Board of Trustees of the Nebraska State Colleges

Governance and Administration

By-Laws

A. PURPOSE

To establish the by-laws that govern the Nebraska State College System.

B. DEFINITIONS

None

C. BY-LAWS

1. Article I - Name

The legal name of the Board is the Board of Trustees of the Nebraska State Colleges, herein after referred to as "Board." (85-301)

2. Article II - Purpose

The Board is a body corporate created by the State Constitution and empowered by statutory authority with the general government of the State Colleges as now existing, and such other State Colleges as may be established by law. (85-301)

3. Article II – Membership

3.1. Board Members (85-301)

- The Board consists of seven (7) members, six (6) of whom shall be appointed by the Governor, with the advice and consent of the Legislature, two (2) each for terms of two (2), four (4), and six (6) years, and two (2) each biennium thereafter for a term of six (6) years, and the Commissioner of Education shall be a member ex-officio.
- The duties and authorities of the Board shall be prescribed by law.

3.2. Student Members of the Board

- In order to expand opportunities for students to develop as leaders at the College and System level and participate in a deliberative, policy-making process, the Board creates three (3) student member positions on the Board. An undergraduate student enrolled full time shall be appointed from each of the Nebraska State Colleges to serve a one (1) year term.

- An ad hoc selection committee shall be established at each College by the respective Student Senate consistent with Policy 2100.
- The committee shall nominate at least two (2) candidates to the Student Senate for approval. After October 1, but before December 1, the Student Senate or similar body shall nominate no more than three (3) candidates, ranked in order of recommendation.
- The appointed representatives will serve one (1) year terms ending May 1. If, during the term of the appointment, the representative is no longer qualified to serve as a Student Trustee, the representative is subject to removal from the Board. The Chair has the authority to appoint another qualified representative for the balance of an appointment should a vacancy occur for any reason.
- Student Trustees are accorded full Board membership and participation except for certain personnel and legal matters, and that they are non-voting members.

4. Article IV - Officers

4.1. Board Officers shall consist of a Chair and Vice-Chair, and are elected from the appointed membership of the Board for a term of one (1) year. Term of office begins July 1, except that said two (2) officers shall hold office until their successors are elected and qualified. Any such officer may be removed from office by five (5) affirmative votes. A vote for removal of an officer must be at a regular or special meeting of the Board, preceded by the mailing of notice to each Board member and to such officer five (5) days prior to such meeting which notice shall set out the proposed action. (85-302)

4.2. The Chancellor will be appointed Secretary by the Board and hold office of indefinite tenure at the pleasure of the Board. The State Treasurer shall be Treasurer of the Board by virtue of their office. (85-303)

4.3. The Chair's principal duties shall be to provide leadership in planning the work of the Board; to aid the Chancellor in interpreting the educational needs of the Colleges and in devising effective ways to present them to the Board, to preside at meetings of the Board; to recommend to the Board the appointment of committees; to act for the Board, when such action is required by law, in signing contracts and other official documents; to represent the Board or to designate a representative upon occasions when such representation is deemed desirable; and to perform such other duties as may be prescribed by law or State regulation or assigned by the Board.

4.4. The Board Chair shall preside at its meetings with full power to vote on and discuss all matters, and shall submit information and recommendations, as that officer may consider proper, concerning the

business and interests of the Colleges. The Chancellor and/or President will sign all contracts approved by the Board.

4.5. A Vice-Chair shall be elected by the Board at an annual meeting and shall assume the duties in the Chair's absence or incapacity. In the event of the permanent disability or death of the Chair, the Vice-Chair shall become Chair for the remainder of that term and the Board shall elect a new Vice-Chair.

4.6. The election of officers for the next fiscal year will occur at an annual meeting. (85-305)

5. Article V - Meetings

5.1. The Board shallhold regular meetings and such special meetings as may be found necessary. All meetings of the Board shall be scheduled and conducted in accordance with the Nebraska Open Meetings Act. (84-1407 to 84-1414)

5.2. All regular or special meetings of the Board shall be publicized as required by State law and provided in Board policy. (84-1411)

5.3. Board Business Meetings are open to the public. Committee meetings and closed sessions are not open to the public but must be held in accordance with the provisions of state law. One (1) current copy of the Open Meetings Act shall be posted in the business meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information. (84-1412)

5.4. The Board may hold a work session preceding regular or special Board meetings upon request and/or concurrence of the Board. The purpose of a work session shall be to provide information concerning items of in-depth interest in education, briefing and background information items related to the Colleges' activities, items to be proposed for future consideration, and a review of items on the public agenda in order to assume adequate information has been provided to the Board. A work session agenda stating the time and place of the session shall be included with the agenda for the regular Board meeting. Work sessions shall be open to the public. No formal action shall be taken at a work session. (84-1410)

6. Article VI - Quorum

Four (4) members of the Board in actual attendance of all meetings of the Board shall constitute a quorum. Action may be taken by a majority of a quorum on all matters not requiring a positive vote of a majority of the Board, as specified in these policies or by-laws or by statute.

7. Article VII – Meeting Agenda

The Chancellor shall prepare an agenda to be furnished to each member of the Board and each President, describing briefly the nature of each item and

providing background information which will enable parties to weigh the subject in advance and research such facts as may be helpful in Board deliberation. (84-1411)

8. Article VIII – Order of Business

At all regular meetings and special meetings, the order of business will be determined by the Chancellor and Chair.

9. Article IX – Closed Sessions

9.1. The Board may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, the reason for the closed session, and the time of commencement and conclusion of the closed session shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. (84-1410)

9.2. The Board shall restrict its consideration of matters during the closed session to only those purposes set forth in the minutes' motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. Any formal official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the Board in open session convened, and the record shall show how each member voted. (84-1410)

9.3. Any Board member shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is not necessary. Such challenge shall be overruled only by a majority vote of the Board members. Such challenge and disposition shall be recorded in the minutes. (84-1414)

10. Article X – Right of Public to Appear at Meetings (84-1412)

10.1. The public shall have the right to attend meetings of the Board and to speak on matters related to Board business.

10.2. Any person may appear before and address the Board concerning any item on the agenda for that meeting without notice. Individual appearances before the Board will be limited to three (3) minutes.

10.3. Any person may appear before and address the Board on any matter concerning the Board or the Colleges not on the agenda, by notifying the

Chancellor at least twenty-four (24) hours in advance of the meeting at which the person desires to address the Board; provided, however, the Board will not hear or consider those matters listed in Section 10.7. Individual appearances before the Board will be limited to three (3) minutes.

10.4. Any person who desires to present written testimony must deliver the following information to the Chancellor by email, mail, facsimile, or hand delivery, no later than twenty-four (24) hours in advance of a Board meeting:

- The name of the person submitting testimony;
- the address of the person submitting testimony; and
- the written testimony.

10.5. The name of the person submitting testimony and topic will be included in the minutes. Written testimony will not be read in absentia.

10.6. The Chair shall have the right to prohibit multiple appearances by persons presenting needlessly repetitious or redundant testimony.

10.7. The Board, by vote of a majority of the quorum present, reserves the right not to hear matters which are the subject of judicial or administrative proceedings to which the Board, any of its members, or any employee is a party.

11. Article XI – Committees

11.1. All committees of the Board shall be appointed by the Chair. Committees shall serve one (1) year commencing July 1, and thereafter until the committees are reconstituted or discharged.

- Academic and Personnel
- Student Affairs, Marketing and Enrollment
- Fiscal, Facilities and Audit
- Executive Committee

11.2. Committees shall have no fewer than two (2) members and no more than three (3), and the Board Chair shall be an ex-officio member of all committees. Other regular committees may be created as the Board directs. The first named member of each committee shall act as Chair, call the meeting and direct the proceedings, but shall not otherwise have greater power or authority than other members.

11.3. Special committees may be created to take charge of subjects specifically referred to them. Such committees shall be appointed as ordered by the Board at the time they are created, and shall cease to exist when their work has been completed or when discharged by Board action.

11.4. The Executive Committee shall consist of the Board Chair, Vice Chair and one (1) additional member appointed by the Board Chair. The purpose of the Executive Committee shall be to meet with the Chancellor to develop, review and assess performance goals and objectives.

12. Article XII – Parliamentary Procedure

12.1. Robert's Rules of Order (current) shall govern the consideration of all business and debate as far as applicable to this body and when not in conflict with Board policies or law.

12.2. A record of the Board's vote shall be preserved in the minutes on all propositions involving the creation of indebtedness; the sale, purchase, or leasing of any real estate; or on any contract for the construction, alteration, or repair of any building; or area which requires Board action; or on any amendment to the policies and by-laws of the Board; and also on any proposition submitted at the request of any members of the Board made before the announcement of a vote otherwise taken.

13. Article XIII – Amendment of By-Laws

These by-laws may be altered, repealed, amended or added to by a majority vote of all members of the Board at any regular meeting of the Board or at any special meeting called for that purpose.

14. Article XIV – Formulation of Policies

14.1. Board policies are formulated to provide guidance for the operations of the System and the Colleges.

14.2. When policies are found to be inadequate, contradictory or unclear, the appropriate committee of the Board or the Chancellor shall propose a policy for consideration by the Board for adoption to guide future related action. Such new policies, as adopted, shall be incorporated in the policy manual.

14.3. Policies may be adopted after consideration at a meeting of the Board by a majority vote. The Board can decide on the number of meetings required for adoption of the new policy based on the subject matter of the policy and the urgency of need for the new policy. Formal adoption of the policies shall be recorded and noted in the minutes of the Board.

14.4. A policy may be waived at any meeting, with a quorum of the Board, to permit a specific action.

15. Article XV – Revisor of Board By-Laws and Policies

15.1. The Chancellor is hereby designated as the Revisor of Bylaws and Policies adopted by the Board. The Chancellor shall, from time to time as they shall deem necessary, prepare amendments, corrections or clarifications to Board bylaws and policies for publication and distribution. Publication and distribution is to be accomplished in such manner as the Chancellor determines to be most appropriate.

15.2. In preparing any amendment, correction or clarification for publication and distribution, the Chancellor shall not alter the sense, meaning or effect of any act of the Board, but may:

- Renumber sections and parts of sections.
- Rearrange sections.
- Change reference numbers to agree with renumbered sections or subsections.
- Change capitalization for the purpose of uniformity.
- Correct manifest clerical or typographical errors.
- Remove obsolete matter within any section.
- Remove 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.
- 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.
- Correct faulty internal references.
- Harmonize provisions with former acts of the Board in these by-laws or former policies adopted by the Board.

15.3 Whenever the Chancellor revises a Policy per the authority granted in Section 15.1, the Chancellor will advise the Board at the next regularly scheduled meeting per an Information Item on the Agenda. A copy of the revised Policy will be included in the agenda item. In addition, the revision date shall be noted at the bottom of the Policy.

15.4 In response to emergency situations, the Chancellor is authorized to temporarily grant exceptions to, and/or temporarily waive, Board Policy requirements as necessary at the Chancellor's discretion.

- Emergency actions by the Chancellor shall be approved, in advance, by the Committee on Academic and Personnel for all academic and personnel policies; Committee on Student Affairs, Marketing and Enrollment for all student affairs policies; and the Committee on Fiscal, Facilities and Audit for all budget, finance and facility related policies.
- Emergency action shall be reported to the full Board at the next scheduled meeting.

16. Article XVI – Board Member Conflict of Interest

16.1. No member of the Board shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting their personal interests, or the interests of any corporation, partnership or association in which the Board member is directly or indirectly personally interested.

16.2. In addition, each member of the Board will file a disclosure statement as required by State law.

17. Article XVII – Board Member Reimbursement and Renumeration

17.1. Members of the Board, except student members, shall receive no compensation for the performance of their Board duties. (85-301)

17.2. Members of the Board, including student members, may be reimbursed for their actual expenses incurred on Board affairs, including telephone and FAX charges, postage, and travel expenses. (81-1174)

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Article VII, Section 13	Constitution
	Neb. Rev. Stat. 81-1174	Reimbursement for expenses; request; contents; automobile; airplane; statement required; receipts; limitation.
	Neb. Rev. Stat. 84-1407 to Neb. Rev. Stat. 84-1414	Open Meetings Act
	Neb. Rev. Stat. 85-301	State colleges; official names; board of trustees; appointment; traveling expenses.
	Neb. Rev. Stat. 85-302	Board of trustees; officers; body corporate; audit.
	Neb. Rev. Stat. 85-305	Board of trustees; meetings.

By-Laws Adopted: January 1977

By-Laws Revised: June 1992, December 1998, September 2004, March 2006, September 2006, November 2008, March 2010, September 2011, June 2014, January 2018, June 2018,

March 2019, June 2020, November 2021, September 2022, March 2023, May 2023, November 2024

Board of Trustees of the Nebraska State Colleges

Governance and Administration

POLICY NAME: Board of Trustees Authority

POLICY NUMBER: 2000

A. PURPOSE

To define the standing committees of the Board of Trustees for the Nebraska State Colleges and allow for the creation of special committees by the Board.

B. DEFINITIONS

None

C. POLICY

1. Powers of the Board of Trustees

The Board is a body corporate created by the State Constitution and empowered by statutory authority with the general government of the State Colleges as now existing, and such other State Colleges as may be established by law. As authorized in Nebraska Revised Statute, Chapter 85, powers of the Board include but are not limited to:

1.1. Appointing a Chancellor/Secretary, Presidents and such other personnel as may be required. (85-304)

1.2. Fixing their compensation and prescribing their duties. (85-304)

1.3. Removing all persons appointed, but the affirmative votes of four (4) Board members shall be necessary to remove the Chancellor or a President during the time for which such persons were appointed. (85-304)

1.4. Prescribing for the Colleges such courses of instruction as will best serve such persons for teaching and managing the public schools, and their instruction in the arts and sciences generally. (85-308)

1.5. Providing, through an extension division, for holding of classes at various locations throughout the state, avoiding unnecessary duplication of courses offered by other educational institutions in such locations. (85-304)

1.6. Acquiring real and personal property and disposing of the same when a College will be benefited thereby, but no grounds on which any buildings of any College is located shall be disposed of without consent of the Legislature. (85-304

1.7. Paying expenses for recruitment of academic, administrative, professional, and managerial personnel. (85-304)

1.8. Making available benefits for all present and future employees, including group life insurance, group hospital-medical insurance, group long-term disability income insurance and retirement benefits. (85-304, 85-320)

1.9. Instituting a continuing program of preventive maintenance and a program of deferred maintenance consistent with the provisions of the Deferred Building Renewal Act. (85-304)

1.10. Consulting with the Nebraska Arts Council and acquiring works of art for the original construction of any public building under its supervision consistent with Nebraska Revised Statutes, sections 82-317 to 82-329, , and 85-304 to 85-304.03. (85-304)

1.11. Establishing tuition rates and fees. (85-307)

1.12. Conferring degrees. (85-308.01

1.13. Making rules and regulations for the admission of students to the Colleges. (85-310)

1.14. Preserving buildings, furniture, apparatus, grounds, timber, shrubbery, and other property belonging to the Colleges. (85-314)

1.15. Contracting utility services for the Colleges. (85-315)

1.16. Receiving, on behalf of the Colleges, gifts and endowments as the Board may decide to accept. (85-317.01)

1.17. Acquiring lands by purchase or condemnation necessary for the Colleges. (85-319)

FORMS/APPENDICES

None

SOURCE:

Legal Reference: Article VII, Section 13 Constitution

Neb. Rev. Stat. 85-304	Board of Trustees; powers, enumerated.
Neb. Rev. Stat. 85-307	State colleges; president; collection of fees.

Neb. Rev. Stat. 85-308	State colleges; purpose; courses.
Neb. Rev. Stat. 85-308.01	State colleges; degree of bachelor of arts or bachelor of science; confer.
Neb. Rev. Stat. 85-310	State colleges; students; admission.
Neb. Rev. Stat. 85-314	Board of trustees; rules and regulations.
Neb. Rev. Stat. 85-315	Board of trustees; utilities service; sale or lease.
Neb. Rev. Stat. 85-317.01	State colleges; endowments and gifts; acceptance.
Neb. Rev. Stat. 85-319	Eminent domain, powers of board of trustees; procedure.
Neb. Rev. Stat. 85-320	State colleges; retirement plan; establishment; terms; investment of funds.

Policy Adopted: June 1993

Policy Revised: March 2006, September 2022

Board of Trustees of the Nebraska State Colleges

Governance and Administration

POLICY NAME: Application of Board Policies

POLICY NUMBER: 2006

A. PURPOSE

To establish how policies of the Board of Trustees shall be applied to each Nebraska College.

B. DEFINITIONS

None

C. POLICY

1. Application of Board Policies

1.1. Board policy and procedures apply equally to each College and to all employees. College administrations are responsible for the application of Board policy and procedures within their respective institutions, and shall ensure that all employees comply with the provisions of these policies.

1.2. Presidents or the Chancellor have the power and authority to make rules and regulations governing the conduct of employees and the performance of College functions, provided that such College rules and regulations shall be consistent with, and limited by, the provisions of Board policy and any collective bargaining agreement.

1.3. Provisions of Board policy and procedures, or the provisions of a collective bargaining agreement, supersede all College rules.

1.4. The Board's intent is to retain maximum authority and responsibility at the College level for management as may be consistent with the authority of the Board.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: Neb. Rev. Stat. 81-1369 Act, how cited.

Policy Adopted: June 1993

Policy Revised: March 2006, September 2022

Board of Trustees of the Nebraska State Colleges

Governance and Administration

POLICY NAME: Board Councils

POLICY NUMBER: 2020

A. PURPOSE

To establish the Council of Presidents and procedures by which the meetings will be conducted and additional councils will be established.

B. DEFINITIONS

None

C. POLICY

1. Council of Presidents

1.1. There is established a Council of Presidents to advise the Board on system issues and policy development.

1.2. The Council of Presidents is composed of the Chancellor and College Presidents.

1.3. The Council of Presidents is authorized to establish other system-wide councils as needed. Current councils established include:

- Council of Academic Officers.
- Council of Business Officers.
- Council of Student Affairs, Marketing and Enrollment Officers.

2. Council Chairs

2.1. The Chancellor chairs the Council of Presidents.

2.2. The Vice Chancellor for Academic Affairs chairs the Council of Academic Officers.

2.3. The Vice Chancellor for Finance and Administration chairs the Council of Business Officers.

2.4. The Vice Chancellor for Student Affairs and Risk Management chairs the Council of Student Affairs, Marketing and Enrollment Officers.

3. **Council Policies**

3.1. Each member of a Council may contribute items to the meeting agenda.

3.2. The Board will be advised of Council meeting agendas and may refer matters to the Council for recommendation.

3.3. Time and place of Council meetings will be mutually agreed upon by Council members.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: March 2006, September 2011, September 2013, September 2017, April 2022

Board of Trustees of the Nebraska State Colleges

Governance and Administration

POLICY NAME: College Councils

POLICY NUMBER: 2030

A. PURPOSE

To authorize the Presidents to establish committees, councils, cabinets or other academic or administrative groupings to improve the operation and instructional programs of each College.

B. DEFINITIONS

None

C. POLICY

1. College Councils

1.1. Each College shall establish a Faculty Senate to facilitate faculty participation in shared governance by making recommendations to its President on matters affecting the College. The constitution for the Faculty Senate shall be approved by the President.

1.2. Presidents may establish or provide for the establishment of other committees, councils, senates, cabinets or other academic or administrative groupings to engage in planning, advising, developing and implementing programs to improve the operation and instructional programs of the Colleges.

FORMS/APPENDICES

None

SOURCE:

Legal Reference: Neb. Rev. Stat. 85-306 State colleges; president; duties.

Policy Adopted: June 1993

Policy Revised: November 2019, April 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Governance and Administration

POLICY NAME: Lobbying

POLICY NUMBER: 2040

A. PURPOSE

To establish parameters for lobbying activities on behalf of the Board of the Nebraska State Colleges.

B. DEFINITIONS

None

C. POLICY

1. Lobbying

Only those employees in the College System officially designated by the Board shall be allowed to perform lobbying activities for the Board or Colleges with the Legislature or Governor's office.

FORMS/APPENDICES

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: April 2022

Board of Trustees of the Nebraska State Colleges

Governance and Administration

POLICY NAME: Records of the System

POLICY NUMBER: 2070

A. PURPOSE

To describe those records of the Nebraska State Colleges that are available for inspection and those that are confidential.

B. DEFINITIONS

None

C. POLICY

1. Nebraska State College Records

1.1. Records and documents of the Board of Trustees of the Nebraska State Colleges and the Nebraska State College System are available for inspection in the System Office. Records and documents particular to each State College are available for inspection at each College.

1.2. The following types of records and documents are deemed to be confidential records. Disclosure requirements for these records and documents are identified in other Board Policies as noted below:

- Student records (see Policy 3650).
- Employee personnel records (see Policy 5018).

1.3. Records and documents that are not confidential shall be available for inspection and/or copying by written request to the College or System Office, as appropriate, and by paying the reasonable cost and expense of making said records available, if assessed in accordance with state law.

FORMS/APPENDICES

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 84-712	Public records; free examination; memorandum and abstracts; copies; fees.
	Neb. Rev. Stat. 84-712.05	Records which may be withheld from the public; enumerated.

Policy Adopted: June 1993

Policy Revised: March 2006, September 2013, April 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Governance and Administration

POLICY NAME: Board of Trustees Corporate Seal

POLICY NUMBER: 2075

A. PURPOSE

To establish the use of the corporate seal of the Board of Trustees of the Nebraska State Colleges.

B. DEFINITIONS

None

C. POLICY

1. Corporate Seal

1.1. The Corporate Seal of the Board of Trustees, as redesigned in 1992, shall be used in all ordinary business transactions, such as conveyance of land, bond issuance documents, and other contracts made by the Board of Trustees, where a seal is required by law or the By-laws, or by special action of the Board of Trustees.

1.2. The seal of the Board of Trustees shall be used on all diplomas and certificates issued by the Board of Trustees to students and in certification of the fact of the granting of a degree, and may be used in all other academic matters where customary, requested or desirable.

1.3. The Secretary of the Board of Trustees is the official custodian of the Corporate Seal.

FORMS/APPENDICES

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-302	Board of trustees; officers; body corporate; audit.

Policy Adopted: June 1993

Policy Revised: April 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Governance and Administration

POLICY NAME: Student Trustees

POLICY NUMBER: 2100

A. PURPOSE

To provide guidance regarding the responsibilities, qualifications, and benefits for Student Trustees appointed pursuant to Article III of the By-laws.

B. DEFINITIONS

None

C. POLICY

1. Responsibilities

Student Trustees provide a student perspective to the Board; keep student government at each College apprised of Board activity and policy initiatives; and working with the Vice Chancellor for Student Affairs and Risk Management, keep the Board apprised of student concerns and issues surfacing at their respective Colleges.

1.1. Student Trustees attend Board meetings.

1.2. Student Trustees serve on the Student Affairs, Marketing and Enrollment Committee of the Board and attend Committee meetings.

1.3. Student Trustees do not attend closed sessions of the Board, but meet with fellow Student Trustees to collaborate on policy and other system-level initiatives and to discuss issues specific to their respective colleges.

2. Stipend and Expenses

2.1. Student Trustees may be reimbursed for their actual expenses incurred on Board affairs so long as proper documentation is provided.

2.2. To give students the opportunity to fully participate in and benefit from the experience, Student Trustees shall be paid a stipend of one thousand dollars ($1,000), divided into twelve (12) payments to be made monthly during their term commencing in May each year.

- Monthly payments will cease if a Student Trustee resigns, is removed from office, or otherwise fails to complete a full term.
- If a Student Trustee is appointed to office for a partial term, the amount of the stipend will be prorated based upon the number of months remaining on the term.
- The stipend is not intended as compensation for services rendered and shall not be considered wages.
- Student Trustees can still be employed by the College so long as their employment is unrelated to their role as a Student Trustee.

3. Qualifications and Application

3.1. Students seeking an appointment as a Student Trustee must satisfy the following requirements in order to apply:

- Be a full-time student enrolled in a minimum of twelve (12) credit hours per semester who is actively engaged in campus life;
- Have successfully completed at least 1 semester at the College at the time their application is submitted; and
- Be in good standing both academically and with respect to conduct.

3.2. A staff member designated by the President shall review all applications to ensure the minimum requirements have been satisfied, and forward the qualifying applications to the selection committee for consideration.

4. Selection and Nomination

4.1. An ad hoc selection committee shall be established on each campus by the senior Student Affairs Officer in consultation with the respective Student Senate.

4.2. Each selection committee shall consist of the following:

- the current Student Trustee, unless the current Student Trustee is seeking an additional term;
- the Student Senate President or other Student Senate officer if the Student Senate President is seeking an appointment as a Student Trustee;
- the Student Senate faculty advisor;
- the Senior Student Affairs Officer; and
- four (4) students holding leadership positions in Residence Life, athletics, student organizations, or student activities, at least two (2) of whom cannot be currently serving on the Student Senate.

4.3. Each Student Senate shall establish an equitable process by which to establish its selection committee which represents the diversity and interests of the students.

5. Notification

5.1. Notification of appointment may be made by a variety of means. At a minimum, all students whose applications are submitted to the Governor for consideration will be contacted by a staff member regarding the results.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: November 2021

Policy Revised: September 2022, March 2023, November 2025

Board of Trustees of the Nebraska State Colleges

Governance and Administration

POLICY NAME: Institutional Organization

POLICY NUMBER: 2500

A. PURPOSE

To establish the procedure by which the Presidents can make changes to the College's organizational structure and create new units.

B. DEFINITIONS

None

C. POLICY

1. Institutional Organization

1.1. The Presidents are authorized to make decisions regarding institutional organization and structure after consultation and approval by the Chancellor.

1.2. Proposals for reorganization and/or creation of new units or centers shall:

- Identify purpose and objectives;
- Describe relationships to College mission;
- Describe anticipated activities; and
- Identify all agencies or organizations involved, including advisory committees.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: September 2020, April 2022, November 2024

Board of Trustees of the Nebraska State Colleges

Governance and Administration

POLICY NAME: Mission Statement, Core Values, and Vision Statement

POLICY NUMBER: 2510

A. PURPOSE

To define the roles of mission statement, core values, and vision statement for the Nebraska State Colleges and establish programmatic authorizations for each.

B. DEFINITIONS

1. **Mission Statement:** A mission statement guides the purposes of the institution and defines the College, why it exists, and its reason for being.
2. **Core Values:** Core values are the fundamental beliefs upon which the college and its behavior are based. They are the guiding principles that the college uses to manage its internal affairs as well as its relationship with the community it serves.
3. **Vision Statement:** The vision statement is an aspirational description of what the college would like to achieve or accomplish in the future and serves as a clear guide for choosing current and future courses of action.

C. POLICY

1. General Procedures

1.1. The Nebraska State College System, and each of the Nebraska State Colleges, shall establish a Mission Statement, Core Values, and Vision Statement that reflect the authorizations established for the Nebraska State Colleges in the Nebraska Revised Statutes provided below and conform to the definitions provided above.

1.2. All Mission Statements, Core Values, and Vision Statements developed and/or revised by the System or a State College shall be submitted to the Chancellor, who shall forward them to the Board for approval with his/her recommendation

2. Nebraska Revised Statute, Chapter 85, Nebraska State Colleges

As authorized in Nebraska Revised Statute, Chapter 85, Sections 950-953, the Nebraska State Colleges:

2.1. Shall have regional responsibility for public service and continuing education activities, except in areas where such colleges have the ability to provide a particular service on a statewide basis. (950)

2.2. Shall have as their first instructional priority the provision of baccalaureate general academic, baccalaureate occupational, and baccalaureate professional degree programs in education. (951)

2.3. Shall have as their second instructional priority master's programs in education and other areas authorized by the Coordinating Commission for Postsecondary Education (pursuant to sections 85-1413 and 85-1414). (951)

2.4. Shall have as their third priority the continuation and development of applied research and public service activities. (951)

2.5. Shall have as their fourth priority the awarding of the specialist degree in education. (951)

2.6. May continue to deliver academic transfer and pre-professional associate degree programs for which a degree may be awarded if approved by the Board of Trustees of the Nebraska State Colleges and the Coordinating Commission for Postsecondary Education (pursuant to sections 85-1413 and 85-1414) upon demonstration of compelling need and unique capacity of the state colleges to offer such programs. The state colleges shall not independently award the associate degree, diploma, or certificate for applied technology education programs. (952)

2.7. May continue to pursue and develop applied research programs related to their instructional and regional responsibilities. Research activities of the state colleges shall be directly related to the enhancement of the instructional programs and to the professional development of the faculty. (953)

3. Nebraska Revised Statute, Chapter 85, Chadron State College

As authorized in Nebraska Revised Statute, Chapter 85, Section 956, Chadron State College:

3.1. May maintain its existing baccalaureate general academic, baccalaureate occupational, and baccalaureate professional degree programs and shall limit new baccalaureate degree programs to the needs of its unique service area generally defined as the state's western region.

3.2. May independently aware the master's degree in business administration, subject to approval by the Board of Trustees of the Nebraska State Colleges.

3.3. May offer other master's degree programs upon demonstrating a compelling need in the disciplines in which it has a demonstrated capacity, subject to approval by the Board of Trustees of the Nebraska State

Colleges and as authorized and approved by the Coordinating Commission for Postsecondary Education.

4. Nebraska Revised Statute, Chapter 85, Peru State College

As authorized in Nebraska Revised Statute, Chapter 85, Section 957, Peru State College:

4.1. May maintain its existing baccalaureate general academic, baccalaureate occupational, and baccalaureate professional degree programs and shall limit new baccalaureate degree programs to the needs of its unique service area generally defined as the state's southeast region.

4.2. May maintain the cooperative master's degree program in education with the university.

4.3. May offer other master's degree programs upon demonstrating a compelling need in the disciplines in which it has a demonstrated capacity, subject to approval by the Board of Trustees of the Nebraska State Colleges and as authorized and approved by the Coordinating Commission for Postsecondary Education.

5. Nebraska Revised Statute, Chapter 85, Wayne State College

As authorized in Nebraska Revised Statute, Chapter 85, Section 958, Wayne State College:

5.1. May maintain its existing baccalaureate general academic, baccalaureate occupational, and baccalaureate professional degree programs and shall limit new baccalaureate degree programs to the needs of its unique service area generally defined as the state's northeast region.

5.2. May independently aware the master's degree in business administration, subject to approval by the Board of Trustees of the Nebraska State Colleges.

5.3. May offer other master's degree programs upon demonstrating a compelling need in the disciplines in which it has a demonstrated capacity, subject to approval by the Board of Trustees of the Nebraska State Colleges and as authorized and approved by the Coordinating Commission for Postsecondary Education.

6. Authorization of Degree Programs

6.1. Chadron State College

- Bachelor of Applied Science
- Bachelor of Arts
- Bachelor of Science
- Bachelor of Science in Education
- Master of Arts in Education

- Master of Business Administration
- Master of Education
- Master of Science in Athletic Training
- Master of Science in Organizational Management

6.2. Peru State College

- Bachelor of Applied Science
- Bachelor of Arts
- Bachelor of Science
- Master of Science in Education
- Master of Science in Organizational Management

6.3. Wayne State Colleges

- Bachelor of Arts
- Bachelor of Science
- Master of Arts in Interdisciplinary Studies
- Master of Business Administration
- Master of Science in Education
- Master of Science in Interdisciplinary Studies
- Master of Science in Organizational Management
- Specialist in Education

7. Nebraska State College System Mission, Vision, and Values

7.1. Mission Statement

The Nebraska State College System serves our students, communities and state by providing high quality, accessible educational opportunities.

7.2. Core Values

- Provide a safe, stimulating, caring, and enriching learning experience
- Meet the changing needs of our students and the state
- Assure financial, programmatic, and geographic access to NSCS institutions
- Maintain affordable tuition and fees
- Provide opportunities for applied research
- Foster cooperative ventures among NSCS institutions and other agencies and organizations

- Emphasize participation in public service and service learning
- Recruit and retain quality faculty and staff

7.3. Vision Statement

Chadron State College, Peru State College, and Wayne State College, along with the System Office and the Board of Trustees constitute the Nebraska State College System. Working together with a unity of purpose:

- We will become a premier system of state colleges that will be recognized as centers for intellectual growth, cultural enlightenment, and economic development.
- We will serve as a model of collaborative educational excellence, setting standards for strengthening individuals and communities through knowledge, service, leadership, and global understanding.

8. Chadron State College Mission, Vision, and Values

8.1. Mission Statement

Chadron State College provides accessible and transformative education, supports student success, and strengthens the people and places it serves through innovation, partnerships, and service.

8.2. Core Values

- Student-Centered Commitment
- Accessibility
- Excellence
- Integrity
- Connection & Belonging
- Innovation
- Collaboration & Partnership
- Sustainability & Impact

8.3. Vision Statement

Chadron State College will advance as a leading center for lifelong learning, ongoing opportunity, and positive impact in the High Plains region and beyond.

9. Peru State College Mission, Vision, and Values

9.1. Mission Statement

Peru State College provides students of all backgrounds access to engaging educational experiences to strengthen and enrich communities, Nebraska and the world.

9.2. Core Values

Peru State College lives its mission and vision through *engagement* in the classroom, *engagement* across campus and *engagement* in the region and beyond while valuing:

- Pride: We proudly celebrate our history as Nebraska's first college, our heritage of educating all students, and our tradition of achievement by students, alumni, faculty and staff. We cherish the stately *Campus of a Thousand Oaks* entrusted to us.
- Excellence: We pursue excellence through best practices and innovation in scholarship, teaching, research and student development. We commit to providing exceptional facilities and resources supporting an engaged collegiate experience.
- Resilience: We recognize resilience as a key factor in success. We provide support and encouragement to achieve high standards by cultivating passion and perseverance.
- Unity: We embrace unity as a diverse and inclusive community. We believe in creating a culture of respect, mutual support, and understanding. We lead and model this culture on campus, in the region and around the world.

9.3. Vision Statement

Peru State College will be renowned for transforming student lives through personal and engaging educational experiences.

10. Wayne State College Mission, Vision, and Values

10.1. Mission Statement

Wayne State inspires students through access to affordable, high quality academic programs, personalized support services, and a culture committed to diversity, sustainability, and creativity. The College strengthens communities by engaging students in experiential learning and leadership opportunities. Wayne State serves the region through cultural opportunities, strategic partnerships, and innovative economic development programs.

10.2. Core Values

- Culture and Community
- Diversity
- Engaged Learning

- Innovation and Agility
- Partnership
- Sustainability

10.3. Vision Statement

Wayne State creates an environment of rigorous teaching, active learning, and meaningful service that engages students on a path to transformational leadership.

FORMS/APPENDICES

None

SOURCE:

Legal Reference: RRS 85-950 State Colleges; public service and continuing education activities; regional responsibility; exception.

RRS 85-951 State Colleges; priorities.

RRS 85-952 State Colleges; programs permitted, limitations.

RRS 85-953 State Colleges; research activities permitted.

RRS 85-956 Chadron State College; programs authorized.

RRS 85-957 Peru State College; programs authorized.

RRS 85-958 Wayne State College; programs authorized.

Policy Adopted: June 1993

Policy Revised: June 2008, January 2020, June 2022, June 2026

Board of Trustees of the Nebraska State Colleges

Governance and Administration

POLICY NAME: Strategic Planning and Reporting

POLICY NUMBER: 2525

A. PURPOSE

To establish a comprehensive and strategic approach for the effective use of resources to ensure meaningful access to higher education and support success for all students consistent with the mission of the Nebraska State Colleges.

B. DEFINITIONS

None.

C. POLICY

1. Duty and Responsibility

1.1. The Chancellor shall lead a comprehensive strategic planning process on a periodic cycle which establishes system wide priorities, goals and data driven performance metrics to support student success; the effective use of system resources; and to support the sustainability of the state college system.

1.2. The process should seek input from a variety of stakeholders from college employees, the system, students, foundation members and others.

2. Metrics

2.1. Metrics used within the strategic plan should include at a minimum the following:

- Enrollment
- Retention
- Degree Completion

2.2. Metrics should also consider impacts on various student demographics.

2.3. Nothing in this policy is intended to limit the ability of the Chancellor or the Board from expanding the nature or scope of the priorities, goals or

performance metrics used in developing or implementing the strategic plan.

3. Reporting

3.1. The Chancellor shall provide regular reports to the Board which include status updates regarding the various priorities, goals and performance metrics.

SOURCE:

Policy Adopted: January 2025

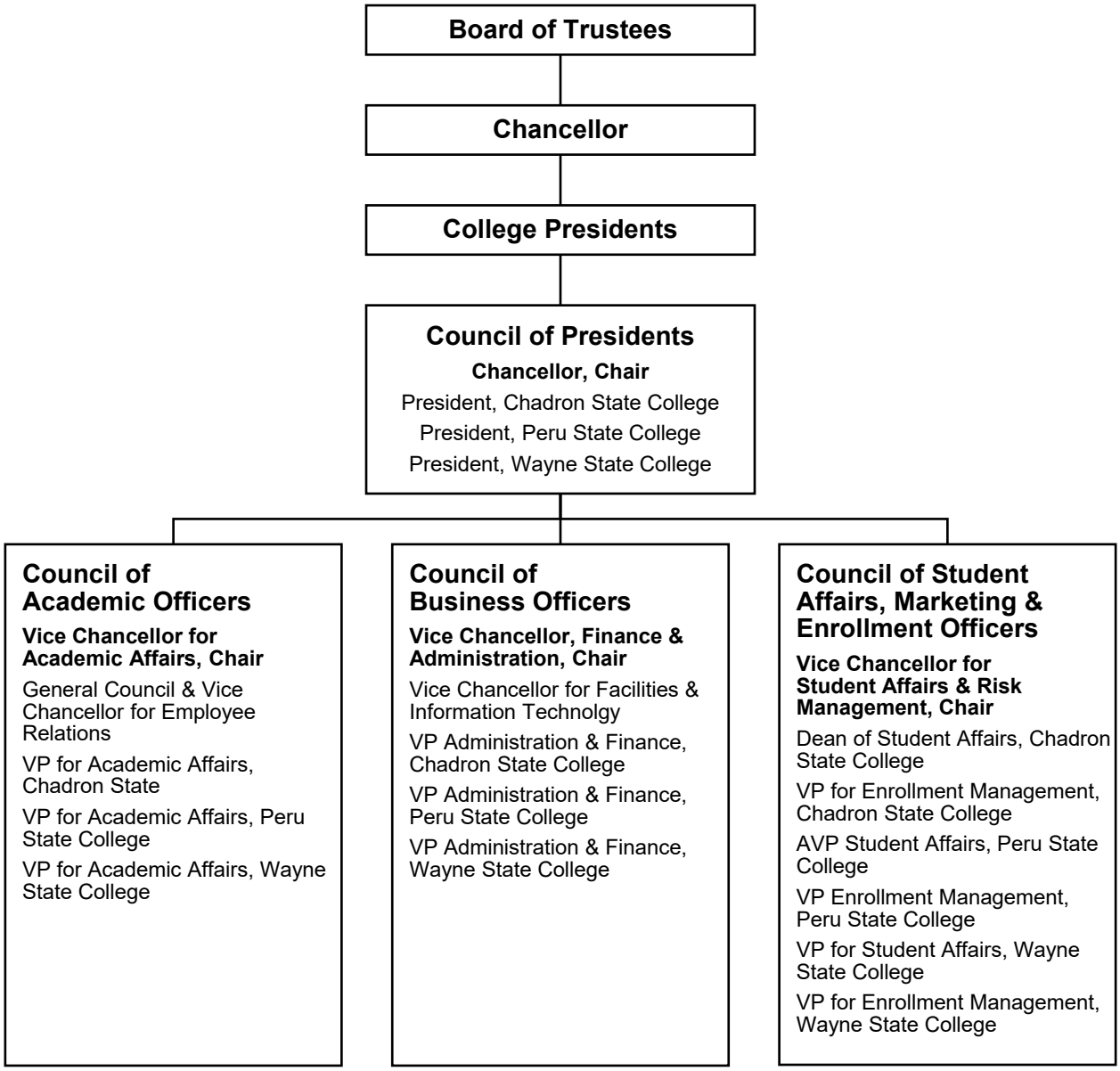
Policy Revised:

Board of Trustees of the Nebraska State Colleges

Governance and Administration

POLICY NAME: Nebraska State College System Organizational Chart

POLICY NUMBER: 2550



Policy Adopted: September 2004

Policy Revised: March 2006, November 2007, September 2011, September 2013, February 2014, April 2014, October 2014, April 2015, September 2016, January 2017, September 2017, March 2021, June 2021, March 2026

Board of Trustees of the Nebraska State Colleges

Governance and Administration

POLICY NAME: Equal Educational Opportunity

POLICY NUMBER: 2700

A. PURPOSE

To establish the commitment of the Nebraska State Colleges as equal opportunity institutions and define unlawful discrimination as actionable under grievance or disciplinary procedures.

B. DEFINITIONS

None

C. POLICY

1. Equal Opportunity Institutions

1.1. The Nebraska State Colleges are equal opportunity institutions and prohibit unlawful discrimination or harassment.

1.2. Each College has designated an individual to coordinate the College's nondiscrimination efforts to comply with regulations implementing Title II of the Americans with Disabilities Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act.

1.3. Acts of unlawful discrimination are prohibited and shall be regarded as actionable under established grievance or disciplinary procedures.

FORMS/APPENDICES

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: November 2008, March 2015 (Effective July 2015), March 2017, April 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Governance and Administration

POLICY NAME: Hazardous Material and Waste Control

POLICY NUMBER: 2810

A. PURPOSE

To establish procedures for the safe handling and use of hazardous materials and the proper handling and disposal of waste for the Nebraska State Colleges.

B. DEFINITIONS

None

C. POLICY

1. Guidelines

1.1. The Board of Trustees has an ongoing concern for the safety and health of its employees, the student body, and the general public who may be exposed to State College activities that involve the use of hazardous materials or the generation of hazardous waste.

1.2. The Board recognizes a responsibility for ensuring that all College activities involving hazardous materials and hazardous waste are conducted with minimal hazard to employees, students, and the general public.

1.3. In order for the Colleges to fulfill their recognized obligations and concerns, the policy of the Board is to establish College-based operational guidelines for the safe use and handling of hazardous materials and proper handling and disposal of hazardous waste.

2. Procedures

2.1. The President of each College is assigned responsibility for seeing that College-based plans and operational guidelines are developed and, when approved, implemented.

2.2. Guidelines shall provide for the safe use and handling of hazardous materials and proper handling and disposal of hazardous waste.

2.3. Guidelines will also provide for the training and medical surveillance of employees and students involved with hazardous materials and the handling and disposal of hazardous waste.

2.4. These guidelines shall be developed to meet the needs of specific College safety programs and be in compliance with applicable federal, state, and local laws and regulations.

2.5. The President of each College shall appoint an advisory committee known as the Hazardous Materials Control Committee.

2.6. The Hazardous Materials Control Committee will review individual College-developed plans and operational guidelines and will advice the President, or a designee, on suggested or required changes to ensure regulatory conformity.

2.7. The President, or a designee, with the advice of the Hazardous Materials Control Committee, will approve and periodically review the implementation of the College-developed plans and guidelines.

2.8. Upon approval of the President, the adopted policy will be in effect immediately.

FORMS/APPENDICES

None

SOURCE:

Policy Adopted: March 1994

Policy Revised: April 2022

Board of Trustees of the Nebraska State Colleges

Governance and Administration

POLICY NAME: Religious Activities

POLICY NUMBER: 2820

A. PURPOSE

To establish the legal duty to refrain from excessive entanglement with religion but to encourage and promote the public duty to provide an open forum for the free expression and exchange of thoughts and ideas.

B. DEFINITIONS

None

C. POLICY

1. Religious Activities

The Constitution of the United States and the Constitution of the State of Nebraska require that the State Colleges refrain from activities which either inhibit or promote any particular religion or sect. As public institutions, the Nebraska State Colleges have a legal duty to refrain from excessive entanglement with religion. However, as postsecondary institutions of higher learning, the State Colleges have a public duty to be at the forefront of our society in providing an open forum for the free expression and exchange of thoughts and ideas. It is the purpose and intent of the Board of Trustees in this policy to encourage and promote the latter duty to the maximum extent possible.

1.1. Teaching and study involving religions in a secular, philosophical, historical, or cultural content are appropriate within the State College community.

1.2. Non-sectarian invocations, benedictions, or moments of silent meditation shall be permitted at College functions.

1.3. The State Colleges shall not discriminate on the basis of religion in its personnel policies, and reasonable efforts shall be made by the State Colleges to accommodate work schedules to meet the needs of employees in their personal religious activities.

1.4. There shall be no interference with personal religions which are confined to private living quarters within State College housing facilities.

1.5. College buildings and facilities shall not be used for religious services, except for the rental of space in State College buildings for occasional religious services as provided in Section 1.7 of this Policy. The foregoing shall not be construed to prohibit or interfere with the regular use of appropriate State College buildings and facilities by any student organization or other State College organization for social, cultural, educational, philosophical, business, entertainment, artistic, musical, or athletic activities.

1.6. The term "religious services" as used in this Policy shall be narrowly construed and shall refer only to the use of State College buildings or facilities by any group or organization for the primary purpose of conducting religious ceremonies, religious exercises or religious rituals.

1.7. The College Presidents may designate space within buildings under their respective jurisdictions which may be rented by any group or organization for occasional religious services when such space is not required for institutional purposes; provided that such space shall not be rented for the regular recurring religious services of any particular group or organization.

1.8. The authority and jurisdiction for administration and enforcement of this Policy is vested in each College President.

FORMS/APPENDICES

None

SOURCE:

Policy Adopted: March 1994

Policy Revised: April 2022

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Undergraduate Admission

POLICY NUMBER: 3000

A. PURPOSE

To provide guidance regarding such rules and regulations for the admission of students to the Colleges as may seem to be best for the interest of the Colleges and not inconsistent with the purpose for which they have been established.

B. DEFINITIONS

None

C. POLICY

1. Resident Admission

The Colleges shall admit as students those persons who have graduated from an accredited high school in Nebraska, or who present evidence of the achievement of an equivalent academic level to that of high school graduation, or evidence of eligibility for admission on the basis of special merit.

1.1. Achievement equivalent to a high school diploma may be demonstrated in the form of a High School Equivalency Certificate based on the General Educational Development examination, or an acceptable ACT or SAT score as determined by the individual College.

1.2. Each College shall assure that the process of admission on the basis of special merit will make provisions for a variety of circumstances, including allowance for special consideration to be given to non-traditional students who present evidence of being able to succeed, as well as returning adult students, students educated at home schools, and students who can provide evidence of special talents such as creative artists or those with unique educational experience or career achievements.

1.3. No one shall be denied admission to or continuance in any College on the basis of any individual characteristics other than qualifications for admission, academic performance and conduct in accord with State College policies, rules and laws applicable to student conduct.

2. Non-Resident Admission

The Colleges may admit as students those persons who are not residents of the State of Nebraska, provided that such non-residents meet the minimum standards applied to the Nebraska resident students, and that the Colleges have the necessary facilities and staff to accommodate such non-resident students.

3. Transfer Admission

The Colleges may admit as students those persons previously in attendance at a community college, college or university subject to the provisions in Board Policy 4430. The transferring student must meet all the minimum requirements to either a resident or non-resident student, as the case may be.

4. Military/Veteran Admission

The Colleges shall admit any eligible military student or eligible veteran student who otherwise meets the admissions requirements to enroll as an undergraduate student in virtual and in-person courses and programs consistent with the Veteran Promise Act. The Colleges shall make information regarding the Veteran Promise Act available on their websites.

4.1. For purposes of this policy an eligible military student is a student who graduated from a Nebraska high school on or after January 1, 2022; signed enlistment papers to serve in a uniformed service; and at the time of their application is service in such uniformed service under a six (6) year commitment or has served at least two (2) years of active duty in such uniformed service and at the time of application is serving in such uniformed service or another uniformed service.

4.2. An eligible veteran student means a student who graduated from a Nebraska high school on or after January 1, 2022, and served in a uniformed service while assigned to a location in this state; signed enlistment papers to serve in a uniformed service; and received either an honorable discharge or a general discharge under honorable conditions from a uniformed service.

4.3. Uniformed service means an active or reserve component of the Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine, or Space Force of the United States; the Commissioned Officer Corps or the National Oceanic and Atmospheric Administration or the Public Health Service of the United States; or the Nebraska National Guard.

