, school, or college may operate its own outreach delivery system without the approval of the appropriate campus chancellor and then only within approved University-wide continuing education and extension policies.
4. It is important for the University to strengthen existing regional continuing education centers and to establish additional centers wherever the need exists and resources permit. These centers are to be a point of access to the University of Nebraska for those who cannot register on one of the University's campuses. Through these centers, all University educational and cultural events will be coordinated for that region, with the exception of cooperative extension programs. These centers will work in close cooperation with local schools, community colleges, independent colleges, state colleges, and all other groups interested in programs and activities to which the University can contribute its unique resources. These centers will report administratively to the Chancellor of the University of Nebraska-Lincoln, except for any centers established in Douglas and Sarpy Counties, which will report administratively to the Chancellor of the University of Nebraska at Omaha. Based upon expressed community demand and availability of University resources, the outreach coordinating council, in conjunction with the appropriate campus unit, will determine the programmatic offerings at the centers.

The centers are to be service organizations that aid the campuses in accomplishing their programmatic missions in the most efficient manner possible and shall lend their services and resources to aid all campuses in extending their programs off campus.

**Reference:** BRUN, Minutes, 40, pp. 30-31 (December 11, 1976).

### **RP-2.7.2 University of Nebraska Press**

The University of Nebraska Press is operated as an educational agency of the University of Nebraska. Its purpose is to publish works of merit without regard to the point of view of the author. Views expressed in any publication issued by the Press are, therefore, not necessarily those of the Board of Regents or the faculty of the University.<sup>1</sup>

The printing of books, sponsored by the University Press, in the University-operated printing department is approved providing such work does not interfere with the regular University job printing requirements.<sup>2</sup>

**Reference:** <sup>1</sup>BRUN, Minutes, 16, p. 297 (November 11, 1944).  
<sup>2</sup>BRUN, Minutes, 19, p. 36 (February 26, 1949).

### **RP-2.7.3 UNL University Health Center Governing Board**

A Governing Board is established for the University Health Center on the UNL campus with the following powers:

1. To grant, suspend, and remove medical staff privileges at the University Health Center.
2. To provide executive oversight of the quality assurance programs and processes of the University Health Center.
3. To advise the Chancellor and the Vice Chancellor for Student Affairs regarding long-range planning and general administration of the University Health Center with the goal of assuring that the health maintenance needs of UNL students are met effectively and efficiently.
4. To approve medical staff bylaws and amendments thereto.
5. To perform executive oversight of medical staff bylaw implementation.
6. To serve as the appeals board for decisions rendered under the medical staff bylaws.

The governing board shall be comprised of the Chancellor of the University of Nebraska-Lincoln, the Vice Chancellor for Student Affairs of UNL, the Director of the University Health Center, the Medical Director of the University Health Center, the Chairperson of the Student Advisory Board of the University Health Center, a non-University health professional appointed by the Chancellor for a two-year term, a UN faculty member appointed by the Chancellor for a two-year term, and a UNL student appointed by the Chancellor for a one-year term.

**Reference:** BRUN, Minutes, 46, p. 180 (October 9, 1981).  
BRUN, Minutes, 55, p. 11 (November 10, 1989).

### **RP-2.8 Provisions for Student Government**

#### **RP-2.8.1 Eligibility to Hold Office**

1. In order to be eligible to be a candidate for or to serve in an office of student government, a student must:
  - a. be officially registered as a student in good standing (minimum 2.0 cumulative GPA and not on academic or disciplinary probation as determined by each major administrative unit) during the academic term while running for and/or holding office.
2. In order to be eligible to be a candidate for or to serve in the position of President of student government or the next office in succession on a given campus, a student must additionally:
  - a. be continuously enrolled in at least six class credit hours on that campus (excluding thesis, correspondence and independent study courses, and summer session credits); upon written verification by the Dean for Graduate Studies that a graduate student is devoting full-time effort to thesis or dissertation-related research and is to be considered a full-time student, a graduate student may register for fewer than six class credits and still maintain eligibility for office;

- b. have completed 24 semester hours of credit on that campus during two years prior to the academic term in which the office is sought or held provided, however, that UNMC students shall be required to have completed 24 semester hours of credit at any accredited postsecondary institution within the last two years prior to the academic term in which the office is sought or held;
- c. be elected by a majority vote of the students voting in the election or be elected by a margin over the next higher candidate of at least ten percent of the total votes cast for eligible candidates; and
- d. not be convicted of a felony, unless all civil rights have been restored by the date set for filing for candidacy in Student Government elections.

These requirements are applicable to all elections held and/or appointments made.

**Reference:** BRUN, Minutes, 41, pp. 190-191 (March 18, 1978).  
Amended, 46, p. 170 (October 9, 1981),  
Amended, 50, p. 239 (February 16, 1985).  
Amended, 63, p. 17 (February 26, 2000).  
Amended, 64, p. 21 (April 6, 2002).

## **Chapter 3. Terms and Conditions of Employment**

### **RP-3.1 Equal Opportunity/Affirmative Action**

#### **RP-3.1.1 Nondiscrimination on the Basis of Individual Characteristics—Employees**

Employees on each campus of the University of Nebraska shall be employed and equitably treated in regard to the terms and conditions of their employment without regard to individual characteristics other than qualifications for employment, quality of performance of duties, and conduct in regard to their employment in accord with University policies and rules and applicable law.

**NOTE:** The portion of this policy pertaining to students is at RP-5.1.1

**Reference:** BRUN, Minutes, 54, p. 145 (May 12, 1989).

#### **RP-3.1.2 Policy for Americans with Disabilities**

##### 1. References

- a. University of Nebraska Handicapped Accessibility Guidelines, June 30, 1978, Executive Council.
- b. Federal Register, Volume 42, No. 86; May 4, 1977; Part IV; Department of Health, Education, and Welfare, 45 CFR Part 84 - Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Federal Financial Assistance.
- c. Federal Register, Volume 56, No. 144; July 26, 1991:
  - 1) Part II; Department of Justice, 28 CFR Part 35 [Order No. 1512-91] - Nondiscrimination on the Basis of Disability in State and Local Governments, Final Rule.
  - 2) Part III; Department of Justice, 28 CFR Part 36 [Order No. 1513-91] - Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities.
  - 3) Part V; Equal Employment Opportunity Commission, 29 CFR Part 1630 - Equal Employment Opportunity for Individuals with Disabilities, Final Rule.
- d. The Americans with Disabilities Act Title I Technical Assistance Manual, January 24, 1992, U.S. Equal Employment Opportunity Commission.
- e. The Americans with Disabilities Act Title II Technical Assistance Manual, January 24, 1992, U.S. Department of Justice, Civil Rights Division, Office of the Americans with Disabilities Act.
- f. Title II Highlights, U.S. Department of Justice, Civil Rights Division, Office of the Americans with Disabilities Act.

##### 2. Definitions

- a. Americans with Disabilities Act (ADA). An act of Congress providing comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.

- b. Title I. Refers to that portion of the ADA pertaining to employment practices, or to the standards and regulations implementing this portion of the act, adopted by the agency responsible for its enforcement.
- c. Title II. Refers to that portion of the ADA pertaining to state and local government services, or to the standards and regulations implementing this portion of the act, adopted by the agency responsible for its enforcement.
- d. Public Entity. Any state or local government or any department, agency, or other instrumentality of a state or local government.
- e. Structural Modification. Any action involving changes to existing facilities which is directed toward the removal of architectural barriers, including communications barriers, which are structural in nature.

### 3. Purpose

- a. The purpose of this document is to set forth the policy of the Board of Regents to promote compliance with Title I and Title II of the Americans with Disabilities Act.
- b. The University of Nebraska has maintained a program of nondiscrimination on the basis of disability since the implementation in 1977 of regulations pertaining to the Rehabilitation Act of 1973.
- c. The Americans with Disabilities Act of 1990 (ADA) also addresses nondiscrimination on the basis of disability in much the same way as the earlier Rehabilitation Act. Two portions of the ADA directly affect the University of Nebraska: Title I, prohibiting discrimination in employment practices; and Title II, obligating the University to make all its programs, activities, and services available to persons with disabilities.
- d. The specific compliance requirements imposed by the ADA and the updated technical standards for accessibility enumerated in the regulations implementing ADA affect each unit of the University and require the reevaluation and updating of policies, plans, and procedures originally put into place following enactment of the Rehabilitation Act.

### 4. Objectives

- a. Reiterate the compliance requirements of the ADA, and identify those which are related to facilities and those which are related to employment.
- b. Describe the accessibility standards which should be used for current and future alteration, addition, and new construction projects.
- c. Review the standard of "undue burden" as it applies to any action directed toward structural modifications for the purpose of achieving program accessibility.
- d. Define the format for the "transition plan" and provide information regarding priority and budgeting for structural alterations required to achieve program accessibility.
- e. Define the responsibilities of the President's staff and the campus administration as they relate to ADA.

### 5. Policy

- a. It is the policy of the University to comply with Title I and Title II of the Americans with Disabilities Act.

- b. The University is not required to take any action which would result in a "fundamental alteration" of any program, activity, or service or to take any action which would result in "undue financial and administrative burdens".
- c. The University will adopt accessibility standards as follows: For alterations and additions, select the standard (UFAS or ADAAG) which provides the better result in terms of accessibility and budget based upon an analysis of the project; for new construction and free-standing buildings, use ADAAG.

#### 6. Guidelines for the ADA Transition Plan

- a. Guidelines for an ADA "transition plan" shall be promulgated by the Vice President for Business and Finance. The campuses should comply with the following instructions relative to the transition plan:
  - 1) If the transition plan identifies any structural modifications which can be completed without supplemental budget appropriations, schedule these projects for completion by January 26, 1993.
  - 2) For projects requiring supplemental funding, prioritize these modifications in accordance with the ADA regulations. Divide this grouping into two equal increments based upon the cost of the projects. Schedule the higher priority increment for completion by January 26, 1994, (assuming supplemental funding in July of 1993) and the remaining increment for completion by January 26, 1995 (assuming supplemental funding in July of 1994).
- b. When scheduling projects, observe the recommended priorities defined in the ADA regulations which are (1) accessible entrance into the facility; (2) access to goods and services; (3) access to rest rooms; and (4) any other measures necessary. However, if a different priority order would produce a more effective mix of barrier removal measures, such a change is acceptable.

#### 7. Accessibility Standards and Undue Burden Determination

- a. Accessibility Standards. Under ADA regulations, alterations (i.e., remodeling, renovation, rehabilitation, and changes or rearrangements in structural parts or elements or plan configurations of walls) to an existing building may require that an accessible path of travel to the altered area be provided as a part of the project. The applicable UFAS and ADAAG standards should be evaluated, and the most appropriate standard should be selected in accordance with Section 5.c. above.
- b. Undue Burden Determination. When, in the course of developing plans and strategies for ADA compliance, it appears that the removal of any particular accessibility barrier would result in an undue financial or administrative burden, a decision shall be made by the Vice Chancellor for Business and Finance. The transition plan must include a statement of the reasons for the decision.

#### 8. Compliance Requirements - Activities and Enforcement Dates

- a. Designate individual to oversee ADA compliance (Title I and Title II). Enforcement date is January 26, 1992.
- b. Provide notice to public explaining ADA Title II applicability to the University's programs, services, and activities (with regard to facilities). Enforcement date is January 26, 1992.
- c. Develop and publish grievance procedure. Enforcement date is January 26, 1992.



- d. Prepare in writing a "transition plan" (with regard to facilities). Enforcement date is July 26, 1992.
- e. Review communications systems and processes; prepare a plan to provide auxiliary aids or services which promote effective communication. Enforcement date is January 26, 1992.
- f. Assure that all new construction, including alterations to existing buildings complies with ADA Accessibility Guidelines for any construction begun after January 26, 1992 (with regard to facilities). Enforcement date is January 26, 1992.
- g. Review and revise, as necessary, policies and procedures related to employment and employment practices. Enforcement date is July 26, 1992.
- h. Complete self-evaluation and implement all associated University policy and procedure modifications. Enforcement date is January 26, 1993.
- i. Complete structural modifications required to provide program accessibility as described in "transition plan" (with regard to facilities). Enforcement date is January 26, 1995.

#### 9. Duties of the Administration

The duties of the Administration related to compliance with the Americans with Disabilities Act of 1990 are outlined below:

##### a. President

- 1) Review and coordinate on a continuing basis all University policies and practices to ensure equitable treatment of persons with disabilities.
- 2) Disseminate to the general University community notifications regarding the University's policy and guidelines and its commitment to nondiscrimination on the basis of disability.
- 3) Provide assistance and additional guidance, as necessary, to aid the campuses in complying with the Federal regulations and these guidelines.

##### b. Vice President for Business and Finance

- 1) Promulgate guidelines for the ADA transition plan.
- 2) Monitor campus compliance with the Federal regulations and these guidelines.
- 3) Request data, reports, and analyses, as needed, from the campuses concerning compliance activities in order to meet Federal, State, Regental, and Presidential review needs.

##### c. Chancellors

- 1) Assign authority and responsibility for the coordination of efforts to comply with the Federal regulations and these guidelines.
- 2) Adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information on the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities.

- 3) Assure that self-evaluations as required by Federal regulations are made and maintained on file for public inspection.
- 4) Assure that all programs and activities are accessible to qualified persons with disabilities and, where structural changes are necessary, modifications are to be completed as funds are made available.
- 5) Monitor compliance with the Federal regulations and these guidelines.
- 6) Provide data, reports, and analyses, as needed, in order to meet Federal, State, Regental, and Presidential review needs.

#### 10. Responsibility and Accountability

- a. The President shall establish rules and procedures to assure that the University is in compliance with the Americans with Disabilities Act of 1990.
- b. The Chancellor will be responsible for assuring that the campus is in compliance with the Americans with Disabilities Act of 1990 and will designate an individual to coordinate and oversee compliance with the Act.
  - 1) The ADA Coordinator. The coordinator will oversee the requirements of the ADA Act and coordinate the efforts to comply with and fulfill its responsibilities under Titles I and II including the investigations of complaints.
  - 2) The Facilities Directors. The Campus Director of Facilities will be responsible for implementing compliance activities required by the Act which are related to facilities.
  - 3) The Human Resources/Personnel Director. The Campus Director of Human Resources/Personnel will be responsible for identifying and implementing compliance activities required by the Act which are related to employment and employment practices.
  - 4) The Telecommunications Director/Manager. The Campus Director/Manager of Telecommunications will be responsible for identifying and implementing compliance activities required by the Act which are related to telecommunications.

#### 11. Reporting

A copy of the transition plan and subsequent revisions or modifications shall be submitted annually by June 30 or as required by the Vice President for Business and Finance.

#### 12. Prior Guidelines and Policies Repealed

University of Nebraska Affirmative Action Plan for the Handicapped, adopted April 16, 1977, BRUN, Minutes, 40, p. 127, is repealed.

**Reference:** BRUN, Minutes, 58, p. 12 (February 13, 1993).

### **RP-3.1.3 Equal Opportunity/Affirmative Action Guidelines**

#### **1. Internal and External Communications**

##### **a. Employees and Applicants**

Copies of the Equal Opportunity and Affirmative Action Guidelines will be made accessible to all personnel of the University of Nebraska and all applicants for employment. Special meetings or orientation sessions will be organized under procedures developed by the EO/AA Officers to inform employees of their rights and obligations under the University's EO/AA Guidelines.

##### **b. Community Groups**

Copies will be made available to other interested and relevant persons, agencies, and organizations.

##### **c. Posters and Bulletins**

In addition, the University will continue to display official equal opportunity/affirmative action posters in conspicuous locations normally trafficked by University students, employees, and applicants for employment.

##### **d. Policy and Procedure Manuals**

Policy manuals, employee handbooks, and student bulletins of the University will include EO/AA statements based on these guidelines.

##### **e. Hiring Authorities and Supervisory Staff**

In addition to receiving copies of these guidelines for implementation, responsible supervisory personnel will be given special orientation sessions regarding their provisions and general equal employment opportunity/affirmative action law. Update sessions will be held periodically. Responsibility for equal employment opportunity/affirmative action orientation and training sessions will be assigned to the EO/AA Officers.

All employees charged with administration will be given orientation regarding these guidelines, and provisions of general equal employment opportunity/affirmative action law.

##### **f. Recruitment Sources**

All University recruitment sources will be informed of the University's EO/AA Guidelines. Such sources include employment agencies, other colleges and universities, individuals solicited for nominations, community service organizations, etc.

#### **2. Responsibility for Administration**

##### **a. The President**

The President of the University of Nebraska has ultimate responsibility for the development and implementation of the Equal Opportunity and Affirmative Action Guidelines and operational plans.

b. The Chancellors

Basic responsibility at each campus rests with the Chancellor. Each Chancellor shall ensure that these EO/AA Guidelines and specific campus plans (will be followed) and will designate EO/AA Officers to assist in coordinating and implementing them at the campus level.

c. Campus EO/AA Plans

Each of the campuses will develop or revise its unique and specific EO/AA plan annually.

The plans shall be addressed to the specific programs, processes, and procedures to be utilized on that campus in each area mandated in these EO/AA Guidelines and all other provisions required by federal law.

In addition, each plan shall:

- 1) enumerate the specific timetable and process to be used for generating and meeting employment goals (including plans to implement retrenchment, if applicable).
- 2) assign specific accountability for implementation of the provisions of the plan. Describe monitoring systems to be used and sanctions to be imposed if "good faith" efforts are not made to realize the goals.
- 3) enumerate the data profiles that will be collected by the campus (in addition to those required federally), mechanisms to be used to collect and evaluate the data, to whom they will be reported, and what information will be distributed in a public forum.
- 4) list auxiliary and support programs the campus will utilize.
- 5) enumerate the personnel and fiscal resources that will be designated to implement the plan.

d. Campus EO/AA Officers

The campus EO/AA Officers will interpret and coordinate the implementation of these EO/AA Guidelines; they may be advised and assisted by the Affirmative Action Liaison Committees and appropriate task forces. Responsibilities of the EO/AA Officers will include, but not be limited to:

- 1) reviewing training programs; hiring, compensation, and promotion patterns; recruitment efforts, etc., which have a direct bearing on the attainment of goals and objectives.
- 2) preparing required government reports concerning equal opportunity and affirmative action.
- 3) collecting and presenting statistical and other information required by these EO/AA Guidelines.
- 4) providing the technical and administrative assistance required to implement these guidelines.
- 5) establishing and maintaining University liaison with organizations specializing in recruitment of protected class members and assisting in the evaluation of the effectiveness of these organizations.

- 6) reviewing campus performance in the following areas: Distribution and posting of Policy Statements. Integration of and equality in the use of facilities. Unlawful discrimination in University-sponsored activities and in all employment-related practices and procedures.
- 7) preparing an annual EO/AA report for the Chancellor of each campus. A copy will be provided to the President and the Board of Regents.
- 8) ensuring maintenance of records which document employment actions (recruiting, hiring, promoting, etc.) in a manner that facilitates achievement of goals.
- 9) serving on a University-wide Affirmative Action Council which advises the President.

e. Other Employees

All employees are expected to contribute to the equal opportunity philosophy of the University by their acceptance of, and compliance with, the EO/AA Guidelines.

All administrative officers and supervisory personnel within the University, including hiring committees making recommendations on appointments, are responsible for performing their duties in a nondiscriminatory manner.

Administrative officers, as identified in these Guidelines, include the President, the Vice Presidents, the Chancellors, Vice Chancellors, Deans, directors, and department chairpersons. All campus officers in charge of academic, nonacademic, and student employment have the responsibility for carrying out the objectives set forth by these EO/AA Guidelines.

For those employees who are subjects of performance reviews, such evaluations must include an area for commentary relative to the person's performance in supporting and carrying out the goals and objectives of the University's EO/AA Guidelines. Compliance shall be considered in determining annual salary adjustments, promotion, and continuing employment.

3. Inventory of Personnel, Internal Audits, and Reports

a. Work Force Analysis

Each major administrative unit of the University maintains personnel records classified by race, sex, major occupational activity, job title, salary, date of hire, educational level, and other relevant data. These statistical data are used for state and federal compliance agency reports.

University academic and nonacademic units at each campus are required, at least annually, to study the race-sex profile of their staff and to provide justification and supporting comments related to:

- 1) Absence of minority and female or male representation in the ranks and classifications throughout the unit.
- 2) Concentrations of women and minorities in certain job types.
- 3) Relative absence of women and minorities in positions at decision-making levels.
- 4) Relative distribution of minorities, women, and nonminority men in positions with potential for promotion.

- 5) Salary and rank differentials for minorities and females.
- 6) Staff turnover, vacancies, new appointments, recruitment, and promotions as they impact minorities and women.
- 7) Distribution and performance of women and minorities as graduate research and teaching assistants.

b. Utilization Analysis

In compliance with applicable government regulations, the University will conduct an annual utilization analysis. This analysis will separately identify minorities and women.

This analysis will determine, on a departmental or unit basis, discrepancies between the employment rate of minorities and women and their availability in the relevant labor markets.

Estimates of availability will be based on the relative proportion of qualified women and minorities in each academic and nonacademic labor market using criteria which are validly related to job performance.

c. Goals and Timetables

Each campus will annually update its goals and timetables for each major job category in which minorities and women are found to be underutilized.

Such goals and timetables will be stated as projections of future representation of women and minorities as a result of implementation of these EO/AA Guidelines.

Such projections will be based on the availability of qualified minorities and women, expected position openings, and other applicable factors.

Goals and timetables will not be administered in a manner which discriminates in the hiring, appointment, promotion, or granting of tenure to any individual solely on the basis of race, color, creed, religion, sex, national origin, age, handicap, marital status, or Vietnam-era veteran status.

Goals and timetables will not be projected, and utilization analyses will not be conducted, on the basis of religion, age, handicap, veteran, or marital status.

4. Internal Audits and Reports

The campus EO/AA Officers will annually prepare a report analyzing their respective campuses' progress toward the University's equal opportunity and affirmative action objectives.

The annual report will include a review of the following elements: (1) work force analysis; (2) training and upgrading programs; (3) utilization analysis; (4) promotions, demotions, and transfers; (5) progress toward meeting goals and timetables; (6) employee grievances; (7) compensation patterns; (8) changes in availability of minorities and women; (9) recruitment and application procedures; (10) job classification systems; and (11) comparative hiring rate of minorities and women.

## 5. Personnel Policies and Practices

### a. General Personnel Standards and Procedures

The University of Nebraska will mobilize its resources to focus on the problems of employment and promotion opportunities for women and minorities. Each organizational unit of the University shall have on file the standards and procedures which govern all of its employment practices including any tests in use and the criteria by which qualifications for appointment, retention, or promotion are judged. Deans, directors, department chairpersons, etc., shall make a review and determine whether such standards and criteria are relevant to the duties of the particular position in question. This requirement does not ignore or obviate the range of permissible discretion which characterizes employment judgments, particularly in the academic area. If the criteria and standards of selection appear to reject a higher proportion of minority and women applicants, the selection procedure must be rigorously reviewed.

### b. Recruitment

The University will undertake a vigorous program of affirmative recruitment for minorities and women in all job categories in which they are found to be underutilized.

Campuses will actively continue to communicate their employment needs through advertisements to graduate schools, training programs, disciplinary conventions, and job registers. Recognizing that traditional methods of recruiting alone will not produce the desired gains in minority and female employment, the University will continue to expand its efforts, utilizing appropriate resources such as community agencies (Urban League, Comprehensive Manpower, YWCA, etc.), high schools, colleges, and universities with high minority enrollment, minority and women's registries within professional organizations, trade schools, minority and female community leaders, and advertising in minority-oriented broadcast and print media.

Recruitment of women and minorities in administration internships and in the graduate teaching and research assistantship programs will be an integral part of this effort.

A written justification must be provided to the appropriate campus EO/AA Officers by supervisory personnel in instances when apparently qualified minorities and women are passed over for training, upgrading, or promotion.

### c. Upgrading and Promotion

To increase the utilization of the skills of all employees, scholarship benefits are offered so that academic, management, technical, clerical, and data processing courses that are available in the University may be taken each year. Each administrative unit should maintain a record of the qualifications of present employees for promotional consideration. Minority and female employees will be advised of vacancies which would facilitate upward job mobility.

Department chairpersons will be asked to review carefully the qualifications of all faculty with particular attention given to women and minorities to ensure that those qualified for promotion have not been delayed in rank longer than any nonminority males with comparable qualifications.

A written justification by supervisory personnel must be provided in cases where qualified women and minorities are passed over for training, upgrading, or promotion.

d. Testing

In recognition of the fact that requirements which appear to be fair may not be related to the job(s) to which they apply, and may have the effect of denying minority group members or women ready access to employment opportunities, the University EO/AA Officers will continue to examine all testing used for employee selection. Testing must be in compliance with the Uniform Guidelines on Employee Selection Procedures and other Federal regulations.

e. Job Classifications

Consistent with these guidelines, each campus will continually review employment qualifications and maintain only those which can be established as bona fide occupational qualifications. Such review will be made of all job or class designations and descriptions and look toward the elimination of any classification that segregates employees by race, color, religion, sex, marital status, national origin, disability, or military service during the Vietnam era.

Qualifications to be analyzed will depend upon job requirements and may include the following:

- 1) Education requirements.
- 2) Requirements for specific job experience.
- 3) Requirements for, and weight given, to personal references.
- 4) Exclusionary policies or preferences based on and individuals' height, weight, and related physical characteristics.
- 5) Other valid job-related requirements authorized by law.

The EO/AA Officers will advise the appropriate University officials of any qualification which appears to have an adverse impact on minorities or women. A qualification normally will be regarded as having an adverse impact if its application results in a hiring or promotion rate for minorities or women which is 80 percent or less than that of other individuals.

f. Equal Pay

The University is committed to the principle and practice of equal pay for equal work, as required by the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, as amended, and other laws.

The EO/AA officers will review pay differences within occupational classes. If these differences appear to be based on sex or minority status rather than qualifications, responsibilities, and performance, inequities will be noted and communicated to the Director of Personnel and/or the appropriate Vice Chancellor. These inequities should be taken into account in recommendations for annual salary adjustments, promotions, and continued employment.

g. Employee Benefits

The Personnel Department and affirmative action officers will periodically review all employee fringe benefit programs to ensure that they are available to all employees without discrimination on any grounds covered by these EO/AA Guidelines. The reviews



will include all medical, hospital, accident, and life insurance programs and all retirement and pension programs.

The University will not participate in, require, or encourage its employees to participate in any medical insurance program that discriminates with regard to coverage of any illness or disability on the basis of race, color, creed, religion, sex, national origin, age, handicap, or marital status. This includes illness or disability related to pregnancy, miscarriage, therapeutic abortion, and childbirth.

The University will not participate in, require, or encourage its employees to participate in any retirement or pension program, or any insurance or other welfare program, unless either the benefits or the University's contribution are equal for all employees within their appropriate employee category.

No protected class employees will be required to retire at an age different from that of other employees.

All leave policies of the University will be formulated and administered without discrimination on the basis of sex or any other prohibited ground.

#### h. Grievance Procedures

Both academic and nonacademic employees may avail themselves of established general grievance procedures described in the Bylaws of the Board of Regents of the University policy statements. The effectiveness of existing procedures will be evaluated by EO/AA Officers periodically to determine if minority and female employees are seeking and receiving the appropriate consideration through present channels.

In addition, an equal employment opportunity grievance structure and procedure has been approved by the Board of Regents to provide a means by which each employee may have an opportunity to request a review of any grievance related to wages, hours, and/or terms and conditions of employment which are alleged to have resulted from discrimination on the basis of race, age, color, disability, religion, sex, national origin, marital, or Vietnam-era veteran status. These procedures will be distributed to all University personnel.

### 6. Technical Requirements

#### a. Advertising

The phrase, "Equal Employment/Affirmative Action" will be placed prominently in all recruitment advertising to remind all recruitment sources that selection for, and participation in, University employment and educational programs are without regard to race, sex, color, religion, age, marital status, disability, or national origin.

#### b. Contractors and Subcontractors

All contractors/subcontractors and lessors will continue to be notified of the University's responsibilities and ensuring obligations under Executive Order No. 11246, amended by Order No. 11375, and revised by Order No. 4. The University will advise all contractors/subcontractors and lessors of amendments to the Executive Order. In appropriate instances, the University will arrange to include specific affirmative action measures in the applicable contract. Reporting and monitoring procedures will be maintained to ensure compliance with provisions of the Executive Order and rules and regulations of the Department of Labor. Campus business officers have been provided procedural manuals to accomplish the latter.

c. Equal Employment Posters

Posters are to be displayed in trafficked locations and are to be periodically checked by the EO/AA Officers.

d. Facilities

The University certifies that all facilities will continue to be maintained on a nonsegregated basis; certification of nonsegregated facilities is also required of contractors/subcontractors.

e. Purchase Orders

All purchase orders and leases carry Equal Employment Opportunity clauses with the specific intent that vendors will adhere to provisions outlined therein. The University, in accordance with the law, requires detailed equal opportunity stipulations for purchase orders issued under government contracts or grants to which suppliers are required to adhere.

f. University Governance

The University will provide equal opportunities for women and minority persons to serve in decision-making positions, on committees whenever possible, and to the degree that it does not conflict with established democratic election processes.

g. Supportive Affirmative Action Programs

The Cooperative Extension Service has developed and is operating under an Equal Employment Opportunity Plan which has been approved by the USDA pursuant to Title VII, Part 18, of the Code of Federal Regulations. To avoid duplication of effort, Cooperative Extension employees paid in total or in part from Extension funds will be covered primarily by the USDA Plan.

In designing the supportive programs essential to these EO/AA Guidelines, each campus can be as flexible, as imaginative, and as innovative as possible. Since the University of Nebraska prides itself on its service-oriented education, many of the programs the campuses can design will have the added effect of generally improving the quality and quantity of its education. Specific recommendations in this area are difficult to make because each campus will have to develop programs based on its own mission and resources.

Different kinds of potential programs that will benefit especially women or minorities may include: those designed for teaching basic skills; special recruiting programs which will benefit women as they relate to sex-stereotyped fields and which will benefit minorities as they relate to general or graduate education; the development of child-care programs; and exchange programs with predominately black colleges involving faculty, students, and administrators.

h. Equal Educational Opportunity

In conformance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, regulations promulgated pursuant to those laws, other applicable laws, and regulations, the University will not discriminate on grounds of race, color, sex, national origin, or any other factor prohibited by law in providing any educational or other benefits or services of the University.

The University is committed to the proposition that the proportions of minorities and women in its student population should be increased in specific areas of study in order to assure their representation in future labor markets for positions which are desirable with respect to career potential--both with the University and elsewhere.

To that end, the University will undertake a practice of affirmative recruitment of students from the protected classes through such procedures as visiting schools that have large concentrations of those groups in their student bodies, including adequate representation of minorities and women in promotional literature of the University, and encouraging minorities and women from the University to speak at events such as career days sponsored by schools and other organizations.

Individual acts of unlawful discrimination by faculty, administrative officers, and other employees in the University's treatment of students, in the teacher/student relationship, and otherwise shall be regarded as actionable under established grievance procedures. Such acts include, but are not limited to, defamatory statements made by faculty members in class, or other employees in the course of their work, which demean or insult individuals because of their race, sex, national origin, or other relevant characteristics.

**Reference:** BRUN, Minutes, 44, p. 107 (February 16, 1980).

### **RP-3.2 Compensation for Services Rendered**

#### **RP-3.2.1 Retirement Plan and Options**

1. The retirement plan for faculty and staff of the University of Nebraska is the Teachers Insurance and Annuity Association of America and College Retirement Equities Fund of New York; the company shall administer the funds of said retirement plan.<sup>1</sup>
2. Faculty and staff are offered the opportunity to allocate contributions to TIAA-CREF in any proportion desired according to rules established by the TIAA-CREF organizations.<sup>2</sup>
3. Faculty and staff may have access to retirement plan accumulations under the following circumstances:
  - a. In the event of separation from employment, a separating faculty or staff member may have lump sum access to the total accumulation (TIAA and CREF accumulations), following completion of a release form, as long as the TIAA-CREF contracts were in force for 5 years or less or the total accumulation is less than \$2,000.
  - b. In the case of contracts of 5 years or more, TIAA regulations prohibit access to TIAA accumulations; however, CREF accumulations will be accessible under the following circumstances:
    - 1) Prior to the attainment of age 55, after separation from employment, faculty and staff may have lump sum access to 50% of the total CREF accumulation following the completion of a release form. Lump sum access to 100% of the total CREF accumulation will be accessible prior to the age 55 in cases of retirement, partial retirement, disability retirement, or tenure settlement. A release form will be required.
    - 2) Following the attainment of age 55, after separation from employment for any reason, faculty and staff may, following completion of a release form, have 100% lump sum access to CREF accumulations.

- c. In the event of the death of a faculty or staff member before commencement of benefits, regardless of age, years of participation, or amount of accumulation, unless otherwise dictated by Federal law, the designated beneficiaries shall have lump sum access to the total accumulation (TIAA and CREF accumulations).
4. In conjunction with the increased access to CREF accumulations provided for above, the University will attempt to include additional investment options, either through TIAA-CREF or alternative investment programs, which provide similar flexibility regarding access to and distribution of accumulations. Such alternatives should also provide the opportunity for economic growth and maximized return on investment, within the context of a retirement program, as well as protection from adverse tax consequences and undue exposure to financial risk.<sup>3</sup>

**Reference:** <sup>1</sup>BRUN, Minutes, 24, p. 259 (September 23, 1961).  
See also, Bylaws BRUN (1973+), s. 3.12.5.10.  
<sup>2</sup>BRUN, Minutes, 34, p. 126 (March 11, 1972).  
<sup>3</sup>BRUN, Minutes, 55, p. 145 (June 23, 1990).

### **RP-3.2.2 Deferred Compensation**

If the employee so specifies, authorization is granted by the Board for deferred employee compensation, and approval is given for the University to create a separate account with TIAA-CREF for that compensation which is deferred at the employee's option over and above that matched by the state.<sup>1</sup>

Union Mutual Life Insurance Company and Fidelity Investments are approved as additional options under the voluntary supplemental retirement account portion of the University's Retirement Plan.<sup>2</sup>

**Reference:** <sup>1</sup>BRUN, Minutes, 39, p. 85 (March 13, 1976).  
<sup>2</sup>BRUN, Minutes, 51, p. 215 (April 19, 1986).

### **RP-3.2.3 Ancillary Groups or Organizations—Group Insurance Plan**

The following designated persons representing groups or organizations ancillary to the University are eligible for participation in the University Group Insurance Plan. No University of Nebraska contribution to any such person's premium cost will be made, and each ancillary group or organization or its individual members will arrange for payment of premiums with the appropriate University benefits manager. The designated persons authorized for participation are members and former members of the Board of Regents, and full-time employees of the University of Nebraska-Lincoln Alumni Association, the University of Nebraska at Kearney Alumni Association, the University of Nebraska at Omaha Alumni Association, the University of Nebraska Medical Center Alumni Association, the University of Nebraska Medical Center Hospital Association, the University of Nebraska Foundation, Nebraska Specific Pathogen Free Swine Accrediting Agency, Nebraska Crop Improvement Association, Nebraska Pork Producers Association, the UNL Federal Credit Union, the UNMC Credit Union, the Nebraska 4-H Development Foundation, Lab Interlink, Ximerix, Inc, UneMed Corporation, University Medical Associates, and Museum of Nebraska Art, Inc.

**Reference:** BRUN, Minutes, 36, p. 227 (December 6, 1973).  
BRUN, Minutes, 38, p. 51 (March 22, 1975).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).  
BRUN, Minutes, 56, p. 191 (November 15, 1991).  
BRUN, Minutes, 63, p. 181 (October 19, 2001).

### **RP-3.2.4 Health Care Benefits for Federal Appointments**

Academic-administrative and managerial-professional employees, working in Cooperative Extension, who currently have a federal civil service appointment, are eligible to participate in the federal employees health benefits program. The University participates in the premium costs of this program using general current funds.

While civil service appointments are no longer being offered to new Cooperative Extension employees, persons currently holding federal civil service appointments and transferring into the Cooperative Extension program may continue to hold their civil service appointments and participate in the federal employees health benefits program.

**Reference:** BRUN, Minutes, 36, p. 198 (October 12, 1973).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

### **RP-3.2.5 Incentive Programs**

#### 1. Legal Authority

- a. Article VII, Section 10, of the Constitution of the State of Nebraska and Neb. Rev. Stat. 85-106 relating to the power of the Board of Regents to fix compensation of University employees.
- b. Section 3. of the Bylaws of the Board of Regents relating to compensation paid to members of the professional staff.

#### 2. Purpose

The purpose of this policy is to encourage the development of new ideas and initiatives by faculty and staff that result in enhancing the economy and efficiency of University programs. The savings or additional revenues resulting from such efforts will be used to (a) enhance and improve the quality of operations and academic programs and (b) reinvest in the unit responsible for achieving savings or additional revenue.

#### 3. Establishment of Incentive Programs

Each campus and the Central Administration may develop and present to the Board of Regents for consideration and approval an incentive program providing for the payment of monetary rewards to individuals and organizational units responsible for development of extraordinary initiatives or ideas that result in savings or additional revenue to the University. Each such program should establish a procedure which will insure that each monetary reward reflects the value and significance of the savings or additional revenue generated. Any monetary reward pursuant to an incentive program shall be made at the sole discretion of the University on a one-time basis.

#### 4. Reports

The Board of Regents shall be informed annually by each major administrative unit and the Central Administration of all demonstrable, actual dollar savings (exclusive of utility savings) or additional revenues realized from new ideas or initiatives put into effect. The report shall include a description of the new idea or initiative, the amount of savings realized, and the manner in which savings or additional revenues were reinvested in the originating unit and reallocated to enhance or improve academic programs.

**Reference:** BRUN, Minutes, 52, pp. 117 (January 17, 1987).

### **RP-3.2.6 Employee and Dependent Scholarship Program**

Pursuant to Section 3.7 of the Bylaws of the Board of Regents of the University of Nebraska, the following regulations shall apply to an Employee Scholarship Program:

#### **1. Eligibility for Employee Scholarship Program:**

- a. All full-time (1.00 F.T.E.) employees of the University are eligible to apply.
- b. All retired employees of the University who have met the normal retirement regulations are eligible to apply.
- c. Employees must be admitted students of the University and must have met all normal academic requirements for the courses taken.
- d. The Employee Scholarship Program is not available to employees on leave of absence without pay.
- e. The Employee Scholarship Program is not available to employees whose anticipated employment period is less than six months.

#### **2. Terms and Conditions**

- a. The granting of Employee Scholarships is subject to openings in the specific classes in which the employee intends to enroll. If the reduction or withdrawal of this privilege is necessitated by the lack of funds, such reduction or withdrawal shall apply to all classes of employees on a University-wide basis, and timely notice of this action shall be provided to all employees.
- b. The Employee Scholarship Program applies only to academic credit courses being offered at any unit of the University of Nebraska. These courses may be taken for credit or audit.
- c. The University of Nebraska Employee Scholarship Program shall provide tuition equal to the University's resident tuition charge per semester credit hour.
- d. Employees whose applications have been approved shall pay all normal admission and matriculation fees, including lab fees and course fees, but not UPPF fees. Employees shall also pay all usual course-related costs such as books and supplies.
- e. The Employee Scholarship Program is limited to no more than fifteen (15) credit hours in any 12-month period (August through July) and is normally restricted to no more than six (6) credit hours per semester.
- f. Employees eligible for scholarship plans through other programs are expected to avail themselves of these programs prior to applying for the University of Nebraska Employee Scholarship Program. If the employee's costs are not entirely covered by the other programs, the University of Nebraska Employee Scholarship Program shall allow for the difference up to the maximum established herein.
- g. Employees will be billed for their tuition if they resign from University employment and the effective date of resignation occurs during the first thirty (30) days after classes have commenced.

#### **3. Class Attendance:**

- a. Normally, employees taking advantage of the Employee Scholarship Program will enroll in classes held during nonworking hours.

- b. If the course(s) is (are) not scheduled during nonworking hours, the employee's hours may be rearranged, with the appropriate approvals, to accommodate enrollment.

## **B. Dependent Scholarship Program**

Pursuant to Section 3.7 of the Bylaws of the Board of Regents of the University of Nebraska, all University of Nebraska employees who meet the Employee Scholarship Program employment eligibility conditions may elect to transfer all or part of their employee scholarship benefit to their spouse or to their dependent children. The following provisions shall apply to the Dependent Scholarship Program:

### 1. Definitions

The following definitions shall apply to the Dependent Scholarship Program:

- a. Spouse shall be an employee's husband or wife, as recognized by the laws of the State of Nebraska.
- b. Dependent child shall mean any naturally born child, legally adopted child, stepchild, or ward of an employee who (i) is unmarried and under 24 years of age, and (ii) is chiefly dependent on the employee for support (claimed as a dependent for tax purposes).

### 2. Eligibility for Dependent Scholarship Program

- a. All regular full-time (1.00 F.T.E.) employees of the University who meet the employment eligibility requirements of the Employee Scholarship Program may transfer up to a total of fifteen (15) credit hours per year (August through July) to their spouse or to any dependent child at tuition equal to the University's resident tuition charge per semester credit hour at the campus of attendance.
- b. The Dependent Scholarship Program is only available to an employee's spouse or any dependent child who is an admitted student of a University of Nebraska campus and who has met all normal academic requirements for the course(s) taken. Full-time student enrollment status is required for a dependent child to be eligible, but not for a spouse. An affidavit will be required to document the status of dependent children. The University reserves the right to request copies of tax returns and or other supporting documentation.
- c. All retired employees of the University who have met the normal retirement regulations may apply the dependent scholarship program to their spouse or to their eligible dependent children.

### 3. Terms and Conditions

- a. The Dependent Scholarship Program will be limited to undergraduate academic credit courses at any campus of the University of Nebraska.
- b. The Dependent Scholarship Program shall provide tuition equal to the University's resident tuition charge per semester credit hour at the campus of attendance, subject to the limitations listed in Section (e) below.
- c. Dependents whose applications have been approved shall pay all normal admission and matriculation fees including lab fees, course fees and UPFF fees, and all usual course-related costs such as books and supplies.
- d. The maximum total number of credit hours that may be transferred by an employee to one or more dependents will be the equivalent of fifteen (15) semester credit hours in

any 12 month period (July through August) and is restricted to no more than nine (9) credit hours per semester.

- e. Dependents eligible for scholarship plans through other programs are expected to avail themselves of these programs prior to applying for the University of Nebraska Dependent Scholarship Program. If the dependent's tuition costs are not entirely covered by the other programs, the University of Nebraska Dependent Scholarship Program shall allow for the difference up to the maximum established herein.
- f. Employees will be billed for their dependent tuition if they resign from University employment and the effective date of resignation occurs during the first thirty (30) days after classes have commenced.

**Reference:** BRUN, Minutes, 43, pp. 175-176 (July 28, 1979).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).  
BRUN, Minutes, 63, p. 157 (June 23, 2001).

### **RP-3.2.7 Operating Policy For The University Of Nebraska General Self-insurance Program**

#### **1. GENERAL.**

- 1.1 Purpose. The Board of Regents of the University of Nebraska (the "University") is a public body corporate and agency of the State of Nebraska, organized and existing under the Constitution and laws of the State of Nebraska. The University is authorized by Neb. Rev. Stat. Sections 85-1,126 and 85-1,127 to establish and maintain a General Risk-Loss Trust for the purpose of providing a mechanism for funding a program to pay for certain liability and property losses and expenses, and to provide for the legal defense of commissioned law enforcement officers employed by the University who are charged with criminal offenses or subjected to grand jury proceedings as a direct result of performance of duties within the scope of employment by the University. This Operating Policy establishes the University of Nebraska General Self-Insurance Program (the "Program") which shall provide self-insurance coverage for certain liability losses and property losses and expenses and Police Officer Criminal Defense Claims which may from time to time be incurred by the University and which are not otherwise covered by insurance. The types of losses or claims covered and the limits of self-insurance coverage provided by the Program are as set forth in the STATEMENT OF SELF-INSURANCE COVERAGE attached to this Operating Policy as Addendum "A" and by reference incorporated herein.
- 1.2 Establishment of the General Risk-Loss Trust. Contemporaneous with the approval of this Operating Policy by the Board of Regents, the University shall enter a General Risk-Loss Trust Agreement (the "Trust Agreement") with FirstTier Bank of Lincoln, N.A. (the "Trustee"), a copy of which is attached to this Operating Policy as Addendum "B". The Trust Agreement shall formally establish the General Risk-Loss Trust for the purpose of funding the Program in accordance with this Operating Policy.
- 1.3 Program Duration. The Program established by this Operating policy shall remain in force and effect until changed or discontinued by action of the Board of Regents.

