Bylaws
of the
Board of Regents
of the
University of Nebraska

Contains Amendments Through May 25, 2016

Canons of Interpretation

The University of Nebraska has prohibited invidious discrimination on the basis of sex since it was founded [Charter of the University of Nebraska, Section 18, in Board of Regents of the University of Nebraska, Minutes, 1,8 (15 February 1869)], and has reaffirmed its commitment to this position from time to time over the years.

To prevent misinterpretation of the use of masculine pronouns in various pronouncements of the Board, sections of the *Bylaws* of the Board, and rules and regulations of the University, the following canons of interpretation are hereby adopted by the Board of Regents for retroactive and prospective application:

1. Words importing the masculine gender may be applied to females.

2. Words importing the plural number may include the singular.

The Corporation Secretary, or anyone designated by that officer, is hereby authorized to take the appropriate steps in modifying all *Bylaws*, policies, rules and regulations to conform with the canons listed above as the contexts may require, and the interests of clarity may dictate.

History: Added, 42 BRUN 150-151 (10 Nov. 1978).

The Board of Regents
University of Nebraska
3835 Holdrege Street
Lincoln, Nebraska 68583-0745

Carmen K. Maurer, Corporation Secretary

These *Bylaws* became effective, as approved by the Board of Regents of the University of Nebraska, on August 20, 1973. Subsequent changes were approved by the Board on the dates listed on the inside back cover. Copies of the updated *Bylaws* may be found at www.nebraska.edu or in the office of the Corporation Secretary.
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Chapter I. The Board of Regents of the University of Nebraska

1.1 **The University of Nebraska**. The University of Nebraska shall include all activities, functions, and administrative entities under the jurisdiction of the Board of Regents that have been established by the Board or assigned to it for the purposes of fulfilling the objectives of the University in education, research, extension, and public service. The organization of the University includes four major administrative units: the University of Nebraska-Lincoln, which includes the Institute of Agriculture and Natural Resources within which are the Agricultural Experiment Station and Cooperative Extension Service; the University of Nebraska Medical Center; the University of Nebraska at Omaha; and the University of Nebraska at Kearney.

History: Amended 56 BRUN 90 (22 June 1991)
Amended 49 BRUN 300 (16 June 1984)

1.2 **The Board of Regents of the University of Nebraska.** The Board of Regents of the University of Nebraska, a body corporate created by the people of Nebraska through the Constitution, has constitutional and statutory power for general supervision over all elements of the University, control and direction of all expenditures, and for general operating policies of the University. The Board of Regents consists of eight elected members, who are elected for six-year terms, and four nonvoting Student Regents, as provided in section 1.2.1 of these *Bylaws*. Members hold office until their terms have expired. The Governor fills Board vacancies by appointment as provided in Neb. Rev. Stat. 85-103. The term "Board" when used in these *Bylaws*, shall mean the Board of Regents of the University of Nebraska.

The Board exercises the final authority in government of the University within the limits of the Constitution, the laws of the State of Nebraska, and the laws of the United States. The Board hereby delegates to the President of the University, and through him or her to the appropriate administrative officers, general authority and responsibility to carry out the policies and directions of the Board. The Board hereby delegates to the faculty and recognized student groups of each of the administrative units the authority to develop reasonable rules and regulations for faculty and student self-government.

In any case where any officer, group or agency has been authorized by these *Bylaws* to adopt rules or regulations, such rules or regulations, before they may be effective, shall be: (1) considered by the officer, group or agency at a public hearing held after giving reasonable advance public notice thereof; and (2) reviewed and approved by the General Counsel for consistency with these *Bylaws* and applicable policies, laws and regulations; and (3) filed with the Corporation Secretary for report to the Board. The President and cognizant Chancellor are to be timely provided with a courtesy copy of any public hearing notice.

All delegation of authority under these *Bylaws* is subject to the condition that in all matters involving students, faculty, and the operation of the University, the Board reserves to itself all powers and responsibilities to take any action required in the exercise of its constitutional and statutory responsibilities in any situation.

History: Amended, 68 BRUN 3 (22 January 2010)
Amended, 56 BRUN 36 (16 March 1991)
Amended, 49 BRUN 300 (16 June 1984)

1.2.1 **Student Members of the Board.** Three students of the University of Nebraska shall serve as *de jure* nonvoting members of the Board as provided in Article VII, Section 10 of the Nebraska Constitution. These student members shall consist of the student body president of the University of Nebraska-Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. In addition to the *de jure* nonvoting student

members of the Board, the student body president of the University of Nebraska Kearney shall be recognized and serve as a *de facto* member of the Board and shall be accorded the same nonvoting status and privileges as the *de jure* student members of the Board. The terms of office of student members shall be for the period of service as student body president.

Effective Date: July 1, 1991
History: Amended, 56 BRUN 36 (16 March 1991)
Added, 42 BRUN 151 (10 Nov. 1978)

1.3 **The Chair of the Board.** The Board shall select one of its members as its Chair at the annual meeting in January. Unless he or she resigns or is removed by a majority vote of the Board, the Chair shall hold office for one year or until a successor is selected and qualified. The Chair shall preside at all meetings of the Board at which he or she is present. The Chair's signature shall appear on diplomas and like documents issued by the authority of the Board. Unless it is otherwise ordered by the Board, or otherwise provided in these *Bylaws*, the Chair shall sign all contracts and other instruments requiring execution on the part of the Board and perform all other duties incident to such office. The Chair, with the approval of the Board, shall appoint all Committees of the Board.

History: Amended, 42 BRUN 151 (10 Nov. 1978)

1.3.1 **Vice Chair of the Board.** The Board shall select one of its members as its Vice Chair, whose time of selection and tenure of office shall coincide with that of the Chair. In case of the absence or incapacity of the Chair of the Board, the Vice Chair shall perform the duties of the Chair.

1.3.2 **Presiding Officer Pro Tempore.** In the case of the absence of both the Chair and Vice Chair at a meeting of the Board, a presiding officer pro tempore shall be selected by the Board.

1.3.3 **Corporation Secretary.** The Board, after consultation with the President, shall appoint a Corporation Secretary, and may also appoint an Assistant Corporation Secretary of the Board to act in event of the absence or disability of the Corporation Secretary, or to assist the Corporation Secretary as may be determined by the Board. The Corporation Secretary, or, in the event of absence or disability, the Assistant Corporation Secretary, shall:

(a) Attend all meetings and keep an accurate record of proceedings of the Board and make such record available for public inspection pursuant to the laws of the State of Nebraska;

(b) Promptly prepare the minutes of every meeting of the Board and promptly distribute copies thereof as instructed by the Board;

(c) Prepare and send out notices of action taken by the Board as soon as possible after each meeting, forwarding same to the chief executive officer of each of the major administrative units and to the libraries thereof, and to any others who in the Corporation Secretary's judgment should receive such notice and minutes;

(d) Be responsible for keeping the Board, and such persons as the Board may order, supplied with copies of any changes or amendments adopted from time to time to its *Bylaws* and policies, and shall comply with the provisions of applicable law;

(e) Be custodian of the records of the Board and all documentary files thereof. The Corporation Secretary shall be responsible for maintaining a current codification of policies and

procedures of the Board, and shall also provide for preservation of the records of the Board in accordance with applicable law;

(f) Be custodian of the corporate seal of the Board, and sign and attest documents in accordance with the provisions of these *Bylaws* and applicable laws of the State of Nebraska;

(g) Certify as to the authority of all administrative or executive officers of the University of Nebraska when necessary;

(h) Perform such other duties as the Board may direct;

(i) Be a staff officer of the President; and

(j) Provide for maintaining the University archives.

1.4 **Meetings of the Board.** All meetings of the Board shall be held in compliance with the provisions of applicable law. An annual meeting will be held during the month of January. The Board shall establish the time and place for meetings during the balance of the calendar year at the annual meeting, and shall also establish the time and place of the next annual meeting. Additional meetings of the Board may be held upon the call of the Chair, or the call of two members thereof.

History: Amended, 63 BRUN 134 (7 April 2001)
Amended, 42 BRUN 49 (29 July 1978)

1.4.1 **Place of Meetings.** The annual meeting of the Board shall be held at one of the major administrative units of the University or at the Board's principal office. Other meetings of the Board shall be held within the State as directed in the call thereof.

1.4.2 **Quorum.** A majority of all members of the Board qualified to serve and vote at said time shall constitute a quorum of the Board to transact business. An affirmative vote of a majority of all members of the Board qualified to serve and vote at said time shall be required for the adoption of any resolution relating to the budget, revenue bonds, or the *Bylaws* unless otherwise provided by law or these *Bylaws.* In all other matters a majority of those present at the meeting shall control action of the Board.

History: Amended, 38 BRUN 35 (22 Feb. 1975)

1.4.3 **Appearances before the Board.** The Board shall consider all requests for personal appearances before it, and shall establish rules of procedure governing such appearances that take into consideration both the right of persons to appear before the Board and the time required to conduct the business of the University.

1.4.4 **Records of the University.** Records and documents of the University are available for inspection in the Office of the Corporation Secretary. The following types of records and documents are deemed to be confidential records, and will not be made available, except upon written authorization signed by the individual or individuals to whom the records pertain or by a person duly authorized to act on behalf of such individual or individuals: student academic records; personal information in student, faculty, and staff personnel records, except salary and routine directory information; communications between attorney and client; communications between physician and patient; hospital medical records; and any other records declared to be confidential under the laws of the State of Nebraska, provided such records with names deleted and kept confidential may be made available for

governmental research and analysis. Records and documents that are not confidential shall be available by written request to the Corporation Secretary and by paying the reasonable cost and expense of making said records available.

(a) For the purposes of this section, the term "personnel" shall mean and include persons who are employees of the University and persons who are or have been either applicants or nominees for employment by the University.

(b) For the purpose of this section, the term "personnel records" shall be inclusive of the entire employment process beginning with application or nomination for appointment, search committee evaluation and appointing authority evaluation, through appointment and employment, and ending with separation from employment. Personnel records shall include (1) all records and documents pertaining to any person who is an applicant or nominee for any University personnel position described in Section 3.1 of these *Bylaws*, regardless of whether any such person is ever actually employed by the University, and (2) all records and documents pertaining to any person employed by the University.

(c) For the purpose of this section, the term "personal information" when used in relation to faculty and staff personnel records shall mean and include, but not be limited to, (1) all records and documents pertaining to any applicant or nominee for appointment to any University personnel position described in Section 3.1 of these *Bylaws*, except the names of candidates accepted by an appointing officer or appointing authority pursuant to Section 2.1 of these *Bylaws* as finalists under consideration for appointment, and (2) all records and documents pertaining to the employment of any person by the University, except salary and routine directory information.

(d) For the purpose of this section, the term "routine directory information," when used in relation to the term "personal information" in faculty and staff personnel records, shall mean and be limited to (1) name of the person employed by the University, (2) date of employment, (3) type of University personnel appointment or appointments held and term of each appointment, (4) title or academic rank, (5) University employment address, (6) postsecondary education degrees earned, (7) awards or honors, and (8) date of separation from University employment.

History: Amended, 62 BRUN 14 (28 Feb. 1998)

1.4.5 **Authority as Individual Regents.** The authority of the Board is conferred upon the members as a Board and the Regents can bind the Corporation and the University only by acting together as a Board, except as authority may be granted to Committees of the Board as provided in Section 1.9 of these *Bylaws.*

History: Amended, 42 BRUN 151 (10 Nov. 1978)

1.4.6 **University Seal.** The Board shall adopt a corporate seal and such other seals or emblems as may be required for the University and its major administrative units.

1.5 **Degrees and Diplomas.** All degrees shall be conferred by the Board. Upon recommendation by appropriate faculties, diplomas from the individual major administrative units certifying the same shall be granted and issued by the Board. All diplomas shall be signed by affixing a certified facsimile signature of the President of the University, the Chair of the Board, the Corporation Secretary, and the Chancellor of the major administrative unit from which the student is graduated, and shall have the appropriate seal or replica thereof attached thereto.

1.5.1 **Certificates.** Certificates shall be granted and issued by the Board to students who have completed a course of study prescribed or approved by it for which no degree is conferred. Such certificates shall be called "certificates in course," and shall be distinguished from awards of merit, certificates of record, and all other types of certificates or certifications. All certificates in course shall be signed by a facsimile signature of the President, the Chancellor of the major administrative unit from which the certificate is issued, and such other University officials as the Board directs, and shall have attached thereto the appropriate seal or replica thereof.

1.5.2 **Recommendations, Records, and Honorary Degrees.** With the exception of honorary degrees, no degree, diploma, or certificate in course shall be conferred, granted, or approved by the Board unless the person receiving the same has been recommended by the faculty of the college in which he or she shall have pursued his or her studies; provided that no such degree, diploma or certificate in course shall be conferred, granted, or approved by the Board unless the candidate has paid all required fees and completed other required documents. Faculty recommendations of candidates for degrees and certificates in course shall be made in writing signed by the respective deans. Such written recommendations shall be forwarded to the Office of the Corporation Secretary. The Corporation Secretary shall enter upon the official records the action by the Board and the names of all persons receiving degrees, diplomas, or certificates in course. Each of the responsible faculty governing units, through such procedure as it may adopt, may recommend to the Board candidates for honorary degrees. An honorary degree shall not be granted to any person holding an appointment with the University.

1.5.3 **Awards**. Degrees, diplomas, and certificates in course, which have been recommended by the several faculties and granted by the Board, shall be awarded at such times as the Board may direct.

1.5.4 **Lost Diplomas**. If a diploma, certificate, or document is lost, the Corporation Secretary is hereby authorized to issue a certificate or document indicating the date of issuance of the original, showing the date when the Board granted the degree or other honor and the name of the person receiving the same, and the duly appointed and acting officers are authorized to sign the certificate or document. The applicant for reissuance shall pay the cost of same.

1.6 **Board Approval Required.** Approval of the Board shall be required for:

(a) The submission of the annual request for operating funds and capital improvements to the Governor or the State Legislature;

(b) Appointments of administrative officers at the rank of dean or equivalent ranks and above as provided by Section 3.2 of these *Bylaws;* and

(c) The creation of any new teaching department or school or division or any administrative unit of the University, or the consolidation or elimination of any such administrative unit; provided, however, that the Board may delegate to the President and the campus Chancellors approval authority as it deems appropriate.

History: Amended, 62 BRUN 14 (28 Feb. 1998)

1.7 **Rule-Making Authority of the Board.** Subject to applicable law the Board shall have the authority to make such rules and regulations as it deems appropriate and necessary for the proper governance and administration of the University. Such rules, when adopted, shall constitute official policies of the Board. These rules and regulations shall include policy statements and delegation of authority to officers of the University for normal activity and emergency.

1.8 **Expenses of Members of the Board.** Members of the Board serve without compensation, but shall be allowed actual travel and other expenses in conjunction with official duties, and shall file such statements of expense monthly as provided by operating rules of the University.

1.9 **Committees of the Board**. The Board may establish standing and ad hoc Committees and may prescribe their duties, functions, and membership. Until approved by the Board, the action taken by any Committee shall not be binding on the Board unless the Committee has been given specific power by the Board to bind it by such action.

History: Amended, 42 BRUN 151 (10 Nov. 1978)

1.10 **Code of Ethics.** The activities of the Board and those of its employees shall be consistent with the principle that there shall be no conflict between the private interests of a public official or employee and his or her official duties.

1.10.1 **General Guidelines for the Board and Its Employees.** Each member of the Board and each employee shall conform to the following guidelines:

(a) Inform himself or herself of conflict of interest perils and remain alert to them in his or her activities;

(b) Make certain that no outside activities interfere with the discharge of University obligations;

(c) Freely disclose outside activities to the University regarding situations that could involve, or be construed as, conflicts of interest;

(d) Consult, in advance and whenever circumstances suggest it, with the appropriate officers of the Board or of the University on outside activities undertaken in the general field of individual competence;

(e) Not have any substantial financial or personal interest in business transactions of the Corporation; and

(f) Not grant or make available to any person any consideration, treatment, information, or favor beyond that which is general practice to grant or make available to the public at large.

