

Lincoln, Nebraska  
March 29, 2019

The Board of Regents of the University of Nebraska met on March 29, 2019, at 11:30 a.m. in the board room at Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska, in a publicly convened session, the same being open to the public and having been preceded by advance publicized notice, a copy of which is attached to the minutes of this meeting as Attachment 1 (page 113).

In compliance with the provisions of *Neb. Rev. Stat.* § 84-1411, printed notice of this meeting was sent to each member of the Board and was posted in the first floor lobby of Varner Hall. In addition, copies of such notice were sent to the Lincoln Journal Star, Omaha World Herald, the Daily Nebraskan, the Gateway, the Antelope, the Kearney Hub, and the Lincoln office of the Associated Press on March 22, 2019.

Regents present:

Timothy Clare, Chairman  
Howard Hawks  
Paul Kenney  
Elizabeth O'Connor  
Bob Phares  
Jim Pillen, Vice Chairman  
Robert Schafer  
Barbara Weitz  
Logan Krejdl, University of Nebraska at Kearney  
Hunter Traynor, University of Nebraska-Lincoln  
Sarah Hotovy, University of Nebraska Medical Center  
Renata Valquier Chavez, University of Nebraska at Omaha

University officials present:

Hank M. Bounds, President  
Susan M. Fritz, Executive Vice President and Provost  
Carmen K. Maurer, Corporation Secretary  
Jeffrey P. Gold, Chancellor, University of Nebraska Medical Center and  
University of Nebraska at Omaha  
Ronnie D. Green, Chancellor, University of Nebraska-Lincoln  
Christopher J. Kabourek, Vice President for Business and Finance | CFO  
James P. Pottorff, Vice President and General Counsel  
Michael J. Boehm, Vice President for Agriculture and Natural Resources

University official not present:

Douglas A. Kristensen, Chancellor, University of Nebraska at Kearney

**I. CALL TO ORDER**

**II. ROLL CALL**

The Board convened at 11:30 a.m. in the boardroom of Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska. Attendance is indicated above.

**III. APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS**

Motion Moved by Phares and seconded by Kenney to approve the minutes and ratify the actions of the regularly scheduled meeting on January 25, 2019.

Action Student Opinion: Voting Aye: Krejdl, Traynor, Valquier Chavez, and Hotovy. Voting Aye: Hawks, Kenney, O'Connor, Phares, Pillen, Schafer, Weitz, and Clare. Motion carried.

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

**IV. KUDOS**

**Regent Hotovy presented a KUDOS award to Heidi Reelfs**, Physical Therapist at the University of Nebraska Medical Center Munore-Meyer Institute.

**Regent Traynor presented a KUDOS award to Jennifer Bodfield**, Senior Academic Human Resources Specialist in the College of Arts and Sciences at the University of Nebraska-Lincoln.

**Regent Krejdl presented a KUDOS award to Kristi Milks**, Office Associate in the Division of Academic and Student Affairs with the University of Nebraska at Kearney.

**Regent Valquier Chavez presented a KUDOS award to Angie Kennedy**, the Creative Director within University Communications at the University of Nebraska at Omaha.

**V. RESOLUTIONS OF RECOGNITION**

Regent Kenney presented the following resolution

**WHEREAS**, Renata Valquier Chavez has served with distinction as a member of the University of Nebraska Board of Regents and President of the University of Nebraska at Omaha Student Government for the 2018-19 term; and

**WHEREAS**, during her time as a student at UNO, Regent Valquier Chavez has held multiple campus leadership positions beyond President/Regent while balancing the demands of competing as a student athlete on the UNO Cross Country and Track teams; and

**WHEREAS**, in all of her leadership roles, especially as a member of the University of Nebraska Board of Regents, Regent Valquier Chavez has actively listened and elevated the voices of her fellow students to inform decisions made by the Board of Regents, and communicated decisions back with students in support of transparency; and

**WHEREAS**, Regent Valquier Chavez, as president, worked diligently to include diverse perspectives, and thinking to improve the student experience at UNO; and

**WHEREAS**, during her term as President, Regent Valquier Chavez led UNO's Student Government with integrity, empathy, and a focus on collaboration; and

**WHEREAS**, through responsible leadership, critical questioning, and optimism, Regent Valquier Chavez has gained the admiration and respect of UNO administration, faculty, staff, and students;

**NOW, THEREFORE, BE IT RESOLVED**, that the University of Nebraska Board of Regents commend Regent Renata Valquier Chavez for her outstanding service and her dedication to the University of Nebraska, and wish her success in all of her future undertakings.

