

IV. KUDOS

Regent Collins presented a KUDOS award to Lee McQueen, director of facilities management and planning at the University of Nebraska at Kearney.

Regent Craig presented a KUDOS award to Joseph Hrabak, assistant research systems manager at the University of Nebraska at Omaha.

Regent Hassebrook presented a KUDOS award to Julie Keys, administrative technician I in the Administrative Office of the Nebraska East Union at the University of Nebraska-Lincoln.

Regent Ferlic presented a KUDOS award to Charlie Griesen, project manager for the Utilities division of Facilities Management and Planning at the University of Nebraska-Lincoln.

Regent Whitehouse presented a KUDOS award to Melanie Schrack, director of the Pediatric Research Office in the department of pediatrics in the College of Medicine at the University of Nebraska Medical Center.

Regent Clare presented a KUDOS award to members of the Administrative Services Group and the Computing Services Network.

President Milliken introduced Dr. Rubens Pamies, who attended the meeting in place of Chancellor Maurer.

V. PUBLIC COMMENT

Ms. Ivy Harper spoke on the topic of Land Grant University Reform.

VI. RESOLUTIONS

None

VII. HEARINGS

None

VIII. CONSENT AGENDA

Motion Moved by McClurg and seconded by Bohn to approve items VIII-A-1, VIII-A-2, VIII-A-3, VIII-A-4, VIII-A-5, VIII-B-1, and VIII-B-2

A. ACADEMIC AFFAIRS

VIII-A-1 The President's Personnel Recommendations

VIII-A-2 Approval to Award Degrees and Certificates for the 2009-2010 academic year and 2010 summer sessions at the University of Nebraska at Kearney

VIII-A-3 Approval to Award Degrees and Certificates for the 2009-2010 academic year and 2010 summer sessions at the University of Nebraska-Lincoln

VIII-A-4 Approval to Award Degrees and Certificates for the 2009-2010 academic year and 2010 summer sessions at the University of Nebraska Medical Center

VIII-A-5 Approval to Award Degrees and Certificates for the 2009-2010 academic year and 2010 summer sessions at the University of Nebraska at Omaha

B. BUSINESS AFFAIRS

University of Nebraska Medical Center

VIII-B-1 Approve reappointment of two members, Harold M. Maurer, M.D. and Duane Acklie, to the Board of Directors of The Nebraska Medical Center effective January 1, 2010, for a term of three years

VIII-B-2 Approve converting the Mary Elaine O'Neal Quasi Endowment into an unrestricted fund grant to allow increased funding support for the Munroe-Meyer Institute

Discussion was held on item VIII-B-1

These regulations require that a determination of resident status be made “at the time of each registration.” In addition, state law guarantees that once an individual has been enrolled at the University or one of the Nebraska state colleges as a resident student, he or she shall be afforded that privilege during the balance of that and any subsequent enrollments at the University, provided the student is readmitted within a two year time period.

It should be noted that an individual who moves to Nebraska primarily to enroll in an institution of higher education of the state is presumed to be a non-resident for tuition purposes for the duration of his or her attendance at the University.

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

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

2. Definitions

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

- a. **Resident Fees** shall mean the resident tuition rate set by the Board of Regents applicable to the academic program in which an individual intends to enroll.
- b. **Non-Resident Fees** shall mean the nonresident tuition rate set by the Board of Regents applicable to the academic program in which an individual intends to enroll.
- c. **Legal Age** shall be the age of majority set by Nebraska statute.
- d. **Emancipated Minor** shall mean an individual who by virtue of marriage, financial status, or for other reasons, has become independent of his or her parents or guardians.
- e. The phrase “**established a home**” shall mean that an individual continuously maintains a primary place of residence in Nebraska where the individual is habitually present.
- f. **Legal Residence** shall mean the place of domicile or permanent abode as distinguished from temporary residence.
- g. **Dependent** refers to a person who is claimed as a dependent or an exemption for federal income tax purposes by a parent, guardian, or spouse.