5. Holistic Admission Evaluation

Students placed on academic suspension at a previous institution may request a holistic admission evaluation by a committee established by the Vice President for Enrollment Management. The committee will consider the context surrounding the student's academic history and evaluate their potential for success at the College, including but not limited to prior academic achievements, personal statements, and any additional relevant documentation provided by the student. Requests for Academic Renewal are addressed in Board Policy 4130.

6. Immunizations and Health

6.1. Except as otherwise provided in this section, all entering degree-seeking students must show a valid immunization record for measles, mumps, and rubella (MMR) prior to the end of the first semester of on-campus attendance. The Colleges may provide an extension for an additional semester for good cause.

6.2. Prior to checking into the residence halls or their first day of attendance in classes, whichever is earlier, applicants from foreign countries also are required to present a record of a TB skin test (Mantoux) or FDA-approved IGRA blood test (Quantiferon Gold or T-spot TB) completed within six (6) months prior to their first enrollment in addition to the above required record of immunization.

- If either of the tests is positive, a chest X-ray is required. The cost of the X-ray is borne by the student.
- If a student lives in a country which does not offer the TB tests or did not present a record of a qualifying test, the student must undergo testing within forty-eight (48) hours of checking into the residence halls or prior to their first day of attendance in class, whichever is earlier.

6.3. It is recommended that first year students living in College housing receive a meningococcal vaccination, but it is not required.

6.4. A person qualifies for a medical exemption from the requirement to show proof of immunization when the person files a bona fide statement signed by a physician licensed to practice medicine within the United States verifying that the physical condition of the person seeking admission makes the required immunization unsafe and indicating the specific nature and probable duration of the condition. The exemption shall not extend beyond the period of the condition, which contraindicates immunization. A person qualifying for this exemption must sign a waiver form provided by the College stating that, in an outbreak of measles or rubella occurs at the College or surrounding community, the person may be subject to exclusion from the campus and College related activities during the outbreak period.

6.5. A person qualifies for a religious exemption from the requirement to show proof of immunization when the person files a signed statement on an approved form that immunization is contrary to the religious tenets and practices of the signer. A person qualifying for this exemption must sign a waiver form provided by the College stating that, if an outbreak of measles or rubella occurs at the College or surrounding community, the person may be subject to exclusion from the campus and College related activities during the outbreak period.

6.6. A person qualifies for an exemption from the requirement to show proof of immunization and the requirement to present a record of a TB skin or FDA-approved IGRA blood test (Quantiferon Gold or T-Spot TB) when enrolled only in off-campus courses or courses offered off-campus by distance learning technology and is not residing in College residence halls. This exemption will be revoked, if at any time, the student enrolls in on-campus courses or seeks to reside in College residence halls. At that time, the student will be required to show proof of immunization and TB testing consistent with this policy.

6.7. According to guidelines established by the Center for Disease Control and Prevention, a person born before 1957 need not submit proof of immunization for measles, mumps or rubella.

7. Procedures

7.1. Each College may establish a cut-off date for the submission of complete credentials for admission, and any applicant who does not submit a complete application by that date may be required to delay entrance until a subsequent semester.

7.2. Pursuant to Board Policies 3100 and 3200, any College may deny or condition admission, readmission, or continuing enrollment of any individual who, in the judgment of the College, presents an unreasonable risk to the safety and welfare of the College and persons thereon.

7.3. All first-time entering, first-year undergraduate students are encouraged to take the ACT or SAT and submit the results to the College to be used for academic planning and counseling purposes.

7.4. Except as provided below, the State Colleges shall require international applicants whose first language is not English, to present evidence of proficiency in the use of the English language. Evidence of proficiency may be established by meeting the minimum scores established by each College on universally accepted assessments for measuring proficiency, such as the Test of English as a Foreign Language (TOEFL) exam, the International English Testing System (IELTS) exam, Duolingo or other recognized assessment. Evidence of Proficiency may also be determined by the appropriate College administrator on a case-by-case basis or through partnership agreements with non-English institutions.

- International applicants who have completed a minimum of six (6) credit hours of English composition with a “C” or better from an accredited American higher education institution; or, who provide evidence of successful completion of a recognized intensive English program are exempt from the requirement to provide evidence of English language proficiency.
- Academically qualified international applicants may be considered for conditional acceptance as degree-seeking students if they are enrolled in a recognized intensive English language program. Upon satisfactory completion of the program, and assuming all other admission requirements are met, they may be considered eligible for full admission as degree-seeking students to the College.

8. Reporting

Colleges shall report to the System Office on or before December 1st annually, commencing December 1, 2022, the number of applicants under the Veteran Promise Act; the number of eligible military students enrolled under the Veteran Promise Act; the number of eligible veteran students enrolled under the Veteran Promise Act; the amount of any application fees waived for applicants under the Act; and any additional support, service, or assistance provided to participating eligible military students and eligible veteran students under the Act. Such information shall be provided electronically by the System Office to the Clerk of the Legislature on or before December 31st annually, commencing December 31, 2022.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: Neb. Rev. Stat. 85-310 State Colleges; students; admission

Policy Adopted: January 1977

Policy Revised: June 1993, April 2002, March 2008, April 2009, March 2011, September 2011, February 2012, June 2012, November 2014, March 2015, November 2019, September 2021, April 2022, March 2023, April 2024

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Student Criminal History

POLICY NUMBER: 3001

A. PURPOSE

To provide guidance to the Colleges as to evaluation of student criminal background information in decisions regarding housing and employment.

B. DEFINITIONS

1. **Criminal Background Information:** State, local, and/or federal law enforcement records, sex offender registry information, and/or juvenile court records.

C. POLICY

1. General

1.1. As provided in Board Policies 3000 and 3010, any State College may deny or condition admission, readmission, or continuing enrollment of any individual who, in the judgment of the College, presents an unreasonable risk to the safety and welfare of the campus and persons thereon.

1.2. Certain criminal convictions may disqualify students from access to academic programs. Institutional academic programs, such as teacher education and health sciences programs require externship experience and eventual licensure. As a result of these requirements, a student with a disqualifying criminal conviction may not be able to participate in the externship experience or obtain licensure.

1.3. Any State College can deny housing requests and/or student employment if an unreasonable risk to the safety, welfare and property of the campus and persons exists. Board Policy 5040 addresses the terms and requirements for student employee criminal background checks.

2. Applications

2.1. Individuals are required to self-disclose law violations and juvenile court adjudications that resulted in probation, community service, jail sentence, or revocation/suspension of a driver's license on all housing applications.

- According to state law, individuals are not obligated to disclose a sealed juvenile record of arrest, custody, complaint, disposition, diversion, adjudication, or sentence.
- The Colleges may:
    - Rely on the applicant's self-disclosure statements;
    - Require the applicant to provide additional documentation; and/or
    - Conduct a separate criminal background check as part of the housing application process.
- A criminal conviction or juvenile court adjudication will not constitute an automatic bar for housing purposes but will be considered.
- Falsification or omission of information may result in a denial, revocation or loss in regards to admission, continued enrollment, College housing or employment decisions.

3. Evaluation

3.1. When evaluating risks, the College may consider criminal background information, including, but not limited to:

- The nature, severity and number of the law violations or juvenile court adjudications;
- The amount of time that has passed since the law violation or juvenile court adjudication occurred;
- The victim and consequences related to the law violation or juvenile court adjudication;
- Any extenuating circumstances surrounding the law violation or juvenile court adjudication;
- Sex offender registry reporting classification;
- Reparations, remediation, or treatment that occurred after the law violation or juvenile court adjudication;
- Terms of probation, parole or prison release;
- Continuing treatment, counseling, and rehabilitation information; and
- Evidence or opinions from law enforcement officers, parole officers, or mental health providers.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: June 2010

Policy Revised: January 2014, September 2018, April 2022, September 2022, June 2023

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Graduate Admission

POLICY NUMBER: 3010

A. PURPOSE

To provide guidance regarding such rules and regulations for the admission of graduate students as may seem to be best for the interest of the Colleges and not inconsistent with the purpose for which they have been established.

B. DEFINITIONS

None

C. POLICY

1. Resident Admission

The Colleges shall admit, as students, those persons who have a baccalaureate degree from an accredited institution. No one shall be denied admission to or continuance in any College on the basis of any individual characteristics other than qualifications for admission, academic performance and conduct in accord with College policies, rules and laws applicable to student conduct.

1.1. A student with a baccalaureate degree from an institution which is not accredited by one of the six (6) regional associations of colleges and schools recognized by the Colleges may be accepted conditionally, subject to an evaluation after the completion of requirements for formal admission to a graduate degree program. The regional associations of colleges recognized by the Colleges include: Middle States Association, New England Association, North Central Association, North West Association, Southern Association, and Western Association.

1.2. Students wishing to gain admission to graduate teacher education programs should have a baccalaureate degree with teaching credentials. Conditional admission may be granted subject to the student's completion of requirements for teacher certification.

2. Non-Resident Admission

The Colleges may admit as students those persons who are not residents of the State of Nebraska, provided that such non-residents meet the minimum standards applied to the Nebraska resident students, and that the Colleges have the necessary facilities and staff to accommodate such non-resident students.

3. Immunizations and Health

3.1. Except as otherwise provided in this section, all entering students must show a valid immunization record for measles, mumps, and rubella (MMR) prior to the end of the first semester of on-campus attendance. The Colleges may provide an extension for an additional semester for good cause.

3.2. Prior to checking into the residence halls or their first day of attendance in class, whichever is earlier, applicants from foreign countries are required to present a record of a TB skin test (Mantoux) or FDA-approved IGRA blood test (Quantiferon Gold or T-spot TB) completed within six (6) months prior to their first enrollment.

- If either of the tests is positive, a chest X-ray is required. The cost of the X-ray is borne by the student.
- If a student lives in a country which does not offer the TB tests or did not present a record of a qualifying test, the student must undergo testing within forty-eight (48) hours of checking into the residence halls or prior to their first day of attendance in class, whichever is earlier.

3.3. A person qualifies for a medical exemption from the requirement to show proof of immunization when the person files a bona fide statement signed by a physician licensed to practice medicine within the United States verifying that the physical condition of the person seeking admission makes the required immunization unsafe and indicating the specific nature and probable duration of the condition. The exemption shall not extend beyond the period of the condition which contraindicates immunization. A person qualifying for this exemption must sign a waiver form provided by the College stating that, if an outbreak of measles or rubella occurs at the College or surrounding community, the person may be subject to exclusion from the campus and College related activities during the outbreak period.

3.4. A person qualifies for a religious exemption when the person files a signed statement on an approved form that immunization is contrary to the religious tenets and practices of the signer. A person qualifying for this exemption must sign a waiver form provided by the College stating that, if an outbreak of measles or rubella occurs at the College or surrounding community, the person may be subject to exclusion from the campus and College related activities during the outbreak period.

3.5. A person qualifies for an exemption from the requirement to show proof of immunization and the requirement to present a record of a TB testing when enrolled in off-campus courses or courses offered off-campus by distance learning technology. This exemption will be revoked if, at any time, the student enrolls in on-campus courses, or at any time the student resides in on-campus housing. At that time, the student will be required to show proof of immunization and TB testing consistent with this policy.

3.6. According to guidelines established by the Center for Disease Control and Prevention, a person born before 1957 need not submit proof immunization for measles, mumps, or rubella.

4. Procedure

4.1. Each College may establish a cut-off date for the submission of complete credentials for admission, and any applicant who does not submit a complete application by that date may be required to delay entrance until a subsequent semester.

4.2. Pursuant to Board Policies 3001, 3100, and 3200, any College may deny or condition admission, readmission or continuing admission of any applicant who, in the judgment of the College, presents an unreasonable risk to the safety and welfare of the campus and persons thereon.

4.3. The Graduate Record Examination (GRE), or an equivalent examination appropriate to a professional field, is recommended. The cost of any exams shall be borne by the applicant.

4.4. Except as provided in sections 4.5 and 4.6 of this Policy, the State Colleges shall require international applicants whose first language is not English to present evidence of proficiency in the use of the English language.

- Evidence of proficiency may be established by meeting the minimum scores established by each College on universally accepted assessments for measuring proficiency, such as the Test of English as a Foreign Language (TOEFL) exam, the International English Testing System (IELTS) exam, Duolingo, or other recognized assessment. or
- Evidence of proficiency may also be determined by the appropriate college administrator on a case-by-case basis or through partnership agreements with non-English institutions.

4.5. International applicants who have an earned undergraduate degree from an accredited American higher education institution; who have completed a minimum of six (6) credit hours of English composition with a “C” or better from an accredited American higher education institution; or, who provide evidence of successful completion of a recognized intensive English program are exempt from the requirement to provide evidence of English language proficiency.

4.6. Academically qualified international applicants may be considered for conditional acceptance as degree-seeking students if they are enrolled in a recognized intensive English language program. Upon satisfactory completion of the program, and assuming all other admission requirements are met, they may be considered eligible for full admission as degree-seeking students to the College.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: Neb. Rev. Stat. 85-310 State colleges; students; admission.

Policy Adopted: June 1993

Policy Revised: June 2010, March 2011, February 2012, November 2014, March 2015, April 2022, September 2022, March 2023, November 2023, April 2024

Board of Trustees of the Nebraska State Colleges

STUDENT AFFAIRS

POLICY NAME: Sexual Harassment & Sex Discrimination

POLICY NUMBER: 3020

A. PURPOSE

The Colleges prohibit discrimination on the basis of sex and are committed to providing an environment free from sexual harassment and sex discrimination. The Colleges take reports of sexual harassment seriously and are committed to providing an impartial and fair process to all parties.

Colleges and universities receiving federal funding, including the Nebraska State Colleges, are required by Title IX of the Education Amendments of 1972 and 34 CFR Part 106 to not discriminate on the basis of sex in their educational programs or activities, including admission and employment. Inquiries about Title IX or 34 CFR Part 106 can be made to the Colleges' respective Title IX Coordinators or to the Assistant Secretary of the Department of Education.[1]

This policy constitutes the Nebraska State Colleges' Grievance Policy and Procedures for addressing sexual harassment, including how a student, or others reporting on behalf of a student, may report or file a formal complaint of sexual harassment and how the Colleges will respond to prevent, correct, and discipline behavior found to violate this policy or principles of equal opportunity and access and to provide individualized supportive measures to all impacted students.

[1] The Office for Civil Rights can be contacted by the following methods: Email – OCR@ed.gov; Telephone – 800-421-3481; FAX – 202-453-6012; TDD – 800-877-8339; Website – https://ocrcas.ed.gov/contact-ocr The OCR National Headquarters is located at U.S. Department of Education, Office of Civil Rights, Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue, SW, Washington, DC 20202-1100

B. DEFINITIONS

1. **Advisor:** An individual selected by the Complainant and/or Respondent to guide them through the grievance process and accompany them to all meetings, including the hearing.
2. **Complainant:** An individual who is alleged to be the victim of sexual harassment.
3. **Confidential Employee:** A College employee who does not have an affirmative duty to report incidents of Sexual Harassment to the Title IX Coordinator, including but not limited to medical or mental health professionals, licensed student counselors, nurses and athletic trainers.
4. **Education Program or Activity:** The College's education programs or activities include locations, events, or circumstances in which the College exercised substantial control over both the Respondent and the context in which the Sexual Harassment occurred, including any building owned or controlled by a student organization official recognized by the College.
5. **Employee:** An individual paid by the College to perform specific duties, including faculty and staff, whether employed part-time or full-time. This definition excludes student-employees and third-party contractors unless otherwise noted.
6. **Formal Complaint:** A statement filed and signed by a Complainant or the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting the College investigate the allegation(s) of Sexual Harassment.
7. **Incapacitation**: Incapacitation refers to a state in which a person is mentally or physically incapable of resisting or appraising the nature of their conduct.[2]
8. **Preponderance of the Evidence Standard:** A preponderance of the evidence is the greater weight of the evidence indicating it is more likely than not the alleged conduct occurred. This is the standard of review used by the decision-maker to determine whether a respondent has violated this policy.
9. **Respondent:** An individual who is alleged to have engaged in conduct constituting sexual harassment.
10. **Student:** An individual currently enrolled or registered in the College's education program or activity or who has completed the immediately preceding term and is eligible for re-enrollment.
11. **Student-Employee:** An individual who is currently enrolled or registered in the College's educational program or activity and paid by the College to perform specific duties. The Student Employees' primary purpose at the College is to receive an education, which includes, but is not limited to, graduate assistants,

[2] Neb. Rev. Stat. §28-319(1)(b).

biweekly contract student employees, and other student employees such as resident assistants. Student Employees does not include Employees whose primary purpose is employment and who are also taking classes at the College, including but not limited to, employees covered by collective bargaining agreements, or covered under board policies 5102, 5103, or 5104.

12. **Supportive Measures:** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available and without fee or charge to the Complainant and Respondent before or after the filing of a report of sexual harassment or Formal Complaint.
13. **Title IX Coordinator:** The College employee or contractor responsible for responding to reports of Sexual Harassment and conducting investigations of Formal Complaints. For purposes of this policy, references to Title IX Coordinator also refers to a designee assigned to assume all or some of the responsibilities of the Title IX Coordinator.
14. **Witness:** An individual who has relevant information regarding allegations of Sexual Harassment.

C. POLICY

1. Scope

1.1. This policy applies to all students located within the United States, including traditional students, online or distance education students, students participating in dual enrollment programs, and student-employees, regardless of whether the other party involved is a fellow student, an employee, or a third party. Policy 5011 applies to employees alleged to have committed sexual harassment.

1.2. This policy applies to students and conduct occurring within the Colleges' education programs and activities, which include:

- The physical campus of the College;
- Areas owned or controlled by the College;
- Locations, events, or circumstances in which the College exercises substantial control over both the Respondent and the context in which the sexual harassment occurs; and
- Any building owned or controlled by a student organization officially recognized by the College.

2. Prohibited Conduct

Sexual Harassment is prohibited and includes the following types of conduct set forth below.

2.1. Quid Pro Quo Harassment occurs when an employee or student-employee of the College explicitly or implicitly conditions the provision of

an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.

2.2. Severe, Pervasive, and Objectively Offensive and Unwelcome conduct occurs when an individual's unwelcome conduct is determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College's education program or activity.

- Unwelcomeness and objective offense are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident(s) occurred and any similar previous patterns that may be evidenced.

2.3. Sexual Assault is any sexual act, directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; and includes unlawful sexual intercourse. which includes the following types of conduct set forth below:

- Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of that person including instances where the person is incapable of giving consent because of their age or their temporary or permanent mental or physical incapacity.
- Fondling: The intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of another person or causing another person to touch another's genitals, buttocks, groin, breasts, or other body parts, intentionally for the purpose of sexual degradation, sexual gratification, or sexual humiliation without the consent of that person, including instances where the person is incapable of giving consent because of their age or their temporary or permanent mental or physical incapacity.
- Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Nebraska State law.[3]
- Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent of 16. [4]

2.4. Dating Violence

Violence committed by a person who is or has been in a social relationship or a romantic or intimate nature with that person.

[3] Neb. Rev. Stat. § 28-702
[4] Neb. Rev. Stat. § 28-319.01

- The existence of such a relationship shall be determined based on a consideration of the length and type of relationship and the frequency of interaction between the individuals involved in the relationship.
- Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under Domestic Violence.

2.5. Domestic Violence

A felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of a person;
- A person with whom the person shares a child in common;
- A person who is cohabitating with, or has cohabitated with, another person as a spouse or intimate partner;
- A person similarly situated to a spouse of the other person under the domestic or family violence laws of Nebraska;
- Any other person against an adult or youth the Complainant who is protected from the person's acts under the domestic or family violence laws of Nebraska

2.6. Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of other or suffer substantial emotional distress.

- Course of conduct means two (2) or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

2.7. Sexual Exploitation

Engaging in conduct where one party takes non-consensual or abusive sexual advantage of another person for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Prostituting another person;
- Non-consensual visual or audio recording of sexual activity;

- Non-consensual display or distribution of photos, images, or information of an individual's sexual activity or private body parts;
- Non-consensual voyeurism;
- Coercing someone against their will to engage in sexual activity, or
- Knowingly transmitting a sexually transmitted disease (STD) without disclosing STD status.

2.8. Retaliation

Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured under Title IX or 34 CFR Part 106, or because the individual made a complaint or report, testified, assisted, participated, or refused to participate in an investigation, proceeding, or hearing under this policy.

3. Consent

3.1. Consent is positive cooperation in an act or an expression of the intent to engage in an act. The presence or absence of consent must be based on the totality of the circumstances, including the context in which the conduct occurred.

- Consent to a sexual act must be given by an individual voluntarily, and with knowledge and understanding of the nature of the act and their participation in it.
- A person may express their consent or lack of consent verbally, physically, or through conduct in a manner understood by a reasonable person under the circumstances.
- Consent can be withdrawn by any party at any time through words or conduct.
- Consent cannot be inferred from silence or passivity alone.
- A person need not resist verbally or physically when it would be futile to do so as understood by a reasonable person under the circumstances.
- Consent to one type of sexual activity does not necessarily constitute consent to another type of sexual activity.

3.2. A person lacks the capacity to consent when they:

- Are incapacitated by drugs or alcohol;
- Are unconscious, passed out, asleep, coming in and out of consciousness;
- Have a mental or physical disorder, illness, or disability that renders them incapacitated; or

- Are forced, coerced, intimidated, or deceived into providing consent.

4. Reporting Sexual Harassment

4.1. Any person may report sex discrimination, including Sexual Harassment, to the College by contacting the Title IX Coordinator. Such contact may be made verbally either in person or by telephone or in writing by delivering a written document in person, by mail, or by email.

4.2. For purposes of this policy, the following employees are required to report incidents of sexual harassment to the Title IX Coordinator.

- President
- Vice Presidents
- Academic Deans
- Title IX Coordinator and designees
- Deans of Students and Associate Vice Presidents for Student Affairs
- Housing/Residence Life Staff including:
  - Directors
  - Managers
  - Assistant Directors
  - All Residence Hall Advisors
- Athletic Directors and Associate Athletic Directors
- All Coaches
- Campus Security Officers

4.3. Medical or mental health professionals employed by the College, including licensed student counselors, nurses, and athletic trainers are Confidential Employees and respect and protect confidential communications from students, faculty, and staff to the extent they are legally able and/or required to do so.

4.4. A confidential employee may report sexual misconduct to the Title IX Coordinator without identifying the person(s) affected by the sexual misconduct or providing other confidential information and may offer to the affected person(s) information, resources, and reporting options.

4.5. All College employees, including Confidential Employees, are required by state law to report allegations or reasonable suspicion of child abuse or neglect, including sexual assault or abuse of a person eighteen (18) years of age or younger, to either law enforcement or the Department of Health and Human Services. The Child Abuse and Neglect Hotline is (800) 652-1999.

4.6. Law Enforcement and Judicial Involvement

- A Complainant can choose to report the conduct only to the College, only to law enforcement, or to both the College and law enforcement.
- If a report to law enforcement is made, the College will cooperate with any law enforcement investigation.
- Regardless of whether law enforcement chooses to prosecute a reported offense, the College may pursue disciplinary action against a student or employee alleged to have committed Sexual Harassment.
- A Complainant may obtain medical care for the purpose of collecting and preserving physical evidence of an alleged offense.
    - Health care providers are required to report to law enforcement when an injury appears to have been received in connection with, or as a result of, the commission of an actual or attempted sexual assault. [5]
    - Additional information about the options for reporting to law enforcement and evidence collection is available in the Nebraska Medical Sexual Assault Protocol.
- Parties may also pursue judicial remedies such as orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts.
    - Parties are responsible for notifying the College of any orders issued by criminal, civil, or tribal courts and should provide a copy of such order to the Title IX Coordinator as soon as reasonably possible.
    - The Title IX Coordinator may discuss with the party options regarding enforcing the order within a College Educational Program or Activity.

4.7. Student Privacy and Disclosure of Information

- The College appreciates the privacy concerns inherent in allegations of Sexual Harassment and will take reasonable steps to avoid disclosure of the names of students or other identifying information to third parties. Disclosure may be made consistent with Board Policy 3650 or if:
    - Prior written permission is given by the student;
    - The disclosure is necessary to conduct an investigation;
    - The disclosure is necessary to implement a Supportive Measure;

[5] *Nebraska Medical Sexual Assault Protocol*, Nebraska Attorney General's Office, July 2019. Available at https://ago.nebraska.gov/sites/ago.nebraska.gov/files/doc/Nebraska%20Medical%20Sexual%20Assault%20Protocol%20FINAL.pdf

- The disclosure is necessary to pursue disciplinary action; or
- The disclosure is otherwise required by law.

- The College is required by the Clery Act, 20 U.S.C. § 1092(f) to include information about reports of criminal sexual misconduct in annual security report statistics. These reports do not identify the individuals involved.
- Student Athletes are subject to disclosure requirements set forth in Board Policy 3740.

5. Role of the Title IX Coordinator

5.1. Each College is required to designate one or more employees as Title IX Coordinator. The names and contact information for each College's Title IX Coordinator are:

- Chadron State College
  Jody Motz
  Email: jmotz@csc.edu
  Phone: (308) 430-0980
  Address: Crites Hall 351
  1000 Main Street, Chadron, NE 69337
  https://www.csc.edu/titleix/
- Peru State College
  Michael Clark
  Email: mclark@peru.edu
  Phone: (402) 209-3797
  Address: Library 103
  P.O. Box 10, Peru, NE 68421
  https://www.peru.edu/titleix/
- Wayne State College
  Alicia Dorcey McIntosh
  Email: aldorce1@wsc.edu
  Phone: (402) 375-7321
  Address: Student Center 103C
  1111 North Main Street, Wayne, NE 68787
  http://www.wsc.edu/titleix/

5.2. The Title IX Coordinator is responsible for responding to reports of Sexual Harassment at the College by ensuring:

- The coordination of supportive measures;
- The facilitation of informal resolutions of Formal Complaints, when appropriate;
- The investigation of Formal Complaints of Sexual Harassment; and

- The creation of an investigative report which summarizes and assesses the credibility of the available evidence and synthesizes the areas of dispute and agreement.

5.3. The Title IX Coordinator may utilize the services of designees, other employees, and/or contracted services to satisfy the requirements of this policy.

6. Response to Reports of Sexual Harassment

6.1. Upon receipt of a report of Sexual Harassment, the Title IX Coordinator will promptly meet with the Complainant for the following purposes:

- To discuss the report, review the availability of Supportive Measures, and determine the Complainant's wishes regarding Supportive Measures;
- To listen to the Complainant's account and ask questions to gain a better understanding of the nature of the alleged incident;
- To explain the policy, the definition of Sexual Harassment, and the Grievance Process; and
- To discern the Complainant's wishes for next steps with respect to the Grievance Process.

6.2. The Title IX Coordinator must determine whether the alleged conduct can be addressed under this policy or whether the alleged conduct may be more appropriately addressed pursuant to a different Board or College policy or process.

- If the determination cannot be made based upon the information available, the Title IX Coordinator may seek additional information for purposes of making the determination; however, the Title IX Coordinator cannot conduct an investigation unless a Formal Complaint has been submitted.
- If the alleged conduct is determined not to fall within this policy, the Title IX Coordinator will refer the Complainant and the report to the appropriate College official. The responsibility for facilitating any Supportive Measures will depend upon the circumstances.

6.3. Supportive Measures

- Supportive Measures must be reasonable and are offered to restore and preserve equal access to the College's education programs and activities without unreasonably burdening the other party, to protect the safety of all parties or the educational environment, and/or to deter Sexual Harassment.
- All parties are treated equitably when offered Supportive Measures.

- The College may also utilize Supportive Measures as supplemental tools in disciplinary action, sanctions, or Informal Resolutions.
- Requests for Supportive Measures must be made directly to the Title IX Coordinator, who will facilitate implementation.
- Supportive Measure may include, but are not limited to the following:
  - Referral to counseling services;
  - Reasonable academic accommodations;
  - Changes to on-campus housing;
  - Changes to employment situations;
  - Use of Campus Security escort services;
  - Bi-lateral no contact orders; and
  - Other similar measures.

6.4. Emergency Removal of Respondents

- The College may remove a Respondent from the College's education program or activity on an emergency basis if, after conducting an individualized safety and risk assessment, it determines that the Respondent presents an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment.
- Decisions to remove a Respondent on an emergency basis will be made by the Vice President, Associate Vice President, or Dean responsible for Student Affairs as designated by the President based upon the outcome of the individualized safety and risk assessment.
- If removal is deemed appropriate, the party can challenge the decision by submitting a written appeal per Section 7.10 of this policy.

7. Grievance Process

7.1. Formal Complaint

- In order to commence the Grievance Process, the Complainant must submit a signed Formal Complaint alleging Sexual Harassment against a Respondent(s) and requesting the College investigate the allegations.
- At the time of filing the Formal Complaint, the Complainant must be participating in or attempting to participate in the College's education program or activity.
- The Title IX Coordinator may sign a Formal Complaint on behalf of the Complainant. However, the Title IX Coordinator does not become a party to the Formal Complaint.

7.2. Notice of Allegations

- Upon receipt of a Formal Complaint, the Title IX Coordinator will provide the Complainant and Respondent a Notice of Allegations and Investigation.
- The Respondent's notice must include sufficient detail known at the time for the Respondent to respond. The Title IX Coordinator will provide the Respondent with sufficient time to review the Notice of Allegations prior to Respondent's initial investigatory interview.

7.3. Advisor:

- Parties are entitled to select an Advisor of their choice at any time throughout the Grievance Process. Parties must have an Advisor during the hearing on a Formal Complaint, as the Advisor is responsible for asking the other party and all witnesses any relevant questions on behalf of their advisee. In all other instances throughout the grievance process (including interviews, meetings, and correspondence), the party will speak for themselves.
    - The College will maintain a list of trained employees who may be available to act as an Advisor.
    - If a party has selected an Advisor, the party should notify the Title IX Coordinator of the individual's name and contact information. The party will be asked to sign a FERPA waiver to allow information to be shared. A party's Advisor may accompany them to any meetings and assist in guiding the party through the Grievance Process.
    - The Title IX Coordinator provides information and updates to the parties involved. It is each party's responsibility to share information and updates with their Advisor as needed throughout the Grievance Process. However, circumstances may arise in which communications from the Title IX coordinator may need to include the Advisor.
    - If an Advisor is an attorney, their participation is subject to the same limitations as any non-attorney Advisor.
- If at the time the Pre-Hearing Meeting is scheduled, a party does not yet have an Advisor, the College will appoint one for them without any fee or charge to the party.

7.4. Grievance Process Overview

- The Grievance Process is a fair and impartial process during which all parties will have an opportunity to provide their account of the alleged incident, respond to the other party's account, and review evidence directly related to the allegations. All relevant inculpatory and exculpatory evidence will be objectively evaluated.

- Individuals cannot be required to participate in the Grievance Process.
- A Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process.
- The burden of proof and the responsibility for gathering evidence rests on the College, not the parties.
- Credibility determinations are not based on a person's status as a Complainant, Respondent, or Witness.
- Parties are prohibited from knowingly making false statements or submitting false information during the Grievance Process.
- The Complainant has two (2) options to resolve a Formal Complaint of Sexual Harassment:
    - The College investigates the allegations and completes an investigatory report, and after a hearing, a determination regarding responsibility is made; or
    - At any point during the process prior to a determination regarding responsibility, the Complainant and Respondent both agree to Informal Resolution.
- The College strives to complete the Grievance Process within sixty (60) business days from the date the Respondent receives Notice of the Allegations and Investigation unless good cause exists to extend this timeline under Section 7.12.

7.5. Investigation

- The Title IX Coordinator assigned to the matter may conduct the investigation or assign the investigation to a Designee, another College employee sufficiently trained to conduct the investigation, or a third-party investigator, all of whom are referred to as the "Investigator" for purposes of this policy.
- The Investigator will endeavor to complete the investigation in a timely manner.
- The Investigator is responsible for gathering evidence through:
    - Interviews of the Complainant, Respondent, and any Witness(es);
    - Collecting physical, written, video, recorded, text messages, and similar information, regardless of the format, that may provide relevant information regarding the allegations set forth in the Formal Complaint.
    - If a party wishes for their medical records, prior educational records, or other records that are external to the College to be considered in the Grievance Process, they must provide written

consent for those records to be released to the College and make arrangements for the records to be provided to the College.

- Once the evidence has been gathered, the Investigator will provide both parties with electronic copies of the evidence obtained from the investigation that is directly related to the allegations, including both inculpatory and exculpatory evidence. If the Investigator is a person other than the Title IX Coordinator, the Investigator will also provide the evidence to the Title IX Coordinator.
    - The parties will have ten (10) calendar days to submit a written response to the Investigator for purposes of correcting or clarifying the evidence or provide additional relevant information.
    - Any written responses received from the parties will be included in the Investigative Report.
    - A party's failure to respond will be taken as their confirmation that the evidence provided is accurate and complete for purposes of the Grievance Process.
- The Investigator will then prepare the Investigative Report that organizes and fairly summarizes the relevant evidence and synthesizes areas of dispute and agreement between the parties.
- The Investigator will provide the Investigative Report and any additional evidence not previously provided to the parties to the parties electronically at least ten (10) calendar days prior to the Hearing. If the Investigator is a person other than the Title IX Coordinator, the Investigator must also provide the Investigative Report and evidence to the Title IX Coordinator. The parties shall have ten (10) calendar days to provide a written response to the Investigative Report to the Investigator.

7.6. Pre-Hearing

- After the completion of the Investigation Report, the Title IX Coordinator shall designate a hearing chairperson. The College has the discretion, but is not required, to designate two (2) additional hearing panelists to conduct the hearing with the hearing chairperson.
- Once a designation is made, the Title IX Coordinator will:
    - Provide written notice to the parties of the designated hearing chairperson and additional panelists when applicable.
    - Provide the Investigative Report and evidence electronically to the hearing chairperson.
    - Schedule a tentative hearing date, time, and location for the hearing.

- If a party has a concern regarding bias or conflict of interest with respect to the hearing chairperson or a panelist, the party must inform the Title IX Coordinator in writing of the basis for the concern.
    - The Title IX Coordinator will provide notice of the concern raised to the other party.
    - The Title IX Coordinator is responsible for determining whether a bias or conflict of interest exists.
    - The Title IX Coordinator will inform both parties in writing of their decision regarding whether the hearing chairperson or panelist will be retained or removed and if applicable the individual appointed to replace them.
- The Title IX Coordinator will assist the hearing chairperson in scheduling a pre-hearing meeting with the parties and Advisors for purposes of determining a date, time, and location of the hearing, identifying witnesses, reviewing the conduct of the hearing, and the relevancy of evidence.
    - The pre-hearing meeting may take place remotely via electronic means or in-person.
    - The hearing chairperson, in consultation with the Title IX Coordinator, may choose to conduct separate pre-hearing meetings with the parties if warranted by the circumstances or requested by one or both of the parties.
    - If the parties wish to call specific witnesses, beyond those the hearing chairperson intends to call, the parties must provide the hearing chairperson with the names and contact information of the witnesses.
- The hearing chairperson, with the assistance of the Title IX Coordinator, is responsible for providing notices and summoning witnesses for the hearing.
- If the College has elected to use a hearing panel, the hearing chairperson, with the assistance of the Title IX Coordinator, will provide the Investigatory Report, evidence, witness lists, and hearing information to the hearing panelists.
- The hearing panelists may also request the attendance of witnesses at the hearing.

7.7. Hearing

- The College will conduct a live hearing as soon as practicable after the pre-hearing meeting.

- The College shall create an audio, audio-visual recording, or transcript of any Hearing and make it available to the parties for inspection and review.
- The hearing chairperson is responsible for directing the conduct of the hearing.
- The Title IX Coordinator shall provide logistical assistance with respect to the hearing and be present at the hearing to provide clarification regarding policy and process.
- The Investigator must be present at the hearing to answer questions or clarify information with the Investigatory Report.

- Each party's Advisor will be permitted to present relevant evidence and ask relevant questions of the other party and witnesses.
  - The hearing chairperson and any hearing panelists are also entitled to ask questions of witnesses during the hearing.
  - The hearing chairperson and any hearing panelists are also entitled to ask questions of witnesses during the hearing.
  - After each question asked by an Advisor or hearing panelist, the hearing chair must determine whether the question is relevant and instruct the individual whether they may answer. If a question or evidence is excluded based upon relevance, the hearing chairperson must provide a reason in the written Determination of Responsibility.
- With respect to determining relevance, questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless:
  - Offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant;
  - Concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent; or
- All parties, advisors, witnesses, and other participants are expected to conduct themselves in a respectful and civil manner. The hearing officer can require the removal of any person who fails to do so; however, the hearing officer must take steps to ensure that the removal of the individual does not negatively affect the fairness of the process.

7.8. Deliberations and Determination of Responsibility

- In determining whether Sexual Harassment occurred and whether a Respondent is responsible for the Sexual Harassment, the decision-maker(s) shall use the preponderance of the evidence standard.

- If a hearing panel is being utilized, the hearing panel will convene within forty-eight (48) hours of the end of the hearing to reach a decision as to responsibility.
- If a hearing panel is being utilized, the decision will be based upon majority vote, with the hearing chairperson and each hearing panelist having a vote.
- The hearing chairperson is responsible for providing a written determination to both parties regarding responsibility including any sanctions or disciplinary action within ten (10) calendar days of the conclusion of the hearing.

7.9. Sanctions and Remedies

If the Respondent is found responsible, the Panel shall determine appropriate sanctions based after consideration of relevant factors. The factors considered by the Panel when determining sanctions and responsive actions may include:

- The nature, severity of, and circumstances surrounding the violation,
- The Respondent's disciplinary history,
- The need for sanctions to bring an end to the sex discrimination, sex-based harassment, and/or retaliation,
    - The need for sanctions to prevent the future recurrence of sex discrimination, sex-based harassment, and/or retaliation
    - The need to remedy the effects of the sex discrimination, sex-based harassment, and/or retaliation on the Complainant and the community
    - The impact on the Parties
    - Any other information deemed relevant by the Panelists
- The sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.
- The following are the common sanctions that may be imposed upon students: Reprimand; Required Counseling; Restrictions on Certain Activities; Restrictions from Housing; Restrictions from Campus Facilities; Required Education; Required Training; Probation; Suspension; and/or Expulsion.

7.10. Appeal

- The following actions may be appealed by either party:
    - A Determination of Responsibility;
    - A dismissal of a Formal Complaint;

- A decision on emergency removal of a student under 6.4 of this policy.

- The permissible bases for appeal of a determination of responsibility or dismissal of a Formal Complaint are:
  - Procedural irregularity that affected the outcome;
  - New evidence that was not reasonably available at the time the determination was made that could have affected the outcome; or
  - The Title IX Coordinator, designee, hearing chairperson, or hearing panelist had a conflict of interest or bias for or against a party or Complainants or Respondents generally that affected the outcome.
- The permissible basis for the appeal of a decision on emergency removal of a student would be if the decision erred in determining that they represent an immediate threat to the physical health or safety of any student or other individual.
- The Appeals Decisionmaker will be the President of the College, or their designee.
- To appeal, a party must submit a written request to the Appeals Decisionmaker, within five (5) calendar days of the delivery of the determination of responsibility, the dismissal of the formal complaint, or of the notice of removal of a student on an emergency basis.
- All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or Decision-makers, will be provided with a copy of the appeals request and will be given five (5) calendar days to submit a response to the portion of the appeal that involves them. The Appeals Decisionmaker will forward all responses, if any, to all Parties for review and comment. The Appeals Decisionmaker may collect additional information needed and all documentation necessary regarding the appeal.
- Appeal decisions are to be deferential to the original determination, making changes only when there is clear error and clear compelling justification.
- The Appeals Decisionmaker will send a written determination on the appeal outcome and the rationale, to all parties as soon as practicable. Once an appeal is decided, the outcome is final and constitutes the final determination, and further appeals are not permitted unless the appeal results in a new hearing.

7.11. Informal Resolution

- At any time after a Formal Complaint is filed but prior to reaching a determination regarding responsibility, the parties may request to engage in an Informal Resolution process established by the College.
- Both parties must provide voluntary, written consent to participate in Informal Resolution.
- Informal Resolution cannot be used to resolve allegations that an employee sexually harassed a student, including allegations involving a student-employee if the alleged conduct occurred in the context of their employment.
- The Title IX Coordinator assigned to the matter may facilitate the Informal Resolution process or assign a Designee, another College employee or a third-party, all of whom are referred to as the Facilitator for purposes of this section.
- The Facilitator will provide the parties with written notice disclosing the allegations, the requirements of the Informal Resolution process, and the rights and responsibilities resulting from participation in the process.
- The Facilitator can present a framework of potential remedies to guide the parties in negotiation, facilitate the process, and assist in reducing any agreement to writing, but the parties themselves must come to an agreement.
- The Title IX Coordinator, in consultation with appropriate College officials, is responsible for reviewing and determining whether any agreement reached through the Informal Resolution process is appropriate.

7.12. Temporary Delays and Extensions of Time

- The College may temporarily delay the grievance process or provide limited extensions of time for good cause.
- Either party may request a temporary delay of the grievance process or an extension of time for good cause by submitting a written request to the Title IX Coordinator.
- For purposes of this section, good cause may include, but not be limited to:
    - The absence or unavailability of a party, an Advisor, a Witness, or other person necessary to the grievance process;
    - Concurrent law enforcement activity; or
    - The need for language assistance or disability accommodation.

- The Title IX Coordinator will notify the parties in writing of any delay in the process or extensions of time and the reasons for any such delay or extension.

7.13. Dismissal of a Formal Complaint

- Mandatory Dismissal: The College is required to dismiss a Formal Complaint if:
  - The alleged conduct, if proven, would not constitute Sexual Harassment as defined in this policy.
  - The alleged conduct did not occur in the College's education program or activity; or
  - The alleged conduct did not occur against a person in the United States.
- Permissive Dismissal: The College may dismiss a Formal Complaint if:
  - The Complainant withdraws a Formal Complaint in writing;
  - The Respondent is no longer enrolled in or employed by the College; or
  - Specific circumstances prevent the College from gathering evidence sufficient to reach a determination.
- The parties will receive written notice of any dismissal including the basis for the dismissal.
- Parties may appeal the dismissal of a Formal Complaint pursuant to Section 7.10 of this policy.
- Allegations dismissed under a mandatory dismissal may be addressed pursuant to Board Policy 3100 under the Student Code of Conduct.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 28-319	Sexual assault; first degree; penalty.
	Neb. Rev. Stat. 28-319.01	Sexual assault of a child; first degree; penalty.
	Neb. Rev. Stat. 28-702	Incestuous marriages; declared void.
	Neb. Rev. Stat. 28-711	Child subjected to abuse or neglect; report; contents; toll-free number.
	Clery Act 20 U.S.C. 1092(f)	
	34 CFR 106.45(3)(i)	

Policy Adopted: June 2012 (Effective July 2012)

Policy Revised: July 2013, December 2013, April 2014 (Effective July 2014), November 2014, January 2015, March 2015 (Effective July 2015), August 2015, March 2016, October 2016, June 2017, July 2017, June 2018, July 2020, August 2020, February 2021, June 2021, October 2021, February 2022, September 2022, September 2023, March 2025, August 2025, September 2025, April 2026, June 2026

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Unlawful Harassment

POLICY NUMBER: 3021

A. PURPOSE

To communicate the Board of Trustee's commitment to providing an environment in which all students who participate in College programs and activities can work together in an atmosphere free from unlawful discrimination, including unlawful harassment.

B. DEFINITIONS

None

C. POLICY

1. Prohibition of Discrimination

1.1. The Board specifically prohibits unlawful discrimination and harassment based on any class protected by applicable federal, state, or local law. Board Policy 3020 concerns unlawful sex harassment.

1.2. Harassment based on a protected class may take many forms, including unwelcome verbal acts, name-calling, derogatory comments, slurs, coercion, intimidation and/or negative stereotyping; graphics and written statements, which may include use of cell phones or the Internet; or other physically threatening, harmful, or humiliating conduct. Harassment does not have to include an intent to harm, be directed at a specific target, or involve repeated incidents. (Conduct is unwelcome if the student did not request or invite it and regarded the conduct as undesirable or offensive. Acquiescence in the conduct or the failure to complain does not always mean that the conduct was welcome.)

2. Nondiscrimination Efforts

2.1. The Colleges will take appropriate action to prevent, correct, and discipline discriminatory behavior that is found to violate Board policies and principles of equal opportunity and access.

2.2. Each College has designated an individual to coordinate the College's nondiscrimination efforts to comply with regulations implementing Title II of the Americans with Disabilities Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act. Inquiries regarding nondiscrimination policies and practices may be directed to the Compliance Coordinators assigned at each College and identified on each College website.

2.3. Students who believe they or others have been subjected to unlawful discrimination should immediately report their concerns to any College President, Vice-President, Dean, Title IX Coordinator, staff member of Housing/Residence Life (including Directors, Managers, Assistant Directors, Senior Residence Hall Advisors, and Residence Hall Advisors), Coach, or any Campus Security Officer.

2.4. The Board of Trustees will follow the processes and procedures described in Board Policies 3020, 3100 and 3200 to investigate and address discriminatory behavior.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: April 2014

Policy Revised: March 2017, April 2022, September 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Residency

POLICY NUMBER: 3050

A. PURPOSE

Pursuant to Article VII, Section 13 of the Constitution of the State of Nebraska, and Sections 85-501 to 85-504 of the Nebraska Revised Statutes, the Board shall fix and collect tuition and fees for resident and non-resident students who matriculate at one of the State Colleges.

B. DEFINITIONS

1. **Dependent:** a person who is claimed as a dependent or an exemption for federal income tax purposes by a parent, guardian, or spouse.
2. **Emancipated Minor:** shall mean an individual who, by virtue of marriage, financial status, or other reasons, has become independent of their parents or guardians.
3. **"Established a Home":** shall mean that the individual continuously maintains a primary place of residence in Nebraska where the individual is habitually present. For the purpose of determining tuition rates, students living in on-campus housing for one hundred eighty (180) consecutive days have "established a home."
4. **Legal Age:** the age of majority set by Nebraska statute.
5. **Legal Residence:** the place of domicile or permanent abode as distinguished from temporary residence.
6. **Non-Resident Tuition:** the non-resident tuition rate set by the Board.
7. **Objective Evidence of Intent to be a Resident of Nebraska:** a Nebraska driver's license, state identification card, a Nebraska motor vehicle registration, or documentation that the individual is registered to vote in Nebraska.
8. **Resident Tuition:** the resident tuition rate set by the Board.

C. POLICY

1. General

1.1. An individual who has been enrolled at a Nebraska State College or at the University of Nebraska as a resident student shall be afforded that privilege during the balance of that and any subsequent enrollments at the State College.

1.2. An individual who moves to Nebraska primarily to enroll at a Nebraska State College is presumed to be a non-resident for tuition purposes for the duration of the individual's attendance at the College, unless the individual is able to establish residency status for tuition purposes as outlined below.

1.3. Individuals seeking to establish resident status for tuition purposes who are subject to the one hundred eighty (180) days minimum requirement must have established a home in Nebraska at least one hundred eighty (180) days prior to the time at which they request such a determination. In addition, they must also initiate the various other domiciliary contacts, which will support their application within a reasonable period of time after they have established their domicile in Nebraska.

1.4. If it is subsequently determined that an individual has provided false information in support of their application for resident student determination for tuition purposes, they may be subjected to disciplinary action by the College before the individual will be permitted to continue with their studies at the College. Such disciplinary action will be determined on an individual basis and may include measures such as disciplinary probation or suspension, expulsion from the College, or a requirement that the individual reimburse the College for the difference between the tuition paid and the non-resident tuition rate.

1.5. Individuals who are undocumented aliens seeking a resident student determination for tuition purposes will be required to sign a notarized affidavit outlining the reasons under which they believe that they qualify and are attesting to the truth and accuracy of their statements.

1.6. Individuals who believe that they have been incorrectly denied a resident tuition determination may appeal that decision through channels established by the President where the adverse decision was made. The decision by the President or their designee shall be final for any such appeals.

