

June 15, 2006

Lincoln, Nebraska  
June 15, 2006

The Board of Regents of the University of Nebraska met on June 15, 2006, at 1:00 p.m. in the Board Room at Varner Hall, 3835 Holdrege, Lincoln, Nebraska, in 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.

In compliance with the provisions of Neb. Rev. Stat. Section 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 June 5, 2006.

Regents present:

Randolph M. Ferlic  
Chuck Hassebrook  
Howard Hawks  
Jim McClurg, Chairman  
Kent Schroeder  
Charles S. Wilson, Vice Chairman  
Dan Connealy  
Mike Eiberger  
Steve Massara  
Matt Schaefer

Regents absent:

C. David Hergert (Suspended from official duties)  
Drew Miller

University officials present:

James B. Milliken, President  
Jay Noren, Executive Vice President and Provost  
Nancy Belck, Chancellor, UNO  
Harold Maurer, Chancellor, UNMC  
Douglas A. Kristensen, Chancellor, UNK  
Harvey S. Perlman, Chancellor, UNL  
John Owens, Vice President for Agriculture and Natural Resources  
Donal J. Burns, Associate Executive Vice President and Provost and Corporation Secretary  
David Lechner, Vice President for Business and Finance  
Richard R. Wood, Vice President and General Counsel  
Peter G. Kotsiopoulos, Vice President for University Affairs

I. **CALL TO ORDER**

II. **ROLL CALL**

The Board convened at 1:00 p.m. in the Board Room at Varner Hall, 3835 Holdrege, Lincoln, Nebraska on June 15, 2006. Attendance is indicated above.

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

Motion Moved by Ferlic and seconded by Hawks to approve the minutes and ratify the actions of the regularly scheduled meeting of April 21, 2006.

Action Student Opinion: Voting Aye: Eiberger, Massara, Schaefer and Connealy. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Schroeder and Wilson. Motion carried.

Regent McClurg announced the location of the Open Meetings Act in the Board room.

IV. **KUDOS AND RESOLUTIONS**

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**Regent Hassebrook presented a KUDOS award to Julie Saalfeld**, Office Associate in the Division of Continuing Education at the University of Nebraska at Kearney.

**Regent Ferlic presented a KUDOS award to Kim Volpone**, Staff Secretary to the ROTC Detachment at the University of Nebraska at Omaha.

**Regent Hawks presented a KUDOS award to Eileen Curtis**, Staff Secretary and Office Manager in the Department of Biological Systems Engineering at the University of Nebraska - Lincoln.

**Regent Wilson presented a KUDOS award to Tamara Cartwright**, Information Technology Associate for the Center on Children, Families and the Law at the University of Nebraska - Lincoln.

**Regent Connealy presented a KUDOS award to Sandy Goetzinger-Comer**, Director of Public Affairs at the University of Nebraska Medical Center.

### **Resolution**

Motion Moved by Hassebrook and seconded by Wilson to adopt the following resolution:

**Whereas**, a petition drive is aimed at amending the Constitution of Nebraska to cap state spending and suspend majority rule by requiring a two-thirds vote to pass certain budget and appropriations measures;

**Whereas**, if the proposed spending lid had been in place since 2005, it would have sharply reduced funding for the education of Nebraskans in primary and secondary schools, community colleges, state colleges and the University;

**Whereas**, the 21<sup>st</sup> century global economy is a knowledge based economy and the economic vitality of Nebraska depends on the strength of its educational institutions and the education of its people;

**Whereas**, the quality of the University is dependent on the excellence of its faculty and the adoption of the proposed amendment would severely hamper the University's ability to pay the competitive salaries required to attract and retain excellent faculty;

**Whereas**, the mission of the University is to make quality education accessible and affordable to all Nebraskans, and the University is committed to being cost effective and financially accountable to the citizens of the state, and adoption of the proposed amendment would reduce alternatives to tuition for funding the University;

**Therefore**, be it resolved that the University of Nebraska Board of Regents opposes the petition drive to cap state spending and urges all Nebraskans who care about education and the future of Nebraska to refuse to sign the petition.

There was discussion.

Regent McClurg offered a friendly amendment to paragraph five to include the language "and the University is committed to being cost effective and financially accountable to the citizens of the state". Regent Hassebrook and Regent Wilson accepted the friendly amendment.