3. Resident Tuition Categories

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

- a. A person of legal age or an emancipated minor who for a period of 12 months has established a home in Nebraska where he or she is habitually present, and verified by documentary proof that he or she intends to make Nebraska his or her permanent residence.
 - 1) In addition to documentation of occupancy of a home or residence in Nebraska for the previous period of 12 months, intent to make Nebraska a permanent

residence may be demonstrated by factors including, but not limited to, the following:

- a) a current Nebraska driver's license;
 - b) documentation that the individual is registered to vote in Nebraska;
 - c) a current Nebraska automobile registration in the individual's name;
 - d) documentation of individual checking or savings accounts maintained with a Nebraska financial institution;
 - e) documentation of current employment in Nebraska, and withholding of Nebraska income tax;
 - f) copies of the provisions of an individual's most recent state income tax return indicating a Nebraska taxpayer status.
- 2) An individual who moves to Nebraska primarily to enroll in an institution of higher education of the state is presumed to be a non-resident for tuition purposes for the duration of his or her attendance at the University.
 - 3) An individual claiming Nebraska resident status under this section will not be granted such a determination if he or she has claimed resident status in any other state within 12 months of requesting Nebraska resident status.
- b. A minor whose parent, parents, or guardian have established a home in Nebraska where such parent, parents, or guardian are habitually present with the bona fide intention of making Nebraska their permanent place of residence.
- 1) For the purpose of this section, an individual shall be required to present documentary proof that his or her parent, parents, or guardians have established a home in Nebraska. Such proof shall consist of the following:
 - a) documentation that the parent or guardian has established a home in Nebraska;
 - b) documentation that the individual seeking a resident tuition determination is a dependent for federal income tax purposes of the parent or guardian who has established a home in Nebraska; and
 - c) other supporting documents of the parent or guardian's Nebraska residency including, but not limited to, the following factors:
 - I. a current Nebraska driver's license;
 - ii. documentation that the individual is registered to vote in Nebraska;
 - iii. a current Nebraska automobile registration in the individual's name;
 - iv. documentation of individual checking or savings account maintained with a Nebraska financial institution; or
 - v. documentation of current employment in Nebraska.
 - 2) For purposes of this section, an individual, once enrolled as a resident student, whose parent, parents, or guardian have previously established a home in Nebraska, as documented through evidence such as that outlined in section 3b(1) above, shall continue to be classified as a resident for tuition purposes if the parent, parents, or guardian upon whom he or she remains dependent move from the state.
 - 3) There shall be no minimum period of residence for the parent or guardian under this subsection b.
- c. A person of legal age who has established a home in Nebraska and is a dependent for federal income tax purposes of a parent or former legal guardian who has established a home in Nebraska.
- 1) For the purposes of this section, an individual shall be required to present the following:
 - a) documentation that both he or she and the parent or former guardian have established a home in Nebraska. Such documentation shall be the same as that required under section 3b(1) above; and
 - b) documentation that he or she is, for federal income tax purposes, the dependent of the parent or former guardian for the most recent tax year.
 - 2) There shall be no minimum period of residence under this subsection c.
- d. A person who has married a resident of Nebraska.
- 1) For the purpose of this section, an individual shall be required to verify that he or she is married to an individual who, prior to the marriage, had already established a home in Nebraska. Such verification shall consist of:
 - a) a valid marriage license; and
 - b) documentation of his or her spouse's Nebraska resident status, as required in section 3a(1) above.

- e. Except as provided below in Section 3(h), a person who is an alien and has applied to or has a petition pending with the United States Citizenship and Immigration Service to attain lawful status under federal immigration law and has established a home in Nebraska for a period of at least 12 months where he or she is habitually present with the bona fide intention to make this state his or her permanent residence.
 - 1) For the purposes of this subsection, an individual will be required to present documentation that he or she:
 - a) has been a resident of the State of Nebraska for a period of at least 12 months, verified as required in section 3a(1) above; and
 - b) is a holder of a permanent resident alien, asylee, or refugee status.
- f. A person who is a staff member or a dependent or spouse of a staff member of the University of Nebraska, one of the Nebraska state colleges, or one of the community college areas. For the purposes of this subsection, an individual will be required to verify that he or she is either: a permanent staff member holding at least a .5 FTE appointment at the University, one of the Nebraska state colleges, or one of the Nebraska community college areas; or the spouse or a dependent of such a staff member for federal income tax purposes.
- g. A person on active duty with the armed services of the United States, and who has been assigned a permanent duty station in Nebraska, or a spouse or dependent of an individual who has been assigned a permanent duty station in Nebraska.
 - 1) A person on active duty with the United States armed services will be granted resident tuition status if he or she verifies:
 - a) that he or she is on active duty with the armed forces; and
 - b) that his or her permanent duty station is in Nebraska, or
 - c) that he or she maintains Nebraska as their permanent home of record.
 - 2) A person who is a spouse or a dependent of a person on active duty with the United States armed services will be granted resident tuition status if he or she verifies that he or she is a spouse or a dependent, for federal income tax purposes, of an individual meeting the qualifications outlined in section 3g(1) above.
 - 3) If the individual meeting the qualifications outlined in section 3g(1) is reassigned outside the state, such person, their spouse or dependent will maintain eligibility for in-state tuition while continuously enrolled.