Regent Clare presented the following resolution

**WHEREAS**, Student Regent Hunter Traynor has served with distinction as a member of the University of Nebraska Board of Regents and as President of the Association of Students of the University of Nebraska (ASUN) since April 2018; and

**WHEREAS**, Regent Traynor has worked with students and administrators to improve University policies involving free speech, as well as implemented programming encouraging civil discourse; and

**WHEREAS**, Regent Traynor worked with fellow student-leaders and administrators to improve the transparency and efficiency of the fee allocation process; and

**WHEREAS**, Regent Traynor has worked with his executive team to initiate conversations about renovating the City Campus Union to better promote community and collaboration among students; and,

**WHEREAS**, Regent Traynor has collaborated with his executive team and administrators to craft a policy allowing student-parents to enroll in classes earlier, lessening the stresses caused by conflicts with childcare schedules; and,

**WHEREAS**, Regent Traynor has fostered a partnership with the New York Times that will bring full digital access to every student, faculty, and staff member on campus; and,

**WHEREAS**, Regent Traynor represented University of Nebraska-Lincoln students in advocacy efforts at the local, state, and federal levels discussing topics such as campus safety, college affordability, and research initiatives; and

**WHEREAS**, Regent Traynor has served on the Academic Affairs Committee of the Board of Regents; and

**WHEREAS**, through thoughtful and reflective leadership, Regent Traynor has worked tirelessly to represent the University of Nebraska-Lincoln's 26,000 students to the best of his ability;

**NOW, THEREFORE, BE IT RESOLVED**, that the University of Nebraska Board of Regents expresses sincere appreciation for Regent Hunter Traynor's dedicated service and effective leadership as a member of the board, and wishes him well in all his future endeavors.

Regent Phares presented the following resolution

**WHEREAS**, Sarah Hotovy has served as a member of the University of Nebraska Board of Regents and as President of the University of Nebraska Medical Center Student Senate during the 2018-2019 term;

**WHEREAS**, Regent Hotovy represented herself, her institution and her fellow students with dignity and integrity during board meetings and events, and has served as a vocal and unwavering advocate for students throughout the NU system;

**WHEREAS**, Regent Hotovy improved engagement with senators from UNMC campuses in Scottsbluff, Kearney, Norfolk and Lincoln;

**WHEREAS**, Regent Hotovy worked to improve student communication on campus, leading to the establishment of the weekly UNMC Vitals student engagement newsletter;

**WHEREAS**, Regent Hotovy provided feedback and guidance on technology improvement initiatives on campus;

**WHEREAS**, Regent Hotovy testified on behalf of the student body to the Nebraska Legislature's Appropriations Committee for the University of Nebraska's budget hearing;

**NOW, THEREFORE, BE IT RESOLVED**, that the University of Nebraska Board of Regents expresses its sincere appreciation for Regent Sarah Hotovy's dedicated service and effective leadership as a member of the board, and wishes her success in all of her future endeavors.

Regent Pillen presented the following resolution

**WHEREAS**, Logan Krejdl has served with merit as a member of the University of Nebraska Board of Regents and President of the Associated Students of the University of Nebraska at Kearney; and

**WHEREAS**, Regent Krejdl has maintained a high level of confidence among UNK students and has worked diligently to present their views to fellow members of the Board of Regents and to the University Chancellor and administrative leadership; and

**WHEREAS**, Regent Krejdl represented the UNK student body at major campus events including the LaVonne Kopecky Plambeck Early Childhood Education Center ground-breaking, Commencements and Honors Convocations; and

**WHEREAS**, Regent Krejdl led efforts to rename rooms and facilities in the newly remodeled Nebraskan Student Union; participated in the subsequent unveiling and renaming events; and gained budget approval for ten hammock locations throughout campus; and

**WHEREAS**, Regent Krejdl and his Cabinet supported and passed Resolutions in support of the University's 2019-2021 budget request and in support of LGBTQ+ anti-discrimination policies; and

**WHEREAS**, Regent Krejdl promoted and participated in campus service endeavors such as the annual “Play It Forward” charity event in support of Kearney’s Crossroads Shelter and “The Big Event” volunteer project that engages students with job sites throughout the Kearney community as an expression of gratitude for support of the University; and

**WHEREAS**, through professional interaction across all sectors of the campus, Regent Krejdl established a vision of purpose and direction; has been a trusted and respected leader; and has demonstrated loyalty to and promotion of the University in every aspect;

**NOW, THEREFORE, BE IT RESOLVED**, that the University of Nebraska Board of Regents expresses sincere appreciation for the exemplary contributions of Regent Logan Krejdl during his term of office and wishes him well in the promising future that awaits him.