Action Student Opinion: Voting Aye: Massara, Schaefer, Connealy and Eiberger. Voting Aye: Hassebrook, Hawks, McClurg, Schroeder and Wilson. Motion carried.

Regent McClurg introduced and welcomed the Faculty Senate Presidents for the 2006-2007 term.

### **V. HEARINGS**

A hearing on the following item was opened by the Chairman:

Approve amendment of Section 3.4.3.1 of the *Bylaws of the Board of Regents* to delegate to the President the authority to approve academic leaves of absence.

There was no discussion.

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Regent McClurg closed the hearing.

**VI. PUBLIC COMMENT**  
None.

**VII. STRATEGIC OR POLICY ISSUE**

The strategic issues were the strategic framework and the UNO facilities development plan. President Milliken provided a summary of relationships of agenda items to the strategic framework. Chancellor Nancy Belck and Barry Ward, President of BMW Consulting, Inc. presented information about the UNO facilities development plan.

**VIII. UNIVERSITY CONSENT AGENDA**

Motion Moved by Wilson and seconded Hawks to approve items VIII-A-1; VIII-A-2; VIII-A-3; VIII-A-4; VIII-B-1; VIII-B-2; VIII-B-3; VIII-B-4; VIII-B-5; VIII-B-6; VIII-B-7.

**A. ACADEMIC**

VIII-A-1 President's Personnel Recommendations.

VIII-A-2 Approve recommendations relating to academic program reviews required by the NCCPE and approve the forwarding of the program review reports to the NCCPE.

VIII-A-3 Approve the Undergraduate Major in Plant Biology with a Bachelor of Science in Plant Biology, a Bachelor of Arts (Plant Biology), and a Bachelor of Science (Plant Biology).

VIII-A-4 Approve the request for outside employment at the University of Nebraska at Omaha.

David J. Carter, Associate Professor, Counseling Department, to provide counseling services to private clients.

**B. BUSINESS**

University of Nebraska - Lincoln

VIII-B-1 Approve naming the UNL Virology Center the "Ken Morrison Life Sciences Research Center."

VIII-B-2 Approve naming the UNL City Campus area bordered by the wall north of the Nebraska Union, Selleck Quadrangle, and the Kauffman Academic Residential Center the "Donald and Lorena Meier Commons and Plaza."

VIII-B-3 Approve naming the arena in the Animal Science Complex located on the UNL East Campus the "R.B. Warren Arena."

VIII-B-4 Approve naming the football grass practice fields, the "Ed and Joyanne Gass Practice Facility.

University of Nebraska Medical Center

VIII-B-5 Approve the sole source purchase of a flow cytometer.

VIII-B-6 Approve the restated Articles of Incorporation, the amended and restated Bylaws of University Dental Associates, and the amended and restated University of Nebraska Dental Service Plan.

VIII-B-7 Approve the name change of University Medical Associates to "UNMC Physicians."

Action Student Opinion: Voting Aye: Connealy, Eiberger, Massara and Schaefer. Voting Aye: McClurg, Schroeder, Wilson, Ferlic, Hassebrook and Hawks. Motion carried.

**IX. UNIVERSITY ADMINISTRATIVE AGENDA**

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A.

**ACADEMIC**

Motion

Moved by Hassebrook and seconded by Wilson to approve item IX-A-1.

IX-A-1

Approve amendment of RP-5.7.1, Residency Determination for Tuition Purposes, to bring Regents' Policies into compliance with state law set forth in LB 239 adopted by the 2006 session of the Nebraska Legislature.

**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 of residency. 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~~ has established a home in Nebraska where he or she is habitually present, ~~and shall verify~~ verified 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 of requesting Nebraska resident status.
- 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:

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Nebraska;

- a) documentation that the parent or guardian has established a home in
  - 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:
    - i. a current Nebraska driver's license;
    - ii. documentation that the individual is registered to vote in Nebraska;
    - iii. a current Nebraska automobile registration in the individual's name;
    - iv. documentation of individual checking or savings account maintained with a Nebraska financial institution; or
    - v. 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~~subsection b.
- 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~~subsection c.
- d. ~~An individual~~A person 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(1) above.
- e. ~~An individual who has become a permanent resident alien of the United States or has been granted asylee or refugee status~~Except as provided below in Section 3(h), a person who is an alien and has applied to or has a petition pending with the United States Immigration and Naturalization Service to attain lawful status under federal immigration law and has established a home in Nebraska for a period of at least 12 months where he or she is

habitually present with the bona fide intention to make this state his or her permanent residence.