#### **2. PROGRAM ADMINISTRATION.**

- 2.1 Management Responsibility. The Vice President for Business and Finance shall have general responsibility for administration and management of the Program. The Director of Risk Management shall have day-to-day administrative responsibility for management of the Program under the direction and supervision of the Vice President for Business and Finance.



- 2.2 Principal Office and Records. The principal office of the Program shall be located at Varner Hall, University of Nebraska, 3835 Holdrege Street, Lincoln, Nebraska 68583-0742. All records relating to operation of the Program shall be maintained under the custody of the Director of Risk Management at said address.
- 2.3 Claims Settlement Authority. The Vice President for Business and Finance or his or her designee shall, upon the recommendation and concurrence of the General Counsel, have authority to approve settlement of claims and suits covered by the Program. The Vice President for Business and Finance shall issue a written administrative policy and procedure setting forth the process for review and approval of settlements of claims and suits covered by the Program.
- 2.4 Claims Administration. The Vice President for Business and Finance shall issue such written administrative policies as he or she may determine to be necessary to insure that adequate controls are implemented to prevent misuse of funds in the General Risk-Loss Trust and that proper documentation is maintained with respect to all claims transactions. Day to day claims administration will be conducted by the Director of Risk Management. The specific claims administration responsibilities of the Director of Risk Management shall include:
- (a) Coordinating claims settlement;
  - (b) Initiating withdrawals from the General Risk-Loss Trust;
  - (c) Publishing loss runs;
  - (d) Reporting claims to proper authorities;
  - (e) Insuring prompt payment of approved claims; and
  - (f) Coordinating a University-wide loss control program.
- 2.5 Program Coordination. The Director of Risk Management shall coordinate administration of the Program with other parties engaged by the University to assist in claims management or to provide legal services.
- 2.6 Monitoring of Investments. The Vice President for Business and Finance shall have responsibility for monitoring investments made by the Trustee under the General Risk-Loss Trust to insure compliance with the General Risk-Loss Trust Agreement and this Operating Policy.
- 2.7 Legal Services. The General Counsel shall evaluate claims and suits requiring legal representation under the Program. He or she shall be responsible for providing legal services in defense and settlement of any claims or suits covered by the Program either through the Office of the General Counsel or by engaging outside counsel to provide such legal services. Any billing statement for fees of outside counsel shall not be paid until the same has been approved by the General Counsel.
- 2.8 Claims Status and Disposition Reports. Semi-annually, the General Counsel shall prepare and deliver to the President and the Board of Regents a written report of the status and disposition of claims and suits covered by the Program.
3. FINANCIAL GUIDELINES FOR THE PROGRAM.
- 3.1 Use of the General Risk-Loss Trust. The Vice President for Business and Finance or his or her designee is authorized to direct the payment of funds from the General Risk-Loss Trust for the purpose of paying on behalf of the University and those persons, entities and

organizations also insured under the Program all sums for losses and expenses covered by the Program up to the stated limits of the self-insurance coverage of the Program as stated in Addendum "A", but only when such losses or expenses are not otherwise covered by valid and collectible insurance naming or providing for the University as an insured party.

- 3.2 Maintenance of Adequate Funds and Reserves in the Trust Fund. The Vice President for Business and Finance shall insure that adequate funds are deposited and maintained in the General Risk-Loss Trust to pay claims and associated expenses, and operational costs incurred in administration of the Program, including maintenance of a surplus at all times. Adequate funding shall include maintenance of adequate reserves for reported claims and cases, loss adjusting expenses, and reserves for incurred-but-not-reported claims (IBNR).
- 3.3 Budget Allocations for the Program. In accordance with Section 3.4 of this Operating Policy, the Vice President for Business and Finance shall determine, not later than thirty (30) days prior to the beginning of each fiscal year of the University, the minimum amount of funds to be maintained in the General Risk-Loss Trust in order to implement the Program for the ensuing fiscal year. Each annual budget of the University shall include an equitable allocation of funds from the University of Nebraska-Lincoln, the University of Nebraska at Kearney, the University of Nebraska Medical Center, the University of Nebraska at Omaha and the Nebraska College of Technical Agriculture to be deposited in the General Risk-Loss Trust to insure that adequate funding and reserves are maintained in the Trust to pay claims, associated expenses, and operational costs of the Program.
- 3.4 Actuarial Evaluation. Prior to making each annual budget allocation for the General Risk-Loss Trust as provided by Section 3.3 of this Operating Policy, the Vice President for Business and Finance or his or her designee shall obtain an actuarial or loss-reserve specialist's opinion which shall indicate the level of funding required for the Trust to carry out its dedicated purpose for the fiscal year beginning on the next July. Each such evaluation shall include the following information:
  - (a) Development of expected loss costs of the Program based on similar experience;
  - (b) Estimation of the University's losses at retention limits; and
  - (c) Recommendation as to the University's funding needs for the Program.
- 3.5 Board Action in the Event of Inadequate Funds for Program Operation. If at any time the Vice President for Business and Finance in the exercise of his or her professional judgment shall conclude that there are not adequate funds in the General Risk-Loss Trust to carry out the Program, such conclusion shall be reported to the President and the Board of Regents together with his or her recommendation for such action by the Board as may be appropriate and necessary under the circumstances to assure payment of claims and associated expenses, and operational costs in future operation of the Program.
- 3.6 Investment of Trust Funds. The Trustee shall be required by the Trust Agreement to invest funds held in the Trust in securities and property as shall from time to time be legal investments for funds of the University.
- 3.7 Defense and Settlement of Claims. Claims covered by the Program shall be processed and acted upon in accordance with a claims administration policy approved by the Vice President for Business and Finance. The University, as administrator of the Program, shall:
  - (a) Defend any claim or suit expressly covered by the Program, even if such claim or suit is groundless, false or fraudulent; but the University may make such investigations and settlement of any claim or suit as it deems expedient;
  - (b) Pay all premiums and bonds to release attachments for an amount not in excess of the applicable limit of coverage provided by the Program, and pay all premiums on appeal bonds required in any suit defended under the Program, but without obligation to apply for or furnish any such bond;

- (c) Pay any civil money judgment, except any judgment or part of a judgment which is for punitive damages, and expenses incurred in the defense of any claim or suit covered by the Program, including all costs and attorneys fees taxed against a covered person or entity named in any such suit, and all interest accruing after entry of judgment until the Program has paid or tendered or deposited in court such part of such judgment and expenses as does not exceed the limits of coverage provided by the Program in Appendix "A", and pay any valid Police Officer Criminal Defense Claim as does not exceed the limits of coverage for such claims provided by the program in Appendix "A";
  - (d) Reimburse any person or entity covered by the Program for all reasonable expenses incurred in defense and settlement of any claim or suit covered by the Program, except loss of earnings.
- 3.8 Other Expenses. The Vice President for Business and Finance may in the exercise of his or her discretion direct that the following expenses be paid from the Trust:
- (a) Expenses related to administration of the Program, including educational training of University employees relating to defense and settlement of claims, claims administration and risk reduction.
  - (b) Costs and expenses of the Office of the University General Counsel for legal services for defense and settlement of claims.
  - (c) Expenses for attorneys fees and costs for defense of administrative or civil claims against the University that are not covered by the Program.
- 3.9 Annual Audit. The Vice President for Business and Finance shall arrange for an annual independent audit of the General Risk-Loss Trust conducted by one or more independent public accountants and shall file the results of such audit as a matter of public record with the Corporation Secretary.

ADDENDUM "A"  
STATEMENT OF SELF-INSURANCE COVERAGE PROVIDED BY  
THE UNIVERSITY OF NEBRASKA GENERAL SELF-INSURANCE PROGRAM

The self-insurance coverage provided by the University of Nebraska General Self-Insurance Program shall be as provided below.

- I. Definitions. The following definitions shall apply for the purposes of this Statement of Self-Insurance Coverage:
- (1) "Automobile" shall mean a land motor vehicle, trailer or semi-trailer designed for travel on public roads (including any machinery or apparatus attached thereto), but does not include mobile equipment. "Mobile equipment" means a land vehicle (including any machinery or apparatus attached thereto), whether or not self-propelled, (a) not subject to motor vehicle registration, or (b) maintained for use exclusively on a premises owned or rented by the University, including the ways immediately adjoining such premises, or (c) designed for use principally off public roads, or (d) designed or maintained for the sole purpose of affording mobility to the following types of equipment, forming an integral part of or permanently attached to such vehicle: Power cranes, shovels, loaders, diggers, drills, concrete mixers (other than the mix-in-transit type), graders, scrapers, rollers and other road construction or repair equipment, air compressors, pumps and generators, including

spraying, welding and building cleaning equipment, and geophysical exploration and well servicing equipment.

- (2) "Civil Rights Claim" shall mean (a) any claim against the University or (b) any claim against an employee of the University or a student in training accepted for defense pursuant to Section 6.8 of the *Bylaws of the Board of Regents*, either of which is based in fact upon alleged unlawful denial of civil rights guaranteed to a claimant under the Constitution of the United States, any federal law or regulation, the Constitution of the State of Nebraska, or any law or regulation of the State of Nebraska, and for which the law provides a remedy enforceable in a court of competent jurisdiction of the State of Nebraska, the United States, or any other state or territory of the United States.
- (3) "Claim," except Police Officer Criminal Defense Claim, shall mean a written communication received by an insured stating (a) an intention to hold the insured responsible for damages arising out of an occurrence for which coverage may be provided under the Program, (b) a demand for money, or (c) service of suit.
- (4) "Contract Claim" shall mean any claim against the University, an employee of the University or a student in training, involving a dispute regarding a contract between the University and the claimant for which the law provides a remedy enforceable in a court of competent jurisdiction of the State of Nebraska, the United States, or any other state or territory of the United States; provided, however, contract claim shall exclude any claim or civil action involving a dispute regarding a contract covered by the State Employees Collective Bargaining Act and any claim or civil action covered under the University of Nebraska Medical Liability Risk-Loss Program.
- (5) "Damages" in regard to any liability occurrence shall mean the sum or sums of money an insured shall become legally obligated to pay on account of a liability occurrence, including court costs and attorney fees, BUT EXCLUDING ANY SUM OR SUMS OF MONEY DESIGNATED OR IDENTIFIED AS PUNITIVE DAMAGES.
- (6) "Educators' Legal Liability Claim" shall mean (a) any claim against the University, or (b) any claim against an employee of the University or student in training, accepted for defense under Section 6.8 of the *Bylaws of the Board of Regents*, for an alleged error or omission or misleading statement or act or omission or neglect or breach of duty, including misfeasance, malfeasance and nonfeasance, by an employee of the University or student in training in the performance of duties for the University, and for which the law provides a remedy enforceable in a court of competent jurisdiction of the State of Nebraska, the United States, or any other state or territory of the United States.
- (7) "Employee of the University" shall mean any one or more of the officers or employees of the University while acting within the scope of their office or employment, and shall include (a) any one or more of the duly elected members of the Board of Regents or any one or more of the members of any duly constituted University governing, extension or advisory board, commission or committee when they are acting in their official capacity, and (b) any volunteer worker for the University when acting within the scope of their volunteer work; provided, however, employee shall not be construed to include any person or entity deemed to be an independent contractor of the University.
- (8) "Fiscal Year" shall mean the fiscal year of the University of Nebraska, beginning on July 1 and extending through June 30.
- (9) "Insured" shall mean (a) the University, (b) an employee of the University as defined in subsection (7) of this section, or (c) a student in training as defined in subsection (15) of this section, or a commissioned law enforcement officer employed by the University performing duties within the scope of employment as provided in subsection (12) of this section.

- (10) "Liability Occurrence" shall mean an occurrence giving rise to a claim which is brought against an insured in the form of (a) a tort claim, (b) a contract claim, (c) a civil rights claim, (d) an unlawful discrimination claim, or (e) an educators' liability claim.
- (11) "Occurrence" shall mean the event, incident, or happening, and the acts or omissions incident thereto, which are alleged by a claimant or a claimant's representative to have proximately caused injuries, damages or loss for which reimbursement is or may be claimed. All exposure to a certain condition or related conditions and all damages involving or arising out of the same product, completed operation, act, or omission, regardless of the frequency or repetition thereof or the number of claimants shall be considered a single occurrence.
- (12) "Police Officer Criminal Defense Claim" shall mean a written request submitted to the University by a law enforcement officer commissioned under the laws of the State of Nebraska for legal defense of a criminal action or proceeding brought against the law enforcement officer, arising directly out of the law enforcement officer's activities within the scope of employment by the University<sup>1</sup>, including grand jury proceedings.
- (13) "Program" shall mean the University of Nebraska General Self-Insurance Program.
- (14) "Property Loss Occurrence" shall mean an occurrence of physical injury to, or destruction or loss of tangible property of the University, including loss of use of tangible property of the University resulting from physical injury thereto or destruction or loss thereof.
- (15) "Student in Training" shall mean any student enrolled in a program of the University when the student is acting for or on behalf of the University or when rendering services to another as part of his or her teaching or training by the University, but shall not include any student while participating in practice or competition as a member of a University intercollegiate athletic team. The phrase "acting for or on behalf of the University" in regard to a student in training shall mean only when a student is acting under the direction and supervision of an employee of the University in a specified capacity as a representative of the University pursuant to an express appointment or designation of the student by name in such capacity made in writing by an employee of the University duly authorized to make such appointment or designation.
- (16) "Tort Claim" shall mean any claim against the University, an employee of the University or a student in training for money only on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of the employee or the student in training, and for which the law provides a remedy enforceable in a court of competent jurisdiction of the State of Nebraska, the United States, or any other state or territory of the United States.
- (17) "University" shall mean and include (a) the Board of Regents of the University of Nebraska, a public body corporate, (b) the University of Nebraska, (c) any University campus of the University of Nebraska, (d) any college, institute, school, department, center, or other administrative or academic subdivision of the University of Nebraska or any University campus thereof, including the Nebraska College of Technical Agriculture, (e) any organization formed under Neb. Rev. Stat., Section 2-1603, as amended, and recognized under said section by the University of Nebraska Cooperative Extension Service as an official body for doing extension work in agriculture and home economics, and (f) any entity formally recognized by the Board of Regents as an ancillary organization of the University

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<sup>1</sup> For the purposes of a Police Officer Criminal Defense Claim the term "within the scope of employment by the University" means all law enforcement activities authorized or required by the law enforcement officer's University employment, whether on duty or technically off duty.

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and approved in writing by the Vice President for Business and Finance for coverage under the Program.

- (18) "Unlawful Discrimination Claim" shall mean (a) any claim against the University or (b) any claim against an employee of the University or student in training, accepted for defense pursuant to Section 6.8 of the *Bylaws of the Board of Regents*, either of which is based in fact upon an alleged violation of any federal or state law or regulation proscribing unlawful discrimination relating to employment by the University or relating to denial of services or access to programs or facilities by the University, and for which the law provides a remedy enforceable in a court of competent jurisdiction of the State of Nebraska, the United States, or any other state or territory of the United States.

II. Self-Insurance Coverage. The Program shall provide the following self-insurance coverage:

- (1) Coverage for Liability Occurrences. Subject to the terms, conditions, exclusions and limits of this Statement of Self-Insurance Coverage, the Program shall pay on behalf of the insured during each fiscal year all sums which the insured shall become legally obligated to pay as damages for liability occurrences up to limits of \$1,000,000 per liability occurrence and \$3,000,000 in the aggregate of liability occurrences in any fiscal year. UNDER NO CIRCUMSTANCES SHALL THE PROGRAM BE LIABLE FOR MORE THAN \$1,000,000 PER LIABILITY OCCURRENCE OR MORE THAN \$3,000,000 IN THE AGGREGATE OF LIABILITY OCCURRENCES IN ANY FISCAL YEAR BY REASON OF THIS SELF-INSURANCE COVERAGE FOR LIABILITY OCCURRENCES.
- (2) Coverage for Property Loss Occurrences. Subject to the terms, conditions, exclusions and limits of this Statement of Self-Insurance Coverage, the Program shall pay to the University during each fiscal year all sums constituting the casualty damages incurred by the University as a result of property loss occurrences in excess of \$1,000 per occurrence up to limits of \$200,000 per property loss occurrence and \$1,000,000 in the aggregate of property loss occurrences in any fiscal year. UNDER NO CIRCUMSTANCE SHALL THE PROGRAM BE LIABLE FOR MORE THAN \$200,000 PER PROPERTY LOSS OCCURRENCE AFTER PAYMENT OF THE \$1,000 DEDUCTIBLE AMOUNT OR MORE THAN \$1,000,000 IN THE AGGREGATE OF PROPERTY LOSS OCCURRENCES IN ANY FISCAL YEAR BY REASON OF THIS SELF-INSURANCE COVERAGE FOR PROPERTY LOSS OCCURRENCES.
- (3) Coverage for Police Officer Criminal Defense Claims. Subject to the terms, conditions, exclusions and limits of this Statement of Self-Insurance Coverage, the Program shall pay on behalf of a commissioned law enforcement officer (i) charged with a criminal offense arising directly out of the law enforcement officer's activities within the scope of employment by the University, or (ii) subject to a grand jury proceeding arising directly out of the law enforcement officer's activities with the scope of employment by the University all sums which the law enforcement officer shall become legally obligated to pay as expenses for legal services<sup>2</sup> up to limits of \$1,000,000 per occurrence resulting in one or more such criminal charges or grand jury proceedings. UNDER NO CIRCUMSTANCES SHALL THE PROGRAM BE LIABLE FOR MORE THAN \$1,000,000 PER OCCURRENCE RESULTING IN ONE OR MORE SUCH CRIMINAL CHARGES OR GRAND JURY PROCEEDINGS.

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<sup>2</sup> For the purposes of Police Officer Criminal Defense Claims, "legal services" shall mean advice, consultation or representation rendered by a licensed attorney to a commissioned law enforcement officer entitled to coverage under this Statement of Self-Insurance, including usual fees and office charges for paralegal assistance, telephone, mailing, copying, telefaxing, travel and similar office expenses, and reasonable reimbursable costs for witness fees and expenses, expert fees and expenses (including consultation), filing fees, court costs and transcript costs.

- III. Exclusions. The self-insurance coverage provided by this Statement of Self-Insurance Coverage shall exclude, and the Program shall not be liable to make payment for, any claim made against an insured:
- (1) in connection with any loss of inventory of tangible property or mysterious disappearance of tangible property;
  - (2) in connection with or as a result of the ownership, maintenance, operation, use, loading or unloading of automobiles, except this exclusion shall not apply with respect to liability assumed by the University under a contract;
  - (3) in connection with or as a result of any occurrence due to war, whether or not declared, civil war, insurrection, rebellion, or revolution, or any act or condition incident to any of the foregoing;
  - (4) in connection with or as a result of any occurrence for which the insured or any insurance carrier as the insurer of an insured may be held liable under any workers' compensation, unemployment compensation or disability benefits law, or under any similar law;
  - (5) in connection with or as a result of any bodily injury to any employee of the University arising out or in the course of his or her employment by the University, except this exclusion shall not apply to persons who are not employees of the University subject to the Nebraska Workers' Compensation Act, and this exclusion shall not apply with respect to liability assumed by the University under a contract;
  - (6) in connection with or as a result of any liability occurrence due to the ownership, maintenance, operation, use, loading or unloading of any aircraft by the University, any employee of the University or any student in training;
  - (7) in connection with or as a result of any liability occurrence covered under the University's Medical Liability Risk-Loss Program, as amended;
  - (8) in connection with or as a result of any liability occurrence giving rise to a claim listed as an exempt claim under Neb. Rev. Stat. Section 81-8,219 of the Nebraska State Tort Claims Act, as amended;
  - (9) in connection with any claim against an employee of the University or against a student in training for an alleged act or omission of the employee or student in training (a) which occurred outside of the scope of employment or training, or (b) which has been determined in accordance with Section 6.8 of the *Bylaws of the Board of Regents* to constitute malfeasance in office or willful or wanton neglect of duty;
  - (10) in connection with any claim against the University, an employee of the University or a student in training (a) to recover money in the form of a civil penalty or civil fine imposed by an agency other than a court of law, or (b) to recover punitive damages imposed by a court or any other agency; and
  - (11) in connection with or as a result of
    - (a) any occurrence with respect to which an insured under the Program is also insured under a nuclear energy liability policy issued by Nuclear Energy Liability Insurance Association, Mutual Atomic Energy Liability Underwriters or Nuclear Insurance Association of Canada, or would be insured under any such policy but for its termination upon exhaustion of its limits of liability;
    - (b) any occurrence resulting from hazardous properties of nuclear material and with respect to which (i) any person or organization is required to maintain financial

- protection pursuant to the Atomic Energy Act of 1954, or any law amendatory thereof, or (ii) the insured is, or had the Program not been in effect, would be entitled to indemnity from the United States of America, or an agency thereof, under any agreement entered into by the United States of America, or any agency thereof, with any person or organization;
- (c) any occurrence resulting from the hazardous properties of nuclear material and arising out of operation of a nuclear facility by any person or organization; or
  - (d) any occurrence resulting from the hazardous properties of nuclear material, if (i) the nuclear material is at any nuclear facility owned or operated by or on behalf of an insured, or has been discharged or dispersed therefrom, (ii) the nuclear material is contained in spent fuel or waste at any time possessed, handled, used, processed, stored, transported or disposed of by or on behalf of an insured, or (iii) the liability occurrence arises out of the furnishing by an insured of services, materials, parts or equipment in connection with the planning, construction, maintenance, operation or use of any nuclear facility, but if such facility is located in the United States of America, its territories or possessions, or Canada, this exclusion (11)(d) applies only to injury or destruction of property at such nuclear facility; and

As used in this exclusion (11):

"hazardous properties" includes radioactive, toxic or explosive properties;

"nuclear facility" means (i) any nuclear reactor, (ii) any equipment or device designed or used for separating the isotopes of uranium or plutonium, processing or utilizing spent fuel, or handling, processing or packaging waste, (iii) any equipment or device used for the processing, fabricating or alloying of special nuclear material, if at any time the total amount of such material in the custody of an insured at the premises where such equipment or device is located consists of or contains more than 25 grams of plutonium or uranium 233 or any combination thereof, or more than 250 grams of uranium 235, or (iv) any structure, basin, excavation, premises or place prepared or used for the storage or disposal of waste, and includes the site on which any of the foregoing nuclear facilities described in (i) through (iv) may be located, all operations conducted on any such site, and all premises used for any such operations;

"nuclear material" means source material, special nuclear material or byproduct material;

"source material," "special nuclear material," and "byproduct material" have the meanings given to them in the Atomic Energy Act of 1954 or in any law amendatory thereof;

"nuclear reactor" means any apparatus designed or used to sustain nuclear fission in a self supporting chain reaction or to contain a critical mass of fissionable material;

"property loss occurrence" as used in this exclusion (11) includes all forms of radioactive contamination of property;

"spent fuel" means any fuel element or fuel component, solid or liquid, which has been used or exposed to radiation in a nuclear reactor; and

"waste" means any waste material containing byproduct material other than tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, and resulting from the operation by any person or organization of any nuclear facility included under (i) or (ii) of the definition of nuclear facility, above;



(12) in connection with or as a result of any occurrence arising out of or related to (a) asbestos or any asbestos related injury or damage, (b) any alleged act, error, omission or duty involving asbestos, its use, exposure, presence, existence, detection, removal, elimination or avoidance, or (c) the use, exposure, presence, detection, removal, elimination or avoidance of asbestos in any environment, building or structure; and

(13) in connection with or as a result of any occurrence arising out of any dispersal, disposal, discharge, escape, release or saturation of smoke, vapors, soot, acids, alkalis, toxic chemicals, liquids, gases or any other material, irritant, contaminant or pollutant in or into the atmosphere, or on, onto, upon, in or into surface or subsurface (a) soil, (b) water or watercourses, (c) objects, or (d) any tangible or intangible matter; and provided further that this exclusion (13) applies to any claim by whomever and whatsoever made, including, but not limited to, any public, private or governmental person, concern, body, entity agency, office or corporation.

(14) in connection with any Police Officer Criminal Defense Claim, any act or omission which is outside of the scope of the claimant's University employment.

IV. Program Territory. The self-insurance coverage provided to the insured under this Statement of Self-Insurance Coverage applies only to (1) liability occurrences and property damage occurrences during the coverage period within the United States of America, its territories or possessions, or Canada (hereinafter called the "Program territory"), and (2) liability occurrences and property loss occurrences during the coverage period outside of the Program territory only if any such occurrence arises out of activities of persons employed by the University to perform work principally in the Program territory, while outside the Program territory, pursuant to their employment in the business of the University, and subject to the condition that any claims or suits on account of any such occurrence must be brought within the United States of America, or its territories or possessions, and enforced in the courts of the United States of America, or its territories or possessions.

V. Coverage Period. The self-insurance coverage provided to the insured under this Statement of Self-Insurance Coverage shall be in effect from the date this Statement of Self-Insurance Coverage is approved by the Board of Regents until the date such coverage is canceled or modified by the Board of Regents.

VI. Coverage on an Occurrence Basis. The self-insurance coverage provided by the Program shall be on an occurrence basis and shall apply to occurrences taking place during the coverage period.

VII. Non-Severability of Interests. The term "insured" is used herein severally and not collectively, but the inclusion herein of more than one insured shall not operate to increase the limits of self-insurance coverage provided by the Program hereunder. The self-insurance coverage afforded hereunder shall apply to each insured against whom a claim or suit is brought.

VIII. Notice of Claim or Suit. If a claim is made or a suit is brought against an insured, the insured shall immediately forward to the Director of Risk Management every demand, notice, summons or other process received by him or her or his or her representative relating to such claim or suit.

IX. Other Insurance. The self-insurance coverage provided by the Program as specified in Section II. of this Statement of Self-Insurance Coverage shall be in excess of any valid and collectible insurance naming or providing coverage for the University as an insured party whether such insurance is stated to be primary, pro-rata, contributory, excess, contingent or otherwise, unless such insurance is issued to the University and is written only as specific excess insurance over the limits of self-insurance coverage provided by the program. If any liability occurrence or property loss occurrence is also covered in whole or in part under any excess policy of

insurance issued to the University prior to the effective date of the Operating Policy for the Program, the limits of liability coverage provided by the Program by this Statement of Self-Insurance Coverage shall be reduced by any amounts due to an insured on account of any such prior insurance.

X. Assistance and Cooperation of the Insured. All entities and persons entitled to the self-insurance coverage by the Program shall cooperate with the University, its Director of Risk Management and its legal counsel in regard to defense of claims or suits covered by the Program, and upon request shall attend conferences with counsel for the University, depositions, hearings and trials, and shall assist in effecting settlement, in securing and giving evidence, in obtaining the attendance of witnesses, and in the conduct of suits. An insured shall not, except at his or her personal expense, voluntarily make any payment, assume any obligation or incur any expense in relation to any occurrence covered by the Program.

XI. Special Conditions Relating to Police Officer Criminal Defense Claims.

(1) The attorney to provide legal services for any commissioned law enforcement officer who is a claimant entitled to coverage under a Police Officer Criminal defense Claim shall be selected by the claimant subject to approval by the Director of Risk Management and the General Counsel of the University; provided the University shall not be a guarantor in any manner of the skill of any attorney selected by a claimant and approved as provided above.

(2) No attorney shall be engaged or compensated by the University for legal services provided to a covered claimant unless such attorney has attested in writing to the Director of Risk Management that the attorney:

(a) is properly authorized to practice law in the authorized jurisdiction;

(b) accepts the hourly fee, expense reimbursement and other compensation arrangements established by the Director of Risk Management; and

(c) accepts the required periodic reporting and billing procedures established by the Director of Risk Management.

(3) No attorney shall be engaged or compensated by the University for legal services rendered to a covered claimant unless the attorney has provided proof of the attorney's coverage under professional legal malpractice liability insurance of at least \$100,000 per claim and \$300,000 aggregate per policy year, or such greater amount as the Director of Risk Management may deem necessary with respect to a particular representation.

(4) No attorney shall be engaged or compensated by the University for legal services rendered to a covered claimant until the attorney has disclosed in writing to the Director of Risk Management the following information:

(a) all attorney disciplinary proceedings to which the attorney or the attorney's firm are currently subject, or state that there are none;

(b) all legal actions alleging legal malpractice to which the attorney or the attorney's firm are currently subject, or state that there are none;

(c) all rulings by attorney disciplinary authorities or courts during the preceding five years which resulted in sanctions, including formal and informal reprimands, against the attorney or any firm with which the attorney was associated at the time sanctions were imposed, or state that there are none; and

(d) all legal actions during the preceding five years in which the attorney or any firm with which the attorney was associated was adjudged guilty of or liable for malpractice, or state that there are none.

- (5) Any attorney engaged to represent a covered claimant, who will be compensated by the University for legal services rendered to the claimant, shall agree in writing to give written notice to the Director of Risk Management within ten (10) days following the initiation of any attorney disciplinary proceedings or legal actions alleging legal malpractice, which proceedings or actions involve the attorney or the attorney's firm.
- (6) Attorneys performing legal services for covered claimants of a Police Officer Criminal Defense Claim under this Statement of Self-Insurance are not agents or employees of the University. Any Attorney rendering such legal services shall maintain the attorney-client relationship with the covered claimant and is solely responsible to the covered claimant for all legal services provided. The University shall not have the right to interfere with or have the right to control performance of the attorney's duties. Information which the attorney receives from the covered claimant incidental to the attorney-client relationship shall be confidential and, except for use incidental to the administration of the University's General Self-Insurance Program, shall not be disclosed without the covered claimant's consent.
- (7) The construction and interpretation of this Statement of Self-Insurance with respect to coverage of claimants making a Police Officer Criminal Defense Claim are vested with the University's Director of Risk Management in his or her absolute discretion, including, but not limited to, the determination of facts, coverage, benefits, eligibility and other provisions of this Statement of Self-insurance. The Director of Risk Management shall endeavor to act, whether by general rules or by particular decisions, so as to treat all persons in similar circumstances without discrimination. Except for a claimant's right of appeal as hereinafter provided, the constructions, interpretations, determinations and decisions of the University's Director of Risk Management shall be final, conclusive and binding upon all persons having an interest in the University's General Self-Insurance Program.
- (8) The following are the claims reporting and appeal procedures for a Police Officer Criminal Defense Claim:
  - (a) Any commissioned law enforcement officer who believes he or she is entitled to coverage for a Police Officer Criminal Defense Claim under this Statement of Self-Insurance shall promptly notify the University's Director of Risk Management of:
    - (1) any occurrence the commissioned law enforcement officer has reason to believe may result in a claim for benefits;
    - (2) any communication the commissioned law enforcement officer receives concerning a pending or threatened criminal charge or grand jury proceeding which may result in a claim for benefits; and
    - (3) any claim for benefits.
  - (b) Notice must be confirmed in writing within thirty (30) days on a prescribed claim form provided by the University's Director of Risk Management to be effective.
  - (c) The University's Director of Risk Management shall make a decision on any claim for benefits promptly, and not later than thirty (30) days after the Director of Risk Management receives the claim, unless special circumstances require an extension of time for processing. In such a case, a decision shall be made as soon as possible, but not later than one hundred twenty (120) days after receipt of the claim. If the Director of Risk Management denies a claim, in whole or in part, the Director of Risk Management shall send to the claimant and the University's Vice President for Business and Finance a written notice setting forth:
    - (1) the specific reasons for the denial;

- (2) specific reference to pertinent provisions of the University's Self-Insurance Program on which denial is based;
  - (3) If applicable, a description of any additional material or information necessary for the claimant to perfect the claim and an explanation of why such material or information is necessary; and
  - (4) an explanation of the appeal procedure whereby the claimant may seek review of the Risk Manager's decision.
- (d) Within thirty (30) days of the date upon which the claimant is first notified of any decision of the University's Director of Risk Management to deny the claimant's claim, the claimant may appeal the decision of the Risk Manager by submitting a written appeal to the University's Vice President for Business and Finance. The Vice President for Business and Finance shall notify the claimant of his or her decision in writing within forty-five (45) days of receipt of the appeal. The Vice President's decision on appeal shall state specific reasons for the decision with references to pertinent provisions of the University's General Self-Insurance Program. The decision of the Vice President for Business and Finance shall be final, and shall not be subject to further appeal or review.

**Reference:** BRUN, Minutes, 63, p. 181 (October 19, 2001).

### **RP-3.2.8 Conflict of Interest**

#### 1. Introduction

University relations with industry, government agencies, individuals, and other enterprises outside the University constitute a complex network of interactions. These interactions have directed attention to potential conflicts of values and interests between these entities and academia. As a result, there has been much attention nationwide to such potential conflicts.

Conflict of Interest is addressed in Section 3.8 of the *Bylaws of the Board of Regents* as follows:

*Conflict of Interest. No employee of the University shall engage in any activity that in any way conflicts with duties and responsibilities at the University of Nebraska nor shall any employee hire or supervise a member of his or her immediate family without expressed written consent of the Board.*

The objective of this University of Nebraska policy is to further elucidate this bylaw. If members of the University community are to be important participants in the economic development arena, and in providing service to industry, a set of policy statements must be provided with as much flexibility as possible. It is neither possible nor advisable to establish rigid rules governing these relations. Nevertheless, the University, while striving to promote research internally and to transfer technology externally, must safeguard against the use of public funds for private gain, conflicts of interest, conflicts of commitment, or interference with University duties in situations involving faculty, staff, students, or the institution itself. The University must also prevent violation of the tenets of fundamental fairness.

Nebraska statutes relating to conflict of interest apply to all employees of the University and include the following provisions in Section 49-14,101 of the Revised Statutes of Nebraska:

*... No ... public employee shall use that person's office or any confidential information received through the holding of a public office to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family or a business with which the individual is associated ..." and no "public employee shall use personnel, resources, property, or funds under that individual's official care and control, other than in accordance with*

*prescribed constitutional, statutory, and regulatory procedures, or use such items, other than compensation provided by law, for personal financial gain ...*

In addition, many of the funding agencies, especially those operating under the National Science Foundation and the Department of Health and Human Services, require that the University establish safeguards to prevent employees or consultants from using their positions for purposes which are motivated by (or even give appearance of) a drive for private financial gain either for themselves or family members.

What follows is a set of policy statements--some broad, some narrow--for University faculty, staff, students, administrators, industrial sponsors, and other organizations.

Responsibility for assurance of compliance with this policy rests with the Chancellor of each campus and with the President for personnel associated with Central Administration.

## 2. Personnel Affected by Conflict of Interest Policy

In many instances throughout this policy the term "faculty" is used, primarily because faculty are most often involved in educational, research, and service activities. However, it must be emphasized that these policies also apply to all other University employees including students, support personnel (staff - B and C lines), and administrators, whether these are full-time or part-time employees. The University seeks to identify situations which might lead to a conflict of interest by requiring that, in certain circumstances that are defined later, employees who propose a relationship with an industrial sponsor or other organization complete a *Disclosure of Interest Form* which has the specific intent of requiring an employee to disclose possible financial interest or other interest in the outcome of the project. The intent of this process is to identify situations which may lead to or be perceived as a conflict of interest. The policy statements which follow are not intended to resolve real conflicts of interest. This is left for resolution by affected personnel and the appropriate administrators.

## 3. Individuals and Organizations Affected by Conflict of Interest Policy

Likewise, this policy is intended to apply to the University's relations with all kinds and forms of government agencies, individuals, and private enterprises in general: entities big and small, start-up or established and ongoing, independent and/or portions of larger entities; whether proprietorships, partnerships of any variety, corporations, or other forms of business organization; regardless of where they are located geographically; whether entirely separate from the University; companies involving University employees, spun off from the University; companies involving University employees, spun off from faculty research; or University-affiliated companies.

## 4. Appropriateness of Research

Research is basic to the University's teaching and service missions. Good teaching and learning depend upon research. Likewise, through its research, teaching, and service activities, the University's resources can best be brought to bear on public issues requiring objective, systematic study. Research forms an inherent part of departmental and collegiate missions, and brings recognition to the University and its faculty. All forms of research, which are within departmental and collegiate missions, and which maintain the high quality characteristic of the University, are appropriate to the University's open environment. Similarly, University teaching and service activities have potential for commercial use and development.

Industry-supported research is a legitimate academic endeavor. On a nationwide basis, research universities are actively seeking to strengthen their relations with industry. Government and industry alike support basic, applied, and proprietary research. Since research ranges over a broad spectrum, distinctions between these categories are often arbitrary; all can educate students in the scientific method. Industrial support should

complement ongoing faculty research initiatives as well as provide additional opportunities for graduate education. Because industry has pioneered many new scientific areas, collaboration with industry can challenge faculty, enrich graduate and undergraduate education, and open options for students' future employment.

Although the University wishes to foster University-industry partnerships, the University wishes to avoid any potential problems that may arise as a result of industrial sponsors directing research to meet their short-term needs and objectives. Prospects of financial gain could influence faculty and the University to choose the more commercial imminent, product-oriented research problems, rather than those fulfilling the University's objectives of educating students and advancing and applying more basic knowledge. Such problems could affect the quality and breadth of University research, teaching, and service missions, bias student education, cause favoritism, and undermine professor-student relationships.

On federally-sponsored projects, academia attempts to prevent such problems by the established external peer review system of evaluating research proposals. In addition, on each campus the appropriate University department chair(s) or director(s), the appropriate dean(s), and vice chancellor(s) all make appropriate review of external funding proposals. Although an established peer review system is not typically utilized by industrial sponsors, a considerable number of University-industry relations are initiated by faculty proposals which oftentimes complement federal projects. Such industry-related research should be encouraged. Nevertheless, to make certain that research and service activities conducted for industrial sponsors are appropriate to the University's mission, the University's customary internal review of industry-sponsored projects must be especially thorough.

#### 5. Policy Statement I: Review of Appropriateness of Proposed Research Project

As part of its research, education, and public service missions, the University encourages interactions between faculty and industry and other external agencies that enable faculty and other University personnel to pursue projects within their fields of interest and in keeping with their departmental and collegiate missions, or, if appropriate, the interdisciplinary missions of centers and institutes.

- a. Faculty and other University employees have the freedom to undertake research, educational, or public service projects and to seek sponsorship of their liking, but must not be unduly influenced to accept external projects or sponsorship not of their own choosing.
- b. Since the integrity and institutional commitment of principal investigators, departmental chairs or directors, and deans ultimately safeguard the quality and relevance of all research, educational, and service activities, all three, and the appropriate vice chancellor or his or her designee must promptly review all proposals to industrial concerns and other equivalent external agencies.

In rare circumstances, the appropriate administrator may nominate a single individual who shall be individually responsible for the review of all aspects of proprietary service and sponsored projects in certain defined areas.

Proposals under \$5,000 will continue to receive the traditional campus review but are usually exempt from considerations under the Conflict of Interest policy. However, any University employee with a personal financial interest of any sort resulting from or associated with the proposed agreement must complete the *Disclosure of Interest Form*. As a result, it may be necessary to require the approval of the appropriate administrator.

- c. Internal review of such agreements must ensure that all industrial contracts and grants, or other forms of relationships, conform to departmental, center, institute, and collegiate missions; maintain the breadth and quality of research, teaching, and service creditable to the University; and are executed by the duly authorized administrative officer(s).

- d. Questions regarding the appropriateness of industrial contracts and grants, or other forms of relationships, that cannot be resolved at the departmental, center, institute, or collegiate level must be reviewed and resolved by the appropriate vice chancellor or chancellor. Each campus has the option of establishing a faculty committee to make recommendations to the vice chancellor or chancellor for his or her final disposition.

## 6. Openness of Research and Publication of Results

The traditions of free exchange of ideas and prompt dissemination of knowledge are fundamental to the University's mission and should govern all research, teaching, and service activities conducted by University personnel. The University is committed to an open teaching and research environment, which ensures free faculty and student exchange of ideas, thereby contributing to the advancement of knowledge in all disciplines. As far as possible, the acceptance of support external to the University should not create situations which curtail open discussion of the research among colleagues and students.

Industry or federal agencies, on the other hand, may require a period of confidentiality for proprietary information provided to project participants for patent purposes or to protect trade secret information and may seek prior review of publications resulting from its sponsorship. It is acceptable to protect such proprietary information or trade secrets. The decisions to patent and to file the patent application or to keep the information a trade secret must be made as expeditiously as possible to avoid undue delays in publication.

## 7. Policy Statement II: Openness of Research and Publication of Results

- a. Research conducted by faculty under industry or other commercial sponsorship must, as far as possible, maintain the University's open teaching, research, and service environment.
- b. The administration must review any new, proposed, or ongoing faculty-industry interactions which might compromise the University's open teaching and research environment. Those in the line of reviewing University-industry relationships--the appropriate department chair(s) or director(s), dean(s), and the appropriate vice chancellor, or, in rare circumstances, the individual designated to perform the complete administrative review as described in Section 1--shall investigate and seek to resolve all potential problems. Concerns regarding violation of the Conflict of Interest policy shall be brought to the attention of the appropriate campus vice chancellor or chancellor, Provost, or President for resolution.
- c. Faculty must have the right to disseminate their research results, indeed are obligated to do so. The University discourages individual faculty from agreeing to forego this basic right. However, the University and faculty may accept reasonable delays in submission of new findings for publication or other release of information to enable sponsors or the University to obtain proprietary or patent protection, for example. In special circumstances to be determined by the University, a researcher may waive his or her right to disseminate the results of his or her research and elect to enter an agreement to maintain the confidentiality of proprietary research for specified periods of time.
- d. Faculty must normally provide written notification to support personnel and students involved in industry-sponsored projects, describing all contract and grant terms affecting them, including the possibility of delays in publication caused by the need of the sponsor to review manuscripts or any other obligations of confidentiality. Graduate students must not be assigned to thesis research topics which might be affected by confidential agreements. The appropriate administrator may authorize exceptions for personnel involved in short-term service-related projects.

## 8. Outside Employment: Avoidance of Conflicts of Commitment

The University not only permits but expressly encourages faculty to pursue outside professional activities including interactions with industry, with or without compensation, which will enrich a faculty member's academic contributions to the University. Consulting can expose faculty to research problems and perspectives which may enrich faculty teaching, research, extension, and service backgrounds. However, faculty and administration must be sensitive that such interactions could cause conflicts and must ensure that University employees do not make unnecessary or inappropriate commitments of their time or expertise which can adversely affect the University and its mission. A conflict of commitment must be avoided when it could jeopardize the faculty's and the University's integrity which is essential to maintaining the public's trust.

The assumption that faculty will devote their time and effort to the University's mission in proportion to their appointments--that full-time appointment connotes full-time commitment of time, effort, and expertise to the University--is inherent in University employment. Outside consulting activities, often acceptable in themselves, can interfere with a faculty member's paramount obligations to the University by placing significant, competing demands upon the time and energy of the faculty member with the potential for the neglect of instructional and research obligations. In some circumstances, the faculty member's proposed outside activities may directly conflict with the objective of assignments within the University.

The University, through an outside employment policy enacted by the Board of Regents, seeks to minimize the potential for faculty conflict of commitment by several mechanisms. The time that may be devoted to outside activity is normally limited to two working days per month; greater time commitments require specific approval of the Board of Regents. (For practical reasons, faculty are given considerable freedom in the scheduling of any outside activities.) In addition, the University must examine the application of an employee's expertise to proposed educational, industrial, or other consulting activities to assure that there is no conflict of commitment or other conflict of interest. Hence, the University requires prior disclosure of proposed consulting, extramural teaching, or other activities to the department chair and the subsequent approval of the college dean and campus administration. Such disclosure may be made by completing the *Disclosure of Interest Form* and may require the provision of additional documentation to the chair, dean, or other administrator.

In certain other circumstances, the specific approval of the Board of Regents may be required. The relevant policy of the Board of Regents is set forth in Section 3.4.5 of the *Bylaws of Board of Regents*.