2. Resident Tuition Categories

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

2.1. A person of legal age (nineteen [19] years or older) or an emancipated minor who for a period of at least one hundred eighty (180) days has

resided in Nebraska where the person is habitually present prior to application for resident status, and who can verify by documentary proof that they intend to make Nebraska their permanent residence. In addition to documentation of occupancy of a home, residence, or on-campus housing in Nebraska for the previous one hundred eighty (180) days, intent to make Nebraska a permanent residence may be demonstrated by any three (3) of the following factors:

- A current Nebraska driver's license;
- A current Nebraska State Identification (ID) card with color photograph of the person;
- Documentation that the individual is registered to vote in Nebraska;
- A current Nebraska automobile registration in the individual's name;
- Documentation of individual checking or savings accounts maintained with a Nebraska financial institution;
- Documentation of current employment in Nebraska, and withholding of Nebraska income tax;
- Copies of the provisions of an individual's most recent state income tax return indicating a Nebraska taxpayer status; or
- Documentation that the student has lived in on-campus housing for one hundred eighty (180) days.

2.2 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. For the purpose of this section, an individual shall be required to present documentary proof that their parent, parents, or guardian have established a home in Nebraska. Such proof shall consist of the following:

- Documentation that the parent, parents, or guardian have established a home in Nebraska;
- Documentation that the individual seeking a resident tuition determination is a dependent for federal income tax purposes of the parent, parents, or guardian who has established a home in Nebraska; and
- Other supporting documents of the parent, parents, or guardian's Nebraska residency including, but not limited to, a current Nebraska driver's license; documentation that the individual is registered to vote in Nebraska; a current Nebraska automobile registration in the individual's name; documentation of individual checking or savings account maintained with a Nebraska financial institution; or documentation of current employment in Nebraska.

- 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 above in this section, shall continue to be classified as a resident for tuition purposes if the parent, parents, or guardian, upon whom the individual remains dependent, move from the state.
- There shall be no minimum period of residence for the parent, parents, or guardian under this section.

2.3 A person of legal age who has established a home in Nebraska and is a dependent for federal income tax purposes of a parent, parents, or former legal guardian who has established a home in Nebraska.

- For purposes of this section, an individual shall be required to present the following documentation. Such documentation shall be the same as that required under section 2.2 above.
    - Documentation that both they and the parent, parents, or former guardian have established a home in Nebraska.
    - Documentation that they are, for federal income tax purposes, the dependent of the parent, parents, or former guardian for the most recent tax year.
- There shall be no minimum period of residence under this section.

2.4 An individual who has married a resident of Nebraska.

For the purpose of this section, an individual shall be required to verify that the individual is married to an individual who, prior to the marriage, had already established a home in Nebraska. Such verification shall consist of:

- A valid marriage license; and
- Documentation of their spouse’s Nebraska residence status, as required in Section 2.1 above.

2.5 An individual who has become a permanent resident alien of the United States or has been granted asylee or refugee status. For purposes of this section, an individual will be required to present documentation that they have been a resident of the State of Nebraska for a period of at least one hundred eighty (180) days, verified as required in section 2.1 above; and are a holder of a permanent resident alien, asylee, or refugee status.

2.6 An individual who is a staff member or a dependent or spouse of a staff member of one of the Nebraska State Colleges, the University of Nebraska, or one of the Nebraska Community Colleges. For the purposes of this section, an individual will be required to verify that they are either:

- A permanent, full-time staff member holding at least a .75 FTE appointment at a State College, the University of Nebraska, or one of the Nebraska Community Colleges; or
- The spouse or a dependent of such a staff member for federal income tax purposes.

2.7 An individual 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.

- An individual on active duty with the United States armed services will be granted resident tuition status if the individual verifies they are on active duty with the armed forces and their permanent duty station is in Nebraska.
- An individual who is a spouse or a dependent of a person who was on active duty with the United States armed services assigned to a permanent duty station in Nebraska at the time such individual was accepted for admission to one of the Nebraska State Colleges and such student remains continually enrolled at such College will be granted resident tuition status, if the individual verifies they are a spouse or dependent, for federal income tax purposes, of an individual meeting the qualifications outlined above in this section.
- There shall be no minimum period of residence under this section.

2.8 An individual who is currently serving in the Nebraska National Guard.

2.9 An individual who enrolls in one of the Nebraska State Colleges and who is a veteran as defined by Neb. Rev. Stat. §80-401.01 and was discharged or released from a period of not fewer than ninety (90) days of service in the active military, naval, or air service shall be considered a resident if registered to vote in Nebraska and demonstrates objective evidence of intent to be a resident of Nebraska.

2.10 A person who is a spouse or dependent of a veteran described in section 2.9 shall be considered a resident student if registered to vote in Nebraska and demonstrates objective evidence of intent to be a resident of Nebraska. A person who is younger than eighteen (18) years of age is not required to register to vote until the person attains eighteen (18) years of age.

2.11 A person who is an eligible recipient entitled to educational assistance as provided in 38 U.S.C. 3319 while the transferor is on active duty in the uniformed services or as provided in 38 U.S.C. 3311(b)(9) if registered to vote in Nebraska and demonstrates objective evidence of intent to be a resident of Nebraska. A person who is younger than eighteen (18) years of age is not required to register to vote until the person attains eighteen (18) years of age.

2.12 A person who is entitled to rehabilitation pursuant to 38 U.S.C. 3102(a) if registered to vote in Nebraska and demonstrates objective evidence of intent to be a resident of Nebraska. A person who is younger than eighteen (18) years of age is not required to register to vote until the person attains eighteen (18) years of age.

2.13 An individual who has established a home in Nebraska and is a graduate of an accredited Nebraska senior high school and was a legal resident of the state at the time of graduation.

- For the purposes of this section, documentary proof of a Nebraska residence shall consist of an official transcript from an accredited Nebraska senior high school indicating that the individual graduated from that school.
- There shall be no minimum period of residence for the individual under this section.

2.14 An individual who has been enrolled at one of the Nebraska State Colleges, a Nebraska Community College, or the University of Nebraska as a resident student, shall be afforded the same privilege during the balance of that and any subsequent enrollments at a State College.

2.15 An individual who is an alien and who has applied to or has a petition pending with the United States Immigration and Naturalization Service to attain lawful status under federal immigration law, and has established a home in Nebraska for a period of at least one hundred eighty (180) days where the individual is habitually present with the bona fide intention to make this state their permanent residence, supported by documentary proof.

2.16 An individual who is an alien and has resided with their parent, parents, guardian, or conservator while attending a public, private, denominational, or parochial high school in the State of Nebraska or a school in this state which elects pursuant to Neb. Rev. Stat. §79-1601 not to meet accreditation or approval requirements and meets the following criteria:

- Graduated from a public, private, denominational, or parochial high school in this state or a school in this state which elects pursuant to Neb. Rev. Stat. §79-1601 not to meet accreditation or approval requirements or received a diploma of high school equivalency issued pursuant to Neb. Rev. Stat. §79-601;
- Resided in this state for at least three (3) years before the date the student graduated from the high school, completed the program of instruction, or received the diploma of high school equivalency;
- Registered as an entering student in a state postsecondary educational institution not earlier than the 2006 fall semester; and

- Provided to the Nebraska State College an affidavit stating that they will file an application to become a permanent resident at the earliest opportunity they are eligible to do so.

2.17 Members of Native American tribes who live outside the state of Nebraska qualify for in-state tuition upon providing documentation of tribal membership. It is the responsibility of the student to submit a copy of their tribal card if the student wants to be eligible for resident tuition.

2.18 An individual who is qualified for a national service educational award or summer of service educational award from the National Service Trust pursuant to 42 U.S.C. 12602, as such section existed on January 1, 2021.

3. Non-Residents Who Pay Nebraska Income Tax

Individuals, who reside outside of Nebraska but pay Nebraska income tax, and the spouses or dependents of such individuals as defined by IRS regulations, are eligible for resident tuition upon annual documented evidence of such payment to the State.

4. Non-Residents Working Full-Time in Nebraska

4.1. Individuals working full-time in Nebraska, and their legal dependents as defined by IRS regulations, who reside out-of-state but within states contiguous to Nebraska and file Nebraska non-resident income taxes shall be eligible for resident tuition.

4.2. For purposes of this section, individuals requesting resident tuition status under this section shall annually provide the College with evidence of current full-time employment in the State of Nebraska and evidence of filing Nebraska income tax forms for the most recent tax year.

4.3. Eligible dependents shall annually provide proof of their parent, parents, or guardian's full-time employment in the State of Nebraska and evidence of their parent, parents, or guardians having filed a Nebraska income tax form proving dependency for the most recent tax year.

FORMS / APPENDICES:

None

SOURCE:

Legal Reference:

Neb. Rev. Stat. 80-401.01	Terms; defined.
Neb. Rev. Stat. 85-501	State educational institutions; non-resident fees.
Neb. Rev. Stat. 85-502	State postsecondary educational institution; residence requirements.
Neb. Rev. Stat. 85-502.01	Public college or university; veteran; spouse or dependent of veteran; eligible recipient under federal law; person entitled to rehability under federal law; resident student; requirements.
Neb. Rev. Stat. 85-503	State educational institutions; tuition.
Neb. Rev. Stat. 85-504	State educational institutions; fees; waiver.
Neb. Rev. Stat. 85-607	Denial of admission of or discrimination against certain qualified student; prohibited.

Policy Adopted: January 1977

Policy Revised: October 1980, June 1993, June 2006, September 2006, April 2007, March 2011, September 2012, March 2013, June 2014, September 2014, March 2015, June 2016, June 2019, September 2021, April 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Student Conduct

POLICY NUMBER: 3100

A. PURPOSE

To establish standards of student conduct essential to creating and maintaining a productive and safe educational community that fosters the personal, ethical, and intellectual development of our students.

B. DEFINITIONS

1. **Student:** All persons enrolled at the State Colleges.
2. **Student Organization:** For the purposes of Section 5.19, Student Organization shall mean any organization at the College (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band or student government) in which two or more of the members are students enrolled at the College whether or not the organization is established or recognized by the College. In all other instances, Student Organization shall mean a Recognized Student Organization (RSO) under Policy 3300.

C. POLICY

1. General

1.1. As members of an academic community, students are expected to conduct themselves with integrity and in a responsible manner to support a safe and productive educational environment for themselves and others.

1.2. The Board grants authority to the Presidents to designate appropriate officers, establish representative college committees, render initial decisions and provide appeal procedures in regard to allegations of academic dishonesty; grade appeals; failure to pay a financial obligation; or academic performance, achievement, probation and suspension.

1.3. Acceptance of this policy by the student is implied as a condition of their enrollment.

2. Scope

2.1. This policy applies to student conduct occurring on college property or property leased by the College, student government or an RSO;

2.2. This policy applies to student conduct occurring off college property under the following circumstances:

- The conduct occurs at or during events and/or travel authorized, funded, or sponsored by the Colleges, student government, or an RSO;
- The conduct poses a serious risk to the health or safety to students or employees on College property;
- The conduct caused or was intended to cause physical injury to another student or employee of the College and interfered with the student's or employee's ability to participate in the College's education program or activities; or
- The conduct could or was intended to cause harm on college property.

2.3. Issues related to academic integrity should be reported to the Vice President for Academic Affairs.

3. Student Responsibilities

Students are responsible for obeying state and federal laws; Board policies; College policies, rules and regulations; and to refrain from any misconduct set forth herein or conduct injurious to themselves, to others, or to the reputation or interest of the College.

4. Potential Disciplinary Sanctions and Interim Measures

4.1. Students engaging in misconduct as set forth herein, whether occurring on or off College property as set forth in Section 2, may result in disciplinary action taken against the student pursuant to Policy 3200.

4.2. Students may be ordered to leave the College under a temporary suspension pending disciplinary action due process per Policy 3200 in the event the student's continued presence is believed to threaten the safety or health of another person or for other reasons at the discretion of the senior student affairs officer. Such order shall be given in writing by the senior student affairs officer.

4.3. Pending disciplinary action under Policy 3200, students may be subject to interim measures, including but not limited to no contact orders, temporary restrictions from specific areas of the campus, changes in class schedules and/or delivery; changes in residence hall assignments and/or changes in campus employment.

4.4. Students may be ordered to leave the College under a temporary suspension pending disciplinary action due process per Policy 3200 in the event the student's continued presence is believed to threaten the safety

or health of another person or for other reasons at the discretion of the senior student affairs officer.

4.5. Students suspended or expelled from one of the Colleges may be admitted to another College only under the same conditions that they would be readmitted to the College from which they were suspended.

5. Standards of Responsible Conduct

The following acts shall be considered to constitute misconduct for which an offending student and/or student organization may be subject to disciplinary sanctions.

5.1. Participation in a demonstration on College property which materially and substantially disrupts or obstructs the normal operations, activities or functions of the College, including unauthorized occupation of College premises;

5.2. Failure to evacuate College facilities or willfully ignoring any emergency or alarm signal or request to evacuate by appropriate emergency personnel;

5.3. Falsification or willful suppression of any information for or on an application for admission, or falsification or misuse of College identification or other documents;

5.4. Misuse of computers or computing resources, including, but not limited to, violating the following federal regulations: the Copyright Act of 1976 and the Fair Use Guidelines, the Digital Millennium Copyright Act of 1998, and the Technology, Education and Copyright Harmonization Act of 2002;

5.5. Unlawful or unauthorized possession, use, distribution, dispensing, delivery, sale or consumption, manufacture, or being in the presence of any alcoholic beverage, including empty bottles, cans or other alcohol container on any part of College property including outdoor areas and parking lots;

5.6. Alcohol consumption that endangers the health, safety, or property of oneself or another, or requires medical treatment or College staff intervention;

5.7. Unlawful or unauthorized possession, use, distribution, delivery, dispensing, manufacture or sale, or being in the presence of any drug; being in possession of paraphernalia for drug use, except as expressly permitted by law, or being unlawfully under the influence of any drug unless directed by a licensed physician;

5.8. Inflicting unwanted physical contact on another person; conduct that intimidates, harasses, or threatens the safety, health, property, or life of others or oneself; participating or contributing to an incident of abuse or assault; causing, provoking or engaging in any fight, brawl or riotous

behavior; or inflicting willful and repeated harm through the use of computers, cell phones, and other electronic devices;

5.9. Any act occurring on College property or on the premises of a student housing unit which intentionally disturbs the peace and quiet of any person or group of persons;

5.10. Sex harassment as Policy 3020 defines those terms but that is not otherwise redressable under Policy 3020;

5.11. Conduct which is unreasonably dangerous to the health or safety of other person or oneself;

5.12. Theft or attempted theft of any property or receipt of stolen property;

5.13. Damaging or attempting to damage property of the College or of another individual;

5.14. Using or possessing bombs, explosives, incendiary devices, or fireworks;

5.15. Setting or attempting to set any fire on the campus or on the premises of any student housing unit, except in fireplaces or other facilities designated for fires;

5.16. Failing to report a fire or any other extremely dangerous condition when known or recognized on College property or on the premises of any student housing unit;

5.17. Possessing or selling firearms ammunition, weapons, explosives, or dangerous chemicals on College property or on the premises of any student housing unit;

5.18. Obstructing or failing to comply with the directions of a law enforcement officer, firefighter, or College official in the performance of their duty on College property, on the premises of any student housing unit or at any activity or event sponsored by the College or an organization;

5.19. Hazing any person. Hazing means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that (I) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and (II) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including:

- whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;

- causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- causing, coercing, or otherwise inducing another person to perform sexual acts;
- any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- any activity against another person that includes a criminal violation of local State, Tribal, or Federal law; and
- any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

5.20. Committing any unlawful act of indecent exposure or public indecency;

5.21. Participating in any gambling activity in violation of the laws of the State of Nebraska or of the United States;

5.22. Unauthorized use of any College property, facilities, equipment, or materials;

5.23. Possessing, producing, manufacturing, or having manufactured without proper authorization, any key or unlocking device for use on any College facility or lock;

5.24. Serious traffic violations on the campus, including, but not limited to, operating any vehicle while intoxicated, speeding, reckless endangerment, or reckless driving;

5.25. Violation of any student housing unit policy, rule or regulation;

5.26. Failure to redeem or make arrangements to redeem, within one week after receipt of written notice, an insufficient funds or no account check submitted to the College for cash or for payment of College goods or services;

5.27. Abuse of College investigations or disciplinary proceedings which includes, but is not limited to:

- failure to obey a request to appear before a disciplinary officer or committee,
- falsification of testimony,
- disruption or interference with the orderly conduct of any hearing,
- attempting to discourage any person from using College disciplinary procedures or participating in such procedures,

- attempting to influence the impartiality of a member of a disciplinary committee prior to any proceeding,
- filing a malicious, false or frivolous complaint,
- verbal or physical harassment or intimidation of a member of a disciplinary committee prior to, during, or after a proceeding,
- failure to comply with any sanction imposed,
- influencing or attempting to influence another person to commit an abuse of disciplinary proceedings, and
- a violation of the privacy rights of any student or College employee in regard to a disciplinary proceeding.

5.28. Any act by a student which occurs on the campus, while studying abroad, on the premises of any student housing unit or at any activity or event sponsored by the College or an organization which is in violation of any ordinance of the municipality in which the College resides, shall constitute misconduct;

5.29. Falsely setting off or otherwise tampering with any emergency safety equipment, fire alarm, or other device established for the safety of individuals and/or college facilities;

5.30. Harassing or discriminating against any student, faculty, or staff member, as defined in Board Policy 3021;

5.31. Being found to have willfully violated the Foreign Adversary and Terrorist Agent Registration Act or any rule or regulation under the Act; and

5.32. Any other activity or conduct prohibited by the College in published policies.

6. Unreasonably Dangerous or Threatening Conduct Toward Self

6.1. Student behaviors and actions that are unreasonably dangerous to self or which threaten the student's own safety or health may constitute misconduct under this Policy and may be addressed by the College administration through the disciplinary process. When practicable and appropriate, efforts will be made to advise students regarding voluntary withdrawal options in lieu of initiating disciplinary due process as set forth in Policy 3020.

6.2. At the discretion of the senior student affairs officer, a student may be allowed to voluntarily withdraw when continued enrollment no longer appears to be in the best interests of the student and/or College in conjunction with mutually agreed upon conditions that will be required for the student to reapply for admission.

SOURCE:

Legal Reference:	Neb. Rev. Stat. 53-186	Consumption of liquor on public property; forbidden; exceptions; license authorized.
	Neb. Rev. Stat. 85-301	State colleges; official names; board of trustees; appointment; expenses.
	Neb. Rev. Stat. 4-201 through 4-213	Foreign Adversary and Terrorist Agent Registration Act

Policy Adopted: January 1977

Policy Revised: April 1981, June 1993, March 1994, August 1997, March 2008, March 2011, January 2012, April 2014, June 2016, June 2018, September 2019, April 2020, June 2021, April 2022; June 2023, September 2024, March 2025, September 2025, January 2026

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Due Process

POLICY NUMBER: 3200

A. PURPOSE

To establish and provide procedural due process to students accused of misconduct pursuant to Policy 3100.

B. DEFINITIONS

1. **Preponderence of the Evidence:** The standard of evidence to be used to determine responsibility for misconduct meaning it is more likely than not that the misconduct occurred.

C. POLICY

1. Informal Resolution

The College may resolve conduct issues informally if warranted by the individual circumstances including, but not limited to, the responsiveness of the student, the severity of the offense, a student's prior misconduct, and the health and safety of the student or other members of the campus community.

Informal resolution of conduct issues in which two (2) or more students are involved in a physical altercation with one another will not be permitted unless all students involved agree to informal resolution.

2. Disciplinary Sanctions

Disciplinary Sanctions may include warnings, demands for restitution or reimbursement, fines, a period of probation, remedial behavioral requirements, remedial educational requirements, suspension, or expulsion.

3. Withdrawal

At the discretion of the senior student affairs officer, a student may be allowed to voluntarily withdraw when continued enrollment no longer appears to be in the best interests of the student and/or College in conjunction with mutually agreed upon conditions that will be required for the student to reapply for admission. The senior student affairs officer will work with the Vice President for Academic Affairs to determine what, if any, academic penalties would apply. Any

unresolved conduct issues will remain pending and must be resolved as a condition of readmission. Additional conditions may include, but not be limited to, the length of time a student must wait to reapply and/or the length of time a student has to reapply for admission.

4. Notice

4.1. The student shall be notified in writing by an appropriate College official that they are accused of misconduct. The student shall be made aware of the grounds which would justify such action by way of the student handbook or other published College regulation.

4.2. The student shall be notified that they may elect one of three (3) courses of action. The student shall be advised of a date (deadline) by which such an election must be communicated to the appropriate College official.

- Option 1: The student may admit the alleged violation and request, in writing, that the appropriate College official take whatever action seems appropriate.
- Option 2: The student may admit the alleged violation in writing and request a hearing before the appropriate hearing panel designated by the College. The hearing panel will determine the appropriate sanctions.
- Option 3: The student may deny the alleged violation, in which case, the appropriate College official shall refer them to the appropriate hearing panel designated by the College. The hearing panel will determine responsibility and the appropriate sanctions.

4.3. The student's decision can be binding, if freely and knowingly made, even though suspension, expulsion or the imposition of a stigmatizing sanction might result.

4.4. Students should be advised in writing of all risks associated with any waiver of due process rights and provided a reasonable amount of time to consider their decision and to confer with a family member or advisor.

4.5. If the student fails to respond to the appropriate College official in a timely manner according to the date (deadline) and/or fails to elect one (1) of the three (3) courses of action, the appropriate College official may address the alleged misconduct without providing further due process.

5. Option 1 Procedure

If the student chooses to admit the alleged violation and have the College take appropriate action, the College may address the alleged misconduct without providing further due process.

6. Option 2 or 3 Procedure

6.1. If the student selects either to admit the alleged violation and have a hearing panel determine appropriate sanctions or deny the alleged

violation and have a hearing panel determine responsibility and the appropriate sanctions, a hearing shall be conducted in accordance with this section within ten (10) class days, unless the student requests an extension in writing, which shall not be unreasonably denied.

- Requests for an extension should be directed to the senior student affairs officer.
- Students studying abroad shall be under the direction of the accompanying College official until the student's return to campus, at which time, if needed, the due process procedures will commence.

6.2. Prior to the hearing, the student shall be entitled to the following:

- Written notification of the time and place of the hearing with reasonable time allowed to prepare a presentation and defense;
- A written statement of the allegations (incident or behavior) with sufficient particularity so that the student may prepare their defense;
- The grounds which would justify disciplinary action cited in the student handbook or Board Policy and the possible sanctions that may be imposed;
- Written notification of the names of the witnesses who are directly responsible for having reported the allegations, or if there are no such witnesses, written notification of how the allegations came to the hearing panel's attention; and
- A copy of all documentary evidence to go before the hearing panel.

6.3. Members of the hearing panel shall have the opportunity to examine the case file beforehand.

6.4. The student shall be entitled to appear in person before the hearing panel, and may call witnesses on their behalf. If the student does not appear before the hearing panel, the hearing shall be held in their absence.

6.5. The student shall be entitled to be accompanied by a person of their own choosing from the College community to assist in the proceedings or by counsel at the student's expense. An attorney or advisor, if present at the request of the student, may be present to counsel the student, but may not directly participate in the hearing by making oral presentations or arguments, examine or cross examine a witness, or object to testimony of a witness or to the introduction of other evidence.

6.6. Members of the hearing panel shall have the opportunity to question the accused and witnesses at the hearing.

6.7. The student shall be entitled to ask questions of the hearing panel or any witness.

6.8. The student shall be entitled to an expeditious hearing of the case.

6.9. Hearings are closed to the public.

6.10. An audio recording of the hearing will be made and kept by the College consistent with document retention schedules.

6.11. The student shall be entitled to an explanation in writing of the reasons for any decisions rendered against them and the discipline imposed, and shall be given access to the hearing panel's decision for their personal records.

6.12. Technical rules of evidence or procedure need not be employed in the hearing proceedings. Hearsay evidence is not required to be excluded, but a finding of misconduct on hearsay evidence alone is not appropriate in hearings, including a serious disciplinary case such as suspension or expulsion.

6.13. A student's misconduct shall be determined by a preponderance of the evidence standard.

6.14. Hearing decisions need not be unanimous. A simple majority vote shall be sufficient.

6.15. The student shall be notified of their right to appeal the decision of the hearing panel to the senior student affairs officer.

6.16. Appeals must be in writing and are due to the senior student affairs officer within five (5) class days after the student received the hearing panel's decision. If the senior student affairs officer was a member of the hearing panel, the student may submit the appeal directly to the President.

6.17. Appeals must be based on one (1) of the following grounds:

- Procedural due process was violated;
- The sanction was excessive;
- The evidence did not support the decision; or
- Substantive new information is available that was not available at the hearing.

6.18. Should the student appeal, any action assessed by the hearing panel shall be suspended until acted upon by the President.

6.19. Appeals of the President's decision may be submitted to the Chancellor but shall be limited to allegations that fair procedural due process has not been provided in accordance with this policy.

6.20. Appeals to the Chancellor must be in writing and are due within five (5) days after the student receives the President's decision.

6.21. Should the student appeal, any action assessed by the hearing panel shall be suspended until acted upon by the Chancellor.

7. Hearing Panel

7.1. The hearing panel shall be the decision-making body acting independently of the President.

7.2. The hearing panel designated by the College shall be composed of College administrators, faculty, staff, and/or students. Such selection shall be at the approval of the President or designated Vice President or Dean. Individuals serving on the panel need not be disqualified because they have superficial knowledge of the background of the case, or because they may know the participants. The basic test shall be whether or not the panelist can judge the case fairly, without bias or prejudice, and solely on the evidence presented.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat.	85-602	Faculty, administrative staff, student; dismissal or expulsion; procedure.
	Neb. Rev. Stat.	85-603	Faculty, administrative staff, student; dismissal or expulsion; order; contents; service.

Policy Adopted: January 1977

Policy Revised: June 1993, March 1994, April 2003, June 2006, March 2008, March 2011, April 2012, June 2018, September 2019, July 2020, June 2021, April 2022, June 2023

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Grievance Procedures

POLICY NUMBER: 3210

A. PURPOSE

To provide a method for a student to resolve a complaint with the College not otherwise addressed in Board Policy.

B. DEFINITIONS

1. **Grievance:** A complaint by a student involving the interpretation, application or alleged violation of Board Policy or College policies and procedures.

C. POLICY

1. Scope

1.1. This policy is intended to provide a process to address a student complaint against the College once a student has exhausted all available means to reach a resolution and for which the College has not already established appeal procedures.

1.2. The following are not within the scope of this policy:

- Academic integrity;
- Grade appeals;
- Failure to pay a financial obligation;
- Academic probation or suspension;
- Employment issue;
- Determinations of student misconduct pursuant to Policy 3200;
- Issues arising under Title IX pursuant to Board Policy 3020; and
- Determinations regarding student requests for disability accommodations made pursuant to Board Policy 3700.

-

2. Process

2.1. Filing

A student shall first submit a written grievance to the senior student affairs officer. The written grievance shall be signed by the student and contain:

- The student's name and contact information;
- A detailed description of the conduct giving rise to the complaint including the actual harm suffered by the student;
- The name of individual(s) alleged to have engaged in the conduct;
- A detailed description of the attempts made to resolve the issue; and
- A detailed description of the outcome sought.

2.2. Review

- The senior student affairs officer shall review the grievance to determine whether it is complete and falls within the scope of this policy.
- If the grievance is incomplete or fails to provide sufficient information to determine the nature of the grievance, the senior student affairs officer shall return the grievance to the student, and the student shall have ten (10) calendar days to file an amended grievance in compliance with section 2.1. If the student does not file an amended grievance, the matter is considered closed.
- If the grievance is not within the scope of this policy, the senior student affairs officer shall notify the student and direct them to the appropriate office or individual.
- If the grievance is complete and falls within the scope of this policy, the senior student affairs officer shall provide the grievance to the supervisor of the individual(s) alleged to have engaged in the conduct giving rise to the grievance and provide a notice to the student which includes the name and contact information for the supervisor responsible for responding to the grievance.
- If the individual alleged to have engaged in the conduct giving rise to the grievance reports directly to the President, the senior student affairs officer shall provide the grievance to the President for investigation and response and the response shall be final.

2.3. Investigation and Response

- The supervisor receiving the grievance shall promptly investigate the grievance and provide a written response to the student within ten (10)

calendar days of receiving the grievance from the senior student affairs officer.

- If additional time to complete the investigation and response is necessary, the supervisor should notify the student and provide a date by which the response will be provided.

2.4. Review

- If the response received does not resolve the grievance, the student may request further review in writing by letter or email to the supervisor within five (5) calendar days of receiving the response.
- Upon receipt of a request for further review, the supervisor shall forward the original grievance, any documentation from the investigation and the response to the appropriate senior student affairs officer or vice president for review and provide a notice to the student which includes the name and contact information for the administrator responsible for reviewing the response.
- The senior student affairs officer or vice president shall review the information provided and request additional information if necessary to render a decision regarding the grievance.
- The senior student affairs officer or vice president shall provide a written decision to the student within ten (10) calendar days of the student's request for further review.
- If additional time to provide a decision is necessary, the senior student affairs officer or vice president should notify the student and provide a date by which the decision will be provided.

2.5. Appeal

- If the decision received does not resolve the grievance, the student may appeal the decision to the President in writing within five (5) calendar days of receiving the decision. Such an appeal may be made via email to the President or by submitting a letter to the Office of the President which details the reason the decision is in error.
- The President will provide a written decision to the student within five (5) calendar days of receiving the appeal.
- If additional time to provide a decision is necessary, the President should notify the student and provide a date by which the decision will be provided.
- The decision by the President shall be final.

SOURCE:

Neb. Rev. Stat. 85-306 State colleges; president; duties.

Policy Adopted: September 1987

Policy Revised: June 1993, April 2024, June 2026

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Student Rights and Responsibilities

POLICY NUMBER: 3250

A. PURPOSE

To provide guidance regarding student rights and responsibilities as members of the academic community.

B. DEFINITIONS

None

C. POLICY

1. General Rights and Responsibilities

Students, as members of the academic community, have the responsibility to create and support an educational environment which will achieve the basic purposes of an institution of higher learning. Each member of the community should be treated with respect and dignity. Each student has the right to learn which imposes a duty not to infringe upon the rights of others. Each student is a member of a learning community that entails responsibility to enhance the learning of others.

The academic community environment is designed to encourage a variety of thoughts, behaviors, and values within the educational goals of the community. An important aspect of the community is the recognition of differences between individuals. In all instances, including in informal College activities and associations, each individual should be treated in a fair and unbiased manner. Students shall actively encourage practices that ensure that all persons are welcome at the Colleges and are extended all the privileges of the academic community to which they are entitled.

2. Rights and Responsibilities in the Classroom

2.1. Freedom of Expression

- As appropriate for the course content, students have the right of expression in the classroom and the responsibility to learn from the course of study according to the standards of performance established

by the faculty. Student behavior in a classroom should contribute to the learning process for themselves and other students. As members of a learning community, students have an obligation for contributing to the learning of others in the process of their own learning. Communication that threatens individuals, disrupts the learning process, and/or creates a harassing environment is not a right held pursuant to this right of expression. Disruptive behavior undermines the learning environment for others.

- Faculty have the right to restrict classroom discussions and/or redirect comments that do not contribute to established course curriculum topics and learning outcomes.

2.2. Instructional and Grading Procedures

- The faculty determines the character of courses which includes content and instructional and grading procedures. Students have the right to be informed at the beginning of each course of the nature of the course, course expectations, evaluation standards, and the grading system through the official course syllabus. Students may ask for an evaluation of their performance during the process of a course.
- Each student has the right to a course grade based upon a sound academic evaluation and upon a specified grading procedure. A student has the right to receive, upon request, a clarification of the grade received. In cases that the student has documented evidence to indicate the performance evaluation exhibited prejudice or bias and was based on factors other than student performance the student may submit a grade appeal. Colleges shall provide a written grade appeal policy and process to consider cases in which the student chooses to appeal the initial decision.

2.3. Faculty-Student Consultation

As members of a learning community, students are encouraged to meet with faculty for clarification of assignments, unclear concepts, progress in course, career opportunities, methods of study, and other course and program matters.

2.4. Student Evaluation of Instruction

- As members of a learning community, students have an important role in contributing to the appraisal of instruction, through providing insight into instructional effectiveness as perceived from their perspective.
- Faculty have an obligation to solicit student appraisal of the learning environment, combine student feedback with other evidence and make changes in accordance with their best judgment.
- To assist the faculty in the task of providing the best possible education, students should express their reactions and opinions about

quality and relevancy of the instruction to the Department Chair or Dean.

- Each College should establish a standing procedure through which student evaluations can be expressed.

3. Rights and Responsibilities in Other Instructional Settings

3.1. Freedom of Expression

- The acquisition, understanding, and interpreting of knowledge can be facilitated by the study and consideration of controversial issues and positions. Free expression in the academic community shall not be abridged by special restrictions or censorship on publications, speakers or broadcasting. Any formally recognized student group, in consultation with faculty advisors and/or College administrators, shall be allowed to invite and hear any person of its own choosing who does not substantially disrupt the operation of the College. Those procedures required by the institution before a guest speaker appears on campus should insure orderly scheduling of facilities and adequate preparation for the event. The event should be conducted in a manner appropriate to an academic community. The institutional control of College facilities should not be used as a device of censorship but should contribute to student learning.
- It should be made clear to the academic and larger communities that sponsorship of events and speakers does not necessarily imply approval or endorsement of the views or actions by either the sponsoring group or the College. Participation in the exchange of ideas through these media is a normal expectation of the academic community.

3.2. Student Government

Students should be free, individually or collectively, to express their views on issues of institutional policy and on matters of general interest to the student population. The students should have clearly defined means to participate equitably in the formulation of institutional policies and procedures which affect student life. Student government is the principal agency for student participation in the decision-making process of the College.

3.3. Student Organizations

Students bring to the College a variety of interests and can be expected to develop new interests as members of the academic community. They should be free to organize and join associations to promote their common interests, provided those associations are not likely to materially and substantially disrupt the operation of the College. Students should be able to participate in those organizations provided they meet the membership

requirements set up by the organization; in no instance will these criteria for membership violate the College's non-discrimination policy.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: The Nebraska Constitution, Article I, Section 5

Policy Adopted: June 1993

Policy Revised: March 1994, March 2011, November 2018, April 2022, September 2022

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Recognized Student Organizations

POLICY NUMBER: 3300

A. PURPOSE

To set forth the requirements with respect to recognized student organizations including, but not limited to, receiving and maintaining status as a recognized student organization, eligibility for funding, use of college resources, advisors, volunteers, and conduct.

B. DEFINITIONS

1. **Advisor:** An employee of the College assigned by the College or who in a volunteer capacity as a service to the College, community, and profession, assists a recognized student organization.
2. **Fundraising:** Collecting money through donations, sales, and/or event programming for the purposes of budget enhancement.
3. **Recognized Student Organization (RSO):** A group of students joined together in pursuit of a common purpose, guided by a constitution or charter, and officially recognized by the College pursuant to this policy. RSOs are distinct and separate entities from the Colleges.
4. **Senior Student Affairs Officer:** The vice president, assistant vice president, or dean of students responsible for student affairs as designated by the President.
5. **Student Senate:** The Student Senate is the elected representative body of students of the College. References to Student Senate herein includes any body created and delegated responsibility under the authority of the Student Senate, whether appointed or elected.
6. **Volunteer:** Any individual who chooses to perform services without compensation or expectation of compensation at the direction of, and on behalf of, a student organization. A member of the student organization is not considered a volunteer.

C. POLICY

1. Obtaining Recognition

1.1. Each College shall have an equitable process for the recognition of student organizations which encourages participation by all students and contributes to a vibrant educational environment.

1.2. The process shall be in writing and accessible to all students;

1.3. Student organizations seeking recognition must have a minimum number of student members as established by the College;

1.4. Student organizations seeking recognition must have an Advisor who is an employee of the College who has agreed or to act in that capacity;

1.5. Student organizations seeking recognition must provide a copy of their governing documents including but not limited to their charter agreement, constitution, and by-laws and such governing documents must be in compliance with the requirements for RSOs set forth in this policy;

1.6. The process shall include an opportunity for the Student Senate to review the student organization's application for recognition and all related documents and provide a recommendation with respect to recognition;

1.7. The Senior Student Affairs Officer shall make the decision regarding recognition of a student organization; and

1.8. The process must provide an opportunity for the student organization seeking recognition and the Student Senate to appeal the decision to the President.

2. General Requirements for All RSOs

2.1. RSOs shall comply with all applicable state and federal laws and regulations, Board policies and College rules with respect to the operation, activities, and membership of the organizations.

2.2. Each RSO charter agreement and/or constitution must affirmatively state that membership in the organization is open and the organization will not engage in unlawful discrimination or harassment.

- An organization exempt under Title IX may maintain its single-gender membership and may modify the non-discrimination statement in its charter and/or constitution to reflect its exempt status.
- Any new charter agreements and/or constitutions and any revisions to existing charter agreements and/or constitutions must be approved by the Senior Student Affairs Officer.

2.3. In order to remain in good standing, each RSO shall provide to the student activities office at the College on or before October 15th annually:

- a list of current officers,
- total number of members as of October 1st, and

- bank and account information for any accounts used by the RSO.

3. Funding and Finances

3.1. RSOs may receive funds from the following sources:

- Student Activity Fees in an amount to be determined by the Student Senate of the College; and
- Donations from individuals, businesses, or other entities; and
- Proceeds from fundraising activities conducted in compliance with this policy.

3.2. RSOs shall not receive any College or Foundation funds.

3.3. All student organizations are responsible for maintaining their own bank accounts outside of the College and College Foundation for funds from student organization fundraising or other activities. No College or Foundation tax identification numbers shall be used on these accounts. Student organization funds held in such accounts do not belong to the College or Foundation and an accounting for those funds will not be included as part of the College's or Foundation's audit. Student organizations are financially and legally responsible for deposits to and expenditures from their accounts.

3.4. College employees including, but not limited to, student organization advisors are not permitted to:

- be signatories on student organization bank accounts or
- have access to student organization bank account funds through checks, debit cards, or other means.

4. Student Activity Fees

4.1. Only recognized student organizations shall have the opportunity to access student activity fees pursuant to a process approved by the Student Senate of the College.

4.2. The process for the allocation of student activity fees to RSOs must be equitable and free from unlawful discrimination or harassment.

4.3. Student Activity Fees allocated to RSOs can be used to support the RSO's activities and operations, including but not limited to the following purposes:

- General expenses related to events, including but not limited to supplies, rentals, decorations, food, and beverages;
- Speaker and entertainer fees;
- Music, movie and other media licenses;
- Payments to student workers to accomplish the purpose of the RSO;

- Equipment necessary to accomplish the purpose of the RSO;
- Travel and transportation expenses;
- Conference and event registration fees; and
- Insurance.

4.4. Student Activity Fees allocated to RSOs cannot be used by RSOs for:

- Purchase or serving of alcohol, drugs, tobacco, vaping products or any nicotine products;
- Engaging in illegal activity;
- Establishing or investing in a profit-making enterprise;
- Engaging in gambling activity, not including the hosting of a casino night or holding a raffle for charitable or fundraising purposes.
- Charitable and political donations to third-parties;

4.5. All equipment purchased by RSOs using Student Activity Fees remain the property of the RSO. In the event the RSO ceases to operate, all equipment becomes the property of the Student Senate.

5. Fundraising

5.1. RSOs may wish to collect money through fundraising activities to support their activities and functions.

5.2. Only RSOs may conduct fundraising on campus. Permission for conducting fundraising activities must be obtained in advance by completing the required College form and obtaining necessary College approvals.

5.3. The purpose of the funds that will be raised must be consistent with the Code of Conduct and other applicable policies of the College and all activities associated with the fundraising must be in compliance with applicable federal, state, and local rules and regulations.

5.4. The Board acknowledges this policy may not anticipate every possible issue that may arise with respect to fundraising activities. As a result, the Colleges have the right to impose reasonable restrictions and/or requirements with respect to the time, place and manner of fundraising activities.

6. Access to College Resources

6.1. RSOs may, at the College's discretion, have access to College resources at a free or reduced rate.

6.2. College resources may include, but not be limited to, copiers, computers, mail, email, postal services, building use, and state cars.

6.3. College resources shall only be made available to the RSO, if the organization has available allocations to cover the applicable resource cost from the student activity fees, which are in the College accounts, or outside bank accounts.

6.4. Use of any College resources must be in accordance with College policies. Such College resources shall not include the use of College or Foundation funds.

7. Contracts

7.1. RSOs wishing to enter into agreements or contracts with persons, corporations or organizations, external to the College community, must have approval by the College Vice President for Administration and Finance, or their designee, prior to entering into such an agreement or contract in order to ensure that

- (a) the contract does not create inappropriate or unanticipated liability for the College and the Board of Trustees;
- (b) if the RSO intends to utilize its student activity fees, the use of the fees is appropriate and sufficient funds exist to cover the cost of the contract, and
- (c) if the contract includes the utilization of College facilities and/or resources, the RSO has complied with all requirements for the use of such facilities and/or resources.

7.2. The appropriate student organization officer shall sign contracts on behalf of the RSO.

7.3. The College shall not sign contracts on behalf of RSOs. However, contracts that include the utilization of College facilities and/or other resources of the College for an event must be approved in advance and also be signed by the College President or Vice President for Administration and Finance.

8. Insurance

8.1. Insurance coverage procured by the Board of Trustees for each College does not extend to RSOs and does not provide coverage for any loss or injury caused in who or in party by participation in any sport or athletic activity. RSOs should conduct business with that understanding.

- RSOs must accurately represent their insurance status to organization members and outside entities.
- RSOs should acquire appropriate signed waivers from participants based upon the nature of risk associated with the RSO's activities and events.

8.2. All RSO activities and events taking place on College property, are to be considered College activities and events for insurance purposes unless

otherwise agreed to in writing by the College and the student organization(s) involved.

8.3. Travel to and from RSO events and activities are to be covered by the student travel accident policy procured by the Board of Trustees subject to reasonable limitation and terms.

8.4. Advisors are presumed to be working within the course and scope of their employment when performing the duties of an advisor, regardless of whether they are working in a volunteer capacity.

8.5. Student organizations are allowed to independently seek insurance coverage for the benefit for their members.

9. Advisors

9.1. Each RSO shall have an advisor who is an employee of the College.

9.2. Advisors may be assigned by the College to assist a particular recognized RSO; or, advisors may work with the RSO in a volunteer capacity as service to the College, community, and profession, if approved as a volunteer by the Senior Student Affairs Officer.

9.3. The role of an advisor is to communicate with, guide, and assist the RSO; attend organization meetings, events, and fundraisers; be knowledgeable of all policies that may impact the organization; and monitor compliance with Board and College policies and budgetary/financial guidelines established by the College and student senate.

10. Travel

10.1. RSOs traveling to participate in events or activities which include an overnight stay must be accompanied by either the RSO advisor or a College employee. An RSO can ask that the senior student affairs officer waive this requirement based upon the individual circumstances.

10.2. All travel by any advisor or college employee must be approved pursuant to established Board and College rules and procedures.

11. Volunteers

11.1. RSOs are responsible for the training and supervision of their volunteers. A volunteer who provides assistance in person to an RSO on a routine and ongoing basis; and acts in a capacity similar to those of an advisor and/or coach shall be subject to a criminal background check at the expense of the RSO.

11.2. A student organization may submit a request to the College that a volunteer driver be authorized to operate a state-owned vehicle pursuant to Board Policy 6100 under the following circumstances:

- The volunteer cannot be a student.

- The College is not responsible for finding a volunteer on behalf of the student organization.
- The volunteer would be a volunteer on behalf of the College subject to Board Policy 5025 for purposes of operating a state vehicle and required to satisfy all requirements set forth in Board Policy 6100.
- Approval of the volunteer is entirely within the discretion of the College.

12. Conduct and Discipline

12.1. RSO misconduct which may rise to sanctions includes:

- Failure to comply with applicable state laws and regulations, federal laws and regulations, Board policies and/or College rules;
- Engaging in conduct which constitutes student misconduct as outlined in Board Policy 3100; or
- Creating, supporting, or fostering an environment which allows, encourages, or otherwise contributes to student misconduct as outlined in Board Policy 3100.

12.2. Allegations of sex harassment or sexual violence shall be addressed as described in Board Policy 3020 or 5011; Sexual Violence or Sexual Harassment, Reporting, Policies and Procedures and will be referred to the Title IX Coordinator.

12.3. RSOs are encouraged to self-report misconduct and take affirmative steps to address misconduct.

12.4. Reports of any RSO misconduct should be referred to the Senior Student Affairs Officer.

12.5. Upon receiving a verbal or written report or otherwise becoming aware of alleged misconduct by an RSO, the Senior Student Affairs Officer or their designee will conduct an investigation, and shall:

- Notify the College President of the allegations;
- Notify the leadership of the RSO and the national organization, if any, in writing of the general nature of the alleged misconduct and that an investigation will be conducted;
- Interview RSO leadership, witnesses, and any individuals involved in the conduct at issue; and
- Collect any physical evidence available, including, but not limited to, photos, video or documents.

12.6. Nothing herein shall prevent the Senior Student Affairs Officer from conducting an initial inquiry to determine whether sufficient information exists to warrant an investigation.

12.7. The RSO leadership may admit the alleged misconduct and voluntarily subject itself to the discipline of the Senior Student Affairs Officer.

12.8. Upon completion of the investigation, the Senior Student Affairs Officer will review the information and using the preponderance of evidence standard of proof, issue a finding either that:

- The alleged misconduct is not substantiated and no further action is necessary; or
- The alleged misconduct is substantiated and sanctions will be levied against the student organization.

12.9. If the misconduct is found to be substantiated, the Senior Student Affairs Officer shall determine the appropriate sanction to be levied against the RSO. In determining the appropriate sanction, the following factors should be considered:

- the nature and severity of the misconduct;
- whether the RSO self-reported the misconduct;
- the willingness of the RSO to take responsibility for the misconduct;
- the level of cooperation received from the RSO in the investigation; and
- any other relevant facts.

12.10. The Senior Student Affairs Officer shall notify the President, the leadership of the RSO, and the national organization, if any, of the findings in writing. If the misconduct is found to be substantiated, the notice shall include the sanctions to be levied against the organization and the RSO's right to appeal the decision to the President.

12.11. If it is determined that the organization's recognition is revoked, the notice shall state a specific period of time that must lapse before the organization can reapply for recognition and what actions must be taken prior to its application.

SOURCE:

Policy Adopted: June 1993

Policy Revised: March 2011, June 2012, March 2013, June 2016, November 2017, November 2019, January 2020, June 2021, April 2022, March 2023, October 2023, November 2024, February 2025

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Student Senate

POLICY NUMBER: 3310

A. PURPOSE

To provide minimum guidance for the establishment and operation of student senates at each of the Colleges.

B. DEFINITIONS

None

C. POLICY

1. Student Senate

1.1. The student senate is elected by students which shall be the principal entity for student participation in the decision-making process of the student body for the College.

2. Duties and Responsibilities

2.1. Representing student interests;

2.2. Establish mechanisms for the management and allocation of student activity fees;

2.3. Participate in the review and recognition of student organizations per Board Policy 3300;

2.4. Sponsor initiatives, programming, and activities to support student activities;

2.5. Participate in the selection of the College's student trustee per Board Policy 2100.

3. Structure

Each student senate shall establish a constitution and by-laws which address the following:

3.1. Administration and organization, including but not limited to,

qualifications for membership, officers, and committees;

3.2. Scope of responsibility and duties;

3.3. Elections, terms of office and processes for filling vacancies;

3.4. Selection of advisors.

4. Officers and Advisors

4.1. Each student senate shall have at least the following officers, but may choose to add additional officers as it deems appropriate:

- President
- Vice President

4.2. Each student senate shall have a minimum of one advisor who shall be a College employee appointed by the College or an employee who serves in a volunteer capacity as approved by the College.

- The role of the advisor(s) is to communicate with, guide, and assist the student senate; attend meetings and events; be knowledgeable of all policies that may impact the student senate and assist with compliance with Board and College policies and budgetary/financial guidelines established by the College.
- The advisor has no decision-making authority within the Senate and acts in an advisory capacity only unless expressly provided otherwise.

5. College Authority

Nothing in this Policy shall be read to limit the President's authority granted under Policy 2030 to clarify the duties and responsibilities of the Student Senate based upon the individual College operations or add additional duties and responsibilities for the Student Senate.

SOURCE:

Policy Adopted: January 2025

Policy Revised:

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Student Journalism

POLICY NUMBER: 3350

A. PURPOSE

To provide guidance related to student journalism and the rights and responsibilities of student journalists.

