

The Board of Regents of the University of Nebraska met on July 28, 2006, at 1:00 p.m. in the Student Center at Central Community College, 3134 West Highway 34, Grand Island, 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 Grand Island Independent, the Daily Nebraskan, the Gateway, the Antelope, the Kearney Hub, and the Lincoln office of the Associated Press on July 17, 2006.

Regents present:

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

University officials present:

James B. Milliken, President
Linda Pratt, Interim Executive Vice President and Provost
Nancy Belck, Chancellor, UNO
Rubens Pamies, Vice 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
John Wiltse, Senior Associate 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 Student Center at Central Community College, 3134 West Highway 34, Grand Island, Nebraska on July 28, 2006. Attendance is indicated above.

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

Motion Moved by Hawks and seconded by Schroeder to approve the minutes and ratify the actions of the regularly scheduled meeting of June 15, 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**

None.

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V. **HEARINGS**
None.

VI. **PUBLIC COMMENT**
None.

VII. **STRATEGIC OR POLICY ISSUE**

President Milliken provided a summary of relationships of agenda items to the strategic framework.

VIII. **UNIVERSITY CONSENT AGENDA**

Motion Moved by Wilson and seconded Miller to approve items VIII-A-1 and VIII-B-1.

A. **ACADEMIC**

VIII-A-1 President's Personnel Recommendations.

B. **BUSINESS**

VIII-B-1 Approve the reappointment of Howard L. Hawks to serve on the Ak-Sar-Ben Future Trust Board of Directors as the University of Nebraska appointee for a term of two years.

There was discussion.

Action Student Opinion: Voting Aye: Massara, Schaefer, Connealy and Eiberger. Voting Aye: Hassebrook, McClurg, Miller, Schroeder, Wilson and Ferlic. Abstaining: Hawks. Motion carried 6-0-1.*

*Section 4.4.4. of the Standing Rules of the Board of Regents states: If a member of the Board is present when a question is put and the member refuses to cast an affirmative or negative vote, his or her refusal to cast an affirmative or negative vote on the pending question shall be recorded as a negative vote, unless such member has declared a conflict of interest and abstained from all discussion and voting as mandated by Section 4.4.3.

IX. **UNIVERSITY ADMINISTRATIVE AGENDA**

A. **ACADEMIC**

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

IX-A-1 Approve establishing a College of Public Health at the University of Nebraska Medical Center. .

There was discussion. Regent Schroeder requested a status report of the college within twelve to eighteen months.

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

Motion Moved by Hawks and seconded by Schroeder to approve item IX-A-2.

IX-A-2 President's Personnel Recommendation.

There was discussion.

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

IX-A-3 Approve amendment of RP-5.7.1, Residency Determination for Tuition Purposes.

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, 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 be 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 they request a determination. In addition, they must also initiate the various other domiciliary contacts which will support their application within a reasonable period of time after they have established their domicile in Nebraska. That is, it will not be sufficient to show only that they have established a home in Nebraska for 12 months. They will also be expected to demonstrate that the supporting contact points, such as a Nebraska driver's license and Nebraska checking or savings accounts, have also been held for a reasonable period of time.

Individuals seeking a resident student determination for tuition purposes will be required to sign a notarized affidavit attesting to the truth of their statements. If it is subsequently determined that an individual has falsified such a statement, he or she may be subjected to disciplinary action by the University before the individual will be permitted to continue with his or her studies at the University. Such disciplinary action will be determined on an individual basis, and may include measures such as disciplinary probation or suspension, expulsion from the University, or a requirement that the individual reimburse the University for the difference between the tuition paid and nonresident tuition rate.

2. Definitions

For the purpose of these regulations, the following definitions shall apply:

- a. Resident Fees shall mean the resident tuition rate set by the Board of Regents applicable to the academic program in which an individual intends to enroll.
- b. Non-Resident Fees shall mean the nonresident tuition rate set by the Board of Regents applicable to the academic program in which an individual intends to enroll.
- c. Legal Age shall be the age of majority set by Nebraska statute.
- d. Emancipated Minor shall mean an individual who by virtue of marriage, financial status, or for other reasons, has become independent of his or her parents or guardians.
- e. The phrase "established a home" shall mean that an individual continuously maintains a primary place of residence in Nebraska where the individual is habitually present.

- f. Legal Residence shall mean the place of domicile or permanent abode as distinguished from temporary residence.
- g. Dependent refers to a person who is claimed as a dependent or an exemption for federal income tax purposes by a parent, guardian, or spouse.