## 9. Policy Statement III: Disclosures of Outside Commitment

- a. **Outside Employment and Consulting Relationships.** As University-industry relationships increase with a growing desire for consultantships and other professional activities outside the University, University staff members must continue to observe the University policy on outside employment embodied in Section 3.4.5 of the *Bylaws of the Board of Regents*. In addition, University employees must observe the Board of Regents policy on conflict of interest stated in Section 3.8 of the *Bylaws of the Board of Regents*.
- b. **Outside Professional Activities Requiring Regental Approval.** The *Application for Permission to Engage in Professional Activity Outside the University Form* is to be used by members of the professional staff for the purpose of requesting requisite approval pursuant to Section 3.4.5 of the *Bylaws of the Board of Regents* to engage in professional activity outside of the University.

Section 3.4.5 of the *Bylaws* specifically encourages University staff members to engage in professional activities outside the University as a means of broadening their experience and keeping them abreast of the latest developments in their specialized field. It is implicit



in this Regental policy that the University, as an educational and research institution, will benefit and better serve the people of the state as a result of outside professional activities by its professional staff.

The purpose of the *Application for Permission to Engage in Professional Activity Outside the University Form* is to provide documentation of the requisite approval under Section 3.4.5 and to provide an established procedure for review and approval of outside professional activity.

Department chairpersons, department heads, deans, and directors have primary responsibility to review the specific nature of each proposed outside professional activity within their respective areas of administrative responsibility and to deny approval to any such activity which would interfere with the normal University duties of the staff member involved or which would represent a conflict of interest or a conflict of commitment.

It is impossible to anticipate all questions which may arise in connection with the application of Section 3.4.5 of the *Bylaws* to the varied outside professional activities of staff members. However, several general guidelines are set out below to assist in the administration of this policy:

- 1) Section 3.4.5 of the *Bylaws* applies only to members of the professional staff, that is, A-line and B-line personnel.
- 2) Section 3.4.5(a) of the *Bylaws* requires Regental approval of outside professional activities where the staff member will accept retainer fees or other remuneration on a permanent or yearly basis as a professional consultant. The key consideration in determining whether there will be acceptance of a retainer fee or remuneration on a permanent yearly basis is the nature of the professional business relationship between the staff member and his or her client or patient. If this business relationship is one where the staff member is obligated at the beginning of the professional relationship with a client or patient to provide professional services over a period of one year or longer, then approval by the Board of Regents is required.
- 3) Section 3.4.5(b) of the *Bylaws* requires Regental approval of outside professional activity requiring more than an average of two days per month during the period of the staff member's full-time employment. The Board of Regents has interpreted this language to mean two days per month during the assigned work week. It is often very difficult to identify an assigned work week, particularly for faculty. They often perform their regular or routine University duties during evening hours and on weekends. For this reason, Regental approval will only be required when a staff member's outside professional activities will prevent the performance of his or her assigned duties at the University more than an average of two days per month during the period of full-time employment. Thus, if outside professional activities are to be performed only during a time when the staff member would not otherwise be performing such duties, then Regental approval under the two days per month provisions of Section 3.4.5(b) of the *Bylaws* would not be required, regardless of the length of time to be devoted to the outside activity.
- 4) Section 3.4.5(c) of the *Bylaws* requires Regental approval of outside professional activity involving the charging of fees for work performed in University buildings with University equipment and materials. It is not practical to prescribe guidelines under subparagraph (c) which will cover the many and varied outside professional activities of staff members. Specific policies with regard to the charging of fees for work performed in University buildings with University equipment and materials should be developed by each chancellor.

- 5) Section 3.4.5(d) of the *Bylaws* requires Regental approval of outside professional activities where remuneration is received for services provided to departments or agencies of state government. This subsection applies only to the departments or agencies of the government of the State of Nebraska. It does not apply to services provided to departments or agencies of the governments to other states. Also, it does not apply to services provided to political subdivisions within the State of Nebraska, such as municipalities, counties, school districts, public power districts, irrigation districts, natural resource districts, etc.
- 6) Section 3.4.5 of the *Bylaws* does not require individual approval of each separate client or patient relationship for professionals such as accountants, engineers, architects, lawyers, psychologists, therapists, etc. It is sufficient that the nature of the outside professional activity be generally described so that appropriate evaluation may be conducted regarding potential interference with University duties, conflict of interest, and conflict of commitment. So long as none of the circumstances requiring Regental approval under subparagraphs (a), (b), (c), and (d) of Section 3.4.5 of the *Bylaws* exist, no further information need be provided by the staff member, and the professional activity may be approved by the chancellor upon the recommendation of the appropriate dean or director.
- 7) Activities for a professional organization with which a staff member is associated do not constitute the type of professional activity coming within the scope of Section 3.4.5 of the *Bylaws* unless a professional service is provided to the organization for which the staff member is paid a professional fee which is commensurate with the actual value of the professional service provided.

The foregoing should not be construed to relieve any staff member of complying with applicable policies or regulations of the department, college, division, campus, or University with regard to time one is allowed away from regular University duties.

c. Declaration of Interest

University employees proposing outside employment or a consulting relationship are required to complete a confidential *Disclosure of Interest Form*.

10. Other Activities Requiring Disclosures of Economic Interest or Commercial Involvement

With increasing University interactions with outside organizations, the University must ensure that other less obvious potential conflicts are identified and, if necessary, addressed in a formal process. Accordingly, the University requires that faculty identify and report, to the appropriate administrator, the potential for real or perceived conflicts which can result from their relations with industry, or other organizations, so that problems may be avoided. For example, the University must avoid situations where the possibilities for personal gain for the University employee or his or her immediate family may be judged to be so significant that it is unreasonable to expect the employee to exercise the objectivity necessary to the University's public trust. In addition, employees are required to report their involvement with commercial or educational enterprises where the name of the University may be used for commercial gain.

To assist in identifying such potential conflicts of interest, each member of the faculty or University staff proposing any arrangement with an industrial sponsor or proposing to have financial interest in an outside organization must complete a *Disclosure of Interest Form* which seeks to identify situations likely to lead either to a conflict of interest or conflict of commitment or the appearance of such conflict. It must be emphasized that while such disclosures are necessary, they will not and should not, ipso facto, prevent such arrangements. Personal discretion or administrative adjustments can often be used to resolve most potential conflicts. For example, reducing the percentage of a faculty appointment, or granting a leave of

absence, to reflect the faculty member's respective commitments to the University and to the outside entity may be appropriate and help to resolve the conflict.

#### 11. Policy Statement IV: Disclosures of Interest

- a. Situations Requiring Disclosure of Economic or Commercial Interest. When accepting support from industrial sponsors, faculty and other University personnel, whether full-time or part-time, must disclose all directly or indirectly related commercial connections with and financial interests in such sponsors. In addition, in situations where a faculty member's immediate family have such commercial connections and financial interests, disclosure must also be made. Further, disclosure of economic interest in any company which competes with the industrial sponsor must also be provided.

In the following specific situations, University employees are required to declare their economic or commercial interest, since there is significant possibility of conflict of interest:

- 1) If a University employee and/or a member of his or her immediate family (defined as the spouse of an individual, a natural or adopted child of an individual, a parent of an individual or his or her spouse, or a person claimed by an individual or his or her spouse as a dependent for federal income tax purposes) in the aggregate own or have options to purchase the lesser of either 5 percent or more or \$2,000 or more of voting stock in a company which sponsors a research project of the employee, then the University employee is required to declare the equity interest in full.
- 2) If a University employee or a member of his or her immediate family, as defined in Section 11.a.1), in the aggregate own the lesser of 5 percent or more or \$2,000 or more of the voting stock, is an officer in a company which competes with the sponsor of a research project in which the employee is involved.
- 3) If a University employee or a member of his or her immediate family, as defined in Section 11.a.1), holds a position as an operational officer in a company with which the employee has a University research project.
- 4) If a University employee or a member of his or her immediate family, as defined in Section 11.a.1), holds a full-time or part-time position or has financial interest in a company which is the recipient of funds from a government agency or other sponsor.
- 5) If a University employee has involvement with commercial or educational enterprises where the name of the University may be used to further the commercial development of a product or service.
- 6) If a University employee or his or her immediate family, as defined in Section 11.a.1), receives a loan, honorarium, gift, in-kind contribution, or other consideration of value from a sponsor or a sponsor employee.
- 7) If the sponsor or agency supporting research is the Department of Health and Human Services, the National Science Foundation, other Federal units or a not-for-profit private agency, it is necessary to declare any significant financial interest with any other agency, company, corporation, or other entity that might influence or be perceived to influence the conduct of research. Such significant financial interest is defined to be anything of monetary value, including but not limited to, salary or other payment for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options, and other ownership interests); and intellectual property rights (e.g., patents, copyrights, and royalties from such rights). A significant financial interest in business enterprises or entities exists when the value of such interests exceeds \$2,000 per annum, or if salary, fees, or other continuing payments represents more than a

5 percent ownership interest for any one enterprise or entity when aggregated for the investigator and the investigator's spouse and dependent children.

Investments in mutual funds in which the extent of investment in a particular industry is unknown are excluded from the requirement to declare financial interest.

- b. Memberships on Boards of Directors. Faculty or other University personnel memberships on boards of directors associated with the sponsor of any project proposal must be declared since the individual may be in a position to direct funds and direct the use of other University personnel, including research students and assistants, into areas of research that result in conflict of interest.
- c. Part-time Employees and Faculty on Leave of Absence. The Conflict of Interest policy applies to part-time employees and faculty or other employees who are on leave of absence. The possibility of conflict of interest or conflict of commitment is especially likely if the employee is also a part-time employee of the sponsor of the project.
- d. Process for Disclosure of Interest. Disclosure of economic or commercial interest is made by completing the *Disclosure of Interest Form*. All new, renewal, or continuation sponsored project proposals in excess of \$5,000 prepared for submission to a sponsor must also have a completed *Disclosure of Interest Form*. Information provided in this form will be considered confidential.
- e. Resolution of Conflicts. Wherever possible, the appropriate departmental chair(s) or director(s), dean(s), and the appropriate vice chancellor(s) must review and resolve any faculty conflicts of interest or conflicts of commitment. In some circumstances, the involvement of the chancellor, Provost, or President may be required to resolve the conflict.

## 12. Conflicts of Interest Involving Faculty Commercialization of University Technology

University projects have resulted in the creation of new Nebraska businesses which have transferred research results into products and services and which have contributed to the State's economy. Certain research discoveries lend themselves to commercialization by starting new ventures through the University or through faculty rather than the traditional licensing to existing companies. Moreover, this means of commercializing discoveries may be the best, or in some instances the only, means to transfer such new technology. The University recognizes this as an acceptable method of commercializing discoveries when it is in the best interests of the University, the State, and the inventor and is the most effective means to transfer such technology.

In establishing new companies to commercialize University technology, the University may accept equity positions or combinations of equity and future royalties in return for licensing the technology. This is an acceptable University activity and is an integral part of the technology transfer program. However, in such situations, reasonable limits on the University's involvement with respect to administrative time and the amount of equity taken must be observed. This will enable the University to be aware of and take steps to prevent potential conflicts of interest which may arise, involving, among other things, favoritism in future dealings with the same company, discrimination against its competitors, or the use of public funds for private gain. Accordingly, University direction of the company must be limited in time, and the amount of equity taken must be less than controlling.

Conflict situations also apply to any profit- or nonprofit-affiliated private entities established by the University or one of its employees. Therefore, in the University's relations with all such entities, the Conflict of Interest policy must be followed.

Ownership of equity in a company may entitle the University to membership on the company's board of directors. Such memberships are positive from the University's perspective since

board members can look after the University's interest in company management. However, increased possibilities for conflicts of interest are inherent in such membership. In addition, ownership of equity in a company established by a University employee may also create situations which may lead to conflicts of interest. Thus, University employees, who hold ownership or equity or receive company royalties, or board members or company officers, who are University administrators involved in internal decisions regarding personnel, budgeting, contract negotiations, and the like, may be in a position to direct University projects to benefit the company causing problems of favoritism, discrimination, and improper use of public funds for private gain. In addition, board members or company officers are exposed to internal confidential matters of their companies, and their company obligation may, therefore, conflict with their obligations to the University. Although accepting membership on a company's board of directors may be appropriate, the University must be provided with sufficient information to determine whether conflicts may arise as a result of the membership on the board.

Where University technology is transferred in return for an equity position, or royalties, or projects are to be performed in exchange for an equity position, the affected University employees must be fully apprised of such proposals, and a suitable arrangement that reflects the Regents Patent Policy must be concluded, both with the faculty and with the industry sponsor. The arrangement should provide for the faculty inventor to share in any consideration received by the University in accordance with established practices.

In recent years, because of federal tax law changes, for-profit entities have been formed specifically to fund research and development, such as research and development limited partnerships. Such entities solicit investors from members of the public. There is the possibility that prospective investors may be induced to invest by what appears to be University involvement in the funding entity or by unrealistic expectations of the outcome of the projects. In either event, the name of the University could be unfairly traded upon. Therefore, care must be taken that the investor solicitation is consistent with the potential outcome of the research and the policy on the use of the University's name.

### 13. Policy Statement V: Conflicts of Interest Involving the University

- a. Where appropriate, the University may accept equity in a company as complete or partial payment for transferring University technology to the company for commercialization. Only the Board of Regents may approve acceptance of equity in a company upon the recommendation of the cognizant chancellor, the Provost, and the President.
- b. The University may designate individual(s) to hold membership on the board of directors of a company in which the University holds equity.
- c. University faculty, administrators, or other members of the University community holding any such board of directors membership shall oppose or absent themselves, as appropriate, from any funding decisions or other decisions relating to the University which:
  - 1) Violates or is contrary to any law or University policy or procedure in regard to grants or contracts;
  - 2) Would constitute a conflict of interest with such person's University office of employment, or
  - 3) Involves improper use of University (public) funds.
- d. When external entities raise funds for University projects through any form of investment offerings, University personnel must scrupulously avoid the endorsement of any such offering or any statement of potential research results. The University's prior written consent must be obtained to use its name in connection with advertising or promotion of any investment offering.

- e. The past history of funding of University research or other projects by any company or firm shall not have any bearing on purchasing decisions made by the University of Nebraska.

#### 14. Commitments of University Equipment and Facilities

Company access to specialized University equipment, facilities, and personnel, acquired to further the teaching, research, and public service missions, may form the basis of University-industry relationships much as faculty seek access to complementary industrial facilities. Industry's use of University facilities and personnel, whether for research or for routine testing on a fee-for-service basis, is mutually advantageous. Access to sophisticated or unique University facilities for research or product development benefits companies of every size. The University benefits from full utilization of its facilities, resulting revenues, and increased opportunities to educate students. Since facilities are limited and are dedicated to all University missions, however, uses furthering these missions shall have priority. Depending upon availability, use by external sponsors is appropriate.

#### 15. Policy Statement VI: Commitments of University Equipment and Facilities

When allowing industry to utilize University facilities directly for commercial purposes, the University shall make certain that industry indemnifies the University for all liabilities arising from such use; that industry pays an appropriate fee determined by the institution; and that such use does not interfere with University research, education, or public service programs.

#### 16. Transfer of Rights in Discoveries

The Regents' patent policy extends to all patentable inventions and discoveries made at the University. Transfer of rights in and commercialization of such inventions and discoveries, whether by license, assignment, or sale, can further the mission of the University by making the discoveries available to the general public, by bringing recognition to the University and faculty, and by providing funds to the University which strengthen its research, teaching, and service roles. Such transfer of technology is encouraged.

Industry typically treats the products of its research in a very confidential manner. On occasion, industry expects project participants to maintain the same degree of confidentiality with sponsored projects. It is important to note that openness, freedom of discussion, and freedom to publish go to the very core of the University. Nonetheless, there are certain legitimate needs for confidentiality on the part of industry that must be met by project participants. Data received from an industry sponsor and marked "confidential" may be kept in a confidential status for a stated period of time. Also, it is prudent to recognize the need to maintain the confidential status of the results of the project for a period of time sufficient to determine patentability and filing of patent applications or as agreed upon in an agreement between the sponsor and the University. When appropriate, the University may enter into confidential agreements to protect proprietary information, where this is deemed necessary, either through direct agreement with an industrial sponsor or through an agreement between the sponsor and an individual employee.

#### 17. Policy Statement VII: Transfer of Rights in Discoveries

- a. Each campus of the University has a process for the evaluation and disposition of inventions and discoveries created by University employees. Following appropriate evaluation but prior to making a patent application, the invention or discovery is brought to the attention of the Board of Regents in writing. The Board may accept the invention or discovery and pursue a patent application or return the invention to the inventor, in accordance with Section 3.10 of the *Bylaws of the Board of Regents*. It should also be noted that Regental policy RP-3.2.7, "Patent and Technology Transfer Policy", mandates that one-third of royalties be paid to the faculty inventor(s) of a patent.

- b. Faculty, or other principal investigators on industry-sponsored research, must ensure that all individuals who assist in their research projects are fully informed in writing of the ownership and disposition of inventions and requirements of confidentiality regarding research results and other confidential information provided by the sponsors of associated projects.

#### 18. Appeal of Administrative Decisions

Each campus shall assure that an appeals mechanism is in place to allow faculty and others to appeal any administrative decision relating to the Conflict of Interest policy.

#### 19. Disclosure of Interest Form

A facsimile of the *Disclosure of Interest Form* appears on the next page.

**Reference:** BRUN, Minutes, 58, pp. 11-12, (February 13, 1993).

BRUN, Minutes, 60, p. 20, (March 24, 1995).

CONFIDENTIAL  
UNIVERSITY OF NEBRASKA  
DISCLOSURE OF INTEREST

Must be completed for all new, renewal, or continuation proposals in excess of \$5,000 submitted to agencies or sponsors OR to disclose financial or commercial interest with potential for conflict of interest.

1. Sponsor or Agency \_\_\_\_\_
2. Title of Project \_\_\_\_\_
3. Investigator \_\_\_\_\_

Indicate by circling the appropriate response below whether any of the following situations apply to the declaration. If yes is circled, complete the information requested. If further explanation is necessary use separate sheets.

4. a. Consulting arrangement. If yes, describe. Yes    No  
\_\_\_\_\_
- b. Financial remuneration: Amount \$ \_\_\_\_\_ Period \_\_\_\_\_ Yes    No
- c. Personal loans from sponsor or sponsor employees: Amount \$ \_\_\_\_\_ Yes    No
- d. Other rewards (honorarium, gift or in kind contribution etc.) If yes, describe. Yes    No  
\_\_\_\_\_ Amount \$ \_\_\_\_\_
- e. Other relationship to sponsor or agency such as being on the Board of Directors or Scientific Advisory Board. If yes, describe relationship. Yes    No  
\_\_\_\_\_
5. Does any financial benefit accrue directly or indirectly to your immediate family <sup>1</sup> from the sponsor or agency as a result of this agreement. If yes, describe. Yes    No  
\_\_\_\_\_ Amount \$ \_\_\_\_\_
6. Do you or will you separately or along with your immediate family <sup>1</sup> in aggregate own 5% or more, or \$2,000 or more of equity in the sponsor's company or be a partner or hold other forms of ownership in any business affiliated with the sponsor of this project? (Include any similar relationships with a competitor of the sponsor.) If yes, describe. Yes    No  
\_\_\_\_\_ Amount \$ \_\_\_\_\_
7. Will the sponsor or agency hold any rights to research and/or inventions for discoveries associated with this project? If yes, describe. Yes    No  
\_\_\_\_\_
8. Is the sponsor or agency imposing restrictions on the dissemination of research results? Yes    No

The information provided on this form is correct to the best of my knowledge. I agree to submit a supplementary disclosure statement at the time that further financial or commercial interests develop or if changes occur.

Signature of Investigator \_\_\_\_\_  
Date \_\_\_\_\_

Acknowledged:

Signature of Department or Division Chair \_\_\_\_\_  
Date \_\_\_\_\_

Signature of Dean(s) or Director(s) \_\_\_\_\_  
Date \_\_\_\_\_

Approved: (If investigator indicated yes to any item above, the appropriate administrator must approve by signing below.)

Signature of Vice Chancellor, Chancellor, Provost, or President \_\_\_\_\_  
Date \_\_\_\_\_

<sup>1</sup> Defined as a spouse of an individual, a natural or adopted child of an individual, a parent of an individual or his or her spouse, or a person claimed by an individual or his or her spouse as a dependent for federal income tax purposes.



### RP-3.2.9 Access to Retirement Accumulations

A separating faculty or staff member may have lump sum access to the total TIAA-CREF and/or Fidelity Investments accumulation if (1) the TIAA retirement annuity accumulation resulting from contracts established through service with the University of Nebraska or other nonprofit educational institution(s) is \$2,000 or less (\$2,000 is the level established by TIAA-CREF. University policy will be amended if modifications are made by TIAA.) and (2) the total TIAA-CREF retirement accumulation balance or the total Fidelity Investments retirement accumulation balance from premiums attributable to service with the University of Nebraska is \$10,000 or less.

If the TIAA retirement annuity accumulation is greater than \$2,000 (\$2,000 is the level established by TIAA-CREF. University policy will be amended if modifications are made by TIAA.) and/or if the total TIAA-CREF retirement plan accumulation balance or the total Fidelity Investments retirement plan accumulation balance is greater than \$10,000, accumulations will be accessible for distribution (TIAA Traditional Annuity accumulations will be accessible as provided under TIAA-CREF policy), under the following circumstances:

#### 1. Access to 50% of Total Accumulation

Prior to the attainment of age 55, after separation from employment, faculty or staff may have access to up to 50% of the total accumulation, following the completion of a release form.

#### 2. Access to 100% of Total Accumulations

Following the attainment of age 55, after separation from employment for any reason, faculty and staff may have access to up to 100% of the accumulations, following completion of a release form.

Faculty and staff who are retiring under any formal retirement arrangement (regular retirement, disability retirement, or partial or phased retirement with a date certain for total retirement) may have access to up to 100% of the total accumulation.

#### 3. Rollover to Tax-Deferred Program

Faculty and staff who have separated from University employment may execute an unrestricted rollover of up to 100% of their accumulations to a qualified tax-deferred investment program.

#### 4. Avoidance of Negative Tax Consequences

Regardless of age or employment status, legally appropriate distribution of accumulations will be permitted as required to avoid tax penalties or negative tax consequences under any applicable state or federal law or regulation.

In the event of the death of a faculty or staff member before commencement of benefits, regardless of age, years of participation, or amount of accumulation, unless otherwise dictated by Federal law, the designated beneficiaries may have lump sum access to the total accumulation.

**Reference:** BRUN, Minutes, 62, p. 16 (February 28, 1998).

### **RP-3.3 Conditions of Employment**

#### **RP-3.3.1 Vacation Accrual: Academic-Administrative Staff**

The vacation period for members of the Academic-Administrative (all-year) staff, effective July 1, 1974, shall be for one month which consists of 24 work days. The basis for computation is the accrual of two vacation days per monthly pay period.

The service date shall be the basis from which number of years of employment is determined, and this is defined as the month in which current continuous service began in a permanent full-time status. Vacation time is to be credited beginning the first month of hire in a permanent, full-time status with the accrual of full entitlement at the end of that monthly pay period; assuming supervisory approval, vacation time may be taken as it accrues without a specified waiting period.

**Reference:** BRUN, Minutes, 37, p. 145 (June 29, 1974).

#### **RP-3.3.2 Vacation Accrual: Managerial-Professional Staff**

The President shall designate those members of the all-year managerial-professional staff employed within the Central Administration who shall be allowed vacation benefits allowed to members of the all-year academic-administrative staff.

Subject to guidelines and policies established by the President, the Chancellors shall designate those members of the all-year managerial-professional staff employed within their respective administrative units who shall be allowed vacation benefits equal to the same benefits allowed to members of the all-year academic-administrative staff.

**Reference:** BRUN, Minutes, 43, p. 46 (May 18, 1979).  
See also Bylaws BRUN (1973+), s. 3.4.2.

#### **RP-3.3.3 Sexual Harassment**

Any time the University of Nebraska, as an employer, is (1) required to undertake any expense in investigation and/or defense of an allegation of sexual harassment, and the allegation is ultimately substantiated in whole or in part as a violation of law or University policy relating to sexual harassment or (2) to pay any settlement or pay any judgment as a result of a substantiated complaint of sexual harassment, the University of Nebraska shall proceed against the culpable employee or former employee for all expenses, settlements, and judgments incurred by the University of Nebraska in reference therefor, so that the University of Nebraska shall be saved harmless from any expenses or liability arising out of such employee misconduct.

**Reference:** BRUN, Minutes, 48, pp.107-108 (May 14, 1983).

#### **RP-3.3.4 Grievance Policy—General Nonacademic**

It is the policy of the Board of Regents that each major administrative unit of the University establish and maintain grievance procedures available to all managerial-professional staff, all office and service staff, and such academic-administrative staff and other academic staff for whom access to established academic grievance procedures is not available. Such procedures shall be consistent with this policy and shall assure that each employee continuously receives fair treatment in every respect. The Board is committed to preserving and improving cooperative and harmonious relationships among all University employees. The Board urges any employee who feels he or she is not receiving fair treatment, or who is faced with any employment situation that he or she believes causes a personal problem, to use the grievance procedure established by his or her major administrative unit.

In order that grievances be handled on a consistent basis throughout the University, it is imperative that the following criteria be met in the design of the grievance procedure for each major administrative unit.

1. The grievance procedure of each major administrative unit shall be comprised of at least three steps involving the immediate supervisor, one or more higher level supervisors, and the head of the major administrative unit (Chancellor, or in the case of Central Administration, the President). The sequential steps shall be carried out within formal time constraints that require decisions to be made in a timely manner. These time constraints shall apply both to the administration and to the grievant. Both the grievant and the administrator shall have the same rights of appeal.
2. The first step shall involve contact with the immediate supervisor in order to assure responsible participation by the immediate supervisor in the grievance and to facilitate solutions to the grievance on an informal basis and in a working environment wherever possible. It is the supervisor's responsibility to consult with any higher-level supervisor or manager, as necessary, for advice and counsel in development of a step one decision.
3. Personnel officers may be involved in the grievance if it proceeds beyond the level of the immediate supervisor. At least one step in the grievance procedure may require that a grievance decision be made by the nonacademic personnel officer.
4. Grievances continuing to the head of the major administrative unit shall be heard by a committee which will make recommendations to that officer. Membership on such committee or committees shall be established in such a manner as will assure peer representation for both parties. The head of the major administrative unit shall consider the recommendations of the committee and make a decision which shall be communicated to all parties and implemented. In all cases, the major unit administrator's decision is final. There shall be no appeal to the Board of Regents.

No employee shall be penalized for having utilized the grievance procedure established by his or her major administrative unit which is provided for the purpose of assuring fair treatment to all employees.

**Reference:** BRUN, Minutes, 41, p. 165 (February 18, 1978).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

### **RP-3.3.5 Union Solicitation**

Solicitations of union membership by individuals who are not employees of the University of Nebraska will be allowed on the University campuses in nonworking areas during nonworking hours, excluding coffee breaks, of employees involved provided that such solicitation is not disruptive.

Solicitation of union membership by employees of the University campuses will be allowed in nonworking areas during nonworking hours, including coffee breaks, provided that such solicitation is not disruptive.

General distribution of union materials on the University campuses will be allowed in nonworking areas during both working and nonworking hours provided that the same shall not be disruptive.

Posters and notices relating to union activity or organizational efforts may be posted on such bulletin board and at such times and under such terms and conditions as the University administration, in the reasonable exercise of its discretion, may designate and determine.

Labor organizations may hold meetings whether for the purposes of organization, solicitation of membership, or otherwise in University facilities during nonworking hours provided that the use of such facilities shall be subject to the same terms and conditions as are uniformly applicable to the use of the University facilities by non-University-related organizations; and, provided further, that such meetings shall be held in such manner and at such times as not to interfere with the regularly scheduled working hours or classroom schedule of the University or its employees. For the purpose of this rule only, nonworking hours shall mean those hours between 5:00 p.m. in the afternoon and 8:00 a.m. in the morning during weekdays and the hours from 12 noon Saturday to 8:00 a.m. on the following Monday for weekends.

**Reference:** BRUN, Minutes, 35, pp. 228-229 (February 3, 1973).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

#### **RP-3.3.6 Payroll Deductions for Union Dues**

The Board approves the Nebraska Association of Public Employees and the American Federation of State, County, and Municipal Employees as employee organizations whereby an employee who desires to voluntarily participate in them may execute an order authorizing the withholding from his or her wages such sums as he or she so designates each month or pay period and the same to be paid to the designated employee organization.

**Reference:** BRUN, Minutes, 37, p. 278 (December 14, 1974).

#### **RP-3.3.7 Graduate Teaching Assistants**

It is the policy of the Board of Regents of the University of Nebraska that each campus of the University shall provide procedures for recruiting, training, and evaluating Graduate Teaching Assistants in each academic department or unit employing teaching assistants. The training components will include English language enhancement when appropriate.

**Reference:** BRUN, Minutes, 44, p. 9 (November 16, 1979).

#### **RP-3.3.8 Nebraska College of Technical Agriculture Personnel Policies**

The Nebraska College of Technical Agriculture is not part of the University of Nebraska but is governed by the Board of Regents and is under the general administrative control of the Vice Chancellor for the Institute of Agriculture and Natural Resources.

The Board approved separate personnel policies for the Nebraska College of Technical Agriculture.

**Reference:** BRUN, Minutes, 38, p. 11 (January 18, 1975).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

#### **RP-3.3.9 Commercial Media**

The appearance of members of the University staff on commercially-sponsored radio programs shall conform to the following guidelines:

1. Each broadcast should carry an announcement that participation in the program does not constitute an endorsement of the products or services sold by the sponsor, either by the speaker or by the University.
2. There should be no direct or implied association between the subject matter developed by the speaker and the goods or services distributed by the sponsor.

3. The products distributed by the sponsor should be representative of goods or services which are generally acceptable to the people of Nebraska

Each request for approval of participation on a commercially-sponsored program should be reviewed by a committee consisting of the Chancellor, Vice Chancellor of Academic Affairs, and the Dean of the college concerned. This committee should be responsible for determining whether conditions (2) and (3) are met before participation is approved.

**Reference:** BRUN, Minutes, 19, p. 145 (December 17, 1949).

#### **RP-3.3.10 Years of Service for Transferred Employees**

Neb. Rev. Stat., section 85-1,119, specifies that employees transferred from Kearney State College to the University of Nebraska retain their status of employment accrued through June 30, 1991, at Kearney State College. "Status of employment" is interpreted as including years of service for any purpose for which years of service is a qualifying factor.

**Reference:** BRUN, Minutes, 56, p. 149 (September 6, 1991).

#### **RP-3.3.11 Family/Medical Leaves of Absence**

All regular Academic/Administrative, Managerial/Professional, and Office/Service employees of the University of Nebraska with an FTE of .50 or greater, as well as other employees (including graduate student and temporary employees) who have worked for at least 1,250 hours during the year preceding the start of the requested leave, are eligible for family/medical leaves of absence according to the provisions contained herein.

##### 1. Purposes

a. Family/medical leaves of absence may be used for the following reasons:

- 1) To address a serious health condition of the employee's child, parent, or spouse. A serious health condition shall mean a disabling physical or mental illness, injury, or impairment which requires any of the following:
  - in-patient care in a hospital, nursing home, or hospice; or
  - constant in-home care; or
  - continuing treatment by a health care provider.

Child shall mean a biological, adopted, or foster child, a stepchild, a legal ward, or other child for whom the employee has day-to-day responsibility to care for and financially support. Parent shall mean a biological parent or other individual who had day-to-day responsibility to care for and financially support the employee when the employee was a child, or a person bearing the same relationship to the employee's spouse.

- 2) To address a serious health condition of the employee which prevents the employee from performing the essential functions of his or her job.
- 3) To address maternal/paternal concerns associated with the birth of a child or the placement of a child with the employee for adoption or foster care.
- 4) In association with a death in the immediate family, "immediate family" shall mean wife, spouse, children, parents, grandchildren, grandparents, or persons bearing the same

relationship to the spouse. The term shall also include brothers, sisters, brothers-in-law, and sisters-in-law.

- b. Family/medical leave may be taken in conjunction with sick leave, vacation leave, or funeral leave (as may be appropriate based on the circumstances necessitating the employee's absence). Note: Existing policy allows use of paid sick leave for medical incapacity related to pregnancy and childbirth and up to five (5) days paid sick leave when illness or injury to, or death of, a member of the immediate family demands the employee's presence. Please see sick leave and funeral leave policies.

## 2. Financial

- a. Family/medical leaves of absence shall be without pay.
- b. The employee may request that a paid leave balance (i.e., sick leave, vacation leave, funeral leave) be charged for all or part of the family/medical leave if such paid leave would otherwise be granted based on the reason for the absence. In such cases, the paid leave time will apply toward the family/medical leave period as defined in paragraph 4.a.
- c. Employees on family/medical leave, who are enrolled in the University's insured benefit programs, may continue to participate in such programs and continue to receive employer contributions for the period of family/medical leave.
- d. Employees on family/medical leave may retain accrued, unused vacation and sick leave but shall not accrue such leave while on unpaid family/medical leave status.

## 3. Approvals

- a. It is the intent of this policy that employees will have a right to family/medical leaves of absence for the purposes stated in Section 1; however, in order to assure uniformly fair administration of the policy, the specific terms of each family/medical leave will be subject to administrative review and approval through a process to be established by each campus and set forth in a written policy statement.
- b. Requests for family/medical leaves of absence must include the reason for the request and the anticipated time period and must be approved through the appropriate campus process as provided in Section 3.a. above. Appropriate certification or documentation may be required by the University.
- c. Requests for foreseeable family/medical leaves of absence shall be made as reasonably far in advance as possible (if possible, thirty (30) days in advance). Unforeseeable family/medical leave may be requested as soon as practicable (within one or two working days of becoming aware of the need for family/medical leave).
- d. If the timing of the family leave as requested will cause undue hardship on the department or the University and if the timing of the leave can reasonably be altered without conflicting with the employee's purpose for requesting the leave, the department may suggest alternative dates which will accommodate the employee while still meeting the needs of the University. Such alternatives may include modification of the proposed starting/ending time periods, alternative working schedules, or other reasonable approaches. If the employee and the department cannot agree upon the details of the leave, the request shall be referred to the appropriate administrator (as defined by each campus within the written policy statement).

#### 4. Time Provisions and Limitations

- a. Total use of family/medical leave by an employee may not exceed twelve (12) work weeks in any rolling 12-month period, measured backward from the date an employee uses any family/medical leave (except that such measure may not extend back before August 5, 1993).
- b. Under exceptional circumstances if leave for a longer period is needed, the employee may request an unpaid "personal leave of absence" for a total period of time which, when combined with the family/medical leave and other paid or unpaid leaves, does not exceed one year. Such leave may be granted when it is in the best interest of the institution and shall be governed by the appropriate policy for the applicable personnel category. The employee may continue to participate in the University's insured benefits programs while on an unpaid "personal leave of absence" provided he or she pays the full employer and employee contributions while on such status.
- c. Family/medical leave may be taken on an intermittent (rather than on an uninterrupted) basis or on a reduced schedule if medically necessary as a result of an employee's serious health condition or that of his or her spouse, child, or parent or when the reason for the leave is the birth of a child or the placement of a child for adoption or foster care.

#### 5. Reinstatement

- a. Employees who take a family/medical leave of absence from a position within the University will be able to return to the position vacated or equivalent. In the event of budgetary or organizational changes during the period of absence, the employee shall be treated as if he or she were occupying the position at the time of the change.
- b. If an employee does not return to work following the permitted leave, unless other arrangements are made, he or she shall be considered to have resigned from the University effective the last day worked.

#### 6. Family Medical Leave Act of 1993

This policy complies with the Family Medical Leave Act of 1993 ("Act"), and the regulations promulgated thereunder, the terms, conditions, and definitions of which are incorporated herein. To the extent that the Act or regulations shall be amended, such amendments shall become part of this policy. To the extent that this policy should conflict with the Act, the Act shall prevail, except where the policy grants a right greater in scope than the Act.

**Reference:** BRUN, Minutes, 57, p. 245 (November 7, 1992).  
BRUN, Minutes, 58, p. 160 (September 10, 1993).

#### **RP-3.3.12 Crisis Leave Sharing Policy**

##### 1. Background

As the demographics of the workforce continue to change, it is important that employers recognize changes and adopt appropriate workplace policies. One such change is the increasing trend toward families with all caregivers employed resulting in a greater number of circumstances in which an unexpected family crisis necessitates an employee's absence from the workplace and considerable economic difficulty for the employee. In an effort to provide some measure of assistance to University employees who may experience such circumstances, a Crisis Leave Sharing Policy is hereby established.

## 2. General Purpose

Each major administrative unit (campus) of the University of Nebraska will establish a crisis leave pool, the purpose of which is to allow employees to donate accumulated vacation leave for potential use in emergency situations by other employees whose leave has been exhausted. This policy provides the general rules governing the administration and use of crisis leave pools.

## 3. Donation of Leave

Regular employees who earn vacation leave may donate to the crisis leave pool up to three (3) accumulated vacation days per calendar year. A campus may, by written policy, establish exceptional circumstances under which greater amounts of crisis leave, not to exceed five (5) days per calendar year, may be donated. Donations of accumulated vacation leave to the crisis leave pool will be accounted for on the basis of the number of days donated rather than the dollar value of the days donated. Employees may not donate vacation leave which would otherwise be lost under applicable University policy. Crisis leave may not be donated in units of less than one full day (eight hours).

## 4. Granting of Crisis Leave

- a. Subject to the eligibility requirements contained in this policy and any eligibility requirements in a campus policy, a regular employee (one who has completed original probation) may, upon approval of the campus administration, receive from the crisis leave pool up to the number of days of vacation leave he or she accrues in one calendar year, not to exceed twenty-four (24) work days. Crisis leave will not be granted in units of less than one day and shall be prorated for employees who work less than full-time.
- b. Regular employees are eligible to receive crisis leave (1) when all of their available sick leave, vacation leave, and compensatory leave (as may be applicable to the purpose of the crisis leave request) have been exhausted, and (2) when additional leave is required for one of the following reasons:
  - 1) serious illness of the employee or the employee's spouse;
  - 2) serious illness of the employee's child or parent, or a person bearing the same relationship to the employee's spouse; or
  - 3) an extraordinary circumstance involving a personal crisis that is not health-related.
- c. For the purposes of this policy, a "serious illness" is defined as an illness
  - 1) that requires at least one overnight stay in a hospital, hospice, or other residential health care facility under the treatment or supervision of a physician or other licensed health care provider, or
  - 2) that requires an absence from work for more than three (3) days as recommended by a physician or other licensed health care provider or
  - 3) is a chronic or long-term illness that is incurable or so serious that, if untreated, would probably lead to incapacity for more than three days and requires continuing medical treatment or supervision.



## 5. Campus Administrative Procedures

- a. In order to assure consistent administration of this policy on each campus, specific campus procedures and criteria for donation and use of crisis leave shall be approved by each Chancellor and set forth in a written campus policy statement.
- b. Requests for donated crisis leave must include the reason for the request and the anticipated time period of the leave. Appropriate certification or documentation from a treating physician or other licensed health care provider may be required by the University.
- c. Each request for crisis leave shall be evaluated upon criteria which include:
  - 1) whether or not the reason for the leave is appropriate under the policy;
  - 2) the availability of leave within the crisis leave pool; and
  - 3) the employee's record of leave use.
- d. Denial of crisis leave shall not be a grievable event under any campus or University grievance policy or procedure.

**Reference:** BRUN, Minutes, 61, p. 87 (November 22, 1997).

### **RP-3.3.13 Parental Leave Policies**

The following Parental Leave Policies are intended to establish and clarify the leaves available to University faculty and staff in cases of pregnancy, childbirth, and adoption. The general purpose of these policies is to allow employees to balance their work and family life while preserving the legitimate interests of the University as an employer and the public served by the institution. Supervisors are expected to work cooperatively and supportively with employees in the arrangement of leave under these policies.

#### 1. Medical Maternity Leave

Under University policy, and as required by federal law, the time during which an employee or faculty member is unable to work because of a medical disability caused or contributed to by pregnancy, miscarriage, termination of pregnancy, childbirth and recovery therefrom will be covered by the provisions of the University's sick leave policy or by the provisions of the University's disability leave program depending on the category and associated leave eligibility of the affected faculty or staff member. Faculty and staff are therefore eligible for paid leave for such absences under the provisions of the applicable leave policy.

There shall be no stipulated medical maternity leave requirement either before or after childbirth. Leave requirements will vary depending upon each employee's individual circumstances; the advice of an attending physician or other licensed health care provider will normally determine the appropriate length of a leave. An eight-week total leave period for pre-partum and post-partum care and recovery, during which time the employee will be excused from all duties, will be considered normal; however, more or less leave time may be taken based upon individual health circumstances.

In order to assure continuity of instruction for students, a female faculty member will normally be excused from instructional duties during the semester or other instructional period that the medical maternity leave, or a majority of said leave, occurs.

The provisions of Section 3.4.3.3 of the *Bylaws of the Board of Regents* permitting an employee's paid leave to be reduced by the amount required to compensate a substitute shall not be exercised in cases of medical maternity leave.

## 2. Paternal Leave to Provide Care/Assistance to Mother and/or Child

For those male employees who wish to take leave upon the birth of a child because the health of the employee's spouse or child requires the employee's presence or because such presence would be beneficial to the employee's spouse or child, up to five days paid leave may be taken chargeable to either sick leave or disability leave depending on the employee's appointment category.

The provisions of Section 3.4.3.3 of the *Bylaws of the Board of Regents* permitting an employee's paid leave to be reduced by the amount required to compensate a substitute shall not be exercised in cases of such paternal leave.

## 3. Adoption Leave

While medical maternity leave is traditionally based upon, and is a response to, the birth mother's need to recover from the disability associated with pregnancy and birth, there is no medical disability associated with adoption. That is, since there is no impact to father or mother in the form of disability in the case of adoption; neither parent needs more recovery or preparation time than the other. Therefore, the paid leave granted to adoptive parents must be gender neutral. To do otherwise, places the University at risk of violating gender discrimination laws. This Adoption Leave Policy is a gender neutral policy designed to meet the requirements of Neb. Rev. Stat, Section 48-234, and is also designed to meet instances involving single parent adoption, whether that parent be male or female.

Upon commencement of the parent-child relationship by adoption of a child, a newly adoptive parent, who is the primary care giver for the adopted child, may take up to eight weeks paid leave to provide care and assistance to the child chargeable to either sick leave or disability leave depending on the employee's appointment category. Upon commencement of the parent-child relationship by adoption of a child, a newly adoptive parent, who is not the primary care giver for the adopted child, may take up to five days paid leave to provide assistance in the care of the child chargeable to either sick leave or disability leave depending on the employee's appointment category. For the purposes of this section, commencement of the parent-child relationship means the earlier of when the child is placed in the physical custody of the employee for the purposes of adoption or when the parent departs his or her home for the purposes of obtaining such physical custody of the child. Notwithstanding the foregoing, adoption leave shall not be available if the child being adopted is a special needs child over eighteen years of age, a child who is over eight years of age and is not a special needs child, a step child being adopted by his or her step parent, a foster child being adopted by his or her foster parent, or a child who was originally under a voluntary placement for purposes other than adoption without assistance from an attorney, physician, or other individual or agency which later results in a petition for the adoption of the child by person with whom the voluntary placement was made.

In order to assure continuity of instruction for students, a primary care giver adoptive parent with instructional duties will normally be excused from such duties during the semester or other instructional period that the adoption leave, or a majority of said leave, occurs.

The provisions of Section 3.4.3.3 of the *Bylaws of the Board of Regents* permitting an employee's paid leave to be reduced by the amount required to compensate a substitute shall not be exercised in cases of adoption leave.

#### 4. Family/Medical Leave Act/Policy Coordination

Under the federal Family and Medical Leave Act (FMLA), and related University policy, eligible faculty and staff have a right to take up to twelve weeks leave for certain qualifying events, including the birth of an employee's child or the placement of a child through adoption and care of the child upon birth or placement through adoption. Any parental leaves taken pursuant to the foregoing parental leave policies are, by definition, related to qualifying events under the FMLA and will therefore be considered part of the twelve-week FMLA leave period. Specific rights and responsibilities of employees under the FMLA are addressed in the University of Nebraska Family/Medical Leaves of Absence Policy.

#### 5. Leave Request/Approval Procedures

In order to assure uniform and consistent administration of this policy, the specific terms of each parental leave will be subject to review and approval through a process to be established on each campus and set forth in a written policy statement approved by the campus Chancellor and the Associate Vice President for Business and Finance and Director of Human Resources.