1.11 **Amendments to the *Bylaws***. All proposed amendments to these *Bylaws* shall be presented in writing at a meeting of the Board. Such amendments shall not be voted on until a subsequent meeting, with notice thereof given as may be required by law; and if there are no such applicable provisions, then by notice given by publication in at least one legal newspaper in Nebraska and not less than ten days in advance of the meeting. An affirmative vote of a majority of all members of the Board qualified to serve and vote at said time shall be required for the adoption of any amendment to the *Bylaws.*

History: Amended, 40 BRUN 2 (20 Nov. 1976)

1.12 **Reviser of *Bylaws;* Supplements and Reissues; Powers.**
(a) The Corporation Secretary is hereby designated as the Reviser of these *Bylaws* and policies adopted by the Board of Regents. The Corporation Secretary shall, from time to time as he or she shall deem necessary, prepare reissues of and supplements to these *Bylaws* and policies adopted by the Board of Regents for publication and distribution. Publication and distribution shall be accomplished in such manner as the Corporation Secretary determines to be most appropriate. In preparing any such reissue or supplement for

publication and distribution, the Corporation Secretary shall not alter the sense, meaning or effect of any act of the Board of Regents, but may:

(1) renumber sections and parts of sections,

(2) rearrange sections,

(3) change reference numbers to agree with renumbered chapters, articles or sections,

(4) substitute the proper section, article, or chapter numbers for the terms "the preceding section," "this article," "this chapter," and like terms,

(5) strike out figures where they are merely a repetition of written words,

(6) change capitalization for the purpose of uniformity, and

(7) correct manifest clerical or typographical errors.

(b) In addition to the authority delegated in subsection (a) of this section, the Corporation Secretary, in preparing reissues of and supplements to these *Bylaws* and policies adopted by the Board of Regents for publication and distribution, may:

(1) remove obsolete matter within any section,

(2) remove from within any section language that conflicts with any lawful and controlling statute or regulation of the State of Nebraska or of the United States, or that has been determined to be unlawful as a result of a controlling decision of a court of the State of Nebraska or of the United States, when the same can be accomplished without impairing the sense or legality of the remainder of the section,

(3) omit any section or sections that conflict with any lawful and controlling statute or regulation of the State of Nebraska or of the United States, or that have been determined to be unlawful as a result of a controlling decision of a court of the state of Nebraska or of the United States,

(4) correct faulty internal references, and

(5) harmonize provisions with former acts of the Board of Regents in these *Bylaws* or former policies adopted by the Board.

Changes made under the authority of this subsection (b) shall be effective only upon publication by the Corporation Secretary, and any change made under the authority of subparagraphs (2) or (3) of this subsection (b) shall be reported to the Board. No change made under authority of this subsection (b) shall effect any change in the substantive meaning of any section of these *Bylaws*. If the Corporation Secretary is in doubt whether or not a specific change is authorized by this subsection (b), he or she shall not make the change, but shall propose the same as an agenda item for consideration by the Board of Regents as required by Section 1.11 of these *Bylaws.*

History: Added, 62 BRUN 14 (28 Feb. 1998)

Chapter II. Structure of the University

2.0 **Interrelationships of the Board, the Administration, the Faculty, and the Student Body.** The Board, the Administration, the Faculty, and the Student Body carry out their respective responsibilities not as isolated entities, but as major and primary constituents of a total University organization and structure that remain mutually interdependent, and which must be supportive of the purposes, functions, and obligations of the University.

2.1 **Procedures for Selection of Senior Administrative Officers**. Appointment of the President shall be made by the Board. The authority to make all other senior administrative appointments, i.e., Vice Presidents, Chancellors, Vice Chancellors, Deans, and equivalent ranks, resides with the President or administrative officers designated by the President, subject to approval by the Board, as provided in this section and Section 3.2 of the *Bylaws.*

(a) Whenever a vacancy occurs in the position of President or is imminent, the Board shall be the appointing authority and shall promptly appoint one or more presidential search advisory committee(s) to assist the Board in the search for suitable candidates to fill the position and designating one of the members of the presidential search committee(s) to serve as its chair. The presidential search committee(s) will consult broadly with the principal constituencies with which the President interacts and shall define the responsibilities of and prepare the qualifications and profile of the next President in a manner consistent with the *Bylaws*. The size, responsibilities, composition of, and representation on the search committee shall be determined by the Board.

(b) Whenever a vacancy occurs in a senior administrative position at the level of Chancellor or Vice President, and assuming the position is to be refilled, the President, shall be the appointing officer and shall promptly appoint an advisory committee to assist in the search for suitable candidates to fill the position. The size, composition of, and representation on each advisory committee shall be determined by the President, provided that each advisory committee shall include representatives of the principal constituencies with which the position in question interacts.

(c) Whenever a vacancy occurs in a senior administrative position at the level of Vice Chancellor or Dean, and assuming the position is to be refilled, the President, or an administrative officer designated by the President to make the appointment, shall be the appointing officer and shall promptly appoint an advisory committee to assist the appointing officer in the search for suitable candidates to fill the position. The size, composition of, and representation on each advisory committee shall be determined by the appointing officer in consultation with the elected heads of faculty and student governments, provided that each advisory committee shall include representatives of the principal constituencies with which the position in question interacts.

(d) In those cases in which the search is for an officer other than the President, the appointing officer may serve as a nonvoting member of the advisory committee. The appointing officer shall: (1) designate one of the members of the advisory committee to serve as its chair; (2) define, in a manner consistent with these *Bylaws*, the responsibilities of the senior administrative position for which the search is being conducted; and (3) define the qualifications being sought in candidates for the position.

(e) Except for application materials of finalists as determined in the search process, the work and records of each search advisory committee(s), including all candidate files, shall be considered confidential and shall be treated accordingly.

History: Amended, 72 BRUN 28-30 (30 May 2014)
Amended, 59 BRUN 210-211, 221 (10 Dec. 1994)
Amended, 56 BRUN 174 (18 Oct. 1991)
Amended, 55 BRUN 187 (7 Sept. 1990)
Added, 46 BRUN 253-254 (16 Jan. 1982). With the addition of Sec. 2.1 all subsequent sections were sequentially renumbered. Several sections were consolidated and renumbered in the 1984 revised edition. 49 BRUN 300 (16 June 1984)

2.2 **The President of the University.** The President shall be the chief executive officer of the University as defined in section 1.2 and shall exercise such executive powers as are necessary for the proper government of the University and for the protection and advancement of its interests in their entirety. The President shall enforce the regulations and orders of the Board and may issue directives and executive orders not in contravention of existing policies of the Board. The President shall be responsible for all personnel appointments subject to confirmation of the Board, as required, and shall make interim appointments to those positions normally requiring approval of the Board during the recesses of the Board, subject in each case to the approval of the Board at its next meeting. The President shall be an ex officio member of all faculties of the University. The President shall direct the planning, development, and appraisal of all activities of the University, and be responsible for their coordination and implementation, but may delegate authority in these areas to other officers who may be appointed by the Board upon his or her recommendation. The President shall be responsible for the preparation of the Annual Report of the Board and submission of the total University budget to the Board for its review and approval. The President shall provide for regular periodic evaluations of all administrative officers at the system-wide level. All matters from any major administrative unit shall be forwarded to the Board through the Office of the President or the President's designated representatives.

2.2.1 **Acting or Interim President**. In the event that the University President shall resign, be incapacitated, be on an extended leave of absence or otherwise be unable to perform his or her duties, an Acting or an Interim President of the University shall be designated by the Board. The Acting or Interim President shall have all powers, duties, and responsibilities normally devolving upon the Office of the President of the University.

2.3 **The Executive Vice President and Provost.** The Executive Vice President and Provost, shall be appointed by the President as provided in Sections 2.1 and 3.2 of these *Bylaws.* After the President, he or she shall be the University's ranking academic and administrative officer. The Executive Vice President and Provost shall perform such duties as may be required by the President and the Board and shall have the following specific responsibilities:

(a) Serve as Dean of the University-wide Graduate College and as the presiding officer of the graduate faculty and the Executive Graduate Council. In this capacity he or she shall (1) recommend appointment to or removal from the graduate faculty, (2) be administratively responsible for the welfare of the Graduate College and for implementing the policies of the Board and the graduate faculty concerning graduate studies and research, and (3) act as an advisor to the President, and as appropriate, the Chancellors in matters pertaining to planning, development, coordination, and administration of graduate studies and research on the several campuses of the University; and

(b) Serve as Acting President in the temporary absence of the President.

History: Amended, 59 BRUN 212,221 (10 Dec. 1994)
Amended, 49 BRUN 300(16 June 1984)
Amended, 46 BRUN 335-336 (27 March 1982)

2.4 **The Vice President for Business and Finance.** The Vice President for Business and Finance, shall be appointed by the President as provided in Sections 2.1 and 3.2 of these *Bylaws.* He or she shall serve as an executive officer of the President in all matters of business, finance, and general administration.

History: Amended, 59 BRUN 213, 221 (10 Dec. 1994)
Amended, 57 BRUN 119 (13 June 1992)
Amended, 49 BRUN 300 (16 June 1984)
Amended, 46 BRUN 336-337 (27 March 1982)
Amended, 46 BRUN 52 (25 July 1981)

2.5 **Other University-wide Officers.** The President may appoint such personnel as are required for the effective operation of the University. The titles and duties of such personnel shall be defined by the President.

2.6 **Vice President and General Counsel.** The Vice President and General Counsel for the University shall be appointed by the President as provided in Sections 2.1 and 3.2 of these *Bylaws.*

History: Amended, 59 BRUN 213, 221 (10 Dec. 1994)
Amended, 47 BRUN 146 (24 July 1982)

2.7 **Advisory Groups.** The President shall establish faculty, student, administrative, and citizen advisory councils as a continuing method of communication between the President, the Board, and major segments of the University community.

2.8 **The Chancellors-Vice Presidents.** Each major administrative unit shall have a Chancellor as its chief executive officer, who shall also be a Vice President of the University, and who shall report to the President of the University and through the President to the Board.

2.8.1 **Powers and Duties of the Chancellors.** Subject to the guidelines and policies of the Board and the President, the Chancellors shall do all things necessary for the development of the major administrative unit for which they are responsible, and shall be members of the President's staff for purposes of inter-unit cooperation and planning. In addition, the Chancellors shall have the following specific responsibilities:

(a) Provide leadership in developing the total program under their jurisdiction;

(b) Establish offices of Vice Chancellors, Deans, directors, and other administrative offices as are required for the effective exercise of their responsibilities, subject to the approval of the President and the Board. The organization of each major unit with the duties and responsibilities of the administrative officers, when approved by the Board, shall be appended to these *Bylaws;*

(c) Recommend all personnel appointments requiring approval by the President and the Board;

(d) Provide for regular periodic evaluations of each administrative officer in their units, which may include consultation with faculty and students;

(e) Concern themselves with the planning and development of all activities of their units and be responsible for their coordination;

(f) Submit annual budgets for operations and construction to the President covering all activities assigned to their units; and

(g) Determine, under the guidelines of Sections 2.8 through 2.15, the basic organization of the educational and administrative structure of the campus, subject to applicable law and approval by the President and the Board. Such administrative and educational organization may include departments, schools, institutes, centers, divisions, and all similar designations.

2.8.2 **Administrative Functions.** Each Chancellor shall provide for the following administrative functions within the structure of the major administrative unit:

(a) General supervision of the faculties through the system of colleges and schools;

(b) General supervision of all relationships between students and the major administrative unit. Such supervision includes, but is not limited to: admissions; registration and records; academic advising; counseling; housing; scholarships and financial aids; student activities and services; placement; foreign students; and the evaluation and certification of academic credit from other institutions;

(c) The business and financial management of the major administrative unit and its component parts in conformity with University-wide management policies, practices, and controls established by the Office of the President and the Board. The management function should include, but is not limited to: budget preparation and implementation; keeping financial accounts for activities of the unit; auditing all expenditures and bills presented for payment; and such financial reports as may be required;

Personnel administration, including employment, termination, wage determinations, and conditions of employment for other than academic-administrative employees of the major administrative unit, in conformity with University-wide policies, practices, and procedures as may be required by the Board; and

Operation and maintenance of the physical plant, purchase of supplies and equipment, and maintenance of appropriate inventories and records of real and personal properties under the jurisdiction of the major administrative unit.

2.9 **The Colleges.** Subject to the powers vested in the Board, and subject to the provisions of 85-108 and 85-112 Revised Statutes of Nebraska, and other applicable law, the immediate government of each college shall be by its own faculty. Without limiting the generality of the foregoing statement, such power shall include adoption of attendance rules, determination of requirements for graduation, recommendations of candidates therefore, developing research and extension programs, discipline of students for conduct solely affecting the college, and providing to the Board recommended admission requirements, courses of study and other relevant material for meeting statutory requirements. Those persons with rank of assistant professor and above, or equivalent ranks, shall constitute the voting members of a college faculty, unless other persons are specifically included in a particular college by action of these voting members. Any system of college government shall provide for consultation with students. No curriculum leading to a degree or certificate shall be adopted or discontinued without the approval of the Board. The faculty for each college shall adopt rules and regulations relating to its government in accordance with Section 1.2 of these *Bylaws*.

History: Amended by the Corporation Secretary pursuant to the authority of Sec. 1.12 (b) of these *Bylaws* (27 April 2012)
Amended, 47 BRUN 146 (24 July 1982)

2.9.1 **Deans of Colleges.** The Dean of a college shall be the officer primarily charged with the administration of the college. The Dean shall be the presiding officer of its faculty and the chief advisor of the Chancellor in regard to the college's welfare, and shall be in general charge, under the Chancellor, of the administrative work of the college. The Dean shall submit recommendations to the

Office of the Chancellor concerning the appointment, reappointment, non-reappointment, promotion, granting of continuous appointment, demotion, transfer, dismissal, or removal of members of the college staff. All requisitions chargeable to funds apportioned to the college are subject to approval by the dean or his or her designee.

2.9.2 **College Staff**. In preparing budgetary or apportionment recommendations, or in recommending the appointment, reappointment, non-reappointment, promotion, granting of continuous appointment, demotion, transfer, dismissal, or removal of members of the college staff, the Dean of the college shall consult the department chairs affected and any special college committee that may be established to advise in these matters. If the recommendation of a chair, of a director, or an advisory committee differs from the Dean's recommendation, the Dean shall so inform the Chancellor, or, in the case of the Graduate College, the executive officer for Graduate Studies and Research shall inform the cognizant Chancellor and the Executive Vice President and Provost.

History: Amended, 41 BRUN 86 (10 Dec. 1977)

2.9.3 **The Schools.** Collegiate and independent schools may be established by the Board upon recommendation of the Chancellor and the President. Subject to the powers vested in the Board or delegated to administrative officers, the immediate government of such schools shall be in their respective faculties. Schools shall be subject to the general supervision and control of the Dean and faculty of the college within which they exist. Executive heads of such schools shall have powers and responsibilities assigned to their positions by the Board.

2.10 **The Departments.** The Board may create departments of a college or a school when size or educational efficiency demands it. The department chair shall be the officer primarily charged with the administration of the department. The department chair shall be the presiding officer of its faculty and the chief advisor to the Dean or director of the administrative unit to which the department is assigned. Department chairs shall be appointed upon recommendation of the Dean in the manner provided by Section 3.2 of these *Bylaws*, after appropriate consultation with the department faculty, and with concurrence by the Chancellor and the President. The department chair shall not have tenure in that office, but tenure as a faculty member is a matter of separate right. The department chair may make recommendations to the Dean and the faculty of the college concerning the welfare of the department or its relations to other departments. Before making such recommendations, the department chair shall consult with the appropriate department faculty. Where the recommendation of the chair differs from the advice given by the appropriate department faculty, the chair shall so inform the Dean.

The department staff shall consist of persons of the rank of assistant instructor or above or equivalent ranks in the department. Meetings of the department staff may be called by the Chancellor, the Dean, the chair, or by a majority of the staff. The department staff may make recommendations upon any matter affecting the welfare of the department or its members to the chair, to the Dean of the college, or to the faculty of the college. In the event that a departmental recommendation or the recommendation of the department chair does not receive higher administrative approval, the reasons for the action shall be communicated to the department.