- 1) For the purposes of this ~~section~~subsection, 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~~A person 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~~subsection, 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~~A person 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~~A person 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~~A person 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~~subsection.

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.~~

A person who resided with his or her parent, guardian, or conservator while the person was a student attending a public or private high school in this state and:

- a) graduated from a public or private high school in this state or received the equivalent a high school diploma in this state;
- b) resided in this state for at least three years before the date the student graduated from the high school or received the equivalent of a high school diploma;

of

- c) registered as an entering student in a state postsecondary educational institution not earlier than the 2006 fall semester; and
- d) provided an affidavit stating that he or she will file an application to become a permanent resident at the earliest opportunity he or she is eligible to do so.
- 2) If the parent, guardian, or conservator with whom the student resided ceases to reside in this state, such student shall not lose his or her resident status under this subsection if the student has a bonafide intention to make this state his or her permanent residence, supported by documentary proof as required in section 3a(1) above.

- i. ~~An individual~~ A person 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~~ A person who, because of ~~their~~ his or her special talents and skills, ~~were~~ was recruited to Nebraska for full-time employment in the state, or ~~were~~ was transferred to Nebraska by a business entity, and the spouses or dependents of such ~~individuals~~ person, shall be exempted from the 12-month domicile rule.

#### 4. Non-Residents Who Pay Nebraska Income Tax

~~Individuals~~ A person, who ~~reside~~ resides outside of Nebraska but pays Nebraska income tax, and the spouses or dependents of such ~~individuals~~ person, is 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.~~

There was discussion.

Moved by Regent Hassebrook, on behalf of Regent Miller, and seconded by Regent Schroeder to amend the item with the addition of the following language, where the intent is to add an additional 12th category (l) to the resident tuition categories (in Section 3) of Board of Regents Policy 5.7.1, Residency Determination for Tuition Purposes



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1. A person who has been honorably discharged from the United States armed services shall be exempted from the 12-month domicile rule, provided he or she can provide documentary proof of having established a home in Nebraska where he or she was habitually present for a period of at least 12 months immediately prior to entering military service.

There was discussion.

Regent Hassebrook withdrew his motion.

Regent Hassebrook offered a friendly amendment to change the language in Section 3 (e) in the item that refers to the United States Immigration and Naturalization Service to reflect the change in the name of that agency to the United States Citizenship and Immigration Service.

The friendly amendment was accepted by Regent Hassebrook and Regent Wilson.

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|--------|--|
| Action | Student Opinion: Voting Aye: Eiberger, Massara, Schaefer and Connealy. Voting Aye: Schroeder, Wilson, Ferlic, Hassebrook, Hawks and McClurg. Motion carried. |
| Motion | Moved by Wilson and seconded by Schroeder to approve items IX-A-2; IX-A-3; and IX-A-4.   |
| IX-A-2 | Approve the Constitution and Bylaws of the Faculty of the Library of the University of Nebraska at Kearney.  |
| IX-A-3 | Approve creation of the University of Nebraska at Omaha School of Criminology and Criminal Justice from the existing Department of Criminal Justice.         |
| IX-A-4 | Approve the formation of the Department of Hospital Dentistry at the University of Nebraska Medical Center, College of Dentistry.                            |
|        | There was discussion.  |
| Action | Student Opinion: Voting Aye: Massara, Schaefer, Connealy and Eiberger. Voting Aye: Schroeder, Wilson, Ferlic, Hassebrook, Hawks and McClurg. Motion carried. |
| Motion | Moved by Hassebrook and seconded by Wilson to approve item IX-A-5.   |
| IX-A-5 | Approve RP-5.10 Student Information and the Family Educational Rights and Privacy Act of 1974 (FERPA).   |

**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
  - local address
  - permanent address
  - telephone listings
  - 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
- b. Directory information will be available to the public upon request and may be included in student directories published electronically and in hard copy. However, students have the right to have directory information withheld from the public if they so desire. During the first two weeks of any semester, a student who wants his or her directory information to be withheld shall so indicate by completing a form obtained

from the registrar's office or other office in charge of registration and records; provided however, that a form to withhold directory information may be submitted after the two week period, when a student for reasonable cause, such as personal threats, safety or health concerns, requests his or her directory information to be withheld. 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.