**Reference:** BRUN, Minutes, 62, p. 47 (June 20, 1998)  
BRUN, Minutes, 63, p. 80 (September 29, 2000).

## **Chapter 4. Rights and Responsibilities of Professional Staff**

### **RP-4.1 Political Activity**

#### **RP-4.1.1 Academic Responsibility**

The Board of Regents hereby makes its position clear on certain matters important to the general welfare and future progress of the University.

1. We are determined that the instructional programs, and opportunities for learning that they extend to students, shall continue without interruption.
2. Our expectations of the faculty are clear--we expect them to fully meet their professional obligations to the University and to their students. Those faculty members who miss classes are obligated to make every reasonable effort to make up any, and all, of the work omitted.
3. It is clear that when political activities interfere with the fulfillment of professional and contractual obligations, judgments must be made and appropriate action taken. The prime administrative responsibility for such judgments belongs to the President.
4. We wish to direct attention, particularly that of all members of the University community, to "The Student in the Academic Community," (RP-5.1.2), a document inaugurated by students, developed in concert with the faculty and administrative officers, and approved in June, 1968, by the Board of Regents. In speaking of the University, this document declares:

Each member of the community should be treated with respect and dignity. Each has the right to learn. This right imposes a duty not to infringe upon the rights of others. The academic community should assure its members those opportunities, protections, and privileges which provide the best climate for learning.

The foregoing statement, in our opinion, makes clear that the right to learn is a basic right on our campuses and as a consequence this Board, as the governing authority, is determined to make certain that this right shall not be abused. It is our intention that the right to dissent shall be honored but that the exercise of it will not be allowed to interfere with the rights of those who prefer not to participate in that exercise.

**Reference:** BRUN, Minutes, 31, p. 303 (May 18, 1970).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

#### **RP-4.1.2 Regent Campaigns**

No administrative officer of the University of Nebraska shall be asked to participate or shall participate, directly or indirectly, in the campaigns for election of members of The Board of Regents. This prohibition shall not be interpreted as limiting an administrative official from exercising his or her right to vote for a candidate for public office.

**Reference:** BRUN, Minutes, 33, p. 151 (July 12, 1971).

## **RP-4.2 Academic-Administrative Personnel Matters**

### **RP-4.2.1 Prohibition of Rollover Contracts**

Neither the President nor administrative officers designated by the President to approve employment contracts pursuant to Section 3.2 of the Bylaws of the Board of Regents may approve contracts of employment providing for automatic renewal (so-called "rollover" contracts).

**Reference:** BRUN, Minutes, 62, p. 50 (June 20, 1998).

### **RP-4.2.2 Faculty Assistance for Doctoral Study**

1. The purpose of the Faculty Assistance for Doctoral Study Program is to encourage faculty who do not hold doctorates, but who have made substantial contributions to the University, to undertake full-time doctoral study for a one-year period. While it is recognized that one year is not sufficient time to attain a doctorate, this may allow people to complete a doctorate which has been started on a part-time basis or make a substantial start on one which may then be completed by part-time or summer study.
2. Eligibility for participation in the program of Faculty Assistance for Doctoral Study is limited to persons who have held full-time faculty appointments with the University of Nebraska for six consecutive years.
3. Faculty Assistance for Doctoral Study will provide the faculty member with one-half pay for his or her normal annual appointment period in order to permit full-time doctoral study that will improve the faculty member's ability to contribute to the academic program. It is presumed that the benefits of the advanced study will be enjoyed by the University for many years, but it is mandatory that each award winner spend at least one year in the employment of the University after completing a year of full-time study under this program. In the event that a participant in this program requests and receives an unpaid leave of absence which commences immediately after completion of the financially assisted year, the additional service obligation may be deferred until the unpaid leave of absence has expired.
4. A faculty member's study stipend may be supplemented with outside funds up to the level of the faculty member's normal, full-time compensation, provided that the individual maintains a full-time course of study.
5. The number of Faculty Assistance Awards for Doctoral Study will be dependent upon the availability of funds.
6. Awards for Faculty Assistance for Doctoral Study will be granted at the discretion of the Board of Regents upon recommendation by the President and the appropriate Chancellor. Nominees will be selected on a competitive basis under rules promulgated by the Chancellor in consultation with the faculty. Selections will be made with due regard to the benefits to be derived by both the faculty member and the University. Priority will be given to those who are earning a doctorate in an area of high relevance to the employing college and who have already taken some doctoral level courses to demonstrate their ability. Applications for the award must be submitted in writing well in advance of the anticipated date of the full-time study. The application must show evidence of acceptance into a doctoral program, of the course work completed during the year of assistance, and of the overall plan for completing the degree.
7. In reviewing application for awards for doctoral study, consideration may be given to any previous leaves granted to the applicant during the six preceding appointment years.
8. If, after an award for doctoral study has been announced, it becomes apparent that the faculty member cannot undertake the doctoral study as planned, the award may be deferred at the

discretion of the cognizant Chancellor. Or, the award may be withdrawn and awarded to another applicant upon recommendation by the cognizant Chancellor and approval by the Board.

9. Upon return to normal academic duties, the person given an award for doctoral study must file an official transcript of completed work with the dean of his or her respective college. A copy of this transcript should be sent to the respective Chancellor.
10. During the year awarded for study, the duties of each awardee will be: deferred until the faculty member returns; assumed by colleagues; and/or carried by temporary staff employed by funds made available by salary savings from the half-salary awards.

**Reference:** BRUN, Minutes, 45, p. 169 (January 17, 1981).

#### **RP-4.2.3 Faculty Development Fellowships**

1. Eligibility for participation in the Faculty Development Fellowship program is limited to persons who have held full-time appointments within the University of Nebraska for six years or more at the rank of assistant, associate or full professor, or equivalent rank. Faculty Development Fellowships will be available on a competitive basis, rather than as an automatic reward for years of service. However, it is expected that all qualified faculty will be eligible to participate in the program. The program cannot be used for the purpose of pursuing an advanced degree.
2. A Faculty Development Fellowship will provide the faculty member with full pay for one-half of his or her normal appointment period, or 50% of regular pay for all of his or her normal appointment period, in order to engage in scholarly research, artistic activity, or study of teaching or professional innovations which will improve the faculty member's ability to contribute to the academic programs of the University of Nebraska. During the period of the fellowship award, the University will continue to make its full contribution to the various employee benefit programs in which the individual is enrolled. Emphasis will be directed toward maximum flexibility in fashioning fellowship proposals to the respective campus program structures. It is presumed that the benefits of the fellowships will be enjoyed by the University for many years after the fellowship has been completed, but it is required that each award recipient spend at least one year in the employment of the University after completing the fellowship.
3. Six full years of service must elapse before a candidate who has previously been awarded a Faculty Development Fellowship is eligible to be considered again.
4. A faculty member's fellowship stipend can be supplemented with outside funds up to a level of the faculty member's normal full-time compensation.
5. The number of fellowship awards available each year should be one award for every ten eligible faculty members. Additional fellowship applications will be considered on an individual basis.
6. Within each campus, fellowship awards will be made on a competitive basis under rules promulgated by the Chancellor, in consultation with the faculty. Fellowships will be awarded with due regard to the benefits to be derived by both the faculty member and the University. Application for the program must be in the form of a written, detailed proposal submitted well in advance of the anticipated starting date of the fellowship. The proposal must provide evidence that the activities contemplated for the fellowship can actually be carried out. In particular, evidence of concurrence on the part of any proposed participating institution and/or individuals must be provided. Final recommendations to the President and Regents for Faculty Development Fellowship award recipients on each campus will be made by the cognizant Chancellor.

7. If, after a fellowship award has been announced, it becomes apparent that the specific proposal for that fellowship cannot be implemented, the award may be continued on the basis of an alternative proposal, or deferred, or withdrawn, at the discretion of the cognizant Chancellor.
8. In reviewing applications for fellowships, consideration may be given to any previous leaves granted to the applicant during the six preceding appointment years.
9. Upon return to normal academic duties, a person awarded a fellowship must file a written report with the cognizant Chancellor that compares the faculty member's actual activities with those outlined in the proposal, the relationship of these activities to his or her intellectual, artistic, and/or professional growth within his or her discipline, and the ways in which the faculty member feels that experience gained during the fellowship will improve his or her performance as a faculty member at the University.
10. During the fellowship period the duties of each award recipient will be deferred until the faculty member returns, or assumed by replacement faculty or undertaken by another faculty member in the department.

**Reference:** BRUN, Minutes, 54, p. 132 (April 8, 1989).

#### **RP-4.2.4 Maude Hammond Fling Fellowships**

With regard to graduate fellowships it is contemplated that they be of two types, (1) graduate fellowships, and (2) dissertation travel fellowships, to be established and granted in an amount to be determined by the majority of the Board of Regents of the University and a majority of the Executive Committee of the Board of Trustees of the University of Nebraska Foundation, and granted to recipients chosen by such officials of the University of Nebraska or committees from the faculty personnel thereof as designated by said Board of Regents and said Executive Committee.

1. The Graduate Fellowships shall be designated the "Maude Hammond Fling Fellowships" and shall be awarded to students in the Graduate College of the University of Nebraska who are enrolled in a full time course of study with the objectives of a masters or doctoral degree. Until further action is taken, each such fellowship shall provide a stipend not in excess of \$7,000.00 annually plus resident tuition and required fees over a twelve month period.<sup>3</sup>
2. There is established another type of graduate fellowships to be known as the "Maude Hammond Fling Dissertation Travel Fellowships," which shall be awarded to students who are candidates for a doctoral degree in the Graduate College of the University of Nebraska. Each candidate must submit proposals outlining the nature of his or her research, a justification for dissertation travel, and a proposed budget for the travel, and shall furnish a letter of support from his or her advisor. Each such travel fellowship shall provide an award equal to the proposed budget for the proposed travel, but not to exceed \$1,000.00.
3. The recipients of Maude Hammond Fling Fellowships and Maude Hammond Fling Dissertation Travel Fellowships shall be selected by the Graduate Fellowship Committee as the same is now constituted.<sup>1</sup>
4. The faculty research fellowships shall be designated the "Maude Hammond Fling Faculty Research Fellowships" and shall be awarded to full time members of the University of Nebraska Faculty who hold the rank of instructor, assistant professor, associate professor or professor. Each such fellowship will be awarded for either a ten week summer period or a five month period during an academic year semester.

The stipend for the Maude Hammond Fling Faculty Research Fellowships shall be \$5,500 awarded for ten weeks during the summer, or an amount equal to the recipient's salary during

one academic year semester in the case of fellowships awarded for five months during the academic year.

Each recipient shall be on leave without salary during the period of fellowships to undertake a specific research study on the University of Nebraska campus or elsewhere. Recipients of the fellowship shall be appointed by a majority of the Board of Regents of the University of Nebraska and a majority of the Executive Committee of the University of Nebraska Foundation, and each such fellowship shall be in such field of research as the Board of Regents of the University of Nebraska shall determine advisable. Said faculty research fellowships shall be awarded on the basis of merit of research proposals submitted by applicants and all applications must be approved by the applicant's department chairperson and the dean of his or her college. Recipients shall be selected initially by the Research Council as the same is now constituted.<sup>2</sup>

5. Fifty percent (50%) of the net income shall be used for the graduate fellowships and the dissertation travel fellowships, in such proportion as is determined by the Graduate Fellowship Committee, and fifty percent (50%) of the net income shall be used for faculty research fellowships.
6. This resolution shall be submitted to the Executive Committee of the Board of Trustees of the University of Nebraska Foundation for its approval or other action.
7. The Board of Regents of the University of Nebraska is deeply appreciative of the generous provisions made for the benefit of the University of Nebraska by Maude Hammond Fling.<sup>1</sup>

**Reference:**     <sup>1</sup>BRUN, Minutes, 34, pp. 20-21 (December 11, 1971).  
                  <sup>2</sup>BRUN, Minutes, 35, p. 170 (December 9, 1972).  
                  <sup>3</sup>BRUN, Minutes, 54, p. 213 (July 22, 1989).

#### **RP-4.2.5 Health Care Policy for Tenured Early Retirees**

Following the retirement of individuals on a continuous appointment who are at least 59.5 years of age, with ten (10) years of prior service, the University will pay the full amount of the retiree's annual health insurance (including the portion previously paid by the faculty member) for those who continue to enroll in the University-sponsored health plan. Payments will continue until the participant is Medicare eligible, at which time they will cease. Those who wish to participate in this program must provide a notice of intention to retire a semester ahead of time for academic year employees and six (6) months ahead of time for twelve (12) month appointees.

It is anticipated that this program will remain in effect for at least the next five (5) years, and there is no intent to adopt other early retirement programs for those on continuous appointments during this period.

**Reference:**     BRUN, Minutes, 61, p. 86 (November 22, 1997).

#### **RP-4.2.6 Emeritus Status**

Emeritus status is the rank given by the Board of Regents to an employee at the time of his or her retirement in recognition of substantial service rendered to the University in the field of teaching or of research, or of administration in these fields. It may also be given to a retired librarian, registrar, comptroller, administrative dean, director, or head of other similar division or subdivision whose work impinges directly upon the educational program.

While length of service is not necessarily material, employment for at least ten years is to be presumed, although exceptions to this term may be made by the Board of Regents.



## 1. General Principles

While it is believed that, because of past service, there are substantial perquisites and privileges which should accrue to persons who have retired from active service to the University because of having reached retirement age or because of ill health, this rating normally signifies non-activity in connection with all assigned duties. It is not intended, however, that retirement shall sever all connection between the person and the University. In fact, a retired staff member is encouraged to maintain his or her associations and to continue study and scholarly investigation to such a degree as his or her health and strength may permit.

The practical development of this program of continuation is indicated in essence in the following paragraphs.

## 2. Special Privileges

- a. Office space or desk room, while ordinarily not assigned to a retired staff member, may be so assigned by the dean or director of the division concerned if, in his or her judgment, such location is especially desirable in a given instance and it is recommended by the staff of the department.
- b. Similarly, research facilities, while not ordinarily available to a retired employee, may be granted, where practicable, by the dean or director, if the proposed work is deemed, by the dean or director, to be a considerable contribution to the scholarly life of the University and it is recommended by the staff of the department. When a retired person is pursuing such study, he or she has the same rights as active members of the faculty in applying for publication privileges or for grants-in-aid for research.

Unless renewed, the assignments end with the University fiscal year.

Any item not covered in this policy shall be determined by the chief executive officer of the college or division concerned in conformity with the implications of similar relationships herein included, or referred to the Chancellor for ruling.

## 3. Perquisites

Official rosters of the University shall carry the names of living persons officially retired from active duty.

- a. On all formal occasions, in all social affairs, in all public meetings, and as University representatives, retired persons are recognized on the same basis as active staff members. They do not attend departmental or faculty meetings except upon invitation by the presiding officer thereof, and then without vote. Attendance at senate meetings (without vote but with privilege of the floor) is encouraged.
- b. Official notices and communications will be accommodated to these ends, using, where necessary, the United States mail.
- c. When retired employees are called upon to act as references for former students, to furnish information to earlier associates, or to perform any other similar University service stemming from a responsibility which continues beyond their retirement, it is expected that they will use official stationery and such other departmental office privileges as they might customarily use.
- d. Library privileges shall continue, fully, subject to the same limitations as are necessary for active staff members.

- e. Student Union, athletic events, etc. are open to retired persons on the same basis as to other faculty members.
- f. Retired persons may submit manuscripts or studies for publication, subject to acceptance by publishing boards.

**Reference:** BRUN, Minutes, 19, pp. 16-17 (January 29, 1949).

#### **RP-4.2.7 Senior Consultant Status — UNMC**

Staff members of the University of Nebraska Medical Center who serve without compensation shall be retired under the same age stipulation as salaried members of the University staff. Members of the volunteer and part time faculty may, based on the recommendations of his or her department chair and dean, be placed on senior consultant status rather than the former term "emeritus."

The senior consultant will be relieved of routine assignments in the teaching and service programs. Attendance at department, staff, and faculty meetings, without vote, is permitted. The senior consultant may be called on for advice and counsel and for such lectures or conference participation as the consultant's skill and experience make desirable.

**Reference:** BRUN, Minutes, 21, p. 73 (May 15, 1954).  
 BRUN, Minutes, 18, p. 153 (December 19, 1947).  
 BRUN, Minutes, 56, p. 149 (September 6, 1991).

#### **RP-4.2.8 Evaluation of Faculty and Administrators**

The President of the University of Nebraska System is directed to see that every full-time academic and administrative employee receives a written performance appraisal for the academic/fiscal year and that such appraisal is discussed between the appraised employee and his or her superior. The President is asked to certify that this has been accomplished by the September Board meeting. Chancellors in consultation with faculty and administrators are to develop the criteria and format to be used for the appraisals of campus employees.

Students shall be given the opportunity to evaluate their own teachers and courses.<sup>1</sup>

The annual evaluation of Central Administration personnel has been and will remain the responsibility solely of the Board and chief executive officer.<sup>2</sup>

**Reference:** <sup>1</sup>BRUN, Minutes, 37, p. 6 (February 2, 1974).  
<sup>2</sup>BRUN, Minutes, 44, p. 81 (January 12, 1980).  
 BRUN, Minutes, 56, p. 149 (September 6, 1991).

#### **RP-4.2.9 Faculty Status of Librarians**

Faculty status for professional librarians may be given to individuals on the library staff by the Board of Regents.

**Reference:** BRUN, Minutes, 18, p. 306 (October 30, 1948).  
 BRUN, Minutes, 56, p. 149 (September 6, 1991).

#### **RP-4.2.10 Faculty Status for Museum Personnel**

The Board approved a plan for determination of the appropriate academic rank for academic-administrative personnel at the University of Nebraska State Museum.

**Reference:** BRUN, Minutes, 39, p. 298 (September 8, 1976).

#### **RP-4.2.11 Financial Exigency Procedures**

##### **1. Declaration of a State of Financial Exigency.**

- a. When a Chancellor, in consultation with the President, believes that a financial crisis threatens his or her major administrative unit (campus) as a whole to an extent which may justify declaration of a state of financial exigency, the procedures of this policy shall be followed. The perceived financial crisis shall be an extraordinary one of such magnitude that normal operations cannot be maintained and programs therefore must be significantly altered in order to meet required budgetary reductions. Factors other than a financial crisis, including the desire to reorganize a major administrative unit or one or more of its sub-units, or the desire to implement long-range changes in educational policy, shall not be used to justify the declaration of a state of financial exigency. However, declaration of a state of financial exigency shall not preclude consideration of these factors in developing solutions for resolving the financial crisis.
- b. Each major administrative unit shall have a Financial Exigency Committee which shall be established and constituted in accordance with policies of the major administrative unit. The Chancellor shall call the Financial Exigency Committee into session and shall provide it with relevant information concerning the nature and severity of the perceived financial crisis. The Financial Exigency Committee shall then determine whether in its opinion extraordinary circumstances, because of financial exigencies as defined in Section 4.16 of the Bylaws of the Board of Regents, exist and shall communicate its determination to the Chancellor in writing.
- c. If the Chancellor and the Financial Exigency Committee agree that extraordinary circumstances because of financial exigencies exist, a joint recommendation for declaration of a state of financial exigency shall be forwarded to the President, together with all supporting documents. If the determinations of the Chancellor and the Financial Exigency Committee differ, both recommendations together with all supporting documents shall be presented by the Chancellor to the President.
- d. If upon consideration of such information the President concludes that extraordinary circumstances because of financial exigencies exist, he or she shall recommend to the Board of Regents that a state of financial exigency be declared for the affected major administrative unit.
- e. A state of financial exigency shall exist only upon declaration by the Board of Regents.

##### **2. Financial Exigency Procedures.**

- a. Upon declaration of a state of financial exigency, the Financial Exigency Committee shall expeditiously make recommendations to the Chancellor on means by which the financial crisis can be resolved. The Financial Exigency Committee shall concurrently apprise the faculty senate of its deliberations and advice.
- b. The Financial Exigency Committee shall initially identify and evaluate cost-reduction measures designed to avoid the need for removal of faculty, and shall recommend to the Chancellor such alternatives as it deems to be feasible and appropriate, including removal of non-faculty personnel. The Chancellor shall present his or her recommendations on cost-reduction measures to the President.
- c. The President and the Board of Regents shall thereafter consider and implement such cost-reduction measures, short of removal of faculty, which they deem feasible and appropriate. The hiring of new faculty during a state of financial exigency shall be limited to extraordinary circumstances, wherein an academic program would otherwise be seriously

affected. Any such proposed new hiring shall be stringently reviewed by the appropriate elected faculty body in each school or college.

- d. If the Chancellor, in consultation with the President, determines that the cost-reduction measures to be implemented under subsections (a), (b), and (c) of this section are insufficient to resolve the financial crisis, the Chancellor shall ask the Financial Exigency Committee to recommend programs for reduction or elimination and to develop recommended procedures for the removal of faculty. In the development of such recommended procedures, the Financial Exigency Committee shall be guided by the following principles:
- 1) Such procedures shall assure maximum protection of the academic programs of the University and the educational needs of its students, consistent with the role and mission of the major administrative unit.
  - 2) Such procedures shall protect the University's commitment to tenure, and shall not recommend the removal of tenured faculty or non-tenured faculty during the term of their appointment, with less than twelve months notice unless such length of notice is not feasible under the circumstances of the financial crisis.
  - 3) Such procedures shall protect the University's commitment to affirmative action.
  - 4) Such procedures shall provide for prompt and explicit notice to faculty whose removal is being considered and shall provide them a timely opportunity to be heard before the decision is made.
  - 5) Such procedures shall identify the criteria and procedures, including faculty participation mechanism, to be used in the identification of programs to be reduced or eliminated and faculty to be removed, and consideration of both short-term and long-term effects of proposed reductions or eliminations.
  - 6) Such procedures shall provide for appropriate and expeditious review and appeal mechanisms for programs identified for elimination during the financial exigency.
  - 7) Such procedures shall provide appropriate and expeditious appeal mechanisms through existing faculty committees where faculty removed by reason of the financial exigency may raise issues related to the criteria and the procedures used in, and applied to, their removal, and whether or not extraordinary circumstances because of financial exigency exist.
  - 8) Such procedures shall include provisions for the placement and reinstatement of faculty who are removed, including, but not limited to, the following:
    - a) All efforts shall be made to provide suitable placement of removed faculty elsewhere in the major administrative unit. Assistance should also be provided to the maximum extent feasible from University resources to facilitate adaption of removed faculty elsewhere.
    - b) Such procedures shall provide for preferential rehiring of any removed faculty member as required by Section 4.12 of the Bylaws of the Board of Regents.
    - c) Any faculty member removed for reasons of financial exigency shall be appointed as an affiliate faculty member in the department in which she or he held a regular appointment or, if the department is eliminated, in the school or college of which the department was a part, for a two-year period after removal. Affiliate faculty members so appointed shall have access to University libraries, cultural, and

recreational facilities equal to those enjoyed by regular faculty and continuation of graduate faculty status. In addition, faculty removed for reasons of financial exigency shall be permitted to maintain at their expense University retirement and health, life and other insurance benefits.

- d) Throughout its deliberations regarding development of recommended procedures for the removal of faculty, the Financial Exigency Committee shall maintain close and regular consultative contact with the Chancellor and the faculty through the faculty senate.
- e) The Financial Exigency Committee shall submit its recommended procedures for the removal of faculty to the Chancellor. The Chancellor may recommend revisions or amendments to these recommended procedures as he or she deems appropriate and shall present the same to the President and the Board of Regents for consideration. Any such recommended revisions or amendments made by the Chancellor shall be specifically noted. The Board of Regents may make such changes and revisions to the recommended procedures as it deems appropriate. The final procedures for the removal of faculty due to financial exigency shall be effective upon formal adoption by the Board of Regents.
- f) The Chancellor in consultation with the President, shall make decisions concerning the removal of faculty consistent with the procedures adopted by the Board of Regents. In arriving at such decisions the Chancellor shall consult closely with the Financial Exigency Committee.

### 3. Termination of a Financial Exigency.

- a. It is the responsibility of the President and his or her staff to monitor closely the University's financial situation throughout the duration of a state of financial exigency. If the President should determine that a financial crisis no longer exists, a recommendation that the financial exigency be terminated shall be submitted to the Board of Regents.
- b. A state of financial exigency will cease to exist upon its termination by the Board of Regents.

**Reference:** BRUN, Minutes, 53, p. 80 (December 12, 1987).

## **RP-4.3 Standards for Promotion, Continuous Appointment, and Salary Adjustment**

### **RP-4.3.1 Policies for the Granting of Tenure**

#### 1. Specific Term Appointments

The present tenure system of the University of Nebraska, as specified in the Bylaws of the Board of Regents, is hereby reaffirmed, though certain adjustments in its procedures (as described below) will be made to insure its continued operation in the best interests of the University. These adjustments will enable the University to pursue the Regents' goal of reducing the level of tenure density over the next several years, while at the same time continuing to improve the academic quality of the institution.

In cases of very special merit and only then with review and personal recommendation by the campus Chancellor and the President, tenure may be awarded at any time prior to the expiration of the full probationary period. Normally, tenure will be awarded only at the end of the full probationary period, i.e., at the end of the seventh year of employment of a faculty member without prior tenure-relevant experience. This policy will be adapted in the manner indicated in the Bylaws of the Board of Regents in the cases of faculty who do have previous

tenure-relevant experience. In implementing this policy, the following procedures will be employed:

- a. Annual intensive departmental and college level reviews of all faculty working for tenure are mandatory. These annual reviews will make specific recommendations for self-improvement and professional development which will enhance the faculty member's chances of eventually achieving tenure at the end of the probationary period. In some cases these annual reviews will result in notices of termination and, where appropriate, terminal contracts. Care should be taken that a positive annual review is not understood as a promise of eventual tenure. A positive review should be considered to be nothing more than a favorable but not binding prognosis.
- b. A faculty member without previous tenure-relevant experience who is working for tenure will normally undergo a final major review with respect to tenure as close to the end of his or her sixth year of service as practicable. At the end of the sixth year of service the faculty member will be notified that he or she will be awarded either a one-year terminal contract, or a one-year appointment for the seventh year of service and tenure at the conclusion of the probationary period, i.e., at the beginning of the eighth year. In cases of special merit, exceptions to this seven-year probationary period may be made upon review and personal recommendation by the campus Chancellor and the President.
- c. A new faculty member with three or more years of previous tenure-relevant experience who is working for tenure will normally undergo a final major review with respect to tenure as close as practicable to the end of his or her third year of service at the University. At the end of the third year of service the faculty member should be notified that he or she will be awarded either a one-year terminal contract, or a one-year appointment for the fourth year of service and tenure at the conclusion of the probationary period, i.e., at the beginning of the fifth year. In cases of special merit, exceptions to this four-year probationary period may be made upon review and personal recommendation by the campus Chancellor and the President.

The chief academic officer of each campus will see to it that specific written standards for tenure are reviewed, strengthened where necessary, widely distributed, and stringently enforced, with provisions being made for variations of criteria according to discipline and academic unit whenever the chief academic officer feels such variations are justified. The chief academic officer of each campus should consider seeking the advice of an all-campus committee of distinguished scholars, teachers, and researchers as part of the review of college and departmental tenure recommendations. Also, where practicable and feasible, evaluative comments should be sought from established authorities at other major universities in each tenure candidate's academic field. This concern for rigorous tenure standards should be demonstrable in the documents supporting all future tenure recommendations, i.e., tenure should be recommended only on the basis of demonstrated and documentable academic achievement, rather than on promise.

Of all the rewards, emoluments, and indications of esteem the University may offer its faculty members, tenure is the most significant for the University itself. For this reason, the tenure system should operate separately and independently of the University's other reward systems, e.g., the salary and promotion systems. It must be made clear that the University's policy is that tenure and promotion are separate concerns, and that in cases where promotion is offered a faculty member before his or her probationary period is completed, no promise of eventual tenure is implied by the promotion. The important thing is that tenure recommendations should be developed in a context as free of other concerns as is practical.

The Executive Vice President and Provost should update the Tenure Density Report annually and distribute it to the campuses prior to the time annual departmental tenure reviews are begun. This updated annual study should serve as the University's mechanism for keeping tabs on the current state of its tenure system.

## 2. Health Professions Appointments

There is no mandatory tenure review as such with specific term appointments. Rather, individuals with a health professions faculty appointment may request review for a continuous appointment at any time. The same criteria and evaluation process will be utilized as for those with specific term appointments. The awarding of a continuous appointment is governed by Section 4.4.3 of the Bylaws of the Board of Regents. Failure to achieve a continuous appointment is governed by the employment contract.

For purposes of the annual Tenure Density Report, health professions faculty appointments are combined with tenured and tenure-track appointments to compute tenure density.

**Reference:** BRUN, Minutes, 38, pp. 301-303 (November 15, 1975).  
BRUN, Minutes, 53, p. 150 (May 6, 1988).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

### RP-4.3.2 Tenure Recommendations

The Board of Regents shall receive the list of those individuals recommended for tenure appointments at least one meeting prior to the meeting at which time action is to be taken.<sup>1</sup>

The UNL Bylaws require that the UNL Chancellor shall inform the Board of Regents if the recommendations of the Chancellor and the appropriate Vice Chancellor differ from the recommendations of a dean or director in tenure cases.<sup>2</sup>

**Reference:** <sup>1</sup>BRUN, Minutes, 40, p. 125 (April 16, 1977).  
<sup>2</sup>BRUN, Minutes, 44, p. 161 (April 19, 1980).

### RP-4.3.3 Post-Tenure Review Policy

#### 1. Purpose

The annual review process is intended to assist faculty on continuous appointment (tenured faculty) in achieving professional goals and maximizing contributions to the University throughout their professional careers. In cases where goals are not being met or contributions should be markedly improved, a post-tenure review under this policy will be conducted. This post-tenure review will emphasize the pattern of past performance, current interests of the faculty member, and the objectives for future contributions of the faculty member. The review will be based upon the principle of peer review and provide added assurance that faculty on continuous appointment are accountable for their performance.

#### 2. Applicability of Review Process

All members of the faculty who have been on a continuous appointment pursuant to the *Bylaws of the Board of Regents* 4.4.3 for a period of three or more years may elect or be required to undergo post-tenure review. A faculty member shall not be subject to or eligible for review under this policy more frequently than once every four years. A faculty member shall undergo a post-tenure review in either of the following circumstances:

- a. A faculty member receives (after the third year of a continuous appointment):
  - 1) A written annual evaluation that identifies a substantial and continuing deficiency in the faculty member's performance which clearly states that, if substantial and acceptable progress toward removing the deficiency by the time of the next annual evaluation has not occurred, a periodic review will be initiated; and
  - 2) Notification after the next annual review that the substantial and continuing deficiency in the previous evaluation has not been remedied, and that a post-tenure review is required.
- b. A faculty member may request a review in accordance with the post-tenure peer review process. The purpose of such a review would be to provide helpful evaluation and assistance to the faculty member in planning a prospective program by which the faculty member can maximize his/her contributions to the University and more fully realize her/his professional goals.

### 3. Nature of the Review

For a review initiated under Section 2.a of this policy, a special peer review file shall be developed, containing a clear identification and description of the deficiency or deficiencies, copies of the faculty member's last three annual reviews, and such other materials as are relevant. This file may be supplemented by the faculty member by including information the faculty member believes to be relevant, including a proposed plan to remove the deficiency.

For a review under Section 2.b of this policy, a file containing copies of the faculty member's previous three annual reviews and such other material as may be relevant will be developed. One component of a post-tenure review under Section 2.a or 2.b shall be an evaluation by peers external to the campus when research productivity is an issue. Evaluation by peers external to the campus may be used when teaching and/or service/outreach productivity is in question.

### 4. Outcome of the Post-Tenure Review Process

A written appraisal with recommendations (as appropriate) will be developed, including a plan outlining the expectations as to how the faculty member can remedy any deficiency in performance or enhance the faculty member's professional goals and contribution to the University. Any sanction to be imposed on the faculty member related to his/her performance shall be governed by the *Regents' Bylaws* and must follow procedures prescribed in the *Bylaws*. All relevant University appeal mechanisms and procedures are available to faculty members being evaluated under this policy.

5. Each campus Chancellor shall insure that appropriate written procedures are developed to implement this policy.

**Reference:** BRUN, Minutes, 62, p. 15 (February 28, 1998).

## **RP-4.4 Intellectual Property**

### **RP-4.4.1 Ownership of Intellectual Property**

#### Introduction

Central to the University of Nebraska's mission is the creation, preservation, and dissemination of knowledge.



The University of Nebraska is committed to providing an environment that supports the research, teaching, and service activities of its faculty, students, and staff. As a matter of principle and practice, the University encourages all members of the University community to publish their articles, books, and other forms of scholarly communication in order to share openly and fully their findings and knowledge with colleagues and the public. This Policy is intended to promote and encourage excellence and innovation in scholarly research and teaching by identifying and protecting the rights of the University, its faculty, staff, and students.

Patent and copyright ownership and their associated rights are concepts that are defined by federal law. This Policy and the University's patent policies are structured within the context of those federal laws. The University's patent policies have been in operation within the University for many years and are hereby incorporated into this Policy.

The long standing academic tradition that faculty own the copyright to academic, scholarly and educational works resulting from their research, teaching, and writing is the foundation of the copyright policy described in this document. Exceptions to this rule may result from contractual obligations, from employment obligations, from certain uses of University facilities, or by agreement governing access to certain University resources. This Policy is intended to clarify many of these situations.

As used in this Policy, "University" shall refer to the University of Nebraska or one of its campuses and shall include any organization of the University whose primary purpose is to facilitate technology transfer and commercialization of the University's Intellectual Property. "Intellectual Property" shall include, but is not limited to patentable inventions, mask works, tangible research property, trademarks, and copyrightable works, including software.

This Policy is included in the terms of employment of all University employees. Admission as a student at the University constitutes an agreement to abide by the terms of this Policy.

## 1.0 General Policy Statement

The prompt and open dissemination of the results of research undertaken at the University of Nebraska and the free exchange of information among scholars are essential to the fulfillment of the University's obligations as an institution committed to excellence in research, education, and service. Matters of ownership, distribution, and commercial development nonetheless arise in the context of technology transfer, which is also an important aspect of the University's commitment to public service. The University of Nebraska as a public institution has a responsibility to recognize the State's contribution of tax support for research and creative activity by devoting an appropriate share of the products of that research to the further benefit of the University as a whole. The University must also recognize the intellectual contribution of Authors and Inventors, the need to provide incentives for enhanced intellectual activity, and the role such incentives play in recruiting and retaining creative individuals at the University.

"Author(s)" and/or "Inventor(s)" are defined herein as faculty, staff, and other persons employed by the University of Nebraska, whether full or part-time; visiting faculty and researchers; and any other persons, including students, who create or discover Intellectual Property using University resources, as those terms are subsequently defined.

## 2.0 Early Disclosure and Incentives for Creative Effort; Use of the University's Name

### 2.1 Early disclosure and incentives to create

This Policy is a framework to provide guidance in understanding the relationship between the University and those persons engaged in creative efforts at the University. In some instances, the result of the creative effort will be the property of the University, while in others some or all of these rights of ownership shall belong to the Author or Inventor. Where ownership rests with the University, the University will seek to recognize and

provide incentives for those persons who make significant contributions to the University's mission.

In some instances it may be difficult to foresee with certainty whether Intellectual Property created in a particular context is the property of the University or the employee. In such instances, the employee is encouraged to disclose in writing the nature of any creative endeavor that has potential commercial applications as soon as possible to the employee's immediate administrative supervisor. This disclosure will provide an opportunity to discuss incentives, seek any necessary interpretation of this Policy, and secure the University's support for the creative endeavor.

## 2.2 Use of University's name

The University has an interest in how its name is used and an interest in protecting the value of that name. Individual Authors or Inventors cannot alone decide whether a project should be associated with the University's name. An employee of the University may identify his or her affiliation with the University, but without prior written approval, may not otherwise suggest the University's participation or endorsement of the conclusions of any study or research. Similarly, the University's name may not be used, without prior written permission, in association with the sale or commercialization of the products of research by University employees. Again, early written disclosure will facilitate agreement between interested parties.

## 3.0 Ownership of Intellectual Property; General Provisions

### 3.1 Applicable to all technologies and media

The issue of ownership of Intellectual Property resulting from activities of University employees arises in a number of different contexts involving a variety of creative works. Increasingly, University employees utilize new technologies and media to create new inventions, to improve the educational process, and to enhance the delivery and exchange of information. This Policy is intended to apply to all creative works, except patentable subject matter, regardless of the media in which they are distributed or the nature of their technological manifestation, now known or later developed.

### 3.2 Patent policies not affected

Notwithstanding anything otherwise stated in this Policy, ownership of patents shall be determined in accordance with University patent policies in Section 3.10 of the Bylaws of the Board of Regents of the University of Nebraska and Regents Policy 4.4.2, or as those patent policies may from time to time be amended.

It is essential, however, that Authors and/or Inventors understand that early publication of their patentable research results without notification to the University can compromise the University's patent rights in the research, and by implication, the Authors' and/or Inventors' royalty interest therein. Therefore, if an Author or Inventor wishes to publish research results which involve patentable subject matter, the Author or Inventor should first submit a patent disclosure to the University patent administrator and also disclose the existence of the pending publication so as to allow for the appropriate filings to preserve the University's patent rights.

### 3.3 Residual Authors' or Inventors' rights

Notwithstanding the University's ownership of any particular Intellectual Property, the University shall not engage in any activity which unreasonably interferes with an Author's or Inventor's ability to continue the creative process. Therefore, except in such instances where the University can show that its interests will be significantly compromised, an Author or

Inventor, while still in the employ of the University, shall be permitted to make revisions to and develop new works based upon the original creation. Except to the extent that an Author or Inventor may have a right to receive income based upon royalties or other fees generated from a work, this Policy provides no portability of other rights to University-owned Intellectual Property should the employment relationship between the University and the Author or Inventor terminate. However, in many cases it may prove possible for the University to grant a royalty-free license or an appropriate royalty-bearing license to the Author or Inventor to continue to use the techniques or other aspects of a creative work, even when the Author or Inventor is no longer employed by the University.

#### Comment

When a faculty member leaves the employment of the University, the University will continue to honor the terms of any agreement it has with the faculty member regarding University-owned Intellectual Property. For example, the University may agree to pay a faculty member a royalty for the development of a University-owned distance learning program. If the faculty member leaves, the University will continue to pay in accordance with the agreement with the faculty member. The faculty member may not, however, take other rights of ownership in the Intellectual Property, unless it is agreed to by separate written license agreement between the faculty member and the University.

### 3.4 Classification of creative works

The ownership of Intellectual Property created by a University employee is determined by the nature of the activity resulting in the Intellectual Property. Under this Policy, Intellectual Property not governed by Section 3.2 (Patent Policy) is classified as either:

- (a) an Independent Work governed by Section 4.0;
- (b) a University Supported Work governed by Section 5.0;
- (c) an Institutional Work governed by Section 6.0; or
- (d) a Contractual Work governed by Section 7.0.

The ownership of Intellectual Property produced by non-employees, including students, arising out of activities associated with the University is governed by Sections 8.0 and 9.0 of this Policy.

#### Comment

The intent of this section is to categorize all works which may contain Intellectual Property rights into one of the listed categories and to allocate the Intellectual Property rights accordingly. Thus any work must be in only one category. It should be understood that the determination of whether a work is an Independent Work, a University Supported Work, or an Institutional Work depends on the context in which the work is created. Any of these works may be transformed into a Contractual Work by an agreement between the University and the Author or Inventor.

## 4.0 Independent Works

### 4.1 Independent Works Defined; Ownership

An Independent Work is a work that is not:

- (a) a University Supported Work, pursuant to Section 5.0;
- (b) an Institutional Work, pursuant to Section 6.0; or
- (c) a Contractual Work, pursuant to Section 7.0.

A University employee as the Author or Inventor of an Independent Work owns the Intellectual Property rights in that work.

#### Comment

It is the policy of the University of Nebraska that faculty shall own all rights to materials prepared and developed at their own initiative, without the use of any University resources, and not pursuant to an approved agreement. The University does not claim ownership of books, articles and other scholarly publications, or to popular novels, poems, musical compositions, or other works of artistic imagination that are created by the personal effort of faculty, staff and students and which do not make use of University resources.

### 5.0 University Supported Works

#### 5.1 University Supported Work defined

A University Supported Work is a creative work developed in whole or in part with the customary use of University resources. "University resources" means all tangible resources provided by the University of Nebraska to Authors or Inventors, including salary, office, lab, studio space and equipment; computer hardware, software, and support; secretarial service; research, teaching, and lab assistants; supplies; utilities; funding for research and teaching activities; travel; and other funding or reimbursement.

#### 5.2 Ownership of University Supported Works that do not involve use of substantial University resources

By long-standing tradition and the contemporary need to remain competitive in recruiting and retaining a creative faculty, the faculty own the copyright and other rights associated with Traditional Works of Scholarship. "Traditional Works of Scholarship" are defined as works reflecting research or creativity which, within the University, are considered as evidence of professional advancement or accomplishment. Such works result from scholarly endeavors, and include instructional materials, journal articles, research bulletins, monographs, books, plays, poems, and artistic works, and do not involve substantial use of University resources as described in Section 5.3 of this Policy. Accordingly, except for (1) University Supported Works involving use of substantial University resources, and (2) patents, patentable subject matter, trade secrets and commercially viable discoveries and inventions governed by the patent policies described in Section 3.2 of this Policy, the faculty member shall own the the copyright and have the right to register the same and to receive royalties or other income from a University Supported Work, including books, films, cassettes, CDs, software, works of art, or other material. However, such ownership and rights are subject to the requirements of Section 3.11 of the Bylaws of the Board of Regents of the University of Nebraska prohibiting a faculty member from having a financial interest in or receiving compensation from the sale of educational materials used by students of the University, except royalties on books or other educational material from publishing houses of standing.<sup>3</sup> In addition, the following specific rules apply to University Supported Works for which the faculty member owns the copyright:

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Section 3.11 of the *Bylaws of the Board of Regents* states:

No member of the University staff shall have any financial interest in or receive any compensation from the sale of books, pamphlets, other educational material, or supplies used by students at the University, except royalties on books or other educational material from publishing houses of standing, when copyright has been secured or when otherwise provided by agreement with the University for University-sponsored education materials. Except as to those works that are University-sponsored "made for hire" educational materials, the University shall claim no right of ownership of such copyright or such royalties. It shall be the policy of the University to encourage publication of textbooks, if there is no exploitation of University students resulting therefrom.

(a) Research Materials. Materials such as lab notebooks and research files shall remain the property of the individual responsible for directing the project, except when agreements governing Contractual Works described in Section 7.0 require otherwise. However, should such an individual depart the employ of the University or otherwise terminate responsibility for directing the project, he or she shall provide the University with such copies of the research material as may be reasonable in order that the University may protect its rights in any Intellectual Property as well as that of the departing Author's or Inventor's colleagues.

(b) Instructional Materials. "Instructional Materials" are other than Institutional Works, the primary use of which is for the instruction of students. Such works include textbooks, syllabi, lectures, lecture notes, and study guides. Instructional Materials developed by a faculty member in the process of delivering a course of instruction to students shall be the property of the faculty member. However, in the absence of a specific written agreement, and with the exception of books or other educational materials covered by Section 3.11 of the Bylaws of the Board of Regents, no royalty, rent or other consideration shall be paid to a faculty member when Instructional Materials are used at the University. Should the Author of Instructional Materials depart the employ of the University, he or she will provide the University with copies of the Instructional Materials (not including lecture notes) and shall grant the University a non-exclusive, royalty free license thereto, when it is determined by the University that such Instructional Materials are necessary to carry out the educational programs of the University. Recordings of lectures shall be the property of the faculty lecturer, unless the recording is an Institutional Work or a University Supported Work Involving use of substantial University resources.

### 5.3 Ownership of University Supported Works involving use of substantial University resources

(a) Notwithstanding Section 5.2, in circumstances in which use of substantial University resources is involved in the creation of a work, the University shall own the work, including the right to obtain a copyright and the right to royalties or other income. Circumstances involving use of substantial University resources include:

- (1) substantial University financial, staff, or other assistance;
- (2) extensive use of special or rare University holdings, such as museum collections;
- (3) significant use of voice or image of students or staff in a product (other than the author or inventor), or substantial creative contribution by staff or students to the preparation of a work or product; or
- (4) use of the name or insignia of the University or any of its units (other than for purposes of identification of individual faculty members) to identify or to promote the distribution of a work or product, or other identification or promotion that implies the approval or endorsement by the University or one of its units.