History: Amended, 62 BRUN 14 (28 Feb. 1998)

2.11 **Multi-Departmental Academic Centers for Research, Teaching, and/or Service**

Multi-disciplinary and intercampus organizational entities have become increasingly important for pursuit of the University’s mission. Such multi-departmental organizational entities may organize faculty and programs for numerous purposes such as creation of partnerships with external organizations, enhanced university research and outreach programs, development of new funding patterns, addressing emerging multi-

disciplinary educational needs, and other emerging problems and issues. Organizational entities of this type are encouraged in order to serve important University goals. Such entities are considered "Multi-Departmental Academic Centers for Research, Teaching, and/or Service," a generic designation which applies not only to "centers" but also to all such entities such as those characterized as "bureaus," "institutes," or designations other than colleges or schools.

"Multi-Departmental Academic Centers for Research, Teaching, and/or Service" require approval by the Board of Regents as stated in section 2.11 of the *Bylaws* of the Board of Regents if they meet all of the following criteria:

a. Interdisciplinary breadth encompassing commitment of funding and faculty time from more than one department.

b. An identifiable budget.

A proposal for approval should include a detailed description of the multi-departmental center function, justification, relevance to the University's strategic plans, participating departments and faculty, administration, funding, formal name, and evidence that the multi-departmental center will more effectively achieve stated academic objectives than traditional departmental, school, or college structures.

The President will conduct periodic reviews of all "Multi-Departmental Academic Centers for Research, Teaching, and/or Service," on a timetable appropriate to the nature of the center but not less frequently than every seven years, and report the results of periodic reviews to the Board of Regents.

History: Amended, 74 BRUN 18 (25 May 2016)
Amended, 66 BRUN 2 (20 Jan. 2006)

2.12 **Provision for Faculty Government.** The faculties of each major administrative unit shall establish a governing agency for dealing with matters of interest to more than one college. Such agencies shall be democratic in structure and operation and shall determine rules concerning membership. They shall conduct business in open session, and minutes of meetings shall be public information. By no less than a majority vote of those present, an executive session may be authorized. An agency may include student participation under conditions and circumstances approved by the agency. All rules and regulations of such agency shall be adopted in accordance with Section 1.2 of these *Bylaws*.

History: Amended by the Corporation Secretary pursuant to the authority of Sec. 1.12 (b) of these *Bylaws* (27 April 2012)

2.12.1 **Responsibilities of Faculty Governing Agencies.** Each agency shall have the following general responsibilities:

(a) Adopt its rules of procedure, in accordance with Section 1.2 of these *Bylaws*;

(b) Act as the official voice of the faculty of which it is composed;

(c) Act on academic matters that affect more than one college;

(d) Advise and consult with student, staff, and administrative groups on matters of general concern, which include, but are not necessarily limited to, the budget, institutional planning, library and computer operation, student academic conduct in the classroom, and the selection of academic-administrative personnel;

(e) Consider business specifically delegated to it by the Chancellor;

(f) Recommend candidates for honorary degrees; and

(g) Provide for the protection of academic freedom by adopting rules and regulations for consideration by the Board as provided in Paragraph 1.2 of these *Bylaws:*

(1) Establish a code of academic rights and responsibilities, provided that such code shall not conflict with Chapter IV of these *Bylaws;*

(2) Establish suggested penalties and sanctions for failure to adhere to the standards contained in such code; and

(3) Establish a governmental structure and a system of procedure for handling alleged failure to adhere to the standards contained in such code, provided that nothing shall conflict with anything contained in these *Bylaws.*

History: Amended by the Corporation Secretary pursuant to the authority of Sec. 1.12 (b) of these *Bylaws* (10 June 2013)

2.12.2 **Appeal to the Board.** In matters of policy regarding academic freedom and faculty status, after exhausting normal administrative channels, the faculty governing agency of each major administrative unit by majority vote of the members of that faculty governing agency may appeal directly to the Board.

2.13 **Provision for Student Government.** The students of each major administrative unit may create democratic student governing agencies at the campus, college, school, department, or living unit level. One of said agencies of each major administrative unit shall be designated by a majority vote of the students voting as the official representative of the student body. Each administrative unit will develop its own criteria for student representation. The Constitution and *Bylaws* of all student governing agencies at the campus level shall be subject to approval by the cognizant Chancellor in compliance with § 1.2 of these *Bylaws* and shall become a part of the Rules of the Board. Following approval by the Chancellor, a report of any amendments to the student governing agency's Constitution and *Bylaws* shall be made to the Board at the next meeting of the Board. The representative student agencies shall have the opportunity to exercise the following privileges, if they so desire:

(a) Select student representatives at their particular level of governance;

(b) Make recommendations to the Board concerning the budgeting of all funds collected through fees designated for the use of student organizations;

(c) Serve on those committees that directly affect the nonacademic aspects of student life; and

(d) Participate in other appropriate committees.

2.14 **Student and Faculty Government.** Subject to approval of the Board, a major administrative unit may combine the student and faculty government into a single agency.

2.15 **Ombudsperson.** The Chancellor of each major administrative unit is authorized to appoint an Ombudsperson. Each Chancellor shall adopt procedures governing the selection of the Ombudsperson, which

shall include formal consultation with representatives of those segments of the University served by the Ombudsperson. The Office of the Ombudsperson will seek to improve academic and administrative processes within the University by discovering problems and suggesting reforms. The Office may assist any member of the University community in the resolution of academic, administrative, or personal problems that cannot otherwise be resolved equitably within existing mechanisms.

The Ombudsperson may listen to, investigate, and seek to mediate and resolve complaints and grievances made to him or her concerning academic or administrative policies, procedures, practices, or decisions. The Ombudsperson may recommend appropriate changes or solutions to the Chancellor. However, the Ombudsperson shall have no authority to overturn, reverse, or modify such policies, procedures, practices, or decisions.

No person shall suffer any penalty or disability because of seeking assistance from the Ombudsperson. All information presented to that office by persons seeking assistance shall be considered confidential unless a complainant shall authorize release of such information. All information received by the Ombudsperson shall be considered privileged where otherwise provided by law.

History: Amended, 42 BRUN 151 (10 Nov. 1978)
Amended, 40 BRUN 2 (20 Nov. 1976)
Amended, 71, BRUN 11 (02 March 2012)

Chapter III. Terms and Conditions of Employment

3.0 **Equal Opportunity.** Recruitment, selection, employment, transfer, promotion, demotion, training, and pay of all employees of the University shall be without regard to race, color, sex, religion, national origin, or political affiliation. The University will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to these factors. Merit will be the criterion by which qualifications for appointment, retention, or promotion are judged. The University will strive to achieve realistic affirmative action employment goals.

3.1 **Categories of University Personnel.**

3.1.1 **Professional Staff.** This category includes all personnel having a general scope of duties and responsibilities requiring educational qualifications and professional training that exempts their positions from the Federal Fair Labor Standards Act and the State Personnel System. This category consists of the following subcategories:

3.1.1.1 **Academic-Administrative Staff.** This subcategory includes all faculty and such administrative officers as the Board may designate. The faculty of the University of Nebraska includes all persons holding the academic rank of assistant instructor and above, or formally approved equivalent ranks.

History: Amended, 53 BRUN 26 (12 Sept. 1987)
Amended, 42 BRUN 49-50 (29 July 1978)

3.1.1.2 **Other Academic Staff.** This subcategory includes all persons with the rank of research associate, research assistant, graduate assistant, teaching assistant, teaching fellow, and house officer.

History: Amended, 53 BRUN 26 (12 Sept. 1987)
Amended, 42 BRUN 50 (29 July 1978)

3.1.1.3 **Managerial-Professional Staff**. This subcategory includes persons serving in nonacademic professional positions including nurses, technical specialists, directors not included in the academic-administrative staff, and all departmental managers. Part-time employees in this subcategory may be subject to the provisions of the Federal Fair Labor Standards Act.

3.1.2 **Office and Service Staff.** This category includes all persons who perform work that by custom in business, industry, and other institutions of higher education is managed on an hourly basis with such work compensated according to hours worked or earned, including clerical and office employees, foremen, general service workers, and other personnel paid on an hourly basis.

History: Amended, 42 BRUN 287 (24 March 1979)

3.1.3. **Student Employees**. This category includes all employees whose primary occupation is that of student, except those qualifying under 3.1.1.2.

History: Amended, 42 BRUN 287 (24 March 1979)

3.2 **Authority to Create Salary Obligations**. The Board shall appoint the President and approve any contract for the services of the President. Appointments to the positions of Provost, Chancellor and Vice President shall be made by the President, subject to approval by the Board. Appointments to the positions of Vice Chancellor, Dean, and equivalent ranks, shall be made by the President, or by an administrative officer designated in writing by the President, subject to approval by the Board. The President, administrative officers designated in writing by the President, shall make all other appointments to and approve all other contracts for services of the academic-administrative staff. Quarterly reports of all appointments of administrative officers to the academic-administrative staff and faculty appointments at the rank of assistant professor or above, including type and length of appointments and salary obligations approved, shall be made to the Board and maintained on a file as a public record in the Office of the Corporation Secretary. The Board delegates authority for appointment of other professional staff and the office and service staff to the President or the Chancellors or their authorized representatives, as appropriate.

History: Amended, 59 BRUN 220-221 (10 Dec. 1994)
Amended, 49 BRUN 300 (16 June 1984)
Amended, 42 BRUN 152 (10 Nov. 1978)

3.2.1 **Evaluation of Senior Administrative Officers; Removal from Office**. The professional performance of each administrative officer at the rank of Dean or equivalent rank, Vice Chancellor, Vice President, Chancellor and Provost shall be evaluated at least annually by their supervising administrative officer as determined by the President. The President, or the supervising administrative officer designated by the President, shall have authority to remove from office an administrative officer of the rank of Dean or equivalent rank, Vice Chancellor, Vice President, Chancellor or Provost in accordance with the procedures required by Section 4.4.1 of these *Bylaws.*

History: Added, 59 BRUN 214, 221 (10 Dec. 1994)

3.2.2 **Nepotism.** Subject to the powers vested in the Board, and consistent with the provisions of Neb. Rev. Stat. 49-14, 1401, the following shall constitute the Policy of the University prohibiting nepotism.

3.2.2.1 Except as authorized in section 3.2.2.4 of these By-Laws, an official or employee in the University shall not engage in nepotism.

3.2.2.2 For purposes of section 3.2.2 of these By-Laws: (a) Family member means an individual who is the spouse, child, parent, brother, sister, grandchild, or grandparent, by blood, marriage, or adoption, of a University official or employee; (b) Nepotism means the act of hiring, promoting, or advancing a family member in the University or recommending the hiring, promotion, or advancement of a family member in the University, including initial appointment and transfer to other positions in the University; and (c) Supervisor means an individual having authority, in the interest of the University, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline employees, responsibility to direct them or to adjust their grievances, or effectively to recommend any such action, if the exercise of such authority is not merely of a routine or clerical nature but requires the use of independent judgment.

3.2.2.3 In addition to the other penalties provided by law, any University employee violating the provisions above may be subject to disciplinary action.

3.2.2.4 (a) The President or the cognizant Chancellor may, upon a written showing of good cause, grant an exception to section 3.2.2.1 of these By-Laws. The written showing of good cause

shall be filed with the appropriate University records officer and shall be considered a public record.

(b) An official or employee who becomes a supervisor to his or her family member other than by means of nepotism shall notify the President or cognizant Chancellor within seven days of becoming aware of such situation and may continue to act as a supervisor until the President or cognizant Chancellor remedies the situation. The President or cognizant Chancellor shall act as soon as practicable.

3.2.2.5 The President and Chancellors may develop and implement internal policies and directives prohibiting nepotism and the supervision of a family member.

History: Added, 69 BRUN 15-16 (5 March 2010)

3.3 **Compensation for Services Rendered.**

3.3.1 **Professional Staff.** The compensation to be paid any member of the professional staff whose appointment is subject to approval by the Board shall be determined and entered on the records of the Board when the appointment or contract for services is made. Any subsequent change in compensation shall likewise be recorded, provided that if such change is shown on the annual detailed budget as adopted by the Board, this shall constitute a sufficient record. Compensation for other professional staff shall be recorded on the personnel recommendation form at the time of appointment and subsequent changes recorded in the detailed annual budget of the University. Appointments to the professional staff shall be classified as:

(a) All-year. Unless otherwise provided at the time of appointment, the salary shall begin July 1 and end on June 30 following, and salary payments shall be made monthly.

(b) Academic-year. All members of the professional staff with responsibilities for instruction shall be members of the academic-year class unless otherwise provided at the time of their appointment. Salary payments to such staff members who render full service for an academic year shall be made in 12 equal monthly payments. The salary year for such persons shall usually begin September 1 and end August 31 following. Full compensation for services of the academic-year group shall not be paid until such services are fully performed, including the filing of complete reports of the standing of students under the staff member's charge during such term or session. Unless otherwise provided by the Board, such staff members shall be available for assignment to duties one week before the first day of classes in the fall term through Commencement Day following the last term of the academic year, or nine months, whichever is the longer period. This period shall constitute the definition of the academic year. Members of the academic-year class serving during the summer sessions, other than those paid by the hour, shall be appointed and paid compensation as the Board may direct. The detailed summer sessions budget approved by the Board shall constitute a sufficient record of appointment to the summer sessions for permanent members of the academic-year staff. This service is distinct from service during the academic year. Staff members appointed for only the regular academic year may receive extra compensation for summer service; but staff members appointed on the all-year or 12-month basis shall not receive extra compensation for services in the summer sessions. Full compensation for summer services shall not be paid until such services have been fully performed, including the filing of complete reports of the standing of students under the instructor's charge during such term or session.

(c) Monthly Class. Members of the professional staff employed for periods of less than the standard academic year or on a part-time basis are normally paid on a monthly basis unless otherwise provided by individual contract or agreement at the time of appointment.

History: Amended, 62 BRUN 14 (28 Feb. 1998)

3.3.2 **Office and Service Staff**. Compensation to be paid a member of the office and service staff shall be determined by the President or the Chancellors, as appropriate, or their designated representatives, within the institutional policies established by the Office of the President and approved by the Board. Salaries and wages are paid on a biweekly basis.

History: Amended, 49 BRUN 300 (16 June 1984)
Amended, 42 BRUN 287 (24 March 1979)

3.3.3 **Student Employees**. Within institutional policies established by the Office of the President and approved by the Board, compensation for student employees shall be determined by the Chancellor or his or her designee and shall be paid biweekly.

3.3.4 **Method of Payment**. Salaries and wages shall be paid in State warrants. No compensation can be paid in advance of services performed. The Office of the President shall properly voucher and certify according to law all salary and wage claims, and shall present them to proper officials for issuance of warrants thereon, and deliver warrants received in pursuance thereof to the proper parties.

3.4 **Conditions of Employment for the Professional Staff.**

3.4.1 **Salary Termination.**

(a) For members of the professional staff on all-year or on monthly appointments, the proration shall be based upon the fractional part of the month represented by the calendar days preceding the date of termination, plus any unused vacation time earned during the appointment year.

For members of the professional staff on academic year appointments, compensation is divided equally between terms of the academic year. Pro rata compensation shall be based upon the fractional part of the term represented by the calendar days between the date service began and the date of termination, inclusive.

(b) **Upon Death**. The salary of full-time academic-administrative staff member shall terminate at the end of the month in which death occurs, provided, however, that this provision in no way abrogates the right to receive salary earned but not yet paid because of the method of prorating academic-year salaries over a 12-month period.

3.4.2 **Vacations**. Members of the managerial-professional staff designated in accordance with policy adopted by the Board, and all full-time members of the all-year academic-administrative staff shall earn and receive sixteen (16) hours of vacation per month, provided that, once an employee has accumulated two hundred eighty (280) hours of unused vacation, he or she shall not earn or receive additional vacation until his or her accumulated and unused vacation is less than two hundred eighty (280) hours.