Action Student Opinion: Voting Aye: Schaefer, Connealy, Eiberger and Massara. Voting Aye: Wilson, Ferlic, Hassebrook, Hawks, McClurg and Schroeder. Motion carried.

**B. BUSINESS**

Central Administration

Motion Moved by Wilson and seconded by Hassebrook to approve item IX-B-1.

IX-B-1 Approve the 2006-07 tuition rate increases for the University of Nebraska.

There was discussion.

Action Student Opinion: Voting Aye: Connealy, Eiberger, Massara and Schaefer. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Schroeder and Wilson. Motion carried.

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- Motion Moved by Ferlic and seconded by Hawks to approve item IX-B-2.
- IX-B-2 Approve an assessment to meet matching requirements of LB 605.
- Action Student Opinion: Voting Aye: Eiberger, Connealy, Massara and Schaefer. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Schroeder and Wilson. Motion carried.
- Motion Moved by Hawks and seconded by Schroeder to approve item IX-B-3.
- IX-B-3 Approve the 2006-07 tuition rate increases for the Nebraska College of Technical Agriculture.
- Action Student Opinion: Voting Aye: Eiberger, Massara, Schaefer and Connealy. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Schroeder and Wilson. Motion carried.
- Motion Moved by Wilson and seconded by Ferlic to approve item IX-B-4.
- IX-B-4 Approve the FY 2006-07 University of Nebraska Operating Budget and reinstate allotment for committed carry forward funds already approved in previous fiscal years.
- There was discussion.
- Action Student Opinion: Voting Aye: Massara, Schaefer, Connealy and Eiberger. Voting Aye: Hassebrook, Hawks, McClurg, Schroeder, Wilson and Ferlic. Motion carried.
- Motion Moved by Schroeder and seconded by Wilson to approve item IX-B-5.
- IX-B-5 Approve the FY 2006-07 Nebraska College of Technical Agriculture Operating Budget.
- Action Student Opinion: Voting Aye: Schaefer, Connealy, Eiberger and Massara. Voting Aye: Hawks, McClurg, Schroeder, Wilson, Ferlic and Hassebrook. Motion carried.
- Motion Moved by Hawks and seconded by Schroeder to approve item IX-B-6.
- IX-B-6 Approve amendment of Section 3.4.3.1 of the *Bylaws of the Board of Regents* to delegate to the President the authority to approve academic leaves of absence.

### **3.4.3.1 Academic Leaves of Absence.**

The ~~Board~~ President may ~~grant~~ approve leaves of absence not to exceed one year to members of the permanent professional staff holding full-time appointments, or part-time appointments of at least one-half full-time equivalent (.5 FTE), with or without stipends, as follows:

- (a) To carry out a specific program of teaching, research, or other creative work when the described project seems significant and the qualifications of the applicant adequate to its attainment.
- (b) To acquire, through study, observations, interviews, travel, and cultural interchanges within the United States and abroad, new concepts, data, and procedures when, in the opinion of the appropriate committees and officers of the administration, such leaves will result in the improvement of the quality of instruction and research and contribute towards the enhancement of the scholarly prestige of the University.
- © To render services sponsored or approved by the University or otherwise recognized as significant, such as assisting in the establishment or operation of new teaching extension, or research programs in the United States and abroad.

Such leaves may be extended for one additional year with approval of the ~~Board~~ President. No leaves of absence with pay will be ~~granted~~ approved by the ~~Board~~ President except in cases where it is demonstrated to the satisfaction of the ~~Board~~ President that the best interests of the University will be substantially and directly promoted by granting such leave of absence with pay, and that the recipient of the leave of absence with pay has agreed to resume his or her duties at the University of Nebraska upon termination of the leave and continue such duties for a period of at

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least one academic year and, if he or she fails to do so in strict accordance with his or her agreement, agrees to reimburse the University for all pay received during the leave of absence.

All granting of leaves of absence shall be contingent on satisfactory replacement or other arrangements having been made to the end that instruction and research in the department involved will not be disrupted.

There was discussion. Regent Hawks asked that the minutes reflect that the Board of Regents requests submission of an annual report of academic leaves of absence.