3. Resident Tuition Categories

An individual will qualify as a resident of the State of Nebraska for tuition purposes at the University of Nebraska if, prior to the commencement of the term for which residency is sought, he or she meets the standards set forth in any one of the following twelve categories:

- a. A person of legal age or an emancipated minor who for a period of 12 months has established a home in Nebraska where he or she is habitually present 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 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:
 - a) documentation that the parent or guardian has established a home in Nebraska;
 - b) documentation that the individual seeking a resident tuition determination is a dependent for federal income tax purposes of the parent or guardian who has established a home in Nebraska; and
 - c) other supporting documents of the parent or guardian's Nebraska residency including, but not limited to, the following factors:

- 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 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. 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. 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 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. 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 community college areas. For the purposes of this 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 college areas; or the spouse or a dependent of such a staff member for federal income tax purposes.
- g. 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 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 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 subsection.
- h. 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 of 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;
 - 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. 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. A person who, because of his or her special talents and skills, was recruited to Nebraska for full-time employment in the state, or was transferred to Nebraska by a business entity, and the spouses or dependents of such person, shall be exempted from the 12-month domicile rule.

- 1. A person who has been honorably discharged from the United States armed services shall be exempted from the 12-month domicile rule if he or she is a graduate of a Nebraska high school and has established a home in Nebraska with the intent to make Nebraska a permanent residence demonstrated by documentation as required under section 3 a(1) above.

4. Non-Residents Who Pay Nebraska Income Tax

A person, who resides outside of Nebraska but pays Nebraska income tax, and the spouses or dependents of such 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.

There was discussion.

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

IX-A-4 President's Contract of Employment.

There was discussion.

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

B. BUSINESS

Central Administration

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

IX-B-1 Approve the University of Nebraska Capital Construction Budget Request for the 2007-2009 Biennium.

There was discussion.

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

Motion Moved by Wilson and seconded by Ferlic to approve item IX-B-2.

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- IX-B-2 Approve the Nebraska College of Technical Agriculture Capital Construction Budget Request for the 2007-2009 Biennium.
- Action Student Opinion: Voting Aye: Connealy, Eiberger, Massara and Schaefer. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Miller, Schroeder and Wilson. Motion carried.
- Motion Moved by Hassebrook and seconded by Wilson to approve item IX-B-3.
- IX-B-3 Approve the FY 2008 and FY 2009 University of Nebraska Biennial Operating Budget Request.
- There was discussion.
- Action Student Opinion: Voting Aye: Eiberger, Massara, Schaefer and Connealy. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Miller, Schroeder and Wilson. Motion carried.
- Motion Moved by Ferlic and seconded by Hassebrook to approve item IX-B-4.
- IX-B-4 Approve the FY2008 and FY 2009 Nebraska College of Technical Agriculture Biennial Operating Budget Request.
- Action Student Opinion: Voting Aye: Eiberger, Massara, Schaefer and Connealy. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Miller, Schroeder and Wilson. Motion carried.
- Motion Moved by Schroeder and seconded by Miller to approve item IX-B-5.
- IX-B-5 Approve the Resolution (1) approving the adoption of a Bond Resolution by the University of Nebraska Facilities Corporation authorizing the issuance of not to exceed \$130,000,000 aggregate principal amount of University of Nebraska Facilities Corporation Deferred Maintenance Bonds, Series 2006, (2) approving and authorizing the execution and delivery of a Financing Agreement, a Continuing Disclosure Agreement, a Tax Compliance Agreement, a Depository and Disposition Agreement, an Inducement Letter, and a Preliminary Official Statement, (3) authorizing the sale of such Bonds at a negotiated sale and authorizing the Vice President for Business and Finance to determine interest rates (not to exceed a true interest cost of 5.0%), principal amounts, principal maturities and redemption provisions of such Bonds, and (4) approving the preparation and use of a Final Official Statement.
- There was discussion.
- Action Student Opinion: Voting Aye: Massara, Schaefer, Connealy and Eiberger. Voting Aye: Hassebrook, Hawks, McClurg, Miller, Schroeder and Wilson. Motion carried.
- Motion Moved by Hawks and seconded by Wilson to approve item IX-B-6.
- IX-B-6 Approve and accept conveyance of title to the Hewit Place property at 12th and “Q” Streets in Lincoln from the University of Nebraska Foundation.
- There was discussion.
- Action Student Opinion: Voting Aye: Schaefer, Connealy, Eiberger and Massara. Voting Aye: Hawks, McClurg, Miller, Schroeder, Wilson, Ferlic and Hassebrook. Motion carried.
- Motion Moved by Miller and seconded by Hassebrook to approve items IX-B-7 and IX-B-8.
- IX-B-7 Approve the Greater Nebraska Projects Phase I Program Statement and Budget.
- IX-B-8 Approve the Program Statement and Budget for the University of Nebraska Student Information System.
- Action Student Opinion: Voting Aye: Connealy, Eiberger, Massara and Schaefer. Voting Aye: McClurg, Miller, Schroeder, Wilson, Ferlic, Hassebrook and Hawks. Motion carried.

C. FOR INFORMATION ONLY

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IX-C-1 Strategic Framework.

D. REPORTS
None.

XI. ADDITIONAL BUSINESS

Chancellor Belck provided an update on the UNO Athletic Department.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:05 p.m.

Respectfully submitted,

Donal J. Burns
Corporation Secretary

Jim McClurg
Chairman of the Board