Resolutions Adopted      There being no objection, the above resolutions were approved and adopted by the general consent of the Board.

Regent Clare recognized the outgoing Faculty Senate Presidents: Grace Ann Mims, Professor, University of Nebraska at Kearney; Kevin Hanrahan, Associate Professor, University of Nebraska-Lincoln; Corrine Hanson, Associate Professor, University of Nebraska Medical Center; and Chris Kelly, Associate Professor, University of Nebraska at Omaha.

**VI.                    HEARINGS**

None

**VII.                   PUBLIC COMMENT**

Jennifer Barth spoke on the topic of racial disparity at the UNL School of Music. [See Documents file for a copy of Ms. Barth’s handout]

Regent Hawks announced that in June the Board of Regents will have the honor and privilege to bestow upon President Bounds the title of President Emeritus in recognition of the important contributions he has made to the University and State during his time here. The award involves some formalities that the Board will address during the June meeting. The Board wishes to express to President Bounds how very much they appreciate all he has done for everyone.

**VIII.                   UNIVERSITY CONSENT AGENDA**

Motion                   Moved by Phares and seconded by Pillen to approve item VIII-A-1

University of Nebraska

VIII-A-1                   President’s Personnel Recommendations

Action                   Student Opinion: Voting Aye: Traynor, Valquier Chavez, Hotovy, and Krejdl. Voting Aye: Kenney, O’Connor, Phares, Pillen, Schafer, Weitz, Clare, and Hawks. Motion carried.

**IX. UNIVERSITY ADMINISTRATIVE AGENDA**

**A. ACADEMIC AFFAIRS**

Motion Moved by Hawks and seconded by Kenney to approve item IX-A-1

University of Nebraska

IX-A-1 Approve amendments to RP-5.10 Student Information and the Family Educational Rights and Privacy Act of 1974 (FERPA) of the *Policies of the Board of Regents* related to directory information for students

See Attachment 2 to the minutes for the full text of the *Board of Regents Policy* RP-5.10 (pages 114-122)

There was discussion

Action Student Opinion: Voting Aye: Valquier Chavez, Hotovy, Krejdl, and Traynor. Voting Aye: O'Connor, Phares, Pillen, Schafer, Weitz, Clare, Hawks, and Kenney. Motion carried.

University of Nebraska-Lincoln

IX-A-2 Item IX-A-2 was removed from the agenda. ~~Approval is requested to discontinue the Hitchcock Center for Graduate Study and Professional Journalism Development in the College of Journalism and Mass Communications~~

Motion Moved by Kenney and seconded by Traynor to approve item IX-A-3

IX-A-3 Approval is requested to create the Rural Economic and Community Vitality Graduate Certificate in the Department of Agricultural Economics in the College of Agricultural Sciences and Natural Resources

Action Student Opinion: Voting Aye: Hotovy, Krejdl, Traynor, and Valquier Chavez. Voting Aye: Phares, Pillen, Schafer, Weitz, Clare, Hawks, Kenney, and O'Connor. Motion carried.

Motion Moved by Valquier Chavez and seconded by Phares to approve item IX-A-4

University of Nebraska at Omaha

IX-A-4 Approval is requested to discontinue the Master of Arts in Theatre degree in the School of the Arts in the College of Communication, Fine Arts and Media

Action Student Opinion: Voting Aye: Krejdl, Traynor, Valquier Chavez, and Hotovy. Voting Aye: Pillen, Schafer, Weitz, Clare, Hawks, Kenney, O'Connor, and Phares. Motion carried.