Action Student Opinion: Voting Aye: Connealy, Eiberger, Massara and Schaefer. Voting Aye: McClurg, Schroeder, Wilson, Ferlic, Hassebrook and Hawks. Motion carried.

Motion Moved by Wilson and seconded by Schroeder to approve items IX-B-7; IX-B-8; IX-B-9; and IX-B-11.

University of Nebraska - Lincoln

IX-B-7 Approve the Program Statement and Budget for the Renovation of the Animal Science Complex for Veterinary Medicine.

IX-B-8 Approve the Program Statement and Budget for the Sheldon Memorial Art Gallery Exterior Rehabilitation.

IX-B-9 Approve the Program Statement and Budget for the Physical Sciences Replacement Building.

University of Nebraska Medical Center

IX-B-11 Approve the Program Statement and Budget for the renovation of Bennett Hall.

Action Student Opinion: Voting Aye: Eiberger, Massara, Schaefer and Connealy. Voting Aye: Schroeder, Wilson, Ferlic, Hassebrook, Hawks and McClurg. Motion carried.

Motion Moved by Hassebrook and seconded by Hawks to approve item IX-B-10.

University of Nebraska - Lincoln

IX-B-10 Approve a Resolution to authorize the expenditure of up to \$235,000 from the Surplus Fund of the UNL Parking Revenue Bonds to construct an open bus shelter.

Action Student Opinion: Voting Aye: Massara, Schaefer, Connealy and Eiberger. Voting Aye: Schroeder, Wilson, Ferlic, Hassebrook, Hawks, McClurg and Miller. Motion carried.

Motion Moved by Hassebrook and seconded by Hawks to approve item IX-B-12.

University of Nebraska Medical Center

IX-B-12 Approve the Contract for the Purchase of Real Estate located at 201 S. 46th Street, Omaha, Nebraska.

There was discussion.

Action Student Opinion: Voting Aye: Schaefer, Connealy, Eiberger and Massara. Voting Aye: Wilson, Ferlic, Hassebrook, Hawks, McClurg and Schroeder. Motion carried.

Motion Moved by Hawks and seconded by Hassebrook to approve item IX-B-13.

University of Nebraska at Omaha

IX-B-13 Approve the UNO 2006-2015 Facilities Development Plan.

Action Student Opinion: Voting Aye: Connealy, Eiberger, Massara and Schaefer. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Schroeder and Wilson. Motion carried.

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**C. FOR INFORMATION ONLY**

IX-C-1 Strategic Framework.

**D. REPORTS**

IX-D-1 Final Laboratory, Student, and Miscellaneous Fees for 2006-2007.

IX-D-2 Quarterly Personnel Report for the period January 1 through March 31, 2006.

IX-D-3 Gifts, Grants, Contracts and Bequests for the period January 1 through March 31, 2006.

IX-D-4 Bids and Contracts for the period ended May 17, 2006.

IX-D-5 Design Development Report for the University of Nebraska Medical Center Research Center of Excellence II project.

IX-D-6 Quarterly Status Report of Six-Year Capital Plan for 2006-2012.

IX-D-7 Expedited Approval of the University of Nebraska at Omaha Graduate Certificate Program in Systems Analysis and Design.

IX-D-8 Expedited Approval of the University of Nebraska at Omaha Graduate Certificate Program in Information Assurance.

IX-D-9 Expedited Approval of the University of Nebraska at Omaha Graduate Certificate Program in Project Management.

Chairman McClurg accepted the reports.

**XI. ADDITIONAL BUSINESS**

Closed Session

Motion Moved by Schaefer and seconded by Wilson that the Board go into closed session authorized by Section 84-1410 of the Revised Statutes of Nebraska 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 a personnel matter involving a member of the University staff.

Action Student Opinion: Voting Aye: Eiberger, Connealy, Massara and Schaefer. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Miller, Schroeder and Wilson. Motion carried.

Regent McClurg declared that the closed session would be strictly limited to discussion of a personnel matter involving a member of the University staff.

The Board went into closed session at 2:46 p.m. and reconvened the open meeting at 4:01 p.m.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:02 p.m.

Respectfully submitted,

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Donal J. Burns  
Corporation Secretary

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Jim McClurg  
Chairman of the Board



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