#### Comment

The references in subparagraph (1) to "substantial University financial staff or other assistance" and in subparagraph (2) to "special or rare University holdings, such as museum collections" mean the use of University funds, facilities, equipment, or other resources significantly in excess of the norm for educational and research purposes in the department or unit in which the creator holds his or her primary appointment. The University does not regard the provision of an employee's salary, office, usual library resources, usual facilities and equipment, and office staff, or personal computers as constituting "substantial use of University resources" unless such resources were made available specifically to support the development of a work to be owned or acquired by the University or was previously designated by the University as a substantial University resource. The reference in subparagraph to (3) to "substantial creative contribution by staff and students" means providing

original ideas or new techniques that are essential to the creation of the product or significantly improve its value. For example, devising a new way to test one of the major hypotheses in a study would normally count as such a contribution, but providing ordinary research assistance or conducting standard data analysis would not.

(b) When the responsible Dean or Director determines that any of the circumstances involving use of substantial University resources described above in subparagraph (a) of this Section 5.3 obtain, the University will accord to the Author a non-exclusive, royalty free license to use the work for non-commercial purposes. Further, and in keeping with the University's strong desire to promote creative efforts, the University will negotiate in good faith with the Author to determine the extent to which the Author should share in the rights to royalties or other "ownership" rights to such work.

#### Comment

The allocation of rights for University Supported Works in Section 5.0 is modeled after the policy of Harvard University. It attempts to distinguish between traditional works of scholarship for which faculty members hold the copyright and those works created with substantial University involvement. Where the University is involved to a greater extent than ordinarily prevails, the University should be entitled to share in the economic returns of resulting works and to receive reimbursement for its additional costs. It is recognized that the determination of whether a particular project involved substantial university involvement may not always be clear. In such circumstances it is important that the faculty member make early disclosure to the Dean or Director and that, if an interpretation of this policy is required, the procedures adopted in Section 13.0 be initiated.

## 6.0 Institutional Works

### 6.1 Institutional Works defined

An Institutional Work is a work created at the specific instigation of the University and under the specific direction of the University, by a person acting within the scope of his or her University employment. Institutional Works are often referred to in copyright law as works-made-for-hire. A creative work produced on the initiative of a faculty member pursuant only to the general obligation of faculty members to engage in research or creative activity is not an Institutional Work, but may be a University Supported Work involving use of substantial University resources as described in Section 5.3 of this Policy or a Contractual Work as defined and described in Section 7.0 of this Policy. However, Institutional Works may include creative works generated within a specific project initiated by the University. Institutional Works also include committee minutes, internal memoranda, business files, personnel files and other business records created in the ordinary course of the general administration of the University.

#### Comment

Institutional Works are works that are created at the initiative of the University. In addition to works related to the general administration of the University, such as committee reports, minutes, and business files, an Institutional Work may include more traditional creative works. For example, the products of a University initiated program in distance learning where an employee or numerous employees are assigned the specific task of creating instructional content would be Institutional Works.

### 6.2 Ownership of Institutional Works

The University owns all rights to Institutional Works. However, in keeping with the University's strong desire to promote creative efforts, the University may determine that the Author or Inventor should share in the rights to royalties and other rights in Institutional Works discussed in this Policy. The Author or Inventor should engage in early written disclosure to the University of the potential for any valuable Intellectual Property rights associated with Institutional Works in order to facilitate agreement regarding such shared

rights. Failure to do so will be an important factor in assessing whether the Author or Inventor is entitled to share in any financial returns from the work.

#### 7.0 Contractual Works (Sponsored Research)

Ownership of the Intellectual Property rights in creative works developed in the course of or pursuant to a sponsored research program or other contractual arrangement will be determined according to the terms of such program or contract, provided that the program or contract was approved by the University. If the program or contract does not provide for the allocation of Intellectual Property rights, such rights will be determined by the other provisions of this Policy. Notwithstanding other provisions of this policy, the University may elect to enter into a contract with an individual employee regarding the creation of specific intellectual property.

##### Comment

University personnel and visitors should contact the office on their campus responsible for sponsored programs for information or assistance regarding drafting or interpretation of research contract terms. The terms of such sponsored research agreements apply not only to inventions made by faculty and staff, but also to those made by students and visitors, whether or not paid by the University, who participate in performing research supported by such agreements. Care should be taken to assure that any contract for sponsored research is approved and signed by a University administrative officer having proper Authority to approve and sign such a contract on behalf of the University.

**Patents:** Research contracts sponsored by the Federal Government are subject to statutes and regulations under which the University acquires title to inventions conceived or first reduced to practice in the performance of the research. The University's ownership is often subject to a non-exclusive license or grant of other rights to the government and the requirement that the University retain title and take effective steps to develop the practical applications of the invention by licensing and other means.

Contracts with outside research sponsors are negotiated on a case-by-case basis with ownership and other rights to the discovery of any patentable invention determined in the course of the negotiations.

**Copyright:** Normally, research contracts sponsored by the Federal Government provide the government with specified rights in copyrightable material developed in the performance of the research. These rights may sometimes place title to such material exclusively in the government, but more often consist of a royalty-free license to the government with title vesting in the University.

When a work is created under the terms of a sponsored research agreement, Authors of copyrightable works should be aware that there may be contractual terms relating to the form of the research report, advance notice to the sponsor before publication, and other limitations or obligations.

#### 8.0 Ownership of Works Produced by Non-employees

According to federal law, copyright of commissioned works of non-employees is owned by the Author and not by the commissioning party, unless there is a written agreement to the contrary. All University personnel are cautioned to ensure that independent contractors agree in writing that ownership of commissioned work is assigned to the University, except where special circumstances apply and it is mutually agreed that the Author will retain ownership.

## 9.0 Ownership of Copyrights in Theses, Dissertations and Other Student Works

The ownership of copyrights in student works is governed as follows:

### 9.1 Theses, Dissertations and Other Student Works

Students will own the copyrights to their theses, dissertations, and other student works; however, a student must, as a condition to a degree award, grant royalty-free non-exclusive permission to the University to store copies of such works for archival purposes and to reproduce and publicly distribute copies of his or her thesis or dissertation within the University education and research missions; provided however, that should the student identify any legitimate proprietary interest the student may have in the work, or should the University determine that it has an ownership interest in any patentable or otherwise protectable Intellectual Property interest in the work, the University shall then delay any public access to the work for up to one year following the presentation of the work, in order for the student to consult with the University regarding the protection of the proprietary interest. Copyright ownership of theses or dissertations generated by research that is performed in whole or in part by a student with the support of a sponsor or grant shall be determined in accordance with the terms of the sponsored research or grant agreement, or in the absence of such terms, the copyright shall be owned by the University.

### 9.2 Software, Patentable Subject Matter and Non-Copyright Intellectual Property

Software, patentable subject matter, and other Intellectual Property (other than copyright as described in Section 9.1 and Section 9.3 of the Policy) contained or disclosed in theses, dissertations and other student works shall be subject to and governed by the policies that apply to University employees.

### 9.3 Student Writings Other Than Theses or Dissertations

Students shall own the copyrights to all student writings not commonly referred to as theses or dissertations and to other creative expressions required in the course of class assignments. The University shall retain the right to keep original examination scripts and to possess a copy or record of other student works for purposes of assigning grades, maintaining archival materials, and record keeping.

#### Comment

In cases where a dissertation or thesis contains patentable or otherwise protectable subject matter belonging to the University, the students and faculty involved with the project have a duty to disclose the existence of the thesis or dissertation to the University office responsible for patent matters. The students and/or faculty members should also contact the campus Dean for Graduate Studies regarding the shelving of the thesis or dissertation with the University's Library. The campus Dean can provide for the secured storage of the thesis or dissertation for up to one year so as to preserve the patent or other rights of the University in the subject matter of the thesis or dissertation.

## 10.0 Intellectual Property Rights for Multiple Creating Parties

Due to the nature of current research practices and multi-media creations, it is common for more than one individual to claim part of the recognition as Author or Inventor for a particular creation. In such instances, participating Authors or Inventors are strongly encouraged to define their respective rights to the creation in a written agreement, signed by all of the contributing parties. Misunderstandings between the contributing parties can be avoided if such agreements are entered into as early as is practicably possible. Should the co-Authors or co-Inventors fail to so agree in writing, it is presumed that any benefits to be shared by them shall be shared equally.



#### 11.0 Ownership of Trade and Service Marks

Ownership of trademarks shall be governed by the provisions of this Policy. Thus, trademarks that are Independent Works will be owned by the Author; trademarks that are Institutional Works will be owned by the University; ownership of trademarks that are University Supported Works will be determined by the provisions of Section 5.0 of this Policy; and ownership of trademarks that are Contractual Works will be determined by the provisions of Section 7.0 of this Policy. Note however, that the University owns many valuable trade and service marks, most of which are registered with the appropriate state or federal agencies. Any trade or service marks derived from or based upon University-owned marks shall belong to the University.

#### 12.0 Assignment of Property Rights by the University

The University may assign to the Author or Inventor any rights of ownership it may acquire pursuant to this Policy.

#### 13.0 Resolution of Ambiguities and Policy Interpretation

Should any issue arise regarding interpretation of this Policy, for example, whether Use of Substantial University resources has occurred or will occur, the issue shall be referred to the Author's or Inventor's Dean, Director, or similarly situated administrator. After reviewing the relevant facts, such administrator shall recommend a resolution to the Vice Chancellor responsible for research, sponsored programs and technology transfer (e.g. Vice Chancellor for Research or Vice Chancellor for Academic Affairs). Any campus may establish a committee of peers to review the facts and circumstances surrounding any particular interpretation of this Policy and make recommendations to the Vice Chancellor. The Chancellor will make the final decision on all interpretations under this Policy, based on the recommendation of the Vice Chancellor. The Chancellor's decision will be final with respect to the University.

#### 14.0 Supplemental Income from Commercial Applications

This Policy on ownership rights in no way alters the ability of an Author or Inventor to receive supplementary income from the University under any separate policy, as a result of the commercial application of Intellectual Property created by the Author or Inventor .

#### 15.0 Review of Policy

This policy will be reviewed periodically and revised as deemed necessary to accommodate new technologies and to incorporate changes warranted by experience with its administration.

**Reference:** BRUN, Minutes, 63, p. 167 (July 28, 2001).

#### **RP-4.4.2 Patent and Technology Transfer Policy**

Section 3.10 of the Bylaws of the Board of Regents provides that it is the policy of the Regents to encourage the commercialization of inventions and discoveries arising from research activities of the University, and when appropriate, the pursuit of patents or other intellectual property protection, as a method of bringing recognition and remuneration to the University's inventors and to the University itself. This Patent and Technology Transfer Policy is adopted for the purpose of providing general policy regulations to implement Section 3.10 of the Bylaws of the Board of Regents:

## 1. Ownership of Inventions Resulting From Performance of Duties of Employment; Prompt Disclosure to University

Each invention<sup>1</sup> by a member or members of the faculty or staff of the University resulting from performance of duties within the scope of University employment, or resulting from the use of University personnel, property, facilities, or other University resources, except where such use is minimal,<sup>2</sup> shall be solely owned by the University. Questions concerning whether a use of University resources is minimal shall be resolved in accordance with the process set forth in Section 9 of this Policy. Each such invention and any improvement(s) made thereto while under the employment of the University shall be promptly disclosed in writing to the designated campus patent and technology transfer administrator (the "Administrator").<sup>3</sup>

A disclosure of an invention shall be properly made when it is submitted to the campus Administrator in such manner and form as may be determined by the Administrator. Any disclosure of an invention shall contain information in such detail as is deemed necessary by the Administrator to allow for a review of its patentability and commercial potential, and shall detail the specific utility or application of the invention.

## 2. The Campus Administrator

The Chancellor of each campus and/or the Chancellor's designee shall designate a campus patent and technology transfer administrator who shall be responsible for the administration of all campus patent and technology transfer activities, and who will provide a central source of information and help in handling the different aspects of patents and technology transfer.

## 3. Patent and Technology Transfer Advisory Committee

The Administrator in consultation with the Chancellor and/or the Chancellor's designee shall establish an advisory committee on technology transfer (the "Committee"). The Committee will be available to assist the Administrator in the review of disclosures of inventions, and provide advice and peer group scientific review on issues relating to (i) intellectual property development and licensing or other technology transfer issues, and (ii) other related assistance as requested.

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<sup>1</sup>For purposes of this policy, the term "invention" shall mean patent able inventions or discoveries, computer software, trade secrets and all other intellectual property not addressed under Regents Policy 4.4.1.

<sup>2</sup> The determination as to whether any use of University personnel, property or facilities is or was "minimal" under this policy shall be made based on the following considerations:

- a) Whether the invention was conceived of or reduced to practice pursuant to an employee or faculty member's job duties;
- b) Whether any funding for the work leading to the conception or reduction to practice of the invention was provided by or facilitated through the University;
- c) Whether any University facilities were utilized in the conception or reduction to practice of the invention, and if so, the extent of such use; and
- d) Whether any University students or staff were utilized in or contributed to the conception or reduction to practice of the invention.

<sup>3</sup>The Bayh-Dole Act of 1980, 35 U.S.C. §§ 200-212, allows Universities and other non-profit organizations to retain title to federally-funded inventions and requires that strict reporting requirements be met. It is therefore critical that inventors provide a prompt and thorough disclosure to the University so that the University can properly evaluate the disclosure and elect to either retain or decline title to such inventions in a timely manner.

#### 4. Review of Invention Disclosures; Acceptance for Technology Transfer by University or Transfer to Inventor

The Administrator, the Committee, and/or the Administrator's designees (one or more of which are referred to herein as the "Reviewers") shall aim to evaluate all disclosures of inventions on behalf of the University within six (6) months from the date the disclosure is formally submitted to the Administrator. The disclosure shall be evaluated by the Reviewers for the ability to obtain effective intellectual property protection on the invention, and the potential of the invention to stimulate business interest and contribute to economic development. Upon the conclusion of the Reviewers' evaluation of an invention, the Administrator shall communicate to the inventor(s) any intent on behalf of the University to pursue protection of the invention. The University shall proceed, in its sole discretion, to seek appropriate intellectual property protection on the invention, and/or market the invention to interested parties. The terms of any license or agreements related to an invention, and the manner in which they may be enforced, litigated or settled shall be at the sole discretion of the University.

The inventor or inventors of a disclosed invention shall assist the University and any counsel retained by the University in the preparation, filing and prosecution of any patent applications based on inventions disclosed to the University, and shall sign any and all necessary documents, including assignments, declarations, oaths and affidavits related thereto.

At any time during the technology transfer process, the University may, for any reason which in its sole discretion it determines is in the best interests of the University, assign title to the invention to the inventor(s). In such cases, however, the University may retain a non-exclusive, paid-up, royalty-free license to the invention, if it so desires.

Although the University may assign title to an invention to the inventor(s), any improvement or modification to or separate invention derived from or based on such invention that results from the use of University personnel, property or facilities, except where such use is minimal, shall be owned by the University subject to this Policy. The inventor(s) shall promptly disclose such improvement, modification or separate invention to the Administrator in the same manner as is described in Section 1 of this Policy.

Should an inventor leave the University and wish to continue research on an invention which the inventor has disclosed to the University, the University shall provide an appropriate royalty-free, non-commercial, research only license to allow the inventor to continue his or her research.

#### 5. Division of Net Royalties and Proceeds

With respect to any invention subject to this Policy, the University shall first be reimbursed for any and all expenses incurred by it that are associated with evaluation of the technology, obtaining of patent or other intellectual property protection, and licensing or other technology transfer activity, including legal expenses related thereto.<sup>4</sup> In the event of any infringement action or other legal action involving technology disclosed under this Policy, the University shall also be reimbursed for any and all expenses borne by the University associated with such action. After such expenses are reimbursed, royalties and other proceeds from licenses or other technology transfer activities related to an invention, or patent or other intellectual property protection based thereon, shall be distributed as follows:

(a) One-third to the inventor or inventors; and

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<sup>4</sup>The University shall make every effort to recover all or part of these expenses from any licensee of University-owned intellectual property upon the execution of the license agreement.

- (b) Two-thirds in accordance with a separate distribution policy to be established and implemented by each University campus, such policy to take effect following approval by the Board of Regents upon recommendation of the relevant campus' Chancellor.

#### 6. Distribution of Equity to Inventors

In the event that the University receives equity or an option to acquire equity in exchange for any license or other intellectual property, the share of such equity due to the inventor(s) shall be based upon the distribution of royalties and proceeds provided in Section 5 of this Policy. Such equity will be distributed directly to the inventor(s) once such equity is transferable. The University shall make every effort to distribute such equity in a timely manner, but the University shall not be responsible for changes in value which might occur before receipt of equity by an inventor.

In the event the University or an affiliated entity of the University receives equity or an option to acquire equity in exchange for something other than a license or other intellectual property right (e.g. performance of a service or clinical trial), the equity interest shall not be subject to distribution under Sections 5 or 6 of this Policy.

#### 7. Division of Inventor's Share Among Co-Inventors

Should there be more than one inventor per license or other source of royalties and other proceeds under Sections 5(a) and 6 of this Policy, the inventors' shares shall be divided and distributed among themselves in accordance with an agreement to be signed by the inventors and filed with the Administrator. Should the inventors fail to sign such an agreement governing distribution among themselves, then the proceeds shall be distributed equally among the sum of inventors per license or other source of royalties.

#### 8. Conflicts of Interest

Conflicts of interest are more likely to present themselves to inventors, University personnel and the University as an entity in the context of intellectual property licenses or other contracts related to technology transfer activities. As such it is of utmost importance that in addition to any compliance required under this Policy, that all involved in technology transfer also comply with any conflict of interest policies as required by law, Section 3.8 of the Bylaws of the Board of Regents or Regents Policy 3.2.8, as those requirements may exist or as they may be amended in the future.

#### 9. Resolution of Issues Concerning Administration or Interpretation of this Policy

Should any issue arise regarding administration or interpretation of this Policy or Section 3.10 of the Bylaws of the Board of Regents, the issue shall be referred to the campus vice chancellor responsible for research, sponsored programs and/or technology transfer activities (e.g. Vice Chancellor for Research or Vice Chancellor for Academic Affairs). The campus patent and technology transfer advisory committee may review the facts and circumstances surrounding any such issue and make recommendations to the Vice Chancellor. The Vice Chancellor shall then make a report and recommendation for resolution of the issue to the Chancellor, who will make the final decision on all issues concerning administration or interpretation of this Policy or Section 3.10 of the Bylaws of the Board of Regents. The Chancellor's decision will be final with respect to the University.

#### 10. Survival of Policy

The provisions of this Policy and Section 3.10 of the Bylaws of the Board of Regents shall survive the death or termination of employment of any inventor of intellectual property owned by

the University. The provisions of this Policy shall inure to the benefit of and be binding upon the heirs and assigns of (1) any inventor of intellectual property owned by the University, and (2) all others who agree to be bound by it.

#### 11. Campus Patent and Technology Transfer Policies and Procedures

The Chancellor of each campus, or the Chancellor's designee, is authorized to adopt and implement more detailed campus patent and technology transfer policies and procedures that are consistent with and supplemental to Section 3.10 of the Bylaws of the Board of Regents and this Policy.

**Reference:** BRUN, Minutes, 43, p. 39 (May 18, 1979).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).  
BRUN, Minutes, 64, p. 139 (October 17, 2003).

# **Chapter 5. Responsibilities and Rights of Students**

## **RP-5.1 Responsibilities and Rights**

### **RP-5.1.1 Non-Discrimination on the Basis of Individual Characteristics — Students**

Students on each campus of the University of Nebraska shall be admitted and [shall] enjoy the programs and privileges of the University without regard to individual characteristics other than qualifications for admission, academic performance, and conduct in accord with University policies and rules and laws applicable to student conduct.

**NOTE:** The portion of this policy pertaining to employees is at RP-3.1.1

**Reference:** BRUN, Minutes, 54, p. 145 (May 12, 1989).

### **RP-5.1.2 The Student in the Academic Community**

#### **1. General Responsibilities and Rights**

All members of the academic community have the responsibility to create and support an educational environment which will achieve the basic purposes of the University. Each member of the community should be treated with respect and dignity. Each has the right to learn. This right imposes a duty not to infringe upon the rights of others. The academic community should assure its members those opportunities, protections, and privileges which provide the best climate for learning. Views and beliefs expressed by a member of the academic community should be kept within the community unless released by the individual. The University encourages a variety of modes in thought, behavior, and values within the guidelines of the educational community. An important aspect of the educational effort is the recognition of differences between individuals. In all instances, including informal campus activities and association, each individual should be assured that judgements about the individual will be made on relevant criteria, and each member of the academic community should actively encourage practices to insure that all persons, irrespective of any irrelevant characteristics, are welcome on the campus and are extended all the privileges of the academic community to which they are entitled.

As more and more people seek the benefits of higher education, it may be desirable for the State University to offer special recognition and assistance to students disadvantaged by limited educational opportunity.

University students enjoy all the right and privileges of citizenship. Students are subject, however, to the special obligations which accrue to them as members of the academic community. Institutional effort should be exerted to develop, not inhibit, intellectual and personal development of students by the exercise of the rights of citizenship both on and off campus.

The enforcement of the obligations of students to the larger society is the responsibility of the legal and judicial authorities duly established for that purpose. If students are alleged violators of the law, they should proceed through legal channels and institutional authority should never be used merely to duplicate those functions.

## 2. Rights and Responsibilities in the Classroom

### a. Freedom of Expression

It is the responsibility of each faculty member to provide an atmosphere which is conducive to freedom of expression by encouraging discussion and permitting exception to the views he or she has presented. In addition, faculty members have the responsibility to guide and direct such discussion and inquiry in a scholarly manner. The scope and duration of discussion, however, is to be determined by the instructor.

Students have the right of expression in the classroom and the responsibility to learn from the course of study according to the standards of performance established by the faculty. Student behavior in a classroom should contribute to the learning process.

### b. Instructional and Grading Procedures

The faculty determines the character of courses which includes content and instructional and grading procedures. Students should be informed of these matters at the beginning of the course.

Each student has the right to a course grade based upon a sound academic evaluation and upon a specified grading procedure. A student has the right to receive upon request clarification of the grade received. The faculty of each department, school, or equivalent unit, shall provide a committee to consider the appeal of those cases in which a student feels the performance evaluation was unfair. Colleges shall provide standing committees to consider cases in which the student or faculty member chooses to appeal the initial decision. Any of these committees shall have the authority to direct changes in the grade based upon its findings.

### c. Instructor-Student Consultation

Instructors should be available on a regular basis for consultation with students. Students may ask for an evaluation of their performance during the progress of a course. If a student conveys information of a confidential nature to a member of the faculty, this confidence should be respected.

### d. Students can contribute significantly to the evaluation of instruction. The faculty has the obligation to solicit students' evaluation of their educational efforts and to make changes in accordance with their best judgement. To assist the faculty in the task of providing the best possible education, students should express their reactions and opinions about the character and relevancy of the instruction to the department or college involved. Each college or school should establish a standing procedure through which student evaluations can be expressed.

## 3. Rights and Responsibilities in Other Instructional Settings

### a. Freedom of Expression

The acquisition, understanding, and interpreting of knowledge can be facilitated by the study and evaluation of controversial positions. Free expression in the academic community shall not be abridged by special restrictions or censorship on publications, speakers or broadcasting. Any student group shall be allowed to invite and hear any person of its own choosing. Those procedures required by the institution before a guest speaker appears on campus should insure orderly scheduling of facilities and adequate preparation for the event. The event should be conducted in a manner appropriate to an

academic community. The institutional control of campus facilities should not be used as a device of censorship.

It should be made clear to the academic and larger communities that sponsorship of events and speakers does not necessarily imply approval or endorsement of the views or actions by either the sponsoring group or the University. Participation in the exchange of ideas through these media is a normal expectation of the academic community.

b. Student Government

Students should be free, individually or collectively, to express their views on issues of institutional policy and on matters of general interest to the student population. The students should have clearly defined means to participate equitably in the formulation of institutional policies and procedures which affect student life. Student government is the principal agency for student participation in the decision-making process of the University.

c. Student Organizations

Students bring to the campus a variety of interests and can be expected to develop new interests as members of the academic community. They should be free to organize and join associations to promote their common interests, provided those associations are not likely to materially and substantially disrupt the operation of the University. Students should be able to participate in those organizations provided they meet the membership requirements set up by the organization; in no instance will these criteria for membership violate the University's non-discrimination policy.

**Reference:** BRUN, Minutes, 39, p. 18 (June 19, 1968).  
BRUN, Minutes, 31, p. 191 (November 17, 1969).  
See also, Bylaws BRUN (1973+), s. 5.10.  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

**RP-5.1.3 University Right to Change, Discontinue Programs**

Acceptance of registration by the University of Nebraska and admission to any educational program of the University does not constitute a contract or warranty that the University will continue indefinitely to offer the program in which a student is enrolled. The University expressly reserves the right to change, phase out, or discontinue any program.

The listing of courses contained in any University bulletin, catalog or schedule is by way of announcement only and shall not be regarded as an offer of contract. The University expressly reserves the right to (1) add to or delete courses from its offerings, (2) change times or locations of courses or programs, (3) change academic calendars without notice, (4) cancel any course for insufficient registrations, or (5) revise or change rules, charges, fees, schedules, courses, requirements for degrees and any other policy or regulation affecting students, including, but not limited to, evaluation standards, whenever the same is considered to be in the best interests of the University.

**Reference:** BRUN, Minutes, 51, p. 43, (June 8, 1985).



## **RP-5.2 Admissions**

### **RP-5.2.1 Admission Standards**

#### 1. Overview of Entrance Requirements

Entrance requirements have been divided into two sections described in detail below. The first deals with core course requirements. In addition to being graduates of an accredited high school, or equivalent, all students must take a core of selected high school courses spread over a number of disciplines. Additionally, students are required to meet performance criteria by being in the top half of their graduating class or meet certain performance criteria, based on scores on national examinations. The entrance requirements incorporate a process for admitting students who do not meet one or more of the admission criteria, yet show promise of academic success.

#### 2. Core Course Requirements

Note: Material presented to the Board of Regents in tabular format has been converted to text in this section.

- a. English - 4 units - All units must include intensive reading and writing experiences. Innovative interdisciplinary courses and courses in speech and journalism may be substituted if they include substantial amounts of reading and writing.
- b. Mathematics - 3 units - Algebra I, algebra II and geometry.
- c. Social Studies - 3 units - One unit drawn from American and/or world history; one additional unit drawn from history, American government, and/or geography; and a third unit drawn from any social science discipline.
- d. Natural Sciences - 3 units - At least two units selected from biology, chemistry, physics, and earth sciences. One of the above units must include laboratory instruction.
- e. Foreign Language - 2 units - Both units must be in the same language. Students who are unable to take two years of foreign language in high school may still qualify for admission. Such students will be required to take two semesters of foreign language at the University of Nebraska. These students are still required to complete 16 units of academic courses for admission.
- f. Additional Academic Requirements - 1 unit

For UNK and UNO, unit can be chosen from any academic discipline.

For UNL, must be a Mathematics unit that builds on a knowledge of algebra. It is not required that all students take a trigonometry or pre-calculus course for their fourth unit of mathematics. Other mathematics courses that build on two years of algebra (courses in statistics or discrete mathematics for example) may be taken to satisfy this requirement.

- g. Total Units - 16 total units required - A unit is a Carnegie Unit, comprising high school study for a period of one year. Equivalent requirements or competencies may be substituted, with the approval of the appropriate University campus.

### 3. Performance Requirements

In addition to meeting the above core course requirements, students seeking admission to the University on any campus shall:

- a. Be ranked in the 50th percentile or higher of their graduating class in an accredited high school; or
- b. Have received an ACT composite score of 20 (enhanced) or greater; or
- c. Have received an SAT total score of 850 or greater.

### 4. Admission of Students

Students seeking admission to any campus of the University will have their academic records reviewed. These reviews will result in one of the following decisions:

- a. **Assured Admission of Students.** High school graduates who meet the above criteria (successful completion of the 16 units of core courses and satisfaction of the performance requirement) will be assured of admission as an undergraduate to UNL, UNO, or UNK.
- b. **Admission of Students on the Basis of Special Merit.** Applicants who do not qualify for assured admission by meeting all entrance criteria will automatically be considered for full admission to the University on the basis of special merit. The process by which these students are considered and admitted to a given campus is the responsibility of that particular campus. However, each campus will assure that the process will make provisions for a variety of circumstances, including allowance for the special consideration to be given to: non-traditional students; returning adult students; students educated at home schools; students who do not meet the required performance criteria but who have performed at a high level of accomplishment towards the conclusion of their high school careers (sometimes called "late bloomers"); students who can provide evidence of special talents, such as outstanding musical performers; those with unique educational experience or career achievements, etc. Such students will be encouraged to provide evidence of their ability to do university level work. In addition, special consideration will be given to members of under-represented groups who present evidence of being able to succeed. Such applications will be considered by University admissions personnel of the cognizant campus following policies and procedures established by the appropriate faculty committees. It must be emphasized that students once admitted through this process will be considered fully admitted and will not be considered by the University to have a provisional status. However, some students may have to complete specific University courses to compensate for having not completed all of the required core courses or equivalent educational attainments. It is anticipated that no more than 25 percent of the first-time traditional freshman students would be admitted in this way.
- c. **Admission of Transfer Students.** Students who transfer to the University of Nebraska will be expected to have met the core course requirements, either in high school or in their previous postsecondary studies, unless exempted by the campus. Those who do not fully meet these requirements may still qualify for admission on the basis of special merit. Each campus will determine how deficiencies in the prior record of these students will be made up.
- d. **Deferred Admissions.** Some students may need additional preparation prior to attending the University of Nebraska. These students will have their admission deferred and will be encouraged to attend another postsecondary institution, such as a community college, in order to deal with deficiencies identified in their prior academic preparation.

**Reference:** BRUN, Minutes, 58, p. 19 (January 16, 1993).

### **RP-5.2.2 Records of Transfer or Continuing Studies Students**

Each major administrative unit of the University will, upon request by a transfer or continuing student, maintain a record of all credit earned by that student at any Nebraska independent college, technical community college, state college, or other major administrative unit of the University. Credits recorded under this policy will be evaluated for applicability to the student's program by the appropriate academic officers of the major administrative unit in which the student is enrolled.

**Reference:** BRUN, Minutes, 38, p. 6 (January 18, 1975).

### **RP-5.3 Disciplinary Procedures**

#### **RP-5.3.1 Failure to Pay Financial Obligations**

Failure by a student to pay a financial obligation owing to the University or to any department, division, or agency thereof, will result in denial of readmission, denial of transcripts, denial of registration for ensuing terms, and withholding of diplomas, and, in addition, may result in disenrollment and/or denial of grade reports, until such debt be paid in full. The Chancellors are hereby authorized to promulgate specific policies on each campus to enforce the provisions of this section.

**Reference:** BRUN, Minutes, 45, p. 326 (May 16, 1981).

#### **RP-5.3.2 Recordings and Commercial Distribution of Course Notes**

As part of the education and learning experience, students routinely take notes in the courses in which they are enrolled. With the permission of the instructor(s), an enrolled student may also make audio and/or visual records of a course presentation. These notes and records may be used for the purposes of individual or group study so long as such use is non-commercial. Whereas, the University has the authority (1) to regulate the nature of the commercial activity which takes place on its premises and/or with the use of its resources, and (2) to protect its intellectual property, as well as that of its faculty and employees; no person may provide for the commercial distribution of course notes or records, without the express permission of the campus' Vice Chancellor for Academic Affairs and the course instructor(s). Any student engaging in such prohibited commercial activity shall be deemed to have committed an act of misconduct in violation of the Student Code of Conduct and shall be subjected to such discipline as may be sanctioned under the provisions of the Code.

In accordance with Section 5.4 of the Bylaws of the Board of Regents, each campus' administration is authorized to include "the impermissible commercial distribution of course notes and recordings" as a defined act of misconduct under its Student Code of Conduct.

Notwithstanding the foregoing provisions, a faculty member may arrange for the distribution of the faculty member's own class materials (such as lecture notes), provided such distribution is consistent with Section 3.11 of the Bylaws of the Board of Regents,

In no way shall this policy be interpreted so as to prohibit the furnishing of a reasonable accommodation to a person with a disability.

**Reference:** BRUN, Minutes, 63, p. 52 (June 17, 2000).

## **RP-5.4 University Housing**

### **RP-5.4.1 University Housing**

Each campus Chancellor shall have responsibility for the development and application of policies relating to the operation of University housing and any other student residence units which operate as approved University housing. Such policies shall have as one objective the maintenance of reasonable rates for room and board charges subject to approval of the Board of Regents and shall insure maximum occupancy. The safety of students in recognized University housing is of paramount importance; operation of University housing shall provide a safe and secure environment for student residents. Policies shall also assure that there are appropriate visitation hours and quiet hours so as to not impinge upon the privacy of students unnecessarily. Provision should be made for the imposition of sanctions on students who violate campus policy in regard to student housing. Room and board contracts shall be in a written form approved by University Counsel.

**Reference:** BRUN, Minutes, 56, p. 149 (September 6, 1991).

## **RP-5.5 Student Communications**

### **RP-5.5.1 Guidelines for the Student Press**

1. A clear distinction must be made between news accounts, headlines, news pictures and features, on the one hand, and editorial comment, columns, critical reviews or other kinds of writer opinion, on the other hand.
2. The journalist's role as a chronicler and contemporary historian are indissolubly linked to the role of teacher and interpreter.
3. A journalist must never use his or her power for any purpose except the public interest. A journalist must never use his or her power for any selfish or otherwise unworthy purpose.
4. The newspaper's coverage of its community must be fair and as complete as resources permit, catering to no special interest or cause.
5. Sincerity, truthfulness, accuracy and objectivity are paramount. Objectivity must be the goal of every journalist, even though complete lack of bias is difficult to achieve. An effort to achieve fairness, not only in coverage but also in position and display, is part of the journalist's obligation.
6. All sides of any significant issue must be covered faithfully.
7. The readership must be offered an opportunity to answer editorial opinions.
8. A significant mistake must be corrected with reasonable prominence and promptness upon discovering it.
9. In fairness, charges affecting the character or reputation of a person or an institution should not be published without attempting to obtain a response from those who are the subject of the charge. If the person or institution does not choose to respond, that decision should be reported. If the person or institution chooses to respond later, space should be afforded.
10. Ideas can be conveyed and news can be reported accurately and honestly in most cases without the use of pictures, words, or descriptions that a significant portion of the readership finds offensive. Tastefulness is a part of the trust a journalist holds.

**Reference:** BRUN, Minutes, 45, pp. 166-167 (January 16, 1981).

## **RP-5.5.2 Publications Committee**

### **1. Membership and Authority**

The publications committees on each campus will be made up of nine (9) members. There will be five (5) students, two (2) faculty members, and two (2) professional journalists from outside the University. In addition, a professional journalist from outside the University will be hired as a part-time advisor. The advisors will serve as executive secretaries of the publications committees. They will be responsible for agendas and minutes and will provide advice during meetings, but will not vote.

The committees' members will be selected as follows:

On each campus the faculty members of the publications committee will be selected by the campus Chancellor from a list approved by the faculty senate. The student members of the publications committee will be selected by the campus Chancellor from a list approved by the student senate. Each list must contain a minimum number of nominees equal to two times the number of positions to be filled in the corresponding category. The Chancellor may request additional names from the faculty and student senates if the Chancellor feels it is necessary.

Student members of the publications committee will serve one-year staggered terms. By November 1 of each year, as a result of the foregoing process, three students will be appointed to serve on the publications committee starting January 1. By April 1 of each year, also as a result of the foregoing process, two students will be appointed to serve on the publications committee starting July 1.

Faculty members of the publications committee will serve three-year staggered terms. By November 1, 1981, and by November 1 of every third year thereafter, as a result of the foregoing process, one faculty member will be appointed to the publications committee, starting January 1, 1982, and January 1 of every third year thereafter. By April 1, 1983, and by April 1 of every third year thereafter, as a result of the foregoing process, one faculty member will be appointed to the publications committee, starting July 1, 1983, and by July 1 every third year thereafter.

The two professional journalists on the publications committee will be selected by the campus Chancellor to serve three-year staggered terms.

All applicants to the publications committee will be required to submit a statement outlining possible conflicts of interest. Such a statement will include those conflicts specifically mentioned in these guidelines as well as any other potential conflicts of interest.

In filling scheduled vacancies, the student senate and faculty senate will provide their nominations to the Chancellor at least 10 days before the above deadlines. The Chancellor will have 10 days to make the appointments unless the Chancellor requests additional names from the student senate or the faculty senate.

In filling unscheduled vacancies, the student senate and the faculty senate will provide their nominations within 20 days of the vacancy. The Chancellor will have 10 days to make the appointments unless the Chancellor requests additional names from the student senate or the faculty senate.

In the event the faculty senate or the student senate cannot be in session, such as certain periods during the summer, the nominating process must start as soon as the appropriate body is back in session.

If vacancies result in the publications committee not having enough members to constitute a quorum, the publications committee's executive will be empowered to act for the entire publications committee.

## 2. Persons Prohibited to Serve

All nominations to the publications committee will be subject to the following prohibitions:

No member of the Board of Regents, the faculty senate, or the student senate or any successor to those bodies, and no elected or appointed executive officer of the University administration, campus-wide faculty government, or campus-wide student government, shall be a member of the publications committee until one year has expired since the termination of any such office.

No unsuccessful, declared candidate for the Board of Regents, the faculty senate, or the student senate, or any successor to those bodies, and no unsuccessful, declared candidate for any other campus-wide faculty government, or campus-wide student government office shall be permitted to be a publications committee member until four months have expired since the time his or her candidacy has ended.

Members of the staffs of the student newspapers are prohibited from serving concurrently on the student senates. Members of the staffs of the student newspapers also are prohibited from serving concurrently on the publications committee.

No member of a campus body responsible for allocating student fees to one of the newspapers shall be a publications committee member. No unsuccessful candidate for such a position shall be permitted to be a publications committee member until four months have expired since the time his or her candidacy has ended.

## 3. Liaison with Board of Regents

Each publications committee chair and each campus Chancellor also will be designated to provide jointly the liaison between the publications committee and the Board of Regents. It is recommended that the Chancellor and the publications committee chair arrange for periodic informational meetings of representatives of the publications committee and the representatives of the Board of Regents.

## 4. Avoidance of Conflict of Interest

To preserve the independence of the campus press, it is vital that members of the publications committee avoid conflicts of interest. It would be impossible to cover all potential conflicts of interest. The objective is to prevent publications committee members and others from exercising undue and/or improper influence on the campus press. There are myriad personal and organizational relationships that might lead to a conflict of interest. However, that conflict might not be serious enough to disqualify a candidate. In such cases it may be sufficient to anticipate and state the potential conflict of interest. Then, the concerned committee member could be eliminated from the discussions and decision making of that particular point.

We have listed some specific conflicts that do lead to disqualification, but the list should not be interpreted as all-inclusive. In order to fulfill the intent of these guidelines, applicants, persons involved in the selection process, publications committee members, and newspaper staff members are obliged to be familiar with these guidelines.

The burden of policing the conflicts of interest on the part of the publications committee member applicants must rest with the faculty senate, student senate, Chancellor and the applicants themselves. Furthermore, staff members of the campus publications should also avoid conflict of interest. Responsibility of policing staff conflicts of interest must rest with the editors and publications committee.

Once appointed the publications committee members will elect a chair to preside at meetings, and a vice-chair to preside in the former's absence.

Ex-officio members may be selected by the committees. It is recommended that the ex-officio members include a representative from the office responsible for the money and bookkeeping for the student publications.

The committees will meet as necessary, but no less often than quarterly. The committees' duties will include hiring and firing, if necessary, of the editors, business managers, and/or advertising managers of student publications under the committee, approval of major business and legal matters, and judgment of matters involving the code of ethics. This is not meant to limit the committees' interests. It is meant, however, to encourage the committee members to concern themselves only with major decisions so that they can more properly fulfill their publisher's role as gatekeeper of the code of ethics.

## 5. Executive Board and Advisor

Each publications committee will appoint an executive committee to help with routine problems. The publications committees will determine the membership of the executive committees, but it is recommended that they include two (2) student members of the publications committee, one (1) faculty member, and the professional advisor.

On a day-to-day basis, the advisor is to assist the editors and their staffs. The advisors will have no censorship powers and will offer prepublication advice only when it is sought by the editors. The advisors should offer post-publication criticism. The advisors will be responsible for calling ethical questions to the attention of the publications committees. The advisors also will arrange for and prepare the agenda of committee meetings. The advisors will be prepared to provide background information and to make personnel recommendations to the committees. The Regents will direct the source of the advisor's salary.

**Reference:** BRUN, Minutes, 45, pp. 166-167 (January 16, 1981).

### **RP-5.6 Campus Speakers**

#### **RP-5.6.1 Sponsorship of Speakers with Student Fees**

The student programming organizations administering the speakers programs on each campus shall abide by the following guidelines in sponsoring speakers on campus with the use of student fees:

1. The purpose of a speakers program is to advance the general educational processes of the University by putting before the University community a broad range of ideas on a variety of contexts. The purpose of a speakers program is not to advance any particular political or personal philosophy.
2. The organizations administering speaker programs shall provide reasonable political and ideological balance on subjects of politics and government. For instance, if the organization sponsors a speaker that represents one part of a political or ideological spectrum of ideas on a subject of politics, government, or ideologies, it shall make reasonable attempts to sponsor a different program within the same academic year which generally represents the opposing part of that spectrum of political or ideological ideas.

3. In all events, the organization administering the program shall make every attempt to remain neutral and fair in the selection of speakers on subjects of politics, government, and ideologies.
4. Student programming organizations will organize internal committees that will have an ongoing responsibility to ensure that a balanced program is presented.
5. University Program and Facilities Fee (UPFF) funding and approval of political and ideological speakers will proceed through the same procedure for approval of all speakers. All speaker programs, regardless of the content of the speech, will be administered in the same way.
6. All students are encouraged to join their programming groups and/or give their input to the speaker selection on their campus.

**Reference:** BRUN, Minutes, 44, p. 18 (November 16, 1979).  
 See also, Bylaws BRUN (1973+), s. 5.11.  
 BRUN, Minutes, 56, p. 149 (September 6, 1991).

### **RP-5.7 Tuition**

#### **RP-5.7.1 Residency Determination for Tuition Purposes**

##### 1. Preamble

Pursuant to Article VII, Section 10 of the Constitution of the State of Nebraska, and Neb. Rev. Stat., 85-501 and 85-502 (1980 Supp.), the University has been authorized to develop regulations and make determinations regarding Nebraska residency for tuition purposes. These regulations provide the bases upon which University staff shall determine, on a uniform intercampus basis, whether an individual qualifies as a Nebraska resident for tuition purposes.

It should be emphasized that the statutes provide a set of minimum standards which will govern a determination of resident status for tuition purposes only. In some instances it will possible that an individual may qualify as a "resident" of Nebraska for one purpose (such as securing a Nebraska driver's license) and still not meet the standards established by the Board of Regents for resident tuition status. Individuals seeking a Nebraska residency determination for tuition purposes should, therefore, carefully study all aspects of the law and these regulations before seeking resident tuition status.

These regulations require that a determination of resident status be made "at the time of each registration." In addition, state law guarantees that once an individual has been enrolled at the University or one of the Nebraska state colleges as a resident student, he or she shall be afforded that privilege during the balance of that and any subsequent enrollments at the University, provided the student is readmitted within a two year time period.

It should be noted that an individual who moves to Nebraska primarily to enroll in an institution of higher education of the state is presumed to be a non-resident for tuition purposes for the duration of his or her attendance at the University.

Individuals seeking to establish resident status for tuition purposes who are subject to the 12 months minimum requirement must have established a home in Nebraska at least 12 months prior to the time at which they request such a determination. In addition, they must also initiate the various other domiciliary contacts which will support their application within a reasonable period of time after they have established their domicile in Nebraska. That is, it will not be sufficient to show only that they have established a home in Nebraska for 12 months. They will also be expected to demonstrate that the supporting contact points, such as a Nebraska



driver's license and Nebraska checking or savings accounts, have also been held for a reasonable period of time.