1. A person who has been honorably discharged from the United States armed services shall be exempted from the 12-month domicile rule if he or she is a graduate of a Nebraska high school and has established a home in Nebraska with the intent to make Nebraska a permanent residence demonstrated by documentation as required under section 3a(1) above.
4. **Non-Residents Who Pay Nebraska Income Tax**
A person, who resides outside of Nebraska but pays Nebraska income tax, and the spouses or dependents of such a person, is entitled to tuition credit upon documented evidence of such payment to the State. The tuition credit granted shall equal the amount of Nebraska income tax paid for the immediately preceding calendar year except that the remaining obligation cannot be less than the amount of the resident tuition.
5. **Affidavit**
Individuals requesting resident tuition status shall be required to complete a notarized affidavit outlining the reasons under which they believe that they qualify and attesting to the accuracy of their statements. Completion of a falsified affidavit shall subject the individual to possible University disciplinary action.
6. **Appeals**
An individual who believes that he or she has been incorrectly denied a resident tuition determination may appeal that decision through channels established by the Chancellor of the campus where the adverse decision was made. The decision by the Chancellor or his or her designee shall be final in any such appeals.
7. **Severability**
If any section of these regulations or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Action Student Opinion: Voting Aye: Bonacci, Collins, Craig, and Bohn. Voting Aye: Phares, Whitehouse, Clare, Ferlic, Hassebrook, and McClurg. Absent: Hawks and Schroeder. Motion carried.

B. BUSINESS AFFAIRS

Motion Moved by McClurg and seconded by Whitehouse to approve items IX-B-1 and IX-B-2

University of Nebraska-Lincoln

IX-B-1 Approve the Program Statement and Budget for the Devaney Sports Center Addition

IX-B-2 Approve the selection of the Clark Enersen Partners in association with HNTB to provide project design services for the Devaney Sports Center Addition at the University of Nebraska-Lincoln and also approve the related actions to advance the work schedule taken earlier by the Chancellor with the r

Discussion was held

Action on Motion to Table Student Opinion: Voting Aye: Craig, Bohn, and Bonacci. Voting No: Collins. Voting Aye: Whitehouse, Ferlic, and Hassebrook. Voting No: Clare, McClurg, and Phares. Absent: Hawks and Schroeder. Motion to table failed.

Action on original Motion Student Opinion: Aye: Bohn, Bonacci, Collins, and Craig. Voting Aye: Clare, Ferlic, McClurg, and Whitehouse. Voting No: Hassebrook and Phares. Absent: Hawks and Schroeder. Motion carried.

Motion Moved by Hassebrook and seconded by McClurg to approve item IX-B-4

IX-B-4 Approve the Program Statement and Budget for the Ken Morrison Life Sciences Center Addition at the University of Nebraska-Lincoln

Action Student Opinion: Voting Aye: Bonacci, Collins, Craig, and Bohn. Voting Aye: Ferlic, Hassebrook, McClurg, Phares, Whitehouse, and Clare. Absent: Hawks and Schroeder. Motion carried.

Motion Moved by McClurg and seconded by Hassebrook to approve item IX-B-5

IX-B-5 Approve the Resolution (1) adopting the Tenth Supplemental Resolution to Second Series Resolution authorizing (a) the issuance of not to exceed \$12,000,000 principal amount of Revenue Bonds, Series 2009 (University of Nebraska-Lincoln Parking Project) and (b) the expenditure of up to \$4,400,000 from the Second Series Surplus Fund, (2) authorizing the execution and delivery of a Supplemental Master Indenture and the related Master Note, (3) authorizing the negotiated sale of such Revenue Bonds, approving the Bond Purchase Agreement, and the Preliminary Official Statement and authorizing the Vice President for Business and Finance to determine interest rates (to provide a true interest cost not to exceed 5.00 percent), principal amounts, principal maturities and redemption provisions of such Revenue Bonds, and (4) approving the preparation and use of a Final Official Statement

Discussion was held

Action Student Opinion: Voting Aye: Collins, Craig, Bohn, and Bonacci. Voting Aye: Hassebrook, McClurg, Phares, Whitehouse, Clare, and Ferlic. Absent: Hawks and Schroeder. Motion carried.

Motion Moved by Hassebrook and seconded by McClurg to approve item IX-B-6

IX-B-6 Approve the naming of the new UNL residence hall located at 17th & R “The Robert E. Knoll Residential Center”

Action Student Opinion: Voting Aye: Craig, Bohn, Bonacci, and Collins. Voting Aye: McClurg, Phares, Whitehouse, Clare, Ferlic, and Hassebrook. Absent: Hawks and Schroeder. Motion carried.