B. DEFINITIONS

1. **College-Sponsored Media:** any material prepared, substantially written, published, or broadcast by a student journalist at the College distributed or generally made available to members of the student body; and prepared under the direction of a student media advisor. College-sponsored media does not include any media intended for distribution or transmission solely for the class in which the media is produced.
2. **Student Journalist:** a student at the College who gathers, compiles, writes, edits, photographs, records, or prepares information of a journalistic nature for dissemination in College-sponsored media.
3. **Student Media Advisor:** an individual employed, appointed, or designated by the College to supervise or provide instruction relating to school-sponsored media.

C. POLICY

1. General

The Board of Trustees of the Nebraska State Colleges supports the free exchange of ideas and perspectives necessary for a robust educational environment and academic community and students' first amendment rights, including freedom of speech and freedom of the press. Therefore, the Board establishes the following with respect to student journalists and College-sponsored media.

1.1. A student journalist has a right to exercise freedom of speech and of the press in College-sponsored media and to determine the content of College-sponsored media.

1.2. No publication or other expression of a student journalist or included within College-sponsored media shall be deemed to be an expression of or on behalf of the Board, the College, or its employees or an expression of Board Policy.

2. Limitations

Protections under this policy do not extend to content that is libelous or slanderous; constitutes an unwarranted invasion of privacy; violates federal or state law; departs from prevailing journalistic ethical standards; or so incites students to create a clear and present danger of the commission of unlawful act(s); a violation of Board Policy; or the material and substantial disruption of the orderly operation of the College, Board of Trustees, or the System Office.

2.1. Nothing in this policy prevents an advisor from taking steps to ensure student journalists adhere to prevailing journalistic ethical standards and professional standards of English and journalism.

2.2. Nothing in this policy shall prevent the College from pursuing disciplinary action against an employee who engages in conduct in violation of Board Policy, employee handbooks, or negotiated agreements. Furthermore, nothing in this policy shall prevent the College from pursuing disciplinary action against a student and/or student organization who engages in conduct in violation of Board Policy or student handbooks.

FORMS / APPENDICES:

None

SOURCE:

Policy Adopted: September 2021

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Tuition Remission

POLICY NUMBER: 3400

A. PURPOSE

To provide guidance to the Colleges regarding statutorily required, system-wide and College specific tuition remission programs.

B. DEFINITIONS

1. **Law Enforcement Officer (Officer):** For purposes of the First Responder Education Waiver, Law Enforcement Officer means any person who is responsible for the prevention or detection of crime or the enforcement of the penal, traffic, or highway laws of the State of Nebraska or any political subdivision of the state for more than one hundred (100) hours per year and who is authorized to make arrests.
2. **Legal Dependent (Dependent):** For purposes of the First Responder Education Waiver, Legal Dependent shall be given the same meaning as used for purposes of the Free Application for Federal Student Aid (FAFSA).
3. **Professional Firefighter (Firefighter):** For purposes of the First Responder Education Waiver, Professional Firefighter means a firefighter or firefighter-paramedic who is a member of a paid fire department of a municipality or a rural or suburban fire protection district in Nebraska, including a municipality having a home rule charter or a municipal authority created pursuant to a home rule charter that has its own paid fire department, and for whom firefighting is a full-time career.

C. POLICY

1. General

It is the policy of the Board that financial assistance be made available to all qualifying students. In some instances, such assistance may be provided as tuition remission and/or waivers. Tuition remission represents a form of financial aid in which the College waives or foregoes all or a portion of a student's tuition charges. Tuition remission represents foregone revenue to the College and should be used strategically to attract students based on academic performance,

financial need, and/or other skills or attributes that will enhance the student body. For the purposes of this policy tuition remission is considered distinct from a scholarship or grant-in-aid funded through other means than tuition and fee revenue.

1.1. All of the programs described below are tuition remission programs, although the terms “scholarship” or “award” may be used interchangeably by the Colleges with the term “remission” or “waiver” because it is a term that has meaning to prospective students and their families.

1.2. Total remissions for all categories/programs, unless specifically accepted and approved by the Chancellor generally shall not exceed twenty-two percent (22%) of the College’s four-year average gross tuition less refunds, plus or minus the four-year average tuition remission bank. The tuition remission bank will be calculated using the previous four (4)-year’s unused or excess tuition remissions. Remissions may be awarded up to the limits specified (if any) in each individual category below.

- Remissions required by state statute are outside of the twenty-two percent limit.
- Remissions provided on behalf of one of the other state Colleges as part of a Joint Enrollment course are outside of the twenty-two percent (22%) limit.
- Nothing herein shall prohibit the creation of additional tuition remission programs, which are outside of the twenty-two percent (22%) limit with the approval of the Chancellor.

1.3. For each term, the total of all tuition waivers provided by a College to an individual student cannot exceed the amount of tuition charged to that student. Any tuition waivers outside the enumerated categories or beyond the limits specified in this policy require the written approval of the Chancellor. Tuition remissions awarded for online courses will not exceed the comparable amount provided for an on-campus course for a resident student. Unless otherwise stated herein or required by bargaining agreements, tuition remission and/or waivers apply to any academic session offered during the fall and/or spring terms during the applicable academic year.

1.4. Pursuant to Nebraska State Constitution Article I-30, the Colleges are prohibited from providing remissions on the basis of race, sex, color, ethnicity, or national origin.

2. System Remission Programs

System remission programs include waivers with common eligibility guidelines and parameters established across all Colleges. For certain programs, Colleges are afforded the opportunity to determine the number and award amounts. In all other situations, approval is required from the Chancellor to deviate from system

remission programs or those that are bound by system program agreements with external partners.

2.1. Board of Trustees' Scholarships

The Board of Trustees' Scholarships are awarded by each College to students who are graduating from a Nebraska high school or who are residents of Nebraska who meet the following criteria: have standardized test scores of at least 25 for the ACT or 1200 composite for SAT or a grade point average demonstrating academic excellence; are enrolling for the first time in a postsecondary institution; and such other factors which may be considered including but not limited to rank in class, as appropriate.

- The number of new Board of Trustees' scholarships to be awarded by each College for each academic year is based on the full-time equivalent (FTE) enrollment at that College for the fall semester of the preceding academic year. Each College may award up to twenty (20) scholarships for the first one thousand (1,000) FTE students and one (1) additional scholarship for every two hundred (200) FTE beyond one thousand (1,000) for each academic year. The number of scholarships offered should be determined by each College based on the number of scholarships available and the yield experienced in prior years.
- The scholarships are not transferable from one College to another. The scholarship will be the waiver of resident tuition up to eighteen (18) credit hours per term not to exceed one hundred twenty-eight (128) credit hours. Each President, financial aid officer and/or scholarship committee shall act as an agent of the Board in administering the program as directed by the Board.
- The scholarship is renewable to the total value of the equivalent of eight (8) consecutive terms (excluding summer). The recipient may use the scholarship during the five (5) academic years following the initial use with a one (1) year delay in initial use allowable with the College's permission. Should original recipients stop out for a term or academic year before using the full value of the scholarship, the balance of the scholarship's value may be re-awarded.
- Board of Trustees' scholarships are renewable each academic year, provided the recipient maintains a 3.25 GPA and standards are met. The Chancellor may approve a waiver of this requirement for extenuating circumstances for an individual student on a one-time basis. Each College scholarship committee will review all renewal candidates and recommend action to the President.

2.2. Nebraska Guarantee

The Nebraska Guarantee provides financial assistance for first-time freshman or incoming transfer students who are Pell Grant eligible or

whose annual family adjusted gross income as reported on the FAFSA is $70,000 or less to fund the cost of tuition.

- The student must complete the FAFSA.
- The student must be enrolled in a minimum of twelve (12) credit hours, including one or more on-campus classes.
- The difference between the cost of tuition for up to eighteen (18) credit hours per semester and the amount of federal and state aid and any other scholarships or grants awarded to the student will be covered by institutional waivers, foundation scholarships or other funds as determined by the College.
- Students who remain in good standing and continue to meet eligibility criteria may continue to qualify for the Guarantee for up to four (4) years.

2.3 Employee Tuition Waivers

The employee waivers provide tuition waivers for one (1) course for each term to eligible employees. See Policies 5102, 5103 and 5104 and Collective Bargaining Agreements for details.

2.4 Immediate Family Tuition Remission

The immediate family tuition waivers provide a sixty-seven percent (67%) reduction in tuition for immediate family (spouse and children who are twenty-four [24] years of age or younger) of eligible employees. See Policies 5102, 5013 and 5104 and Collective Bargaining Agreements for details.

2.5 Survivors of Deceased Employees

These are full tuition waivers to spouse and/or children of College employees who die while under full-time, permanent system employment. Children must have been in a dependent status at the time of the employee's death. Waivers may be used only toward an undergraduate degree or to complete a graduate degree in progress. This remission is offered on a space available basis only, but may be used at any College during any term, including the summer term.

2.6 Cooperative Schools Waivers

Each College is authorized to award waivers to students entering college for the first time from schools providing student teaching facilities, such waivers are to be for one-half of the tuition costs per term for up to eighteen (18) credit hours per term, not to exceed one hundred twenty-eight (128) credit hours toward undergraduate degrees. The College may award one (1) such waiver for each three (3) student teachers served. Waivers are renewable each academic year, provided the recipient maintains a 2.5 GPA.

2.7 Clinical Practice Supervision Waivers

PK-12 educators who serve as clinical practice cooperating educators for the College's educator candidates will receive a tuition waiver for three (3) credits of graduate MSE coursework. The tuition waiver must be used within one (1) year of service in this role.

2.8 Public Health Early Admission Student Track (PHEAST) Waivers

PHEAST is a cooperative program between the University of Nebraska Medical Center's College of Public Health (UNMC CoPH) and the Colleges to provide tuition waivers for selected students accepted into PHEAST as determined in the program agreement. Selection of participants, participation requirements and waiver provisions are governed by the Program Agreement with the UNMC CoPH.

2.9 Rural Health Opportunities Program (RHOP) Waivers

RHOP is a cooperative program between the University of Nebraska Medical Center (UNMC) and the Colleges to provide tuition waivers for selected students accepted into RHOP as determined in the program agreement. Selection of participants is determined by representatives of UNMC and the Colleges.

3. College-Directed Remissions

College-directed remissions provide the Colleges flexibility in managing waivers for targeted student populations. Each College shall establish: 1) minimum guidelines and requirements for any additional remissions; 2) requirements for remaining in good academic standing; and 3) any renewal requirements for students. Policies and procedures for these awards shall be set by each College, approved by the President, and reported to the Chancellor. These College directed tuition remissions may apply to any academic session offered during the fall and/or spring terms during the applicable academic year as determined by the College, unless specifically stated herein. For reporting purposes, each of the categories below shall be used for tracking.

3.1. Corporate and Business Partnership Incentive

Tuition remission provided to employees of Corporate and Business Partners taking online courses as part of an agreement approved in advance by the Chancellor.

3.2. Athletic Waivers

Waivers made to athletes participating in varsity and junior varsity sport sanctioned through the conference or athletic association to which each College belongs. The Colleges, based on funding available, may award no more than thirty percent (30%) of their remissions toward athletic scholarships. A College may, with the Chancellor's approval, increase its athletic waivers up to the maximum allowed by the conference or athletic association to which each College belongs. Full or partial waivers to

athletes, residents or nonresidents, may be made at the discretion of each College within funding limits. Student athletes receiving renewable awards must maintain GPA requirements of the conference or athletic association.

3.3. Graduate Assistantships

The Colleges may provide a stipend established by the College and adjusted as necessary, in addition to a waiver of up to eighteen (18) hours of tuition per academic year, depending upon workload and term of appointment, to a student employed as a graduate assistant. The waiver can be applied to any academic session offered during the academic year, including the trailing summer term regardless of whether the graduate assistant is working during the summer term. Each College shall report its stipend policy to the Chancellor.

3.4. International Student Waiver

Waivers provided to qualified students who are citizens of other countries. The purpose is to provide opportunities to interact with the international community and bring diversity to the College.

3.5. Need-Based Tuition Waivers

Waivers provided based on student financial need or means based assessment by the Colleges. In most cases the waiver is used to supplement available federal financial or state assistance programs that include, but are not limited to, Pell, Supplemental Educational Opportunity Grant (SEOG), Nebraska Opportunity Grant (NOG), and foundation scholarship assistance.

3.6. Phi Theta Kappa Community College Transfer Waiver

Tuition waivers to graduates of community colleges who have maintained a 3.5 grade point average and who were inducted into the Phi Theta Kappa Society. The purpose of the waiver is to encourage outstanding community college graduates to attend a State College. The waivers are renewable each academic session, provided the recipient maintains a 3.25 GPA at the College. The waivers are equal to the basic tuition rate up to a maximum of sixty-four (64) credit hours toward the baccalaureate degree.

3.7. Special Activity Waivers

College waivers made to attract students who have talent in activities other than varsity and junior varsity sports, including but not limited to, music, art, theatre or journalism.

3.8. Other Discretionary Waivers

Waivers developed by each College to provide opportunities for its students. Examples include Presidential Scholarships, the Peru State One Rate Any State waiver, and Senior Citizen waivers.

4. External Remission Programs

The State College System provides tuition remission through partnership with external entities who establish the eligibility requirements for entry and maintenance. Additionally, a number of state statutes require tuition remission for specific subsets of students with unique characteristics or attributes. Although no external support is provided to offset the tuition waiver, Colleges are obligated to grant waivers for students participating in the external remission programs outlined within this section.

4.1. TeamMates Program Award

- The TeamMates Program Award is a collaborative program with TeamMates designed for students who enroll as first-time freshmen at one (1) of the Colleges. Recipients are identified by TeamMates and must meet TeamMates criteria. The College award will be a waiver of one-half resident tuition for four (4) years (up to eighteen [18] credit hours per semester up to a maximum of one hundred twenty-eight [128] hours toward an undergraduate degree).
- It is the responsibility of each recipient to confer with a financial aid representative from the College granting the award to discuss details of the award and the impact of any financial aid. This conversation should occur as soon as possible following notification of the award.
- Each College is authorized to award three (3) new waivers annually to TeamMates students who are Nebraska Residents, participated in the TeamMates program for a minimum of three (3) years, enrolled as new first-time freshmen at one (1) of the Colleges, enrolled in at least twelve (12) on-campus semester credit hours, in good academic standing with a minimum of a 2.5 GPA, and be an active member of TeamMates, including being partnered with a TeamMates postsecondary mentor.
- Additional limitations are in place for online courses taken in addition to the twelve (12) on-campus credit hours.
- The scholarships are not transferable from one College to another.

4.2 Yellow Ribbon GI Education Enhancement Program (Yellow Ribbon Program)

The Nebraska State College System is to provide tuition (and fees) assistance to eligible military veterans through the Yellow Ribbon Program. The Colleges will provide assistance in accordance with agreements in place with the Department of Veteran Affairs and in conjunction with education benefits provided by the federal government as a provision of the Post 9/11 Veterans Educational Act of 2008. This waiver is available for fall, spring, and summer terms during the applicable academic year.

4.3 Family of Deceased or Disabled Veterans (tuition and fees waiver)

This remission program is provided to Nebraska residents pursuant to the terms of Neb. Rev. Stat. §80-411. Effective beginning with the 2013 Fall Term, in addition to the tuition remission, the Colleges shall waive all fees remaining due after subtracting awarded federal financial aid grants and state scholarships and grants. This waiver is available for fall, spring, and summer terms during the applicable academic year. Remission recipients must have a parent, stepparent, or spouse who was a member of the United States armed forces who; died or a service-connected disability, injury or illness (either before or subsequent to discharge); is permanently and totally disabled as a result of military service; or while a member of the United States armed forces is classified as missing in action or as a prisoner of war during armed hostilities.

4.4 Member of Active Selected Reserve

This remissions program is provided to the Nebraska residents pursuant to the terms of Neb. Rev. Stat. §80-901. Those who qualify are entitled to a credit of seventy-five percent (75%) of tuition charges for a baccalaureate degree program or fifty percent (50%) of the resident tuition charges for a graduate degree program. This waiver is available for fall, spring, and summer terms during the applicable academic year and is not subject to a lifetime limit on tuition credit.

4.5 In the Line of Duty Dependent Education Benefit (tuition and fees waiver)

This remission program is provided pursuant to the terms of Neb. Rev. Stat. §85-2304. The In the Line of Duty Dependent Education Benefit is established for children of law enforcement officers and firefighters killed in the line of duty on or after April 23, 2009. The benefit is for full-time undergraduate students pursuing a baccalaureate degree. The Colleges will waive tuition and fees remaining after the application of federal financial aid grants and state scholarships and grants awarded to the eligible dependent. This waiver is available for fall, spring, and summer terms during the applicable academic year. To remain eligible, the dependent must comply with all requirements of the institution for continued attendance and award of a baccalaureate degree. Verification of dependent eligibility is also made by obtaining a certificate of eligibility. Dependent eligibility includes children of members of emergency medical services ambulance squads that are not associated with a paid or volunteer fire department.

4.6 First Responder Education Waiver

This remission program is provided to eligible Law Enforcement Officers, Professional Firefighters and their legal dependents pursuant to the terms of the First Responder Recruitment and Retention Act (§85-2601 through 85-2606) (the Act). Those who qualify are entitled to a credit of one hundred percent (100%) of resident tuition charges after subtracting

awarded federal financial aid grants and state scholarships and grants. This waiver is available for fall, spring and summer terms during the applicable academic year.

- All applicants for the waiver must complete and submit a Free Application for Federal Student Aid (FAFSA).
- An Officer, Firefighter or Dependent interested in the program is required to complete an application form and must provide a certificate verifying the Officer's or Firefighter's satisfactory performance in accordance with the Act as part of the application. Any Officer, Firefighter, or Dependent applying for a waiver for the first time after September 2, 2023, must also provide documentation annually from the Department of Revenue indicating all requirements of proof of employment and residency in Nebraska have been satisfied.
- A Dependent must execute the required agreement with the College regarding a five-year residency requirement prior to receiving the waiver.
- To qualify for the waiver, the Officer must be pursuing a baccalaureate degree program related to a career in law enforcement. The NSCS has determined all of its baccalaureate degree programs would benefit law enforcement officers in furtherance of their careers; and therefore, the tuition waiver can be applied toward any baccalaureate program whether the officer is enrolled full or part-time.
- To qualify for the waiver, the Firefighter must be pursuing a baccalaureate degree in science or medicine that relates to a career in professional firefighting.
- To qualify for the waiver, a Dependent must be pursuing a baccalaureate degree.
- An Officer, Firefighter, or Dependent must comply with all College requirements for continued attendance. The Officer, Firefighter or Dependent may receive the waiver for up to five (5) years if they otherwise continue to be eligible for participation. The Officer, Firefighter or Dependent must reapply for the waiver annually.
- Within forty-five (45) days after receipt of a completed application, the College shall give the applicant written notice of their eligibility or ineligibility for the tuition waiver. If the applicant is determined not to be eligible for the tuition waiver, the notice shall include the reason or reasons for such denial and the procedure for seeking reconsideration of the decision by the President. A copy of the notice shall also be sent to the President and the Chancellor.
- An applicant seeking to appeal a denial must send a letter to the Chancellor within thirty (30) business days of the date of the denial.

The letter must include the reasons the officer believes the denial to be in error.

- The Chancellor shall provide written notice of the decision to the applicant consistent with the requirements set forth in the Act. If the Chancellor determines that the officer is eligible for the tuition waiver, the tuition waiver shall be provided as if the original application had been approved.

5. Reporting

The Colleges shall report to the Chancellor by October 15 of each year the number of waivers granted and the waivers amounts for each of the categories established within this policy. In certain circumstances the academic standing (freshman, sophomore, junior, senior) may also be requested for specific waiver types. The Chancellor shall provide a summary of remissions to the Board.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Nebraska State Constitution Article I-30	
	Neb. Rev. Stat. 80-411	Waiver of tuition at institutions of higher education; qualifications; application; Director of Veterans' Affairs; approval; effect; rules and regulations
	Neb. Rev. Stat. 85-504	State education institutions; fees; waiver
	Neb. Rev. Stat. 85-501	State educational institutions; nonresident fees
	Nb. Rev. Stat. 85-2304	*In the Line of Duty Dependent Education Benefit*; established; eligibility; waiver of tuition and fees; application; notice; determination; effect
	Neb. Rev. Stat. 85-2603	Law Enforcement Education Act
	Neb. Rev. Stat. 80-901-80-903	Active Selected Reserve tuition credit

Policy Adopted: January 1977

Policy Revised: February 1983, October 1986, June 1993, September 1997, November 1998, April 2000, February 2004, June 2006, January 2009, April 2009, September 2009, January

2010, January 2011 – Effective July 2011, March 2011, November 2011, June 2012, September 2012, September 2013, January 2014, April 2014, September 2014, November 2014, June 2016, January 2017 – Effective Fall Semester 2017, November 2017, November 2018, September 2019, September 2020, September 2021, July 2022, March 2023, April 2024, October 2025

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Housing

POLICY NUMBER: 3500

A. PURPOSE

To set forth guidance associated with the provision of student housing.

B. DEFINITIONS

None

C. POLICY

1. On-Campus Housing

1.1. College housing will be open for occupancy at least one (1) day prior to classes commencing for any regular academic period and provisions for housing after the completion of any final examination for students who have extenuating circumstances.

1.2. Upon recommendation of the President and the approval of the Board, the right is reserved to require as many students, as it may be considered practicable, to reside in College housing.

1.3. The Colleges are authorized to establish specific housing regulations.

2. Minimum Age

A student must be at least seventeen (17) years of age to reside in College housing during the fall, spring, and summer terms. This provision does not pertain to guests to the campus staying in the halls for a short-term visit or camp.

SOURCE:

Neb. Rev. Stat. 85-408	Dormitories; housing facilities; other facilities; rates, fees; or charges; pledge for payment of bonds; surplus; approval by Legislature

Policy Adopted: January 1977

Policy Revised: June 1993, March 1994, April 2012, January 2016, March 2019, January 2025

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Health Services

POLICY NUMBER: 3510

A. PURPOSE

To outline the scope of the State Colleges' responsibilities regarding the provision of a health service program for students.

B. DEFINITIONS

None

C. POLICY

1. Scope of Responsibility

Each College will provide a health service program for students including education, awareness and support in such areas as physical health, mental health, general wellness, and drug and alcohol education.

Each College will also provide counseling services and mental health resources for the purpose of promoting students' physical and mental well-being.

2. Funding

The programs shall be supported by established health fees and other appropriate charges.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: March 1994

Policy Revised: January 2023

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Posthumous Degrees

POLICY NUMBER: 3601

A. PURPOSE

To establish the requirements for the granting of a posthumous degree to a deceased student.

B. DEFINITIONS

None

C. POLICY

1. Eligibility

The Colleges have the discretion to award a posthumous degree if at the time of the student's death, or at the time of withdrawal from the College due to medical necessity relating to a terminal illness, the student:

- Was enrolled in a degree bearing program and in good standing at the College; and
- Had attained senior status.

2. Procedure

2.1. Timeline

- The posthumously awarded degree shall be granted for the term in which the degree would have been earned had the student been able to complete the courses for which the student was registered.
- The decision to confer a posthumous degree must be made by the College of the student's attendance within two years of the death of the student.

2.2. Notification Process

- Prior to the granting of a posthumous degree, the President shall notify the Chancellor of plans to note the degree in the commencement

program for the first term after approval of the posthumous award or the term for which the degree is awarded, whichever is later.

- The degree posting becomes a permanent entry on the student's transcript.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-306	State colleges; president; duties.
	Neb. Rev. Stat 85-308.01	State colleges; degree of bachelor of arts or bachelor of science; confer.

Policy Adopted: April 1999

Policy Revised: March 2011, April 2018, January 2019, January 2023

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Student Records

POLICY NUMBER: 3650

A. PURPOSE

To comply with the Family Educational Rights and Privacy Act (FERPA) to protect the privacy of student records, the following addresses a student's right to review education records, the right to seek to amend education records, and to limit certain disclosures of information from a student's education record.

B. DEFINITIONS

1. **Student:** An individual currently or previously enrolled or registered in the College's education program or activity.

C. POLICY

1. Education Records

The education records means those records directly related to a student and maintained by the College or a party acting on behalf of the College. Education records do not include the following:

1.1. Records kept in the sole possession of the maker, used only as a personal memory aid, and not accessible or revealed to any other person except a temporary substitute for the maker of the record.

1.2. Records of the security department of the College, subject to the provisions of 34 CFR §99.8.

1.3. Records relating to an individual who is employed by an educational agency or institution, other than records relating to a student who is employed as a result of their status as a student which are education records, that

- Are made and maintained in the normal course of business;
- Relate exclusively to the individual in that individual's capacity as an employee; and
- Are not available for use for any other purpose.

1.4 Records on a student:

- Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in their professional capacity or assisting in a paraprofessional capacity;
- Made, maintained or used only in connection with treatment of the student; and
- Disclosed only to individuals providing the treatment. “Treatment” does not include remedial education activities or activities that are part of the program of instruction at the College.

1.5 Records created or received by the College after an individual is no longer a student in attendance and are not directly related to the individual’s attendance as a student.

1.6 Grades on peer-graded papers before they are collected and recorded by a faculty member.

2. Right to Review Education Records

With certain exceptions, a student has a right to review records which are directly related to him/her and are maintained by the College. A student request to see their file is to be sent to the office which maintains the file and will be honored within forty-five (45) days. Students must pay for the cost to make copies of any records. Parents of dependent students have the right to review information about their children, such as grades, bills, and other information without having to gain students’ consent as long as dependency is documented to the College.

3. Releasing Information Pursuant to Student Consent

3.1. Except as authorized by this policy, non-directory information, as defined herein, will be released only upon the written request of the student.

3.2. When information is released from a student’s file pursuant to the student’s written consent, the consent document, the reason(s) for the release, and the name of the recipient of the release must be attached to the copy of the data released, which is kept in the file.

3.3. The recommendation or data released must include a statement that the information is not to be released to anyone else without the student’s written consent.

4. Releasing Information Without Student Consent

4.1. Colleges may, upon written request, release non-directory personally identifiable education records without student consent in accordance with FERPA and federal regulations. A record of such releases to third parties must be maintained by the College. No consent from the student is required for the release of, or access to, an education record or personally identifiable information under the following circumstances:

- By school officials who have a legitimate educational interest.
    - School officials include a person employed by the College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit, personnel and health center staff); a person serving on a board or committee; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the College who performs an institutional service or function for which the College would otherwise use its own employees and who is under the direct control of the School with respect to the use and maintenance of information from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing their tasks.
    - A school official has a legitimate educational interest if the official needs to review a record in order to fulfill the official's professional responsibilities for the College. This includes, but is not limited to, performing an administrative task outlined in that official's duties; performing a supervisory or instructional task directly related to a student or the College; or performing a service or benefit for the student or the College such as health care, job placement, security, residential services, the acquisition of learning materials or student financial aid.
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
- To organizations conducting studies for, or on behalf of, the College, in order to: (i) develop, validate, or administer predictive tests; (ii) administer student aid programs; or (iii) improve instruction.
- To accrediting organizations to carry out their accrediting functions.
- To parents of a student, if the student is a dependent for IRS tax purposes.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate officials in connection with health or safety emergency if knowledge of the information is necessary to protect the health or safety of students or other persons.
- To the victim and/or the general public the final result of a campus disciplinary proceeding involving a violent crime or non-forcible sex offense where the accused was found to have violated College rules or policies.

- To an official of another school, school system, or institution of higher education in which a student seeks or intends to enroll. Colleges shall provide access to education records of students who apply for admission and/or transfer within the NSCS whenever such records are requested by another NSCS College without obtaining student consent for such a release.
- Directory information, as described below.
- Other disclosures not listed above as permitted by FERPA and other applicable laws.

5. Directory Information

5.1. Colleges may disclose directory information relating to a student without violating FERPA, unless a student has restricted the disclosure of the student's directory information in the Student Information System.

5.2. Directory information consists of:

- Student's legal name
- Address (local, permanent, and college-assigned electronic mail)
- Telephone numbers
- Participation in officially recognized activities and sports
- Weight, height and photographs of athletic team members
- Degrees, honors, and awards received
- Major field of study
- Dates of attendance (only beginning and end dates of semesters)
- Year in school
- Enrollment status (full/part-time)
- Date of graduation
- The most recent previous educational agency or institution attended

6. Filing Complaints

Persons wishing to file complaints regarding this policy or its implementation may do so with the U.S. Department of Education. See the Vice President or Dean responsible for Student Affairs for further information regarding such matters.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	20 USC 1232g	The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99)
	Neb. Rev. Stat. 43-2101	Persons under nineteen years of age declared minors; marriage, effect; person eighteen years of age or older; rights and responsibility.
	Neb. Rev. Stat. 84-712.05	Records which may be withheld from the public; enumerated.

Policy Adopted: January 1977

Policy Revised: August 1980, June 1993, May 2001, March 2006, September 2010, January 2012, April 20114, June 2015, June 2017, November 2019, July 2021, June 2022, September 2023, February 2025

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Pregnancy and Related Conditions

POLICY NUMBER: 3680

A. PURPOSE

To communicate the Board's commitment and the Colleges' responsibility to provide an environment for students experiencing pregnancy and related conditions free of discrimination.

B. DEFINITIONS

1. **Pregnancy and Related Conditions:** The full spectrum of processes and events connected with pregnancy, including pregnancy, childbirth, termination of pregnancy, or lactation; related medical conditions; and recovery therefrom.
2. **Reasonable Modifications:** Individualized adjustments to policies, practices, or procedures that do not fundamentally alter the education program or activity.

C. POLICY

1. Reasonable Modifications for Students

Students who are pregnant or are experiencing related conditions are entitled to Reasonable Modifications to prevent sex discrimination and ensure equal access to the College's education program and activity. Any student seeking Reasonable Modifications must contact the Title IX Coordinator to discuss appropriate and available Reasonable Modifications based on their individual needs. Reasonable Modifications are voluntary, and a student can accept or decline the offered Reasonable Modifications. Not all Reasonable Modifications are appropriate for all contexts.

1.1. Reasonable Modifications may include:

- Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom
- Intermittent absences to attend medical appointments
- Access to online courses when reasonable

- Changes in schedule, course sequence, or course labs when reasonable
- Time extensions for coursework and rescheduling of tests and examinations
- Allowing a student to sit or stand, or carry or keep water nearby
- Counseling
- Changes in physical space or supplies (for example, access to a larger desk or a footrest)
- Elevator access
- A larger uniform or other required clothing or equipment
- Other changes to policies, practices, or procedures determined by the Title IX Coordinator in consultation with other appropriate college personnel

1.2. Students are encouraged to work with their faculty members and the Recipient's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absence, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

1.3. Supporting documentation for Reasonable Modifications will only be required when it is necessary and reasonable under the circumstances to determine which Reasonable Modifications to offer to determine other specific actions to take to ensure equal access.

1.4. Information about pregnant students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the Reasonable Modification.

2. Pregnancy-Related Temporary Disability

Students experiencing pregnancy-related conditions that manifest as a temporary disability under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act are eligible for reasonable accommodations just like any other student with a temporary disability. The Title IX Coordinator will work with and refer the student to the College's disability service coordinator to ensure the student receives reasonable accommodations for their disability as required by law.

3. Certification to Participate

3.1. All students should be informed of health and safety risks related to participation in academic and co-curricular activities, regardless of pregnancy status. A student may not be required to provide health care provider or other certification that the student is physically able to participate in the program or activity, unless:

3.2. The certified level of physical ability or health is necessary for participation;

3.3. The institution requires such certification of all students participating; and

3.4. The information obtained is not used as a basis for pregnancy-related discrimination.

4. Lactation Space Access

The Colleges must provide students and employees access to lactation spaces that are functional, appropriate, and safe.

4.1. Such spaces must be regularly cleaned, shielded from view, and free from the intrusion of others.

4.2. Lactation spaces cannot be bathrooms.

SOURCE:

Policy Adopted: November 2024

Policy Revised:

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Accommodations for Students with Disabilities

POLICY NUMBER: 3700

A. PURPOSE

To provide guidance to the Colleges regarding accommodations for students with disabilities.

B. DEFINITIONS

1. **Assistance Animal:** An Assistance Animal, sometimes referred to as an emotional support animal, is an animal that may not have specific disability-related training, but provides support for people with disabilities in the living environment and allows them full benefit and enjoyment of the living space.
2. **Disability:** A disability is a physical or mental impairment that substantially limits one or more major life activities.
3. **Service Animal:** A Service animal is a dog trained to perform work or perform tasks for a student with a disability, and the work is directly related to the individual's disability.
4. **Student with a Disability:** A student with a disability is someone who has a physical or mental impairment that substantially limits one or more major life activities, has a history or record of such an impairment, or is perceived by others as having such an impairment.

C. POLICY

1. General

1.1. Students with disabilities have the right to an equal opportunity to participate in and benefit from all programs offered by the Colleges. The Colleges are committed to providing students with disabilities the same opportunity to achieve academic success as they provide for all students and shall designate one or more ADA representatives to act as a disability services coordinator.

1.2. Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA) provide protections for students with

disabilities. Services will be provided with the understanding that students with disabilities may require reasonable accommodations and must have their needs assessed on a case-by-case basis.

1.3. A student with a disability may be entitled to a reasonable accommodation whenever the accommodation is necessary to provide them an equal opportunity to participate in and benefit from a college program including, for example, for academic needs, student activities, campus housing and/or general accessibility issues.

- Providing reasonable accommodations for a student with documented disabilities does not guarantee a student equal results or achievement.
- The Colleges must only afford them an equal opportunity for achievement.

1.4. Students with disabilities have the same obligations as all students to meet and maintain the Colleges' performance standards and codes of conduct as described in Board Policy 3100 with or without reasonable accommodation.

- To maintain a safe environment conducive to learning, behavior deemed to be dangerous, damaging, harassing or otherwise disruptive to the College community is not allowed, even when that behavior is a symptom of or is associated with a disability.
- A student with a disability who poses a direct threat to the health and safety of others and which threat cannot be mitigated by a reasonable accommodation is not qualified to continue as a student at the Colleges.

2. Records and Confidentiality

2.1. Each College shall maintain appropriate confidential records that identify students with disabilities. These records shall include the student's name, address, student ID number, nature of disability, support services needed, and verifying statement of services to students with disabilities and documentation provided by the student.

2.2. All such records shall be considered "education records" protected by the Family Educational Rights and Privacy Act (FERPA) and its regulations. Information about the student may be released with the student's informed written consent in accordance with Board Policy 3650, FERPA or other applicable federal and state laws.

3. Accommodations Process

3.1. Students with disabilities are responsible for initiating the accommodation process by identifying themselves as needing reasonable accommodations to the environment, auxiliary aids and/or services in a timely manner.

- Students seeking accommodations must submit a request to the disability services coordinator at their respective College and engage in the interactive process.
- The request must include sufficient information and documentation to establish the student has a disability, and the accommodation is necessary because of the disability, including the nature of the disability and why reasonable accommodation is necessary.
- After a request for accommodation has been made, the student and the College shall engage in an interactive process to determine what, if any, reasonable accommodation is available to the student.
- The College may need to obtain additional information and documentation to determine if the student's condition qualifies as a disability or to determine what would be an effective accommodation. Such information may not be necessary if the student's disability and an effective accommodation is obvious.

3.2. Based upon the information provided by the student, the disability services coordinator at the College will notify the student of what, if any, accommodations have been approved. The notification must contain the name and contact information of the individual designated by the senior student affairs officer to review appeals of disability service coordinator determinations and the process for filing an appeal.

3.3. Students may appeal the determination made by the disability services coordinator by submitting a written statement or email to the individual designated by the senior student affairs officer to review appeals of disability service coordinator determinations within five (5) calendar days of the date of the notification. The written statement must outline a specific basis for the appeal of the decision.

4. Personal Care Attendants

4.1. Students who require a personal care attendant (PCA) are responsible for making arrangements for their PCA service. If a PCA is needed, the student is responsible for hiring, training, scheduling, supervising, paying, and replacing the attendant as necessary. The Colleges are not responsible for any coordination or financial responsibilities for PCAs. In addition, other College students and employees shall not provide the services of a PCA.

4.2. PCAs with access to residence halls shall be subject to a background check completed by Human Resources before arriving on campus. Access to College residence halls will not be granted until a background check has been completed. Any PCA that fails to abide by College policies and procedures may be subject to removal from the residence halls and College campus, loss of all privileges and any other action the College may consider appropriate.

5. Service Animals

5.1. In determining if a student is allowed to have a service animal, the Colleges may ask two (2) questions: Is the dog required because of a disability? and What work or task has the dog been trained to perform?

- If the student answers yes to the first question and adequately describes that the dog has been trained to perform work or task(s) directly related to the student's disability, the service animal is allowed unless it is otherwise unreasonable to do so as described in this policy.
- The Colleges may not ask any questions regarding the nature and/or severity of the student's disability or for any documentation.

5.2. The Colleges may request proof of compliance with vaccination requirements.

5.3. Service animals may accompany the student in any and all locations where students are reasonably permitted to be and where it is deemed safe for the animal to be. The Colleges may prohibit the use of service animals in certain locations because of health and safety restrictions.

5.4. Students with disabilities who are accompanied by a service animal must comply with the same College rules regarding conduct, noise, safety, disruption, and cleanliness as people without disabilities.

5.5. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the student's disability prevents using these devices. In that case, the student must maintain control of the animal through voice, signal or other effective controls.

5.6. Students with disabilities who are accompanied by a service animal are solely responsible for the cost, care, supervision, and well-being of the animal at all times.

- The Colleges are not responsible for the care or supervision of service animals.
- The Colleges are not responsible for the evacuation or care of service animals during fire alarms, fire drills, building or campus emergencies, or natural disasters.

5.7. Students with disabilities accompanied by a service animal are responsible for any damage or injuries caused by their animals and must take appropriate precautions to prevent property damage or injury.

5.8. Cleaning up after the animal is the sole responsibility of the student with disabilities that is in possession of the service animal. If the student is not physically able to clean up after the animal, it is then the responsibility of that student to hire someone capable of cleaning up after the animal in a timely, hygienic, and respectful manner.

6. Assistance Animals

6.1. The Colleges may allow a student to be accompanied by an Assistance Animal that is not a service animal in student housing if the animal is necessary because of the student's disability.

6.2. The Colleges will evaluate whether to permit an Assistance Animal using the same procedure as it uses to evaluate any other request for reasonable accommodation. While the Colleges will evaluate each request on a case-by-case basis, students generally may establish the necessity for an Assistance Animal in student housing if:

- the student has a documented disability; and
- the student provides verification documentation from a health care professional with whom a student has an established clinical relationship that the Assistance Animal is necessary because of the student's disability to have an equal opportunity to use and enjoy student housing.

6.3. The presence of the Assistance Animal must also be reasonable. Assistance Animals cannot:

- pose a direct threat to the health and safety of others;
- cause substantial damage to the property of others;
- pose an undue financial or administrative burden; or
- fundamentally alter the nature of the College's operation.

6.4. The Colleges will require a student to provide evidence the Assistance Animal's vaccinations are current and they have complied with all local ordinances and licensing requirements prior to bringing the Assistance Animal to student housing.

6.5. Students with disabilities who have Assistance Animals must comply with the same College rules regarding conduct, noise, safety, disruption, and cleanliness as people without disabilities.

6.6. A student with a disability who has an Assistance Animal is solely responsible for the cost, care, supervision, and well-being of the animal at all times.

- Colleges are not responsible for the care or supervision of Assistance Animals.
- Colleges are not responsible for the evacuation or care of Assistance Animals during fire alarms, fire drills, building or campus emergencies, or natural disasters.

6.7. Students with disabilities who have an Assistance Animal are responsible for any damage or injuries caused by their animals and must take appropriate precautions to prevent property damage or injury.

7. Food Allergies

7.1. Food allergies may constitute a disability under the Americans with Disabilities Act (ADA). The Colleges will develop individualized plans for students who request reasonable accommodations due to a food allergy. Depending on the individual circumstances, the Colleges may allow students to be exempt from the mandatory meal plan, eat in a separate location, or partake of meals made without specific allergens within the Colleges' regular dining halls.

8. Complaints

8.1. Concerns or complaints regarding ADA compliance should first be directed to the disability services coordinator of the College. The disability services coordinator may refer the matter to the appropriate academic or student affairs officer.

8.2. If the disability services coordinator, academic officer, or student affairs officer is unable to resolve the issue, complaints related to ADA compliance or discrimination shall be addressed per the procedures set forth in Board Policy 3210 regarding grievances.

SOURCE:

Title II of the Americans with Disabilities Act of 1990

Section 504 of the Rehabilitation Act of 1973

Fair Housing Act

Family Educational Rights and Privacy Act

Policy Adopted: January 2015

Policy Revised: November 2018, April 2024, June 2026

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Athletics Programs

POLICY NUMBER: 3710

A. PURPOSE

To provide direction regarding the Athletics Programs at the Colleges.

B. DEFINITIONS

1. **Auxiliary Program:** A program that competes and/or performs at the collegiate level and is funded by the College for which eligibility requirements for participation by a student athlete are not governed by the National Collegiate Athletic Association (NCAA) or National Association of Intercollegiate Athletics (NAIA) regulation and oversight is provided by the Athletic Program.
2. **College Club Sport:** A sport played at the collegiate level and funded by the College for which eligibility requirements for participation by a student athlete are not governed by the NCAA or NAIA. College Club Sports do not include student organization club sports established under Policy 3300 and receiving student activity fees.
3. **Intercollegiate Sport:** A sport played at the collegiate level for which eligibility requirements for participation by a student athlete are governed by the NCAA or NAIA, whichever is applicable, in accordance with College membership.
4. **Student Athlete:** A person enrolled as a student and participating in intercollegiate sports, College Club Sports, or auxiliary programs of the College's athletic program.

C. POLICY

1. Scope of Athletics Programs

1.1. Each College's athletics program includes its Auxiliary Programs, Club Sports and intercollegiate sports.

1.2. The addition, termination or reinstatement of any Intercollegiate Sport to the athletic program of the College requires Board approval.

1.3. The addition, termination or reinstatement of any Auxiliary Program or College Club Sport shall be reported to the Vice Chancellor for Student Affairs and Risk Management.

2. Intercollegiate Sports Athletic Association and Conference Affiliations

2.1. All athletic association and conference affiliations and any subsequent realignments of those affiliations require Board approval.

2.2. Each College shall report annually to the Vice Chancellor for Student Affairs and Risk Management whether the NCAA or NAIA, whichever is applicable, in accordance with College membership makes available liability, health, travel or other insurance coverages and in which of the coverages the College participates.

2.3. Each College will comply with the regulations and requirements of the NCAA or NAIA, whichever is applicable, in accordance with College membership and with the rules established by the athletic conferences to which each College now belongs or may join.

2.4. The Chancellor or President, as appropriate, is directed upon ascertaining that any violation of the rules and regulations of any conference or athletic association to which a College may belong or be affiliated with, are directly or indirectly violated by an employee, officer, agent or any other person under the control of the College, to take appropriate disciplinary action against such individual and report such action to the Board.

2.5. The Chancellor, on behalf of the Board, is directed upon ascertaining that any person or entity who is not an officer, employee, agent or under control of the Board, has caused a violation of the rules and regulations or any athletic conference or association or to any student of the State Colleges or any activity of the Colleges may commence legal action as deemed appropriate. Legal action may include, but not be limited to, request for damages and/or injunction and/or other relief.

3. College Club Sports Governing Associations

3.1. To the extent available, the College should be a member of the established governing association of a College Club Sport. The College must identify the applicable governing association when reporting the addition or reinstatement of a College Club Sport.

3.2. Any subsequent change in the membership in a governing association of a College Club Sport must be reported to the Board.

3.3. Each College shall report annually to the Vice Chancellor for Student Affairs and Risk Management whether the governing associations of the College Club Sports within the College's athletics program makes available liability, health, travel or other insurance coverages and in which of the coverages the College participates.

3.4. Each College will comply with the regulations and requirements of the governing association to which each College belongs.

3.5. The Chancellor or President, as appropriate, is directed upon ascertaining that any violation of the rules and regulations or any governing association to which a College may belong, are directly or indirectly violated by an employee, officer, agent or any other person under the control of the College, to take appropriate disciplinary action against such individual and report such action to the Board.

3.6. The Chancellor, on behalf of the Board, is directed upon ascertaining that any person or entity who is not an officer, employee, agent or under control of the Board, has caused a violation of the rules and regulations of any governing association or to any student of the State Colleges or any activity of the Colleges may commence legal action as deemed appropriate. Legal action may include, but not be limited to, request for damages and/or injunction and/or other relief.

4. Auxiliary Programs Governing Associations

4.1. To the extent available, the College should be a member of the established governing association of an Auxiliary Program. The College must identify the applicable governing association when reporting the addition or reinstatement of an Auxiliary Program.

4.2. Any subsequent change in the membership in a governing association of an Auxiliary Program must be reported to the Vice Chancellor for Student Affairs and Risk Management.

4.3. Each College shall report annually to the Vice Chancellor for Student Affairs and Risk Management whether the governing associations of the Auxiliary Programs within the College's athletics program makes available liability, health, travel or other insurance coverages and in which of the coverages the College participates.

4.4. Each College will comply with the regulations and requirements of the governing association to which each College belongs.

4.5. The Chancellor or President, as appropriate, is directed upon ascertaining that any violation of the rules and regulations of any governing association to which a College may belong, are directly or indirectly violated by an employee, officer, agent or any other person under the control of the College, to take appropriate disciplinary action against such individual and report such action to the Board.

4.6. The Chancellor, on behalf of the Board, is directed upon ascertaining that any person or entity who is not an officer, employee, agent or under control of the Board, has caused a violation of the rules and regulations of any governing association or to any student of the State Colleges or any activity of the Colleges may commence legal action as deemed

appropriate. Legal action may include, but not be limited to, request for damages and/or injunction and/or other relief.

5. Eligibility

5.1. Student athletes participating in Intercollegiate Sports maintain eligibility pursuant to state law, the regulations and requirements of the NCAA or NAIA, whichever is applicable, in accordance with College membership and with the rules established by the athletic conferences to which each College now belongs or may join.

5.2. Student athletes participating in Auxiliary Programs or College Club Sports must maintain eligibility pursuant to state law, the regulations and requirements of the governing association to which the College belongs at the time of their participation. If no such regulations and requirements exist, the student athlete must at a minimum be in good standing with the College academically and with respect to conduct.

6. Scholarships, Fee Waivers and Other Support

6.1. To assure the absence of any discrimination between men's and women's athletic programs on the basis of sex, the Colleges are authorized to make available for women's Auxiliary Programs, College Club Sports and intercollegiate athletics such fee waivers, scholarships and other forms of support as are appropriately commensurate with those made available for men's Auxiliary Programs, College Club Sports and intercollegiate athletics.

6.2. No student athlete shall be given an academic scholarship or an academic grant-in-aid except when qualified for such award on the basis of academic performance the same as any other student.

7. Athletic Facilities

The use of athletic facilities by any outside agency or party must be authorized in writing by the President or their designee.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: June 2006, March 2011, March 2023, September 2025

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Student Athletic Injury Insurance

POLICY NUMBER: 3720

A. PURPOSE

To provide the requirements related to the provision of insurance coverage related to injuries sustained by or accidental death of student athletes while participating in Intercollegiate Sports,College Club Sports, or Auxiliary Programs.

B. DEFINITIONS

1. **Auxiliary Program:** A program that competes and/or performs at the collegiate level and is funded by the College for which eligibility requirements for participation by a student athlete are not governed by the National Collegiate Athletic Association (NCAA) or National Association of Intercollegiate Athletics regulation (NAIA) and oversight is provided by the Athletic Program. .
2. **College Club Sport:** A sport played at the collegiate level and funded by the College for which eligibility requirements for participation by a student athlete are not governed by the NCAA or NAIA. College Club Sports do not include club sports established as student organizations under Policy 3300 and receiving student activity fees.
3. **Intercollegiate Sport:** A sport played at the collegiate level for which eligibility requirements for participation by a student athlete are governed by the NCAA orNAIA, whichever is applicable, in accordance with College membership.

C. POLICY

1. Student Health Insurance and Physicals

1.1. All student athletes participating in an Intercollegiate Sport, shall provide proof of health insurance each year prior to participation and shall maintain health insurance coverage throughout their participation.

1.2. All participants in College Club Sports and Auxiliary Programs are encouraged to secure health insurance each year prior to participation and maintain health insurance coverage throughout their participation.