For members of the academic-year staff, vacations are fixed by the University calendar for the academic year, normally the period between the end of the first academic term and the first working

day following the New Year's holiday (as defined by the President), and the period of the Fall and Spring Recesses.

Other members of the managerial-professional staff and other academic staff on all-year appointments shall earn and receive eight (8) hours of vacation per month during each of the first two years of employment, twelve (12) hours of vacation per month during the third through the fifth year of employment and sixteen (16) hours of vacation per month during each year thereafter, provided that, once an employee has accumulated two hundred eighty (280) hours of unused vacation, he or she shall not earn or receive additional vacation until his or her accumulated and unused vacation is less than two hundred eighty (280) hours.

In addition, all members of the professional staff are entitled to all legal and University holidays each year or their equivalent.

Except as to vacation fixed by the calendar for the academic year, employees shall be encouraged to take vacation each year during times that do not interfere with the conduct of University business.

History: Amended, 66 BRUN 81 (09 March 2007)
Amended, 43 BRUN 42 (18 May 1979)
Amended, 49 BRUN 300 (16 June 1984)

3.4.3 **Leaves of Absence**.

3.4.3.1 **Academic Leaves of Absence**. The President may approve leaves of absence not to exceed one year to members of the permanent professional staff holding fulltime 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.

(c) 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 President. No leaves of absence with pay will be approved by the President except in cases where it is demonstrated to the satisfaction of the 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 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.

History: Amended, 48 BRUN 5 (15 Jan. 1983)
Amended 66 BRUN 37 (15 June 2006)

3.4.3.2 **Stipends for Leaves of Absence**. Stipends for academic leaves of absence shall be subject to the following conditions:

(a) No limitation is placed on total stipend in cases where leave is granted without University financial support.

(b) Staff members granted leave with University pay are permitted to accept grants to augment their income for the purpose of covering necessary travel expenses and increased cost-of-living while working outside the immediate University area.

(c) Leaves with pay ordinarily will not be granted for the purpose of carrying out work leading to higher degrees.

(d) The Board may provide for a regular system of sabbatical leaves for fulltime faculty members and administrators.

3.4.3.3 **Leaves of Absence Due to Disability**. Whenever a member of the managerial professional staff designated in accordance with policy adopted by the Board or any member of the full-time permanent academic-administrative staff is temporarily disabled due to illness or accident, such staff member upon approval of his or her supervising administrator shall be paid his or her regular salary during the period of such disability, but in no event exceeding a period of six months, less:

(a) The amount received during such time as worker's compensation; and

(b) The amount required, if any amount be required, to pay any substitute who has performed all or any part of the work of the incapacitated staff member. Substitutes shall be selected by the supervising administrator of the staff member. Whether such a substitute shall receive pay for such work performed or be permitted to substitute gratuitously for the incapacitated staff member shall be determined by the supervising administrator of the staff member.

Such leaves of absence may be extended beyond six months without pay upon recommendation of the Chancellor and the President and approval by the Board. Other members of the managerial-professional staff shall accumulate one day of sick leave per month for the first two years of employment; thereafter, the foregoing provisions for the academic-administrative staff shall apply.

In order to comply with the terms of existing United States Civil Service retirement regulations, Cooperative Extension staff with federal appointments will accumulate sick or injury leave at the rate of one month per year.

Past or present service retirement benefits will not be paid during the period of an extended disability leave.

History: Amended, 62 BRUN 47 (20 June 1998)
Amended, 49 BRUN 300 (16 June 1984)
Amended, 43 BRUN 43 (18 May 1979)

3.4.3.4 **Medical Maternity Leave**. Whenever any female member of the managerial professional staff designated in accordance with policy adopted by the Board or any female member of the full-time permanent academic-administrative staff is unable to work because of medical disability caused or contributed to by pregnancy, miscarriage, termination of pregnancy, childbirth and recovery therefrom, such staff member shall be granted disability leave as provided by Section 3.4.3.3 of these *Bylaws*, except there shall be no reduction in the staff member's regular salary during the period of disability leave for such reason.

Leave taken under this section shall be subject to Section 3.4.3.7 of these *Bylaws* relating to coordination with leave taken under the federal Family and Medical Leave Act.

History: Amended, 62 BRUN 47 (20 June 1998)

3.4.3.5 **Paternal Leave Upon the Birth of a Child**. A male member of the managerial-professional staff designated in accordance with policy adopted by the Board or any male member of the full-time permanent academic-administrative staff may take up to five (5) days paid leave upon the birth of a child for the purpose of providing care and assistance to his spouse and/or child. Leave taken for the purpose provided in this section shall be considered and accounted for as disability leave pursuant to Section 3.4.3.3 of these *Bylaws*, except there shall be no reduction in the staff member's regular salary during the period of disability leave for such purpose.

Leave taken for the purpose provided in this section shall also be subject to Section 3.4.3.7 of these *Bylaws* relating to coordination with leave taken under the federal Family and Medical Leave Act.

History: Added, 62 BRUN 47 (20 June 1998)

3.4.3.6 **Adoption Leave**. Upon commencement of the parent-child relationship by adoption of a child, any member of the managerial-professional staff designated in accordance with policy adopted by the Board or any member of the full-time permanent academic-administrative staff who is the primary care giver for the adopted child may take up to eight weeks paid leave to provide care and assistance to the child. Upon commencement of the parent-child relationship by adoption of a child, any member of the managerial-professional staff designated in accordance with policy adopted by the Board or any member of the full-time permanent academic-administrative staff who is not the primary care giver for the adopted child may take up to five days paid leave to provide assistance in the care of the child. For the purposes of this section, commencement of the parent-child relationship means the earlier of when the child is placed in the physical custody of the employee for the purposes of adoption or when the parent departs his or her home for the purposes of obtaining such physical custody of the child. Notwithstanding the forgoing, adoption leave shall not be available if the child being adopted is a special needs child over eighteen years of age, a child who is over eight years of age and is not a special needs child, a step child being adopted by his or her step parent, a foster child being adopted by his or her foster parent, or a child who was originally under a voluntary placement for purposes other than adoption without assistance from an attorney, physician, or other individual or agency which later results in a petition for

the adoption of the child by the person with whom the voluntary placement was made. Leave taken for the purpose provided in this section shall be considered and accounted for as disability leave pursuant to Section 3.4.3.3 of these *Bylaws,* except there shall be no reduction in the staff member's regular salary during the period of disability leave for such purpose.

Leave taken for the purpose provided in this section shall also be subject to Section 3.4.3.7 of these *Bylaws* relating to coordination with leave taken under the federal Family and Medical Leave Act.

History: Amended, 63 BRUN 80 (29 September 2000)
Added, 62 BRUN 47 (20 June 1998)

3.4.3.7 **Coordination with Family and Medical Leave**. Under the federal Family and Medical Leave Act (FMLA), eligible faculty and staff have a right to take leave for qualifying events under FMLA, including birth of an employee's child or the placement of a child through adoption, and care of the child upon birth or placement through adoption. Any leaves taken pursuant to Sections 3.4.3.4, 3.4.3.5 and 3.4.3.6 of these *Bylaws* are considered to be qualifying events under FMLA, and will therefore be considered part of the leave period provided by FMLA.

History: Added, 62 BRUN 47 (20 June 1998)

3.4.4 **Assignment of Duties**. The service and teaching obligations for each full-time member of the instructional staff in any semester shall consist of such amounts of one or more of the types of services necessary for a successful University program, including teaching, research, directing and supervising research, advising or counseling, committee assignments, administrative duties, field work, extension activities, and other miscellaneous assignments as may be deemed reasonable in each instance by the department chair and Dean or director concerned, within standards approved by the Chancellor, the President, and the Board.

Members of the instructional staff other than those appointed primarily for research may be relieved of all or part of their teaching obligations for one or more semesters to pursue a program of research, if recommended by the appropriate research council, where established, and the Chancellor and the President, and approved by the Board. An instructional staff member who is relieved of all teaching obligations for one or more semesters to pursue a program of research shall be expected, as a rule, to resume regular teaching obligations after completion of the assigned program.

Employment by the University of members of the staff who are in the academic-year service class for non-instructional work during the summer vacation period shall be governed by the following:

(a) Such employment shall be limited to not more than three months.

(b) The monthly rate of remuneration for such employment shall not exceed one-ninth of the staff member's full-time remuneration during the preceding academic year.

(c) Vacation for such employment shall be earned at the rate of two days per month, and cannot be carried beyond the summer period in which it is earned.

History: Amended, 43 BRUN 168-169 (28 July 1979)
Amended, 42 BRUN 152 (10 Nov. 1978)

3.4.5 **Outside Employment**. Staff members employed on a part-time basis by the University, such as practicing lawyers or physicians, may engage in outside employment or activities unless it is expressly stipulated to the contrary in the conditions of employment.

Staff members employed by the University, other than those covered in the preceding paragraph, shall be encouraged to engage in professional activities outside the University as a means of contributing to the economic growth and development of the state as well as broadening their experience and keeping them abreast of the latest developments in their specialized fields; provided such activities do not interfere with their regular duties at the University, or represent a conflict of interest. Staff members may accept temporary or occasional employment for such professional services when such employment is recommended by the Dean of the college or director of the division involved and approved by the Chancellor or President, or their designees.

Specific approval of the Board is required before any members of the full-time professional staff:

(a) May be retained to provide professional services outside the University to an individual person, client, company, firm or governmental agency over a time period lasting more than two years.

(b) May accept professional employment requiring more than an average of two days per month during the period of his or her full-time University employment.

The President shall promulgate such executive policies as shall be necessary for administration and enforcement of this Section 3.4.5 including regulations covering the conduct of outside professional activity performed in University buildings using University equipment or materials that assure there is adequate consideration to the University for such use.

Nothing contained in this Section 3.4.5 shall affect the administration or enforcement of the Medical Service Plan or the Dental Service Plan at the University of Nebraska Medical Center, or any amendments or revisions thereof which have been approved by the Board.

History: Amended, 65 BRUN 142 (16 September 2005)
Amended, 56 BRUN 90 (22 June 1991)

3.5 **Terms and Conditions of Employment for the Office and Service Staff**. The terms and conditions of employment for the office and service staff shall be those set forth by the President or the Chancellors of the individual administrative units, as appropriate, or their designated representatives, within the institutional policies established by the Office of the President and approved by the Board. These terms and conditions of employment shall be made available to all employees in this category in the form of an employee handbook.

History: Amended, 49 BRUN 300 (16 June 1984)
Amended, 42 BRUN 287 (24 March 1979)

3.6 **Leaves of Absence Available to All University Staff Members.**

3.6.1 **Military**. Military leaves of absence shall be granted to all staff as may be provided by law.

3.6.2 **Jury Service**. Leaves of absence with pay for jury service or to testify as a witness, upon subpoena, shall be granted to all staff members.

3.7 **Fees and Tuition Charged to University Staff Members**. The Board may provide for a system of reduced tuition and fees for all full-time employees of the University for academic work at any unit of the University,

and for the transfer of any such reduced tuition and fees to a full-time employee's spouse, adult designee, and the employee's or adult designee's dependent children, all as may be defined and implemented in such system of reduced tuition and fees.

History: Amended by the Corporation Secretary pursuant to the authority of Sec. 1.12(b) of these *Bylaws*, 71 BRUN 65 (15 March 2013)
Amended, 63 BRUN 133 (7 April 2001)

3.8 **Conflict of Interest**. No employee of the University shall engage in any activity that in any way conflicts with duties and responsibilities at the University of Nebraska. The Board of Regents has adopted Regents Policy 3.2.8 and authorized the implementation of related policies and directives to properly avoid, disclose and manage potential conflicts of interest.

History: Amended, 69 BRUN 15 (5 March 2010)
Amended, 47 BRUN 147 (24 July 1982)

3.9 **Political Activities of Employees**. Employees of the University enjoy the full right of citizens to participate in the political life of the State of Nebraska and the United States. The welfare of the University, however, requires that each employee perform University duties without the interference of outside activities. The following policies, therefore, will apply to employees engaging in political activity.

(a) An employee of the University, contemplating filing as a candidate for any part-time public office, or entering upon the performance of the duties of any part-time public office to which the employee may be elected or appointed, shall notify the President or the Chancellor, as appropriate, and appropriate Dean or division head of his or her intention to do so. It shall be the duty of the President or the Chancellor, as appropriate, to determine to what extent such political activities will interfere with the employee's regular duties, and to decide to what extent the employee's duties and compensation shall be curtailed.

The criteria to be used in determining the extent to which such political activities interfere with the performance of regular duties of the employee shall be: (1) the time that he or she will be required to devote to such political activities during the period assigned for the performance of University duties; (2) the time which, in the absence of such political activities, would be devoted to University duties, such as administrative, class, laboratory, research, extension, counseling, meeting schedules, necessary preparation for the performance of such duties, etc.; and (3) the duration of such political activities and duties.

The curtailment of an employee's duties and compensation shall follow the principle that adjustments in duties and compensation shall be commensurate with the degree of interference with an employee's regular duties.

(b) Any employee of the University contemplating filing as a candidate for any full-time public office shall notify the President or the Chancellor, as appropriate, and appropriate Dean or division head of his or her intention to do so. It shall be the duty of the President or the Chancellor, as appropriate, to determine to what extent campaign activities associated with such candidacy will interfere with the employee's regular duties, and to decide to what extent the employee's duties and compensation shall be curtailed.

The criteria to be used in determining the extent to which campaign activities associated with such candidacy interferes with the performance of regular duties of the employee shall be: (1) the time that he or she will be required to devote to such campaign activities during the period assigned for the performance of University duties; and (2) the time which, in the absence of such campaign activities, would be devoted to University duties, such as administrative, class, laboratory, research, extension, counseling, meeting schedules, necessary preparation for the performance of such duties.

The curtailment of an employee's duties and compensation shall follow the principle that adjustments in duties and compensation shall be commensurate with the degree of interference with an employee's regular duties.

In the event the employee shall be elected or appointed to a full-time public office, he or she must resign his or her position with the University effective on the date of commencing his or her new office.

History: Amended, 64 BRUN 14 (23 February 2002)
Amended, 49 BRUN 300 (16 June 1984)

3.10 **Ownership and Commercialization of Inventions and Discoveries**. The Board encourages the commercialization of inventions and discoveries arising from research activities of the University, and when appropriate, the pursuit of patents or other intellectual property protection, as a method of bringing recognition and remuneration to the University's inventors and to the University itself. Every invention or discovery by members of the faculty and staff that results from the performance of duties within the scope of their University employment, or from the use of University personnel, property, facilities, or other resources, except where such use is minimal, shall be solely owned by the University provided that the inventor or inventors shall have a share of no less than one-third (1/3) of the net proceeds received by the University resulting from licensing or sale of University owned intellectual property rights associated with such invention or discovery. Further, and unless otherwise explicitly and specifically agreed to in writing, should by operation of law or otherwise it is determined that the inventor or inventors own any rights in the University's inventions and discoveries beyond that described in this section of these *Bylaws*, then it shall be a condition of employment at the University of Nebraska that any such rights shall be assigned to the University. The Board shall adopt a formal Patent and Technology Transfer Policy which shall govern the disclosure of inventions and discoveries resulting from performance of duties by faculty or staff within the scope of their employment, or from the use of University personnel, property, facilities, or resources. The President, or any administrative officers designated by the President, shall have authority to act for the University with respect to inventions or discoveries owned by the University as required by this section and the Board's Patent and Technology Transfer Policy.

History: Amended, 64 BRUN 139 (17 Oct. 2003)
Amended, 59 BRUN 210 (10 Dec. 1994)
Amended, 49 BRUN 300 (16 June 1984)

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

3.12 **Retirement.**

3.12.1 **Retirement Age and Date**. Retirement shall be mandatory at age 70 for any law enforcement personnel. Employees may retire at age 55 after ten years of service with the University. An employee also may be retired prior to the normal or mandatory retirement age because of physical or mental disability that prevents such employee from satisfactorily performing work, such disability to be determined by resolution of the Board.