Motion Moved by Hawks and seconded by Hotovy to approve item IX-A-5

IX-A-5 Approval is requested to create the Bachelor of Arts and Bachelor of Science degrees in Medical Humanities in the College of Arts and Sciences in collaboration with the College of Communication, Fine Arts and Media

There was discussion

Action Student Opinion: Voting Aye: Traynor, Valquier Chavez, Hotovy, and Krejdl. Voting Aye: Schafer, Weitz, Clare, Hawks, Kenney, O'Connor, Phares, and Pillen. Motion carried.

Motion Moved by Kenney and seconded by Traynor to approve IX-A-6

IX-A-6 Approval is requested to create the Center for Professional Sales in the Department of Marketing and Entrepreneurship in the College of Business Administration

Action Student Opinion: Voting Aye: Valquier Chavez, Hotovy, Krejdl, and Traynor. Voting Aye: Weitz, Clare, Hawks, Kenney, O'Connor, Phares, Pillen, and Schafer. Motion carried.

Motion Moved Valquier Chavez and seconded by Hawks to approve item IX-A-7

IX-A-7 Approval is requested to create the STEM TRAIL Center administered by the Colleges of Arts and Sciences, Education, and Information Science and Technology

There was discussion

Action Student Opinion: Voting Aye: Hotovy, Krejdl, Traynor, and Valquier Chavez. Voting Aye: Clare, Hawks, Kenney, O'Connor, Phares, Pillen, Schafer and Weitz. Motion carried.

## **B. BUSINESS AFFAIRS**

Motion Moved by Phares and seconded by Pillen to approve item IX-B-1

### University of Nebraska

IX-B-1 Approve the amendments to the Audit, Risk and Compliance Committee Charter

There was discussion

Action Student Opinion: Voting Aye: Krejdl, Traynor, Valquier Chavez, and Hotovy. Voting Aye: Hawks, Kenney, O'Connor, Phares, Pillen, Schafer, Weitz, and Clare. Motion carried.

Motion Moved by Phares and seconded by Hawks to approve item IX-B-2

### University of Nebraska Medical Center

IX-B-2 Approve the use of Construction Management at Risk project delivery method for the Munroe-Meyer Institute for Genetics and Rehabilitation Facility Replacement

There was discussion

Action Student Opinion: Voting Aye: Traynor, Valquier Chavez, Hotovy, and Krejdl. Voting Aye: Kenney, O'Connor, Phares, Pillen, Schafer, Weitz, Clare, and Hawks. Motion carried.

Motion Moved by Phares and seconded by Pillen to approve item IX-B-3

IX-B-3 Approve increase in budget to the Williams Science Hall renovation to support expanded renovation for the addition of the Academic Services and High School Alliance program space

There was discussion

Action Student Opinion: Voting Aye: Valquier Chavez, Hotovy, Krejdl, and Traynor. Voting Aye: O'Connor, Phares, Pillen, Schafer, Weitz, Clare, Hawks, and Kenney. Motion carried.

### **C. FOR INFORMATION ONLY**

IX-C-1 University of Nebraska Strategic Planning Framework

IX-C-2 University of Nebraska Strategic Framework Accountability Measures

IX-C-3 Calendar of establishing and reporting accountability measures

IX-C-4 University of Nebraska Strategic Dashboard Indicators

IX-C-5 Board of Regents agenda items related to the University of Nebraska Strategic Framework

IX-C-6 Amend Section 1.3, The Board of Regents of the University of Nebraska, and Section 1.4, Meetings of the Board, of the *Bylaws of the Board of Regents of the University of Nebraska*. This item is presented for information only and will be brought back to the Board for approval at its next meeting.

### **D. REPORTS**

IX-D-1 Spring 2019 Enrollment report

IX-D-2 Programs with Tuition Variances

IX-D-3 Expedited Approval of the Human Resource Management Graduate Certificate in the Department of Management in the College of Business at the University of Nebraska-Lincoln

IX-D-4 Expedited Approval of the Communication Graduate Certificate in the School of Communication at the University of Nebraska at Omaha

IX-D-5 Expedited Approval of the History Graduate Certificate in the Department of History in the College of Arts and Sciences at the University of Nebraska at Omaha