1.3. Student health insurance policies may not be purchased, paid for, or otherwise reimbursed by the Colleges

1.4. Physical examinations for all student athletes participating in Intercollegiate or College Club Sports shall be mandatory and are a pre-requisite to participation.

1.5. Participants in Auxiliary Programs must certify annually they have no physical or health conditions that would pose a risk as a result of their participation.

2. College Insurance Program

2.1. The Board provides insurance coverage, subject to a deductible, to student athletes for personal injuries or accidental death, occurring while participating in College organized play or practice for an intercollegiate, College Club Sport, orAuxiliary Program.

2.2. The scope and nature of the coverage and deductible may differ between intercollegiate, College Club Sports, and Auxiliary Programs.

2.3. Each College shall select suitable deductibles in coordination with the System Office.

2.4. For purposes of Intercollegiate Sports, the insurance provided by the Board shall meet the following criteria:

- Cover student athletes, student managers, and student trainers for bodily injury sustained while participating in scheduled games, supervised practice session, and authorized group or team travel to and from such events both at home campus and when away from home campus during college sponsored events;
- Provide basic athletic injury coverage on an excess requiring that any family or employer group insurance or plan contribute its maximum before any College coverage has any liability. It shall be supplemental coverage designed to pick up balances left by the family or employer group insurance or plan and is coordinated with a catastrophic coverage plan;
- Provide medical and dental benefits to student athletes who are injured while participating in Intercollegiate Sports up to a maximum amount required as a deductible by the catastrophic insurance underwriter (NCAA or NAIA, as appropriate), for covered expenses incurred.
- Includes an accidental death and dismemberment benefit.
- Other benefits may be added at the discretion of the Chancellor.

2.5. For purposes of College Club Sports and Auxiliary programs, the insurance provided by the Board shall meet the following criteria:

- Cover participants in College Club Sports, student managers, and student trainers for catastrophic bodily injury sustained while

participating in scheduled games and competitions, supervised practice sessions, and authorized group or team travel to and from such events both at home campus and when away from home campus during college sponsored events;

- Provide catastrophic coverage on an excess requiring that any family or employer group insurance or plan contribute its maximum and any deductible be satisfied before any College coverage has any liability. It shall be supplemental coverage designed to pick up balances left by the family or employer group insurance or plan and is coordinated with any coverage provided by the applicable governing body;
- Includes an accidental death and dismemberment benefit.
- Other benefits may be added at the discretion of the Chancellor.

3. Claims Reporting and Pre-authorization

3.1. All injuries related to participation in Intercollegiate Sports, College Club Sports and Auxiliary Programs are to be reported to the designated College official within 24 hours or as soon as practical.

3.2. All concussions sustained by Student Athletes participating in Intercollegiate Sports, College Club Sports and Auxiliary Programs are to be subject to established concussion protocols and subject to reporting to the the Colleges' liability insurance carrier.

3.3. A written pre-authorization for all medical care associated with a sports injury is required to be filed with the College in order to be eligible for insurance benefits.

3.4. Each College shall establish a deadline for claims to be filed each academic year.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: March 1994

Policy Revised: March 2006, March 2011, September 2013, June 2015, March 2023

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Athletics; Name, Image and Likeness Activities

POLICY NUMBER: 3730

A. PURPOSE

To provide guidance regarding current or prospective student athletes' use of name, image, and likeness rights or athletic reputation (NIL) for commercial or promotional purposes.

B. DEFINITIONS

1. **Auxiliary Program:** A program that competes and/or performs at the collegiate level and is funded by the College for which eligibility requirements for participation by a student athlete are not governed by the National Collegiate Athletic Association (NCAA) or National Association of Intercollegiate Athletics regulation (NAIA) and oversight is provided by the Athletic Program. .
2. **College Club Sport:** A sport played at the collegiate level and funded by the College for which eligibility requirements for participation by a student athlete are not governed by the NCAA or NAIA. College Club Sports do not include recognized student organization club sports established under Policy 3300 and receiving student activity fees.
3. **Intercollegiate Sport:** A sport played at the collegiate level for which eligibility requirements for participation by a student athlete are governed by the NCAA or NAIA, whichever is applicable, in accordance with College membership.
4. **NIL Activity:** Any activity that involves the use of a student athlete's name, image or likeness rights or athletic reputation for commercial or promotional purposes.
5. **Professional Representation:** An individual who provides services, guidance, advice or otherwise represents a student athlete with respect to the use of the student athlete's use of their name, image, and likeness rights or athletic reputation for commercial or promotional purposes. Such individual would include, but not be limited to, an athletic agent, brand management company, marketing consultant, tax advisor, financial advisor, or attorney.
6. **Sponsor:** Any individual or organization that pays money or provides goods or services in exchange for advertising rights.

7. **Student Athlete:** Prospective or current NSCS student athlete participating in, or expected to, participate in an Intercollegiate Sport, college club sport or Auxiliary program for the College.
8. **Team Contract:** Any contract between the Board of Trustees, the College or the athletic department of the College and a sponsor.
9. **Working Day:** Monday through Friday, excluding holidays.

C. POLICY

1. Student Athlete Compensation and Contracts

Student athletes participating in Intercollegiate Sports, College Club Sports or Auxiliary Programs on behalf of the College are permitted to earn compensation for the use of their name, image, likeness, or athletic reputation subject to the limitations set forth in this policy. Nothing herein shall limit the College's right to use a student athlete's name, image, and likeness or athletic reputation in connection with the promotion of its athletics programming.

1.1. Compensation

- Compensation earned under student athlete contracts for NIL activity must be for fair market value and for actual work or services performed.
- Boosters may only compensate a student athlete or arrange compensation for a student athlete for NIL activity if done so on behalf of a business entity if the Booster is an owner, an employee, or has a similar direct relationship with the entity. Boosters shall not provide professional representation to student athletes.
- College and NSCS employees are prohibited from compensating, arranging compensation or negotiating on behalf of a student athlete for the use of the student athlete's name, image, and likeness rights or athletic reputation.

1.2. Contract Requirements

- Student athletes shall not enter into a contract with a sponsor in which compensation is contingent on enrollment at a particular College or athletic participation or performance.
- Student athletes shall not enter into a contract for NIL activity with vendors engaged in gambling or sports wagering, associated with athletic performance enhancing drugs, or associated with alcohol or illegal drugs.
- Student Athletes shall not enter into a contract with a sponsor that provides compensation to the student athlete for NIL Activity if the contract requires the student athlete to display the sponsor's apparel or

to otherwise advertise for the sponsor during official team and compliance with the contract would conflict with a team contract.

1.3. Conflicts and Disclosures

- If the College asserts a conflict between a student athlete's contract and a Team Contract, the College must provide a copy of the Team Contract to the student athlete and their professional representation. The student athlete and their professional representation are prohibited from disclosing the terms of the Team Contract.
- Any student athlete who enters into a contract that provides compensation for the use of the student athlete's name, image or likeness rights or athletic reputation shall disclose such contract to the Athletic Director of the College in writing within five (5) working days of signing the contract by providing a copy of the applicable contract.
- Unless otherwise required by law, the College shall not disclose any terms of a student athlete's contract for NIL activities that the student athlete or the student athlete's professional representation deems to be a trade secret or otherwise non-disclosable.

2. Use of College Brand and Facilities

A student athlete engaged in NIL activity shall not use or display the College's name, brand, logo, trademark without prior written approval from the College. Such use includes, but is not limited to, wearing College apparel, whether purchased personally or provided by the College, wearing athletic uniforms, displaying mascots, banners, or posters. The College may refuse to provide approval if such would conflict with an existing Team or College agreement or otherwise be deemed by the College to potentially negatively impact the College's brand or reputation.

If brand use is granted, then the student athlete and sponsor must comply with the College's brand standards and/or guidelines.

A student athlete engaged in NIL activity shall not use video or photographic images of official team activities without prior written approval from the College.

The use of College facilities for NIL activities shall require written approval in advance in compliance with the College's facility use policies and procedures and include any applicable agreements, waiver of liability forms, insurance, and rental fees.

3. Other Considerations

Pell Grant or other need-based financial aid could be impacted by compensation received from NIL activity. Student athletes should contact the College Financial Aid Office with questions about financial aid implications.

International student athletes should not enter into any contracts for NIL activity without guidance from the College's office responsible for international programs regarding any potential immigration issues.

FORMS/APPENDICES:

NIL Optional Reporting Form

SOURCE:

Legal Reference: Neb. Rev. Stat. 48-3601 to 48-3609 Nebraska Fair Pay to Play Act

Policy Adopted: September 2021

Policy Revised: March 2023

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Athletics; Disclosure of Interpersonal Violence, Sexual Violence, and Other Acts of Violence.

POLICY NUMBER: 3740

A. PURPOSE

The NCAA Board of Governors adopted an association-wide policy addressing campus sexual and interpersonal violence for member institutions. The policy requires member institutions to follow institutional policies and processes directing college staff to reasonably gather information related to incidents of conduct from incoming, continuing, walk-on and transfer student-athletes that resulted in a finding and/or discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal, or other acts of violence.

The policy applies to all student-athletes who participate in intercollegiate sports, regardless of membership in the National Collegiate Athletic Association (NCAA) or the National Association of Intercollegiate Athletes (NAIA), any College Club Sports and any Auxiliary Programs.

B. DEFINITIONS

1. **Auxiliary Program:** A program that competes and/or performs at the collegiate level and is funded by the College for which eligibility requirements for participation by a student athlete are not governed by the NCAA or NAIA and oversight is provided by the Athletic Program.
2. **College Club Sport:** A sport played at the collegiate level and funded by the College for which eligibility requirements for participation by a student athlete are not established by the NCAA or NAIA. College club sports do not include club sports established as student organizations under Policy 3300 and receiving student activity fees.
3. **Intercollegiate Sport:** A sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by the National Collegiate Athletic Association (NCAA) or National Association of Intercollegiate Athletics regulation (NAIA), whichever is applicable, in accordance with College membership.

4. **Interpersonal Violence:** Violence that is predominantly caused due to the relationship between the victim and the perpetrator, including dating and domestic violence.
5. **Other Acts of Violence:** Crimes including murder, manslaughter, aggravated assault or any assault that employs the use of a deadly weapon or causes serious bodily injury.
6. **Sexual Violence:** A term used to include both forcible and non-forcible sex offenses, ranging from sexual battery to rape.
7. **Student Athlete**: A person enrolled as a student and participating in intercollegiate sports, college club sports, or auxiliary programs of the College's athletic program.

C. POLICY

1. All new and continuing student-athletes must complete a disclosure form annually.
2. The form shall require disclosure of the following:
   - 2.1 Any prior conduct involving sexual, interpersonal or other acts of violence that resulted in finding and/or discipline through a Title IX/sexual misconduct proceeding.
   - 2.2 Any criminal conviction involving sexual, interpersonal, or other acts of violence.
   - 2.3 Any Title IX/sexual misconduct proceeding that was incomplete at their former institution at the time of transfer to the NSCS, in which the student is listed as the Respondent.
3. A student-athlete's failure to make a full and accurate disclosure related to their conduct that resulted in a finding and/or discipline through Title IX proceeding or criminal conviction may be subject to or result in penalties, including loss of eligibility to participate in collegiate athletics as determined by the College and/or the NCAA, NAIA, or governing association and/or initiation of conduct proceedings by the College.
4. College staff will collect disclosure forms annually from all student-athletes and take reasonable steps to determine whether the student-athlete left an institution with an incomplete Title IX/sexual misconduct proceeding, has a finding or has been disciplined through a Title IX/sexual misconduct proceeding, or has a criminal conviction for sexual violence, interpersonal violence, or other acts of violence.
5. If a student-athlete discloses on the form that they left their prior institution with an incomplete Title IX/sexual misconduct proceeding or were disciplined through a Title IX/sexual misconduct proceeding or if the College seeks to verify the information provided on the form, the College will require that student-athlete to sign a Family Educational Rights and Privacy Act (FERPA) release enabling the

College to reasonably obtain information related to the Title IX/sexual misconduct proceeding. If a student fails or refuses to sign such a FERPA release, the student will be subject to all policy penalties and may be deemed ineligible to compete as a student-athlete.

6. If another higher educational institution contacts the College about a student-athlete attempting to enroll, who was previously enrolled at the College, the College will, in a manner consistent with federal and state law, disclose relevant information related to that individual's involvement in any Title IX/sexual misconduct disciplinary processes including those deemed incomplete as a result of a transfer with other member institutions, that involved sexual violence, interpersonal violence, or other acts of violence.

FORMS/APPENDICES:

Title IX/Sexual Misconduct Disclosure Form

SOURCE:

Legal Reference: NCAA Board of Governors Policy on Campus Sexual Violence

Adopted August 8, 2017

Updated August 7, 2018

Revised April 30, 2020

Revised April 27, 2021

Policy Adopted: July 2022

Policy Revised: March 2023

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Academic Calendar

POLICY NUMBER: 4001

A. PURPOSE

To establish policy for the State Colleges' academic calendar.

B. DEFINITIONS

None

C. POLICY

1. All institutions within the Nebraska State College System will use the same academic calendar and establish a regular academic session with on-campus courses that utilize a Monday through Friday schedule. Course meetings may be scheduled on Saturdays and Sundays as warranted. Regular academic sessions may also include online courses.
2. Five years of academic calendars will be developed and submitted to the Board for approval each year.
3. Should emergencies arise, the Chancellor will be responsible for making timely decisions on any matters regarding the academic calendar, pursuant to recommendations from the Presidents.

FORMS/APPENDICES

None

SOURCE:

Policy Adopted: January 1977

Policy Revised: June 1993, August 1997, April 2007, September 2009, March 2010, November 2019, June 2020, March 2022, March 2025, June 2025

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Academic and Professional Organizations

POLICY NUMBER: 4050

A. PURPOSE

To establish policy for academic and professional organizations.

B. DEFINITIONS

1. **Academic or Professional Organization:** A group that is incorporated into the academic programs(s) of the College and whose primary purpose is to support and enhance the academic goals of one or more programs offered at the College and enhance the professional or career development of its students. Such groups may be a local chapter of a state or national organization.

C. POLICY

1. Students should be encouraged to participate in academic and professional organizations.
2. Nothing herein shall prevent students from establishing student organizations pursuant to Policy 3300 in support of an academic or professional interest.
3. The vice president for academic affairs must approve any addition or elimination of an academic and professional organization. Each College shall establish written guidelines for the addition or elimination of academic and professional organizations and the supervision and operation of the organizations by the College. The approval of the addition for an academic or professional organization must include an explanation as to how any individual and/or organization dues will be paid and from what funding source.
4. Students who are members of an academic and professional organization may not travel to, or participate in, a conference or competition without prior approval of the vice president for academic affairs.
5. Membership in an academic and professional organization must be available to all students who meet eligibility requirements.
6. All academic and professional organizations shall operate within all applicable state and federal laws and regulations, Board policies and College rules

including, but not limited to, those related to travel, fundraising, purchasing, and expenditures.

7. Academic and professional organizations shall not receive funding from student activity fees and shall not maintain separate accounts. All funding in support of an academic and professional organization shall be accounted for within the College's regular operating budget. Fundraising may be done through the College Foundation in accordance with College and Foundation rules regarding fundraising by College departments, with funds received then transferred to the College for expenditure.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: November 2017

Policy Revised: March 2022

Board of Trustees of the Nebraska State Colleges

Policy Category

POLICY NAME: Student Registration Changes

POLICY NUMBER: 4120

A. PURPOSE

To establish processes and procedures by which students are added and removed from courses during the established course add/drop periods, as well as define course add and withdrawal processes that occur after this period has passed. No-show processes are also defined.

B. DEFINITIONS

1. **Academic Semester/Regular Academic Session**: The officially established Fall and Spring academic session, also commonly referenced as "academic term", traditionally consisting of sixteen or seventeen weeks, including finals.
2. **Academic Session:** All academic sessions offered within the Summer Term, as well as all Fall and Spring academic sessions with begin and/or end dates that differ from the official Fall and Spring academic semesters. They are usually shorter in length, such as five to eight weeks.
3. **Academic Term:** The officially established timeframes built into the Nebraska Student Information System (NeSIS) and identified as Fall Term, Spring Term, and Summer Term, within which all academic sessions and semesters are scheduled and courses offered.
4. **Administrative Action:** An action taken by academics, registrar, financial aid, student affairs, or student accounts that was not initiated by a student.
5. **Administrative Add:** Administrative action taken to add a student to one or more courses after the add/drop period is over.
6. **Administrative Drop:** Administrative action taken to drop a student from one or more courses after the add/drop period is over, which results in the course(s) being retroactively dropped from the student's schedule and no tuition and fees charged.
7. **Administrative Withdrawal:** Administrative action taken to withdraw a student from all courses in which the student is enrolled, but has not fully completed, for any current or future academic term after the add/drop period is over. This action

is taken primarily due to disciplinary issues, failure to pay, or extenuating circumstances that require the student to be disenrolled from all College courses.

8. **Complete No-Show Student:** A registered student who does not have a record of attendance or active participation in any courses within an academic session, or for whom the College has been notified is not attending.
9. **Course Add/Drop Period** The course add/drop period runs from the first day of the course through 6% of the length of the course. Percentages that are at or above .45 will be rounded up to the next whole number. Number of days by which this is computed include all calendar days from the first day of the course to the last day.
10. **Incomplete "I" Grade**: Indicates the student has been provided with additional time to complete the requirements for the course, per the criteria for awarding a grade of "I" outlined in the policy below.
11. **No-Show Action:** Administrative action taken to remove a student from one or more courses in response to the student being identified as a partial no-show or full no-show student.
12. **Partial No-Show Student:** A registered student with recorded attendance or active participation in at least one course within an academic session but has no recorded attendance or active participation in one or more of their registered courses.
13. **Refund**: The amount to be credited on a student's account or returned to the student related to various actions that impact tuition, fees, housing and/or meal plan costs. Refunds of 100% will be available for courses dropped within the add/drop period identified below. A prorated refund of 50% will be available for courses dropped within 12% of the overall length of the academic session or semester. The dropped course(s) will be removed from the student's schedule.
14. **Student Action:** An action initiated by the student related to their enrollment.
15. **Student Add:** Student adds a course during the add/drop period.
16. **Student Drop:** Student drops a course during the add/drop period.
17. **Student Late Drop**: Student drops a course after the add/drop period, but prior to the Withdrawal deadline, which will result in a "W" for the course. The timing of the late drop will impact the amount of tuition and fees owed for the course.
18. **Student Withdrawal:** Student goes through the College's formal process to withdraw from all courses in which they are enrolled.
19. **"W" Grade:** Indicates a student has officially been removed or withdrawn from a course after the established add/drop date but prior to the established withdrawal deadline. A "W" grade does not factor into a student's GPA calculation and is not considered a failing grade. After the established withdrawal deadline, each campus will establish a process for managing "W" grades for extenuating circumstances.

C. POLICY

1. Add/Drop Periods for Academic Semester/Academic Session Courses

- Academic Semester Courses(17 weeks/119 days): Add/Drop Period ends on day seven (7) of the semester.
- 3-Week (21 days) Academic Session Courses: Add/Drop Period ends on day one (1) of the session.
- 4-Week (28 days) Academic Session Courses: Add/Drop Period ends on day two (2) of the session.
- 5-Week (35 days) Academic Session Courses: Add/Drop Period ends on day two (2) of the session.
- 6-Week (42 days) Academic Session Courses: Add/Drop Period ends on day three (3) of the session.
- 7-Week (49 days) Academic Session Courses: Add/Drop Period ends on day three (3) of the session.
- 8-Week (56 days) Academic Session Courses: Add/Drop Period ends on day three (3) of the session.

2. No-Show Policy

- Complete no-show students will have a No-Show action completed to remove them from all courses in any academic session for which they have been identified as a complete no-show student. A complete no-show student who has been removed from courses for one academic session will also be removed from enrolled courses for all subsequent sessions within the academic year, which includes fall, spring, and trailing summer terms. If a student is enrolled in concurrent academic sessions and is only identified as a complete no-show student for one but not all sessions, the student will be identified as a partial no-show.
- Partial no-show students will have a No-Show action completed to remove them from the specific courses for which they have been identified as a no-show student and will have their aid adjusted.
- Students who are removed from courses due to no-show status before the established drop date for a specific academic session will be eligible for a full refund of tuition and fees.
- Students identified as complete no-show students shall have their financial aid disbursement suspended for the current academic session. This suspension applies to all forms of financial aid, including grants, scholarships, loans, and work-study programs.

3. Withdrawals

3.1. Student Withdrawal

A student can withdraw themselves from all courses by going through the formal withdrawal process. The refunds will follow policy 6503.

3.2. Administrative Withdrawal

A student can be administratively withdrawn for non-payment or other extraordinary circumstances. The refund, depending on the action and date, will follow policy 6503,

4. Incomplete Grades

- A student may request for a grade of Incomplete "I" if the student has a justifiable reason for being unable to complete the course by the established end of the academic session. Each College will implement a process by which a grade of Incomplete can be requested.
- The instructor and student will designate a due date for all work to be completed, at which point the student will be assessed a final letter grade. The due date for the course to be completed must be less than one semester from the end of the term in which the course was initially offered.
- A request for an extension of the due date can be submitted to the VPAA by the instructor, should extenuating circumstances occur.
- Should the student not successfully complete the course requirements by the established due date, the grade automatically becomes an "F".
- For purposes of computing the student's GPA, a course with a grade of Incomplete "I" will not be included in the computation. Once a final letter grade has been submitted, the course will be included in the GPA computation.

5. Record of Attendance

- Colleges shall maintain procedures for determining student attendance and course participation.
- Faculty are required to maintain a record of attendance for all registered students and complete reporting of no-show students per College-established processes through the drop process deadline.
- Identified College personnel shall be responsible for identifying and reaching out to student who fail to attend during the drop process deadline.
- Students who have been identified as a complete no-show student will not have their academic standing negatively impacted.

6. Measuring Academic Attendance and Engagement

6.1. To meet federal financial aid requirements[1] and ensure accurate assessment of academic attendance and engagement, Colleges shall employ one of the following activities when validating academic attendance and engagement:

- Physical Class Attendance: Students attending synchronous class lecture, recitation, or field or laboratory activity physically or online, where there is an opportunity for direct interaction with the instructor and other students;
- Submission of Academic Assignments: Completion and submission of academic assignments as required by the course syllabus;
- Completion of Exams and Interactive Tutorials: Actively participating in exams, interactive tutorials, or computer-assisted instruction as part of the course curriculum;
- Participation in Assignment Study Groups: Attendance and involvement in study groups assigned by the school to foster collaborative learning; OR
- Engagement in Online Academic Discussions: Active participation in online discussions focused on academic matters related to the course.

6.2. Exclusions from Academic Attendance and Engagement – the following activities, while contributing to the overall student experience, are not considered valid measure of academic attendance and engagement for federal financial aid purposes:

- Living in institutional housing;
- Participating in the school's meal plan;
- Participating in student-organized student groups;
- Logging into online classes without active participation; or
- Participating in academic counseling or advising.

7. Dropping Courses and Impact on Enrollment Status

- Students who drop a course after the official add/drop deadline may affect a student's enrollment status (Full-time vs. part-time). For students receiving federal financial aid, enrollment status is a crucial factor in determining eligibility and award amounts. If dropping a course changes the enrollment status from full-time to part-time, it may lead to adjustments in financial aid packages.

[1] As outlined in 34 CFR 600.2 Definitions for Academic Engagement that outlines active participation by students in an instructional activity related to the student's course of study.

- Return of Title IV Funds – Federal financial aid, including Federal Pell Grants, Federal Direct Loans, and other federal aid programs, are subject to the "Return to Title IV Funds" (R2T4) calculation if a student drops a class before completing at least 60% of the semester. The R2T4 calculation determines the federal aid that must be returned to the respective programs based on the percentage of the semester completed.
- Financial Aid Disbursement Adjustment – If a student drops a course after the official add/drop deadline, the financial aid office will review the impact on the student's eligibility for aid. In some cases, the financial aid package may need to be adjusted to reflect the new enrollment status and ensure compliance with federal regulations.
- Repayment of Excess Funds – If the R2T4 calculation indicates that the student received more financial aid than they were eligible for, the excess funds must be returned to the appropriate federal aid programs. The student will be responsible for repaying any outstanding balance resulting from the adjustment.
- Academic Progress Requirements – Dropping a course may affect a student's academic progress. Satisfactory Academic Progress (SAP) is a requirement for maintaining federal financial aid eligibility. Students who repeatedly drop courses may risk falling below the required SAP standards and may face further financial aid eligibility issues in subsequent semesters.

8. Formal College Review Process for Administrative Add or Drop for Extenuating Circumstances

- If a student faces extenuating circumstances requiring course schedule changes beyond the one-week add/drop period, they can submit a formal request for an Administrative Add and/or an Administrative Drop per the College's established process, for review by the College's established designee..
- A student must submit their request for an Administrative Add and/or Drop, along with appropriate documentation to the College's established designee. Each request will be reviewed on a case-by-case basis, and if approved, the course(s) will be added and/or dropped. Course(s) removed from the student's schedule will not incur a financial penalty.

9. Coding Registration Changes

The following coding will be used for registration changes:

- Administrative Add: Administrative Action with backdate
- Administrative Drop: ADRP Code
- Administrative Withdrawal: NPAY Code if the reason is non-payment or W1000 for all other reasons
- Complete No-Show: DNA Code and backdate

- Partial No-Show: DNA Code and backdate
- Student Drop: Administrative Action (matching ID will reflect self-initiation)
- Student Withdrawal: Administrative Action W code and reason

10. Auto Enrollment Options

- In limited circumstances, Colleges may utilize an auto-enrollment process to allow College employees to assist new or returning students.
- If an auto-enrollment process is used, the College shall ensure that students have affirmed their enrollment intentions and status before the first date of the academic session in which the student is enrolled and notify students with updated enrollment information each term.
- Those students not confirming their intent to attend the course(s) shall be removed from the course(s) and not included in the 10-day enrollment counts for the College.
- Colleges shall not assess tuition and fee charges to students who have been auto-enrolled in courses but do not attend or actively engage.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: April 2024 – Effective July 1, 2024; June 2024 – Effective July 1, 2024, September 2024, March 2025

Board of Trustees of the Nebraska State Colleges

Policy Category

POLICY NAME: High School and Post-Secondary Transcript Processes

POLICY NUMBER: 4130

A. PURPOSE

To establish processes and procedures for accepting high school and post-secondary transcripts, satisfactory academic progress, academic amnesty, and academic renewal.

B. DEFINITIONS

1. **Academic Amnesty**: A process by which a student who has faced significant challenges during a particular period may request to have course grades removed from their GPA calculation for a specific semester, allowing them to make a fresh start academically without the burden of past performance affecting their overall GPA.
2. **Academic Renewal**: A process by which a student who was suspended or academically disqualified due to a cumulative GPA of less than 2.0 and has not attended a State College for at least six consecutive semesters may apply for readmission.
3. **Dual Credit Courses:** Coursework completed by high school students for which the student receives both high school credit and college credit. The Colleges require an official transcript from the host institution offering the course(s).
4. **Early Entry Credit Courses** – Coursework completed by high school students prior to the completion of their high school diploma, which solely earn college credit. The Colleges require an official transcript from the host institution offering the course(s).
5. **High School Transcript:** Official record of a student's academic performance throughout their high school career, including overall high school GPA, a list of all courses taken, grades earned, and corresponding credit hours for each course.
6. **Official Transcript:** Transcript sent directly from a high school, postsecondary institution registrar's office, or through an approved contracted vendor to the receiving institution's registrar's office.
7. **Postsecondary Transcript:** Official record of a student's academic performance during attendance at the postsecondary institution, including overall

institutional GPA, a list of all courses taken, grades earned, and corresponding credit hours for each course.

8. **Satisfactory Academic Progress:** The process an institution uses to determine if a student is meeting all of their educational requirements and is on target to graduate on time with a degree or certificate.
9. **Unofficial Transcript**: Transcripts available online or through student portals.

C. POLICY

1. Official Transcript Requirements

- Transcripts must include the school or institution's seal or logo and be signed by the registrar or other authorized school official.
- Transcripts must depict the graduation date denoting the successful completion of all coursework (high school transcript).
- Transcripts must be received after the completion of the academic terms for which course credit is requested, and, if applicable, depict the graduate date denoting the successful completion of all coursework for a conferred degree (postsecondary transcript).
- Transcripts must be sent from a school or institution that is recognized by an accrediting agency to ensure the quality of the transfer credits.
- All official transcripts must be received prior to the beginning of pre-registration for the second term for which the student wishes to be enrolled. Students without official transcripts on record by this deadline will no longer be eligible to register for future courses.
- Colleges may request official transcripts from all previously attended colleges and universities.
- When making Satisfactory Academic Progress (SAP) determinations, the College may use an official transcript from the most recent postsecondary institution and complete a limited transcript review as outlined below. Colleges may use the National Student Clearinghouse (NSC) when making SAP determinations.

2. Use of Unofficial Transcripts

- Make preliminary enrollment decisions and prepare financial aid awards
- Assist academic advisors in determining initial course schedules
- Cannot be entered into Student Information System as an official record

3. Use of Official Transcripts

- Record courses into the Student Information System
- Verify academic credentials

- Finalize course schedules and enrollments

4. Satisfactory Academic Progress (SAP) for Limited Transcript Review

By permitting students to submit their most recent college transcript for SAP determination, the Nebraska State Colleges aim to simplify the process for students while maintaining the integrity of the SAP evaluation. This process reflects our commitment to supporting students' academic success.

4.1. Student Request

Student submits a formal request to the Registrar's Office indicating their intent to use the most recent college transcript for SAP evaluation and a signed authorization allowing the College to access their academic records from previous institutions, if application, for verification purposes

4.2. Prior Institution Transcript Verification

Upon receiving the student's request and authorization, the Registrar's office will verify the accuracy of the most recent college transcript against any previous institution transcripts on record to ensure the integrity of the SAP determination and confirm all relevant coursework is considered.

4.3. Data Compilation and SAP Evaluation

The Registrar's Office, in collaboration with the Financial Aid Office, will compile and evaluate the academic data from the most recent college transcript and any verified prior institution transcripts, if applicable. The SAP determination will be based on the established criteria and in compliance with federal regulations.

4.4 SAP Notification and Appeal Process

Following the SAP evaluation, student will be notified of their SAP status in a timely manner. Students who do not meet SAP requirements will receive information regarding their eligibility for federal financial aid and instructions for the SAP appeal process, if applicable.

5. Maximum Timeframe

Colleges may utilize NSC academic history when determining the 150% maximum timeframe for whether or not courses were completed successfully. Students who exceed the maximum timeframe may become ineligible for federal financial aid, including grants, loans, and work-study programs. In addition, the College may choose not to disburse any additional financial aid to students until they demonstrate they can complete their program within the maximum established timeframe.

6. Academic Amnesty

6.1. Eligibility

- Student must be currently enrolled;

- Student must have completed a minimum of one subsequent semester with at least twelve (12) credit hours of coursework after the semester for which they seek amnesty;
- Student's academic performance in the subsequent semester(s) must have resulted in a GPA that meets the criteria for good academic standing at the College.

6.2. Application Process

- Student submits a formal written request for academic amnesty to the College VPAA or their established designee. The request must include the following:
  - The semester for which amnesty is being requested and the specific courses (must be at least 60% of the courses completed within that semester, but can be the entire set of courses);
  - Explanation of the challenges faced during the specific semester for which amnesty is sought (e.g. personal, health, family-related, financial);
  - Statement of how the student has overcome these challenges; and
  - Demonstrated academic improvement in subsequent semester(s).
- Student provides supporting documentation or evidence that validates the difficulties faced during the relevant semester (e.g. medical records, official statements, or letters from relevant authorities).
- The College VPAA or their established designee will review the application and supporting documents. A committee comprising of academic advisors, faculty members, and other relevant college staff will make the final determination on whether academic amnesty is granted.
- Student will be notified of the committee's decision in writing, and if academic amnesty is granted, the College Registrar will be notified of the decision for processing.

6.3 Conditions

- The grades for which amnesty is granted will be removed from the GPA calculation but will remain on the student's official transcript with a notation indicating amnesty.
- The student's cumulative GPA will be recalculated without the grades for the specific semester(s) granted amnesty.
- Academic amnesty can only be granted once during the student's academic journey at the home College.
- Courses for which amnesty is granted will not count toward the fulfillment of degree requirements, and the student may need to retake any courses that are essential for their major or academic progression.

- Any financial aid or scholarship considerations based on GPA may be affected by academic amnesty. Students are advised to consult with the Financial Aid Office for guidance.
- The decision of the committee regarding academic amnesty is final and cannot be appealed.

7. Academic Renewal

7.1. Eligibility

- Student stopped out with a cumulative GPA of less than 2.0, or was suspended, or was academically disqualified
- Student has not attended the State College for at least six consecutive terms (e.g. spring, summer fall, spring, summer, fall)

7.2. Application Process

- Student must submit a petition for academic renewal, procedures to be established by the College VPAA or their established designee.

7.3. Conditions

- Student can be granted academic renewal only once
- Student's academic transcript will denote "ACADEMIC RENEWAL APPROVED" with the date
- All coursework completed prior to the renewal data will remain visible on the student's academic transcript
- Grades in all courses completed prior to the renewal date will not be used in the calculation of the GPA. Credits from previously completed courses with an earned grade of C- or higher are eligible to count toward degree completion.
- Students granted academic renewal are assigned Good Standing for the initial semester; standing assignments for the second and subsequent semesters of attendance will be determined based upon the College's academic standings policy.
- Students granted academic renewal will be required to complete at least 30 credit hours after readmission before they are eligible for a baccalaureate degree, even if all other degree requirements have been met.
- Students granted academic renewal will be required to complete at least 9 credit hours after readmission before they are eligible for a graduate degree, even if all other degree requirements have been met.
- Academic renewal only applies to the home College; other Colleges may or may not accept the action of academic renewal.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: April 2024 – Effective July 1, 2024

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Academic Degrees and Programs

POLICY NUMBER: 4140

A. PURPOSE

To establish consistent definitions and descriptions for the academic degrees and programs offered by the Nebraska State College System.

B. DEFINITIONS

1. **Associate of General Studies Degree**: The academic award bestowed on an undergraduate student who has met the eligibility criteria for a post-facto credential based upon a minimum of seventy (70) credits of coursework completed prior to discontinuing enrollment at a State College.
2. **Baccalaureate Degree**: The academic award bestowed on an undergraduate student who completes a minimum of one hundred twenty (120) unduplicated credit hours and meets other academic requirements, including, but not limited to, sufficient credits in the major, general studies, upper division level courses, and a minimum grade point average overall and in the major. A Reduced Credit Bachelor's Degree is exempt from these requirements and is defined below.
3. **Bachelor of Applied Science (BAS) Major:** An undergraduate academic program that ranges from thirty (30) to forty (40) credit hours of coursework that will prepare individuals for management and/or leadership opportunities and leads to a Bachelor of Applied Science (BAS) degree.
4. **Certificate:** A cluster of undergraduate courses that develop specific knowledge and/or skills and supports an occupational outcome or industry certification. This credential does not itself lead to a degree. An undergraduate certificate shall range from nine (9) to fifteen (15) credits of predominantly upper division courses.
5. **Certificate of Advanced Studies:** A cluster of graduate courses that concentrate on specific knowledge and/or skills aligned to an area of specialization or industry certification. These courses are available to non-degree seeking graduate students; however, they may also be used toward the completion of a graduate degree. A certificate of advanced studies shall include a minimum of nine (9) credit hours.

6. **Competency-based Credit:** Course credit awarded through a variety of methods to demonstrate a student's mastery of course competencies, as aligned with student learning outcomes. These methods may include, but not be limited to, a portfolio of student-selected evidence, performance assessment, standardized exam, capstone project, presentation, or other evidence-based approach approved by the College.
7. **Comprehensive Examination:** A summative assessment over a program of study, administered in oral or written form that includes questions regarding course work and other materials relevant to a graduate student's field of study.
8. **Comprehensive Major:** An undergraduate academic program that represents an expanded study of a discipline and leads to a Bachelor of Art or Bachelor of Science degree. It may consist of a core and two or more options/concentrations and ranges from a minimum of forty-eight (48) credit hours to no more than fifty-seven (57) credit hours. If a core is established for the comprehensive major, it shall also include a minimum of two options/concentrations.
9. **Core:** A cluster of required courses in a major that comprises the foundation for the major and is aligned with the specific student learning outcomes developed by the faculty. The core includes a minimum of twelve (12) credit hours for undergraduate comprehensive majors and nine (9) credit hours for graduate majors. A core leads to a undergraduate comprehensive major when combined with an option/concentration or leads to a graduate major when combined with a focus area.
10. **Endorsement:** A series of undergraduate or graduate courses which leads to teacher certification in accordance with standards established by the Nebraska State Department of Education (NDE).
11. **Focus Area:** A cluster of graduate courses within a graduate program that concentrates on a specific area of specialization within a larger academic discipline and that, when combined with a core, leads to a graduate degree. A focus area shall include a minimum of twelve (12) credit hours.
12. **General Studies:** A series of undergraduate courses designed to assist the student in acquiring the intellectual foundation that will last for a lifetime of learning. General studies coursework will result in the graduation of students who are intellectually curious, proficient in their own field of study, knowledgeable and informed in the affairs of the world, and able to participate in society in a manner that will emphasize the role of individual contributions in the development of a better world.
13. **Graduate Degree:** The academic award bestowed on a student who completes a minimum of thirty (30) credit hours in an academic discipline and meets other academic requirements, including, but not limited to, completion of a baccalaureate degree, sufficient credits in the graduate core, and a minimum overall grade point average.
14. **Graduate Major:** A graduate academic program that comprises the foundation for a graduate degree and addresses the established accreditation and/or

professional graduate standards for the program. It may include a core and, if so, shall include two or more focus areas.

15. **Industry-Aligned Experience Credit**: A cluster of courses for which a student can receive credit once the experience is documented and submitted for consideration.
16. **Internship:** A meaningful work experience that allows the student to apply classroom theoretical knowledge and skills in a practical work setting and develop related job skills under the guidance of trained and established professionals.
17. **Minor:** An undergraduate academic program that concentrates on a subject but does not itself lead to an undergraduate degree. A minor shall range from eighteen (18) to twenty-one (21) credit hours.
18. **Option/Concentration:** A series of undergraduate courses within a comprehensive major that, when combined with a core leads to an undergraduate degree. An option or concentration is a sub-specialty of a comprehensive major and shall include a minimum of eighteen (18) credit hours.
19. **Reduced Credit Baccalaureate Degree:** A baccalaureate degree, specifically referenced as a Bachelor of Arts or Bachelor of Science in Applied "_", which is bestowed on an undergraduate student who completes a minimum of ninety (90) unduplicated credit hours and meets other academic requirements established by the College for the specific program offered.
20. **Scholarly/Creative/Action Research Project:** A scholarly or creative work that does not necessarily conform to the format of a thesis. The project should relate to a graduate student's area of interest and professional practice.
21. **Subject Major**: An undergraduate academic program that concentrates on an academic discipline and ranges from thirty (30) to thirty-six (36) credit hours. A subject major does not establish a core or options/concentrations, as the major requires one set of courses focused upon a single academic subject. A subject major shall be combined with a minor or second major to lead to a Bachelor of Art or Bachelor of Science degree.
22. **Thesis**: A document that presents a graduate student's formal research and findings on a topic related to the graduate student's field of interest. The format should conform to the most current professional standard of the discipline.

C. POLICY

1. General Degree Requirements

- All academic degrees and programs in the Nebraska State College System shall conform to the following descriptions and definitions when prescribing degree, program and graduation requirements.

- Degrees and programs are based upon a unit of educational measurement referred to as a credit hour, which is defined in Board Policy 4141.
- Supportable and articulated requests for exemptions to the established definitions and descriptions for academic degree and programs must be submitted to the Board of Trustees for approval and will be documented in Section 4 below.

2. Associate of General Studies Degree Requirements

2.1. Eligibility Requirements

- Attended a Nebraska State College but is not currently attending.
- Earned a minimum of 70 undergraduate credit hours.
- Has not attended the College for at least one year.
- Has not earned an associate degree prior to attending the State College.
- Is not eligible for an associate degree from a Nebraska Community or Tribal College, the Nebraska College of Technical Agriculture, or the University of Nebraska, through a reverse transfer process (e.g. earned 15 credits or more at the 2-year college level prior to transferring to a State College).
- Has not earned a bachelor's degree from the State College.
- Has not earned an associate or bachelor's degree from another institution after attending the State College (as identified through National Student Clearinghouse).

2.2. Degree Requirements

- Completed a minimum of 70 undergraduate credit hours with a C- or above grade.
- Completed a range (15 to 42 credit hours) of courses and experiences aligned to the areas of:
  - Quantitative/Logical Reasoning
  - Effective Communication
  - Critical Inquiry and Creative Problem Solving
  - Cultural, Aesthetic, and Creative Arts
  - Human Behavior and Society
- Completed a minimum of 15 credits at the State College,
- Holds a minimum of a 2.0 Cumulative GPA.

3. Baccalaureate Degree Requirements

3.1. Upper Division Coursework

- The Bachelor of Arts (BA) and Bachelor of Science (BS) degrees shall include a minimum of thirty-six (36) credit hours of upper division coursework.

3.2. The Bachelor of Applied Science (BAS) degree is designed to accommodate transfer students who have completed a technical associate degree from an accredited community or technical college or the equivalent in prior course work and life experience and shall include a minimum of twenty (20) credit hours of upper division coursework.
Teacher Education Endorsements

- The number of credit hours required to complete a teaching endorsement shall not exceed the minimum credit hours required by NDE by more than ten percent (10%) for field endorsements with fifty (50) or more minimum credit hours established.
- The number of credit hours required to complete a teaching endorsement shall not exceed the minimum credit hours required by NDE by more than twenty percent (20%) for field endorsements with fewer than fifty (50) minimum credit hours established and all subject endorsements.

3.3. General Studies

- The general studies program shall be clearly aligned to the College's established student learning outcomes and range from thirty (30) to thirty-seven (37) credit hours.
- The general studies program requirements for the Bachelor of Applied Science degree shall not exceed thirty (30) credit hours.
- The number of general studies program credit hours may be extended up to forty (40) if an upper division (300 or above) capstone course is included in the requirements and provides students with a culminating general studies experience.
- Upper division coursework may be included as options for students to select to meet general studies requirements, but only the general studies capstone course shall be mandated as an upper-level course requirement.

4. Graduate Degree Requirements

- Graduate programs may include a culminating experience, such as a thesis, internship, comprehensive examination, a scholarly/ creative/action research project, nationally normed instruments, simulations, practicums or other valid experiences appropriate to a student's degree program as determined by the discipline and/or a student's graduate committee.
- A maximum of 50% of the credit hours used to fulfill the requirements for a graduate degree may be met through credit hours included in the conferral of a prior graduate degree from the Nebraska State Colleges.

- Graduate program courses will be offered as either a 500, 600, or 700 level course, with no minimum percentage of either level required for a given program.
- 500-level courses may be cross-listed as undergraduate courses; 600-level courses shall not be cross-listed as undergraduate courses.
- A maximum of 50% of the credit hours required for a graduate program can be transferred from another accredited institution to meet the credit hour requirements for the program, regardless of whether the credit hours were used to meet a previous degree.
- A maximum of 50% of the established graduate program coursework must be completed in courses designed for graduate work in which only graduate students are enrolled. Cross-listed undergraduate/graduate courses taken at the graduate level may be used to fulfill the requirements for an undergraduate degree program and then subsequently also be used to fulfill graduate requirements in a related graduate program.

5. Alternative Methods for Awarding Undergraduate Credit

5.1. Competency-based Credit

- Students may demonstrate their competency of the established student learning outcomes for one or more courses, up to the maximum allowances set in 5.3. The evidence provided for each course will be evaluated in relation to the course requirements, and if approved, a grade of Credit (CR) will be awarded and the courses will not be included in GPA computations.
- Each College may offer a one-credit course that establishes the vehicle through which students can enroll and receive support in developing and submitting portfolios for evaluation.

5.2. Industry-Aligned Experience Credit

- An established cluster of courses offered by the College may be awarded to a student who can provide documentation or evidence of the industry-aligned experience. This may include job-related training programs, years of experience in a specific role, and/or industry-related certifications. Once documented, a grade of Credit (CR) will be awarded for the cluster of courses aligned to the experience, but they will not be included in GPA computations.
- Each College will maintain a website that identifies the approved industry-aligned experiences and the coursework that can be met through documentation of the experience.

5.3. Maximum Allowances

- A maximum of 40% of a credential may be met through alternative methods for awarding credit.

- For educator preparation programs, a maximum of 50% of the core requirements and a maximum of 50% of the endorsement requirements may be met through alternative methods for awarding credit.

6. **Approved Academic Program Exemptions**
   - Teacher education field endorsement programs may require more than one hundred twenty (120) credit hours for degree completion.
   - The Certified Public Accountant (CPA) program may require more than one hundred twenty (120) credit hours for degree completion.
   - The WSC Industrial Technology comprehensive major may require more than the current limit of fifty-seven (57) credit hours; approved for sixty-three (63) credit hours – April 2022.
   - The PSC Business Administration - Certified Management Accountant (CMA) option may require more than the current limit of fifty-seven (57) credit hours; approved for sixty-three (63) credit hours – June 2022

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: February 1995

Policy Revised: June 2011, March 2015, January 2016, September 2016, June 2017, January 2020, January 2021, January 2022, March 2022, April 2022, July 2022, March 2023, June 2025, January 2026

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Instructional Credit Hour Definition and Assignment

POLICY NUMBER: 4141

A. PURPOSE

To define an instructional credit hour at the Nebraska State Colleges in accordance with applicable federal and state regulations and provide parameters for the assignment of instructional credit hours to courses using a variety of instructional modalities. The Federal Credit Hour definition is endorsed by the Board and paraphrased below.

B. DEFINITIONS

1. **Federal Credit Hour *34CFR 600.2 (11/1/2010)*:** An instructional credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally-established equivalency that reasonably approximates not less than:

   1.1. One (1) hour of classroom or direct faculty instruction and a minimum of two (2) hours of out-of-class student work each week for approximately fifteen (15) weeks for one (1) semester or trimester hour of credit, or ten (10) to twelve (12) weeks for one quarter (1/4) hour of credit, or the equivalent amount of work over a different amount of time; or

   1.2. At least an equivalent amount of work as required in paragraph (1) of this definition for other activities as established by an institution, including laboratory work, internships, practica, studio work, and other academic work leading toward the award of credit hours.

C. POLICY

1. Assignment of Instructional Credit Hours

The Board requires that:

1.1. Faculty shall ensure that the time involved in student learning per credit hour is the equivalent to that needed to attain the learning outcomes in comparable courses;

1.2. Learning outcome equivalency may be achieved through multiple course modalities;

1.3. Instructional credit hour equivalencies are to be based on documented qualitative and quantitative expectations for the learning outcomes; and

1.4. Student learning outcome equivalencies reflect differences in delivery methods, quality of instruction and interaction, degree of supervision, measurements of student work, academic disciplines, academic calendars, and degree levels.

2. Course Modalities

The following minimum guidelines shall be followed. These are thresholds and courses may utilize higher hourly requirements per credit hour. Where direct instruction and faculty to student interaction occurs, an “hour” consists of the normal fifty (50) minute periods set by the Colleges.

2.1. **Traditional lecture courses** - a semester credit hour consists of the equivalent of fifteen (15) hours of direct faculty instruction and a minimum of thirty (30) hours of out-of-class student work for a combined total of forty-five (45) hours during the instructional period.

2.2. **Laboratory courses** - a semester credit hour consists of the equivalent of at least forty-five (45) hours of combined direct instruction, laboratory work, and out of class study during the instructional period.

2.3. **Studio courses** - a semester credit hour consists of the equivalent of at least forty-five (45) hours of combined direct instruction, studio work, and out-of-class study during the instructional period.

2.4. **Individual self-paced/directed study/independent study courses** - a semester credit hour consists of the equivalent of at least forty-five (45) hours of individual work which may include direct instruction or student study during the instructional period.

2.5. **Courses offered in a shortened format** - a semester credit hour consists of the equivalent of at least forty- five (45) hours of combined direct instruction and student learning activities which covers the same learning outcomes as those in the fifteen (15) week, semester long course from which it is derived.

2.6. **Seminars, institutes, workshops and topics courses** - a semester credit hour consists of the equivalent of at least forty-five (45) hours of direct faculty instruction and student learning activities during the instructional period.