The mandatory retirement date for law enforcement personnel who have reached the mandatory retirement age shall be July 1 following the month in which the employee reaches such age.

History: Amended, 68 BRUN 5-6 (23 January 2009)
Amended, 64 BRUN 113 (7 June 2003)
Amended, 62 BRUN 14 (28 Feb. 1998)
Amended, 54 BRUN 171 (23 June 1989)
Amended, 43 BRUN 129-130 (23 June 1979)
Amended, 43 BRUN 4 (21 Apr. 1979)
Amended, 37 BRUN 277 (14 Dec. 1974)

3.12.1.1 **Annual Appointment Following Mandatory Retirement**. Any law enforcement employee, who has reached the mandatory retirement age of 70, may be permitted to continue employment with the University beyond the mandatory retirement date on an annual reappointment basis. Such appointments may be approved at the discretion of the Board, upon recommendation of the director, the Chancellor, and the President that such reappointment is in the best interests of the University.

History: Amended, 62 BRUN 14 (28 Feb. 1998)
Amended, 54 BRUN 171 (23 June 1989)
Added, 47 BRUN 147-148 (24 July 1982)

3.12.1.2 **Partial Retirement**. [Repealed]

History: Repealed, 62 BRUN 14 (28 Feb. 1998)
Added, 47 BRUN 148 (24 July 1982)

3.12.2 **Disability Retirement**. An employee, regardless of age, is eligible for a disability retirement should a physical or mental disabilities prevent such employee from satisfactorily performing work. A Disability Retirement will allow a disabled employee to receive university retiree benefits.

A Disability Retirement is predicated on 1) the disabled employee's obtainment of a Social Security Disability Award, or 2) long term disability benefits approval by the group long term disability insurance company. In addition, university administration may also approve a Disability Retirement when good cause is otherwise established.

History: Amended, 71 BRUN 80 (20 September 2013)
Amended, 68 BRUN 5-6 (23 January 2009)
Amended, 43 BRUN 4 (21 April 1979)

3.12.3 **Past Service Retirement Benefits**. Retirement benefits for service prior to September 1, 1961, for employees of the University of Nebraska-Lincoln and the University of Nebraska Medical Center, for service prior to September 1, 1966, for employees of the University of Nebraska at Omaha, and for

service prior to July 1, 1991, for employees of the University of Nebraska at Kearney shall be provided by the plans in force prior to these dates, and shall be termed Past Service Retirement Benefits. These benefits shall not be abridged.

History: Amended, 56 BRUN 90 (22 June 1991)

3.12.4 **Current Service Retirement Benefits**. Retirement benefits for service from September 1, 1961, for University of Nebraska-Lincoln and for University of Nebraska Medical Center employees, from September 1, 1966, for University of Nebraska at Omaha employees, and after July 1, 1991, for University of Nebraska at Kearney employees, shall be known as Current Service Retirement Benefits.

Prior to September 1, 1989, Current Service Retirement Benefits shall be those provided by retirement annuities purchased with contributions by the employee and the University pursuant to Sections 3.12.4.1 through 3.12.4.10, inclusive, of the *Bylaws* in effect prior to September 1,1989. Effective September 1, 1989, Current Service Retirement Benefits shall be provided by the University of Nebraska Retirement Plan and the University of Nebraska Retirement Plan for Federal Retirement System Participants as described in Sections 3.12.4.1 through 3.12.4.7, inclusive.

History: Amended, 63 BRUN 17 (26 February 2000)
Amended, 54 BRUN 171 (23 June 1989)
Amended, 56 BRUN 90 (22 June 1991)

3.12.4.1 **University of Nebraska Retirement Plans**. Effective September 1, 1989, Current Service Retirement Benefits shall be provided pursuant to the terms of the University of Nebraska Retirement Plan and the University of Nebraska Retirement Plan for Federal Retirement System Participants, as adopted by the Board of Regents and filed with the Corporation Secretary, and as amended from time to time. Such Plans are hereafter referred to as the Retirement Plans or the Plans, and the terms of the Retirement Plans, as amended from time to time, are hereby incorporated into these *Bylaws* by reference as if set out fully. The Plans shall provide for contributions by the employees and by the University at the levels provided in Section 3.12.4.3, subject to the provisions of Neb. Rev. Stat. 85-106, as amended. Eligibility for participation, contributions, vesting in University contributions and entitlement to benefits shall be governed by Sections 3.12.4 through 3.12.4.7, inclusive, and by the terms of the Retirement Plans. The Retirement Plans are intended to qualify as a governmental money purchase pension plan under Sections 401(a) and 4l4(d) of the Internal Revenue Code of 1986, as amended. In addition, pursuant to Section 414(h) of the Internal Revenue Code of 1986, as amended, any contributions designated in the Plans as employee contributions shall be picked up by the University of Nebraska, in order that the contributions so picked up shall be treated as employer contributions by the University and thus not includable in the taxable income of the employee. Such contributions, although designated as employee contributions, shall be paid by the University in lieu of contributions by the employee, and the employee shall not be given the option of choosing to receive the amounts directly in lieu of having them paid by the University to the Retirement Plans.

History: Amended, 63 BRUN 17 (26 February 2000)
Amended, 46 BRUN 123 (18 Sept. 1981)
Amended, 54 BRUN 171 (23 June 1989)

3.12.4.2 **Eligibility and Participation**. All eligible employees (as defined in the Retirement Plans), who have attained the age of 26 years and have completed two years of service (as defined in the Retirement Plans) may participate in the Plans. All eligible employees (as defined in the Retirement Plans) who have attained the age of 30 years and have completed two years of service (as defined in the Retirement Plans) are required to participate in the Retirement Plans. The term "eligible employee" means any permanent employee of the University whose employment status is one-half of a full-time equivalent (.5 FTE) or greater other than employees not eligible for Federal Old Age Survivor Disability and Medical Care Insurance, but covered by Federal pension benefits. Employees covered by Federal pension benefits will be covered under a separate retirement plan.

History: Amended, 63 BRUN 17 (26 February 2000)
Amended, 54 BRUN 171 (23 June 1989)

3.12.4.3 Plan Contributions.

(a) Subject to Section 4.7 of the Retirement Plan relating to maximum contributions, each participant in that Plan and the University shall make contributions to the plan at least yearly in accordance with the following schedule:

	Participant Contribution	University Contribution	Total Contribution
Lower Level	3.5%	6.5%	10.0%
Higher Level	5.5%	8.0%	13.5%

Upon commencing participation, each participant shall elect to participate either at the lower level or higher level of contribution. A participant's election to participate at the higher level of contribution shall be irrevocable for the duration of the participant's employment with the University, including any periods of re-employment. During a participant's paid leave of absence, the University shall make contributions for the participant on the basis of the compensation paid during such leave.

(b) Subject to the provisions of the University of Nebraska Retirement Plan for Federal Retirement System Participants relating to maximum contributions, each participant in that Plan shall contribute two percent of the participant's compensation for the Plan Year and the University shall contribute four percent of the participant's compensation for the Plan Year, for a total contribution of six percent. During a participant's paid leave of absence, the University of Nebraska shall make contributions for the participant on the basis of the compensation paid during such leave.

(c) Under no circumstances or conditions will any contribution of the University revert to, be paid to, or insure to the benefit of, directly or indirectly, the University, except as provided in Section 3.12.4.6(b) (1).

History: Amended, 65 BRUN, 127 (10 June 2005)
Amended, 63 BRUN 17 (26 February 2000)
Amended, 54 BRUN 171 (23 June 1989)

3.12.4.4 **Benefits**. Retirement benefits and death benefits under the Retirement Plan shall be as provided in the Plans, as amended from time to time.

History: Amended, 63 BRUN 17 (26 February 2000)
Amended, 54 BRUN 171 (23 June 1989)
Amended, 46 BRUN 52 (25 July 1981)
Amended, 43 BRUN 5 (21 April 1979)

3.12.4.5 **Tax Sheltered Annuities and Custodial Accounts**.

(a) Effective September 1, 1989, each employee of the University (other than students enrolled and are scheduled for regular attendance at classes at the University) may elect to have the University make contributions to annuities and custodial accounts qualifying under Section 403 (b) of the Internal Revenue Code of 1986, provided that such contributions are not less than $200 in any calendar year. Each such annuity or custodial account, and those annuities or custodial accounts purchased prior to September 1, 1989, shall:

(1) be the property of the individual employee, and

(2) in all respects, comply with the requirements of Section 403(b) of the Internal Revenue Code of 1986, as amended.

(b) Participant contributions with respect to tax-sheltered annuities or custodial accounts shall be made to only those vendors thereof as the Board shall approve.

(c) The terms pursuant to which contributions may be made to tax-sheltered annuities and custodial accounts are set forth in the Tax-Sheltered Annuity Plan of the University of Nebraska, the terms and conditions of which are incorporated herein by this reference.

History: Amended, 68 BRUN 5-6 (23 January 2009)
Amended, 63 BRUN 17 (26 February 2000)
Amended, 54 BRUN 171 (23 June 1989)

3.12.4.6 **Amendment or Termination of Plans**.

(a) While it is expected that the Retirement Plans will continue indefinitely, the Board reserves the right at any time to amend, otherwise modify, or terminate the Plans, or discontinue any further contributions or payments under the Plans, by a formal action of the Board taken in accordance with the provisions of Section 1.11 of the *Bylaws* relating to amendments to the *Bylaws* and filed of record with the Corporation Secretary. In the event of a termination of the Retirement Plans or discontinuance of contributions, the Board will notify all participants thereof. As of the date of complete or partial termination, all individual accounts will be non-forfeitable to the extent funded.

(b) Notwithstanding the provisions of subparagraph (a) of this section, the following conditions and limitations will apply to amendments to the Retirement Plans:

(1) No amendment will be made which will operate to recapture for the University any contributions previously made under the Retirement Plans. However, contributions made in contemplation of approval by the Internal Revenue Service may be returned to the University if the Internal Revenue Service fails to approve the Plans. In addition, contributions by the

University which were made based on a mistake of fact may be returned to the University within one year of the date on which the contribution was made.

(2) No amendment will deprive, take away, or alter any then accrued right of any participant insofar as contributions made under the Retirement Plan are concerned. Any determination or recommendation by the Internal Revenue Service or the University's counsel will be sufficient as to the necessity of the amendment.

History: Amended, 63 BRUN 17 (26 February 2000)
Amended, 54 BRUN 171 (23 June 1989)

3.12.4.7 **Administration of the Plans**. The Board of Regents is the administrator of the Retirement Plans. The Board may designate employees or independent third parties to be responsible for enrolling participants, sending Plans contributions for each participant to the fund sponsor(s) selected by the participants -- pursuant to the Plans and for performing other duties required for the operation of the Plans. The Vice President for Business and Finance shall develop a policy for administering the Retirement Plans and informing participants of their detailed terms and conditions.

History: Amended, 63 BRUN 17 (26 February 2000)
Amended, 57 BRUN 119 (13 June 1992)
Amended, 54 BRUN 171 (23 June 1989)
Amended, 46 BRUN 51 (25 July 1981)
Amended, 43 BRUN 130-131 (23 June 1979)

Chapter IV. Rights and Responsibilities of Professional Staff

4.1 **Academic Responsibility**. Membership in the academic community imposes certain obligations. These obligations include the following duties of academic responsibility:

(a) To respect: (1) the dignity of others; (2) the right of others to express differing opinions; (3) the right of others to be free from fear, from violence, and from personal abuse; and (4) the right of the University community to be free from actions that impede its normal functioning.

(b) To enroll, teach, and evaluate the work of students without regard to considerations such as age, sex, race, color, national origin, or religious or political beliefs.

(c) To establish and maintain a classroom or laboratory atmosphere that encourages free inquiry and the free expression of ideas by students.

(d) To present the subject matter of courses as announced to the students and approved by authorities responsible for the curriculum.

(e) To study current developments and maintain competence in the areas of assigned courses; to examine, continually and critically, the subject matter of such courses, as well as teaching techniques and proposals for improving higher education.

(f) To: (l) fulfill the assigned time schedule of all classes, including quizzes, laboratories, tests, and other meetings, unless absence is caused by an emergency or approved University business. Changes in the scheduled times shall be authorized by the Dean, director, or department chair, with the agreement of the enrolled students and in the interest of an academic objective; (2) be available at frequent, regular, and scheduled times for student consultation; and (3) inform students concerning the requirements, standards, objectives, and evaluation procedures at the beginning of each course.

(g) To participate upon request in the activities of the University in the areas of student advising and public service, and as appropriate, in the activities of the department, the college, the campus, and the University.

(h) To make every effort to indicate that members of the professional staff are not spokesmen for the University except when authorized so to act.

(i) To create and protect an atmosphere of intellectual honesty in the academic community.

4.2 **Academic Freedom**. The University serves the people of Nebraska and the common good through learning, teaching, extension work, research, scholarship, and public service. Fulfillment of these functions requires the preservation of intellectual freedoms of teaching, expression, research, and debate. The right to search for truth, to support a position the searcher believes is the truth, and to disagree with others whose intellect reaches a different conclusion is the fiber of America's greatness. It is, likewise, the strength of a great University, and its preservation is vital.

A teacher or researcher is entitled to freedom in research, and publication of the results of research, limited only by the precepts of scholarship and faithful performance of academic obligations. Members of the professional staff are entitled to freedom in the classroom in discussing their subjects.

Members of the professional staff are entitled to exercise their right to speak and act as citizens of the United States and of the State of Nebraska. Members of the professional staff shall not suffer sanctions or be

discriminated against with respect to the duration of association with the University, pay or other emoluments of their office, appointment, position, or their working conditions because of their enjoyment, or exercise, of their right of academic freedom, or in any case where such action would constitute a violation of federal or state civil rights laws or regulations. Staff members who violate laws prescribed by civil authorities may incur penalties attached to such laws. The University should not impose sanctions to duplicate the function of these laws. Where the University's interest as an academic community is clearly involved, the authority of the University may be asserted. The Board reaffirms belief in, pledges support of, and directs all segments of the University community to sustain and follow the foregoing principles of academic freedom.

History: Amended, 49 BRUN 300 (16 June 1984).
Several sections were consolidated and renumbered in the 1984 revised edition.

4.3 **Appointments: Apportionment of Faculty Responsibilities; Stated in Writing**. [a] Every appointment by the University to a position as defined in Section 3.1.1.1 of these *Bylaws* shall be in writing and signed by the Board or its authorized agent. The writing shall contain the following, and may contain additional mutually agreed upon terms:

(1) Identification of the type of appointment, either a “Special Appointment,” an “Appointment for a Specific Term,” “Continuous Appointment,” “Health Professions Faculty Appointment,” or a “Faculty Practice and Faculty Research Appointment” as defined in Sections 4.4.1, 4.4.2, 4.4.3, 4.4.7, and 4.4.8 of these *Bylaws*.

(2) A statement that the rights and responsibilities specified in Sections 4.1 through 4.2 of these *Bylaws* are a part of the appointment.

(3) Identification of the appointee's rank, compensation, fringe benefits, and, where applicable, the termination date of the appointment.

(b) In addition to the written appointment required by this Section, every faculty member appointed to a position as defined in Section 3.1.1.1 of these *Bylaws* shall, when initially appointed, be given a written statement specifically stating and apportioning the faculty member's initial teaching, extension, service, research, and administrative responsibilities.

(1) This written statement shall be provided by the unit administrator or other appropriate official.

(2) The specific apportionment of a faculty member's responsibilities shall be reviewed periodically. Either the faculty member or the responsible unit administrator may initiate discussions of changes in apportionment of teaching, extension, service, research, and administrative responsibilities. In the process of any such discussions, both the faculty member and the unit administrator shall act in good faith to reach a mutual agreement.

(i) If the faculty member and the unit administrator are unable to reach mutual agreement with respect to changes in apportionment of the faculty member's responsibilities, the unresolved issues between them shall be expeditiously reviewed and decided by an elected faculty committee of the faculty member's tenure home college or equivalent administrative unit established pursuant to Section 2.9 of these *Bylaws*. The rules and regulations for each such committee may provide for a representative of the faculty member's tenure home department or equivalent administrative unit to serve as member of the committee.