Individuals seeking a resident student determination for tuition purposes will be required to sign a notarized affidavit attesting to the truth of their statements. If it is subsequently determined that an individual has falsified such a statement, he or she may be subjected to disciplinary action by the University before the individual will be permitted to continue with his or her studies at the University. Such disciplinary action will be determined on an individual basis, and may include measures such as disciplinary probation or suspension, expulsion from the University, or a requirement that the individual reimburse the University for the difference between the tuition paid and nonresident tuition rate.

## 2. Definitions

For the purpose of these regulations, the following definitions shall apply:

- a. Resident Fees shall mean the resident tuition rate set by the Board of Regents applicable to the academic program in which an individual intends to enroll.
- b. Non-Resident Fees shall mean the nonresident tuition rate set by the Board of Regents applicable to the academic program in which an individual intends to enroll.
- c. Legal Age shall be the age of majority set by Nebraska statute.
- d. Emancipated Minor shall mean an individual who by virtue of marriage, financial status, or for other reasons, has become independent of his or her parents or guardians.
- e. The phrase "established a home" shall mean that an individual continuously maintains a primary place of residence in Nebraska where the individual is habitually present.
- f. Legal Residence shall mean the place of domicile or permanent abode as distinguished from temporary residence.
- g. Dependent refers to a person who is claimed as a dependent or an exemption for federal income tax purposes by a parent, guardian, or spouse.

## 3. Resident Tuition Categories

An individual will qualify as a resident of the State of Nebraska for tuition purposes at the University of Nebraska if, prior to the commencement of the term for which residency is sought, he or she meets the standards set forth in any one of the following eleven categories:

- a. A person of legal age or an emancipated minor who for a period of 12 months shall have established a home in Nebraska where he or she is habitually present, and shall verify by documentary proof that he or she intends to make Nebraska his or her permanent residence.
  - 1) In addition to documentation of occupancy of a home or residence in Nebraska for the previous period of 12 months, intent to make Nebraska a permanent residence may be demonstrated by factors including, but not limited to, the following:
    - a) a current Nebraska driver's license;
    - b) documentation that the individual is registered to vote in Nebraska;
    - c) a current Nebraska automobile registration in the individual's name;

- d) documentation of individual checking or savings accounts maintained with a Nebraska financial institution;
  - e) documentation of current employment in Nebraska, and withholding of Nebraska income tax;
  - f) copies of the provisions of an individual's most recent state income tax return indicating a Nebraska taxpayer status.
- 2) An individual who moves to Nebraska primarily to enroll in an institution of higher education of the state is presumed to be a non-resident for tuition purposes for the duration of his or her attendance at the University.
  - 3) An individual claiming Nebraska resident status under this section will not be granted such a determination if he or she has claimed resident status in any other state within the past 12 months.
- b. A minor whose parent, parents, or guardian have established a home in Nebraska where such parent, parents, or guardian are habitually present with the bona fide intention of making Nebraska their permanent place of residence.
- 1) For the purpose of this section, an individual shall be required to present documentary proof that his or her parent, parents, or guardians have established a home in Nebraska. Such proof shall consist of the following:
    - a) documentation that the parent or guardian has established a home in Nebraska;
    - b) documentation that the individual seeking a resident tuition determination is a dependent for federal income tax purposes of the parent or guardian who has established a home in Nebraska; and
    - c) other supporting documents of the parent or guardian's Nebraska residency including, but not limited to, the following factors:
      - a current Nebraska driver's license;
      - documentation that the individual is registered to vote in Nebraska;
      - a current Nebraska automobile registration in the individual's name;
      - documentation of individual checking or savings account maintained with a Nebraska financial institution; or
      - documentation of current employment in Nebraska.
  - 2) For purposes of this section, an individual, once enrolled as a resident student, whose parent, parents, or guardian have previously established a home in Nebraska, as documented through evidence such as that outlined in section 3b(1) above, shall continue to be classified as a resident for tuition purposes if the parent, parents, or guardian upon whom he or she remains dependent move from the state.
  - 3) There shall be no minimum period of residence for the parent or guardian under this section.

- c. A person of legal age who has established a home in Nebraska and is a dependent for federal income tax purposes of a parent or former legal guardian who has established a home in Nebraska.
  - 1) For the purposes of this section, an individual shall be required to present the following:
    - a) documentation that both he or she and the parent or former guardian have established a home in Nebraska. Such documentation shall be the same as that required under section 3b(1) above; and
    - b) documentation that he or she is, for federal income tax purposes, the dependent of the parent or former guardian for the most recent tax year.
  - 2) There shall be no minimum period of residence under this section.
- d. An individual who has married a resident of Nebraska.
  - 1) For the purpose of this section, an individual shall be required to verify that he or she is married to an individual who, prior to the marriage, had already established a home in Nebraska. Such verification shall consist of:
    - a) a valid marriage license; and
    - b) documentation of his or her spouse's Nebraska resident status, as required in section 3a above.
- e. An individual who has become a permanent resident alien of the United States or has been granted asylee or refugee status.
  - 1) For the purposes of this section, an individual will be required to present documentation that he or she:
    - a) has been a resident of the State of Nebraska for a period of at least 12 months, verified as required in section 3a(1) above; and
    - b) is a holder of a permanent resident alien, asylee, or refugee status.
- f. An individual who is a staff member or a dependent or spouse of a staff member of the University of Nebraska, one of the Nebraska state colleges, or one of the technical community college areas. For the purposes of this section, an individual will be required to verify that he or she is either: a permanent staff member holding at least a .5 FTE appointment at the University, one of the Nebraska state colleges, or one of the Nebraska community technical college areas; or the spouse or a dependent of such a staff member for federal income tax purposes.
- g. An individual on active duty with the armed services of the United States, and who has been assigned a permanent duty station in Nebraska, or a spouse or dependent of an individual who has been assigned a permanent duty station in Nebraska.
  - 1) An individual on active duty with the United States armed services will be granted resident tuition status if he or she verifies:
    - a) that he or she is on active duty with the armed forces; and
    - b) that his or her permanent duty station is in Nebraska.

2) An individual who is a spouse or a dependent of a person on active duty with the United States armed services will be granted resident tuition status if he or she verifies that he or she is a spouse or a dependent, for federal income tax purposes, of an individual meeting the qualifications outlined in section 3g(1) above.

3) There shall be no minimum period of residence under this section.

h. An individual who has established a home in Nebraska and is a graduate of an accredited Nebraska senior high school and was a legal resident of the state at the time of graduation.

1) For the purposes of this section, documentary proof of a Nebraska residence shall consist of:

a) documentation that the individual has established a home or residence in Nebraska; and

b) evidence such as that outlined in section 3a(1);

c) an official transcript from an accredited Nebraska senior high school indicating that the individual graduated from that school.

2) There shall be no minimum period of residence for the individual under this section.

i. An individual who has been enrolled at the University or one of the Nebraska state colleges as a resident student, shall be afforded that privilege during the balance of that and any subsequent enrollments at the University, provided the student is readmitted within a two year time period.

j. Members of Native American Tribes that are indigenous to or have historically migrated to or from the State of Nebraska.

k. Individuals who, because of their special talents and skills, were recruited to Nebraska for full-time employment in the state, or were transferred to Nebraska by a business entity, and the spouses or dependents of such individuals, shall be exempted from the 12-month domicile rule.

#### 4. Non-Residents Who Pay Nebraska Income Tax

Individuals who reside outside of Nebraska but pay Nebraska income tax, and the spouses or dependents of such individuals, are entitled to tuition credit upon documented evidence of such payment to the State. The tuition credit granted shall equal the amount of Nebraska income tax paid for the immediately preceding calendar year except that the remaining obligation cannot be less than the amount of the resident tuition.

#### 5. Affidavit

Individuals requesting resident tuition status shall be required to complete a notarized affidavit outlining the reasons under which they believe that they qualify and attesting to the accuracy of their statements. Completion of a falsified affidavit shall subject the individual to possible University disciplinary action.

#### 6. Appeals

An individual who believes that he or she has been incorrectly denied a resident tuition determination may appeal that decision through channels established by the Chancellor of the

campus where the adverse decision was made. The decision by the Chancellor or his or her designee shall be final in any such appeals.

#### 7. Severability

If any section of these regulations or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

#### 8. Implementation

This revised policy on residency determination for tuition purposes will become effective in the 1995-96 academic year.

**Reference:** BRUN, Minutes, 59, p. 56 (April 30, 1994).

#### **RP-5.7.2 Differentiated Graduate Tuition**

The tuition rate for graduate credit hours should be at a level that is approximately 25% above that charged for undergraduate credit hours.

**Reference:** BRUN, Minutes, 45, pp. 75-76 (October 17, 1980).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

#### **RP-5.7.3 Tuition Refund Schedule**

The tuition refund schedule throughout the University System is

All Students	Percent of Full Fee Due
First Week*	100%
Second Week	75%
Third Week	50%
Fourth Week	25%
Fifth Week	0%

\* In the event of withdrawal or cancellation the campuses may, at their option, refund all or a part of the pre-registration deposit.

**Reference:** BRUN, Minutes, 38, p. 108 (April 19, 1975).

#### **RP-5.7.4 Tuition Level Guidelines**

Guidelines for setting tuition levels throughout the University include

1. Tuition increases are to be considered when increases in educational costs justify such an increase or to address specific educational initiatives.
2. Tuition levels in the University of Nebraska should balance educational quality with access.
3. The tuition increase rates should take into account existing tuition levels and proposed increases at peer universities, including those of regional institutions.
4. Tuition rates should be set equitably among undergraduate, graduate, and professional students. Current policy that the graduate tuition level be at least 25% greater than the undergraduate level should continue.

5. The State of Nebraska should strive to maintain its current share of approximately 65%-70% of the cost of education for in-state undergraduate students. The student's share of the cost of education should be comparable to that of peer institutions.
6. Every effort should be made to ensure that need-based financial aid continues to be available as tuition is increased.
7. Nonresident students should pay a larger share of instructional costs than resident students, unless they are part of special programs such as the Midwest Compact program or a tuition waiver program.
8. Tuition levels should also take into account the need for access to members of under-represented racial/ethnic groups to enhance the cultural diversity of the University.

**Reference:** BRUN, Minutes, p. 217, (December 4, 1993).

#### **RP-5.7.5 Tuition Policy**

Tuition at the University of Nebraska should be set at a level that: (1) helps sustain and improve the quality of the University, (2) maintains access on the basis of academic qualifications rather than ability to pay, and (3) establishes a fair balance between student contributions to the cost of education and taxpayer support for the State's public university.

The University's budget for academic programs and other activities is supported by State tax revenues and tuition in a 3:1 ratio system-wide. Because of this relationship, tax support for the University directly affects tuition rates. Accordingly, the administration and the Board of Regents must carefully consider variations in general fund support when setting tuition.

The administration and the Board of Regents shall consider the general financial capabilities of Nebraska students and parents. The University should endeavor to keep tuition at a level that ensures access and affordability. Students should not be prohibited from attending the State's only public university because of inability to pay. Accordingly, the University shall increase the availability of financial aid based on financial need and academic merit through tuition and other revenue sources.

**Reference:** BRUN, Minutes, 60, p. 43 (June 10, 1995).

#### **RP-5.7.6 Tuition Policy for Distance Education For-Credit Hours**

The University of Nebraska is committed to making its educational programs available throughout the State, including access for those individuals who are unable to attend one of its campuses. Distance education (the for-credit course is delivered to the location of the student) must be part of the core mission of the University. On-campus tuition rates will be used for all credit courses whether offered on or off-campus. In addition, distance education courses should be subsidized to the same extent as all on-campus courses.

In the case of out-of-state students, tuition should be determined by market conditions, but will never be lower than the on-campus tuition. The only exceptions are markets where there are existing agreements. In general, the State should not provide a subsidy for out-of-state students.

**Reference:** BRUN, Minutes, 62, p. 74 (October 23, 1998).

## **RP-5.8 Student Financial Aid**

### **RP-5.8.1 Use of “Fellow” and “Scholar”**

The terms “fellow” and “scholar” are reserved for those honorary appointments that require no service to the University; grants-in-aid to graduate students requiring no service are termed “fellowships,” and grants-in-aid to undergraduate students requiring no service are termed “scholarships.”

Appointments requiring service are termed “graduate assistantships” or “student assistantships.”

These definitions do not apply to UNMC.

**Reference:** BRUN, Minutes, 16, pp. 198-199 (April 20, 1944).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

### **RP-5.8.2 Tuition Remission — Graduate Assistants**

The tuition remission program provides for the exemption of tuition for nine credit hours per semester of instruction for all graduate assistants having appointments of one-third or more FTE.

**Reference:** BRUN, Minutes, 45, pp. 6-8 (October 17, 1980).

### **RP-5.8.3 Tuition Scholarships for Non-Residents**

Tuition scholarships for an amount up to the difference between resident and nonresident tuition may be awarded to selected students who are not residents of Nebraska. The number of students receiving tuition scholarships under this competitive program shall be determined at each campus by the Chancellor.

The following students, having met all other requirements for admission, will be eligible for consideration for such tuition scholarships under this program:

1. Undergraduate
  - a. Entering freshmen who ranked in the upper 25 percent of their high school class, or who scored 23 or more on the ACT, or 970 or more on the SAT;
  - b. Transferring students who have a cumulative grade point average (GPA) of 3.00 (out of a maximum of 4.00);
  - c. Students who enter the program according to the above criteria and continue in good academic standing;
  - d. Underrepresented minorities or individuals with special talents.
2. Graduate and Professional
  - a. Entering graduate and professional students who have a cumulative GPA of 3.00 for all previous work attempted at all colleges attended prior to enrollment at the University of Nebraska;
  - b. Students who enter the program according to the above criterion and continue in good academic standing;

- c. Underrepresented minorities or individuals with special talents.

**Reference:** BRUN, Minutes, 59, p. 56 (April 30, 1994).

#### **RP-5.8.4 Rules for Granting of Nonresident Tuition Scholarships to Children of Alumni of the University**

##### 1. Statement of Purpose.

The Board of Regents has made recruitment of students a high priority for the University, and has emphasized the need to also achieve greater cultural diversity among students on the campuses of the University. The recruitment of nonresident students will help to enhance cultural diversity among students. In particular, the recruitment of nonresident children of alumni will complement the Regents' desire to increase cultural diversity, and at the same time will foster stronger alumni relations.

Neb. Rev. Stat. § 85-504 authorizes the Regents to adopt rules for the waiving of nonresident tuition to students on the basis of scholarship.

Based upon the forgoing, the Board of Regents hereby establishes these rules for waiving of undergraduate nonresident tuition for nonresident children of alumni of the University.

##### 2. Definitions. For the purposes of these rules the following definitions shall apply.

- (a) "Alumnus of the University" shall mean any person who has been awarded a baccalaureate degree or a graduate or professional degree from the University of Nebraska.
- (b) "Child of an alumnus" shall mean any person who is a natural born child or legally adopted child of an alumnus of the University.

##### 3. Waiver of Undergraduate Nonresident Tuition for Children of Alumni.

Nonresident tuition shall be waived for any undergraduate nonresident student of the University who is a child of an alumnus and who meets one of the following scholarship eligibility standards.

- (a) For a student entering the University from high school to qualify during the first four semesters of attendance and any two summer sessions following any of the first four semesters of attendance, the student must (i) rank in the upper one-third of his or her graduating class in high school, or (ii) have earned an ACT composite score of 24 or higher, or (iii) have earned an SAT total score of 1100 or higher. For the student to continue to qualify during the fifth through the eighth semesters of attendance and any two summers sessions following any of the fifth through the eighth semesters of attendance, the student must have achieved and maintained a cumulative grade point average of 3.0 or better.
- (b) For a student first entering the University as a transfer student prior to completion of the first two years of his or her undergraduate education to qualify during the remainder of the first two years and any summer session following either the first or second year of his or her undergraduate education, the student must (i) rank in the upper one-third of his or her graduating class in high school, or (ii) have earned an ACT composite score of 24 or higher, or (iii) have earned an SAT total score of 1100 or higher, and the student must have achieved a cumulative grade point average of 3.0 or better in all undergraduate course work at all institutions of postsecondary education he or she has previously attended. For the student to continue to qualify during the four semesters after the first two years of his or her undergraduate education and any two summers sessions following any of the four semesters after the first two years of his or her undergraduate education, the student must continue to maintain a cumulative grade point average of 3.0 or better.



- (c) For a student first entering the University as a transfer student after completion of the first two years of undergraduate education to qualify during the remainder of the third and fourth years of his or her undergraduate education and any summer session following either the third or fourth year of his or her undergraduate education, the student must have achieved a cumulative grade point average of 3.0 or better in all undergraduate course work at all institutions of postsecondary education he or she has previously attended and continue to maintain a cumulative grade point average of 3.0 or better for course work completed at the University of Nebraska.

After completion of the time periods specified above in these rules for eligibility for waiver of nonresident tuition, if the student is still a nonresident of Nebraska, he or she will be no longer be eligible for waiver of nonresident tuition under these rules.

These rules shall take effect at the beginning of the 2003-2004 academic year and shall apply only to undergraduate nonresident students first entering the University at the beginning of the 2003-2004 academic year and thereafter.

**Reference:** BRUN, Minutes, 64, p. 36 (June 1, 2002).

#### **RP-5.8.5 Undergraduate Regents Scholarships\***

##### 1. Criteria for Renewal

- a. Regents Scholarships may be awarded as one-year scholarships or as multi-year renewable scholarships.
- b. Multi-year Regents Scholarships will be renewed for those full time students (successfully completing 12 credit hours or more in each of fall and spring semesters, including nine or more hours graded on the regular A+ through F scale [i.e. not counting P/NP or P/F]) who:

EITHER

- 1) Have maintained a cumulative GPA that meets or exceeds a GPA chosen by their campus (in the range of 3.25 - 3.5)

OR

- 2) Have a percentile rank in their College that is at or above the equivalent campus-wide percentile rank derived from the campus GPA referred to in 1) above. (This rank is expected to be in the range of 70th to 75th percentile.)
- c. Students who receive Regents scholarships will receive tuition remission for a total of 135 hours of classes, or for a period of five years, or until receipt of a bachelors degree, whichever comes first.
- d. Each campus will have a process that will allow students to appeal a decision not to renew their Regents Scholarship. A campus may permit a student who loses a Regents Scholarship to petition to reacquire it once, on the occasion when their cumulative GPA has risen to the level required for renewal for current scholarship holders.

##### 2. Transfer of Regents Scholarships Between Campuses

- a. The recipient must use the award at the original awarding campus for the first academic year.
- b. The recipient must meet the criteria for continuation of the award at the original awarding campus to qualify for transferring the award.

- c. The discipline (degree objective) sought by the recipient must not be available at the original awarding campus.
- d. An award can transfer only one time and only for one academic year. The amount that can transfer is the lesser of:
  - 1) An amount equal to the dollar level based on credit hours the recipient completed the preceding academic year (two semesters) calculated at the tuition rate of the original awarding campus for the new academic year.

OR

- 2) An amount equal to the dollar level based on the number of hours required to attain the 135 hour maximum calculated at the tuition rate of the original awarding campus for the new academic year.
- e. The original awarding campus must approve and transfer funds to the new campus. The new campus may choose to supplement a transfer award up to full tuition, unless the full tuition is less at the new campus.
- f. The recipient of a transfer award must meet eligibility requirements of the new campus to continue the award for a subsequent academic year.
- g. Specific cases of hardship or exception to these transfer policies will be considered on an individual basis by the appropriate campus officers.

\*Professional and Graduate Regents Scholarships will be determined by each campus.

**Reference:** BRUN, Minutes, 64, p. 87 (January 18, 2003).

### **RP-5.9 Student Fees**

#### **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.<sup>1</sup>

##### 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.<sup>2</sup>

### 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.<sup>3</sup>
- e. Redistribution of Fund A monies among major categories within the student programming organizations may be accomplished only with the approval of the cognizant Chancellor.

### 4. Annual Referenda on Fund A Expenditures

- a. Any student government desiring to expend funds for, or allocate funds to, the support of a student newspaper, a speakers program, or salaries for student government officers, must first obtain, prior to the beginning of each fiscal year in which such expenditures are to be made, and in the manner set forth below, the authorization of the student electorate on that campus to do so.
  - 1) Said authorization may only be obtained through a referendum conducted among the body of students on a particular campus eligible to vote in student government elections on that campus, in which one or more of the following three questions shall be explicitly posed:
    - a) Do you approve the allocation by student government of a part of student fee income in support of the (name of newspaper) during the 19\_\_-\_\_ fiscal year?
    - b) Do you approve the allocation by student government of a part of student fee income in support of a campus speakers program during the 19\_\_-\_\_ fiscal year?

c) Do you approve the allocation by student government of a part of student fee income for salaries for student government officers during the 19\_\_-\_\_ fiscal year?

- 2) Authorization for one year only for any particular one of the questions in 4a(1) above shall be deemed to have been obtained if, and only if, a majority of the students voting in said referendum vote to approve that particular question.
- 3) Prior to said referendum, the student government on the campus on which the said referendum is to be held shall widely publicize the total proposed dollar allocations, as well as the pro rata dollar amounts attributable to each student, for each of said specific expenditure areas for which said student government is seeking authorization.<sup>4</sup>

#### 5. Refunds of Fund A UPFF

All students eligible to vote in student government elections shall pay the established Fund A student fee on their respective campuses at the beginning of each academic term. 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.<sup>4</sup>

#### 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); 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.<sup>6</sup>

- Reference:**   <sup>1</sup>BRUN, Minutes, 36, p. 133 (July 14, 1973).  
                  <sup>2</sup>BRUN, Minutes, 41, p. 156-157, 161 (February 18, 1978).  
                  <sup>3</sup>BRUN, Minutes, 43, p. 127 (June 23, 1979).  
                  <sup>4</sup>BRUN, Minutes, 44, p. 241-242 (May 17, 1980).  
                  BRUN, Minutes, 41, p. 156-157 (February 18, 1978).  
                  <sup>6</sup>BRUN, Minutes, 41, p. 156-157 (February 18, 1978).  
                  BRUN, Minutes, 56, p. 149 (September 6, 1991).  
                  BRUN, Minutes, 61, p. 79 (October 17, 1997).  
                  BRUN, Minutes, 64, p. 103 (April 26, 2003).

### **RP-5.9.2 Miscellaneous Fees**

The Chancellors are authorized to establish and provide for the assessment and collection of miscellaneous student fees, other than UPPF and laboratory fees. All changes in miscellaneous student fees will be coordinated with the Vice President for Business and Finance in order to assure consistency.

A miscellaneous student fee is defined as a charge made to students incidental to the providing of instruction. Examples of fees included within this category are application fees, transcript fees, teacher placement fees, special instructional fees, late payment fees, and returned check fees.

- Reference:**   BRUN, Minutes, 47, p. 152 (July 24, 1982).

### **RP-5.9.3 Reporting of Laboratory Fees**

The Chancellors shall have authority to establish and provide for the assessment, collection, and ultimate distribution of "laboratory fees" within the major administrative units for which they are respectively responsible. A laboratory 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. Prior to the beginning of each academic year, each Chancellor shall provide a descriptive list of all laboratory fees which will be assessed students enrolled in laboratory courses or courses containing laboratory sections for inclusion in the Regents Handbook. Only laboratory fees that are adjusted are to be reported annually to the Board of Regents. A list of all laboratory fees will be published in the schedule of classes which is provided to students prior to the time that they register for classes.

- Reference:**   BRUN, Minutes, 45, p. 96 (February 21, 1981).  
                  BRUN, Minutes, 54, p. 26 (July 22, 1989).  
                  BRUN, Minutes, 56, p. 149 (September 6, 1991).

# **Chapter 6. Business and Financial Management**

## **RP-6.1 Claims**

### **RP-6.1.1 Not Currently Used**

### **RP-6.1.2 Travel Reimbursement — Overseas Travel**

University of Nebraska personnel participating in overseas projects are reimbursed for expenses on a per diem basis. The per diem rate for the countries involved will be within the guidelines established by the U.S. Government for U.S. Government-funded contracts and/or grant-supported projects.

**Reference:** BRUN, Minutes, 41, p. 217 (April 22, 1978).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

### **RP-6.1.3 Approval of Veterinary Diagnostic Laboratory Fees**

The Fee Schedule for the Veterinary Diagnostic Laboratories, IANR, will be subject to annual review and necessary approval by the Vice Chancellor for Agriculture and Natural Resources.

**Reference:** BRUN, Minutes, 48, p. 182 (June 4, 1983).

## **RP-6.2 Property**

### **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., Section 73-101 et seq. relating to Public Lettings.

#### 2. Purpose

The purpose of this policy is to provide uniform general purchasing guidelines for the major administrative units of 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, 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 person, firm, partnership, association, corporation or other entity with whom the University has entered into a contract to (a) provide any article or service, or (b) provide any labor, materials or equipment for the construction, maintenance, repair, remodeling, renovation, renewal or demolition of any University building or other improvement to real property.
- 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 competitive bidding would eliminate the cost savings.
- e. Major Administrative Unit. Major administrative unit shall mean the University of Nebraska-Lincoln, the University of Nebraska Medical Center, or the University of Nebraska at Omaha, or the University of Nebraska at Kearney.
- f. Principal Business Officer. Principal business officer shall mean the Vice Chancellor for Business and Finance of a major administrative unit or the Vice President for Business and Finance when acting on behalf of the Central Administration.
- g. Professional Service. Professional service shall mean and include (a) any type of service which requires a license or other legal authorization as a condition precedent to the rendering of the service, or (b) any other type of service commonly recognized as a professional service, including, but not limited to, personnel, financial, computing, management, marketing, educational program planning or evaluation, facilities planning or evaluation, insurance and risk management, or travel agency services.
- h. Purchase. Purchase shall mean the process of (a) acquisition of any article by the University by transfer of ownership or by lease for a stated consideration paid to a contractor or vendor, (b) contracting for any service, including any professional service, to be provided by any person, firm, partnership, association, corporation or other entity for a stated consideration, or (c) contracting for any labor, material or equipment for construction, repair, alteration, remodeling, renovation or demolition of any University building or other improvement to real property to be provided by a contractor for a stated consideration.
- i. Requesting Unit. Requesting unit shall mean any college, school, department, division, office, or other administrative subdivision within the University which requests a purchase.
- j. Sole Source Purchase. Sole source purchase shall mean any purchase made from only a single contractor or vendor without competitive bidding.
- k. Vendor. Vendor shall mean any person, firm, partnership, association, corporation or other entity furnishing an article or service to the University.

#### 5. Purchasing Officers; Duties Enumerated

Each major administrative unit shall have a purchasing officer. Each purchasing officer shall be responsible for performance of the following specific duties as well as other duties as may be assigned by the principal business officer or his or her designee:

- a. Comply with and enforce purchasing policies and procedures established by law or the Board of Regents;

- b. Establish policies and procedures supplemental to and in conformity with this policy. In the interest of predictability and coordination of purchasing, any such policies and procedures shall be compatible with those of the other major administrative units insofar as appropriate, allowing however for any unique needs of a particular major administrative unit;
- c. Accomplish all purchasing functions for the major administrative unit, including the processing of purchase orders, contracts, leases and other purchasing instruments as authorized and directed by the principal business officer;
- d. Apply and enforce standards and specifications required by Section 6 of this policy;
- e. Determine the utility, quality fitness and suitability of all articles purchased recognizing expertise of users in the requesting unit; and
- f. Conduct purchasing operations in accordance with the Professional Code of Ethics as set forth by the National Association of Educational Buyers and the National Association of Purchasing Management so far as the same are consistent with this policy.

## 6. Specifications

- a. Any purchase where competitive bidding is required by this policy shall be made on the basis of written specifications which shall be developed by the requesting unit, the purchasing officer, and/or the appropriate academic/administrative authority. All specifications shall be prepared in a manner designed to attract maximum competitive bidding within the standards of quality appropriate for intended use. Restrictive sole source proprietary specifications shall not be used, except in cases of emergency or in cases involving the purchase of unique or non-competitive articles or services. Each request for a sole source purchase shall be accompanied by written justification from the requesting unit. Each sole source purchase must have prior written approval by the principal business officer.
- b. The Vice President for Business and Finance shall coordinate the establishment and maintenance of uniform standards and specifications for purchases by the University.

## 7. Competitive Bidding

- a. Except as otherwise provided in this purchasing policy, any purchase committing the University to an expenditure of \$40,000 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. In determining the lowest responsible bidder, 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 7.c);
  - 5) Previous and existing compliance by the bidder with laws relating to the contract;



- 6) The life-cost of an article in relation to its purchase price and specific use by the University (see also Section 7.f);
  - 7) The performance of an article, taking into consideration any commonly accepted tests and standards of product usability and user requirements;
  - 8) Energy efficiency ratio as stated by the bidder for alternative choices of appliances or equipment;
  - 9) Such other information as may be secured having a bearing on the decision to award the contract.
- b. The University shall always have the right to reject any or all bids received. Further, the University may waive any informality or irregularity in any bid which does not materially affect the integrity or effectiveness of the competitive bidding process. In any case where competitive bids are required and all bids are rejected, but the proposed purchase is not abandoned, new bids shall be called for as in the first instance. The University reserves the right in all circumstances to analyze bids in detail and to award contracts which in the exercise of reasonable discretion the University believes to be in its best interest.
  - c. The University may reject the bid of any bidder who has (a) failed to perform a previous contract with the University, (b) failed to provide any required bid security, or (c) submitted a bid which is in any way incomplete, irregular, or not responsive to specifications.
  - d. A minimum of fifteen (15) days shall elapse between the time formal bids are advertised or called for and the time of their opening; provided, however, the Principal Business Officer may shorten this time period in cases of emergency.
  - e. Competitive bidding shall not be required for the following types of purchases:
    - 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. (See also Section 6.a 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 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) Contracts on capital construction projects (a) for the services of a construction manager who may or may not at the discretion of the University also be engaged on the project as the general contractor or (b) for the services of a design/build contractor who will be engaged on the project to furnish design services by a qualified architect or engineer and to provide general contractor services; provided, the contracts shall be awarded in accordance with Board of Regents Policy RP-6.3.7.

7) Purchases, buildings and other improvements costing less than forty thousand dollars (\$40,000).

f. When required by the University, each bidder will furnish life-cycle costs between alternatives for all classes of equipment, evidence of expected life, repair and maintenance costs, and energy consumption on a per-year basis. Where life-cost of an article is intended to be a factor in selection of the lowest responsible bidder, that factor shall be clearly stated in the invitation to bidders or in the specifications, or both.

#### 8. Purchasing Disputes

Any disagreement between a requesting unit and the purchasing officer concerning specifications, responsiveness of bids to specifications, vendor performance, and other matters relating to purchasing activities shall be referred to the principal business officer for resolution.

#### 9. Purchases in the Name of the Board of Regents; Authority to Obligate University Funds

All purchases shall be in the name of the Board of Regents of the University of Nebraska for and on behalf of the major administrative unit making the purchase. No commitment of University funds shall be made except by means of an official University purchase order or contract approved by the appropriate administrative officer or his or her designee in accord with Section 6.4 of the Bylaws and the policies of the Board of Regents relating to authority to execute contracts.

#### 10. Campus Purchasing Policies and Procedures

Each principal business officer may establish campus purchasing policies and procedures which are supplemental to and consistent with this purchasing policy. Nothing herein shall be construed to prohibit a principal business officer from establishing campus purchasing policies and procedures which are more restrictive than this purchasing policy.

#### 11. Resident Bidder Preference

In accordance with the provisions of Neb. Rev. Stat., 73-101.01, when a University contract is to be awarded to the lowest responsible bidder, a resident bidder shall be allowed a preference over a non-resident bidder from a state which gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the non-resident bidder. Resident bidder as used in this section shall mean any person, partnership, association, or foreign or domestic corporation authorized to engage in business in the State of Nebraska and who shall have met the residency requirement of the state of the non-resident bidder, necessary for receiving the benefit of that state's preference law on the date when any bid for public contract is first advertised or announced, or shall have had a bona fide establishment for doing business within this state for the length of time established by the state of the 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 withheld because of the provisions of this section.

#### 12. Financial or Beneficial Personal Interest Forbidden; Gift and Rebates Prohibited

- a. No officer or employee of the University involved in an advisory or decision-making capacity relating to any University purchase and no member of his or her immediate family shall be financially interested, or have any beneficial personal interest, either directly or indirectly, in such purchase, or in any bidder, contractor, lessor or vendor for such purchase. No such officer or employee or member of his or her immediate family shall receive or accept, either directly or indirectly, by rebate, gift or otherwise, any money or other thing of value whatsoever, or any promise, obligation or contract for future reward or compensation from any person, firm, corporation or other entity which has submitted or intends to submit a bid or proposal in connection with any University purchase or which has otherwise been contacted by the University relating to a proposed University purchase.
- b. No purchasing officer or any member of his or her immediate family shall have any direct or indirect financial interest in any person, partnership, firm, association, corporation or other vendor, or any agent or representative thereof, from or through whom the purchasing officer shall make any purchase or contract for a purchase on behalf of the University.
- c. Violation of either Section 13.a or Section 13.b shall constitute adequate cause for immediate suspension or dismissal from University employment.

#### 13. Purchases Involving University Personnel; Purchases for Personal Use Prohibited

- a. No article or service shall be purchased from any University faculty or staff member without prior approval by the principal business officer, and any such purchase approved by the principal business officer shall comply fully with the requirements of the conflict of interest provisions of the Nebraska Political Accountability and Disclosure Act, Neb. Rev. Stat., Section 49-1493 through 49-14,104.
- b. University funds shall not be expended for articles or services which are for the personal use of staff or faculty members.

#### 14. Ownership and Control of University Property

- a. Title and all rights of ownership to all property purchased with University funds shall vest in the University, except for property purchased in accordance with specially donated or restricted funds providing for other ownership.
- b. University property may be reassigned for use by other units within the University in the event it is no longer being utilized by the unit in possession.

#### 15. Reports

Each principal business officer or the Vice President of Business and Finance shall immediately notify the Corporation Secretary 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).  
BRUN, Minutes, 62, p. 111 (May 1, 1999).  
BRUN, Minutes, 63, p. 91 (November 3, 2000).  
BRUN, Minutes, 63, p. 125 (March 3, 2001).

## **RP-6.2.2 Disposal of Personal Property**

### 1. Policy References

- a. Neb. Rev. Stat. Section 85-105, relating to Board of Regents' authority to dispose of personal property.
- b. Bylaws of the Board of Regents of the University of Nebraska, Sections 6.3, 6.4 and 6.5, relating to personal property, contracts and the use of property.
- c. BRUN Minutes, 51, p. 138, (November 15, 1985) Policy for Authority to Execute Contracts.
- d. BRUN Minutes, 51, p. 138 (November 15, 1985) Purchasing Policy.

### 2. Purpose

The purpose of this policy is to provide a uniform and equitable University-wide procedure for the disposal of excess or surplus personal property.

### 3. Applicability

This policy shall apply to the disposal of personal property, except for personal property being disposed of as a trade in on the purchase of other like personal property. This policy shall not apply to the disposal of real property.

### 4. Definitions

- a. Excess or Surplus Personal Property. Excess or surplus personal property shall mean usable or nonusable property which has been declared excess to the needs of an administrative unit of the University.
- b. Administrative Unit. Administrative unit shall mean the Central Administration (Systems Office), the University of Nebraska-Lincoln, the University of Nebraska Medical Center, the University of Nebraska at Omaha, and the University of Nebraska at Kearney.
- c. Personal Property. For the purposes of this policy the term personal property refers to movable equipment and/or fixtures with a value of \$500.00 or more and a useful life of over one year. Without limiting the generality of the foregoing, fixtures shall include, but not be limited to, chillers, boilers, transformers, special purpose equipment, research equipment and electronic equipment.
- d. Principal Business Officer. Principal business officer shall mean the Vice Chancellor for Business and Finance of a campus or the Vice President for Business and Finance of the Central Administration.

## 5. Policy for the Disposal of Personal Property

- a. **Federal Property.** Some Federal grants or contracts may require that funds from the sale of equipment originally purchased in support of the grant or contract be returned to the Federal Government. Items in this category will be handled on an individual basis in cooperation with the applicable campus grants office. Disposal of other Federal property will be in accordance with Section 5.b through 5.c below.
- b. **Sale or Assignment of Surplus Personal Property in the University.** An administrative unit may sell or reassign surplus personal property to one of its internal units. If the property is excess to the administrative unit's needs, the principal business officer or his or her representative should attempt to sell or reassign the property to other administrative units of the University.
- c. **Sale of Surplus Personal Property to Other Agencies of State Government.** In the event any surplus property is not needed for use by the University, the principal business officer or his or her representative shall provide a listing with the estimated sale price to other agencies of State government. Sale will be on a first come first serve basis. If, after a reasonable period of time the University fails to receive an offer from any agency of State government, the administrative unit may proceed with general sale or disposal.
- d. **General Sale or Disposal of Surplus Personal Property.** If neither the University nor other agencies of the State have a need for the property, the principal business officer or his or her representative may then sell or dispose of such property by such method as is to the best advantage of the University. Normally sale or disposal will be by auction, sealed bid public sale, or exchange for other property. Priority shall be given to other political subdivisions of State government in the disposal or sale of personal property.
- e. **Serviceable Vehicles and Farm Equipment.** University vehicles or farm equipment may be disposed of by auction or sealed bids after appropriate advertisement. Vehicles and farm equipment also may be disposed of through the Materiel Division of the State Department of Administrative Services.
- f. **Livestock and Farm Products.** Livestock and farm products excess to the needs of the University may be disposed of by auction, livestock or farm product sales, or in whatever manner would best serve the interests of the University.

## 6. Pricing Practices

The sale price of surplus property shall be the highest bid price if sold by public auction or sealed bid public sale, or the reasonable market value if no bid is involved.

## 7. Disposal of Scrap or Salvage Personal Property

Any surplus property which a principal business officer or his or her representative determines to have no value, except as scrap or salvage material, may be disposed of by salvage or scrap contract or in whatever manner best serves the interests of the University.

## 8. Expense of Disposing of Personal Property

The expense of selling surplus personal property shall be deducted from the proceeds of the property being sold.

9. Personal Property Proceeds Account(s)

There shall be established for each administrative unit appropriate University account(s) for the deposit of proceeds from the disposal of personal property. Such account(s) will be accounted for in the current fund group of accounts.

10. Sale to University Personnel

In accomplishing any sale or disposal of surplus property under the provisions of this policy, no preference will be given to University personnel.

11. Board Approval

Notwithstanding any of the foregoing provisions of this policy to the contrary, no single item or identical items of personal property having an estimated market value in excess of \$100,000.00 shall be sold without prior approval by the Board of Regents. All sales shall be made in the name of the Board of Regents.

12. Responsibility and Accountability

The Vice President for Business and Finance and the principal business officers shall be responsible for the administration and the development of procedures for implementation of this policy and in addition, develop and implement procedures for the disposition of surplus property of less than \$500 in value to assure the best interests of the University are being served.

13. Prior Policy Repealed

Paragraph VII of the February 1977 Purchasing Policy dealing with the Disposition of University Property was repealed by the Purchasing Policy approved by the Board of Regents November 15, 1985.

**Reference:** BRUN, Minutes, 52, p. 177, (April 11, 1987).

**RP-6.2.3 Acquisition and Disposal of Real Property**

1. Policy References

- a. Neb. Rev. Stat., Section 85-105 relating to Board of Regents authority to acquire and dispose of real property.
- b. Neb. Rev. Stat., Sections 85-133, 25-2501 through 25-2506, 76-701 through 76-726, and 76-1214 through 76-1242, relating to acquisition of real property by exercise of the power of eminent domain and assistance to be provided to persons displaced by publicly-financed projects.
- c. Section 2.4 of the Bylaws of the Board of Regents of the University of Nebraska relating to administration of real property.
- d. RP-6.3.1, Administrative Approval of University Contracts.
- e. BRUN Minutes, Volume 49, p. 12, (October 21, 1983), relating to relocation assistance.

## 2. Purpose

The purpose of this policy is to establish uniform guidelines and procedures to ensure that acquisition of and disposal of real property by the University is in compliance with applicable law and policies of the Board of Regents and to reduce the risk of liability by conducting an environmental site assessment prior to the acquisition of real property.

## 3. Definitions

- a. Real Property. The term real property shall be construed as coextensive in meaning with land and shall include any right, title, or interest in land or in any building, structure, or other improvement permanently affixed to land.
- b. Acquisition of Real Property. The term acquisition of real property shall mean the acquisition of any interest in real property, but shall not include any leasehold interest or easement approved pursuant to the President's administrative authority as provided in paragraph 4 of RP-6.3.1.
- c. Administrative Unit. Administrative unit shall mean Central Administration (Systems Office), the University of Nebraska-Lincoln, the University of Nebraska Medical Center, the University of Nebraska at Kearney, and the University of Nebraska at Omaha.
- d. Contract. Contract shall mean any written agreement entered into by or on behalf of the Board of Regents of the University of Nebraska with another party or parties, whereby, for a stated consideration, the University will acquire ownership or transfer ownership of any interest in real property.
- e. Principal Business Officer. Principal business officer shall mean the Vice Chancellor for Business and Finance of a major administrative unit or the Vice President for Business and Finance for the Central Administration.
- f. Disposal of Real Property. The term disposal of real property shall mean the transfer of ownership of any interest in real property from the Board of Regents of the University to another party or parties, but shall not include the granting of any leasehold interest or easement approved pursuant to the President's administrative authority as provided in paragraph 4 of RP-6.3.1.
- g. Emergency. Emergency shall mean any situation where it is necessary for the University to acquire or dispose of real property in order 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 to (c) obtain cost savings for the University.
- h. Environmental Site Assessment. Environmental site assessment shall mean the process to determine if real property, including improvements, is subject to recognized environmental conditions.

## 4. Policy for the Acquisition of Real Property

- a. Acquisition in the Name of the Board of Regents. All real property acquired by the University or any unit or subdivision thereof shall be acquired in the name of The Board of Regents of the University of Nebraska.
- b. Appraisal. An appraisal by a qualified real estate appraiser concerning the fair and reasonable market value of property proposed for acquisition shall be prepared with results presented to the Board in closed session. The Board in its discretion may waive the requirement for an appraisal.

- c. Report on Need for Acquisition. When a need for real property is identified a written report shall be made to the Board of Regents which shall include: (a) justification of need, (b) the legal description of the property, (c) a general description of any buildings and other improvements located on the property, (d) a summary of the past and present use of the property, (e) the land use zoning of the property, if any, (f) the estimated value of the property, (g) a summary of the environmental site assessment conducted of the property as provided in paragraph 5, below, and (h) the impact, if any, on any applicable campus master site plan.
  - d. Approval by Board of Regents Required. Any proposed acquisition of real property shall be submitted to the Board for approval and shall include the elements included in Paragraph 4.c above. Funds of the University shall not be committed or paid out for acquisition of real property and no contract relating thereto may be executed for or on behalf of the Board of Regents until the acquisition shall have been approved by the Board of Regents.
  - e. General Counsel Approval of Instruments. All contracts, deeds, leases and other instruments for acquisition of real property shall be approved by the Office of the General Counsel as to form and legality prior to execution of the same on behalf of the Board of Regents.
  - f. Eminent Domain; General Counsel Responsibility. In the event any real property is proposed for acquisition through exercise of the Board of Regents' power of eminent domain, the Office of the General Counsel shall have responsibility for any such acquisition and compliance with statutory requirements for notice, hearing, good faith negotiations and, if necessary, commencement of eminent domain proceedings.
  - g. Relocation Assistance. The principal business officer of the administrative unit involved in any real property acquisition shall, with assistance from the General Counsel, be responsible for compliance with all laws and University regulations relating to relocation assistance to persons to be displaced as result of University real property acquisition.
5. Environmental Review Policy for the Acquisition of Real Property
- a. An environmental site assessment (ESA) shall be conducted within six months prior to the acquisition of real property, including real property acquired by donation or bequest.
    - 1) Acquisitions of residential and vacant/unoccupied lands shall, at a minimum, use the American Society for Testing and Materials (ASTM) Standard ESA transaction screen process E-1528.
    - 2) Acquisition of commercial and industrial sites shall, at a minimum, use the ASTM Standard Phase I ESA process E-1527, and shall include a review of any permits, licenses, notices of violation or consent agreements issued pursuant to environmental laws and regulations.
    - 3) Investigation of other environmental issues or conditions beyond the scope of the ASTM Standards, e.g. asbestos-containing materials, lead based-paint, lead in drinking water, wetlands, and biological or radiation contamination, may be required but shall be determined and performed on a property-by-property basis.
  - b. The review process for the ESA shall be coordinated by the principal business officer of the administrative unit acquiring the real property.
    - 1) The ESA process E-1528 shall be performed by either an environmental consultant or by a University employee trained to conduct an ESA; but the ESA process E-1527 shall only be performed by an environmental consultant.