2.7. **Online courses** - a semester credit hour consists of the equivalent of at least forty-five (45) hours of combined direct faculty interaction via instructor-led asynchronous or synchronous online learning activities and additional student to student, student to instructor, and individual learning activities during the instructional period. These hours can be calculated

using a variety of accessible online workload calculators approved by the Vice President for Academic Affairs, such as the Course Workload Estimator provided by Rice University. For existing traditional courses that are also taught online, the student learning outcomes and credit hours should be the same regardless of modality.

2.8. **Hybrid courses –** for courses which utilize a combination of two (2) instructional modalities, namely face-to-face faculty instruction and online, instructor-led asynchronous or synchronous learning activities, a semester credit hour consists of the equivalent of at least fifteen (15) hours of direct faculty instruction via face-to-face and instructor-led asynchronous or synchronous online learning activities and a minimum of thirty (30) hours of out of class student work for a combined total of forty-five (45) hours during the instructional period.

2.9. **Internship and cooperative/work-based learning courses** - a semester credit hour consists of at least forty-five (45) hours of supervised internship or work-based learning activities during the instructional period.

2.10. **Field experiences and study away/study abroad courses** - a semester credit hour consists of the equivalent of forty-five (45) hours of combined direct instruction and student learning activities which may include among other activities shadowing, touring, visitations, written papers, formal presentations, and individual or group work, during the instructional period. If a program has specialized accreditation the field experience should follow the guidelines of the accrediting organization unless that amount is less than the stated hours above.

2.11. **Private music lessons and recital courses** - a semester credit hour consists of the equivalent of at least one half (1/2) hour per week of direct faculty instruction or supervision and a minimum of seven (7) hours per week of unsupervised out of class student practice during a fifteen (15) week period.

2.12. **Drama production courses** - a semester credit hour consists of the equivalent of at least fifteen (15) hours of instruction plus an additional thirty (30) hours of cast or crew work.

2.13. **Performance courses** – a semester credit hour consists of the equivalent of at least forty-five (45) hours in varying combinations of rehearsal time, performances, and individual practice. Generally large ensembles include at least three (3) hours of rehearsal time per week; chamber groups, and small ensembles include at least two (2) hours of rehearsal time per week.

2.14. **Teaching field experience courses** - a semester credit hour consists of at least the equivalent of five (5) full days, or one (1) week, of teaching experience.

2.15. **Combination modalities** – any courses that include multiple modalities of instruction that are not explicitly outlined above, shall follow the federal

guidelines and include at a minimum forty-five (45) hours of instruction and student work per credit hour.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: March 2013

Policy Revised: November 2019, March 2022, September 2025

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Authorized Degrees

POLICY NUMBER: 4150

A. PURPOSE

To identify the general types of degrees the Board has authorized for the Nebraska State Colleges.

B. DEFINITIONS

None

C. POLICY

1. Degree Approval

1.1. The Board shall approve any new degree for each College.

2. Authorized Degrees

2.1. Approved for all State Colleges

- Bachelor of Arts
- Bachelor of Science
- Bachelor of Science in Education
- Master of Arts in Education
- Master of Science in Education
- Master of Education
- Master of Science
- Master of Science in Organizational Management

2.2. Approved for Specific State Colleges

- Bachelor of Applied Science at Chadron State and Peru State Colleges
- Master in Business Administration at Chadron State and Wayne State Colleges

- Specialist in Education at Chadron State and Wayne State Colleges
- Master of Arts at Wayne State College

FORMS/APPENDICES

None

SOURCE:

Policy Adopted: January 1977

Policy Revised: June 1993, November 1994, June 2005, April 2009, September 2014, November 2014, March 2022, July 2023

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Graduation

POLICY NUMBER: 4151

A. PURPOSE

To establish policy on the conference of degrees for the State Colleges.

B. DEFINITIONS

None

C. POLICY

1. The President of each College is delegated the authority to confer the approved degrees to all students qualifying for graduation.
2. No more than two (2) calendar periods will be authorized each calendar year. Each commencement period may include one or more days of ceremonies, as determined by the College, to accommodate undergraduate and graduate students.. Colleges will use these ceremonies to award diplomas, distinguished service awards, and honorary degrees.
3. Early Certification: Students who have completed all requirements for graduation may receive a documentary "statement of completion" from the College, to be used until they receive their diploma. This will serve for purposes of certification, salary increments and professional promotion.

FORMS/APPENDICES:

None

SOURCE:

Legal reference: RRS 85-306. State Colleges; president; duties;

RRS 85-308.01 State Colleges; degree of bachelor of arts or bachelor of science; confer

Policy Adopted: January 2021

Policy Revised: March 2022, September 2025

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Academic Programs

POLICY NUMBER: 4200

A. PURPOSE

To establish processes for proposing new academic programs, review of existing programs, and program discontinuation.

B. DEFINITIONS

None

C. POLICY

1. New Academic Program Approval

All new academic programs, which include degrees; majors; options/concentrations, focus areas and endorsements within majors; certificates and minors, require prior approval of the Board. Proposals for new academic programs shall be submitted to the Vice Chancellor for Academic Affairs for initial review and recommendation to the Chancellor and Board of Trustees.

Academic program termination and subsequent reinstatement of a program also requires the submission of a formal proposal identifying the College's recommendation for approval of the Board. In all cases, the Board may require objective consultants to assist the Board in analyzing the proposal and arriving at a decision.

2. Reduced-Credit Bachelor's Degree Programs

All new reduced-credit bachelor's degree programs, typically defined as bachelor's degree programs requiring fewer than 120 credit hours, also require prior approval by the Board of Trustees, regardless of whether the major for such program already exists through a traditional bachelor's degree pathway. Proposals for such programs must be submitted to the Vice Chancellor for Academic AffairsPlanning for initial review and recommendation to the Chancellor and Board of Trustees, following the same procedures as traditional academic programs.

3. Existing Academic Program Review Process

3.1. Review Requirements

- Existing academic programs shall be reviewed on a regular basis by each College, following the academic program review schedule established by the Coordinating Commission for Postsecondary Education (CCPE) for the Nebraska State Colleges. Such review shall be for the purpose of determining the quality and effectiveness of each academic program, the efficiency with which each is delivered, and for the purpose of avoiding unnecessary duplication.
- Such review shall be consistent with state statutes and shall contain both qualitative and quantitative measures representative of sound academic practices. The review process provides for evaluation of each academic program once every seven (7) years and is primarily a self-study conducted at the department, school and/or College levels. Although designed to assist in program improvement to enhance program quality and promote attainment of educational goals, the review is also useful in planning and assuring efficient use of resources.
- Each College shall perform the review according to the established CCPE program review schedule and shall submit a report which compiles the results to the Vice Chancellor for Academic Affairs for review, along with supporting documentation and a recommendation for each program reviewed.
- In the event a program does not meet or exceed the threshold requirements established by the CCPE, the College shall include in its report either a recommendation for terminating the program or a plan for taking corrective action which will improve and justify continuance of the program.
- Each program report will be considered by the Board for continuation of the program; those programs approved for continuation will then have their reports forwarded for consideration and approval by the CCPE.
- Should a program be approved for continuation that does not meet the threshold requirements established by the CCPE, the program's number of graduates/completers will be reported annually on the Low-Threshold Program Report, which is provided to the Board each year during the March/April Board meeting.

3.2. Outside Accreditation and Review

- Should an academic program hold state and/or national accreditation and is in good standing with the accrediting agency at the time of review by the Board, the official documentation that provides the results of the most current review of the program shall be accepted, along with a one (1) to two (2) page summary of the

primary findings of the most recent accreditation visit, as the College's analysis of the program.

4. Right to Modify or Discontinue Academic Programs

4.1. Program Continuation

- Acceptance of registration by a Nebraska State College and admission to any academic program of a State College does not constitute a contract or warranty that the College will continue indefinitely to offer the program in which a student is enrolled.
- The College expressly reserves the right to change, phase out, or discontinue any academic program.

4.2. Modification Procedures

The listing of courses contained in any College bulletin, catalog or schedule is by way of announcement only and shall not be regarded as an offer of contract. The College expressly reserves the right to:

- Add or delete courses from its offerings;
- Change times or locations of courses or programs;
- Change academic calendars without notice;
- Cancel any course for insufficient registrations; or
- Revise or change rules, charges, fees, schedules, courses, requirements for degrees and any other policy or regulation affecting students, including, but not limited to, evaluation standards, whenever the same is considered to be in the best interests of the College.

5. Procedure for Discontinuing Academic Programs

Once a decision has been made to discontinue an academic program, the College will assist the student to identify program completion options inside and outside the Nebraska State College System.

The College will notify the Higher Learning Commission, in accordance with HLC policies and procedures, and comply with their directives.

FORMS/APPENDICES

None

SOURCE:

Legal Reference: Neb. Rev. Stat. 85-1414 Programs; capital construction projects;

review; commission, public institution, and governing boards; duties.

Policy Adopted: March 1985

Policy Revised: June 1993, January 2010, January 2020, March 2022, January 2023, April 2024, January 2026, February 2026

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Assessment Policy and Procedures

POLICY NUMBER: 4220

A. PURPOSE

To establish policies and procedures for College assessment systems.

B. DEFINITIONS

1. **Assessment:** The systematic process of documenting and using empirical data on the knowledge, skills, attitudes, and beliefs to refine programs and improve student learning.

C. POLICY

1. Assessment System

1.1. The Board of Trustees of the Nebraska State Colleges believes that an effective assessment system is essential because it promotes accountability, informing program development and review, assuring that students achieve established educational course and program goals, and providing evidence of institutional progress over time. In addition, an effective assessment system provides an effective review of its student support services.

1.2. In recognition of the importance of assessment, each College shall engage in a college-wide assessment system of student learning, program quality, and institutional effectiveness to enhance the quality and excellence of learning and teaching for students and ensure a culture of continuous improvement.

1.3. The assessment system in place at each College shall meet the Higher Learning Commission Criteria for Accreditation and any specialty accreditations held by the College in addition to requirements outlined in this policy.

2. Assessment System Measures

2.1. An effective assessment system will rely on measures that are reliable, valid, and practical; incorporate a variety of direct and indirect

measurements; use appropriate technologies; and exhibit the multiple roles of assessment.

2.2. Examples of direct measurements include, but are not limited to:

- Standardized tests used to assess general education, academic majors, and professional capstone courses
- Portfolios scored with rubrics
- Scored exhibitions, authentic artifacts, and/or performances

2.3 Examples of indirect measurements include, but are not limited to:

- Interviews of students, alumni or focus groups
- Surveys of students, graduates, or employees
- Self-reported job placement data

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: March 2008

Policy Revised: April 2009, January 2011, July 2015, July 2021

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Research

POLICY NUMBER: 4320

A. PURPOSE

To establish the expectations for the Nebraska State Colleges in relation to research.

B. DEFINITIONS

None

C. POLICY

1. Quality teaching and research are mutually inclusive activities, and the Board strongly encourages appropriate faculty and staff research at the Colleges. Research should be integral to and supportive of the Colleges' mission, individual initiatives of each College within the System, scholarship, teaching and learning.
2. Each College shall establish guidelines for conducting applied research related to their instructional and regional responsibilities. Such guidelines should address the issues raised by the use of animals or human subjects in research.

FORMS/APPENDICES

None

SOURCE:

Legal Reference: Neb. Rev. Stat. 85-953 State colleges; research activities permitted.

Policy Adopted: January 1977

Policy Revised: June 1993, January 2013, March 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Public Service

POLICY NUMBER: 4350

A. PURPOSE

To establish expectations for the Nebraska State Colleges in relation to public service.

B. DEFINITIONS

None

C. POLICY

1. The Colleges are authorized and encouraged to participate in public service functions to support their geographical service regions.
2. The Colleges are partners in the development of the intellectual, cultural, and economic life of their service regions. The Board strongly supports the Colleges in their efforts to meet their public service mission to the furthest extent possible within available resources provided there is an emphasis on educational outreach programs, cultural enrichment programs, and on providing educational assistance to the businesses and communities of their geographic regions.
3. Examples of such outreach include, but are not limited to, agreements that encourage both credit and non-credit bearing offerings with community colleges, other institutions of higher learning both foreign and domestic, federal, state and local agencies, public school districts, other local, regional and national healthcare providers or other businesses.
4. Contract approval procedures will follow Board Policy 6401 and copies of all contracts that have been approved by the Board, will be forwarded to the System Office.

FORMS/APPENDICES

None

SOURCE:

Legal Reference: Neb. Rev. Stat. 85-308 State colleges; purpose; courses**.**

Policy Adopted: January 1977

Policy Revised: June 1993, November 2011, March 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Recommended College Preparatory Program

POLICY NUMBER: 4400

A. PURPOSE

To establish a recommended College Preparation Program for high school students who plan to attend a Nebraska State College.

B. DEFINITIONS

None

C. POLICY

1. College Preparatory Program Recommendations

In order to improve students' preparation for college-level work, the Board recommends the following College Preparatory Program for high school students who wish to enroll in the Colleges. Ten (10) high school credit hours is equivalent to a one (1) year course meeting five (5) days per week.

1.1. Language Arts: Forty (40) credit hours (four [4] years) of Language Arts with course content that includes composition, verbal communication, literature, research skills, technical reading and writing.

1.2. Mathematics: Thirty (30) credit hours (three [3] years) of mathematics with course content that includes algebraic, geometric, data analysis, and probability concepts.

1.3. Science: Thirty (30) credit hours (three [3] years) of science with course content that includes biological, earth/space, and physical science concepts with corresponding science inquiry skills and laboratory experience.

1.4. Social Studies/History: Thirty (30) credit hours (three [3] years) of social studies/history with course content that includes civics/government, geography, United States and world history, and economic concepts.

1.5. Other academic courses selected from areas such as foreign language, visual or performing arts, and computer literacy.

2. Impact

2.1. Students who enroll without sufficient academic background may find it necessary to enroll in additional courses in order to possess the knowledge, skills, and disposition to successfully complete an educational program. The need for additional courses may add time and expense to the education experience for the student.

2.2. The Colleges will provide appropriate annual reports indicating numbers of students enrolled and the general profile of the entering class, including their academic preparation, ACT or SAT scores, and class rank.

FORMS/APPENDICES

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: January 2013, March 2022

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: High School Dual Credit Courses

POLICY NUMBER: 4420

A. PURPOSE

To establish the requirements for dual credit courses delivered to high school students by the Nebraska State Colleges.

B. DEFINITIONS

1. **Dual Credit Courses:** Coursework completed by high school students for which the student receives both high school credit and college credit[1].
2. **Dual Enrollment Students:** Refers to students who enroll in college courses offered by an institution of higher education while enrolled in high school or seeking a recognized equivalent. Student performance is recorded on a college transcript and postsecondary credit is awarded for a passing grade in the course. Includes all postsecondary courses, independent of course delivery mode, course location, course instructor, and whether secondary credit is also offered.[2]
3. **Early Entry Credit Courses**: Coursework completed by high school students prior to the completion of their high school diploma, which solely earn college credit. Students taking early entry credit courses are eligible to enroll in regular college courses for sections designated by the institution, at a rate established by the Board that is inclusive of tuition and fees.

C. POLICY

1. Dual Credit Course Instructor Qualifications

1.1. Dual credit course instructors at the high school must be approved by the College administrator of the academic unit in which the course is taught at the College.

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[1] Definition as established by the Higher Learning Commission https://download.hlcommission.org/DualCreditGuidelines_OPB.pdf

[2] Definition as established by IPEDS https://surveys.nces.ed.gov/ipeds/public/glossary

1.2. Dual credit course instructors who are not regular faculty of the College must be formally appointed as dual enrollment instructors in a manner similar to that used for adjunct faculty members.

1.3. Dual credit course instructors must meet the minimum criteria established in Policy 4600 Faculty Instructor Qualifications and be recommended by their high school principal as highly qualified for this position.

1.4. Dual credit course instructors for these courses shall work with an administrator, faculty member, or other designated academic representative of the academic unit in which the course is taught at the College. This College representative shall approve all course materials including student learning outcomes, syllabi, textbooks or other materials, and assessments including the final exam, and will be available to provide guidance and assistance during the offering of the course.

2. Student Admission

2.1. Student eligibility for dual credit courses is determined by participating high school and College officials. Participating students are recommended by the district and admitted and registered by the College with mutual consent of the district and College.

2.2. Students in these dual credit courses will typically meet all of the following requirements except as noted below:

- Be high school juniors or seniors;
- Be chosen carefully and recommended by the high school academic staff;
- Meet the prerequisites of the course; and
- Have a cumulative grade point average of B or its equivalent or better; or rank in the top half of their high school class; or earn an ACT composite score of at least twenty (20); or an equivalent score on another valid assessment.

2.3. Exceptions to the requirements may be made only by the administrator of the College academic unit responsible for the delivery of the dual credit course, if the student demonstrates through some alternative means the considerable capacity and likelihood for achieving academic success in the desired course or courses.

2.4. If appropriate, the institution responsible for the dual credit course may elect to administer a placement test to assure readiness of students to benefit from the course.

3. Curriculum

3.1. Colleges may offer only lower division (freshman and sophomore) courses that are offered by the home College and that are part of the regular curriculum approved by the established dual credit course approval

process. No college-level credit courses may be created specifically for high school students.

3.2. Each dual credit course will feature a final exam or culminating experience that substantially measures the extent to which the course's stated learning objectives are achieved.

3.3. Course objectives and the final exam or culminating experience, developed, or approved by the College representative who is an administrator, faculty member, or a designated academic representative of the academic unit responsible for the delivery of the dual credit course, must be the same or equivalent regardless of the course location.

3.4. Course syllabi will include the grading system for the dual credit course and clearly state that, regardless of grades earned previously, the culminating assessment must be passed in order to receive credit for the course.

3.5. Dual credit courses with earned grades of D or higher will count toward degree credit at that specific College; however, a grade of C or higher may be required for courses that are established as specific degree program pre-requisites (i.e. English Composition for teacher education program admission).

3.6. Any dual credit course that is successfully passed with a grade of C or higher will be accepted for degree credit across the State College System.

4. Instructional Context and Resources

4.1. All dual credit high school students shall be granted access to College library catalogs and holdings by remote means using computer connections.

4.2. The high school and College shall ensure that comparable resources are available to the students taking the course for dual credit.

5. Validation of Credits

5.1. The standards for credits awarded for a particular dual credit course are the same regardless of the location of the class. Students must meet the learning outcomes designed for the course. The credit is valid upon successful completion of the course requirements as determined by the course instructor and approved by the College.

5.2. The responsibility for awarding the final grade earned by the students rests with the dual credit course instructor, utilizing the grading scale established by the College. The recorded grade shall be the same on the high school and College transcript.

5.3. Course and instructor evaluations will be conducted by the institution offering the dual credit course. The evaluation may include a comparison of student performance on a common final exam administered to students at the home College and to students at other sites.

5.4. Decisions about the award of high school credits for the completion of dual credit courses offered in the high school will be made by the high school.

5.5. Students enrolled in dual credit courses will abide by the College academic rules and regulations applicable to College students.

FORMS/APPENDICES

None

SOURCE:

Policy Adopted: August 1997

Policy Revised: November 2009, November 2011, January 2013, March 2015, November 2016, March 2022, April 2024, March, 2025, September 2025, January 2026

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Transfer of Credits and Degrees

POLICY NUMBER: 4430

A. PURPOSE

To establish the policy and criteria for the transfer of credits and/or degrees to the Nebraska State Colleges.

B. DEFINITIONS

1. **Accredited Institution:** An institution holding accreditation from one of the following accrediting bodies, unless otherwise specified: Accrediting Commission for Community and Junior Colleges (ACCJC), Higher Learning Commission (HLC), Middle States Commission on Higher Education (MSCHE), New England Commission of Higher Education (NECHE), Northwest Commission on Colleges and Universities (NWCCU), Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), and Western Association of Schools and Colleges [WASC] Senior College and University Commission (WSCUC).

C. POLICY

1. General Criteria

1.1. All College level courses, carrying a letter grade of "C-" or better, from an accredited institution of higher education as defined above that are applicable toward a baccalaureate degree at any State College will be received and applied by all member institutions of the Nebraska State College System toward the requirements of the baccalaureate degree.

1.2. College level courses carrying a grade of P (Pass), CR (Credit), and S (Satisfactory) shall only be accepted on a course-by-course basis upon review and approval of the academic vice president; this process can be suspended by the Chancellor should these grades warrant automatic acceptance for a specific academic term due to extenuating circumstances. Such courses shall not include remedial or developmental courses.

1.3. Each college is authorized to determine the applicability of credits earned based on a specific degree, program and/or accreditation requirements.

1.4. Each College shall establish procedures to award credit for education received from non-collegiate institutions. The Colleges are authorized to grant credit according to the American Council on Education (ACE) Recommendations for evaluating learning, outlined in the ACE Military Guide and the ACE National Guide. Included in these recommendations are awarding credit earned through:

- ACT Education Solutions, Limited;
- International Baccalaureate;
- Cambridge International Education;
- College Board Advanced Place (AP) Examinations;
- College Board's College-Level Examination Program (CLEP); and
- GED Testing Services.

2. Transfer of Credit Principles

2.1. Courses completed more than seven (7) years prior require special approval by the Vice President of Academic Affairs or designee.

2.2. A student must earn a minimum of thirty (30) credit hours for a 120 credit program and twenty-four (24) hours of a reduced credit bachelor's program at the receiving State College to earn an undergraduate degree from that College.

2.3. A total of up to sixty six (66) hours of coursework will be accepted from accredited two year institutions for students completing a Bachelor of Arts or Bachelor of Science degree, to 'be distributed among general education, major and minor programs, and general electives, unless otherwise accepted by agreement.

2.4. A total of up to eighty (80) hours of coursework will be accepted from accredited two year institutions for students who hold an Associate of Applied Science degree and are completing a Bachelor of Applied Science degree, to be distributed among general education, major and minor programs, and general electives, unless otherwise accepted by agreement.

3. Transfer of Degree Principles

3.1. An Associate of Arts (AA) or Associate of Science (AS) degree completed at an accredited post-secondary institution that includes a minimum of thirty (30) semester hours of general studies coursework or its equivalent will fulfill all requirements of a general studies program established at a Nebraska State College.

3.2. The general studies requirements will be fully met with completion of the Associates degree; however, only those courses carrying grades as established above will be applied to the credit hour requirements of the baccalaureate degree.

FORMS/APPENDICES

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: September 2009, September 2011, March 2015, March 2017, June 2019, June 2020, July 2020, January 2021, March 2022, March 2023, September 2025, April 2026

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Professional Development Courses

POLICY NUMBER: 4440

A. PURPOSE

To establish Professional Development Courses for the Nebraska State Colleges.

B. DEFINITIONS

1. **Professional Development Course:** Training, continuing education, and/or professional development activities offered by external organizations or entities that are approved by the College for academic credit and eligible for the Professional Development Course tuition rate.

C. POLICY

1. Instructor Qualifications

Professional Development course instructors offering employer-based training and professional development activities must be approved by a College academic Dean or other academic administrator. Professional Development course instructors must be formally appointed in a manner similar to that used for adjunct faculty members. Professional Development course instructors must meet the minimum criteria established in Policy 4600 Faculty Instructor Qualifications.

2. Instructor Compensation

Costs for instruction will not be directly incurred by the College. The partner employer will either compensate instructor or the instructor will agree to offer the course without compensation. NSCS full-time faculty may voluntarily teach professional development courses approved by the College but offered by a third party. Courses do not count toward load calculations. Faculty members are free to negotiate compensation with the appropriate third party or teach the course for no additional compensation. Teaching professional development courses may also count as part of community and/or professional services duties. VPAA approval is required.

3. Curriculum

Each Professional Development course will feature authentic product(s) and/or culminating experiences that substantially measure the extent to which the course's stated learning objectives are achieved. Professional Development course syllabi will include course outcomes, course assignments, and course grading system. Each College shall determine whether a Professional Development course is eligible to count toward degree completion prior to its offering and coded as such. A maximum of six credit hours of Professional Development credit can be counted toward the completion of a degree.

4. **Instructional Context and Resources**

   All students enrolled in Professional Development courses shall be granted access to College library catalogs and holdings by remote means using computer connections. The College shall ensure that resources are available to the students taking the course.

5. **Validation of Credits**

   Students must meet the learning outcomes designed for the Professional Development course. The credit is valid upon successful completion of the course requirements as determined by the course instructor and approved by the College. The responsibility for awarding the final grade earned by the students rests with the course instructor, utilizing the grading scale established by the College.

   Students enrolled in Professional Development courses will abide by the College academic rules and regulations.

FORMS / APPENDICES:

None

SOURCE:

Policy Adopted: July 2021

Policy Revised: November 2021, June 2024, March 2025, June 2026

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Distinguished Service Awards and Honorary Degrees

POLICY NUMBER: 4500

A. PURPOSE

To establish the general requirements by which the Nebraska State Colleges may confer a distinguished service award and to establish the expectations and criteria for the Nebraska State Colleges to award an honorary doctorate degree.

B. DEFINITIONS

None

C. POLICY

1. Distinguished Service Award Requirements

1.1. The Colleges may confer a distinguished service award upon an outstanding person who, or organization that, has made a significant contribution to a College or to an alumnus who has achieved distinction and recognition which reflects favorably upon the image of the System and/or College.

1.2. The President must submit recommendations for Distinguished Service Awards to the Chancellor at least one (1) month prior to the meeting at which Board approval will be requested.

1.3. Each College shall develop criteria and procedures for the conferral of such awards.

2. Honoary Degree General Policies

2.1. An honorary doctorate degree may be awarded by the Board upon recommendadtion of the Chancellor and President.

2.2. The following honorary degrees may be granted:

- Doctor of Humane Letters (L.H.D.);
- Doctor of Pedagogy (Ped.D.);
- Doctor of Letters (Litt.D.);

- Doctor of Science (Sc.D.); and
- Docgtor of Laws (L.L.D.).

2.3. The President shall, in consultation with a College committee composed of faculty, students and administration designated by the President, select the College nominees for the honorary degrees.

2.4. The President will forward the nominees to the Chancellor at least one (1) month prior to the meeting at which Board approval will be requested.

2.5. Nominees are to be approved by the Board prior to their notification and selection.

2.6. The award shall be made during graduation exercises.

3. Honorary Degree Award Criteria

3.1. The purpose of the degree is to honor and offer academic recognition to individuals who have distinguished themselves through extraordinary achievements in their professions, scholarship, civic engagement, or creative activities; exceptional acts of philanthropy; or significant contributions to the welfare and/or development of society.

3.2. Preference shall be given to nominations of persons who are connected in some significant way with the state or the College, although a connection is not a pre-requisite to an honorary degree.

3.3. The degree should be awarded in honor of extraordinary achievement over an entire career rather than to honor a single achievement.

3.4. No degree shall be solely conferred in consideration of the payment of money or other valuable items or materials.

3.5. Candidates cannot be current employees.

3.6. An honorary degree may not be given posthumously.

FORMS/APPENDICES

None

SOURCE:

Policy Adopted: January 1977

Policy Revised: October 1983, June 1993, June 1998, January 2013, March 2022, June 2026

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Faculty Instructor Qualifications

POLICY NUMBER: 4600

A. PURPOSE

To establish policies and procedures for determining faculty qualifications for instruction to meet institutional accreditation requirements and maintain academic integrity.

B. DEFINITIONS

1. **Achievement of Academic Credentials**: Instructor possesses an academic degree relevant to what they are teaching and at least one level above the level of coursework they teach, except in terminal degrees. In terminal degrees, the instructor possesses the same level of degree of coursework they teach.
2. **Equivalent Experience:** Instructor documents experience that is commensurate with achievement of academic credentials such that it qualifies the instructor for instruction.
3. **Instructor:** The faculty of record for a course offered by the College, regardless of rank or part-time/full-time status.
4. **Progress toward Academic Credentials:** Instructor demonstrates current and consistent progress toward the academic credential(s) deemed relevant by the institution for an instructor to be qualified.
5. **Qualified Faculty:** The individual can understand and convey the essentials of a specific discipline in a college environment; engage professionally with colleagues regarding the learning objectives for program graduates; and possess the knowledge, skills, and dispositions appropriate to the credential awarded.
6. **Graduate Assistant:** An instructor who is enrolled in a graduate program offered by one of the State Colleges and whose instruction is supervised by a faculty of record at the College.

C. POLICY

1. **Determination of Faculty Qualifications**

All faculty, including adjunct faculty and those who teach dual credit courses, will be consistently evaluated to determine the courses and program level(s) for which they are eligible to serve as an instructor for the College. The Academic Vice President shall establish a process by which evaluation is completed. Graduate assistant qualifications are exempt from this policy.

2. Procedures for Determining Faculty Qualifications

Each faculty instructor's qualifications shall be determined by establishing documentation for one or more of the following factors:

2.1. Achievement of Academic Credentials

- An instructor who teaches undergraduate or dual credit courses holds at least a master's degree in the discipline or subfield in which they teach.
    - If the instructor holds at least a master's degree in a discipline or subfield other than that in which they are teaching, they have completed at least fifteen (15) credit hours of graduate coursework in the discipline or subfield in which they are assigned to teach.
- An instructor who teaches graduate courses holds a terminal degree in the discipline or subfield in which they teach.
    - If the instructor holds a terminal degree in a discipline or subfield other than that in which they are teaching, they have completed at least fifteen (15) credit hours of graduate coursework in the discipline or subfield in which they are assigned to teach.

2.2. Progress toward Academic Credentials

- For undergraduate courses, the instructor holds a master's degree and has completed at least six (6) credits of graduate coursework in the discipline or subfield in which they teach.
- For graduate courses, the instructor holds a terminal degree and has completed at least six (6) credits of graduate coursework in the discipline or subfield in which they teach.
- The instructor who meets one of the criteria above establishes a progress plan with the institution that ensures at least three (3) credits of graduate coursework in the discipline or subfield is completed each year until achievement of academic credentials is met.
- The College supports the instructor with access to academic resources, professional development opportunities, and other qualified faculty members who achieved the required academic credentials.

2.3. Equivalent Experience

- An instructor can be qualified to teach specific courses through evaluation of the following evidence:

    - Minimum threshold of experience;
    - Research and/or scholarship;
    - Recognized achievement; or
    - Other activities or factors specific to the discipline.
  - Previous years of classroom instruction does not alone constitute equivalent experience.

3. **Documentation of Faculty Qualifications**
   - Each College shall evaluate and determine a faculty member's qualifications prior to assigning courses for instruction.
   - Official transcripts of all instructors shall be required to be included in their documentation.
   - Each College shall collect and store this documentation in a central location on campus, such as the academic vice president's office.
   - If documentation is stored electronically, a central location will be identified on the College's network.

FORMS / APPENDICES:

None

SOURCE:

Policy Adopted: March 2025

Policy Revised: June 2026

Board of Trustees of the Nebraska State Colleges

Academic Affairs

POLICY NAME: Posthumous Degrees

POLICY NUMBER: 4601

A. PURPOSE

To establish the requirements and process for the awarding of a posthumous degree to a deceased student who made substantial progress toward degree completion.

B. DEFINITIONS

None

C. POLICY

1. Eligibility for Posthumous Degree

Each College may award a posthumous degree when a student meets the following conditions:

1.1. Academic and Enrollment Requirements

- The student was enrolled in a degree-bearing program at the time of death or had withdrawn due to medical necessity related to a terminal illness;
- The student was in good academic standing at the College, meeting minimum GPA requirements and maintaining satisfactory academic progress;

1.2. Degree Progress Requirements

- The student has completed a substantial portion of the coursework required for the degree, defined as:
  - Undergraduate students: Completion of at least 75% of the total credit hours required for the degree;
  - Graduate students: Completion of all required coursework, with only a thesis, capstone, or final requirement remaining.
-
- 1.2. Exceptions

In extraordinary circumstances, a College may considering awarding a posthumous degree to a student who has not met the 75% credit-hour threshold but who demonstrated significant progress and/or engagement toward degree completion.

2. Procedure

2.1. Timeline

- The posthumous degree shall be awarded for the term in which the student's death occurred, or the term in which the student withdrew due to a terminal illness.
- The decision to confer a posthumous degree must be finalized by the College of the student's attendance within two years of the student's death or withdrawal.

2.2. Approval and Notification Process

- A request for a posthumous degree may be initiated by the student's family, faculty member, or academic unit.
- The request must be reviewed and recommended by the appropriate academic dean, with final approval granted by the President of the College after consultation with the family.
- Upon approval, the President shall notify the Chancellor of the intent to award the degree.
- The degree will be permanently recorded on the students academic transcript with a notation indicating it was awarded posthumously. posting becomes a permanent entry on the student's transcript.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-306	State colleges; president; duties.
	Neb. Rev. Stat 85-308.01	State colleges; degree of bachelor of arts or bachelor of science; confer.

Policy Adopted: April 1999

Policy Revised: March 2011, April 2018, January 2019, January 2023, September 2025

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Faculty Exchange Agreements

POLICY NUMBER: 4610

A. PURPOSE

To establish expectations for the Nebraska State Colleges to authorize a faculty exchange agreement with other institutions of higher education.

B. DEFINITIONS

None

C. POLICY

1. General Policies

1.1. Presidents are authorized to enter into faculty exchange agreements with other institutions of higher education.

1.2. The terms of the exchange agreements should address working conditions, employment rights, benefits, salary, travel arrangements, related expenses, health care coverage and emergency services.

1.3. The agreement must be approved in advance by the Chancellor.

1.4. The agreement must be reported to the Board.

FORMS/APPENDICES

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: June 2006, September 2009, March 2022

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Institutional and Program Accreditation

POLICY NUMBER: 4620

A. PURPOSE

To establish the requirement for the Nebraska State Colleges to maintain institutional accreditation by the Higher Learning Commission and criteria for programmatic accreditation.

B. DEFINITIONS

None

C. POLICY

1. Accreditation Policies

1.1. The Colleges of the Nebraska State College System must maintain institutional accreditation by the Higher Learning Commission (HLC).

1.2. Institutions may apply, following formal approval of the Chancellor, for accreditation of academic programs by agencies recognized by the Council for Higher Education Accreditation (CHEA).

2. Accreditation Procedures

2.1. A copy of any accreditation self-study report in connection with an accreditation visit shall be provided to the Vice Chancellor for Academic Affairs.

2.2. The Vice Chancellor for Academic Affairs shall be notified by the Vice President for Academic Affairs of all site visits by accreditation agencies once dates are established for the visit.

2.3. For HLC accreditation visits the Chancellor or designee shall be given the opportunity to meet with the accreditation committee and/or participate in the exit conference as permitted by HLC.

2.4. A copy of the culminating site visit report, accreditation report and/or accreditation status letter received from the accrediting agency shall be

provided to the Vice Chancellor for Academic Affairs to be shared with the Chancellor and filed within the System Office.

2.5. The Chancellor shall maintain a report on the status of accreditation visits or changes in accreditation status.

FORMS/APPENDICES

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: June 2006, November 2007, November 2014, January 2020, March 2022, February 2026

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Faculty Academic Freedom

POLICY NUMBER: 4650

A. PURPOSE

To establish the responsibilities and privileges of academic freedom for faculty of the Nebraska State Colleges.

B. DEFINITIONS

None

C. POLICY

1. Faculty Academic Freedom

The portion of the 1940 Statement of Principles on Academic Freedom and Tenure, formulated by the Association of American Colleges and the American Association of University Professors and paraphrased below, is endorsed by the Board.

1.1. A teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; however, research for pecuniary return should be based upon an understanding with the authorities of the College.

1.2. A teacher is entitled to freedom in the classroom in discussing their subject, but should be careful not to introduce controversial matter which has no relation to the subject. Limitations of academic freedom because of religious or other aims of the College should be clearly stated in writing at the time of appointment.

1.3. The College teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When speaking or writing as a citizen, the teacher should be free from institutional censorship or discipline, but a teacher's special position in the community imposes special obligations. As a person of learning and an educational officer, the teacher should remember that the public may judge the teaching profession and the College by their utterances. Hence, a teacher should at all times be accurate, should exercise appropriate restraint, should

show respect for the opinions of others, and should make every effort to indicate that they are not an institutional spokesperson.

1.4. The Board places particular emphasis on 1.2 and 1.3 above relating to the responsibilities, as well as the privileges, which members of the profession and professional organizations associate with this important concept of American life.

FORMS/APPENDICES

None

SOURCE:

Policy Adopted: January 1977

Policy Revised: October 1979, March 1989, June 1993, March 2022

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Faculty Academic Responsibility

POLICY NUMBER: 4651

A. PURPOSE

To establish the obligations of academic responsibility for faculty of the Nebraska State Colleges.

B. DEFINITIONS

None

C. POLICY

1. Faculty Academic Responsibilities

Membership in the State College academic community imposes certain obligations. These obligations include:

1.1. Creating learner-centered environments that foster mutual respect and exhibiting collegiality throughout the College as a role model for students

1.2. Presenting the subject matter of courses as announced to the students and approved by authorities responsible for the curriculum and maintaining appropriate records of student performance. At the beginning of each course, faculty will inform students about the requirements, standards, objectives, and evaluation procedures used in the course.

1.3. Studying current developments and maintaining competence in the areas of assigned courses through scholarly, creative, and professional development activities; examining, continually and critically, the subject matter of such courses, as well as teaching techniques and proposals for improving higher education; and engaging in the continuous improvement of courses and programs through systematic assessment of student learning.

1.4. Fulfilling the assigned time schedule of all classes, including quizzes, laboratories, tests, and other meetings, unless absence is caused by an emergency or approved College business. Changes in the scheduled times and locations shall be authorized by the appropriate College

administrator. Outside of class the faculty will be available at frequent, regular and scheduled times for student consultation; and promote learning through sufficient time and mentoring of students that is considered a “good practice” based upon the modality (either traditional, online, hybrid, or blended).

1.5. Participating, upon request, in College activities in the areas of student advising and public service, and, as appropriate, in department, College, and System activities.

1.6. Making every effort to indicate that members of the faculty are not spokespersons for the College or System except when authorized so to act.

1.7. Creating and protecting an atmosphere of intellectual honesty in the academic community.

1.8. Complying with federal, state and local laws, as well as Board and College policies.

FORMS/APPENDICES

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: November 1995, April 2014, March 2022

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Student Academic Performance and Integrity

POLICY NUMBER: 4700

A. PURPOSE

To outline the expectations and standards for academic performance and integrity for students who attend a Nebraska State College. It is designed to promote academic excellence, encourage consistent effort, and ensure all students meet the necessary requirements for progression and program completion.

B. DEFINITIONS

1. **Academic Dishonesty**: Any act of deceit or unfairness in the context of academic work, such as cheating, plagiarism, or fabrication of data, which undermines the integrity of the academic process.
2. **Academic Dismissal:** A removal from the College due to persistent poor academic performance, typically after a period of academic probation.
3. **Academic Expulsion:** A permanent removal from the College due to egregious or repetitious dishonest behavior. Expulsed students are ineligible for enrollment at any Nebraska State College.
4. **Academic Integrity:** A principle that emphasizes honesty and ethical behavior in all aspects of academic work
5. **Academic Performance**: A student's achievement and success in their educational endeavors, typically measured through grades, test scores, and overall academic accomplishments.
6. **Academic Probation:** A temporary status assigned to students whose grades and overall GPA fall below a specific threshold set by the College, which gives the student a chance to improve their academic standing within a specific timeframe, usually a semester.
7. **Academic Suspension:** A temporary removal from the College due to unsatisfactory academic performance or disciplinary reasons, which typically prohibits students from enrolling in classes, earning credits, or receiving financial aid during the suspension period. The length of suspension can vary, often ranging from one semester to two semesters.

C. POLICY

1. Academic Expectations

1.1. Students are expected to:

- Attend all scheduled classes, tutorials, and assessments,
- Complete assignments and assessment by the established due dates,
- Maintain a minimum GPA of 2.0/4.0 per semester and overall, and
- Demonstrate integrity and honesty in all academic work.

1.2. Grades will be awarded based on the established grading scale.

2. Academic Probation

2.1. Students whose cumulative GPA falls below 2.0 for the first time will be placed on academic probation for the following semester. During this time, students must:

- Meet regularly with an academic advisor or student success coach;
- Develop and follow a personalized academic improvement plan; and/or
- Limit extracurricular activities if recommended.

2.2. Failure to improve academic performance during the probationary period may result in academic suspension/dismissal.

3. Academic Suspension, Dismissal, or Expulsion

3.1. Students may be academically suspended, dismissed, or expulsed if they:

- Fail to meet the minimum GPA requirement for two consecutive semesters;
- Fail to meet the conditions of academic probation; and/or
- Engage in academic misconduct.

3.2. Suspended, dismissed, or expulsed students may appeal their status in writing to the appropriate academic review committee established by the College.

4. Academic Decisions Appeal Process

4.1. Students may appeal academic decisions including, but not limited to:

- Final course grades;
- Academic probation, suspension, dismissal, or expulsion;
- Denial of graduation; or
- Decisions related to academic integrity violations.

4.2. Grounds for Appeal

Students may submit an academic appeal based on one or more of the following:

- Procedural error or unfair treatment during assessment or grading;
- Miscalculation or factual error affecting the academic decision;
- New evidence not previously available at the time of the original decision; or
- Evidence of bias or discrimination.

4.3. Each College shall establish a process by which academic decision appeals are considered which includes:

- Required documents from the student to initiate the appeal;
- Formal steps in the appeal process which identify the individuals and/or bodies considering the appeal and the order in which they are brought into the process; and
- Clear timeline for the process which includes notification of the final decision made by the Academic Vice President.

FORMS / APPENDICES:

None

SOURCE:

Policy Adopted: January 2026 - Effective date: August 2026

Policy Revised:

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME: Off-Campus and Out-of-State Course and Program Offerings

POLICY NUMBER: 4710

A. PURPOSE

To establish expectations for offering off-campus and out-of-state courses and programs by the Nebraska State Colleges.

B. DEFINITIONS

1. **Off Campus Offerings:** Course(s) and/or programs that are offered in a face-to-face format at a location that is not offered on an official College campus.
2. **Out-Of-State Offerings:** Course(s) and or programs that are offered in a face-to-face format at a location that is not located in Nebraska.

C. POLICY

1. Off Campus Offerings

- The Board strongly supports the efforts of the Colleges to provide off-campus instructional courses and programs to meet the educational needs of the citizens of their geographic service regions. Such courses and programs must be within the authorized role and mission of the College and shall be reported to the System Office for coordination purposes, as necessary, among the Colleges.
- If a College is asked to extend its offerings beyond its geographic service region, it will do so as required by law and the approval of the Nebraska Coordinating Commission for Postsecondary Education, if necessary.

2. Out-of-State Offerings

- The Colleges may offer courses and workshops at out-of-state locations. The College must comply with all applicable statutes and regulations regarding registration or licensing in the state where the course is offered, and must verify that the offering is allowed under conditions of regional and/or professional accreditation.

- Out-of-state courses and workshops shall obtain Board approval prior to being advertised or offered. When requesting approval, the Colleges shall include evidence of compliance with licensing or registration requirements and applicable accreditation criteria.

FORMS/APPENDICES

None

SOURCE:

Legal References:	Neb. Rev. Stat. 85-304	Board of trustees; powers and duties, enumerated.
	Neb. Rev. Stat. 85-950	State olleges; public service and continuing education activities; regional responsibility; exception.
	Neb. Rev. Stat. 85-956	Chadron State College; programs authorized.
	Neb. Rev. Stat. 85-957	Peru State College; programs authorized; approval; required, when.
	Neb. Rev. Stat. 85-958	Wayne State College; programs authorized.

Policy Adopted: September 1988

Policy Revised: March 1990, June 1993, January 2013, March 2022, June 2024, February 2025

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME:	Design and Delivery of Distance Education Courses and Programs
POLICY NUMBER:	4730

A. PURPOSE

To encourage the development and use of distance education courses and programs for educational purposes, where appropriate, while ensuring a level of quality equivalent to that of regular on-campus courses and to establish consistent processes for student enrollments in licensure/certification programs offered via distance education.

B. DEFINITIONS

1. **Admitted Student**: A student who has completed all requirements for admission to the College.
2. **Attending Student:** A student who is currently completing one or more courses at the College.
3. **Student Attestation:** A formal process for students to acknowledge their desire to complete a licensure/certification program from a location outside of Nebraska that is designated as a Not-Meets state or territory.
4. **Blended Course:** Instruction is simultaneously delivered to two (2) separately registered groups of students enrolled in the same course at one (1) specific College: online students and students who receive instruction face to face in the classroom. In a blended course, there are students physically attending in the classroom as well as students attending via the Internet from one (1) or more remote locations. Students attending remotely receive instruction synchronously (or through a recording of that particular live session) with the students in the classroom during set class meeting times. A blended course has a single syllabus and a common set of assignments, schedule, and curriculum.
5. **Distance Education:** Education that uses one (1) or more technologies to deliver instruction to students who are separated from the instructor and to

support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously.[1]

6. **Distance Education Program**: A program for which all the required coursework for program completion is able to be completed via distance education.
7. **Distance Education Student:** A student who is enrolled in one or more distance education courses during a semester.
8. "**Does Not Meet" State or Territory:** A state or territory for which the licensure/certification program has been determined to not fully meet the educational requirements for licensure/certification.
9. **Enrolled Student:** A student who has completed all requirements for registration and has added one or more courses to their official schedule.
10. **Hybrid Course:** Instruction is offered to all students via dual modalities of on-campus and online. One (1) or more face-to-face class meetings are required in addition to participating in online instructional activities. No more than seventy-five percent (75%) of the instruction and interactions occurs via electronic communication or equivalent mechanisms, with faculty and students physically separated from each other. Instruction may be offered synchronously or asynchronously.
11. "**Meets" State or Territory:** A state or territory for which the licensure/ certification program has been determined as fully meeting the educational requirements for licensure/ certification.
12. **Notification:** A written communication relaying information about a program to a student, with no expectation for response or agreement.
13. **On-Campus Course:** Instruction is primarily delivered in an onsite, face-to-face setting with both instructor and students together in the same place at the same time for scheduled class meetings. Course may include Internet enhancements.
14. **Online Course:** Instruction is primarily delivered online via the Internet, where at least seventy-five percent (75%) of the instruction and interactions occurs via electronic communication or equivalent mechanisms, with faculty and students physically separated from each other. Instruction may be offered synchronously or asynchronously.
15. **Student Location:** The state or territory in which the attending student will physically reside when courses begin.
16. **Licensure/Certification Program:** Any program offered by the College to fully meet the educational requirements for state licensure or certification.

[1]https://www.hlcommission.org/General/glossary.html

C. POLICY

1. Roles & Responsibilities

1.1. System

The Chancellor will encourage, facilitate and coordinate the distance education activities of the Nebraska State Colleges by reviewing plans, monitoring progress, and evaluating results as specified under the current policy.

1.2. Colleges

The President and Vice Presidents for Academic Affairs will determine the modality of distance education courses based upon the definitions provided above for blended courses, hybrid courses, and online courses.

2. Standards and Conditions

2.1. Course Requirements & Standards

- Courses offered via distance education may be designed and delivered differently than on-campus courses, following best practices for instruction, engagement, and assessment of students using this modality. Course outcomes for distance education courses must be equivalent to those established for on-campus courses.
- Each course offered via distance education must include procedures for monitoring and assessing student performance. Those procedures, such as written exercises, papers, and examinations, must be equivalent to those used in comparable on-campus courses. Standards for success or failure in distance education courses must be as rigorous as those for on-campus courses.
- The Colleges have the responsibility to verify the identity of students who participate in courses or programs provided via distance education, as required by Federal Policy FDCR.A.10-050.[2]
- Students enrolled in distance education courses must be provided with academic support services appropriate to the discipline.

2.2. Instructor Requirements

- Instructors assigned to courses offered via distance education must complete training specific to the modality and demonstrate continued effectiveness in using distance education to deliver instruction.
- Instructors responsible for courses offered via distance education must meet the standards and procedures used by the College for the

[2]https:www.hlcommission.org/Policies/verification-of-student-identity.html

appointment of faculty responsible for on-campus courses. Provision must be made for the review and approval of faculty credentials by the appropriate administrator in the field(s) affected.

- Each instructor of record in a course offered via distance education must provide timely feedback to students regarding their progress and performance by methods equivalent to those used in on-campus courses.

2.3. Evaluation Procedures

- Procedures for evaluation of faculty responsible for courses offered via distance education must be equivalent to those used by the College for the evaluation of faculty teaching on-campus courses.
- Procedures for the evaluation of courses offered via distance education must be equivalent to those used for on-campus courses.