(ii) Each college shall develop rules and regulations pertaining to the membership of this committee. These rules may allow an elected faculty representative of any department(s) or

equivalent administrative units in which the faculty member holds a full or partial appointment to serve on the committee, as either full or nonvoting members.

(iii) The committee shall consider the positions of each party in relation to the departmental and college missions, as well as the faculty member's overall areas of professional competence and expertise. The committee shall decide whether the apportionment of the faculty member's responsibilities shall be changed and, if so, in what manner. The decision of the committee shall be reasonably within the faculty member's overall areas of professional competence and expertise; it shall be in writing and it shall not violate the rights and responsibilities of the faculty member provided in Sections 4.1 and 4.2 of these *Bylaws*. It shall be final, subject only to review by the committees established by Sections 4.13, 4.14 and 4.15 of these *Bylaws*.

(c) Within the terms of a faculty member's general apportionment of responsibilities, the details of a faculty member's specific assigned duties shall, after consultation with the faculty member, be determined by the department chair or head, unit administrator, or director concerned, consistent with the requirements of Section 3.4.4 of these *Bylaws*. Duties may vary from semester to semester, but must be reasonably within the faculty member's overall areas of professional competence and expertise, and shall not violate the rights and responsibilities of the faculty member provided in Sections 4.1 and 4.2 of these *Bylaws*. These decisions are subject to review by the committees established by Sections 4.13, 4.14, and 4.15 of these *Bylaws*.

(d) Definitions.

(1) The word "apportionment" as used in this Section 4.3 means and refers to the specified division among teaching, research, service, extension, and administrative responsibilities making up a faculty member's University appointment. It is generally expected that a faculty member's apportionment of responsibilities shall be relatively stable from year to year, unless there is reasonable justification for change.

(2) The term "assigned duties" as used in this Section 4.3 means and refers to the specific professional activities a faculty member is responsible for carrying out in a given year within each apportioned area of his or her University appointment.

History: Amended, 73 BRUN 46-48 (9 October 2015)
Amended, 63 BRUN 60 (15 July 2000)
Amended, 53 BRUN 149 (6 May 1988)

4.4 **Types of Appointments: Professional Staff.** (As defined in Section 3.1.1)

4.4.1 **Special Appointments**. Appointments to (a) all administrative and non-faculty professional staff positions, and (b) all appointments to faculty positions that are not “Appointments for a Specific Term,” “Health Professions Faculty Appointments,” “Faculty Practice and Faculty Research Appointments,” or “Continuous Appointments” shall be “Special Appointments.” The following types of faculty appointments shall be filled by Special Appointment only: (1) temporary appointments, (2) appointments to part-time positions, (3) appointments for less than one academic year in any rank, (4) courtesy appointments, (5) appointments to volunteer status, (6) annual appointments beyond retirement age, (7) appointments to the rank of instructor, assistant instructor, lecturer, or senior lecturer (8) appointments to ranks preceded by the designation "visiting," and (9) appointments supported by funds over which the University does not have control or which the University cannot reasonably expect to continue indefinitely, provided, that the total period of full-time service on a faculty Special Appointment in the rank of instructor shall not exceed seven years.

A "Special Appointment" will terminate in accordance with the time stated in the appointment to the position or in the written contract, and, if no time is stated in the appointment to the position or in the written contract, the appointment may be terminated by either party giving the other at least 90 days notice of the date of termination. Such appointments may also be terminated by the University for adequate cause, disability, bona fide discontinuance of a program or department, or extraordinary circumstances because of financial exigencies.

A member of the faculty may hold a "Special Appointment" coincident with an "Appointment for a Specific Term," "Health Professions Faculty Appointment" or a "Continuous Appointment," and the terms of the Special Appointment may be independent of the terms of the other appointment status as a faculty member.

History: Amended, 73 BRUN 46-48 (9 October 2015)
Amended, 62 BRUN 56 (25 July 1998)
Amended, 54 BRUN 132 (8 April 1989)
Amended, 53 BRUN 26 (12 September 1987)
Amended, 47 BRUN 147 (24 July 1982)
Amended, 42 BRUN 50-51 (29 July 1978)

4.4.2 **Appointments for a Specific Term**. An "Appointment for a Specific Term" is a probationary appointment as a faculty member with academic rank of assistant professor or above for a term of one year, unless a longer term is specified in the contract required by Section 4.3. In no event shall the specific term exceed three years. An "Appointment for a Specific Term" shall carry no presumption of renewal, and will terminate at the end of the stated term, if written notice of non-reappointment is given to the appointee by the appropriate administrative officer or by the Board in accordance with the following standards:

(a) If the term of the appointment expires at the end of the first academic year or 12 months of service on an Appointment for a Specific Term, notice shall be given by an appropriate administrative officer, or by the Board, no later than March 1st of that first year of service, or three months in advance of the termination date, if the appointment commenced after the start of an academic or fiscal year.

(b) If the term of the appointment expires at the end of the second academic year or 12 months of service on an Appointment for a Specific Term, notice shall be given by an appropriate administrative officer, or by the Board, no later than December 15th, or six months in advance of the termination date, if the appointment commenced after the start of an academic or fiscal year.

(c) If the term of the appointment expires after two or more years of service on an Appointment for a Specific Term, notice shall be given by an appropriate administrative officer, or by the Board, 12 months in advance of the termination date.

(d) Notice by an appropriate administrative officer may be signed by the department chair, the Dean, or the Chancellor. Notice, by action of the Board, shall be signed in the manner directed by the Board. In the absence of specific direction, said notice shall be signed by the Corporation Secretary. Notice shall be deemed to have been properly given if mailed to the appointee's home address, as reflected by the records of the University, by certified mail, with sufficient postage attached.

(e) If written notice is not given to the appointee by the appropriate administrative officer or by the Board in the manner herein provided within the time specified, the appointment shall be extended one

academic year if the term expired at the end of an academic year, and shall be extended one calendar year if the term expired during the academic year. Any appointment extended as provided in this Section shall be considered to be an appointment for one year of service, and subject to reappointment in accordance with the provisions specified above.

History: Amended, 53 BRUN 26 (12 September 1987)
Amended, 42 BRUN 51-52 (29 July 1978)
Amended, 40 BRUN 3 (20 November 1976)

4.4.3 **Continuous Appointment**. A "Continuous Appointment" is an appointment terminable only for adequate cause, bona fide discontinuance of a program or department, retirement for age or disability, or extraordinary circumstances because of financial exigencies. The University may award a continuous appointment to a person only by the specific affirmative act of an administrative officer duly authorized in accordance with these *Bylaws* to award continuous appointments. No person shall acquire a Continuous Appointment until he or she shall receive official written notice from the University that such an appointment has been awarded. Continuous Appointment as defined herein means academic tenure.

The President, upon the recommendation of the Chancellor, may grant a Continuous Appointment to a person--not a teacher or researcher--who is a member of the academic-administrative staff as defined in Section 3.1.1.1 of these *Bylaws*, but such person may not be appointed in a specific department unless normal procedures are followed. Administrative officers shall not have a Continuous Appointment in their administrative positions. Those who have attained tenure in their immediate rank shall retain such tenure, but as administrative officers shall not have a Continuous Appointment in their administrative positions. Those who have attained tenure in their immediate rank shall retain such tenure, but as administrative officers they are subject to the provisions for termination outlined for Special Appointments.

Persons holding academic rank below Assistant Professor are not eligible for a Continuous Appointment.

History: Amended, 62 BRUN 14 (28 February 1998)

4.4.4 **Applicability of Academic Freedom and Responsibility**. All members of the professional staff are entitled and subject to the principles of academic responsibilities and academic freedom stated in Sections 4.1 and 4.2.

4.4.5 **County Employees of the Cooperative Extension Service of the University of Nebraska-Lincoln**. The terms, conditions, and length of appointments of county employees of the Cooperative Extension Service of the University of Nebraska-Lincoln Table of shall be governed by the terms of their contract and by Rules of the Board specifically applicable to them as a class, and shall not be governed by Sections 4.4.1 through 4.4.3 of these *Bylaws*.

History: Amended, 40 BRUN 3 (20 November 1976)

4.4.6 **Nebraska School of Agriculture at Curtis Exception**. [Repealed]

History: Repealed, 54 BRUN 132 (8 April 1989)

4.4.7 **Health Professions Faculty Appointment, University of Nebraska Medical Center.** Notwithstanding the contrary provisions of Section 4.4.1, members of the full-time, permanent faculty at the University of Nebraska Medical Center may be employed by a Health Professions Faculty Appointment. A Health Professions Faculty Appointment shall be for a stated term not to exceed five years and shall carry no presumption of renewal. Any Health Professions Faculty Appointment may be renewed for succeeding terms not to exceed five years each. Each such appointment will terminate at the end of its stated term if written notice of non-reappointment is given to the appointee by the appropriate administrative officer or by the Board in accordance with the following standards:

(a) If the stated term of the appointment expires at the end of one year of service on a Health Professions Faculty Appointment or sooner, notice shall be given by an appropriate administrative officer or by the Board not less than three (3) months in advance of the termination date.

(b) If the stated term of the appointment expires after one year of continuous service, but not later than two years of continuous service on a Health Professions Faculty Appointment, notice shall be given by an appropriate administrative officer or by the Board not less than six (6) months in advance of the termination date.

(c) If the stated term of the appointment expires after two years of continuous service on a Health Professions Faculty Appointment, notice shall be given by an appropriate administrative officer or by the Board not less than twelve (12) months in advance of the termination date.

(d) As used in this section, the term "continuous service" shall include consecutive service from one academic year to the next succeeding academic year.

(e) If written notice is not given to the appointee by the appropriate administrative officer or by the Board in the manner herein provided and within the time specified in subsection (a), (b), or (c) of this section, as appropriate, the appointment shall be extended for a period of twelve (12) months. Any appointment extended as provided in this section shall be considered to be an appointment for one year of service, and subject to reappointment in accordance with the provisions specified above.

(f) Notice by an appropriate administrative officer may be signed by the department chair, the Dean, or the Chancellor. Notice by action of the Board, shall be signed in the manner directed by the Board. In the absence of specific direction, said notice shall be signed by the Corporation Secretary. All notices required by this section shall be deemed to have been properly given if mailed to the appointee's home address, as reflected by the records of the University, by certified mail, with sufficient postage attached.

Any person serving on a Health Professions Faculty Appointment may make application for Continuous Appointment in accordance with the University of Nebraska Medical Center standards for awarding Continuous Appointments as approved by the Chancellor pursuant to Section 4.5 of these *Bylaws*.

History: Added, 53 BRUN 150 (6 May 1988)

4.4.8 **Faculty Practice and Faculty Research Appointments, University of Nebraska-Lincoln.**

Notwithstanding the contrary provisions of Section 4.4.1, members of the full-time, permanent faculty at the University of Nebraska-Lincoln may be employed by a Faculty Practice Appointment or a Faculty Research Appointment. Such faculty appointments shall be for a stated term not to

exceed five years and shall carry no presumption of renewal. Any Faculty Practice or Faculty Research Appointment may be renewed for succeeding terms not to exceed five years each. Except for termination of a Faculty Research Appointment on shorter notice due to lack of funding as provided below in subparagraph (g), each such appointment will terminate at the end of its stated term if written notice of non-reappointment is given to the appointee by the appropriate administrative officer in accordance with the following standards:

(a) If the stated term of the appointment on a Faculty Practice Appointment or a Faculty Research Appointment expires at the end of one year of service or sooner, notice shall be given by an appropriate administrative officer not less than three (3) months in advance of the termination date.

(b) If the stated term of the appointment expires after one year of continuous service, but not later than two years of continuous service on a Faculty Practice Appointment or a Faculty Research Appointment, notice shall be given by an appropriate administrative officer not less than six (6) months in advance of the termination date.

(c) If the stated term of the appointment expires after two years of continuous service on a Faculty Practice Appointment or a Faculty Research Appointment, notice shall be given by an appropriate administrative officer not less than twelve (12) months in advance of the termination date.

(d) As used in this section, the term "continuous service" shall include consecutive service from one academic year to the next succeeding academic year.

(e) If written notice is not given to the appointee by the appropriate administrative officer in the manner herein provided and within the time specified in subsection (a), (b), or (c) of this section, as appropriate, the appointment shall be extended for a period of twelve (12) months. Any appointment extended as provided in this section shall be considered to be an appointment for one year of service, and subject to reappointment in accordance with the provisions specified above.

(f) All notices required by this section shall be deemed to have been properly given if mailed to the appointee's home address, as reflected by the records of the University, by certified mail, with sufficient postage attached.

(g) Notwithstanding the contrary provisions of subparagraphs (a), (b), (c), and (e) of this Section, in the event a Faculty Research Appointment is funded in whole or in part by funds from a specific source external to the University, such as a research grant, and such funds are reduced or discontinued, then the Faculty Research Appointment may be terminated by the University by giving the appointee at least 90 days written notice of the date of termination.

History: Added, 66 BRUN 59 (3 November 2006)

4.5 **Standards for Promotion, Continuous Appointment, and Salary Adjustment**. Each major administrative unit of the University shall prepare written standards that shall be used in making all decisions on promotions, awarding Continuous Appointments, and merit salary adjustments. The standards may be applicable to the entire major administrative unit or to appropriate subdivisions (such as colleges, schools, and departments) of a major administrative unit. The Chancellor of each major administrative unit is empowered to approve the content of the written standards and the scope of their applicability; provided, however, such written

standards shall not include any right of appeal to the Board of Regents, and to the extent that any such existing standards do include any provision for appeal to the Board of Regents, each such provision is hereby repealed. After such approval, the written standards shall be published and disseminated to the faculties and staff and a copy shall be provided each appointee when appointed. Each written statement shall include standards relevant to the following areas of endeavor: teaching, extension work, research, scholarship, creative activities, and service. Integrity, academic responsibility, and professional development should be included as they relate to these major areas.

History: Amended, 60 BRUN 184 (14 December 1996)

4.6 **Evaluation of Faculty Performance: Procedure**. Each major administrative unit, or appropriate subdivision thereof as stated in Section 4.5 of these *Bylaws*, shall establish procedures for gathering relevant information from all sources, including student evaluations and peer judgments, as part of an annual review of faculty performance in relation to the standards established under Section 4.5. Individual faculty members shall have the opportunity to submit materials deemed relevant to their remuneration and status as a part of the annual review, or as such information becomes available. When appropriate, the judgment of others in each faculty member's specialized field of competence may be included in a review. Faculty members shall have access to all material submitted for their evaluation and the opportunity to respond in writing.

The annual review shall be considered in determining merit salary adjustments, promotions, and for awarding Continuous Appointment. The results of the review will be communicated to the individual faculty member.

4.7 **Termination of an Appointment by a Professional Staff Member: Time.**
(1) A member of the professional staff (Section 3.1.1) employed on an academic-year basis may terminate his or her appointment at the end of an academic year, if he or she gives notice at the earliest opportunity and not later than the latest of the following:

(a) May 15, or

(b) Thirty days after receiving notification of the terms and conditions of appointment for the coming academic year.

(2) A member of the professional staff employed on other than an academic-year basis shall give notice at the earliest opportunity and in no case later than the latest of the following:

(a) Four months before the termination date of the appointment, or

(b) Thirty days after receiving notification of the terms and conditions of appointment for another term.

A member of the professional staff may properly request a waiver of the time requirements contained in this Section in case of hardship, or where he or she would otherwise be denied substantial professional advancement or other opportunity, but the member should abide by the decision on his or her request.

4.7.1 **Termination of a "Special Appointment" Prior to Expiration of the Stated Term: Reasons; Rights of the Appointee.** A "Special Appointment" may be terminated prior to the expiration of the stated term, or with less than 90 days' notice by the University if no term is stated, only for adequate cause, retirement for age or disability, bona fide discontinuance of a program or department, or extraordinary circumstances because of financial exigency. The President or Chancellor, as appropriate, shall be empowered to approve appeal and grievance procedures that will insure to staff with respect to termination of their non-faculty special appointments the rights similar to those

provided by Section 4.13.2 and 4.14.2 of these *Bylaws* to staff with respect to termination of faculty appointments.