- 2) All costs of the ESA shall be paid by the administrative unit acquiring the real property as part of the acquisition process.
- 3) The ESA report shall be reviewed by the Office of General Counsel and the principal business officer of the administrative unit.
- 4) A decision to: (a) conduct any further assessment, (b) reject the property, or (c) acquire the property with identified risks, subject to Board approval, shall be made by the principal business officer of the administrative unit after consulting with the Office of General Counsel. If environmental risks exist, consideration shall be given to assuming the risks, mitigating the risks by the grantor prior to acquisition, or requiring indemnification by the grantor.

c. Steps in the ESA Process

- 1) If the transaction screen ESA indicates areas of concern, the property may (a) be rejected, (b) be acquired with the identified risks, or (c) be subject to further investigation in the form of a Phase I, II or III ESA.
- 2) If the Phase I ESA indicates areas of concern, the property may (a) be rejected, (b) be acquired with the identified risks, or (c) be subject to further investigation in the form of a Phase II or III ESA.
- 3) If the Phase II ESA indicates areas of concern, the property may: (a) be rejected, (b) be acquired with the identified risks, or (c) be subject to further investigation in the form of a Phase III ESA. The Phase II ESA shall follow good commercial and customary practice and should include an extensive review of prior uses of the land, an examination and physical sampling of the property, and the testing of samples collected.
- 4) If the Phase III ESA identifies unacceptable contamination, the property may: (a) be rejected or (b) be acquired with the identified risks. The Phase III ESA shall follow good commercial and customary practice and should include extensive physical sampling of the property, testing of samples, estimates of the extent of contamination, and estimates of the total cost to clean up the property.

6. Policy for the Disposal of Real Property

- a. Report on Disposal. When real property of the University becomes excess to the needs of an administrative unit, a written report shall be made to the Board of Regents which shall include: (a) justification, and need for disposal, (b) the legal description of the property, (c) a general description of any buildings and other improvements located on the property, (d) a summary of the past and present use of the property, (e) the land use zoning of the property, if any, (f) the estimated value of the property, and (g) the impact, if any, on any applicable campus master site plan.
- b. Appraisal. An appraisal by a qualified real estate appraiser concerning the fair and reasonable market value of the property proposed for disposal shall be prepared and presented to the Board in closed session. The Board in its discretion may waive the requirement for an appraisal.
- c. Approval by Board of Regents Required. Any proposed disposal of real property shall be submitted to the Board for approval and shall include the elements included in Paragraph 5.a above. No instrument disposing of real property owned by the University shall be executed until such disposal has been approved by the Board of Regents.

- d. Buildings of the University; Legislative Approval Required. Whenever the Board of Regents shall have approved the sale of any real property upon which buildings of the University are located, no instrument disposing of such property shall be executed until disposal thereof has also been approved by the Legislature as required by Neb. Rev. Stat., Section 85-105.
- e. Public Auction or Public Sale. Unless the means for disposal is otherwise provided by the Board of Regents, disposal of real property shall be by public auction or by sealed bid public sale, except where disposal shall be to the State of Nebraska or to any agency or political subdivision thereof. Any such auction or sale shall be advertised at least once per week for three successive weeks in advance of the sale or auction in at least one newspaper having general circulation in the county where the real property is located. The University shall always reserve the right to reject any and all bids at any public auction or sealed bid public sale.
- f. Real Estate Disposal Proceeds Account(s). There shall be established for each major administrative unit appropriate University account(s) for the deposit of proceeds from the disposal of real estate. This account(s) will be accounted for in the plant fund group of accounts. Proceeds may be expended for purposes authorized by the Board of Regents.
- g. General Counsel Approval of Instruments. All instruments relating to the disposal of real property of the University shall be approved by the Office of the General Counsel as to form and legality prior to execution of the same on behalf of the Board of Regents.

#### 7. Recording, Custody, Storage and Release of Real Property Instruments

- a. Recording. All deeds, and other instruments as appropriate, will be recorded in the appropriate county as soon as practical after receipt.
- b. Custody, Filing and Storage. Abstracts of title and other real property instruments of all administrative units will be filed and stored under the custody and control of the Corporation Secretary in the University's central depository located at the UNL Physical Plant. The Corporation Secretary through the UNL Business Manager will log all abstracts of title and other real property instruments into a master property register and then file and store the same in the University's central depository.
- c. Release. Originals of abstracts of title and other real property instruments shall only be released to University officials. Release of such instruments shall be made only for the period of time necessary for actual use. Originals of abstracts of title and other real property instruments shall be registered or certified when sent through the U.S. mail.

#### 8. Execution of Contracts

The execution of agreements for acquisition or disposal shall be in accordance with the Administrative Approval of University Contracts policy.

#### 9. Emergency Situation

In the event of an emergency the Chairperson of the Board of Regents may authorize the acquisition or disposal of real property after consulting with the Executive Committee of the Board of Regents and the Vice President for Business and Finance. A written report concerning emergency authorization for acquisition or disposal of real property shall be made to the Board of Regents at its next scheduled meeting.

## 10. Administration and Implementation

The Vice President for Business and Finance and each principal business officer shall be responsible for administration and implementation of this policy.

**Reference:** BRUN, Minutes, 52, p. 180, (April 11, 1987).  
BRUN, Minutes, 61, p. 14, (February 22, 1997).

### RP-6.2.4 Vacating of Streets and Curb Cuts

The Corporation Secretary or any Vice Chancellor for Business and Finance is authorized to act and sign on behalf of the Board of Regents in connection with:

1. The petitioning and making application to any municipality or county for the vacation of streets and alleys, for curb cuts and street set-backs, and in connection with all other matters involving use of streets and alleys or property of any municipality or county by the University.
2. The acceptance of any ordinances passed by any municipality or county as a result of such petitions and applications.

**Reference:** BRUN, Minutes, 26, pp. 253-254 (December 8, 1964).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

### RP-6.2.5 Use of University Personnel in Planning/Construction

#### 1. Purpose

The purpose of this policy is to establish a dollar limit on projects to be accomplished by University personnel without prior approval by the Board of Regents.

The University of Nebraska will normally obtain the services of private contractors for new construction, alteration and repair projects as well as private architect and engineer firms for design of these types of projects. However, recognizing that there are times when it is more feasible, economical and efficient to accomplish University projects with University personnel, a dollar limit will be established for in-house projects as specified below.

#### 2. Definitions

- a. Project Cost. The total project cost includes all disbursements necessary to allow the project to function as programmed. Typical cost categories would include but not be limited to professional compensation, land costs, furnishing, equipment, financing, moving and other charges as well as the construction cost.
- b. Construction Cost. The cost of all of the construction portions of a project, generally based upon the sum of the construction contract(s) (general, mechanical, electrical) and other direct construction costs. Construction cost does not include the compensation paid to the architect and consultants, cost of the land, rights-of-way or other costs.
- c. Alterations. A construction project (or portion of a project) comprising revisions within or to prescribed elements of an existing structure, as distinct from additions to an existing structure. This definition includes improvement, renovations or remodeling.
- d. Inspection. Examination of work completed or in progress to determine its compliance with contract requirements by a public official, owner's representative, or others.

e. Escalation. The adjustment of costs proportionately, periodically and automatically to an alteration in the cost of materials or a similar adjustment of wages.

3. Construction Alteration and Repair.

University work force may be used to accomplish construction and repair projects which do not exceed total project costs of \$50,000. Advance Regental approval shall be obtained for projects to be accomplished by the University work force in which the total project cost exceeds \$50,000.

4. Design Services.

Qualified University professional staff may be used to accomplish design and engineering requirements for projects for which the total project cost does not exceed \$400,000. Advance Regental approval shall be obtained for projects to be accomplished by qualified staff in which the total project cost exceeds \$400,000.

5. Project Representative.

A campus representative will be designated Project Coordinator on major projects with a total project cost of \$400,000 or more to act on behalf of the owner in coordinating architect and contractor requirements. Qualified University staff may be used to coordinate projects if necessary as the owner's representative regardless of the total project cost. This coordination does not eliminate the need for an architect in accordance with contract requirements.

**Reference:** BRUN, Minutes, 41, p. 167-168 (February 18, 1978).  
BRUN, Minutes, 63, p. 91, (November 3, 2000).

**RP-6.2.6 Provision of Housing for University President and Chancellors**

The President of the University is required to reside in the official residence of the President. Funds for upkeep and maintenance of the official residence and grounds shall be provided by the University.

University housing will no longer be provided for the chancellors of the individual campuses. In place of official residences for the chancellors, a housing allowance will be provided for use of their personal homes in the normal course of University business for meetings with and entertainment of students, faculty, staff, alumni, and friends of the University. Such housing allowances for the chancellors will be recommended by the President and approved by the Board of Regents. The University will contract for lawn care and snow removal services for the personal residences of the chancellors, if such be required. Lawn care in this instance is defined to include cutting the grass, applying fertilizer and pesticides to the lawn, removal of weeds, and the trimming of bushes or hedges.

Since the University of Nebraska Foundation presently owns a residence for the Chancellor at the University of Nebraska at Omaha, the Board of Regents recommends to the Foundation that the same be sold and that the proceeds from that sale and from the sale of the UNL Chancellor's residence be used to establish an endowment to meet the needs of the chancellors and the President relating to housing and/or entertainment responsibilities required in the conduct of University business.

Except for payment of lawn care and snow removal services as specified above, public funds shall not be used to perform construction, maintenance, or repair work on a chancellor's personal residence, and University personnel shall not be used for such purpose under any circumstances.

**Reference:** BRUN, Minutes, 58, p. 12, (February 13, 1993).

## RP-6.2.7 Naming of Facilities

### 1. Purpose

The purpose of this policy is to establish the authority for naming buildings and other facilities at the University of Nebraska.

### 2. Definitions

- a. Use-Related (Generic). When used in conjunction with facility identification, the terms "use-related" and "generic" describe names given to buildings or other facilities which are based solely upon the use of the named facility, without the inclusion of a modifier which would designate a particular family, person, or organization. Examples of use-related or generic names would be "East Campus Union", "College of Dentistry", "College of Business Administration", or "Health and Sport Center."
- b. Facility Identification. The name or title used to designate a particular building or other facility for the purpose of specifically identifying such building or facility to all members of the University community and to the general public.
- c. Facility. Any physical structure or space required by an institution for the performance of its programs and related activities. In support of the naming policy, this definition will include a new, existing, or leased building, a wing of a building, a room or cluster of rooms, or other significant features such as a fountain, monument, plaza, garden, landscaped area, or street.

### 3. Authority for Naming Facilities

- a. The use-related (generic) naming of a campus building or wing of a building or other significant campus feature such as a fountain, monument, plaza, garden, or landscape area or street shall be approved by the Chancellor responsible for the facility and the President.
- b. The naming of a room or a small cluster of rooms or other campus features such as a garden or landscaped area in honor of an individual, a family, a group, or an organization shall be approved by the Chancellor responsible for the facility and the President. These actions shall be reported to the Board of Regents.
- c. The naming of a campus building or wing of a building, or fountain, monument, plaza, or street in honor of an individual, a family, a group, or organization shall be approved by the Board of Regents upon the recommendation of the Chancellor responsible for the facility and the President.

### 4. Criteria for Naming Facilities

- a. A facility may be named for an individual, family, group, or organization that has provided or meets one or more of the following criteria:
  - 1) Extraordinary service to the University as a faculty member, staff member, or University officer.
  - 2) Extraordinary support or service to the University, and/or
  - 3) Significant financial contributions toward the construction of a facility, an endowment for maintenance and operating costs of a facility, or other program or activity of the University of Nebraska.

- b. Except for individuals qualifying under 4.a.3, facilities shall not be named for persons who are currently employed by the University or the State of Nebraska or who are elected officials. Proposals to honor such individuals should not be submitted earlier than five years following the departure, death, or retirement of the person from the University or the State or the end of an elected official's term.

5. Procedures for Naming Facilities

- a. The Chancellor shall establish campus procedures to be used in the naming of campus facilities.
- b. The Vice-President for Business and Finance shall establish University-wide procedures for implementing this policy and for assuring compatibility of campus procedures with this policy.

6. Prior Procedures and Facility Names

- a. Facility names in existence at the time of the adoption of this policy shall remain in effect until a name change is proposed.

**Reference:** BRUN, Minutes, 58, p. 20-21 (June 19, 1993).  
BRUN, Minutes, 60, pp. 48-50 (June 10, 1995).

**RP-6.3 Contracts**

**RP-6.3.1 Administrative Approval of University Contracts**

1. Policy References

- a. Section 6.1 of the *Bylaws of the Board of Regents of the University of Nebraska* relating to University obligations.
- b. Section 6.4 of the *Bylaws of the Board of Regents of the University of Nebraska* relating to delegation of authority to the President to approve and execute certain types of University contracts.

2. Purpose

The purpose of this policy is to delegate authority to the President, and to officers and employees designated by the President, to approve and execute certain types of University contracts.

3. Definitions

- a. Bylaws. Bylaws shall mean the *Bylaws of the Board of Regents of the University of Nebraska*.
- b. Contract. Any deliberate written or oral engagement between the University and one or more other parties, upon a legal consideration, to do, or to abstain from doing some act.
- c. Emergency. Circumstances where it is in the public interest for the University to immediately approve and execute a contract (a) to avoid the loss of life, health, safety, or property, (b) to respond to time limits established by persons or entities external to the University, or (c) to obtain cost savings for the University.
- d. Personal Property. Any item of property which is not real property.

- e. Procurement. Any acquisition of property, equipment, goods or services by the University by purchase, lease or license from a contractor or vendor in exchange for payment of money or other consideration.
- f. Real Property. Refers to land, and shall include any right, title or interest in land or any building, structure or other improvement permanently affixed to land or a building or structure.
- g. Regular Course of Business. That which is required on a recurring basis in the normal day to day operations of the University.
- h. University-Related Use. A use of University owned real property under a lease or license contract which is directly related to and supportive of a teaching, research, public service, administrative or student service function of the University. Without limiting the generality of the foregoing sentence, a University-related use shall include a licensed student service or public service concession in a University building or facility, a lease of agricultural land for a use directly related to a University teaching or research function, and a lease of space in a University building to an incubator company for the transfer of University owned technology.

#### 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.

- a. Any contract for the procurement of services, for the procurement of non-capital goods or for the procurement of consumable supplies or commodities routinely, all used in the regular course of business in operation of the University. "Non-capital goods used in the regular course of business" shall mean and include any article of personal property to be procured by the University that in accordance with generally accepted accounting principles is not carried as a capital asset of the University.
- b. Any contract with a public utility for the purchase of public utility services routinely used in the regular course of business in operation of the University.
- c. Any contract for the purchase of gasoline, oil or diesel fuel routinely used in the regular course of business in operation of the University.
- d. Any contract for the purchase of livestock or livestock feed routinely used in the regular course of business in operation of the University.
- e. Any contract for the procurement of products for resale to consumers through University facilities, such as items sold through a University bookstore.
- f. Any contract where the University will provide services to an external party, including, but not limited to, research, instruction, consulting, planning, technical assistance, testing, or program development services, where the contract fee to be paid to the University does not exceed \$200,000.
- g. Any contract providing for the sale of a single item of personal property owned by the University where the reasonably estimated market value of the item does not exceed \$50,000.
- h. Any contract relating to the staging, performance or sponsorship of any cultural, performing arts, recreational or intercollegiate athletic event, except any contract relating to any post-season intercollegiate football bowl game.

- i. Any contract for the procurement, deaccession or sale of material to be added to or removed from the collection of any University gallery, library or museum facility in the regular course of business in operation of any such facility.
- j. Any contract whereby University of Nebraska Television will provide services to an external party, including, but not limited to, research, instruction, consulting, planning, production, technical assistance, or program development services; provided that a written report of each such contract in excess of \$200,000 shall be made to the Board of Regents at its next regular meeting subsequent to the execution of the contract.
- k. Any contract for the procurement of construction services or supplies for a building, structure or other improvement to real property which (1) has a total project cost of \$400,000 or less, and (2) is awarded in accordance with the requirements of RP-6.2.1 or RP-6.3.7; provided that a written report of any such contract in excess of \$100,000 shall be made to the Board of Regents at its next regular meeting subsequent to the execution of the contract.
- l. Any contract for the procurement of personal property which (1) has a total contract price of \$400,000 or less, and (2) is awarded in accordance with the requirements of RP-6.2.1; provided that a written report of any such contract in excess of \$100,000 shall be made to the Board of Regents at its next regular meeting subsequent to the award of such contract.
- m. Any contract for the procurement of construction services or supplies for a building, structure or other improvement to real property which (1) has a total project cost in excess of \$400,000, (2) is awarded in accordance with the requirements of RP-6.2.1 or RP-6.3.7 for a total contract price not exceeding the budget for such procurement as approved by the Board of Regents; provided that a written report of each such contract shall be made to the Board of Regents at its next regular meeting subsequent to the award of the contract.
- n. Any contract for the procurement of personal property which (1) has a total contract price in excess of \$400,000, (2) is competitively bid as required by RP-6.2.1, and (3) is awarded to the lowest responsible bidder for a total contract price not exceeding the budget for such procurement as specifically approved by the Board of Regents; provided that a written report of each such contract shall be made to the Board of Regents at its next regular meeting subsequent to award of the contract.
- o. Any amendment of or change order to a contract approved pursuant to Section 4m or Section 4n, where the amendment or change order has a total price of \$100,000 or less.
- p. Any contract for the procurement of professional services, except services of a licensed architect, engineer, landscape architect or land surveyor, where the total fee for services, including contractor expenses, will not exceed \$200,000; provided that a written report of each such contract in excess of \$100,000 shall be made to the Board of Regents at its next regular meeting subsequent to award of the contract.
- q. Any contract for the procurement of the licensed professional services of an architect, engineer, landscape architect, or land surveyor, where the firm selected has been approved in accordance with RP-6.3.2.
- r. Any contract granting to the University a lease of or license to use or occupy real property where (1) the term of the lease or license does not exceed five years, and (2) the total rent or license fees payable by the University over the full term of the lease or license do not exceed \$100,000; provided that a written report of each such lease or license contract for a term in excess of one year shall be made to the Board of Regents at its next regular meeting subsequent to execution of the contract.



- s. Any contract granting to an external party a lease of or license to use University real property for a use that is not a University-related use where (1) such contract is awarded through a sealed bid public sale as required by Section 6e. of RP-6.2.3, and (2) the term of the lease or license does not exceed ten years and the total rent or license fees payable to the University over the full term of the lease or license do not exceed \$500,000; provided that a written report of each such lease or license contract for a term in excess of one year shall be made to the Board of Regents at its next regular meeting subsequent to award of the contract.
- t. Any contract granting to an external party a lease of or license to use University real property for a use that is a University-related use where (1) the term of the lease or license does not exceed ten years, and (2) the total rent or license fees payable to the University over the full term of the lease or license do not exceed \$500,000; provided that a written report of each such lease or license contract for a term in excess of one year shall be made to the Board of Regents at its next regular meeting subsequent to award of the contract.
- u. Any contract for or grant of an easement encumbering University real property to a governmental entity or a public utility where the value of the encumbrance of the easement and associated damages does not exceed \$100,000; provided that a written report of the grant of any such easement having a value in excess of \$50,000 shall be made to the Board of Regents at its next regular meeting subsequent to the date of such grant by the University.
- v. Any contract 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; provided that a semi-annual written report of all such contracts shall be made to the Board of Regents at a public meeting of the Board.
- w. Any contract of employment with a University faculty or staff member, including UNMC Terms of Employment Agreements with clinical faculty and UNMC Supplemental Compensation Agreements, for appointments and salary obligations that may be approved by the President or his or her designees under Section 3.2 of the Bylaws; provided that a written report of the compensation and length of term of each appointment to an administrative position and to a faculty position at the rank of assistant professor and above shall be made quarterly to the Board of Regents.

5. Delegation of President's Authority to Approve and Execute Contracts

The President may from time to time delegate all or any part of his or her authority to approve and execute contracts, as specified above in Section 4 of this policy, to such other administrative officers and professional staff employees of the University as the President shall determine will provide for the most efficient conduct of the University business affairs. Any such delegation of authority shall be made in writing, signed by the President, and a copy of each written delegation shall be maintained on file as a matter of public record in the office of the Corporation Secretary.

6. Board Approval Required for Types of Contracts Not Designated for Administrative Approval; Emergency Approval by the Board Chairperson

- a. Except in cases of emergency, any purported contract of a type not described in Section 4 of this policy will have no force or effect and shall not be binding upon the University until such contract shall have received approval by the Board of Regents.
- b. In cases of emergency, a proposed contract of a type not described in Section 4 of this policy may be approved by the Chairperson of the Board of Regents after consultation with members of the Board's Executive Committee. A written report describing both the

nature of the emergency and the contract approved shall be made to the Board of Regents at its next regular meeting subsequent to approval of the contract.

**Reference:** BRUN, Minutes, 59, pp. 214-218 (December 9-10, 1994).  
BRUN, Minutes, 63, p. 91, (November 3, 2000).  
BRUN, Minutes, 63, p. 125, (March 3, 2001).

### **RP-6.3.2 Licensed Professional Services**

#### 1. Definitions

Licensed Professional Services. Licensed professional services shall mean those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying as defined by the laws of the State of Nebraska.

2. When licensed professional services are required for a project where the estimated fee for such services exceeds \$400,000, the firm to provide professional services will be selected in accordance with the University Standard Selection Procedure. In the event an emergency precludes selection of professional services in accordance with the Standard Selection Procedure, the Campus Chief Business Officer and the Vice President for Business and Finance in consultation with the Chairperson of the Board of Regents will select the firm to provide professional services. The campus will report the firm selected in accordance with emergency procedures at the next meeting of the Board of Regents.
3. When licensed professional services are required where the estimated fee for such services is from \$40,000 to \$400,000, the firm to provide professional services may be selected in accordance with the University Four-Year Selection Procedure. In the event an emergency precludes selection of professional services in accordance with the University Four-Year Selection Procedure, the Campus Chief Business Officer and the Vice President for Business and Finance, in consultation with the Chairperson of the Board of Regents will select the firm to provide required emergency professional services. The campus will report the firm selected in accordance with emergency procedures at the next meeting of the Board of Regents.
4. When licensed professional services are required for a project where the estimated fee for such services is less than \$40,000, the selection of the firm from the University certified firms to provide the services required is the responsibility of the respective campus Chief Business Officer.
5. In view of the size, number and experience of firms in the State of Nebraska, and the more effective delivery of professional services usually realized from firms having close proximity to the University, there is a preference for in-state registered firms or joint ventures of out-of-state registered firms with in-state registered firms unless:
  - a. the proposed project requires special knowledge of the project and/or professional experience which is not otherwise available within the state;
  - b. the selection of an out-of-state firm is considered necessary in order to obtain a major gift or grant, etc., for a proposed project; or
  - c. the out-of-state firm by previous projects has established experience that is beneficial to and in the best interests of the University.
6. The Director of Facilities will maintain files and update annually University data on architectural and engineering firms. These files will be the primary source of information for certifying architectural and engineering firms pursuant to this policy.

**Reference:** BRUN, Minutes, 50, pp. 291-294 (April 12 and 13, 1985).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).  
BRUN, Minutes, 62, p. 37 (May 16, 1998).  
BRUN, Minutes, 63, p. 91 (November 3, 2000).

### **RP-6.3.3 Negotiation of Art Work by Sheldon Memorial Art Gallery**

Whenever possible, the Sheldon Memorial Art Gallery will attempt to obtain a complete assignment of the copyright(s) for a work of art at the time it purchases the work of art. It will also attempt to obtain full warranty of genuineness, authorship, title, and authority to transfer both the work of art and the copyrights.

If the owner of the work of art and of the copyrights cannot or will not assign the copyrights, then Sheldon Memorial Art Gallery will attempt to obtain the licenses that it needs on a royalty-free basis. Generally these are copyright licenses to reproduce the work, display the work, prepare derivatives of the work, and distribute copies of the work. Sheldon Memorial Art Gallery will, at the same time, attempt to obtain the right to authorize others to perform the same rights without the payment of a royalty.

Sheldon Memorial Art Gallery may split royalties with artists in the case that the works are reproduced for advertising by commercial profit companies or copies are made for sale as commercial products by commercial profit companies.

The terms of the Agreement of Purchase will be approved in accordance with the contract execution policy of the Board of Regents.

**Reference:** BRUN, Minutes, 44, pp. 245 and 262 (May 17, 1980).

### **RP-6.3.4 Bid Proposal Summary**

The Board will consider only those bid proposals which have bid summaries submitted with the agenda and available before the meeting.

**Reference:** BRUN, Minutes, 33, p. 44 (May 8, 1971).

### **RP-6.3.5 General Policy for University Injury and Illness Prevention Program**

#### **1. Purpose**

- a. The purpose of this policy is to establish procedures for the development and implementation of an effective written injury and illness prevention program for the Board of Regents of the University of Nebraska which promotes occupational safety and health practices and strives to reduce work-related accidents and injuries throughout the institution.
- b. The Safety Policy of the University of Nebraska states:

The Board of Regents of the University of Nebraska recognizes its role of stewardship in protecting and conserving the human, property, and financial resources of the University. Each employee of the University must also recognize this commitment, and practice the highest degree of concern for the safety of fellow employees, students, patients, and the general public. It is the policy of the Board of Regents to promote safety at all times and to prevent occupational injury, illness, and financial loss to the institution.

The personal safety and health of each employee of the University of Nebraska is of primary importance. Prevention of occupationally-induced injuries and illnesses is of such

importance that high priority will be given to supporting and funding programs and/or projects that prevent occupational injury and illness. To the greatest degree possible, management will provide all equipment and instruction on safety practices required for personal safety and health, in keeping with applicable standards.

The responsibility for implementation of the safety program on each University campus is assigned to the Chancellor or designee. This includes the development and maintenance of an effective written injury and illness prevention plan as required by the Nebraska Workplace Safety Consultation Program and the establishment of a campus safety committee. The Vice President for Business and Finance will establish guidelines for implementation of this policy as required by law.

## 2. Responsibility

The Vice President for Business and Finance shall ensure that the University injury and illness prevention program is in compliance with the Nebraska statutes and the rules and regulations promulgated by the State of Nebraska Commissioner of Labor.

## 3. Applicability

The provisions contained in this directive apply to those employees who are responsible for the development and administration of an injury and illness prevention program as prescribed by the Nebraska Workplace Safety Consultation Program and governed by the State of Nebraska Department of Labor rules and regulations.

## 4. University Injury and Illness Prevention Program

An effective written injury and illness prevention program shall be published by each University campus and contain, as a minimum, the following provisions:

- a. **Chancellor's Policy Statement.** A written safety policy outlining the Chancellor's policy for providing a safe and healthy work environment for all employees.
- b. **Safety Coordinator.** One person shall be assigned to act as the campus safety officer. This person will be responsible for the development and administration of the injury and illness prevention program and represent the campus at University safety and health symposiums and other related activities.
- c. **Safety Committee.** A campus safety committee will be established to assist the Chancellor or designee by making recommendations on ways and means to reduce safety and health hazards at the worksite. The campus safety committee will be composed of equal representatives from the faculty and staff and from the campus administration. All employees shall be eligible to serve as members of the committee. The committee shall meet at least quarterly and maintain written minutes of its meetings. All recordable workplace injuries and/or illnesses may be reviewed by the campus safety committee.
- d. **Safety Training.** A comprehensive safety training program shall be established and maintained by the campus which provides initial safety orientation on rules, policies, and job specific procedures for new employees; job specific training for employees before they perform hazardous work; and refresher training on an annual basis regarding the injury and illness prevention plan, safety rules, policies, and procedures.
- e. **Safety Rules, Policies, and Procedures.** A formal publication of rules, policies, and procedures shall be developed and communicated in a manner easily understood by all employees, including non-English speaking individuals.

- f. **Accident Reporting and Investigation.** Campuses will establish written procedures to ensure that all work-related accidents are reported and investigated by the immediate supervisor, department manager having jurisdiction over the affected area, and/or the campus safety officer. Written summaries explaining the details of the accident will be prepared by investigating officials. Accident and investigation reports may be reviewed by the campus safety committee. Procedures for reporting workplace deaths must also be included in the plan.
- g. **Imminent Danger.** Contingency plans shall be developed to ensure that imminent hazards are identified, controlled, and, if possible, eliminated from the worksite.
- h. **Recordkeeping.** A documentation program shall be developed which will assure the preservation of accident reports, summaries of investigations, training, accident injury and illness records, and inspection reports. Such records will be retained consistent with applicable regulatory requirements.
- i. **Worksite Inspections.** A method of identifying and correcting worksite hazards shall be established by the campus safety officer. Such inspections and surveys may be conducted in cooperation with the campus safety committee at least annually. The campus safety committee may review worksite safety inspection reports and make recommendations on accident prevention.
- j. **Statement of Authority.** The person or persons in charge of campus safety and health programs shall be granted in writing the authority to take immediate corrective action whenever a hazardous condition exists which could result in personal injury or death to any individual and/or substantial damage to University property.
- k. **Employee Complaints.** An employee may not be discharged or discriminated against because he or she makes any oral or written complaint to the campus safety committee or safety coordinator, or to any governmental agency having regulatory responsibility for occupational health and safety. See subsection (4) of Neb. Rev. Stat. Section 48-443.

**Reference:** BRUN, Minutes, 59, p. 56 (April 30, 1994).

#### **RP-6.3.6 Capital Project Management**

1. Program Statements for capital projects with total project budgets greater than \$400,000 shall be submitted to the Board for approval and shall include a recommendation regarding the "project contracting method" to be used (e.g., Construction Manager at Risk; Conventional Competitive Bidding; other) and the rationale for the recommendation. A report will be submitted during design of the project for Regents information.
2. The Board-approved total project budget shall be considered an absolute maximum in all cases. Significant changes within a project, either in the scope or nature of the construction to be completed or the programs to be served by the project, shall not be allowed without the written approval of the President of the University. Further, any such presidential-approved changes shall be reported to the Board of Regents, in writing, at its next regular meeting. "Significant change" shall be defined as a change within the construction or non-construction budget category of a Board-approved project exceeding \$250,000 or 5% whichever is smaller.
3. Semi-annual written reports shall be provided to the Board of Regents on the contract status, the stage of construction, and budgets, for all capital projects exceeding \$2.0 million in total project costs.

**Reference:** BRUN, Minutes, 61, p. 37 (May 16, 1997).  
BRUN, Minutes, 63, p. 91 (November 3, 2000).

### RP-6.3.7 Construction Management and Design/Build Selection

1. When construction management or design/build services are approved by the Board of Regents as part of program statement approval, the firm to provide such services will be selected in accordance with the following University Standard Selection Procedure.
2. The objective of these procedures is to encourage construction excellence, and budget and schedule control by providing an impartial, objective, and competitive system open to all qualified construction firms. The procedure is divided into the following five phases: the interest phase, the proposal phase, the interview phase, the contract phase and the report phase. The five phases of procedure are described below.
3. Definitions
  - a. Construction Services. Construction services shall mean those services within the scope of the practice of construction or those performed by any construction management or design/build firm, including pre-construction and post-construction services as necessary.
  - b. Construction Firm. Construction firm shall mean any partnership, corporation, association, or other legal entity practicing construction management or design/build construction.
  - c. Project. Project shall mean that fixed capital outlay, study or planning activity except renewal work as described below.

#### 4. Interest Phase

The Chief Business Officer or designee, hereinafter referred to as campus, will advertise in appropriate Nebraska papers to provide an opportunity for as many construction firms as possible to be considered for a project. The advertisement will contain a brief project description and information on how interested construction firms can apply for consideration for the project.

#### 5. Proposal Phase

- a. The campus will send a letter to all construction firms that indicate an interest in a project. A list of all recipients will be forwarded to the Director of Facilities Planning and Management. The letter will request the construction firms submit a written proposal for services by a specific date.
- b. Packets sent to the construction firms include the following:
  - 1) Request for Proposal;
  - 2) Summary of Project, including Description, Schedule and Budget;
  - 3) Proposed Contract;
  - 4) Construction Firm Qualifications;
  - 5) Evaluation Worksheets.
- c. Proposals will be reviewed in conjunction with interviews. If the number of written proposals becomes too numerous, a two-step process will be implemented. The construction firm proposals will be ranked based on the average of the total evaluation made by each member of the evaluation board. The three construction firms that receive the highest evaluations will then be interviewed. In the event of a tie or near tie for third position, the evaluation board may elect to include a fourth firm for interviews.

## 6. Interview Phase

- a. The campus will notify the construction firms to be interviewed by phone and letter. Construction firms will be provided the time and place of interview.
- b. An evaluation board composed of a minimum of three persons (the Director of Facilities Planning and Management or designee and at least two campus-designated persons) will interview and rank the construction firms in order of qualifications with the most qualified firm first. A designated chairperson shall be the impartial referee and tiebreaker, and shall conduct the proceedings for the benefit of all concerned. The evaluation board will consider each firm's capabilities to perform, adequacy of personnel, past record and performance as well as experience to render the services required.
- c. The construction firms will be ranked based on the average of the total evaluation made by each member of the evaluation board. The firm receiving the highest ranking will then be considered the most qualified firm for the project. In the event of a tie, the evaluation board will further evaluate and rank the top two construction firms.

## 7. Contract Phase

- a. The design/build firm receiving the highest evaluated score will be recommended for award of the design/build contract. There will be no binding contract for the project until the contract documents with the selected construction firm have been approved by the Vice President for Business and Finance and signed by the President of the University on behalf of the University.
- b. A contract negotiation committee composed of a minimum of two persons (the Director of Facilities Planning and Management or designee and one campus-designated person) will attempt to negotiate a contract with the most qualified construction firm that the contract negotiation committee determines is fair and reasonable for the University.
  - 1) If unable to negotiate a contract with the most qualified firm, the committee will forward a letter to the most qualified firm formally terminating the negotiations and negotiations will be undertaken with the next most qualified firm. In the event of failure to reach an agreement with the second most qualified firm, the committee will again forward a letter to the firm notifying it of formal termination of negotiations. The same procedure will be followed with all the firms in the order ranked by the evaluation board until a contract is successfully negotiated with a qualified firm.
  - 2) If negotiations with qualified firms are unsuccessful, the committee will report results to the Board of Regents at the next scheduled meeting. The Board will provide guidance for renegotiating with the firms in the order previously ranked by the evaluation board or direct that the evaluation board reconvene and interview and rank additional firms and that the contract negotiations committee negotiate with such additional firms in the order ranked pursuant to the procedures set forth above.

## 8. Report Phase

After signing a contract, the campus will report the name of the successful construction firm at the next regularly scheduled Board meeting.

**Reference:** BRUN, Minutes, 63, p. 91 (November 3, 2000).

### **RP-6.3.8 Trusteed Self-Insurance Fund**

The Board established a trusteed self-insurance fund, between the Board of Regents and FirstTier Bank, N.A., Lincoln, and authorized the Vice President for Business and Finance to sign the trust agreement and approve any changes in the trust agreement that might be recommended by legal counsel to be initiated with the trustee.

**Reference:** BRUN, Minutes, 44, pp. 173-174 (July 28, 1978).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

### **RP-6.3.9 Athletic Staff Contracts with Equipment Manufacturers or Suppliers**

In accordance with the requirements of the Operating Bylaws of the National Collegiate Athletic Association (NCAA), the cognizant Chancellor shall be required to review and may in the exercise of his or her reasonable discretion approve any contract or other business relationship between any manufacturer or supplier of athletic shoes, apparel, or other equipment and any staff member of a department of intercollegiate athletics whereby the staff member will receive any form of compensation or gratuity in exchange for (1) the use of the merchandise of the manufacturer or supplier by student-athletes or athletic staff members during practice or competition, and (2) any consulting or promotional services by any athletic department staff member for the manufacturer or supplier. A Chancellor shall not approve any such contract or business relationship until he or she is satisfied that the same is in compliance with applicable law and Board of Regents policies relating to conflict of interest, and with applicable NCAA regulations. Approval of any such contract or business relationship by a Chancellor pursuant to this policy shall constitute all approval necessary for the purposes of Section 3.4.5 of the *Bylaws of the Board of Regents*.

**Reference:** BRUN, Minutes, 58, p. 118 (July 10, 1993).

### **RP-6.3.10 University Business Activities**

1. University mission-related business activity does not require specific approval by the Board of Regents, unless otherwise required by the Bylaws of the Board of Regents or other Regents' policies. Mission-related business activities shall be defined as business activities which meet at least one of the following three criteria:
  - a. The activity is deemed to be an integral part of the institution's fulfillment of educational, research, and public service missions, or campus support functions.
  - b. The activity is needed to provide, at a reasonable price and/or on reasonable terms, a good or service which is essential to the campus community.
  - c. The activity is to be carried out for the primary benefit of the campus community but with consideration of the goods and services available in the total community.
2. Existing unrelated business activities (as defined by Internal Revenue Service code) in operation as of September 1, 1999, are authorized to continue pending a systematic review by each campus' administration of the nature of the activities.
3. New unrelated business activities may be established and carried on only pursuant to, and in accordance with, an authorization and statement of purpose approved by the Board of Regents.

**Reference:** BRUN, Minutes, 62, p. 143 (August 27, 1999).



## **RP-6.4 Use of Property**

### **RP-6.4.1 Dispensing of Alcoholic Beverages on University Property**

The Board of Regents authorizes the dispensing and consumption of alcoholic beverages on University property in strict compliance with this policy. The Nebraska Liquor Control Act (Neb. Rev. Stat. 53-101 et seq.) will be observed in every respect, and under no circumstances will alcoholic beverages be dispensed to or consumed by any person on University property who is under 21 years of age.

#### **1. Scheduled Private Social Events.**

- a. Authority is hereby delegated to the President and the Chancellors or their respective designees to act on behalf of the Board of Regents under Neb. Rev. Stat. 53-186 in authorizing the dispensing and consumption of alcoholic beverages at scheduled private social events on University property under their respective administrative jurisdictions. The President's administrative jurisdiction shall extend to all property of the University, regardless of location. The following guidelines will be applicable to dispensing and consumption of alcoholic beverages at scheduled private social events.
  - 1) The University will be responsible for and shall control the dispensing of alcoholic beverages provided by the private individual, group or organization sponsoring the social event.
  - 2) The duration of the social event shall be restricted as specified by the President or Chancellor or his or her designee.
  - 3) The University may provide, for a fee, all services and set-ups.
  - 4) Unused quantities of alcoholic beverages will remain the property of the private individual, group or organization sponsoring the social event.
  - 5) Only persons invited to attend the social event and necessary University personnel may be present at the event. All other persons shall be excluded.
  - 6) Sale of alcoholic beverages is prohibited under all circumstances at private social events unless a special designated permit has been obtained pursuant to Section 2 of this policy.
- b. Each Chancellor may promulgate specific campus policies further controlling and regulating the dispensing and consumption of alcoholic beverages at scheduled private social events pursuant to this Board policy.

#### **2. Special Designated Permits.**

- a. The Nebraska Liquor Control Act in Neb. Rev. Stat. 53-124.11 through 53-124.13 authorizes the Nebraska Liquor Control Commission to issue special designated permits for the sale and service of alcoholic beverages at designated events approved by the Commission and the municipality where the permit is to be located. Special designated permits may be issued to retail liquor licensees holding catering permits approved by the Commission and to non-profit organizations which have been exempted from the payment of federal income taxes. Authority is hereby delegated to the President and the Chancellors or their respective designees to act on behalf of the Board of Regents under Neb. Rev. Stat. 53-186 in authorizing the dispensing of alcoholic beverages under special designated permits during scheduled public or private events and activities on University property under their respective administrative jurisdictions. The President's administrative jurisdiction shall extend to all property of the University, regardless of location.

- b. The specific premises and time duration of each special designated permit shall be prescribed in writing by the President or Chancellor or his or her designee.
- c. No special designated permit shall be issued in the name of the University or any unit thereof without prior written approval of the President.
- d. Each Chancellor shall promulgate specific campus policies relating to service of alcoholic beverages under special designated permits which include the following:
  - 1) The types of events and activities at which special designated permits may be approved;
  - 2) Guidelines to assure that any person, persons, or organization applying for a special designated permit, if issued, will conduct business and activities authorized by a permit in strict compliance with liquor control laws and requirements imposed by the University;
  - 3) Guidelines for selection of catering permit holders for special designated permits at events or activities sponsored by the University or a unit thereof; and
  - 4) Guidelines for the sharing of proceeds from the sale of alcoholic beverages by a catering permit holder under a special designated permit at an event or activity sponsored by the University or a unit thereof.

**Reference:** BRUN, Minutes, 55, p. 164 (July 21, 1990).

#### **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.

- 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).

#### **RP-6.4.3 Use of UNO Field House, UNL Coliseum and UNK Health and Sports Center Facility by Political Parties**

When the UNO Field House, the UNL Coliseum, or the UNK Health and Sports Center are not being used for institutional purposes, they may be made available to the major political parties. Through their respective state chairpersons, the political parties may normally request use of such facilities through the Chancellor's office of the respective campuses.

The nature and format of the event will be determined by the political party involved, not by the University. However, the specific plans for the use of the Field House are subject to approval by the University.

When a party chairperson makes a request for use of one of these facilities, and that request is granted, the other chairpersons will be advised by the Chancellor's office.

Usage fees for the Field House, the Coliseum, and the Health and Sports Center will be charged by the University, and the deposit of such funds will be required ten days in advance of the scheduled event. The usage fee shall include the rental cost (normally less than 24 hours), use of available utilities, and the cost of clearing the main floor of either facility for the event and restoring it for University use. All other costs associated with the event, including security, must be arranged for and paid directly by the user.

**Reference:** BRUN, Minutes, 34, p. 68 (January 8, 1972).  
BRUN, Minutes, 34, p. 101 (February 5, 1972).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).  
Obsolete fees removed from policy text as of July 1, 1998.

#### **RP-6.4.4 Use of Rifle Ranges**

The following regulations apply to any University of Nebraska rifle range:

1. Its use must not interfere with the classes or educational program of the University;
2. Other than costs directly relating to health and safety matters, no cost to the University should result from its use;
3. Any organization using the range must be a club accredited by a nationally recognized firearm safety certification body or be associated with national or local government;
4. Such organization must secure the services of a competent rifle range supervisor, who will be present on the range at all times when firing is taking place;

5. The rifle range supervisor may be either a member of the staff of a University ROTC program or designated by a University campus recreation office;
6. The Board of Regents of the University of Nebraska may at any time, with or without reason, cancel any individual's or organization's privilege of using the rifle range.

**Reference:** BRUN, Minutes, 20, p. 195 (June 21, 1952).  
 BRUN, Minutes, 56, p. 149 (September 6, 1991).

**RP-6.4.5 Use of Devaney Sports Center**

1. Current Daily Rental Charges:

Arena	\$ 3,300 (as of 7-1-98)
Track	\$ 1,320 (as of 7-1-98)
Pool	\$ 550 (as of 7-1-98)

Rental charge is for facility only. All direct costs for special requirements of setup, electricians, plumbers, parking control, ticket takers, clean-up, etc., are charged extra and cover true costs.

2. Rental charges are to be deposited in State Cash Fund. Direct costs for extras must be paid out for services purchased by user.
3. The Field House Manager will contact promoters and agents (working in conjunction with Pershing Auditorium and State Fair Managers) in an effort to attract "money-making" events (such as exhibition games, major entertainers, etc.). All rental charges which will be negotiated on a flat fee or percentage basis will be deposited in the State Cash Fund.
4. If a UNL student programming organization, (e.g, the Nebraska Union Program Council), serves as promoter or local producer for a major attraction, the organization will pay all expenses related to the use of the facility, plus rental equal to one-half of the net income from the event, with a guaranteed minimum of not less than the figures listed in 1 above.

**Reference:** BRUN, Minutes, 40, pp. 95-96 (February 19, 1977).  
 BRUN, Minutes, 56, p. 149 (September 6, 1991).  
 Rates updated as of July 1, 1998.

**RP-6.4.6 Use of Intercollegiate Facilities**

The use of any Intercollegiate Athletic Facilities by outside agencies must be authorized in writing by the campus Chancellor or his/her designee.