Motion Moved by McClurg and seconded by Ferlic to approve item IX-B-7

IX-B-7 Approve the Technology Development Program Agreement with UNL Technology Development Corporation

Discussion was held

Action Student Opinion: Voting Aye: Bohn, Bonacci, Collins, and Craig. Voting Aye: McClurg, Phares, Whitehouse, Clare, Ferlic, and Hassebrook. Absent: Hawks and Schroeder. Motion carried.

Motion Moved by Whitehouse and seconded by McClurg to approve items IX-B-8, IX-B-9, and IX-B-10

University of Nebraska at Omaha

- IX-B-8 Approve the purchase and transfer of ownership of University Village to the Board of Regents of the University of Nebraska, authorize the President to execute all legal instruments necessary to carry out the transfer and conditions of the proposed transaction, and authorize a total project budget of \$17.5 million
- IX-B-9 Approve the Resolution (1) adopting the Fifth Supplemental Resolution to the Sixth Series Resolution authorizing the issuance of not to exceed \$18,000,000 aggregate principal amount of UNO Student Fees and Facilities Revenue Bonds for the University Village Student Housing, (2) authorizing the execution and delivery of a Supplemental Master Trust Indenture, and the related Master Note, (3) authorizing the negotiated sale of such Revenue Bonds approving a Bond Purchase Agreement, a Continuing Disclosure Certificate, a Tax Compliance Agreement, and the Preliminary Official Statement, and authorizing the Vice President for Business and Finance to determine interest rates (not to exceed a true interest cost of 5.30%), principal amounts and principal maturities and redemption provisions of such Revenue Bonds and (4) approving the preparation and use of a final Official Statement
- IX-B-10 Approve the Resolution authorizing the expenditure of \$1,175,000 from the Sixth Series Surplus Fund to make Student Housing improvements
- Discussion was held
- Action Student Opinion: Voting Aye: Bonacci, Collins, Craig, and Bohn. Voting Aye: Phares, Whitehouse, Clare, Ferlic, Hassebrook, and McClurg. Absent: Hawks and Schroeder. Motion carried.

Motion Moved by Ferlic and approved by Hassebrook to approve item IX-B-11

Nebraska College of Technical Agriculture at Curtis

- IX-B-11 Approve the selection of The Clark Enersen Partners, Science and Research Design Group, to provide design services for the Education Center at the Nebraska College of Technical Agriculture at Curtis
- Discussion was held
- Action Student Opinion: Voting Aye: Collins, Craig, Bohn, and Bonacci. Voting Aye: Whitehouse, Clare, Ferlic, Hassebrook, McClurg, and Phares. Absent: Hawks and Schroeder. Motion carried.

C. FOR INFORMATION ONLY

- IX-C-1 Board of Regents agenda items related to the University of Nebraska Strategic Framework
- IX-C-2 Calendar of establishing and reporting accountability measures
- IX-C-3 Current version of the University of Nebraska Strategic Framework
- IX-C-4 Current version of the University of Nebraska Strategic Dashboard Indicators

D. REPORTS

- IX-D-1 Personnel Reports
- IX-D-1 Programs with Tuition Variances
- IX-D-3 Expedited approval of the University of Nebraska Medical Center Graduate Certificate Program in Nanomedicine for Diagnosis and Therapy

- IX-D-4 Naming of the UNL Human Rights and Human Diversity Program in the Department of Political Science as the “Forsythe Family Program on Human Rights and Humanitarian Affairs”
- IX-D-5 Semi-annual Report of licenses for the period ended June 30, 2009
- IX-D-6 Gifts, Grants, Contracts and Bequests for the period April 1-June 30, 2009
- IX-D-7 Bids and Contracts 2009
- IX-D-8 Status of Capital Projects exceeding \$5 million as of June 30, 2009
- IX-D-9 Quarterly Status Report of Six-Year Capital Plan and Capital Construction Report for the period ended June 30, 2009
- IX-D-10 Business Affairs Committee Approval of Intermediate Design Reports on the UNL Nebraska Student Life Complex Renovation and the UNL 19th & Vine Parking Structure
- IX-D-11 Amendment to the five-year lease agreement between the University of Nebraska-Lincoln and the American Nebraska Limited Partnership

X. ADDITIONAL BUSINESS

Closed Session

Motion Moved by Bonacci and seconded by McClurg that the Board go into closed session as authorized by Section 84-1410 of the Revised Statutes of Nebraska for the protection of the public interest, and to prevent needless injury to the reputation of persons who have not requested a public hearing, for the purpose of holding a discussion limited to the following subject:

- (a) Collective Bargaining strategy session;
- (b) Strategy session related to litigation; and
- (c) Strategy session regarding proposed property acquisition.