History: Amended, 49 BRUN 300 (16 June 1984)
Added, 42 BRUN 52-53 (29 July 1978)

4.8 **Termination of an "Appointment for a Specific Term," "Health Professions Faculty Appointment" or "Faculty Practice and Faculty Research Appointment" at Expiration of the Stated Term; Rights of the Appointee**. When the University notifies a person holding an Appointment for a Specific Term, Health Professions Faculty Appointment, or a Faculty Practice and Faculty Research Appointment, that his or her appointment will not be renewed at the expiration of the term stated, the appointee shall:

(a) Have the opportunity to request a reconsideration by any individual or group making a recommendation or decision not to renew such an appointment and to offer evidence for that reconsideration.

(b) Have the right to petition the Grievance Committee, if one is established at his or her major administrative unit pursuant to Section 4.13.1, and upon such petitioning shall have the rights provided by Section 4.13.2.

History: Amended, 73 BRUN 46-48 (9 October 2015)
Amended, 62 BRUN 14 (28 February 1998)
Amended, 53 BRUN 150-151 (6 May 1988)

4.9 **Termination of an "Appointment for a Specific Term," "Health Professions Faculty Appointment" or "Faculty Practice and Faculty Research Appointment" Prior to Expiration of the Stated Term: Reasons; Rights of the Appointee.** An Appointment for a Specific Term, Health Professions Faculty Appointment, or Faculty Practice and Faculty Research Appointment may be terminated prior to the expiration of its term only for the reasons stated in Section 4.11, and before such termination the appointee shall have the rights specified in Section 4.14.2.

History: Amended, 73 BRUN 46-48 (9 October 2015)
Amended, 53 BRUN 151 (6 May 1988)

4.10 **Total Period of Service Prior to a "Continuous Appointment**." The total period of fulltime service on a faculty Appointment for a Specific Term prior to acquisition of a Continuous Appointment shall not exceed seven years, including all previous tenure-related full-time service with the rank of instructor or higher in all accredited institutions of higher education, unless a contrary agreement is specified in writing at the time the appointee is initially appointed by the University to an Appointment for a Specific Term. For faculty members with three or more years of previous tenure-related full-time service with the rank of instructor or higher at accredited institutions of higher education, such agreement will not normally extend the period of service on a faculty Appointment for a Specific Term at the University beyond four years before a Continuous Appointment is acquired, and in no case shall such agreement extend the period of service on a faculty Appointment for a Specific Term at the University beyond seven years before a Continuous Appointment is acquired. Unless a contrary agreement is reached at the time the leave of absence is granted, time spent on an academic leave of absence shall be included in the period of service. A Continuous Appointment may be granted earlier, but not later, than the time limits specified in this Section. A person who is eligible under Section 4.4.3 but not granted a Continuous Appointment in accordance with the time limits in this Section shall be given a Notice of Termination, but such notice shall comply with Section 4.4.2.

History: Amended, 62 BRUN 14 (28 February 1998)
Amended, 44 BRUN 137 (15 March 1980)
Amended, 42 BRUN 53 (29 July 1978)
Amended, 40 BRUN 3 (20 November 1976)

4.11 **Termination of a Continuous Appointment: Grounds**. A Continuous Appointment may be terminated only for adequate cause, retirement for age or disability, bona fide discontinuance of a program or department, or extraordinary circumstances because of financial exigency. Before any termination for cause may occur, it shall be necessary to submit the matter to the Academic Freedom and Tenure Committee in the manner provided in Section 4.14.2.

4.12 **Termination of Appointments for Financial Exigency or Because of Discontinuance of a Program or Department: Time**. When any type of appointment is terminated because of financial exigency or discontinuance of a program or department, whether the termination is effective on or before the date stated for termination in the written appointment contract, the University shall give notice of termination as soon as possible, and shall make reasonable efforts to notify persons twelve (12) months prior to the effective date of termination. In such a case the released faculty member's place will not be filled by a replacement within a period of two years unless the released faculty member has been offered reappointment and a reasonable time within which to accept or decline it.

4.13 **Grievance Committee**.

4.13.1 **Grievance Committee: Power to Create**. Pursuant to authority granted by these *Bylaws*, the faculty governing agency of each major administrative unit is empowered to create a Faculty Grievance Committee, which shall have the powers specified in Section 4.13.2, in addition to any other powers granted by the faculty governing agency pursuant to these *Bylaws*.

4.13.2 **Powers of Faculty Grievance Committee**. Any Faculty Grievance Committee established under Section 4.13.1 shall be empowered:

(a) To consider a complaint filed by any faculty member alleging any grievance;

(b) To seek to settle the grievance by informal methods of adjustment and settlement, either itself or by using the services of any officer or body directed to settle grievances and disputes by mediation, conciliation, or other informal methods;

(c) To draft rules of procedure for the orderly and fair handling of grievances by the Committee, which rules shall become effective after notice and hearing when approved or modified by the Board, and, upon approval, shall be effective as a part of the Rules of the Board; and

(d) To proceed, if informal methods fail to resolve the matter satisfactorily, with further proceedings, to be conducted in accordance with the Rules of Procedure approved by the Board under this Section, and in accordance with the following principles:

(1) If the grievance alleges that inadequate consideration was given to relevant matters by the person or body that took the action or made the decision that led to the grievance, the Grievance Committee shall investigate the facts, and, if convinced that inadequate consideration of the relevant matters occurred, state the facts found and the respects in which the consideration was inadequate. The Committee may order the matter reconsidered by the appropriate person, group or groups, or recommend that other rectifying action be taken. The Grievance Committee shall not substitute its judgment on the merits for that of the person, group, or groups that previously considered the decision.

(2) If the grievance alleges that a discontinuance of a department or program is not bona fide, or that no extraordinary circumstances because of financial exigency exist, the Committee shall investigate and state its factual findings, conclusions, and recommendations in writing, which shall be filed with the Chancellor of the major administrative unit involved, the complainant, and the faculty governing agency.

4.14 **Academic Freedom and Tenure Committee**.

4.14.1 **Academic Freedom and Tenure Committee: Creation**. The faculty governing agency of each major administrative unit shall create an elected faculty Committee on Academic Freedom and Tenure, which shall have the powers specified in these *Bylaws*, and any other powers granted by the faculty governing agency and approved by the Board.

4.14.2 **Academic Freedom and Tenure Committee: Powers; Rules of Procedure**. The Committee established by Section 4.14.1 shall have the following powers and rules of procedure:

(a) The Committee shall consider any complaint filed by any member of the professional staff alleging any procedural or substantive grievance that constitutes an allegation that action taken, or threatened, violates the complainant's academic freedom or academic tenure.

(b) The Committee shall consider a complaint filed against any member of the faculty seeking to terminate his or her Continuous Appointment, his or her Appointment for a Specific Term prior to the termination date stated in the appointment, or his or her Special Appointment as a faculty member prior to its termination date, or his or her Health Professions Faculty Appointment, or his or her Faculty Practice and Faculty Research Appointment prior to the end of its stated term.

(1) The Board, or the President, shall have the authority to direct that proceedings under this subsection be instituted in the manner herein provided.

(2) Any Chancellor, Dean, director, or department chair, any Grievance Committee, or Professional Conduct Committee believing that there is reasonable cause to terminate a Continuous Appointment, an Appointment for a Specific Term, Health Professions Faculty Appointment, or a Faculty Practice and Faculty Research Appointment prior to the end of its stated term, shall certify his, her or its conclusion to that effect to the President, who shall determine if the complaint has sufficient merit to warrant investigation.

(i) In cases where the grounds for termination of a Continuous Appointment or an Appointment for a Specific Term are based in whole or in part on questions of professional competence, no such certification shall be made until the tenured members of the faculty member's school, division or department, or college in the absence of smaller units, have been consulted on the issues involving professional competence. Such consultation shall be effected through the appropriate administrator (department chair, school or division director, or dean) calling on fourteen (14) days’ notice a meeting of the tenured faculty of the unit for the specific purpose of discussing the faculty member's professional competence. Votes on substantive matters relating to the faculty member's professional competence shall be by secret ballot. The report of such meeting, in the form of approved minutes containing a summary of the matters discussed and the votes taken, shall be forwarded by the administrator to the Chancellor for transmission to the President.

(ii) In cases where the grounds for termination of a UNMC Health Professions Faculty Appointment, or a UNL Faculty Practice and Faculty Research Appointment are based in whole or in part on questions of professional competence, no such certification shall be made until the faculty holding such a UNMC or UNL appointment who have received at least one promotion in academic rank while holding such an appointment and the tenured members of the faculty member's school, division or department, or college in the absence of small units, have been consulted on the issues involving professional competence. Such consultation shall be effected through the appropriate administrator (department chair, school or division director, or dean) calling on fourteen (14) days' notice a meeting of the eligible consulting faculty of the unit for the specific purpose of discussing the faculty member's professional competence. Votes on substantive matters relating to the faculty member's professional competence shall be by secret ballot. The report of such meeting, in the form of approved minutes containing a summary of the matters discussed and the votes taken, shall be forwarded by the administrator to the Chancellor for transmission to the President.

(3) If the Board or President has determined that an investigation should be made, the President shall employ an attorney to make the investigation and report to the President if he or she believes reasonable cause exists for termination of the appointment. Investigation shall be made in such manner as the attorney so employed determines to be appropriate, but shall not involve a public hearing and shall be conducted on as confidential a basis as possible. The investigator shall prepare a report of the investigation and provide it to the President. The President shall provide a copy of said report to the Chancellor of the administrative unit involved. The report shall be considered a confidential communication. If the report recommends that no basis exists for terminating the appointment, and the Board accepts said report, no further proceedings shall be had with reference to terminating the appointment. If the Board does not accept said report, it may cause such further investigation to be made by such persons and in such manner as it deems appropriate and consistent with these *Bylaws*. If the report recommends that there is reasonable cause to terminate the appointment, the President or the Board may order the attorney making the report to file a complaint with the Academic Freedom and Tenure Committee, and to take the affirmative with respect to producing evidence to support the complaint.

(c) The procedure with reference to complaints filed under paragraphs (a), (b), or (b) (1), Section 4.14.2 shall be conducted in accordance with the following principles:

(1) The complaint must be filed with the Committee and copy thereof served upon the person or persons charged in the complaint.

(2) The complaint shall state in concise terms the facts upon which it is based and the relief sought.

(3) The person(s) so charged shall have a period of twenty (20) days from the date of service of the complaint to file an answer in writing to the complaint. Copy of the answer must be served by such person(s) upon the attorney filing the complaint by regular United States mail with sufficient postage attached, properly addressed to said attorney, and mailed on or before twenty (20) days after filing the complaint.

(4) The Committee shall set the matter for hearing on as early a date as possible in order to permit the parties to reasonably prepare for the hearing.

(5) The person(s) charged shall be entitled to be represented by counsel at the expense of such person(s).

(6) The person(s) charged shall be entitled to be notified at least ten (10) days in advance of the hearing of the witnesses to be called by the attorney filing the complaint and of documents to be offered in evidence at the hearing, and the attorney conducting the hearing shall be obligated to provide such information within that time. The person(s) charged shall notify the attorney filing the complaint in writing at least five (5) days before the hearing of the witnesses to be called and documents to be offered in evidence at the hearing. No witnesses or documents not so listed shall be heard or received at the hearing, except in cases of surprise, or for the purpose of rebutting oral testimony of the other party, or for other justifiable cause found to exist by the Committee.

(7) Testimony shall be taken under oath. Every party shall have the right of cross-examination of witnesses who testify and shall have the right to submit rebuttal evidence.

(8) The Committee may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. It may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence; provided, that any party may file with the Committee at least three (3) days before the hearing a written request that the rules of evidence followed by the District Courts in the State of Nebraska shall be applicable. If such a written request is filed, the Committee shall notify the parties that the proceedings shall comply with the principles of law with respect to proceedings in the District Courts in Nebraska, and all counsel and parties shall be bound by such rules and standards of ethics and codes of trial conduct as are applied in the District Courts.

(9) In the event any party to the proceedings desires the issuance of a subpoena, such subpoena shall be issued at the direction of the Corporation Secretary, and may be served in the manner provided for subpoenas in the Nebraska Court Rules of Discovery.

(d) Committee shall draft rules or procedures not inconsistent with these *Bylaws* for the prompt, orderly and fair hearing of all complaints filed with the Committee. Said rules shall be submitted to the Board, and when approved or modified, after notice and hearing, shall constitute a part of the Rules of the Board.

(e) The Committee shall submit to the Board the complete verbatim account of the hearing and all exhibits filed with the Committee, and report promptly to the Board and the staff member involved the Committee's findings, conclusions, and recommended action that the Committee deems advisable.

(f) The Board has power to make the final decision, but except as herein provided, the Board shall decide upon the basis of the evidence submitted to the Committee and the report of the Committee. Unless clearly erroneous, the findings of fact made by the Committee shall be accepted. The Board shall give the Committee's findings and conclusions due consideration, and shall take into account the fact that the Committee is a representative committee of the faculty and had the opportunity to see and hear the witnesses who testified personally before the Committee. In the event that the Board's decision is at variance with the recommendations of the Committee, the Board shall detail the reasons in a written opinion, and copies shall be provided to the parties concerned and the Committee. Once the Board has rendered its decision, the matter shall not be subject to further review except by appropriate court proceedings.

(g) The Board on its own motion may receive additional evidence at a public hearing, after notice to interested parties, in any case where the Board in its discretion determines that justice requires such further hearing before the Board. Any person desiring to present additional evidence to the Board may apply to the Board for hearing before the Board. Before any such hearing is granted, showing shall be required that there is additional relevant evidence that has been discovered, or has developed, or which could not be produced at the prior hearing; that the same was not available at the prior hearing and could not have been discovered or produced by reasonable diligence.

(h) In all proceedings before the Committee in which the termination of a Continuous Appointment, the termination of an Appointment for a Specific Term prior to its stated termination date, the termination of a Special Appointment as a faculty member prior to its termination date, or the termination of a Health Professions Faculty Appointment or a Faculty Practice and Faculty Research Appointment prior to its stated termination date are in issue, the University shall have the burden of proving adequate cause for the termination by the greater weight of the evidence.

(i) Prior to a decision by the Board, the staff member involved shall not be suspended from his or her duties or assigned other duties unless immediate harm to himself or herself, others or property is threatened by his or her continuance. Salary will continue during any period of suspension and an assignment to other duties shall not diminish a staff member's salary.

(j) The Committee shall have power to consider a request filed by any person, board or committee that alleges that a staff member should be subjected to sanctions less severe than appointment termination, and power to recommend in any case sanctions less severe than appointment termination where less severe sanctions seem appropriate.

History: Amended, 73 BRUN 46-48 (9 October 2015)
Amended, 70 BRUN 47-48 (8 December 2011)
Amended, 53 BRUN 151-154 (6 May 1988)
Amended, 53 BRUN 80 (12 December 1987)
Amended, 49 BRUN 300 (16 June 1984)
Amended, 42 BRUN 53-54 (29 July 1978)

4.15 **Professional Conduct Committee**.

4.15.1 **Professional Conduct Committee: Power to Create**. Pursuant to power granted by these *Bylaws*, the faculty governing agency of each major administrative unit is empowered to create a Professional Conduct Committee, which shall have the functions and powers specified in Sections 4.15.2 and 4.15.3, in addition to any other power granted by the faculty governing agency to the Committee pursuant to these *Bylaws.*

4.15.2 **Powers of Professional Conduct Committee**. A Professional Conduct Committee shall be empowered:

(a) To receive complaints from any person charging a member of the professional staff, as defined in Section 3.1.1 of these *Bylaws*, with professional misconduct.

(b) To investigate the facts relevant to the charge and to make factual determinations. Said investigation shall include advising the affected party of the charge, hearing his or her response, and considering any evidence produced by such party.