3. Licensure/Certification Program Processes

The following processes are based upon U.S. Department of Education requirements for all licensure/certification programs offered by a State College to retain Title IV status. Each State College shall establish procedures to ensure these processes are implemented.

3.1. Identification and Disclosure of States and Territories

- For each licensure/certification program offered by the College, the College will clearly post on its website all U.S. states and territories where the program fully "Meets" the educational requirements for licensure or certification. Colleges may also list any states or territories where they have confirmed the program "Does Not Meet" licensure requirements. For any states or territories not determined, the College shall not enroll students from those locations until a determination of "Meets" has been made.
- Should a licensure/certification program be determined to no longer fully meet the educational requirements for a "Meets" state or territory, the program's information shall be updated on the website, and current enrolled students whose student location matches that state or territory shall receive notification within fourteen (14) calendar days of the change in determination.

3.2. Certification of Students

- All new-to-the-College students who select a licensure/certification program as their major shall be asked to identify what their student location will be as an attending student. This process shall be completed prior to the student's enrollment in courses.
- All new-to-the-College students who have selected a licensure/certification program as their major, are identified as a distance education student, AND have a student location outside of Nebraska must be further evaluated for enrollment eligibility.

    - If the student location is a “Meets” state or territory as an attending student, the student can continue attending the College to complete their chosen program.
    - If the student location is not a “Meets” state or territory as an attending student, the student will not be immediately eligible for the program.
- Should a new-to-the-College student not be immediately eligible for their chosen licensure/ certification program, they must be notified within fourteen (14) calendar days and disenrolled from all future licensure/certification program coursework. To remain enrolled in the licensure/certification program, the student will consult with the identified College representative to complete one of three options;
    - Request an evaluation of the educational requirements for licensure/certification for their current state or territory, to determine whether the program Meets the requirements for that location;
    - Change their major to a non-licensure/certification program or a licensure/certification program that is eligible, as based upon student location; or
    - Complete an attestation form that documents their plan to seek employment in a “Meets” state or territory, which then allows them to continue with their chosen licensure/certification program.
- Should a current student change their major to a licensure/certification program, they will be allowed to remain enrolled in their current semester of coursework. However, the process outlined for new-to-the-College students above shall be completed. This is true whether the student changes their major from a non-licensure/certification program to a licensure/certification program, or whether the student changes their major from one licensure/certification program to another licensure/certification program.

FORMS / APPENDICES:

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: June 2006, March 2010, November 2013, July 2021, June 2024 – Effective July 1, 2024

Board of Trustees of the Nebraska State Colleges

Academics

POLICY NAME:	Nebraska Coordinating Commission for Postsecondary Education
POLICY NUMBER:	4800

A. PURPOSE

To establish the procedures for communication between the Nebraska Coordinating Commission for Postsecondary Education (CCPE) and the Nebraska State College System.

B. DEFINITIONS

None

C. POLICY

1. Communication Procedures

1.1. Any and all communications directed to the Nebraska Coordinating Commission for Postsecondary Education (CCPE) between the State College System and the Colleges that involve the reporting of any and all academic program, construction projects, official information or statistics, or that affect any funding relationships between the Colleges and the System and CCPE shall be channeled through the System Office.

1.2. Only the above outlined information that is provided to the CCPE by the System Office shall be considered official.

FORMS/APPENDICES

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: November 2011, March 2022

Board of Trustees of the Nebraska State Colleges

Auxiliary Operations

POLICY NAME: Equal Employment Opportunity

POLICY NUMBER: 5000

A. PURPOSE

To set forth the Nebraska State College equal employment opportunity statement in compliance with state and federal law.

B. DEFINITIONS

None

C. POLICY

1. The Nebraska State Colleges are equal opportunity institutions and prohibit unlawful discrimination and harassment. Each College has designated an individual to coordinate the Colleges' non-discrimination efforts to comply with regulations implementing Title II of the Americans with Disabilities Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act. Inquiries regarding non-discrimination policies and practices may be directed to one of the following Compliance Coordinators:

Jody Motz
Chadron State College
1000 Main Street
Chadron, NE 69337
(308) 430-0980

Eulanda Cade
Peru State College
PO Box 10
Peru, NE 68421-0010
(402) 209-3797

Alicia Dorcey
Wayne State College
1111 North Main Street

Wayne, NE 68787
(402) 375-7321

SOURCE:

Policy Adopted: August 1980

Policy Revised: September 1987, June 1993, June 2006, April 2009, November 2013, December 2013, November 2014, January 2015, March 2015, August 2015, October 2016, March 2017, July 2017, December 2019, February 2021, August 2022, February 2025, February 2026

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Employment of Non-U.S. Citizens

POLICY NUMBER: 5001

A. PURPOSE

To ensure that all employees meet state and federal regulations for employment.

B. DEFINITIONS

None

C. POLICY

1. College Responsibilities

1.1. Each College is responsible for ensuring that employment is offered to those individuals who meet state and federal regulations for employment, including but not limited to such matters as compliance with the Immigration Reform and Control Act of 1986.

1.2. Each College is responsible for adhering to the Federal Immigration Reform and Control Act, which requires verification of the employability status of all individuals hired

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: August 1980

Policy Revised: September 1987, June 1993, April 2009, May 2022

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Conflict of Interest

POLICY NUMBER: 5002

A. PURPOSE

To establish employment conflict of interest expectations for all employees.

B. DEFINITIONS

1. **Family Member:** Shall include spouse, child, parent, brother, sister, grandchild, or grandparent, by blood, marriage, or adoption.
2. **Nepotism:** The act of hiring, promoting or advancing a family member within the College or System Office or recommending the hiring, promotion, or advancement of a family member in the College or System Office, including initial appointment and transfer to other positions.

C. POLICY

1. General Requirements

No employee shall engage in any activity that conflicts or appears to conflict with their duties and responsibilities at a College or the System Office. Employees shall:

- Be informed of conflict of interest perils and remain alert to them in personal activities;
- Make certain that no outside activities interfere with the employee's discharge of their College or System Office obligations;
- Freely, and without delay, disclose outside activities to the Chancellor or President regarding situations that could involve, or be construed as, conflicts of interest;
- Not use, or authorize the use of public resources, personnel, property or funds under their official care, custody, or control for personal financial gain or the financial gain of a family member; and,
- Take action according to Neb. Rev. Stat. 49-1499.02 to disclose potential conflicts of interest when they would be required to take any

action or make any decision in the discharge of official duties that may cause financial benefit or detriment to the employee, the employee's family member, or a business with which the employee is associated.

2. Contracts and Purchases

An employee, employee's family member, and/or business with which the employee is associated shall not enter into a College or System contract valued at two thousand dollars ($2,000) or more, in any one (1) year unless the contract is awarded through an open and public process in compliance with Neb. Rev. Stat. §49-14,102.

An employee should not be involved in an advisory or decision-making capacity relating to College or System purchases where the employee, employee's family member and/or business has a financial interest.

If an employee, the employee's family or business with which the employee is associated has a financial interest directly, or indirectly in a College or System purchase, the Vice Chancellor for Finance & Administration must review information regarding the financial interest and approve the terms of the purchase and/or contract in advance.

For purposes of this Policy, a direct or indirect financial interest does not include de minimis holdings or transactions that are unlikely to influence, or appear to influence, the employee's decision making. A financial interest shall be considered de minimis if: the value of the interest in a publicly traded entity does not exceed $5,000 in aggregate, including stock, stock options, or other ownership interests; and, the employee does not serve in a managerial, board, or executive capacity with the entity; and, the interest does not represent more than 1% ownership in the entity.

3. Gifts

Employees or employee's family members may not receive or accept, either directly or indirectly, by rebate, gift or otherwise, any money or other specific item of value whatsoever, or any promise, obligation or contract for future reward or compensation from any vendor, person, firm, corporation or other entity which is conducting business with the College or System.

4. Nepotism

4.1. Prohibitions

- Employees are prohibited from engaging in nepotism.
- No employee shall act as a supervisor to their family member. Acting as a supervisor means having authority 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.

4.2. Exceptions

- The Chancellor may, upon a written showing of good cause, grant an exception to these prohibitions. The written showing of good cause shall be filed with the Accountability and Disclosure Commission and shall be considered a public record.
- An employee who becomes a supervisor to their family member other than by means of nepotism shall notify the Chancellor within seven (7) days of such occurrence and may continue to act as a supervisor until the Chancellor remedies the situation or grants an exception to the prohibition. The Chancellor shall act as soon as practicable.

5. Teaching and Providing Services to Family Members

5.1. Teaching Family Members

- Faculty members are discouraged from teaching family members.
- If a family member enrolls in their assigned class, the faculty member shall report the situation to the Vice President for Academic Affairs (VPAA).
- Due to the potential conflict of interest and potential appearance of impropriety, the VPAA has the authority and discretion to make alternative arrangements for the family member to take the class from another faculty member or have the family member's graded work reviewed by a qualified, independent third party.

5.2. Providing Services to Student Family Members

- Employees should not participate in decisions or awards for any student benefit, financial aid, scholarship, service, or other assistance for students who are family members.
- If a student is a family member, the employee shall report the situation to their supervising Vice President.
- Due to the potential conflict of interest and potential appearance of impropriety, the supervising Vice President has the authority to either; (a) provide oversight to the decision-making process, or (b) make arrangements for an alternative process to take action.

6. Outside Employment

6.1. General Requirements

- Employees may engage in outside employment unless it is expressly stipulated to the contrary in the conditions of employment. Outside employment shall not interfere with the employee's job duties and assigned obligations.
- All outside employment activities must occur on the employee's own time and not on work time or when the employee is engaged in assigned duties for the College or System Office. College or System

Office resources, personnel, property or funds may not be used in connection with outside employment and confidential information received through the employee's position cannot be used.

- Employees cannot contract to perform services or activities for personal gain or benefit, if the service or activity is required as part of the employee's job at the College or System Office.

6.2. Use of Public Resources

Public resources may only be used by employees for personal activities and/or outside employment to the same extent and on the same basis that the resource is available to the general public.

7. Statements to Financial Interests

The Chancellor, Vice Chancellors, Presidents, Vice Presidents, purchasing agents and other designated College business employees are required to file annual Statements of Financial Interests with the Nebraska Accountability and Disclosure Commission (NADC) on or before March 1 of each year, according to NADC state regulations found in Title 4, Nebraska Administrative Code, Chapter 2.

8. Sale of Books and Supplies to Students

No employee shall have any financial interest in or receive any compensation from the sale of books and other educational materials and supplies used by students at the Colleges except royalties on books or other educational material from publishing houses of standing when copyright has been secured.

It shall be the joint responsibility of the President and academic administrators to approve the adoption of teaching materials authored by the instructor and to prevent any exploitation of students.

FORMS / APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 49-1499.02	Executive branch; discharge of official duties; potential conflict; actions required.
	Neb. Rev. Stat. 49-1499.07	Executive branch; nepotism prohibited; restrictions on supervisors; legislative intent for legislative branch and judicial branch.

Neb. Rev. Stat. 49-14,102	Contracts with government bodies; procedure; powers of certain cities; purpose.

Policy Adopted: June 1993

Policy Revised: November 2008, September 2009, June 2011, June 2012, April 2022, May 2022, March 2023, September 2025

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Subrogation Rights

POLICY NUMBER: 5004

A. PURPOSE

To establish subrogation rights for the Board of Trustees.

B. DEFINITIONS

None

C. POLICY

1. Subrogation Rights

1.1. The Board may proceed against the culpable employee or former employee for all expenses, settlements and judgments, incurred by the Board in reference therefor, so the System shall be saved harmless from any expenses or liability arising out of such intentional employee misconduct, under the following conditions:

- Any time the Board, as an employer, is required to undertake any expense in investigation and/or defense of an allegation of discrimination and the allegation is ultimately substantiated in whole or in part as an intentional violation of law or Board Policy .
- Any time the Board, as an employer is required to pay any settlement or pay any judgment as a result of an intentional employee misconduct .

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: September 2022

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Political Activities

POLICY NUMBER: 5005

A. PURPOSE

To establish policies related to employee participation in political activities.

B. DEFINITIONS

None

C. POLICY

1. Full Right of Citizens

1.1. Employees 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 State College System, however, requires that each employee perform their duties without the interference of outside activities.

1.2. Unless specifically restricted by a federal law or any other state law, no employee shall be prohibited from participating in political activities except during office hours or when otherwise engaged in the performance of their official duties.

2. Part-Time Public Office

2.1. An employee contemplating filing as a candidate for any part-time public office or entering upon the performance of the duties of and part-time public office, to which the employee may be elected or appointed, shall notify the College President or the Chancellor. The President or Chancellor will, in cooperation with the employee, 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.

2.2. The criteria to be used in determining the extent to which such political activities might interfere with the performance of regular duties of the employee shall be:

- The time that they will be required to devote to such political activities during the period assigned for the performance of their job duties;
- The time which, in the absence of political activities, would be devoted to their job duties; and
- The duration of such political activities and duties.

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

3. Full-Time Public Office

3.1. Employees seeking a full-time public office shall be required to take a leave of absence without pay during the time they are a candidate for either the primary or general elections.

3.2. Such leaves of absence shall commence no later than the date on which a candidate must file for that office.

3.3. In the event the employee shall be elected or appointed to a full-time public office, they must resign their position effective on the date of commencing their new office.

3.4. Employees paid with federal funds will be covered by the provisions of the Hatch Act.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 20-160	Employees of state or political subdivisions; prohibited from political activities during office hours, while performing official duties, or while wearing a uniform

Policy Adopted: June 1993

Policy Revised: June 2006, March 2023

POLICY: 5006 Drug-Free Workplace; Standards of Conduct

BOARD POLICY

The Board of Trustees recognizes and affirms its responsibility and commitment to maintain a drug-free workplace environment. In accordance with this responsibility and to ensure worker safety and workplace integrity, under the Drug-Free Workplace Act of 1988, (41 U.S.C. §701), and the Drug-Free Schools and Communities Act of 1989, (20 U.S.C. §1145g), the Board prohibits the illegal manufacture, possession, distribution or use of controlled substances or alcohol in the workplace by its employees or those who engage or seek to engage in business with the State College System.

The term "controlled substance" refers to a controlled substance as defined by the Federal Controlled Substances Act (21 U.S.C. 801) et seq, or Nebraska Uniform Controlled Substances Act, Neb. Rev. Stat. 28-401 et seq.

In an effort to bring about a drug-free workplace in the System and to assure employees of a workplace free from illegal drugs and their effect, the Board through its College administrations will implement the following Drug-Free Workplace Policy and standards of conduct.

SCOPE: Applicable to all employees.

POLICY: It is unlawful to illegally manufacture, distribute, dispense, possess, or use a controlled substance, drug paraphernalia or alcohol in the workplace. The Board, therefore, establishes a drug-free workplace policy for its employees.

STANDARDS OF CONDUCT

The Board has formulated the following standards of conduct for its employees which prohibit the following acts:

1. Unauthorized use, possession, manufacture, distribution or sale of illegal drugs, drug paraphernalia or alcohol on College premises or while on College business or at College activities, or in College supplied vehicles either during or after working hours;

2. Unauthorized use, possession, manufacture, distribution, or sale of a controlled substance as defined by the Federal Controlled Substances Act, (21 U.S.C. 801) et seq, or Nebraska Uniform Controlled Substances Act, Neb. Rev. Stat. 28-401 et seq., on College premises, or while engaged on College business or attending College activities, in College supplied vehicles, either during or after working hours;

3. Storing in a locker, desk, vehicle, or other place on College owned or occupied premises, any unauthorized controlled substances, drug paraphernalia or alcohol;

4. Unauthorized possession, use, manufacture, distribution or sale of alcohol or illegal drugs off College premises that adversely affects an employee's work performance, safety or the safety of others;

5. Violation of State or Federal laws relating to the unauthorized use, possession, manufacture, distribution or sale of alcohol, controlled substances or drug paraphernalia;

6. Failure to report within five (5) days any criminal drug **or alcohol** statute **citation,** arrest or conviction occurring in the workplace to his or her immediate supervisor. The supervisor will immediately report such citation, arrest or conviction to the President or designee.

7. Notwithstanding the standards stated above, possession and consumption of alcohol may be allowed pursuant to an academic course exception in conjunction with Policy 8035. Under an academic course exception, faculty and students are still required to abide by Board, College, state and federal laws/regulations regarding access to, use, distribution, and consumption of alcohol. No students under the age of twenty-one (21) shall be allowed to register or attend such a course. All alcoholic beverages shall be removed from the classroom or lab at the end of each course session and shall be locked in a secured cupboard with restricted access.

PROCEDURE

1. All employees, including part-time student employees, and each new hire will receive a copy of this policy.

2. Each employee will receive a drug abuse awareness form which will state it is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance or alcohol in the workplace unless alcohol is allowed at an event authorized and hosted by the President as outlined in Board Policy 8035 or in conjunction with an academic course. Each employee will sign and date this statement certifying that he or she:

   A. Understands and will abide by the drug-free workplace policy; and

   B. Has knowledge of disciplinary actions which may be imposed for violations of the drug-free workplace policy.

   The signed and dated statement will be provided to the Human Resources Office and will be permanently maintained in the employee's personnel file.

   All employees will receive a copy of this policy at the beginning of each academic year which will serve as the annual notification.

3. All current employees will receive drug and alcohol abuse awareness training. New hires will receive the training within the first six (6) months of date of hire. This training shall include:

   A. A definition of drug and alcohol abuse;

   B. Information on specific drugs and alcohol and the effects of drug and alcohol abuse;

   C. Dangers of drug and alcohol abuse in the workplace;
   D. Availability of counseling and treatment services; and

   E. Disciplinary actions which may be imposed on employees for violations of this policy.

4. If an employee violates the drug free workplace policy, disciplinary action may be imposed according to established Board policy and procedures. Disciplinary action shall include one or more of the following actions:

   A. Referral to an assistance program for evaluation and assessment to determine the appropriate treatment for rehabilitation; and/or

   B. Participation in a drug rehabilitation program; and/or

   C. Termination of employment.

5. If an employee is convicted of violating any criminal drug statute while in or at the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the College may require the employee to successfully complete a drug abuse program sponsored by an approved private or governmental institution at the employee's expense.

6. Information regarding possible legal sanctions and penalties under federal law can be accessed from the US Department of Justice, Drug Enforcement Agency (https://www.dea.gov/pr/multimedia-library/publications/drug_of_abuse.pdf#page=30). Information about Nebraska State laws can be accessed from the Uniform Controlled Substances Act, Neb. Rev. Stat. 28-401 et seq.

7. If the employee is hired on federal contracts or grants, as a condition of employment, the College shall notify the Federal granting agency within ten (10) days after receiving notice of an employee's drug or alcohol statute conviction.

8. Health risks associated with drug abuse can be accessed from the National Institute on Drug Abuse (https://www.drugabuse.gov/related-topics/health-consequences-drug-misuse or https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts).

9. Alcohol and drug counseling programs available to employees include the Employee Assistance Program. For more information on this service, employees may contact their College Human Resources Office or access the Human Resources website.

10. Each College will be responsible for conducting a biennial review and preparing a written report of their alcohol and drug programs to determine program effectiveness and policy enforcement consistency. This review will be conducted and completed by December 31 in even-numbered years and will focus on the two preceding academic years.

Policy Adopted: 4/14/89
Policy Revised: 3/11/94
Policy Revised: 6/2/11
Policy Revised: 6/10/14
Policy Revised: 1/16/18
Policy Revised: 6/19/18

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Anti-Harassment/Discrimination

POLICY NUMBER: 5007

A. PURPOSE

To establish an anti-harassment/discrimination workplace.

B. DEFINITIONS

None

C. POLICY

1. Workplace Policies

1.1. Each College will provide a workplace free of tensions involving matters which do not relate to the System's business. In particular, an atmosphere of tension created by unlawful discrimination or harassment does not belong in the workplace.

1.2. Unlawful discrimination and harassment based on any categories protected by relevant federal, state, or local law are prohibited by the Board.

1.3. Unlawful discrimination against or harassment of employees, students, applicants for employment and admission, and any visitors to campus are prohibited.

1.4. Unlawful discrimination includes, without limitation, the unjust or prejudicial treatment of individuals based on their belonging to a protected category.

1.5. Unlawful harassment includes, without limitation, verbal harassment (derogatory comments and/slurs, negative stereotyping, intimidating behavior), physical harassment (assault or physical interference), visual harassment (posters, cartoons, drawings, or improper written or graphic material), sexual/gender harassment, and innuendo.

1.6. Other forms of unlawful harassment include actions that have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

1.7. Each College has designated an individual to coordinate the College's nondiscrimination efforts to comply with regulations implementing Title II of the Americans with Disabilities Act, Titles VI and VII of the Civil Rights Act. Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act. Inquiries regarding nondiscrimination policies and practices may be directed to the Compliance Coordinators assigned at each College and identified on each College website.

1.8. Complaints of sexual harassment are addressed separately by Board Policy 5011 and should be directed to the College's Title IX Coordinator. Complaints of other discrimination on the bases of sex are addressed in this policy.[1]

2. College Procedures

2.1. If any employee has reason to believe that they or another employee has been unlawfully harassed or discriminated against, that employee should report the violation to a supervisor, the Director of Human Resources, Title IX Coordinator, or Vice President.

2.2. If the reporting employee feels that the report does not achieve satisfactory results, a second report should be made to another administrator. Reports from employees in the System Office can be directed to the Chancellor or Vice Chancellor for Employee Relations.

2.3. Any complaints reported will be kept confidential to the extent possible and the reporting employee shall be assured that no negative consequences will be suffered as a result of making a report in good faith.

2.4. All complaints are to be promptly and thoroughly investigated. If the investigation reveals that unlawful workplace harassment or discrimination has occurred, disciplinary action is to be immediately taken against the appropriate person or persons.

2.5. If the victim requests confidentiality, asks that the report not be pursued, or declines to participate in an investigation or disciplinary proceeding, the College will document the request.

2.6. The College will take reasonable steps to investigate and respond to reports consistent with such a request, if possible. Requests will be evaluated and weighed against the College's responsibility to provide a safe and nondiscriminatory environment.

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[1] The Office for Civil Rights can be contacted by the following methods: Email – OCR@ed.gov; Telephone – 800-421-3481; FAX – 202-453-6012; TDD – 800-877-8339; Website – https://ocrcas.ed.gov/contact-ocr. The OCR National Headquarters is located at U.S. Department of Education, Office for Civil Rights, Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue, SW, Washington, DC 20202-1100.

2.7. Victims will be informed that the College has a legal duty to include information about reports of criminal sexual misconduct in annual security report statistics, which do not identify either the person claiming to have been subject to criminal sexual misconduct or the alleged perpetrator.

2.8. In addition to promptly investigating and addressing all reports of harassment or discrimination, ongoing educational efforts and training on the issues of unlawful harassment, sexual abuse, and child molestation shall continue for employees.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: October 1984

Policy Revised: March 1994, September 2004, April 2014, November 2014, March 2015 – Effective July 2015, March 2017, June 2017, July 2020, November 2021, May 2022, February 2025

PERSONNEL, NEBRASKA STATE COLLEGE SYSTEM

Board Policy 5008 references Board Policy 7003; NSCS Information Security Program, including the Security Standards defined by Board Policy 7003. Term definitions in Board Policy 5008 may be found in Standard 1.

Technology Resources provided by the Colleges and the System Office are the property of the Nebraska State Colleges System (NSCS) and are to be used for the sharing of knowledge, collaborative efforts, and completion of job duties within the NSCS educational, research and public service missions.

The NSCS reserves the right to inspect any NSCS Technology Resource without advance notice to or specific permission from any employee, for any legitimate business purpose.

The requirements in this Policy are to be followed by all employees utilizing State College Networks including all use of any other networks that are accessed through an NSCS connection. Employees must comply with the NSCS Acceptable Use Policy (AUP) prior to gaining access to NSCS Technology Resources. The NSCS AUP is located in Standard 5. The requirements found therein apply to all persons accessing or using NSCS Technology Resources, including NSCS students, employees, and authorized contractors and guests. Individuals that violate the NSCS AUP may be subject to denial of access and disciplinary action.

Acceptance of any credentials (i.e. username/password, ID card or token, PIN, etc.) that provide access to NSCS Technology Resources shall constitute an agreement on behalf of the user or any other individual accessing such information to abide and be bound by the provisions of this Policy and the NSCS AUP. Access to NSCS Technology Resources is a privilege, not a right. Every user is to be responsible for the integrity of the system, respect for the rights of other users, the integrity of the physical facilities and controls, and all pertinent license and contractual agreements related to NSCS systems.

Employees shall make reasonable efforts to safeguard their credentials. No employee may allow unauthorized persons to access College or System Technology Resources, except in cases necessary to facilitate computer maintenance and repairs. When any employee terminates his or her employment with the College or System Office, his or her credentials shall be denied further access to Technology Resources unless otherwise determined by the President or Chancellor.

Use of Technology Resources for personal or commercial financial gain, for private business or commercial use, or for personal political or lobbying activities are prohibited.

Limited personal use of College or System Technology Resources is permitted so long as such usage conforms with Policy, does not interfere with operations including, but not limited to, security of the system, network response time, or a user's performance of duties as an employee, and does not result in additional costs or inefficiencies to the College or System.

All users of College or System Technology Resources are expected to respect the privacy of other users and their data in accordance to the NSCS AUP, and to respect the legal protection of programs, publications and data provided by copyright and licensing laws. All relevant laws and regulations, including public records laws, federal copyright laws, and federal privacy laws such as the Family Educational Rights to Privacy Act (FERPA) are to be respected by users. Downloading, distributing and/or displaying any copyrighted material without permission of the copyright owner is strictly prohibited.

Consistent with the NSCS AUP, employees are also expected to respect the integrity of Technology Resources and shall not intentionally execute programs that harass other users or infiltrate systems and/or damage or alter data.

To preserve the integrity and security of NSCS Technology Resources, NSCS employees purchasing information technology products and services must first consult with the College CIO, or the System Office CIO. Refer to Board Policy 8064, and to Standard 10: Technology Resources Acquisition, in Board Policy 7003.

Each College, affiliate organization, and the System Office is responsible for employee use of Technology Resources and for ensuring that its employees are familiar with the provisions outlined in this Policy and in the NSCS AUP.

Policy Adopted: 11/11/95
Policy Revised: 2/10/05
Policy Revised: 4/25/14
Policy Revised: 11/14/19
Policy Revised: 1/24/20
Policy Revised: 4/11/22

BOARD POLICY

The Board of Trustees has a vital interest in maintaining a safe, healthy, and efficient work environment. Being under the influence of alcohol or illegal drugs on the job poses serious safety and health risks to the user, to all those who work with the user, and to others in the community such as students.

To maintain a safe, healthy, and efficient workplace for all of its employees, and to protect the College's property, information, equipment, and reputation, this policy gives notice of the intent to test for alcohol and illegal drug use when cause exists in the workplace to conduct such a test.

The purpose of this testing program is to help in the treatment and elimination of alcohol and illegal drug use and abuse in the workplace while protecting employee rights.

Any testing program implemented pursuant to this policy shall strictly conform to the provisions outlined in The Nebraska Drug Testing Act, Sections 48-1901 to 48-1910 of the Nebraska Revised Statutes, relating to drug and alcohol testing of employees. The provisions outlined in the Act relating to the methods employed to test, and the use, requirements, release, and disclosure of test results, specimen preservation, and chain of custody, shall control the manner in which this testing program is conducted.

All employees are required as a condition of employment to abide by the terms of this policy as well as applicable state and federal law. In addition, an employee shall notify the College administration if convicted of violating any criminal drug statute while in the workplace or on College premises no later than five days after such conviction.

An employee's consent to submit to drug or alcohol testing is required as a condition of employment and the employee's refusal to consent following a request to test for reasonable cause may result in disciplinary action, including discharge, for a first refusal or subsequent refusal. The costs of any such tests shall be borne by the College.

This policy applies to all full and part-time employees, including student employees.

Definitions:

1. Alcohol means any product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, synthetic ethyl alcohol, including but not limited to beer, wine or spirits, and alcohol used in the manufacture of denatured alcohol, flavoring extracts, syrups, or medicinal, mechanical, scientific or culinary and toilet preparations.

2. College property, premises or facilities means all property of the College including, but not limited to, the offices, facilities, structures, work areas and surrounding campus areas on College-owned or leased property, including parking lots, and storage areas. The term also includes College owned or leased property or equipment including vehicles owned, operated, leased, or under the control of the College wherever located.

3. Drug means any substance, chemical, or compound as described, defined, or delineated in Neb. Rev. Stat. §28-405 and 28-419 or any metabolite or conjugated form thereof.

4. Drug testing means the scientific analysis of urine, blood, saliva, or breath.

5. Illegal drug means any drug which is not legally obtainable; or any legal drug being used at a dosage or for a purpose other than recommended by the manufacturer or other than intended by the manufacturer, unless prescribed by a physician for use.

6. Legal drug means any prescribed drug or over-the-counter drug that has been legally authorized and is being used for the purpose for which prescribed or manufactured.

7. Reasonable, proper, sufficient or just cause means a belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is unable to satisfactorily perform his or her job due to alcohol or drug impairment. Such inability may include, but not be limited to, decreased quality or quantity of the employee's productivity, judgment, reasoning, concentration and/or psychomotor control, and marked changes in behavior. Accidents, deviations from safe work practices, and erratic conduct indicative of impairment are examples of "reasonable cause".

8. Under the influence means a condition in which a person is affected by a drug or alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech and difficulty in maintaining balance, or an obvious odor of alcohol. A determination of being under the influence can only be as the result of a scientifically valid test, such as urinalysis or blood analysis.

9. Possession means to have on one's person, in one's personal effects, in one's vehicle or otherwise under one's care, custody, or control.

10. Refusal to test means that an employee fails to provide adequate breath for alcohol testing without a valid medical explanation, or the employee fails to provide an adequate urine, blood, or saliva sample for controlled substances testing without a genuine inability to provide a specimen and as determined by a medical evaluation, or the employee engages in conduct that clearly obstructs the testing process.

Procedure

Supervisory Training

Supervisors are to be trained in:

1. The rationale and specific details of this program.

2. The supervisor's specific responsibilities including detecting the signs and behavior of employees who may be using drugs or alcohol in violation of this policy.

3. Ways to recognize and deal with employees who have job performance problems that may be related to drugs or alcohol, including intervening in situations that may involve violations of this policy by recommending participation in a drug and alcohol abuse prevention program or counseling through the Employee Assistance Program.

4. Training programs will be offered annually by outside instructors specially trained in workplace drug and alcohol abuse programs. All training shall be documented.

Employees are to be informed of:

1. The health and safety dangers associated with drug and alcohol use.

2. The provisions of this policy.

3. The College will provide each employee a copy of the policy~~,~~ and obtain written acknowledgement from each employee that the policy has been received and reviewed. This policy will also be referenced in the employee's handbook and be available on the College's website.

Discipline

1. Any employee who is found to be in possession of or under the influence of alcohol or illegal drugs while on College property will be subject to discipline up to and including discharge, unless the possession or use of alcohol is in conjunction with a College sponsored event that is expressly authorized by the President. A determination of being under the influence cannot occur without a certified positive test result.

2. Any employee who is found through drug or alcohol testing to have in his or her body any amount of an illegal drug or alcohol at a level which adversely impacts performance while at work or on College property shall be subject to discipline up to and including discharge except that, depending on the circumstances of the case, the employee may be offered a one-time opportunity to enter and successfully complete a rehabilitation program that has been approved by the College administration. Any subsequent drug/alcohol test that results as positive during or following rehabilitation shall result in discharge.

Rehabilitation and Employee Assistance

Rehabilitation assistance in lieu of discharge may be offered on a one-time basis:

1. To any employee who has violated this policy for the first time provided that the violation does not involve illegal activity and/or other serious misconduct.

2. Employees may be allowed a leave of absence for treatment. Employees participating in a rehabilitation program shall be entitled to use their accumulated but unused vacation or other accrued leave time. Nothing herein shall be construed to diminish any rights which may apply under the ADA, FMLA or other relevant laws or the employer's right to take appropriate disciplinary action.

    a. Recommendation for intervention, counseling, or rehabilitation will not be made by the employer without certified positive test results. The testing vendor will contact the employee to discuss the results. A copy of the test results shall be provided to the employee.

Requirements To Test

1. Two (2) supervisors trained, pursuant to this policy, must articulate and substantiate specific signs and behaviors indicating probable drug or alcohol use in the form of a written statement.

2. In a private setting, the employee will be asked to explain the suspected behavior and describe the events that took place. Supervisors must note what can be observed and objectively documented as it relates to physical signs and symptoms of probable drug or alcohol abuse.

   Supervisors must determine if there is a reasonable belief that drugs or alcohol are a factor in the incident

3. All documentation related to the for-cause test, including justification, and key decision makers, must be submitted to the HR Director or assignee who will carefully consider and document all evidence supporting a request to perform drug and alcohol testing prior to the scheduling of any test.

4. If the HR Director or assignee grants the testing request, the employee shall be notified and consequences for failure to submit to a request for screening shall be explained to the employee.

5. When reasonable cause exists for testing an employee, the examination for drug or alcohol use shall be scheduled immediately and conducted as soon as possible.

6. Both supervisors, or their designees, are to transport the employee to the testing facility in a College vehicle. Time spent conducting the test will be considered work time and the employee will be paid for this time. After the specimen has been collected, the supervisors or designees will transport the employee home or permit a family member or friend to do so. Allowing an employee who is reasonably believed to be under the influence of drugs or alcohol to drive home may create unnecessary liability exposure for the College.

7. All confirmatory tests shall be performed by a clinic, hospital, or laboratory which is certified pursuant to the federal Clinical Laboratories Improvement Act of 1967, 42 U.S.C. 263a.

8. The College will pay for the cost of alcohol and drug tests.

<u>Determination for Testing</u>

Factors to be considered include but are not limited to the following:

1. Documented pattern of unsatisfactory work performance, with evidence of drug or alcohol related behavior.

2. Physical signs and symptoms consistent with substance abuse.

3. Evidence of illegal substance use, possession, sale, or delivery while on duty.

4. Occurrence of a serious accident or potentially serious accident for no apparent reason.

5. Flagrant violations of established safety, security or other operating procedures for no apparent reason.

6. Erratic or violent behavior.

NOTE: Anonymous tips must be taken seriously, but should not be the sole reason to initiate a request for a specimen. Hearsay alone is not an acceptable basis for reasonable cause referral.

Procedure for Confirmation of Tests

a. If the employee's initial drug and/or alcohol test is positive, a confirmation test shall be immediately administered from the same sample.

b. If the employee's initial drug test is positive, the employee will be placed on paid leave of absence, pending a confirmation of the employee's specimen if there is a delay between the initial test and the confirmation test.

c. If a positive drug and/or alcohol test is not confirmed, the employee's job status will be restored.

Grounds for Disciplinary Action, Including But Not Limited to Discharge

a. Any second confirmed positive test for illegal drug or alcohol use.

b. Refusal to be tested for alcohol or drug use.

c. Employee failure to provide a testing specimen.

d. Tampering with test.

e. Conviction of selling alcohol or illegal substances on College-owned or leased property.

f. Conviction of a felony or misdemeanor involving off-site sale or distribution of illegal substances while employed in the State College System.

g. Repeat DUI conviction.

Confidentiality

a. The employer will notify the employee if the results of the test are negative. If test results are positive, the testing facility will contact the employee to discuss the results, including the confirmation test.

b. All alcohol and controlled substances testing will be performed by an independent contractor. Testing procedures will conform to both federal and Nebraska law and will be incorporated into and made part of this policy. The procedures are designed to protect the employee and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee.

c. All records maintained by the College pursuant to this Policy are strictly confidential. Employee information contained in these records may not be released except as required by law or as expressly authorized by the employee.

d. Records specific to the employee may be obtained by the employee upon the employee's written request.

e. Records will be released to a subsequent employer when requested in writing by the employee. This disclosure is limited to the specific records authorized in the employee's written request.

f. Records may be released in a lawsuit, grievance or administrative proceeding initiated by or on behalf of the employee, arising out of a test administered pursuant to this policy or a determination that the employee engaged in prohibited conduct. Such proceedings include, without limitation: workers' compensation, unemployment compensation or other benefit-related proceedings. The College may also disclose information that indicates that the employee refused to test in accordance with this Policy.

g. Records may be released to any other person when authorized in writing by the employee. The information released is limited to the specific information in the employee's authorization.

Policy Adopted: 4/13/07
Policy Revised: 3/25/11

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Categories of Personnel

POLICY NUMBER: 5010

A. PURPOSE

To define categories of personnel for the Nebraska State College System.

B. DEFINITIONS

None

C. POLICY

1. Categories of Personnel

1.1 Faculty

This category includes all persons serving in full-time, ranked faculty positions. Faculty includes all persons holding academic rank of instructor and above, or formally approved equivalent ranks.

1.2 Non-Ranked Faculty

This category includes all persons employed under a special appointment as a graduate assistant, lecturer, part-time faculty, or adjunct faculty and other positions as designated by the Board.

1.3 Professional Staff

This category includes all personnel who are not included in the faculty, non-ranked faculty, support staff, student or temporary employee categories. Included in this category are all employees holding titles such as Chancellor, Vice Chancellor, President, Vice President, Dean and Director, as well as other administrative, professional and managerial staff and some graduate assistant positions.

1.4 Support Staff

This category includes all persons who are not included in the faculty, non-ranked faculty, professional staff, student or temporary employee categories, who may perform clerical, office, custodial or maintenance duties and are compensated on an hourly basis.

1.5 Student Employees

This category includes all employees whose primary occupation or involvement is that of student. Regardless of the funding source, student employees may not work more than one thousand four hundred fifty six (1,456) hours during the twelve (12) month calendar year.

- International students or non-resident alien student employees who are on F-1 Visas may work up to twenty (20) hours per week when school is in session and up to forty (40) hours per week when school is not in session including summer and semester breaks. These maximum hour limits can be changed consistent with any action and formal legal notice from the United States Department of Homeland Security.
- Work study student employees may not work more than twenty (20) hours per week during the academic year in which they receive work study funds.

1.6 Temporary Employees

This category includes hourly employees such as seasonal, special events, short term replacements and other employees who are hired into non-budgeted positions.

- Temporary employees shall not work more than twenty-four (24) hours in any given week. An exception to that limitation may be allowed by the Vice President of Administration and Finance, so long as the total number of hours worked in a year does not exceed one thousand four hundred fifty six (1,456) during the twelve (12) month calendar year.
- Temporary employment opportunities may be posted at the discretion of the College.
- Temporary employees shall receive a letter at the time of hire explaining the limited nature of their position.
- Temporary employees shall be paid through bi-weekly payroll unless insurance coverage is required pursuant to the Affordable Care Act. If insurance coverage is required, the temporary employee shall be paid through monthly payroll.

2. Reports

2.1 A report apprising the Board of ongoing personnel actions and appointments are due to the System Office on the date Board materials are due prior to each Board meeting.

2.2 A report of the annual salary for each employee shall be provided to the Board at the June Board meeting. The report shall include for each position, the individual occupying that position, position FTE, as well as the recommended salary, and a notation as to the term of the appointment.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: January 1977

Policy Revised: June 1993, November 1995, June 2006, June 2011, April 2014, November 2015, March 2016, April 2020, May 2022, August 2024

Board of Trustees of the Nebraska State Colleges

PERSONNEL

POLICY NAME: Sexual Harassment & Sex Discrimination

POLICY NUMBER: 5011

A. PURPOSE

The Colleges prohibit discrimination on the basis of sex and are committed to providing an environment free from sexual harassment and sex discrimination. The Colleges take reports of sexual harassment seriously and are committed to providing an impartial and fair process to all parties.

Colleges and universities receiving federal funding, including the Nebraska State Colleges, are required by Title IX of the Education Amendments of 1972 and 34 CFR Part 106 to not discriminate on the basis of sex in their educational programs or activities, including admission and employment. Inquiries about Title IX or 34 CFR Part 106 can be made to the Colleges' respective Title IX Coordinators or to the Assistant Secretary of the Department of Education.[1]

This policy constitutes the Nebraska State Colleges' Grievance Policy and Procedures for addressing sexual harassment, including how an employee, or others reporting on behalf of an employee, may report or file a formal complaint of sexual harassment and how the Colleges will respond to prevent, correct, and discipline behavior found to violate this policy or principles of equal opportunity and access.

An employee alleged to have committed sexual harassment may be disciplined under this policy and/or prosecuted under Nebraska criminal statutes. Additional Board Policies, Employee Handbooks and Collective Bargaining Agreements also apply to employees alleged to have committed sexual harassment.

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[1] The Office for Civil Rights can be contacted by the following methods: Email – OCR@ed.gov; Telephone – 800-421-3481; FAX – 202-453-6012; TDD – 800-877-8339; Website – https://ocrcas.ed.gov/contact-ocr The OCR National Headquarters is located at U.S. Department of Education, Office of Civil Rights, Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue, SW, Washington, DC 20202-1100

B. DEFINITIONS

1. **Advisor:** An individual selected by the Complainant and/or Respondent to guide them through the grievance process and accompany them to all meetings, including the hearing.
2. **Complainant:** An individual who is alleged to be the victim of sexual harassment.
3. **Confidential Employee:** A College employee who does not have an affirmative duty to report incidents of Sexual Harassment to the Title IX Coordinator, including but not limited to medical or mental health professionals, licensed student counselors, nurses, and athletic trainers.
4. **Employee:** An individual paid by the College to perform specific duties, including faculty and staff, whether employed part-time or full-time. This definition excludes student-employees and third-party contractors unless otherwise noted.
5. **Formal Complaint:** A statement filed and signed by a Complainant or the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting the College investigate the allegation(s) of Sexual Harassment.
6. **Incapacitation**: Incapacitation refers to a state in which a person is mentally or physically incapable of resisting or appraising the nature of their conduct.[2]
7. **Preponderance of the Evidence Standard:** A preponderance of the evidence is the greater weight of the evidence indicating it is more likely than not the alleged conduct occurred. This is the standard of review used by the decision-maker to determine whether a Respondent has violated this policy.
8. **Respondent:** An individual who is alleged to have engaged in conduct constituting sexual harassment.
9. **Student:** An individual currently enrolled or registered in the College's education program or activity or who has completed the immediately preceding term and is eligible for re-enrollment.
10. **Student-Employees.** An individual who is currently enrolled or registered in the College's educational program or activity and paid by the College to perform specific duties. The Student Employees' primary purpose at the College is to receive an education, which includes, but is not limited to, graduate assistants, biweekly contract student employees, and other student employees such as resident assistants. Student Employees does not include Employees whose primary purpose is employment and who are also taking classes at the College, including but not limited to, employees covered by collective bargaining agreements, or covered under board policies 5102, 5103, or 5104.

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1. [2] Neb. Rev. Stat. §28-319(1)(b).

11. **Supportive Measures:** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available and without fee or charge to the Complainant and Respondent before or after the filing of a report of sexual harassment or Formal Complaint.
12. **Title IX Coordinator:** The College employee or contractor responsible for responding to reports of Sexual Harassment and conducting investigations of Formal Complaints. For purposes of this policy, references to Title IX Coordinator also refers to a designee assigned to assume all or some of the responsibilities of the Title IX Coordinator.
13. **Witness:** An individual who has relevant information regarding allegations of Sexual Harassment.

C. POLICY

1. Scope

1.1. This policy applies to all employees located within the United States, including, part-time and full-time employees, regardless of whether the other party involved is a fellow student, an employee, or a third party. Policy 3020 applies to students and student-employes alleged to have committed sexual harassment.

1.2. This policy applies to the Colleges' education programs and activities, which include:

- The physical campus of the College;
- Areas owned or controlled by the College;
- Locations, events, or circumstances in which the College exercises substantial control over both the Respondent and the context in which the sexual harassment occurs; and
- Any building owned or controlled by a student organization officially recognized by the College.
- For purposes of this policy, education programs and activities include employment.

2. Prohibited Conduct

Sexual Harassment is prohibited and includes the following types of conduct set forth below.

2.1. Quid Pro Quo Harassment occurs when an employee or student-employee of the College explicitly or implicitly conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.

2.2. Severe, Pervasive, and Objectively Offensive and Unwelcome conduct occurs when an individual's unwelcome conduct is determined by a

reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity.

- Unwelcomeness and objective offense are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident(s) occurred and any similar previous patterns that may be evidenced.

2.3. Sexual Assault is any sexual act, directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; and includes unlawful sexual intercourse. which includes the following types of conduct set forth below:

- Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of that person including instances where the person is incapable of giving consent because of their age or their temporary or permanent mental or physical incapacity.
- Fondling: The intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of another person or causing another person to touch another's genitals, buttocks, groin, breasts, or other body parts, intentionally for the purpose of sexual degradation, sexual gratification, or sexual humiliation without the consent of that person, including instances where the person is incapable of giving consent because of their age or their temporary or permanent mental or physical incapacity.
- Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Nebraska State law.[3]
- Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent of 16.[4]

2.4. Dating Violence

Violence committed by a person who is or has been in a social relationship or a romantic or intimate nature with that person.

- The existence of such a relationship shall be determined based on a consideration of the length and type of relationship and the frequency of interaction between the individuals involved in the relationship.

[3] Neb. Rev. Stat. § 28-702
[4] Neb. Rev. Stat. § 28-319.01

- Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under Domestic Violence.

2.5. Domestic Violence

A felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of a person;
- A person with whom the person shares a child in common;
- A person who is cohabitating with, or has cohabitated with, another person as a spouse or intimate partner;
- A person similarly situated to a spouse of the other person under the domestic or family violence laws of Nebraska;
- Any other person against an adult or youth the Complainant who is protected from the person's acts under the domestic or family violence laws of Nebraska

2.6. Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

- Course of conduct means two (2) or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

2.7. Sexual Exploitation

Engaging in conduct where one party takes non-consensual or abusive sexual advantage of another person for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Prostituting another person;
- Nonconsensual visual or audio recording of sexual activity;
- Non-consensual display or distribution of photos, images, or information of an individual's sexual activity or private body parts;

- Non-consensual voyeurism;
- Coercing someone against their will to engage in sexual activity, or
- Knowingly transmitting a sexually transmitted disease (STD) without disclosing STD status.

2.8. Retaliation

Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured under Title IX or 34 CFR Part 106, or because the individual made a complaint or report, testified, assisted, participated, or refused to participate in an investigation, proceeding, or hearing under this policy.

3. Consent

3.1. Consent is positive cooperation in an act or an expression of the intent to engage in an act. The presence or absence of consent must be based on the totality of the circumstances, including the context in which the conduct occurred.

- Consent to a sexual act must be given by an individual voluntarily, and with knowledge and understanding of the nature of the act and their participation in it.
- A person may express their consent or lack of consent verbally, physically, or through conduct in a manner understood by a reasonable person under the circumstances.
- Consent can be withdrawn by any party at any time through words or conduct.
- Consent cannot be inferred from silence or passivity alone.
- A person need not resist verbally or physically when it would be futile to do so as understood by a reasonable person under the circumstances.
- Consent to one type of sexual activity does not necessarily constitute consent to another type of sexual activity.

3.2. A person lacks the capacity to consent when they:

- Are incapacitated by drugs or alcohol;
- Are unconscious, passed out, asleep, coming in and out of consciousness;
- Have a mental or physical disorder, illness, or disability that renders them incapacitated; or
- Are forced, coerced, intimidated, or deceived into providing consent.

4. Reporting Sexual Harassment

4.1. Any person may report sex discrimination, including Sexual Harassment, to the College by contacting the Title IX Coordinator. Such contact may be made verbally either in person or by telephone or in writing by delivering a written document in person, by mail, or by email.

4.2. For purposes of this policy, the following employees are required to report incidents of sexual harassment to the Title IX Coordinator.

- President
- Vice Presidents
- Academic Deans
- Title IX Coordinator and designees
- Deans of Students and Associate Vice Presidents for Student Affairs
- Housing/Residence Life Staff including:
  - Directors
  - Managers
  - Assistant Directors
  - All Residence Hall Advisors
- Athletic Directors and Associate Athletic Directors
- All Coaches
- Campus Security Officers

4.3. Medical or mental health professionals employed by the College, including licensed student counselors, nurses, and athletic trainers are Confidential Employees and respect and protect confidential communications from students, faculty, and staff to the extent they are legally able and/or required to do so.