- IX-D-6 Expedited Approval of the Supply Chain Management Graduate Certificate in the College of Business Administration at the University of Nebraska at Omaha
- IX-D-7 Renaming the Bachelor of Science in Secondary Education (BSED) in Physical Education to the BSED in Kinesiology, and renaming the Master of Arts (MA) and Master of Science (MS) in Health, Physical Education, and Recreation (HPER) to the MA and MS in Health and Kinesiology in the School of Health and Kinesiology at the University of Nebraska at Omaha
- IX-D-8 Revisions to rules and regulations for faculty and student self-government organizations: Revisions to the *University of Nebraska at Omaha Student Government Constitution and Bylaws*
- IX-D-9 Bids and Contracts
- IX-D-10 Quarterly report of Gifts, Grants, Contracts and Bequests
- IX-D-11 Quarterly Status of Capital Construction Projects
- IX-D-12 Intermediate Design report: University of Nebraska Medical Center Munroe-Meyer Institute for Genetics and Rehabilitation Facility Replacement
- IX-D-13 Renaming the International Quilt Study Center and Museum the “International Quilt Museum” at the University of Nebraska-Lincoln
- IX-D-14 Othmer-Topp Endowment Fund, second priority uses, for the fiscal year ended June 30, 2018
- IX-D-15 Strategic Framework report on Workforce Opportunities and Academic Program Alignment [3-h-i & iii]
- IX-D-16 Strategic Framework report on Entrepreneurship [5-d]
- IX-D-17 Memorandum of Understanding (MOU) between the University of Nebraska at Kearney and Central Community College to offer a co-enrollment partnership to help students succeed and earn college credit on a path to a university degree

Chairman Clare accepted the reports on behalf of the Board.

Regent Kenney stated that he, as chair of the Audit, Risk and Compliance Committee, confirms all responsibilities outlined in paragraph 26 of the Committee Charter have been carried out.

**X. ADDITIONAL BUSINESS**

Motion Moved by Hawks and seconded by Pillen that the Board go into closed session as authorized by Neb. Rev. Stat. § 84-1410 for the protection of the public interest, and to prevent needless injury to the reputation of persons who have not requested a public hearing, for the purpose of holding a discussion limited to the following subject:

- Personnel matter involving members of the university staff.

Chairman Clare declared that the closed session would be strictly limited to a discussion of:

- Personnel matter involving members of the university staff.

Action Student Opinion: Voting Aye: Hotovy, Krejdl, Traynor, and Valquier Chavez. Voting Aye: Phares, Pillen, Weitz, Clare, Hawks, Kenney and O'Connor. Absent: Schafer. Motion carried.

The Board went into closed session at 12:35 p.m. The Board reconvened the open meeting at 2:39 p.m.

**XI. ADJOURNMENT**

There being no further business, the meeting was adjourned by Chairman Clare at 2:40 p.m.

Respectfully submitted,

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Carmen K. Maurer  
Corporation Secretary

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Timothy F. Clare  
Chairman of the Board



**ATTACHMENT 1**  
**NOTICE OF MEETING**

Notice is hereby given that the Board of Regents of the University of Nebraska will meet in a publicly convened session on Friday, March 29, 2019, at 11:00 a.m. in the board room of Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska.

An agenda of subjects to be considered at said meeting, kept on a continually current basis, is available for inspection in the office of the Corporation Secretary of the Board of Regents, Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska, or at <https://nebraska.edu/regents/agendas-and-minutes>.

A copy of this notice will be delivered to the Lincoln Journal Star, the Omaha World-Herald, the Daily Nebraskan, the Gateway, the Antelope, the Kearney Hub, the Lincoln office of the Associated Press, members of the Board of Regents, and the President's Council of the University of Nebraska.

Dated: March 22, 2019

Carmen K. Maurer  
Corporation Secretary  
Board of Regents  
University of Nebraska

**ATTACHMENT 2**  
**ADDENDUM IX-A-1**

Approve amendments to RP-5.10 Student Information and the Family Educational Rights and Privacy Act of 1974 (FERPA) of the *Policies of the Board of Regents* related to directory information for students

**RP-5.10 Student Information and the Family Educational Rights and Privacy Act of 1974 (FERPA).**

1. Scope of Policy

This policy governs all “education records” maintained by all campuses and the central administration of the University of Nebraska.

2. Purpose of FERPA; Definition of Education Records

- a. FERPA affords students certain rights with respect to their education records. FERPA defines “education records” as those records:

Directly related to a student; and

Maintained by an institution or a party acting for the institution.