(c) conclude whether there are reasonable grounds to believe that the person against whom the charge is directed committed acts that amount to professional misconduct.

(d) To advise the person filing the charge, and any other appropriate person or groups, of the Committee's conclusion and factual findings.

(e) To recommend to the appropriate University officer, or group, whether action should be taken with respect to the charge, and the nature of such action.

(f) To recommend sanctions less severe than appointment termination where the Committee judges less severe sanctions appropriate.

4.15.3 **Function of Professional Conduct Committee**. The Professional Conduct Committee's function shall be to ascertain facts, to interpret standards of professional conduct applicable to persons engaged in teaching, extension work, research, service, and administration at the University, to apply those standards to the facts, to advise other persons or groups whether a violation of professional conduct has occurred, and to recommend an appropriate sanction, if it concludes a violation has occurred. The Professional Conduct Committee does not have power to impose sanctions, and its findings of fact, interpretations of professional standards, advice, and recommendation are not binding. The Professional Conduct Committee shall not serve as a prosecutor of cases involving alleged violations of professional standards. The Committee acts only in an advisory capacity.

4.16 **“Extraordinary Circumstances Because of Financial Exigencies" and "Financial Exigency" Defined.** As used in Chapter IV of these *Bylaws* the term "extraordinary circumstances because of financial exigencies" or the term "financial exigency" shall mean a bona fide, imminent financial crisis of such magnitude, caused by financial circumstances beyond the control of the Board of Regents, that within a particular major administrative unit (campus) as a whole normal operations cannot be maintained and programs of the major administrative unit must therefore be significantly altered.

History: Added, 53 BRUN 80 (12 Dec. 1987)

4.17 **Declaration of a Financial Exigency**. A state of financial exigency may only be found and declared by the Board of Regents upon the recommendation of the President in accordance with policy established by the Board for declaration of a state of financial exigency.

History: Added, 53 BRUN 80 (12 Dec. 1987)

Chapter V. Responsibilities and Rights of Students

5.0 **Statement of Responsibility**. Students, like all members of the academic community, have the responsibility to create and support an educational environment. Each member of the community should be treated with respect and dignity. Each has the right to learn. This right imposes a duty not to infringe upon the rights of others. The academic community should assure its members those opportunities, protections, and privileges that provide the best climate for learning.

5.1 **Publicity of Rules Affecting Students**. Each major administrative unit shall publicize and keep current all rules, regulations, and policies concerning students, and insure that they are readily available to all students and other interested persons.

5.2 **Admissions Criteria**. The University shall publish the criteria for admission, academic progress, certificates, and degrees for all colleges and schools of the University. Admission to the University and the privileges of the University students shall not be denied to any person because of age, sex, race, color, national origin, or religious or political beliefs.

5.3 **Academic Evaluation**. Students shall be informed of the requirements, standards, objectives, and evaluation procedures at the beginning of each individual course. Each student shall be given a performance evaluation during the progress of the course if requested. Each College or school shall provide for a faculty-student appeals committee for students who believe that evaluation of their academic progress has been prejudiced or capricious. Such procedure shall provide for changing a student's evaluation upon the committee's finding that an academic evaluation by a member of a faculty has been improper. Each college or school shall provide a mechanism by which students have an opportunity to report their perceptions of courses and the methods by which they are being taught, provided, however, that such mechanism shall protect members of the faculty from capricious and uninformed judgments.

5.4 **Student Disciplinary Procedures**. Notwithstanding the provisions of Section 1.2 relating to the adoption of rules and regulations by officers, groups or agencies of the University, the process described in this section shall govern the adoption of rules in relation to student discipline. Each major administrative unit shall adopt, subject to the approval of the Board, rules relating to student discipline and activities. Said rules shall be subject to approval or modification by the Board. Public hearing shall be held by the Board with reference to such rules and regulations, and when approved or modified by the Board after such hearing, shall be effective as part of the Rules of the Board. Each major administrative unit shall formulate such rules in consultation with appropriate student representatives. Rules relating to student discipline shall be enforced through clearly defined channels, and shall provide students with the following minimum procedural guarantees prior to any disciplinary action:

(a) The right to be informed, in writing, of the specific charges against the student in sufficient time to insure the opportunity to prepare a defense.

(b) The right to be informed of the evidence against the student.

(c) An opportunity to present evidence in his or her own behalf.

(d) The right to maintain status as a student and to attend classes while the case is pending, unless continued presence constitutes an immediate harm to the student or others.

(e) The right to be given a hearing before a regularly constituted board in all cases involving expulsion or suspension.

(f) The hearing board must include student membership, and must grant the student:

(1) The right to appear with an advisor of the students' choice.

(2) The right to hear all evidence against the student, and to hear and question witnesses.

(3) An opportunity to testify and to present evidence.

(4) The right to appeal through appropriate channels as determined by the rules adopted by the major administrative unit. The decision of the hearing board shall be final subject only to appeal. The burden of proof shall rest upon the person bringing the charge. The decision of the hearing board must be based solely upon evidence introduced at the hearing. Evidence that would not be admissible in a State Court criminal proceeding by reason of the method or manner in which it was acquired shall not be admitted. A verbatim record of the hearing must be maintained.

History: Amended by the Corporation Secretary pursuant to the authority of Sec. 1.12 (b) of these *Bylaws* (27 April 2012)

5.5 **Law Violations**. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests are distinctly and clearly involved should the special authority of the institution be asserted.

5.6 **Public Information Regarding Students**. Public information regarding students attending the University shall be the (i) student's name, (ii) local address, (iii) permanent address, (iv) telephone listings, (v) year at the University, (vi) dates of attendance, (vii) academic college and major field of study, (viii) enrollment status (e.g., undergraduate or graduate; full-time or part-time), (ix) participation in officially recognized activities and sports, (x) degrees, honors and awards received, and (xi) most recent educational agency or institution attended. The names of students mentioned in some kinds of campus security or campus police reports concerning accidents and incidents may also be released to the public. Each major administrative unit shall define the kinds of reports and information that may be released to the public. Information contained in personal files of the student is considered confidential and requires written authorization by the student for release; provided such records with names and personal identification deleted, and kept confidential, may be made available for governmental or University approved research and analysis.

History: Amended, 57 BRUN 119 (13 June 1992); Amended, 49 BRUN 300 (16 June 1984) Amended, 65 BRUN 142 (16 September 2005).

5.6.1 **Release of Information**. Information concerning students obtained through counseling or disciplinary activities will not be made available to unauthorized persons within the University, or to any person outside the University without the expressed consent of the student involved, except under legal compulsion or where the safety of others is involved; provided such records with names deleted, and kept confidential, may be made available for governmental or University approved research and analysis. Each major administrative unit may disclose to an alleged victim of any crime of violence the results of any disciplinary proceeding conducted against the alleged perpetrator of such crime with respect to such crime.

History: Amended, 57 BRUN 119 (13 June 1992)

5.7 **Disciplinary Records**. Subject to any requirements of the Records Management Act, each major administrative unit shall provide for the periodic destruction of non-current disciplinary records.

5.8 **Entry in University Housing**. University officials or administrators will not make or authorize unlawful or unreasonable entry and search of University-owned housing rented by students.

5.9 **Student Communications Media**. Student publications and broadcasting stations shall be supervised in a manner such that editorial freedom will be maintained and that the corollary responsibilities will be governed by the canons of ethical journalism. Student publications financed in whole or in part by fees collected from all students at a major administrative unit shall be supervised by a publications committee for each major administrative unit. This committee shall have the full responsibility of a publisher and the power of decision on the proper application of the canons of ethics. Students shall comprise a majority of the membership, but the committee shall also include members of the faculty and professional journalists from outside the University.

5.10 **Participation in Student Organizations**. Each major administrative unit shall permit students to organize and join associations to promote their common interests, and shall establish procedures for the official recognition of these organizations for use of campus facilities. Each such recognized student organization shall be required to comply with all applicable federal and state statutes and University regulations.

5.10.1 **Regulation of Fraternities, Sororities, and Living Units**. Each major administrative unit shall establish its own regulations for recognition and for governing fraternities, sororities, cooperative houses, and other formally recognized group-living units in accordance with Section 1.2 of these *Bylaws.*

History: Amended by the Corporation Secretary pursuant to the authority of Sec. 1.12 (b) of these *Bylaws* (27 April 2012)

5.11 **Campus Speakers**. Students shall be allowed to invite and hear any person of their own choosing. Those procedures required by the institution should insure orderly scheduling of facilities and adequate preparation for the event. However, the institutional control of campus facilities should not be used as a device of censorship.

5.12 **Demonstrations**. Students are free to express their beliefs and concerns in a variety of ways. In all cases, however, students are expected to function in an orderly manner within the framework of existing rules and laws. Such activity shall be conducted so as not to interfere with the rights of others or the normal activities of the University. Each major administrative unit shall provide reasonable rules and regulations relating to demonstrations.

In cases of the disruption of normal University activities, the Chancellor or his or her designee may impose temporary sanctions including suspensions.

Chapter VI. Business and Financial Management within the University of Nebraska

6.1 **Obligations**. Unless otherwise herein provided, no debt or obligation whatever shall be incurred in the name of the Board or the University, except in accordance with general or special apportionments authorized by the Board and entered in the record of its proceedings; or by the authority of a committee acting under instructions; or by the direction of the President when the Board is not in session. There shall be no sale of property to the University by any of its officers, faculty, or employees without specific approval. No purchase of supplies, equipment, or other personal property shall be made by or in the name of the University except upon an order signed by the duly authorized agents of the Board; nor shall any sales or exchanges of supplies and equipment or other personal property be made except through them, unless other provision therefore has been made by the Board.

6.2 **Claims**. All bills payable by the University must be presented in writing at the Office of the Vice President for Business and Finance, or an office designated by him or her. When a bill has been vouchered and approved, provided there are monies available for the purpose, there shall be executed and issued an official certificate thereon to the State, as provided by law.

History: Amended, 59 BRUN 214-215 (10 Dec. 1994)
Amended, 57 BRUN 119 (13 June 1992);
Amended, 46 BRUN 52 (25 July 1981)

6.3 **Personal Property**. The principal business officer of each individual major administrative unit shall be the custodian of personal property on that unit of the University. Such property belongs to the University as a whole and not to any department or division to which it has been allotted. University staff members shall be held accountable for any damage resulting from their negligence to property allotted to them, and shall not lend such property or permit the same to pass out of the control of a University employee, except upon a permit signed by the principal business officer or his or her designee.

6.4 **Contracts**. Contracts involving any University function shall be entered into in the name of the Board of Regents of the University of Nebraska. Except as hereafter provided, all contracts shall be approved by the Board in public session and executed by any two of the following officers: the Chair of the Board, the President, the Executive Vice President and Provost, the Corporation Secretary, the Vice President for Business and Finance, the Associate Vice President for Business and Finance, any Chancellor, the Vice Chancellor for the Institute of Agriculture and Natural Resources, any Vice Chancellor for Academic Affairs, or any Vice Chancellor for Business and Finance. The Board may authorize the President, or administrative officers and professional staff employees designated by the President, to approve and execute certain contracts without Board approval. The exact types of contracts that the President or his or her designees may approve and execute shall be determined by written policy of the Board.

History: Amended, 59 BRUN 214-215 (10 Dec. 1994)
Amended, 57 BRUN 119 (13 June 1992)
Amended, 51 BRUN 138-139 (15 Nov. 1985)
Amended, 47 BRUN 148 (24 July 1982)
Amended, 46 BRUN 52 (25 July 1981)

6.5 **Rules for Use of Property**. The Board is authorized to prescribe rules governing the use of all University property by faculty, staff, employees, students, and the general public.

6.6 **Budgets**. On direction of the President, in accordance with guidelines established by the Board, the annual request budget for the entire University shall be prepared. The request budget shall be approved by the Board

before submission to the Governor's office and the Legislature by the President of the University. The President shall submit the operating and capital construction budgets for all University activities, in accordance with legislative appropriations, for approval by the Board.

6.7 **Management of Records**. Notwithstanding anything herein to the contrary, management of records of the University is subject to the provisions of 84-1201 to 84-1220 Nebraska Revised Statutes (Records Management Act) and shall comply in all respects to the requirements of said Act.

6.8 **Legal Defense, Indemnification of Members of the Board, University Officers, Employees and Students in Training; Insurance and Risk Management**. (a) If a civil action is brought against any member of the Board, or any University officer, employee, or student in training, such individual may file a written request with the General Counsel for the University asserting that such civil action is based in fact upon an alleged act or omission occurring in the course and scope of his or her duties, employment or training. General Counsel for the University shall thereupon arrange for the legal defense of the requesting individual, unless after investigation it is found that the claim or demand does not arise out of an alleged act or omission occurring in the course and scope of duties, employment or training of the requesting individual, or that the act or omission complained of amounted to malfeasance in office or willful and wanton neglect of duty, in which case General Counsel for the University shall give the requesting individual written notice that the defense of the claim has been rejected by the University.

(b) Any member of the Board or any University officer, employee or student in training against whom a civil action is brought, whose request for legal defense is accepted by General Counsel for the University pursuant to subsection (a) of this Section, shall cooperate fully with the General Counsel for the University in the defense of such action. If General Counsel for the University determines that such Board member, University officer, employee or student in training has not cooperated, or has otherwise acted to materially prejudice the defense of that individual's case, the University may at any time withdraw from the defense.

(c) If General Counsel for the University rejects the defense of a claim pursuant to subsection (a) of this Section, or withdraws from the defense pursuant to subsection (b) of this Section, no funds of the University shall be paid in furtherance of the defense of the individual.

(d) Action by General Counsel for the University pursuant to subsections (a) through (c) of this Section shall not prejudice the right of members of the Board, or any University officer, employee, or student in training to assert and establish as a defense that the claim arose out of an alleged act or omission occurring in the course and scope of duty, employment, or training, or that the act or omission complained of did not amount to malfeasance in office or willful or wanton neglect of duty. If the member of the Board, or University officer, employee, or student in training is successful in asserting such defense, he or she shall be reimbursed by the University for the reasonable costs and attorney's fees for defending the claim in addition to the indemnification provided by subsection (e) of this Section, if a judgment is rendered against such individual.

(e) The University shall indemnify members of the Board, or any University officer, employee, or student in training, including its past Board members, officers, employees, or students in training, against any judgment for money damages and costs as a result of an act or omission occurring in the course and scope of University duties, employment or training after January 1, 1981. The foregoing right to indemnification shall not exceed the amount subject to collection by a party directly against the officer, employee, student in training or Board member. The provisions of this subsection shall not be interpreted as an expansion of the personal liability of any University officer, employee, student in training, or employee of the University or member of the Board.

(f) General Counsel for the University, together with the Vice President for Business and Finance, and such other individuals whose involvement is necessary and proper, may formulate policies and procedures to

implement this Section, and coordinate the processing of claims under this Section with University insurance and risk management policies and programs.

(g) Coverage Definitions. This subsection defines words and phrases regarding persons who are within the potential coverage of this Section. Where appropriate, reference has been made to other definitional Sections of these *Bylaws*.

(1) "Member(s) of the Board." This phrase includes persons within the class defined by the following Sections of these *Bylaws*: 1.2, 1.2.1, and 6.8, subsection (e).

(2) "Employee(s) of the University." This phrase includes persons within personnel categories as defined by the following Sections of these *Bylaws*: 3 .1.1, 3.1.2, 3.1.3, and 6.8, subsection (e).

(3) "Officer(s) of the University." This phrase includes persons who serve on the bodies, committees, or Subcommittees mentioned by the following Sections of these *Bylaws*: 2.1, 2.3(h), 2.7, 2.9, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15, 4.13, 4.14, 4.15, 5.3, 5.4, 5.9, and 6.8 (e), and includes persons who serve as members of the Board of Governors of University Hospital.

(4) "Students in training." This phrase includes any student of the University when acting for or on behalf of the University or when rendering service to another as part of his or her teaching or training by the University.

History: Amended, 58 BRUN 118 (10 July 1993)
Amended, 57 BRUN 119 (13 June 1992)
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