**Reference:** BRUN, Minutes, 9, p. 330 (July 30, 1925).  
 BRUN, Minutes, 56, p. 149 (September 6, 1991).

**RP-6.4.7 Trespass Policy**

1. Persons Not Authorized in Non-Public Areas of University Buildings.

The areas of University academic, research, public service, and administrative buildings of the University used for classrooms, laboratories, faculty and staff offices, and the areas of University student residence buildings used for student living quarters are not open to the general public. Any person not authorized to be or remain in any such building area will be deemed to be trespassing on University property, and may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. § 28-520 or § 28-521.

2. Persons on University Property Between the Hours of 11:00 p.m. and 6:00 a.m.

Persons who are not students, faculty, staff, tenants, licensees, agents or contractors of the University, or their employees, visitors or guests, shall not be permitted on University property between the hours of 11:00 p.m. and 6:00 a.m. Visitors and guests are expected to conduct themselves in a proper and lawful manner while on University property, and failure to do so may result in imposition of personal restrictions relating to their presence on University property. Specifically, the right of a visitor or guest to be present on University property will be restricted when the visitor or guest has disrupted normal services, or has harmed or threatened to harm a member of the student body, faculty or staff. The right of a visitor or guest to be on University property will also be restricted when the visitor or guest has damaged or poses a risk of damage or loss to University property or to the property of others located on University property.

3. Persons in University Buildings After Closing to the Public.

Many University buildings are open to the public at designated times which are posted at building entrances. Some University buildings are closed and locked during the times they are not open to the public. Also, some University buildings, such as student unions, are closed to the public at designated times which are posted at building entrances, but remain unlocked for access and use by students, faculty, staff and other authorized persons. Persons who are not authorized by the University to be in a University building after the posted time of closing to the public will be deemed to be trespassing on University property, and may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. § 28-520 or § 28-521.

4. Ban and Bar Notices.

University law enforcement or security personnel may issue written notices to any person who has been contacted or observed on University property while engaged in any unlawful or unauthorized activity banning and barring such person from University property, except as may be specifically authorized in such notice. Violation of any such notice will be deemed to be trespassing on University property, and the offending party may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. § 28-520 or § 28-521. The term "unlawful or unauthorized activity" shall mean any conduct, act or omission by any person that is in violation of (i) any law, rule, regulation or order of the State of Nebraska or of the United States, or (ii) any policy, rule or regulation of the University of Nebraska.

**Reference:** BRUN, Minutes, 64, p. 78 (December 14, 2002)

**RP-6.5 Budgets**

**RP-6.5.1 Fundamental Principle Regarding Budgets and Planning**

The fundamental principle upon which planning at the University of Nebraska must be based is that the academic requirements of the University shall drive the operating and capital budgets. Implicit in this principle is the idea that nothing in the budget is sacrosanct, and no part of the University's operations is immune from scrutiny or possible reallocation.

(Adapted from an introductory statement in the University of Nebraska Five Year Plan: 1980-1985, adopted by the Board of Regents on July 26, 1980 and amended on September 12, 1980.)

**Reference:** BRUN, Minutes, 56, p. 149 (September 6, 1991).

### **RP-6.5.2 Acquiring Works of Art for Construction Projects**

It is the policy of the Board of Regents of the University of Nebraska that at least one percent of any appropriation for the original construction of any public building under the supervision of the Board of Regents of the University of Nebraska shall be spent for the acquisition of works of art. The works of art may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or may be exhibited by the Board of Regents of the University of Nebraska in other public facilities.

**Reference:** BRUN, Minutes, 44, p. 245, (May 17, 1980).  
BRUN, Minutes, 63, p. 91 (November 3, 2000).

### **RP-6.5.3 Interim Budget Adjustments**

Section 6.6 of the *Bylaws of the Board of Regents* provides that the President shall submit annual operating and capital construction budgets for all University activities, in accordance with legislative appropriations, for approval by the Board of Regents. Budgeted expenditures supported by (1) revenues to be generated by the various operations of the University and (2) funds received from sources other than legislative appropriations presented in each operating budget are an estimate of such expenditures at the time the budget is approved by the Board. Subsequent to approval of each annual operating budget by the Board, the President is authorized to approve adjustments in budgeted expenditures which the President shall determine are necessary and prudent as a result of changes in revenues actually generated by the various operations of the University or changes in funds actually received from sources other than legislative appropriations. A report of any interim budget adjustments approved by the President shall be reported to the Board at the end of each fiscal quarter.

**Reference:** BRUN, Minutes, 60, p. 130, (April 27, 1996).

## **RP-6.6 Accounting**

### **RP-6.6.1 Annual Financial Report**

The Board of Regents of the University of Nebraska will review annually with the President and his or her staff, the financial report for the University of Nebraska, including all its campuses and activities. Such annual review will be held for the financial reports of the preceding fiscal year within 150 days after the close of such fiscal year.

**Reference:** BRUN, Minutes, 37, p. 138 (June 29, 1974).

### **RP-6.6.2 Recording and Expenditure of Restricted Funds**

All funds and receipts received from the University of Nebraska Foundation shall be restricted funds, which funds shall be initially recorded as restricted funds with appropriate record kept of the restriction appertaining thereto and the University of Nebraska Foundation shall be requested to advise with each transfer of funds by such Foundation that it set forth the restrictions or uses on such funds. If funds are received from the University of Nebraska Foundation which are not restricted, they shall be considered unrestricted funds unless this Board, upon recommendation of the President or Vice President for Business and Finance, determines that restrictions shall apply and this Board shall, by resolution, set forth such restrictions. Disbursements of such funds shall be made by proper University officials in accordance with restrictions thereon.

Funds received, handled, and disbursed on behalf of the U.S. Meat Animal Research Center shall be classed as restricted funds and shall be recorded and expended in accordance with agency agreements approved by this Board.

The following provisions shall be applicable to permanent funds (other than funds and receipts received from the University of Nebraska Foundation, or funds received, handled, and disbursed on behalf of the U.S. Meat Animal Research Center), of this Board:

1. Gifts, grants and bequests are generally in the form of:
  - a. Endowment funds with the income therefrom restricted as to use;
  - b. Funds restricted for operating purposes, such as scholarship grants, gifts for the purchase of special equipment, library materials, or other special use;
  - c. Grants from private or governmental sources for research, training or other sponsored programs.
2. Any future gift or bequest, the principal or income of which is without restriction or limitation, shall be classed as "funds functioning temporarily as an endowment." A gift, grant, or bequest with a limitation as to the purpose or use for a period of time or specified event shall be a permanent endowment until the specified time has elapsed or the specified event has occurred after which any unexpended and uncommitted balance will be transferred to funds functioning temporarily as an endowment.

Unless an administrative unit of the University (as hereinafter defined) is specified by the donor, grantor, or testator, future gifts and bequests accepted by the Board will be available for application throughout the University system in accordance with policies or procedures as established by the Board from time to time. In instances where required or requested by the donor, grantor, or testator, or when determined by the Board, a committee or committees may be established by the Board to advise as to the fulfillment of the terms of the gift or bequest.

3. Current unexpended balance of restricted funds will continue to be administered and accounted for and the benefits supervised by the administrative unit performing such function unless otherwise determined by this Board.
4. All activities or departments currently receiving benefits from funds functioning temporarily as endowments will continue to receive such benefits subject to review and reallocation by this Board.
5. Administrative units are defined as Central Administration (Systems Office) the University of Nebraska-Lincoln, the University of Nebraska Medical Center, the University of Nebraska at Omaha, and the University of Nebraska at Kearney.

Departments and administrative units will report to the Vice President for Business and Finance as to their administration and expenditure of restricted funds and the income therefrom on forms and at times and in the manner to be prescribed by the Vice President for Business and Finance who will in turn report at least annually to the Board on the status of all restricted funds.

**Reference:** BRUN, Minutes, 36, pp. 21-22 (May 18, 1973).

### **RP-6.6.3 Permanent Endowment Funds Administered by the Board of Education Lands & Funds**

The permanent endowment fund shall be kept in two accounts; in the first account, all monies derived as principal from the sale of lands donated to the state by the United States to establish and endow a state university under the Act of Congress of April 19, 1864; in the second account, all monies derived as principal from the sale of lands donated to the state by the United States to provide colleges for the benefit of agriculture and the mechanic arts, by an Act of Congress approved July 2, 1862. All such monies derived from federal grants shall be invested in the manner

now provided by law for the investment of the permanent school fund of the state, in the same kind of securities, and by the same officers charged with that duty, in accordance with the provisions of Neb. Rev. Stat. Section 72-202.

All monies acquired by the Board of Regents of the University of Nebraska by donation or bequest to it, including monies derived as principal from the sale of land or other property so acquired or so derived, shall be kept in the account for the endowment of the State University and shall be invested by said Board of Regents in the same kind of securities as provided by law for the investment of the permanent school fund by the Board of Educational Lands and Funds, subject to the following exceptions:

1. No such investment need be made where, according to the terms of the donation or bequest, said Board of Regents is not limited to the expenditure of only interest or income of the fund.
2. No such investment need be made in case the will, deed, or instrument making such donation or bequest makes other provisions or directions as to investments and in such cases said Board of Regents shall comply with the same.
3. Funds which have hitherto been turned over to the Board of Educational Lands and Funds by said Board of Regents for investment shall continue to be invested by the former board.

The permanent endowment fund shall never be appropriated by the Legislature nor be expended for any purpose whatsoever. The interest and income of funds acquired or derived from donations or bequests made without particular objects or uses specified may be used and applied by the Board of Regents to any need of the University. Such interest or income of donations or bequests made with particular objects and uses specified shall be applied by the Board of Regents to only such particular objects and uses.

**Reference:** BRUN, Minutes, 16, p. 296 (November 11, 1944).

#### **RP-6.6.4 Endowment Funds Investment**

Investments of Endowment Funds shall be accomplished to maximize the safety of the principal with satisfactory yields. Appreciation of the principal shall be subordinated to safety and yield, but it shall be so invested that its value remains in a reasonably consistent relationship with the purchasing power of the dollar. Unexpended earnings from these investments shall be invested as idle cash in short-term securities.

Investments of Funds Functioning Temporarily as Endowments shall be accomplished to maximize safety of the principal with a satisfactory yield. Purchased securities shall be readily marketable. Unexpended earnings from these investments shall be invested as idle cash in short-term securities.

**Reference:** BRUN, Minutes, 34, pp. 275-276 (June 17, 1972).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

#### **RP-6.6.5 Establishment of Reserves, Allocations and Designations**

##### **1. Current Unrestricted General Funds**

With respect to current unrestricted general funds, the following allocations and reserves are established:

- a. Allocation for Working Capital - to include such items as petty cash amounts, non-cash assets, such as inventories, including materials and livestock and accounts receivable;



- b. Allocation for Encumbrances - to include all recorded purchase orders outstanding as of each June 30;
- c. Allocated Fund Balance - to include items which have been administratively allocated to a department or college for expenditures accruing in a future year and not encumbered;
- d. Designated Department Balances - to include the balance of revolving accounts, both with credit or debit balances, resulting from departmental sales or transfers of student fees;
- e. Unallocated Fund Balance - to include the balance of unrestricted funds after deducting all reserves, allocations, designations, or commitments;
- f. Contingency Reserves - to include reserves for any applicable contingencies.

## 2. Current Unrestricted Auxiliary Operations

With respect to current unrestricted auxiliary operations the following reserves, allocations, or designations are established:

- a. Allocation for Equipment and Improvements — To consist of specific allocated accounts from all areas for such use;
- b. Designated Departmental Balance — To consist of the balance of fund balances, including encumbrances with major areas of accounts being residences and dining halls, intercollegiate athletics, student services, other auxiliary enterprises and stores and service operations.

## 3. Current Restricted Funds

With respect to current restricted funds, no further allocation is made and the entire fund balance is carried under the caption of restricted.

## 4. Loan Funds

With respect to loan funds, the following accounts or categories are hereby created:

- a. Federal Loan Programs Refundable - to include only the federal share of the loan programs and a pro rata share of income and losses;
- b. Institutional Loan Funds - to include all funds given to the University of Nebraska and designated to be used for making loans to students and the institutions, matching funds for any federal loan programs and its pro rata share of income and losses. This category would be further classified as restricted (identifying a specific category of students to receive the loans) or unrestricted (identifying funds for which any student is eligible or in the case of matching funds when the program ceases the balance expendable in the unrestricted fund category).

## 5. Endowment Funds

With respect to endowment funds, the following categories or designations are as established:

- a. Restricted Endowment Funds to include balances of permanent endowment funds designated by the donor as such and prescribing use of the income therefrom;
- b. Funds Functioning as Endowments (Designated) to include unrestricted gifts which are being held as endowments by Regents action designating a purpose for which the income and/or principal is to be used;

- c. Funds Functioning as Endowments (Unrestricted) to include unrestricted gifts which the Regents have designated to be held as endowments for which no designation or specific use of the income and/or principal has been made;
- d. Term Endowments;
- e. Trusteed Insurance Programs.

#### 6. Plant Funds

With respect to plant funds, the following accounts are hereby established:

- a. Unexpended Funds - Representing unexpended balances less any unexpended proceeds of bonds outstanding;
- b. Renewal and Replacement Fund;
- c. Retirement of Indebtedness Fund;
- d. Net Invested in Plant - Representing the net worth of total physical plant which is unencumbered.

**Reference:** BRUN, Minutes, 37, pp. 138-141 (June 29, 1974).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

#### **RP-6.6.6 Gifts and Bequests to University Foundation**

All gifts and bequests of whatsoever nature and kind to the University of Nebraska can be handled most economically and expeditiously and can be invested to the greatest advantage of the University of Nebraska if said gifts and bequests are made to the University of Nebraska Foundation, for the use and benefit of the University of Nebraska rather than directly to the University of Nebraska, or to the Board of Regents of the University of Nebraska.

**Reference:** BRUN, Minutes, 40, p. 101 (March 19, 1977).

#### **RP-6.6.7 Gifts, Grants and Bequests**

##### 1. Policy and Procedures Concerning Acceptance and Reporting

This is the general University policy concerning the acceptance, acknowledgment, reporting, and depositing of awards made to the University of Nebraska in the form of gifts, bequests, and grants.

##### 2. Criteria for Administrative Acceptance

Awards may be accepted by authorized personnel on behalf of the Board of Regents without prior approval if they meet the following criteria and are within the specific limitations identified in each award category:

- a. The award does not involve the development of a new academic program or administrative unit;
- b. The award does not involve the establishment of an existing program or administrative unit at a new site;

- c. The award does not involve the acquisition of real estate or the construction of new buildings or facilities;
- d. The award does not involve the commitment of University funds upon expiration of the award, or any other continuing obligation or liability on the part of the University;
- e. The award does not exceed the dollar limits indicated in the ensuing sections of this statement.

All awards not meeting these criteria must be presented for acceptance to the Board of Regents at a public meeting.

### 3. Acceptance and Acknowledgment of Gifts

Basically, two types of gifts are received — those for which a specific use is designated and those for which the donor has not made any specification as to use. Any single gift in excess of \$400,000 must be presented to the Regents for acceptance. All other gifts may be accepted by the President, the Chancellors, or their designee provided the aforementioned criteria for award acceptance are met. Gifts so accepted must be reported to the Regents according to sections of this policy.

### 4. Acceptance and Acknowledgment of Bequests

Bequests are received by the University of Nebraska via wills and/or trust agreements. Any single bequest of \$400,000 or more must be presented to the Regents for acceptance as a separate action item. All other bequests may be accepted by the President provided the aforementioned criteria for award acceptance are met. Bequests so accepted must be reported to the Regents according to sections of this policy. All bequests are to be publicly acknowledged, and such acknowledgment is to be conveyed to the testator's family (or to the attorney handling the estate if there is no family) on a timely basis.

### 5. Acceptance and Acknowledgment of Grants

These are awards granted in response to successful applications for such purposes as research, instruction, public service, and student aid. All grants may be accepted by the President, the Chancellors, or their designee provided the aforementioned criteria for award acceptance are met. Grants so accepted must be reported to the Regents according to sections of this policy. Grants must be acknowledged only if such acknowledgment is required as part of the award.

### 6. Depositing of Funds

All cash received as gifts, bequests, and grants must be deposited promptly in an approved depository of the University. All securities received must be transmitted to the Office of the Vice President for Business and Finance for final disposition in accordance with the terms of the gifts, bequest, or grant.

### 7. Reporting of Gifts, Grants, and Bequests

All awards accepted by the President, the Chancellors, or their designee, must be reported to the Board of Regents on a quarterly basis:

- a. Grants under \$100,000 will be reported in aggregate; those \$100,000 and over will be separately itemized;

- b. Gifts under \$2,500 will be reported in aggregate; those over \$2,500 will be separately itemized;
- c. Bequests will all be separately itemized;
- d. Gifts and Bequests of \$400,000 and more previously accepted by the Regents during the reported quarter will be aggregated and included in the grand total so as to reflect an accurate picture of award funds flowing into the University;
- e. Awards pertaining to research only will be summarized into a separate central report. This information will be reported to the Regents on a corresponding quarterly basis.

#### 8. Distribution of Bequests

The purpose of this statement is to establish guidelines for distributions of principal and/or income coming to the University via wills and/or trust agreements:

- a. If a specific campus is named in the will or trust agreement, that campus will automatically receive the bequest. The University of Nebraska-Lincoln is considered the Lincoln Campus, not Central Administration;
- b. Donor intent will always be the main consideration in determining which campus(es) will receive the bequest. For example, if a will or trust agreement predates the incorporation of the University of Nebraska at Omaha (July 1, 1968) and names either the University or Board of Regents of the University of Nebraska, donor intent is interpreted to be either the Lincoln campus or both the Lincoln and Medical Center campuses, depending on other language and specifications in the will. A bequest to the University of Nebraska at Omaha, the Municipal University of Omaha, or the Board of Regents of the University of Nebraska at Omaha would go to the Omaha campus. A bequest to Kearney State College or the University of Nebraska at Kearney would go to the Kearney campus;
- c. In cases where donor intent is not obvious, advice of legal counsel will be requested concerning any apparent intent and/or the extent to which Regental discretion may be applied. Each of such instances will be viewed independently and decided on its own merits;
- d. Legal counsel will be consulted in every instance to ensure adherence to this policy statement.

**Reference:** BRUN, Minutes, 46, p. 212 (December 12, 1981).  
 BRUN, Minutes, 56, p. 149 (September 6, 1991).  
 BRUN, Minutes, 63, p. 125 (March 3, 2001).

#### **RP-6.6.8 Use of Gifts to Replace Public Funds Prohibited**

The donation of gifts to the University of Nebraska Foundation for the benefit of the University shall be applied for the improvement of academic programs of the University in accord with donor intentions, and will not be used to replace fiscal support of such programs from public funds.

**Reference:** BRUN, Minutes, 49, p. 111, (January 14, 1984).

#### **RP-6.6.9 Authority to Establish Accounts**

Authority is hereby delegated and granted to the principal business officer of each major administrative unit within the University to:

1. Establish accounts in federally insured financial institutions for the purpose of carrying on the day-to-day business operations of the University with respect to cash funds which the Board of Regents is authorized to retain pursuant to Neb. Rev. Stat. Sections 83-130, 83-305.04, 85-125 and 85-192;
2. Designate signatories authorized to transact business through such accounts and to report to the Board of Regents on an annual basis, or whenever a change is made, those individuals authorized as signatories;
3. Designate the number of signatories required to withdraw funds;
4. Authorize the use of facsimile signatures in transacting business with respect to any such accounts.

**Reference:** BRUN, Minutes, 48, pp. 221-222 (July 23, 1983).

#### **RP-6.6.10 Collection of Delinquent Debts**

Authority is granted to the Chancellors, through the Vice Chancellors for Business and Finance, to file suit for the collection of delinquent debts after appropriate preliminary steps have been taken and after consultation with the University General Counsel.

**Reference:** BRUN, Minutes, 36, p. 174 (August 13, 1973).  
BRUN, Minutes, 56, p. 149 (September 6, 1991).

#### **RP-6.6.11 Othmer-Topp Endowment Spending Policy**

Expenditures from the Othmer-Topp Endowment are limited to actual income received from investment (interest and dividends).

Allocation of income from the Endowment are classified into three major categories, commonly referred to as the 75% fund, the Regents 12½% fund and the UNL 12½% fund.

First priority and second priority uses of income from the 75% fund and the nature of approvals necessary for use of income for first priority and second priority uses of the 75% fund are as follows:

1. In accordance with the requirements of Neb. Rev. Stat., §§ 85-123 and 85-123.01, gifts under Mildred Othmer's Will shall be deposited in the University Trust Fund and used as follows:
  - a. In accordance with Mrs. Othmer's Will a sufficient amount of funds received from her estate shall be added to the endowed professorship previously established by the Regents under the Last Will and Testament of Donald F. Othmer for the Donald F. and Mildred Topp Othmer Professorship of Chemical Engineering to bring the endowed fund for such professorship to \$2,500,000.
  - b. The remainder of the gifts received from Mildred Othmer's estate shall be allocated to an account hereby established as the Othmer-Topp Endowment Fund to be held in perpetuity and used in accordance with the Last Will and Testament of Mildred Topp Othmer for University purposes as directed by the Board of Regents. The initial use of the Othmer-Topp Endowment Fund shall be as follows:
    - (1) The income from seventy-five percent (75%) of the Othmer-Topp Endowment Fund shall be distributed to the University of Nebraska-Lincoln (a) to have first priority use as shall be determined by the Chancellor, with approval of the President and the Board of

Regents, to be necessary for (i) enhancement of the chemical engineering program at the University of Nebraska-Lincoln, and (ii) installation, maintenance and operation of technology upgrades for the University of Nebraska libraries; and (b) second priority use for such other general purposes at the University of Nebraska-Lincoln as the President and the Board of Regents may from time to time approve. Within the second priority general purposes approved by the President and the Board, the income may be used as determined by the Chancellor. The President and the Board hereby approve the following initial second priority general purposes with the understanding that additional second priority purposes may be approved in the future:

- (a) Distinguished Professorships as approved by the Board on January 16, 1999;
- (b) The establishment of a Great Plains Regional Humanities Center should UNL be the recipient of a competitive challenge grant from the National Endowment of the Humanities;
- (c) The establishment of a program of competitive campus-wide graduate fellowships under the direction of the Dean of Graduate Studies; and
- (d) The establishment of the Academic Program Improvement Fund (APIF) which will provide funds to academic programs for investment and enhancement in order to allow UNL to achieve "...excellence in a select number of research, professional and graduate programs and enable them to achieve a level of quality that places them among the top programs in the nation and beyond.

On or before March 1 of each year the Chancellor will provide an annual written report to the President and the Board of Regents of expenditures of endowment income for the second priority general purposes approved by the President and the Board.

Any buildings, facilities or programs funded with amounts specified in (a)(i) of this paragraph shall be named in honor and memory of Donald F. Othmer, and any technology upgrades funded with amounts specified in (a)(ii) of this paragraph shall be named in honor of Mildred Topp Othmer.

- (2) The income from twelve and one half percent (12½%) of the Othmer-Topp Endowment fund shall be distributed to the Board of Regents to be used as the Regents shall determine is necessary and appropriate for enhancement of the functions and facilities of the Regents and the chief governing administrative unit of the University for governance and administration of the University.
  - (3) The income from twelve and one half percent (12½%) of the Othmer-Topp Endowment fund shall be distributed to the University of Nebraska-Lincoln to be used as determined by the Chancellor, with the approval of the President and the Board of Regents, for the enhancement of academic programs at the University of Nebraska-Lincoln.
  - (4) Any unexpended income at the end of any fiscal year of the University shall be added to the principal of the Othmer-Topp Endowment Fund.
2. The Board of Regents may from time to time as it shall deem necessary, but within the limits prescribed by the Last Will and Testament of Mildred Topp Othmer, change the purposes for which the Othmer-Topp Endowment Fund is used.

**Reference:** BRUN, Minutes, 62, p. 155 (October 1, 1999).  
BRUN, Minutes, 62, p. 166 (November 5, 1999).  
BRUN, Minutes, 63, p. 112 (January 13, 2001).

Index

Abortions	21
Academic Affairs Committee	10
Academic Responsibility	79
Access to Retirement Accumulations	68
Accounts	
Authority to Establish	167
Bank	167
Admission	
Assured	109
Core Course Requirements	108
Criteria	108
Deferred	109
Special Merit	109
Transfer Students	109
Admission Standards	108
Affirmative Action	
Disabilities, Americans With	25
Equal Educational Opportunity	37
Hiring Authorities	30
Internal Audits and Reports	33
Internal-External Communications/Applicants	30
Internal-External Communications/Audits	33
Internal-External Communications/Bulletins	30
Internal-External Communications/Community Groups	30
Internal-External Communications/Employees	30
Internal-External Communications/Handbooks	30
Internal-External Communications/Manuals	30
Internal-External Communications/Posters	30
Internal-External Communications/Reports	33
Inventory of Personnel/Goals and Timetables	33
Inventory of Personnel/Utilization Analysis	33
Inventory of Personnel/Workforce Analysis	32
Personnel	34
Recruitment Sources	30
Responsibility for Administration/Chancellors	31
Responsibility for Administration/EO-AA Officers	31
Responsibility for Administration/Other Employees	32
Responsibility for Administration/President	30
Sexual Harassment	69
Supervisory Staff	30
Technical Requirements/Contractors	36
Technical Requirements/Facilities	37
Alcoholic Beverages	
Dispensing on University Property	155
Unauthorized Use, Manufacture, Distribution, Possession, or Sale	15
University Private Social Events	155
University Special Designated Permits	155
Architecture, Engineering, Landscape Arch, Land Surveying	
University Standard Selection Procedure	149
Art	
Acquisition of for Construction Projects	161
Acquisition of Works/Negotiations	150

Athletics	
Statement on Intercollegiate Athletics	19
Tickets	3
Use of Intercollegiate Athletic Facilities by Outside Agencies	159
Violations of NCAA Rules	19
Audit Committee	10
Bequests	
Gifts, Grants, and Bequests	165
Bid, Proposal Summary	150
Board of Regents	
Academic Affairs Committee	10
Agenda/Format	4
Approval of Business Activity	155
Athletic Tickets	3
Audit Committee	10
Business Affairs Committee	10
Campaign for Office	79
Chairperson	3
Code of Ethics	1
Committee Reports	9
Custodian of Records	10
Disposition and/or Preservation of Records	11
Executive Committee	9
Financial Exigency, Declaration of	86
General Affairs Committee	10
Governance of	1
Honorary Awards, Other	9
Honorary Degrees	6
Information Technology Committee	10
Members/Duties	2
Minutes	4
Nebraska Builder Awards	8
Outreach and Service Committee	10
Planning Committee	9
Records of the Board of Regents	10
Regents Scholarships, Undergraduate	124
Reimbursement, Remuneration of Student Regents	3
Student Members	3
Budget	
Fundamental Principle Regarding	160
Interim Adjustments	161
Builder Awards	8
Business Activities	
Approval of Business Activity	155
Business Affairs Committee	10
Campus Disorders	12
Capital Project Management	152
Chairperson of the Board of Regents	3
Chancellor	
Housing	143
Installation Ceremony	19
Coliseum (UNL), Use of by Political Parties	158
Collective Bargaining	
Union Solicitation	70



Committee	
Academic Affairs Committee	10
Academic Year Calendar Committee	20
Audit Committee	10
Business Affairs Committee	10
Committee Reports	9
Executive Committee	9
General Affairs Committee	10
Information Technology Committee	10
Outreach and Service Committee	10
Planning Committee	9
Presidential Advisory Search Committee	14
Publications Committee	114
Conflict of Interest	55
Appropriateness of Research	56
Disclosure of Interest Form	67
Disclosures of Outside Commitment	59
Faculty Commercialization of University Technology	63
Openness of Research and Publication of Results	58
Other Activities Requiring Disclosures	61
Outside Employment	59
Transfer of Rights in Discoveries	65
Construction	
Acquiring Works of Art	161
Capital Project Management	152
Management and Design/Build Selection	153
Program Statements	152
Project Contracting Method	152
Project Representative	142
University Standard Selection Procedure	153
Use of University Personnel in Planning, Construction	142
Consultation	
Instructor-Student	106
Contracts	
Administrative Approval of University Contracts	145
Board Approval Required	148
Delegation of President's Authority to Approve, Execute	148
Licensed Professional Services	149
President's Authority to Approve, Execute	146
Prohibition of Rollover Contracts	80
Project Contracting Method	152
University Standard Selection Procedure	149
Coordination of Outreach Activities; Continuing Education	22
Crisis Leave Sharing Policy	74
Debts	
Authority to Sue for Collection	168
Nonpayment of Fees	110
Payment of Financial Obligations	110
Demonstrations, Student	12
Devaney Sports Center, Use of	159
Disabilities, Americans with	25
Disciplinary Action	
Response to Disruptive Action	12
Right to Public Hearing	13

Distance Education	
Tuition Policy for Distance Education	121
Doctoral Gown	6
Drugs, Illegal	
Unauthorized Use, Manufacture, Distribution, Possession, or Sale	15
Emeritus Status, Description of	83
Employee, see also Personnel	
Alcoholic Beverages, Unauthorized Use	15
Disabilities, Americans with	25
Group Insurance, Ancillary Organizations	39
Illegal Drugs, Unauthorized Use	15
Non-Discrimination on Basis of Individual Characteristics	25
Travel Reimbursement, Overseas	129
Endowment Funds	
Investment Policy	163
Othmer-Topp Endowment Spending	168
Permanent	162
Equal Opportunity	105
Equal Opportunity-Individual Characteristics	
Employees	25
Student	105
Ethics, Code of, Board of Regents	1
Evaluation	
Faculty/Administrators	85
Post-Tenure Review Policy	90
Executive Committee	9
Facilities	
Naming of	144
Deferred Maintenance	149
Licensed Professional Services	149
Maintenance	149
Religious Activities	157
Trespass Policy	159
University Standard Selection Procedure	149
Use of Devaney Sports Center	159
Use of Intercollegiate Athletic Facilities by Outside Agencies	159
Use of Rifle Ranges	158
Use of UNK Health/Sports Center by Political Parties	158
Use of UNL Coliseum by Political Parties	158
Use of UNO Field House by Political Parties	158
Faculty	
Academic Responsibility	79
Assistance for Doctoral Study	80
Conflict of Interest-see Conflict of Interest	55
Emeritus Status	83
Evaluation	85
Financial Exigency	86
Health Care Policy for Tenured Early Retirees	83
Librarians	85
Museum Personnel	85
Post-Tenure Review Policy	90
Senior Consultant Status-UNMC	85
Faculty Development Fellowships	81
Family Leaves of Absence	72

Federal Appointments	
Health Care Benefits for	40
Fees	
Laboratory	128
Miscellaneous	128
Veterinary Diagnostic Laboratory Fees	129
Fellowships	
Faculty Development	82
Field House (UNO), Use of by Political Parties	158
Financial Aid	
Employee and Dependent Scholarship Program	41
Faculty Assistance for Doctoral Study	80
Fellow/Scholar	122
Graduate Assistantship	71, 122
Maude Hammond Fling Fellowships	82
Nonresident Tuition Scholarships to Children of Alumni	123
Regents Scholarships, Undergraduate	124
Tuition Remission-Graduate Assistants	122
Financial Exigency	86
Financial Report, Annual	161
Fling Fellowships	82
Football Tickets, Complimentary	3
Foundation, University of Nebraska	
Funds and Receipts	161
Gifts, Grants, and Bequests	161
Freedom of Expression	106
Fringe Benefits	
Access to Retirement Accumulations	68
Athletic Tickets	3
Crisis Leave Sharing Policy	74
Employee and Dependent Scholarship Program	41
Employees, Ancillary Organizations	39
Health Care for Federal Appointments	40
Health Care Policy for Tenured Early Retirees	83
Funds	
Authority to Establish Accounts	167
Current Restricted	163
Current Unrestricted Auxiliary Operations	164
Endowment	163
Endowment, Administration of	162
Endowment, Investment Policy	163
Gifts, Grants, and Bequests	166
Loan	163
Plant	165
Student Loan	164
University Foundation	161
Unrestricted Current	163
Funds U.S. Meat Animal Research Center	161
Funds; Gifts, Grants, Bequests	167
General Affairs Committee	10
Gifts, Grants, and Bequests	165
Acceptance and Acknowledgement	166
Criteria for Administrative Acceptance	165
Depositing of Funds	166
Distribution of Bequests	166, 167

Reporting of .....	166
University Foundation .....	165
Use of to Replace Public Funds Prohibited .....	167
Governance	
Board of Regents .....	1
University Policy Manual .....	5
Grading Procedures; Student .....	106
Graduate Assistantship .....	71
Definition .....	122
Tuition Remission .....	122
Graduate Certificates	
Expedited Approval of Certain Graduate Certificates .....	20
Grants	
Gifts, Grants, and Bequests .....	165
Grievance Policy	
Affirmative Action .....	69
General Non-Academic .....	69
Grievance Procedures .....	36
Health Care Policy for Tenured Early Retirees .....	83
Health Center, UNL Governing Board .....	23
Health/Sports Center (UNK), Use of by Political Parties .....	158
Honorary Awards	
Honorary Degrees .....	6
Nebraska Builder Awards .....	8
Other .....	9
Honorary Degrees .....	6
Housing	
President and Chancellors .....	143
Student .....	111
Identifier	
University of Nebraska .....	5
Illness Prevention .....	150
Incentive Programs .....	40
Individual Characteristics	
Employees .....	25
Students .....	105
Information Technology Committee .....	10
Injury and Illness Prevention Program .....	150
Safety Committee .....	151
Safety Coordinator .....	151
Safety Program .....	150
Safety Rules, Policies, and Procedures .....	151
Safety Training .....	151
Injury Prevention .....	150
Installation Ceremony Policy	
Chancellor .....	19
President .....	19
Insurance	
Operating Policy For The University Of Nebraska General Self-ins .....	43
Self-insurance Program .....	43
Trusteed Self-Insurance Fund .....	155
Intellectual Property .....	91
Applicable to all technologies and media .....	93
Assignment of Property Rights by the University .....	100
Classification of creative works .....	94

Early disclosure and incentives to create . . . . .	92
General Policy Statement . . . . .	92
General Provisions . . . . .	93
Independent Works . . . . .	94
Institutional Works . . . . .	97
Instructional Materials . . . . .	96
Intellectual Property Rights for Multiple Creating Parties . . . . .	99
Introduction . . . . .	91
Non-Copyright Intellectual Property . . . . .	99
Ownership of Copyrights in Theses, Dissertations . . . . .	99
Ownership of Copyrights in Theses, Dissertations and Other Stude . . . . .	99
Ownership of Institutional Works . . . . .	97
Ownership of Intellectual Property . . . . .	91
Ownership of Other Student Works . . . . .	99
Ownership of Trade and Service Marks . . . . .	100
Ownership of Works Produced by Non-employees . . . . .	98
Research Materials. . . . .	96
Residual Authors' or Inventors' rights . . . . .	93
Resolution of Ambiguities and Policy Interpretation . . . . .	100
Review of Policy . . . . .	100
Software, Patentable Subject Matter . . . . .	99
Student Writings Other Than Theses or Dissertations . . . . .	99
Supplemental Income from Commercial Applications . . . . .	100
Theses, Dissertations and Other Student Works . . . . .	99
University Supported Works . . . . .	95
Use of University's name . . . . .	93
Leave	
Adoption Leave . . . . .	76
Crisis Leave Sharing Policy . . . . .	74
Family . . . . .	72
Parental Leave Policies . . . . .	76
Vacation . . . . .	69
Librarians, Faculty Status . . . . .	85
Logo, University of Nebraska . . . . .	5
Maude Hammond Fling Fellowships . . . . .	82
Media	
Guidelines . . . . .	71
Guidelines for Student Press . . . . .	111
Meetings	
Board of Regents . . . . .	4
Municipality	
Vacating Streets, Curb Cuts . . . . .	142
Museum Personnel	
Faculty Status . . . . .	85
Naming	
Facilities . . . . .	144
Programs . . . . .	20
National Collegiate Athletic Association	
Enforcement of Rules . . . . .	19
Nebraska Builder Awards . . . . .	8
Nebraska College of Technical Agriculture	
Personnel Policies . . . . .	71
Non-Discrimination-Individual Characteristics	
Employees . . . . .	25
Students . . . . .	105

Non-Residents, Tuition Scholarships .....	122
Children of Alumni .....	123
Notes	
Recordings and Commercial Distribution of Course Notes .....	110
Occupational Safety	
see Injury and Illness Prevention PProgram .....	151
Organizations, Student; Student .....	107
Othmer-Topp Endowment Spending .....	168
Outreach and Service Committee .....	10
Parental Leave Policies .....	76
Adoption Leave .....	76
Medical Maternity Leave .....	76
Paternal Leave .....	76
Patent .....	100
Patent and Technology Transfer Policy .....	100
Personal Property	
Purchase of .....	129
Personnel	
Academic Responsibility .....	79
Access to Retirement Accumulations .....	68
Administrators/Evaluations of .....	85
Affirmative Action/Employee Benefits .....	35
Affirmative Action/Equal Pay .....	35
Affirmative Action/Grievance Procedures .....	36
Affirmative Action/Job Classifications .....	35
Affirmative Action/Promotions and Upgrading .....	34
Affirmative Action/Recruitment .....	34
Affirmative Action/Standards and Procedures .....	34
Appointments/Emeritus Status .....	83
Conflict of Interest-see Conflict of Interest .....	55
Crisis Leave Sharing Policy .....	74
Deferred Compensation .....	39
Emeritus Status .....	83
Employee and Dependent Scholarship Program .....	41
Faculty, Evaluations of .....	85
Family Leaves of Absence .....	72
Grievance Policy .....	69
Health Care for Federal Appointments .....	40
Health Care Policy for Tenured Early Retirees .....	83
Incentive Programs .....	40
Media Guidelines .....	71
Nebraska College of Technical Agriculture .....	71
Parental Leave Policies .....	76
Political Activities, Regent Campaigns .....	79
Prohibition of Rollover Contracts .....	80
Retirement Benefits .....	38
Senior Consultant Status .....	85
Sexual Harassment .....	69
Tenure Recommendations .....	90
Tenure, Granting of .....	88
Transfer of UNK Employees .....	72
Union Solicitation .....	70
Vacation .....	69
Planning Committee .....	9

Policy Manual	
University Policy Manual	5
Political Activities	
Regent Campaigns	79
Post-Tenure Review Policy	90
President	20
Administrative Approval of University Contracts	145
Authority to Approve, Execute Contracts	146
Enforcement of Athletic Rules	19
Expedited Approval of Certain Graduate Certificates	20
Housing	143
Installation Ceremony Policy	19
Prohibition of Rollover Contracts	80
Presidential Advisory Search Committee	14
Program and Facilities Fees	
Fund A	125
Fund B	125
Program, Authorization to Approve Name Changes	20
Program, Discontinuance	107
Property, Personal	
Bids	150
Competitive Bidding	131
Disposal of	135
Personal Use or Benefit Forbidden	134
Purchase of	129
Purchasing Disputes	133
Purchasing Officers	130
Resident Bidder Preference	133
Property, Real	
Acquisition	137
Bids	150
Deeds and Other Instruments	137
Disposal of	137
Environmental Site Assessment	137
Trespass Policy	159
Public Hearing	
Right to	13
Publications Committee	
Executive Board and Advisor	114
Membership and Authority	112
Purchasing	
Personal Property	129
Services	129
Records Retention	
Board of Regents	10
Custodian of Records	10
Disposition and/or Preservation of Records	11
Refunds, Tuition	120
Religion	
Use of University Facilities for Religious Activities	157
Reports	
Affirmative Action	33
Annual Financial	161

Research and Scholarship	
Maude Hammond Fling Fellowships	82
Relationship of Teaching, Research, and Service	16
Residency	
Determination for Tuition Purposes	121
Retirement Benefits	39
Access to Retirement Accumulations	68
Deferred Compensation	39
Health Care Policy for Tenured Early Retirees	83
Retirement Plan Specifications	38
Rifle Ranges, Use of	158
Rights and Responsibilities in Classroom; Student	106
Safety Program, see Injury and Illness Prevention Program	150
Scholar; Financial Aid	122
Self-insurance Program	43
Assistance and Cooperation of the Insured	53
Coverage on an Occurrence Basis	52
Coverage Period	52
Definitions	46
Exclusions	50
Financial Guidelines	44
General	43
Non-Severability of Interests	52
Notice of Claim or Suit	52
Other Insurance	52
Program Administration	43
Program Territory	52
Self-Insurance Coverage	49
Special Conditions Relating to Police Officer Criminal Defense C	53
Senior Consultant Status-UNMC	85
Service	
Relationship of Teaching, Research, and Service	16
Services, Procurement of	
Competitive Bidding	131
Personal Use or Benefit Forbidden	134
Purchase of	129
Purchasing Disputes	133
Purchasing Officers	130
Resident Bidder Preference	133
Sexual Harassment	69
Speakers	106, 114
Student	
Admission Criteria	108, 109
Alcoholic beverages, Unauthorized Use	15
Assistantships/see Financial Aid	122
Campus Disorders	12
Consultation/Instructor-Student	106
Demonstrations	12
Disabilities, Americans With	25
Freedom of Expression	12, 106
Government	23, 107
Government/Eligibility Requirements	23
Government/Voting Procedures	23
Grading Procedures	106
Graduate Assistantship	71



Illegal Drugs, Unauthorized Use . . . . .	15
Media/Guidelines for Student Press . . . . .	111
Non-Discrimination on Basis of Individual Characteristics . . . . .	105
Organizations . . . . .	107
Patents-See Also Patent and Technology Transfer . . . . .	106
Programming Activities . . . . .	106
Programming Organization . . . . .	114
Public Hearing/See Public Hearing . . . . .	106
Recordings and Commercial Distribution of Course Notes . . . . .	110
Records of Transfer or Continuing . . . . .	110
Regent/See Board of Regents, Student . . . . .	106
Regents Scholarships, Undergraduate . . . . .	124
Regents/Voting . . . . .	3
Rights and Responsibilities . . . . .	105
Speakers/See Speakers . . . . .	106
Student Regents	
Athletic Tickets . . . . .	3
Subcommittees of the Board of Regents	
Board of Regents . . . . .	10
Teaching	
Relationship of Teaching, Research, and Service . . . . .	16
Tenure	
Granting of . . . . .	88
Post-Tenure Review Policy . . . . .	90
Recommendations . . . . .	90
Tickets, Athletic . . . . .	3
Transcripts	
Transfer or Continuing Students . . . . .	110
Travel Reimbursement . . . . .	129
Trespass Policy . . . . .	159
Tuition	
Denial of Residency, Appeals . . . . .	119
Differentiated Graduate . . . . .	120
Employee and Dependent Scholarship Program . . . . .	41
Policy . . . . .	121
Program and Facilities Fees . . . . .	125
Refund Schedule . . . . .	120
Remission, Graduate Assistants . . . . .	122
Residency Requirements . . . . .	115
Residency, Affidavit of . . . . .	119
Scholarships, Non-resident . . . . .	122
Tuition Level Guidelines . . . . .	120
Tuition Policy for Distance Education . . . . .	121
Tuition Scholarships	
Children of Alumni . . . . .	123
Regents Scholarships, Undergraduate . . . . .	124
Tuition Scholarships, Non-residents . . . . .	122
Union	
Dues . . . . .	71
Solicitations . . . . .	70
University Hospital	
Abortions . . . . .	21
University Housing . . . . .	111
University of Nebraska	
Honorary Degrees . . . . .	6
Identifier . . . . .	5

Logo .....	5
Outdoor Signs .....	4
Seal .....	4
Trademark .....	4
Trespass Policy .....	159
Vehicle Signs .....	4
University of Nebraska at Kearney	
Transfer of Employees .....	72
University of Nebraska Press .....	22
University Policy Manual .....	5
University Press .....	22
University Standard Selection Procedure .....	149, 153
UNL University Health Center Governing Board .....	23
UPFF, see Fees .....	125
Vacating Streets, Curb Cuts .....	142
Vacation	
Accrual/Academic-Administrative Staff .....	68, 69
Accrual/Managerial-Professional Staff .....	69
Vehicle Signs	
University of Nebraska, Vehicle Signs .....	4
Veterinary Diagnostic Laboratory Fees .....	129