- b. FERPA provides students who reach the age of 18, or who attend the University of Nebraska, with the right to inspect and review their own education records. Students also have the right to request an amendment to their education records and have some control over the disclosure of personally identifiable information contained in these records.
- c. FERPA applies to the education records of persons who are or have been in attendance at the University of Nebraska, including students in cooperative and correspondence study programs. The rights provided to students under the federal law set forth in FERPA do not apply to records of applicants for admission who are denied acceptance or, if accepted, do not attend the University of Nebraska; however, student application materials are not considered public records under Nebraska state law and will not be disclosed to the public except as permitted by law.

3. Records Not Covered By FERPA

The term "education records" does not include:

- a. Records which are in the sole possession of the maker and are neither accessible nor revealed to any other person, except a substitute who performs on a temporary basis the duties of the individual who made the records.
- b. Records maintained by a law enforcement unit of the University of Nebraska for the purpose of law enforcement. (Note other laws addressing campus security may also apply to law enforcement records.)

- c. Records relating to an individual's employment at the University of Nebraska, when such employment is not based upon the individual's status as a student; provided that the records are made and maintained in the normal course of business, relate exclusively to the individual's capacity as an employee, and are not available for use for any other purpose.
- d. Medical and counseling records used solely for treatment. (Medical records may be reviewed by a physician of the student's choice.)
- e. Records that only contain information about an individual after he or she is no longer a student (e.g. alumni records). Records of an individual while a student continue to be "education records" after the student leaves or graduates from the University of Nebraska.

#### 4. Students Rights to Inspect and Review Educational Records

- a. Students and former students have the following rights:
  - The right to inspect and review their education records within 45 days of their request to inspect.
  - The right to a response to a reasonable request for an explanation and interpretation of the record.
  - The right to a copy of the education record when failure to provide a copy of the record would effectively prevent the student from inspecting and reviewing the record. The student may be charged a normal cost for copies, if such a charge does not effectively prevent the student from inspecting and reviewing the record.
- b. The University of Nebraska is not required to permit a student to inspect and review education records, which contain:
  - Financial information submitted by parents.
  - Confidential letters and recommendations placed in their files prior to January 1, 1975.
  - Confidential letters and recommendations placed in their files after January 1, 1975, if: (1) the student has waived the right to inspect and review those records; and (2) the records are related to the student's admission to an educational institution or program, application for employment, or receipt of an honor.
- c. If an education record contains information pertaining to more than one student, a review and inspection will only be allowed for that specific information pertaining to the requesting student.

#### 5. Procedure to Inspect and Review; Challenges to the Record

- a. A student should submit to the registrar, director of registration and records, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the university official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed. Compliance with an appropriate request for an inspection shall be made within no greater than 45 days.
- b. A student may ask the University to amend an education record that the student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. If the student wishes to amend an education record, the student should write the University official responsible for the record, clearly identify the part of the record the student wishes to amend and specify why it should be changed. If the University official decides not to amend the record as requested, the student will be notified of the decision in writing and advised of his or her right to a hearing regarding the request for amendment. At that time, additional information regarding the hearing procedures will be provided to the student.
- c. The right to challenge grades is not covered by this policy, unless the grade assigned was inaccurately recorded in an education record, in which case the record will be corrected.

#### 6. Consent to Release Education Records

Prior to releasing all or any part of an education record to a person other than the student to whom the record refers, consent must be obtained from the student. The consent must specify the information to be released, the reason for the release, and to whom it is to be released. The student may have a copy of the information released, if he or she desires.

#### 7. Releases Without Consent

No consent from the student is required for the release of an education record or personally identifiable information under the following circumstances:

- a. A request for information in an education record or personally identifiable information by a "school official" determined to have a "legitimate educational interest" in the information. "School official" shall mean a person employed by any administrative unit ( i.e., a campus or central administration) of the University of Nebraska in an administrative, supervisory, academic, research, or support staff position (including University law enforcement personnel and health center staff); a person or company with whom the University of Nebraska has contracted to carry out the duties related to a legitimate educational interest (including attorneys, auditors, and collection agents); employment or degree verification agencies such as the National Student Clearinghouse; a member of the Board of Regents; or those serving on committees or similar bodies charged to carry out tasks on behalf of the University of Nebraska. A school official has a "legitimate educational interest" if the official needs to review an education record in order to fulfill his or her professional responsibilities for the

University. Note that a school official located at one University of Nebraska administrative unit may have a legitimate educational interest in the educational records and personally identifiable information maintained at another administrative unit.

- b. Lawful compliance with a properly issued subpoena or court order.
- c. A request in connection with a student's application for financial aid.
- d. A request by an organization conducting studies to develop, validate, and administer predictive tests, to administer student aid programs, or to improve instruction, on behalf of the University of Nebraska, if the studies do not permit the personal identification of parents and students outside of the study representatives, and the information is destroyed once it is no longer needed by the studies.
- e. Information submitted to accrediting organizations.
- f. A request of a parent of a dependent student, as established by Section 152 of the Internal Revenue Code of 1986.
- g. In case of an emergency, if the knowledge of the protected information is necessary to protect the health or safety of students or other persons.
- h. A request from authorized state or federal representatives in relation to a state or federal audit of government supported programs.
- i. A request from an official of another school, school system, or institution of higher education in which a student seeks or intends to enroll; provided however, that the annual notice required by FERPA must include a statement that the University of Nebraska forwards education records to other agencies or institutions, in which the student seeks or intends to enroll, upon request of the agency or institution.
- j. In the case of a crime of violence, the University of Nebraska shall provide to the victim, the results of any institutional disciplinary proceeding against the alleged perpetrator.
- k. Requests for directory information, as more specifically discussed below.

#### 8. Directory Information; Definition; Request for Non-Disclosure

- a. The University of Nebraska has defined the following student information as public directory information:
  - student name
  - year at the University
  - dates of attendance

- academic college and major field of study
- enrollment status (e.g. undergraduate or graduate; full-time or part-time)
- participation in officially recognized activities and sports
- degrees, honors and awards received
- most recent educational agency or institution attended
- University email address
- hometown

The University of Nebraska has defined the following student information as non-public directory information:

- local address
- permanent address
- telephone listings
- ~~University email address~~

- b. Non-public directory information will be available to University faculty, staff, and students for University purposes. At the University's sole discretion, the University may provide non-public directory information to University affiliates, such as alumni associations, foundations, and other similar affiliated third parties; in addition, the University may provide non-public directory information to entities performing a University service or function. A request by any party unrelated to the University for that party's own commercial purposes will not generally be considered a University purpose and provision of non-public directory information to any unrelated party requires the approval of the President or the President's designee. Non-public and public directory information may be included in student directories published electronically and in hard copy. However, students have the right to have all non-public and public directory information withheld if they so desire. A student who wants his or her directory information to be withheld shall do so in accordance with processes established on the campus or campuses where the student is enrolled, such processes to be reasonably communicated or distributed to the students with respect to each campus or campuses where they are enrolled. The student's request will be processed within a reasonable amount of time. Directory information already included in hard copy publications will be removed at the next printing of the hard copy publication.

#### 9. Parental Access to Children's Education Records

At the post secondary level, FERPA provides few rights to parents to inspect a child's education records. The right to inspect and review is limited solely to the student/child. Records may be released to the parents only under the following circumstances:



- a. Lawful compliance with a properly issued subpoena or court order;
- b. The parent establishes that the student is a dependent according to Section 152 of the Internal Revenue Code of 1986; or
- c. The student provides a FERPA consent to the parental access.

#### 10. Job References for Students by Faculty

FERPA's prohibition on disclosure of personally identifiable information (other than directory information) applies to job references. This includes information about performance in class, grades, attitude, motivation, and ability, whether conveyed in writing, in person, e-mail or over the telephone to third parties.

Although such information is often conveyed by faculty members at the informal request of the student and is usually positive, the better practice would be to request a written consent form, meeting the FERPA requirements, before providing the information.

#### 11. Recordkeeping

Each administrative unit of the University of Nebraska has an obligation to keep a record of requests and disclosures of student record information, except when the request is from the student, a University school official with a legitimate educational interest, a request for directory information, or a request to which the student has given a FERPA consent. A student has the right to review the record of requests and disclosures made in relation to his or her education records.

#### 12. FERPA/Precedence

This policy is intended to comply with FERPA, the provisions of which and its related regulations, are incorporated herein as they exist at the time of this policy's adoption, and as they may from time-to-time be amended. Should it be determined that this policy is inconsistent with FERPA, or any other applicable law, the law shall take precedence.

#### 13. Notice

The following uniform notice shall be published and provided to all students in accordance with federal law:

#### **Notice of FERPA Rights: Student Records and Privacy**

*Note: Highlights concerning student rights with respect to education records appear below. A full copy of Regents Policy 5.10 "Student Information and the Family Educational Rights and Privacy Act of 1974 (FERPA)" is available in the [insert name of campus office in charge of registration and records] or may be found at [www.nebraska.edu](http://www.nebraska.edu) in the section containing Regents Policies.*

The Family Educational Rights and Privacy Act (FERPA) affords you certain rights with respect to your education records. They are:

**1. The right to inspect and review your education records within 45 days of the day the University receives a request for access.**

You should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) you wish to inspect. The University official will make arrangements for access and notify you of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise you of the correct official to whom the request should be addressed.

**2. The right to request the amendment of your education records that you believe are inaccurate, misleading, or otherwise in violation of your privacy rights under FERPA.**

If you wish to ask the University to amend a record, you should write the University official responsible for the record, clearly identify the part of the record you want changed and specify why it should be changed. If the University decides not to amend the record as requested, the University will notify you of the decision in writing and advise you of your right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you when notified of the right to a hearing.

**3. The right to provide written consent before the University discloses personally identifiable information from your education records, except to the extent that FERPA authorizes disclosure without consent.**

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including University law enforcement unit personnel and health staff); a person or company with whom the University has contracted (including attorneys, auditors, or collection agents); employment or degree verification agencies such as the National Student Clearinghouse; a member of the Board of Regents; or those serving on official committees or similar bodies charged to carry out tasks on behalf of the University of Nebraska. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University. Note that a school official located at one University of Nebraska campus may have a legitimate educational interest in the educational records and personally identifiable information maintained at another University of Nebraska campus. Your records may be disclosed to your parent(s) upon request, if your parent(s) demonstrate(s) that you are your parent(s)' dependent for income tax purposes. In addition, the University may disclose education records without your consent upon the request of officials of other schools where you seek enrollment or intend to enroll.

Your educational records may also be disclosed without your written consent when you apply for financial aid. This is done in order to determine your eligibility for, the amount of, or the conditions of the aid, and also for purposes of enforcing the terms of the aid. At the University of Nebraska, your application for financial aid may take a variety of forms. For example, some financial aid applications are incorporated into the process by which you apply for admission (e.g. the FASFA form); or you may apply in a separate process using a form that seeks a broad variety of state and federal scholarship

sources; or you may use a very specific application for a certain scholarship offered by a particular private source outside of the University. The University of Nebraska Foundation is a private source, among others, that funds many scholarships at the University of Nebraska. If you apply for financial aid, it is quite likely that certain information in your educational records will be provided to the Foundation in order to facilitate the award of the scholarship funds held by the Foundation.

Note that Regents Policy 5.10 referred at the top of this Notice lists in detail these and other circumstances when FERPA authorizes disclosure without your consent.

**4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.**

The name and address of the office that administers FERPA is:

The Family Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

**Notice Regarding Directory Information**

The University of Nebraska has defined the following student information as public directory information:

- student name
- year at the University
- dates of attendance
- academic college and major field of study
- enrollment status (e.g. undergraduate or graduate; full-time or part-time)
- participation in officially recognized activities and sports
- degrees, honors and awards received
- most recent educational agency or institution attended
- University email address
- hometown

The University of Nebraska has defined the following student information as non-public directory information:

- local address
- permanent address
- telephone listings
- ~~University email address~~

Non-public directory information will be available to University faculty, staff, and students for University purposes. At the University's sole discretion, the University may provide non-public directory information to University affiliates, such as alumni associations, foundations, and other similar affiliated third parties; in addition, the University may provide non-public directory information to entities performing a University service or function. A request by any party unrelated to the University for that party's own commercial purposes will not generally be considered a University purpose and provision of non-public directory information to any unrelated party requires the approval of the President or the President's designee. Non-public and public directory information may be included in student directories published electronically and in hard copy. However, students have the right to have all non-public and public directory information withheld if they so desire. A student who wants his or her directory information to be withheld shall do so in accordance with processes established on the campus or campuses where the student is enrolled, such processes to be reasonably communicated or distributed to the students with respect to each campus or campuses where they are enrolled. The student's request will be processed within a reasonable amount of time. Directory information already included in hard copy publications will be removed at the next printing of the hard copy publication.