4.4. A confidential employee may report sexual misconduct to the Title IX Coordinator without identifying the person(s) affected by the sexual misconduct or providing other confidential information and may offer to the affected person(s) information, resources, and reporting options.

4.5. All College employees, including Confidential Employees, are required by state law to report allegations or reasonable suspicion of child abuse or neglect, including sexual assault or abuse of a person eighteen (18) years of age or younger, to either law enforcement or the Department of Health and Human Services. The Child Abuse and Neglect Hotline is (800) 652-1999.

4.6. Law Enforcement and Judicial Involvement

- A Complainant can choose to report the conduct only to the College, only to law enforcement, or to both the College and law enforcement.

- If a report to law enforcement is made, the College will cooperate with any law enforcement investigation.
- Regardless of whether law enforcement chooses to prosecute a reported offense, the College may pursue disciplinary action against an employee alleged to have committed Sexual Harassment.
- A Complainant may obtain medical care for the purpose of collecting and preserving physical evidence of an alleged offense.
    - Health care providers are required to report to law enforcement when an injury appears to have been received in connection with, or as a result of, the commission of an actual or attempted sexual assault. [5]
    - Additional information about the options for reporting to law enforcement and evidence collection is available in the Nebraska Medical Sexual Assault Protocol.
- Parties may also pursue judicial remedies such as orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts.
    - Parties are responsible for notifying the College of any orders issued by criminal, civil, or tribal courts and should provide a copy of such order to the Title IX Coordinator as soon as reasonably possible.
    - The Title IX Coordinator may discuss with the party options regarding enforcing the order within a College Educational Program or Activity.

4.7. Student Privacy and Disclosure of Information

- The College appreciates the privacy concerns inherent in allegations of Sexual Harassment and will take reasonable steps to avoid disclosure of the names of students or other identifying information to third parties. Disclosure may be made consistent with Board Policy 3650 or if:
    - Prior written permission is given by the student;
    - The disclosure is necessary to conduct an investigation;
    - The disclosure is necessary to implement a Supportive Measure;
    - The disclosure is necessary to pursue disciplinary action; or

[5] *Nebraska Medical Sexual Assault Protocol*, Nebraska Attorney General's Office, July 2019. Available at https://ago.nebraska.gov/sites/ago.nebraska.gov/files/doc/Nebraska%20Medical%20Sexual%20Assault%20Protocol%20FINAL.pdf

- The disclosure is otherwise required by law.

- The College is required by the Clery Act, 20 U.S.C. § 1092(f) to include information about reports of criminal sexual misconduct in annual security report statistics. These reports do not identify the individuals involved.
- Student Athletes are subject to disclosure requirements set forth in Board Policy 3740.

5. Role of the Title IX Coordinator

5.1. Each College is required to designate one or more employees as Title IX Coordinator. The names and contact information for each College's Title IX Coordinator are:

- Chadron State College

  Jody Motz

  Email: jmotz@csc.edu

  Phone: (308) 430-0980

  Address: Crites Hall 351

  1000 Main Street, Chadron, NE 69337

  https://www.csc.edu/titleix/

- Peru State College

  Michael Clark

  Email: mclark@peru.edu

  Phone: (402) 209-3797

  Address: Library 103

  P.O. Box 10, Peru, NE 68421

  https://www.peru.edu/titleix/

- Wayne State College

  Alicia Dorcey McIntosh

  Email: aldorce1@wsc.edu

  Phone: (402) 375-7321

  Address: Student Center 103C

  1111 North Main Street, Wayne, NE 68787

  http://www.wsc.edu/titleix/

5.2. The Title IX Coordinator is responsible for responding to reports of Sexual Harassment at the College by ensuring:

- The coordination of supportive measures;
- The facilitation of informal resolutions of Formal Complaints, when appropriate;
- The investigation of Formal Complaints of Sexual Harassment; and
- The creation of an investigative report which summarizes and assesses the credibility of the available evidence and synthesizes the areas of dispute and agreement.

5.3. The Title IX Coordinator may utilize the services of designees, other employees, and/or contracted services to satisfy the requirements of this policy.

6. Response to Reports of Sexual Harassment

6.1. Upon receipt of a report of Sexual Harassment, the Title IX Coordinator will promptly meet with the Complainant for the following purposes:

- To discuss the report, review the availability of Supportive Measures, and determine the Complainant's wishes regarding Supportive Measures;
- To listen to the Complainant's account and ask questions to gain a better understanding of the nature of the alleged incident;
- To explain the policy, the definition of Sexual Harassment, and the Grievance Process; and
- To discern the Complainant's wishes for next steps with respect to the Grievance Process.

6.2. The Title IX Coordinator must determine whether the alleged conduct can be addressed under this policy or whether the alleged conduct may be more appropriately addressed pursuant to a different Board or College policy or process.

- If the determination cannot be made based upon the information available, the Title IX Coordinator may seek additional information for purposes of making the determination; however, the Title IX Coordinator cannot conduct an investigation unless a Formal Complaint has been submitted.
- If the alleged conduct is determined not to fall within this policy, the Title IX Coordinator will refer the Complainant and the report to the appropriate College official. The responsibility for facilitating any Supportive Measures will depend upon the circumstances.

6.3. Supportive Measures

- Supportive Measures must be reasonable and are offered to restore and preserve equal access to the College's education programs and activities without unreasonably burdening the other party, to protect the

safety of all parties or the educational environment, and/or to deter Sexual Harassment.

- All parties are treated equitably when offered Supportive Measures.
- The College may also utilize Supportive Measures as supplemental tools in disciplinary action, sanctions, or Informal Resolutions.
- Requests for Supportive Measures must be made directly to the Title IX Coordinator, who will facilitate implementation.
- Supportive Measure may include, but are not limited to the following:
  - Referral to counseling services;
  - Reasonable academic accommodations;
  - Changes to on-campus housing;
  - Changes to employment situations;
  - Use of Campus Security escort services;
  - Bi-lateral no contact orders; and
  - Other similar measures.

7. Grievance Process

7.1. Formal Complaint

- In order to commence the Grievance Process, the Complainant must submit a signed Formal Complaint alleging Sexual Harassment against a Respondent(s) and requesting the College investigate the allegations.
- At the time of filing the Formal Complaint, the Complainant must be participating in or attempting to participate in the College's education program or activity.
- The Title IX Coordinator may sign a Formal Complaint on behalf of the Complainant. However, the Title IX Coordinator does not become a party to the Formal Complaint.

7.2. Notice of Allegations

- Upon receipt of a Formal Complaint, the Title IX Coordinator will provide the Complainant and Respondent a Notice of Allegations and Investigation.
- The Respondent's notice must include sufficient detail known at the time for the Respondent to respond. The Title IX Coordinator will provide the Respondent with sufficient time to review the Notice of Allegations prior to Respondent's initial investigatory interview.

7.3. Advisor:

- Parties are entitled to select an Advisor of their choice at any time throughout the Grievance Process. Parties must have an Advisor during the hearing on a Formal Complaint, as the Advisor is responsible for asking the other party and all witnesses any relevant questions on behalf of their advisee. In all other instances throughout the grievance process (including interviews, meetings, and correspondence), the party will speak for themselves.
    - The College will maintain a list of trained employees who may be available to act as an Advisor.
    - If a party has selected an Advisor, the party should notify the Title IX Coordinator of the individual's name and contact information. The party will be asked to sign a FERPA waiver to allow information to be shared. A party's Advisor may accompany them to any meetings and assist in guiding the party through the Grievance Process.
    - The Title IX Coordinator provides information and updates to the parties involved. It is each party's responsibility to share information and updates with their Advisor as needed throughout the Grievance Process. However, circumstances may arise in which communications from the Title IX coordinator may need to include the Advisor.
    - If an Advisor is an attorney, their participation is subject to the same limitations as any non-attorney Advisor.
- If at the time the Pre-Hearing Meeting is scheduled, a party does not yet have an Advisor, the College will appoint one for them without any fee or charge to the party.

7.4. Grievance Process Overview

- The Grievance Process is a fair and impartial process during which all parties will have an opportunity to provide their account of the alleged incident, respond to the other party's account, and review evidence directly related to the allegations. All relevant inculpatory and exculpatory evidence will be objectively evaluated.
- Individuals cannot be required to participate in the Grievance Process.
- A Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process.
- The burden of proof and the responsibility for gathering evidence rests on the College, not the parties.
- Credibility determinations are not based on a person's status as a Complainant, Respondent, or Witness.

- Parties are prohibited from knowingly making false statements or submitting false information during the Grievance Process.
- The College strives to complete the Grievance Process within sixty (60) business days from the date the Respondent receives Notice of the Allegations and Investigation unless good cause exists to extend this timeline under Section 7.12.

7.5. Investigation

- The Title IX Coordinator assigned to the matter may conduct the investigation or assign the investigation to a Designee, another College employee sufficiently trained to conduct the investigation, or a third-party investigator, all of whom are referred to as the "Investigator" for purposes of this policy.
- The Investigator will endeavor to complete the investigation in a timely manner.
- The Investigator is responsible for gathering evidence through:
    - Interviews of the Complainant, Respondent, and any Witness(es);
    - Collecting physical, written, video, recorded, text messages, and similar information, regardless of the format, that may provide relevant information regarding the allegations set forth in the Formal Complaint.
    - If a party wishes for their medical records, prior educational records, or other records that are external to the College to be considered in the Grievance Process, they must provide written consent for those records to be released to the College and make arrangements for the records to be provided to the College.
- Once the evidence has been gathered, the Investigator will provide both parties with electronic copies of the evidence obtained from the investigation that is directly related to the allegations, including both inculpatory and exculpatory evidence. If the Investigator is a person other than the Title IX Coordinator, the Investigator will also provide the evidence to the Title IX Coordinator.
    - The parties will have ten (10) calendar days to submit a written response to the Investigator for purposes of correcting or clarifying the evidence or provide additional relevant information.
    - Any written responses received from the parties will be included in the Investigative Report.
    - A party's failure to respond will be taken as their confirmation that the evidence provided is accurate and complete for purposes of the Grievance Process.

- The Investigator will then prepare the Investigative Report that organizes and fairly summarizes the relevant evidence and synthesizes areas of dispute and agreement between the parties.
- The Investigator will provide the Investigative Report and any additional evidence not previously provided to the parties to the parties electronically at least ten (10) calendar days prior to the Hearing. If the Investigator is a person other than the Title IX Coordinator, the Investigator must also provide the Investigative Report and evidence to the Title IX Coordinator. The parties shall have ten (10) calendar days to provide a written response to the Investigative Report to the Investigator.

7.6. Pre-Hearing

- After the completion of the Investigation Report, the Title IX Coordinator shall designate a hearing chairperson. The College has the discretion, but is not required, to designate two (2) additional hearing panelists to conduct the hearing with the hearing chairperson.
- Once a designation is made, the Title IX Coordinator will:
    - Provide written notice to the parties of the designated hearing chairperson and additional panelists when applicable.
    - Provide the Investigative Report and evidence electronically to the hearing chairperson.
    - Schedule a tentative hearing date, time, and location for the hearing.
- If a party has a concern regarding bias or conflict of interest with respect to the hearing chairperson or a panelist, the party must inform the Title IX Coordinator in writing of the basis for the concern.
    - The Title IX Coordinator will provide notice of the concern raised to the other party.
    - The Title IX Coordinator is responsible for determining whether a bias or conflict of interest exists.
    - The Title IX Coordinator will inform both parties in writing of their decision regarding whether the hearing chairperson or panelist will be retained or removed and if applicable the individual appointed to replace them.
- The Title IX Coordinator will assist the hearing chairperson in scheduling a pre-hearing meeting with the parties and Advisors for purposes of determining a date, time, and location of the hearing, identifying witnesses, reviewing the conduct of the hearing, and the relevancy of evidence.

- The pre-hearing meeting may take place remotely via electronic means or in-person.
- The hearing chairperson, in consultation with the Title IX Coordinator, may choose to conduct separate pre-hearing meetings with the parties if warranted by the circumstances or requested by one or both of the parties.
- If the parties wish to call specific witnesses, beyond those the hearing chairperson intends to call, the parties must provide the hearing chairperson with the names and contact information of the witnesses.

- The hearing chairperson, with the assistance of the Title IX Coordinator, is responsible for providing notices and summoning witnesses for the hearing.
- If the College has elected to use a hearing panel, the hearing chairperson, with the assistance of the Title IX Coordinator, will provide the Investigatory Report, evidence, witness lists, and hearing information to the hearing panelists.
- The hearing panelists may also request the attendance of witnesses at the hearing.

7.7. Hearing

- The College will conduct a live hearing as soon as practicable after the pre-hearing meeting.
  - The College shall create an audio, audio-visual recording, or transcript of any Hearing and make it available to the parties for inspection and review.
  - The hearing chairperson is responsible for directing the conduct of the hearing.
  - The Title IX Coordinator shall provide logistical assistance with respect to the hearing and be present at the hearing to provide clarification regarding policy and process.
  - The Investigator must be present at the hearing to answer questions or clarify information with the Investigatory Report.
- Each party's Advisor will be permitted to present relevant evidence and ask relevant questions of the other party and witnesses.
  - The hearing chairperson and any hearing panelists are also entitled to ask questions of witnesses during the hearing.
  - The hearing chairperson and any hearing panelists are also entitled to ask questions of witnesses during the hearing.

- After each question asked by an Advisor or hearing panelist, the hearing chair must determine whether the question is relevant and instruct the individual whether they may answer. If a question or evidence is excluded based upon relevance, the hearing chairperson must provide a reason in the written Determination of Responsibility.

- With respect to determining relevance, questions, and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless:
  - Offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant;
  - Concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent; or
- All parties, advisors, witnesses, and other participants are expected to conduct themselves in a respectful and civil manner. The hearing officer can require the removal of any person who fails to do so; however, the hearing officer must take steps to ensure that the removal of the individual does not negatively affect the fairness of the process.

7.8. Deliberations and Determination of Responsibility

- In determining whether Sexual Harassment occurred and whether a Respondent is responsible for the Sexual Harassment, the decision-maker(s) shall use the preponderance of the evidence standard.
- If a hearing panel is being utilized, the hearing panel will convene within forty-eight (48) hours of the end of the hearing to reach a decision as to responsibility.
- If a hearing panel is being utilized, the decision will be based upon majority vote, with the hearing chairperson and each hearing panelist having a vote.
- The hearing chairperson is responsible for providing a written determination to both parties regarding responsibility including any recommended sanctions or disciplinary action within ten (10) calendar days of the conclusion of the hearing.

7.9. Sanctions and Remedies

- If the Respondent is found responsible, the Panel shall determine appropriate sanctions based after consideration of relevant factors. The factors considered by the Panel when determining sanctions and responsive actions may include:
- The nature, severity of, and circumstances surrounding the violation,

- The Respondent's disciplinary history,
- The need for sanctions to bring an end to the sex discrimination, sex-based harassment, and/or retaliation,
- The need for sanctions to prevent the future recurrence of sex discrimination, sex-based harassment, and/or retaliation
- The need to remedy the effects of the sex discrimination, sex-based harassment, and/or retaliation on the Complainant and the community
- The impact on the Parties
- Any other information deemed relevant by the Panelists
- The sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.
- The following are the common sanctions that may be imposed: Reprimand; Required Counseling; Restrictions on Certain Activities; Changes in Employment Status; Performance Improvement Plan; Required Education; Required Training; Probation; Suspension with or without Pay; and/or Termination of Employment.

7.10. Appeal

- The following actions may be appealed by either party:
  - A Determination of Responsibility;
  - A dismissal of a Formal Complaint;
- The permissible bases for appeal of a determination of responsibility or dismissal of a Formal Complaint are:
  - Procedural irregularity that affected the outcome;
  - New evidence that was not reasonably available at the time the determination was made that could have affected the outcome; or
  - The Title IX Coordinator, designee, hearing chairperson, or hearing panelist had a conflict of interest or bias for or against a party or Complainants or Respondents generally that affected the outcome.
- The Appeals Decisionmaker will be the President of the College, or their designee.
- To appeal, a party must submit a written request to the Appeals Decisionmaker, within five (5) calendar days of the delivery of the determination of responsibility or the dismissal of the formal complaint.
- All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or Decision-makers, will be provided

with a copy of the appeals request and will be given five (5) calendar days to submit a response to the portion of the appeal that involves them. The Appeals Decisionmaker will forward all responses, if any, to all Parties for review and comment. The Appeals Decisionmaker may collect additional information needed and all documentation necessary regarding the appeal.

- Appeal decisions are to be deferential to the original determination, making changes only when there is clear error and clear compelling justification.
- The Appeals Decisionmaker will send a written determination on the appeal outcome and the rationale, to all parties as soon as practicable. Once an appeal is decided, the outcome is final and constitutes the final determination, and further appeals are not permitted unless the appeal results in a new hearing.

7.11. Temporary Delays and Extensions of Time

- The College may temporarily delay the grievance process or provide limited extensions of time for good cause.
- Either party may request a temporary delay of the grievance process or an extension of time for good cause by submitting a written request to the Title IX Coordinator.
- For purposes of this section, good cause may include, but not be limited to:
  - The absence or unavailability of a party, an Advisor, a Witness, or other person necessary to the grievance process;
  - Concurrent law enforcement activity; or
  - The need for language assistance or disability accommodation.
- The Title IX Coordinator will notify the parties in writing of any delay in the process or extensions of time and the reasons for any such delay or extension.

7.12. Dismissal of a Formal Complaint

- Mandatory Dismissal: The College is required to dismiss a Formal Complaint if:
  - The alleged conduct, if proven, would not constitute Sexual Harassment as defined in this policy.
  - The alleged conduct did not occur in the College's education program or activity; or
  - The alleged conduct did not occur against a person in the United States.
- Permissive Dismissal: The College may dismiss a Formal Complaint if:

- The Complainant withdraws a Formal Complaint in writing;
- The Respondent is no longer enrolled in or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination.

- The parties will receive written notice of any dismissal including the basis for the dismissal.
- Parties may appeal the dismissal of a Formal Complaint pursuant to Section 7.10 of this policy.
- Allegations dismissed under a mandatory dismissal may be addressed as misconduct pursuant to other Board Policies and/or Collective Bargaining Agreements.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 28-319	Sexual assault; first degree; penalty.
	Neb. Rev. Stat. 28-319.01	Sexual assault of a child; first degree; penalty.
	Neb. Rev. Stat. 28-702	Incestuous marriages; declared void.
	Neb. Rev. Stat. 28-711	Child subjected to abuse or neglect; report; contents; toll-free number.
	Clery Act 20 U.S.C. 1092(f)	
	34 CFR 106.45(3)(i)	

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Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME:	Employment Appointments and Nonrenewal Notice Requirements
POLICY NUMBER:	5014

A. PURPOSE

To define employment appointments and non-renewal notice requirements for faculty and professional staff.

B. DEFINITIONS

1. **Special Appointment:** An appointment that is not a "Specific Term Appointment".
2. **Specific Term Appointment:** A professional staff or faculty appointment for a term of one (1) academic or fiscal year.

C. POLICY

1. Annual Contracts for Faculty and Professional Staff

1.1 Faculty and professional staff shall be issued annual contracts specifying salary and other terms and conditions of employment in accordance with Board Policies and/or applicable collective bargaining agreements on the contract form approved by the System Office. All professional staff employment contracts (even grant funded positions) are issued on a fiscal year cycle.

1.2 Employment contracts must be signed by the President or Chancellor and be reported to the Board.

1.3 Employment warranties or other special conditions in employment contracts that violate Board Policies or collective bargaining agreements shall not be allowed.

1.4 Each person appointed to a faculty or professional staff position shall be designated as having either a Special Appointment or Specific Term Appointment.

2. Special Appointments

2.1. The following types of appointments to faculty or professional staff positions shall be filled by Special Appointment only:

- Any appointment, including temporary or interim appointments for less than one (1) academic year for faculty appointments or fiscal year for professional staff appointments;
- Appointments to part-time positions that are less than .75 FTE;
- Appointments to volunteer status;
- Appointments to Lecturer;
- Appointments to “visiting” faculty (a scholar who provides teaching or research in their area of expertise for less than one (1) academic year);
- Appointments of graduate assistants (up to an academic or fiscal year); and
- Appointments supported by funds over which the College does not have control or which the College cannot reasonably expect to continue indefinitely.

2.2 A “Special Appointment” shall terminate in accordance with the time stated in the written contract or with ninety (90) days written notice by either party. If no time is stated in the written contract, the appointment may be terminated by either party giving the other at least ninety (90) days written notice of the date of termination.

2.3 Special Appointments may also be terminated prior to the expiration of the contract term for cause, discontinuance, reduction or curtailment of a program or department, or financial exigency according to Board Policies. No advance notice shall be required in the event of dismissal for cause prior to the end of the appointment term.

2.4 Every “Special Appointment” is a non-tenure, non-ranked position and carries no presumption of reappointment beyond the termination date.

2.5 A member of the faculty or professional staff may hold a “Special Appointment” coincident with at “Specific Term Appointment,” and the terms of the “Special Appointment” may be independent of the terms of the other appointment status.

3. Specific Term Appointment

3.1 A “Specific Term Appointment” is a professional staff or faculty appointment for a term of one (1) academic or fiscal year. Faculty appointments will be designated as either “Probationary/Tenure Track Appointment,” “Tenured Appointment,” or “Non-Tenure Track Appointment.”

3.2 The Chancellor has the discretion to offer Vice Chancellors Specific Term contracts for a period of two (2) years with a salary level which is determined annually. Contracts may be renewed at the discretion of the Chancellor. Such renewal shall be for an additional one (1) year period with a salary level determined for the upcoming year. Written notice of non-renewal shall be given by June 30 prior to the final contract year. No advance notice shall be required in the event of dismissal for cause prior to the end of the appointment term.

3.3 Reappointment and non-renewal notice requirements for faculty covered by the SCEA bargaining unit are contained in the current NSCS-SCEA Bargaining Agreement.

3.4 Reappointment and non-renewal notice requirements for professional staff covered by the NSCPA bargaining unit are contained in the current NSCS-NSCPA Bargaining Agreement.

3.5 Non-union faculty or non-union professional staff specific term appointments will terminate at the end of the stated term, if written notice of non-reappointment is given in accordance with the following requirements:

- Written notice of intent not to renew appointments shall be given at least thirty (30) days prior to expiration during the first year of employment, three (3) months prior to expiration during the second year of employment, or six (6) months prior to expiration during the third or subsequent years of employment in a full-time position. For purposes of determining non-renewal notice periods, years of employment refer to years of employment in specific term appointments. Specific Term Appointments may also be terminated prior to expiration of the contract term for cause, discontinuance, reduction or curtailment of a program or department, or financial exigency according to Board Policies.
- Written notice of intent not to renew appointments for Head Coaches shall be given at least thirty (30) days prior to expiration during the first year of employment, or three (3) months prior to expiration during the second or subsequent years of employment in a full-time position. For purposes of determining non-renewal notice periods, years of employment refer to years of employment in specific term appointments. Specific Term Appointments for Head Coaches may also be terminated prior to expiration of the contract term for cause, discontinuance, reduction or curtailment of a program or department, or financial exigency according to Board Policies.
- A written notice of intent not to renew shall be signed by the President, Chancellor or the Chair of the Board of Trustees. Notice shall be deemed to have been properly given by personal delivery or if mailed to the employee's home address, as reflected by the records of the

College or System Office, by certified mail with sufficient postage attached.

- Failure to provide the required notice period shall not result in automatic reappointment or create any right to reappointment for an additional term. The employer shall have the option of providing employment or severance pay in lieu of any portion or all of the notice to which the employee is entitled, so long as the extension of employment or severance pay is commensurate with the notice to which the employee is otherwise entitled.

4. Faculty Acceptance of Appointment to Academic Dean Position

4.1. Tenured Faculty

- A faculty member who has earned tenure within the College who accepts an appointment as Academic Dean shall retain their tenure and academic rank along with the right to return to a faculty position. While employed as an Academic Dean, the individual shall not continue to accrue time or credit toward faculty rank promotion.
- Should the individual move from an Academic Dean position to another professional staff position within the College, they shall relinquish tenure and academic rank, along with the right to return to a faculty position.

4.2 Non-Tenured Faculty and External Hires

- A non-tenured faculty member within the College, or an individual hired from outside the College, shall have no rank, tenure, nor the right to a future position in the faculty as part of an Academic Dean appointment.

4.3 Academic Deans may be subject to termination of employment for cause per Board Policy 5103. If employment is terminated for cause, all rights to return to faculty and tenure status also terminate.

4.4 At any time during the Academic Dean appointment while the individual has the right to return to tenure, the President may offer the individual the right to return to tenured faculty employment. If the individual does not exercise the right to return, the right to return to faculty and their tenure status will terminate.

4.5 An Academic Dean with faculty tenure who wishes to resign the position and exercise their right to return to a faculty position is required to notify the Vice President for Academic Affairs (VPAA) of their intent to resign the position by submitting a formal letter of resignation to the VPAA *no later than October 1 preceding the end of the current contract year*. The resignation will become *effective June 30* of the following year, and faculty status will be returned as of July 1, according to the terms of the current SCEA Bargaining Agreement and/or applicable Board Policies. However, they will not have accrued credit toward faculty rank promotion while employed in an Academic Dean position.

4.6 Individuals currently employed as Academic Deans who previously relinquished their tenure, rank and right to return to teach according to the terms of this policy shall have tenure, rank and the right to return to teach restored.

5. Faculty Acceptance of Appointment to Other Professional Staff Positions

5.1. Tenured Faculty

- Tenured faculty members who accept an employment appointment to a professional staff position, other than Academic Dean, may be contractually granted the right to return to their tenured faculty position, at the discretion of the President, for a maximum of two (2) years. If the President offers such a right to return in an employment contract, the College shall only be allowed to refill the faculty vacancy with special appointments until the right to return period has expired.
- If the professional staff member does not exercise the right to return to their tenured faculty position within the two (2) year period, they will be deemed to have relinquished all future rights to return to tenured faculty employment. At a President's approval and subsequent request to the Chancellor, an extension of the two (2) year time period may be granted by the Chancellor due to extenuating circumstances.
- At any time during the professional staff appointment while the individual has the right to return to tenure, the President may offer the individual the right to return to tenured faculty employment. If the individual does not exercise the right to return, the right to return to faculty and their tenure status will terminate.
- A professional staff member with faculty tenure who wishes to resign the position and exercise their right to return to a faculty position is required to notify the VPAA and their immediate supervisor of their intent to resign the position by submitting a formal letter of resignation to the VPAA and their immediate supervisor *no later than October 1 preceding the end of the current contract year.* The resignation will become *effective June 30* of the following year, and faculty status will be returned as of July 1, according to the terms of the current SCEA Bargaining Agreement and/or applicable Board Policies. However, they will not have accrued credit toward faculty rank promotion while service in the professional staff position.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: November 1997, June 2006, April 2008, June 2011, June 2013, April 2014 – Effective Date July 2014, March 2015 – Effective Date July 2015, November 2019, May 2022, March 2025- Effective July 1, 2025.

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Adjunct Faculty

POLICY NUMBER: 5015

A. PURPOSE

To establish the terms and conditions of employment for adjunct faculty.

B. DEFINITIONS

1. **Adjunct Faculty:** Non-ranked, non-tenured faculty.

C. POLICY

1. Adjunct Faculty

1.1. The Board recognizes the contribution made to the mission of the System by the dedicated group of individuals who teach and/or provide services on an adjunct basis.

1.2. Adjunct faculty are compensated on a course-by-course basis without expectation of continued employment.

1.3. Adjunct faculty are employed to provide instructional services on a part-time basis, less than 0.75 FTE.

1.4. Adjunct faculty shall not be assigned more than twenty-seven (27) credit hours of coursework per calendar year within the Nebraska State College System.

1.5. The Vice President for Academic Affairs (VPAA) is responsible for monitoring and enforcing the twenty-seven (27) credit hour and less than 0.75 FTE limitation in conjunction with the Director of Human Resources.

1.6. This policy does not apply to employees who may teach in addition to their regular assignments.

2. Selection of Adjunct Faculty

Hiring practices must comply with the Board's Equal Employment Opportunity requirements noted in Board Policy 5000.

3. Credentials

3.1 Required credentials for adjunct faculty will meet the minimum criteria established in Policy 4600 Faculty Instructor Qualifications.

3.2 At the discretion of the VPAA, an exception to the criteria outlined in Policy 4600 may be granted. When such an exception is granted, the VPAA shall provide notice to the Vice Chancellor for Academic Affairs.

3.3 Additional professional certifications or professional experience requirements for adjunct appointments may be established at the discretion of the hiring College and may vary depending on the academic program and course level.

4. Records

As part of the hiring process, the Human Resources Office shall maintain records of all adjunct faculty including,

4.1 Official transcript;

4.2 A curriculum vitae; and

4.3 Other materials that were used in the selection process.

5. Contracts

5.1. Each adjunct faculty member shall be provided a written contract noting:

- The contract term;
- Compensation; and
- A description of the course assignment(s).

5.2. The term of appointment shall be consistent with the published course schedule beginning no more than seven (7) calendar days in advance of the course start date and ending no later than seven (7) calendar days after the course end date. In the case of student teaching field experience supervision, the course beginning and end dates will be determined by the school district calendar schedule.

6. Working Conditions

6.1. Adjunct faculty are responsible for the instructional quality and the overall conduct of the courses which they are assigned to teach. This responsibility includes, but is not limited to,

- The conduct of lectures and/or laboratory sessions;
- Evaluation through examinations or other appropriate assessment methods;
- Recitation sessions; and
- Homework.

6.2. Course content shall reflect the focus described in the catalog course description.

6.3. Although designated “office hours” are not required, adjunct faculty are required to be available and responsive to students’ questions in a timely manner.

6.4. Routine orientation, supervision and evaluation for adjunct faculty shall be implemented through a process determined at each College.

6.5. Adjunct faculty shall not be given committee assignments or other duties ***as part of*** their adjunct instructional services. Employment appointments that are ***in addition to*** adjunct instructional services will be paid at an hourly rate and are still subject to the less than 0.75 FTE limitation and shall be detailed separately in an employment contract.

6.6. Adjunct faculty members shall practice:

- Academic responsibility;
- Professional ethics; and
- Integrity.

6.7. Adjunct faculty shall abide by all College rules and policies.

7. Compensation

7.1. The rate of pay for adjunct faculty is established as a System rate for all three (3) Colleges as approved by the Council of Presidents.

7.2. Prior to implementing any rate change, the College must obtain approval from the Chancellor.

7.3 Presidents can request an exception from the Chancellor to exceed the established adjunct rate, in individual cases where a unique need or emergency exists.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: April 2014

Policy Revised: November 2015, June 2016, November 2016, January 2020, May 2022, November 2023, March 2025

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Graduate Assistants

POLICY NUMBER: 5016

A. PURPOSE

To establish policies and procedures regarding Graduate Assistants at the State Colleges.

B. DEFINITIONS

1. **Graduate Assistant**: Student employed in a non-ranked faculty position or professional staff position in accordance with Board Policy 5010.

C. POLICY

1. Eligibility and Conditions

1.1. Each College shall provide procedures for recruitment, academic admission, hiring, training, and evaluating Graduate Assistants.

1.2. Students are not eligible for Graduate Assistantship employment unless during each semester of their appointment, they are enrolled in a graduate program and courses at one of the Nebraska State Colleges, of which at least one course is a three (3) credit graduate level course.

1.3. Graduate Assistantships are not eligible for insurance or other employment benefits provided to full-time employees.

1.4. Graduate Assistantship tuition remissions (waivers) are addressed in Board Policy 3400.

2. Employment Terms

2.1. Persons appointed as Graduate Assistants shall hold a special appointment as specified in Board Policy 5014.

2.2. Employment terms including an hourly rate of pay and/or tuition remission (waiver) arrangements shall be noted in the Graduate Assistant's employment contract.

2.3. Each employment contract shall specific how many hours can be worked, noting weekly limits.

2.4. No more than one thousand four hundred fifty-six (1,456) hours may be worked during a twelve (12) month calendar year period.

2.5. Terms of the employment contract must ensure compliance with federal and/or state minimum wage and overtime requirements.

2.6. For purposes of ensuring minimum wage compliance, total compensation for a Graduate Assistant shall include wages earned according to the hourly rate of pay and the monetary value of any applicable tuition remission (waiver).

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: November 1995, April 2014, March 2016, January 2022

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Emeritus Status

POLICY NUMBER: 5017

A. PURPOSE

To establish guidelines for granting Emeritus Status to faculty and staff who have retired from one of the Colleges.

B. DEFINITIONS

1. **Emeritus Status:** An honor conferred by the Board to retired faculty or staff in recognition of their significant contributions and service.

C. POLICY

1. Granting of Emeritus Status

1.1. Emeritus Status may be granted by the Board, at its pleasure, to faculty or staff upon retirement.

1.2. Emeritus status is awarded by the Board to recognize faculty or staff who are nominated for their significant contributions and service to one of the Colleges.

2. Nominations

2.1. Nominations for Emeritus status shall be made in writing, shall describe the full history of services and contributions to the College and shall provide justification for the nomination.

2.2. The President and Chancellor must support a nomination in order for the nomination to move forward for Board approval.

2.3. Should the nomination be approved by the Board prior to commencement activities at the end of the individual's final year of service to the College, Emeritus Status may be announced during the ceremony.

2.4. The written nomination shall include the following materials for consideration:

- Completed nomination form with signatures of primary nominator and appropriate academic Dean or supervisor;

- Nominee's curriculum vitae (CV) or resume;
- Two (2) nomination letters from primary nominator (which may be an individual or group) and appropriate academic Dean or supervisor;
- Letter of support from the President that speaks to the nominee's effective teaching, scholarship/creative activities, service, leadership, and/or contributions during their years of employment at the College; and,
- Written recommendation of support from the Chancellor regarding the nomination.
- Additional letters of support regarding the nominee's qualifications and contributions may be included.

2.5 An individual may be nominated for Emeritus Status once their letter of retirement has been submitted and accepted by the College.

3. Criteria for Granting Emeritus Status

3.1. The following are minimum criteria for consideration for the granting of Emeritus Status.

- Completion of a minimum of fifteen (15) years of full-time employment at the College;
- Exemplary performance in the areas of teaching, scholarship/creative activities, service, leadership and/or contributions during their years of employment at the College.

3.2. Because an individual meets the minimum criteria should not be considered adequate justification for recommending Emeritus Status.

4. Privileges of Emeritus Status

4.1. Limited use of College facilities, as necessary, for the employee to continue professional contributions at the College, as determined by the President.

4.2. Access to wellness facilities, parking, College sponsored athletic and cultural activities on a basis comparable to current faculty and professional staff.

4.3. Recognition of Emeritus Status in appropriate College publications.

4.4. Use of College identification with Emeritus Status in communications with official groups/organizations.

4.5. Opportunities to be designated as a College representative to specified groups/organizations as determined by the President.

5. Responsibilities of Emeritus Status

5.1. Continue to support and actively contribute toward the mission and purposes of the Colleges.

5.2. Maintain professional and personal standards which reflect positively on the Colleges.

6. Rescission of Emeritus Status

The Board reserves the right to rescind the Emeritus Status title and grants the Chancellor or President authority to rescind or alter Emeritus Status privileges granted pursuant to the terms of this policy or previous Emeritus Status policies.

FORMS / APPENDICES:

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: February 2005, June 2006, June 2009, January 2012, March 2016, March 2017, May 2022, January 2024 To be effective 7-1-2024

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Personnel Information

POLICY NUMBER: 5018

A. PURPOSE

To establish expectations for personnel information.

B. DEFINITIONS

None

C. POLICY

1. Accessibility

1.1. It is the policy of the Board that employee personnel information shall not be made public, except as noted below.

1.2. All personnel data and records maintained by the Colleges and System Office shall be secured in strict conformance with state and federal laws governing the confidentiality of information.

1.3. Directory information concerning employees' or former employees' name, position, salary, date of hire, date of separation and College where employed shall be considered public information.

1.4. Non-public information may be released to the employee, the employee's supervisors, administrative personnel and to other governmental agencies performing a civil or criminal law enforcement investigation authorized by law. The requesting agency shall identify in writing what is sought and the purpose for the request.

1.5. Non-public information shall be released to any requesting party provided the employee has signed a release authorization or a legal subpoena or judicial order is served requesting such information.

2. Maintenance of Records

2.1. Personnel records shall be maintained in accordance with Nebraska Record Management Retention Schedules.

3. **Rights to Review**

   3.1. Employees shall have the right to review their personnel file maintained at the College or System Office during regular office hours.

   3.2. Review is to be done in the Human Resources office in the presence of a supervisor or Human Resources staff.

4. **Negative Documentation**

   Documentation, including performance reports, which reflects unfavorably on an employee or former employee, shall not be placed in their personnel file without their knowledge.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: Neb. Rev. Stat. 84-712.05 Records which may be withheld from the public; enumerated.

Policy Adopted: March 1994

Policy Revised: January 2012, September 2018, May 2022, February 2025, November 2025

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Consensual Relationships

POLICY NUMBER: 5019

A. PURPOSE

To establish guidelines for consensual relationships between employees or between an employee and a student.

B. DEFINITIONS

1. **Power Differential:** The difference in power between persons in positions of authority and those individuals in subordinate positions that result in a vulnerability on the part of the subordinate.

C. POLICY

1. Consensual Relationships

1.1. The Board does not prohibit consensual relationships between two (2) employees or between an employee and a student.

1.2. The Board does prohibit consensual relationships (romantic or sexual) where a power differential exists.

2. Power Differentials

2.1. Examples of power differentials include, but are not limited to:

- A supervisor and an employee;
- A faculty member and a student;
- An advisor and a student; and
- A coach and an athlete.

1.2 A power differential exists when one (1) party has influence or control over the other party's:

- Employment;
- Grades;
- Degrees;

- Evaluations;
- Promotions;
- Tenure;
- Scholarships; or
- Awards.

1.3 A power differential makes mutual consent inherently suspect and raises potential concerns regarding a conflict of interest. Even the mere appearance of such bias may seriously disrupt the academic or work environment at the College or System Office.

1.4 Employees shall not initiate, accept, or enter into a relationship (romantic or sexual) where a power differential exists.

1.5 If an employee is in such a relationship, the employee with the power differential (holding the power advantage), has a special burden of accountability and must take immediate remedial steps to:

- Disclose the relationship to Human Resources; and
- Cooperate with College or System Office administration to effectively remove themselves from a position of influence or control over the other individual in the relationship.

1.6 Failure to adhere to this Policy may result in corrective or disciplinary action up to and including termination of the employee holding the power differential, regardless of the consensual nature of the relationship.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: March 2011

Policy Revised: May 2022

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Search and Selection Procedures

POLICY NUMBER: 5020

A. PURPOSE

To establish requirements for personnel search and selection procedures.

B. DEFINITIONS

None

C. POLICY

1. Employment Searches

1.1. College employment searches shall be conducted through the College's Human Resources Office.

1.2. Use of external search firm consultants to assist with employment searches shall require prior approval from the President and Chancellor.

1.3. Contract requirements for search firm consultants are noted in Board Policy 6401.

1.4. The authority for approval of all employment appointments resides with the Board. Such authority shall be exercised by the persons to whom the Board has delegated such responsibility.

1.5. The minimum age of employment in the Nebraska State College System is 16 years of age.

2. Search Procedures

2.1. Whenever a vacancy occurs in a position at the System Office or College level, and assuming the position is to be refilled, a committee may be appointed to serve in an advisory capacity.

2.2. Such committee, if appointed, will be selected and function within the Board's equal opportunity hiring requirements.

2.3. Nothing in this section shall be construed as restricting the authority of the President, Chancellor or the Board, as appropriate, to make appointments to vacancies in senior administrative positions.

3. Veteran's Preference Standards

3.1 The standards comply with the requirements set forth in the Revised Statutes of Nebraska, Sections 48-225 to 48-231, with respect to veterans seeking a preference in employment.

3.2 The veteran's preference extends to the spouse of a veteran who has a one hundred percent (100%) permanent disability as determined by the U.S. Department of Veteran's Affairs, or to the spouse of a veteran who was killed in the line of duty or died as a result of their military service.

3.3 Selection and qualification of applicants is not on the basis of an employment examination but based on the applicants' qualifications. Those who are "preference eligible" shall be entitled to employment over other persons of equal qualifications in the selection process.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 48-225	Veterans preference; terms, defined.
	Neb. Rev. Stat. 48-226	Veterans preference eligibles; preference; required, when.
	Neb. Rev. Stat. 48-227	Veterans preference eligibles; examination or numerical scoring; notice and application; statement; veteran or spouse; duty; notice; contents.
	Neb. Rev. Stat. 48-229	Veterans preference; Commissioner of Labor; duties.
	Neb. Rev. Stat. 48-230	Veterans preference; violations; penalty.
	Neb. Rev. Stat. 48-231	Veterans preference; county attorney; duties.

Policy Adopted: June 1993

Policy Revised: June 2003, June 2006, January 2010, June 2011, March 2016, May 2022, April 2023, November 2025

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Delegation of Authority to Make Certain Appointments

POLICY NUMBER: 5021

A. PURPOSE

To establish guidelines for delegating authority to make certain appointments for personnel.

B. DEFINITIONS

None

C. POLICY

1. Personnel Appointments

1.1. All full-time (0.75 FTE on an annualized basis or more) personnel appointments must be reviewed and approved by the President and reported to the Chancellor.

1.2. All full-time employment separations shall also be reported to the Chancellor.

1.3. The Chancellor shall report such changes to the Board on a regular basis.

1.4. All full-time System Office personnel appointments and employment separations shall be reported to the Board on a regular basis.

1.5. An appointment that represents a new full-time position, or an increase or decrease in budgeted FTE must be reviewed and approved by the Chancellor prior to its effective date.

1.6. All part-time appointments (less than 0.75 FTE) must be reviewed and approved by the President and reported to the Chancellor.

1.7. The Chancellor shall report such changes to the Board on a regular basis.

2. Procedure

2.1 Records of the appointments covered by this policy will be maintained in the respective College Human Resources Offices or in the System Office.

2.2 The System Office will develop appropriate forms for reporting all personnel appointments. All personnel appointments are to be filed in report form with the Chancellor along with all other personnel actions in preparation for Board meetings.

2.3 Once each year the Chancellor shall provide a summary report to the Board on all full-time and part-time faculty, professional and support staff appointments in the System, as well as all vacant positions that have been budgeted.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: November 1995, April 2000, June 2003, June 2006, January 2015, May 2022

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Intercampus Hiring Procedures

POLICY NUMBER: 5022

A. PURPOSE

To establish procedures for intercampus hiring within the Nebraska State College System.

B. DEFINITIONS

None

C. POLICY

1. Intercampus Hiring

1.1. The Board recognizes that there will, on occasion, be instances in which employees from one of the Colleges or the System Office will be recruited for and/or express an interest in a position at another College within the System or in the System Office.

1.2. In order to ensure that any such intercampus hiring of staff takes into account the needs of the total System, the Board has established procedures that will be utilized in all instances in which staff from one campus are to be employed by another campus

2. Intercampus Hiring Procedures

2.1. Prior to the extension of an offer of employment to an employee currently holding an appointment at another location within the System, the President or designee shall contact the appropriate President, or designee where the employee is currently employed.

2.2. All necessary steps will be taken to ensure that the instruction, research, and/or service needs of the sending College will be met during the transition period.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: May 2022

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Workforce Flexibility

POLICY NUMBER: 5023

A. PURPOSE

To explain options for flexible work schedules and remote work.

This policy applies to full-time and part-time professional and support staff employees. This policy is not applicable for faculty and non-ranked faculty as defined in Board Policy 5010.

Note: The Colleges shall not hire student employees, as defined in Board Policy 5010, in remote work locations effective July 1, 2024. The Colleges shall not hire temporary employees, as defined in Board Policy 5010, in remote work locations outside the state of Nebraska effective July 1, 2024.

B. DEFINITIONS

1. **Flexible Work Schedule:** A schedule that deviates from the standard office hours established at each College including a lunch period of at least thirty (30) minutes.
2. **Standard Office Hours:** Established hours of operation for each College when office personnel will be available to assist students and staff. Custodial, maintenance, and security employees' work schedules are not set according to standard office hours and are not covered by the terms of this policy. Standard office hours for each College are:

   Chadron State College – 7:30 a.m. to 4:30 p.m. Mountain Time

   Peru State College – 8:00 a.m. to 5:00 p.m. Central Time

   Wayne State College – 8:00 a.m. to 5:00 p.m. Central Time
3. **Remote Work Location:** An alternative worksite (not on campus) established for the employee's regularly scheduled workweek. College remote work locations are fully remote not hybrid in nature.
4. **Schedule Deviation:** A singular or temporary change in the normally assigned work schedule that is requested by an employee and approved in advance by the immediate supervisor. A schedule deviation is not on-going in nature or habitual

and must not exceed thirty (30) calendar days. Flexible work schedule provisions in this policy do not apply to schedule deviations.

5. **Temporary Remote Work Arrangements:** Temporary remote work arrangements are not on-going in nature or habitual. Supervisors may not circumvent the requirements of this policy by granting temporary remote work arrangements. Temporary remote work arrangements are not intended to allow an employee to remain at home to provide child or dependent care or, in lieu of requesting sick leave. Temporary remote work arrangements are short-term in duration and allowed in response to College related business needs or other circumstances that justify a temporary remote work arrangement at the discretion of the immediate supervisor.

C. POLICY

1. Flexible Work Schedules

Work schedules are primarily driven by work responsibilities assigned to the employee but in some cases scheduling flexibility can promote increased productivity and greater job satisfaction without negatively impacting work performance. Details regarding flexible work schedules are dictated by collective bargaining agreements for union employees.

1.1. Formal Request Process

Employees may request approval for flex-time schedules from their immediate supervisor. Requests must be considered in conjunction with College needs. Supervisors must inform Human Resources in writing regarding all approved flex-time schedules.

1.2 General Expectations

Flexible work schedules must comply with the following:

- Employees are not scheduled to work more than ten (10) hours per day;
- Scheduled work hours cannot extend beyond the forty (40) hour work week requirement. (This does not preclude overtime that may be assigned beyond established work hours);
- Each office needs to have adequate coverage during regular office hours, and
- Employees may not skip rest breaks or a lunch break to shorten their schedule.

1.3 Staffing Expectations

Before granting a flexible work schedule, supervisors must ensure that the office is adequately staffed for normal operations. That does not include transferring phones to another office or department on a regular or recurring basis or having student employees staff offices alone.

2. Remote Work Options

2.1. Eligibility

Student access and engagement along with the need to interact and collaborate with other employees make most positions ineligible for remote work.

- Work locations are primarily driven by work responsibilities assigned to the employee with opportunities for remote work being limited. *An example of a remote work location based on assigned work responsibilities would include admission employees assigned to a territory geographically distanced from the College campus.*
- Employee job titles and/or classifications do not determine eligibility for remote work.

2.2. Formal Request Process

Remote work requests may only be initiated by a supervisor and must be submitted to the Human Resources Office. Requests require approval by the Human Resources Director and the President. Remote work does not change the employee's terms and conditions of employment with the College. Decisions regarding remote work are not grievable.

2.3. Location Restrictions

Primarily, the Board prefers to employ individuals to work on College campuses. However, there may be limited instances when remote work options are approved. When remote work is allowed, remote locations within the state of Nebraska are preferred. Outside of the state of Nebraska, only a few states will be approved as remote work sites. Approved states for remote work are listed in Appendix A. Employees already employed in remote positions in states other than those listed in Appendix A at the time this policy is adopted are excluded from that limitation.

2.4. Tracking Requirements

No employee may be assigned to work at a remote work location without approval through PeopleAdmin. Remote work locations must be documented in SAP. Changes in the location of remote work sites must be approved in advance, in writing by Human Resources and the President.

3. Exclusions

This Workplace Flexibility Policy is not applicable to address the interactive process as defined by the Americans with Disabilities Act (ADA). While flexible schedules and/or remote work may be a reasonable accommodation under the ADA, reasonable accommodation requests are separate and distinct from this policy. ADA accommodation requests must be referred to Human Resources.

Additionally, remote work is not intended to allow an employee to remain at home to provide child or dependent care or, in lieu of requesting sick leave. Although

an employee's schedule may be modified to complement child or dependent care needs, the focus of the arrangement must remain on College needs and successful job performance.

FORMS/APPENDICES:

Appendix A (Approved States for Remote Work)

SOURCE:

Policy Adopted: January 2024

Policy Revised:

Policy #5023 Appendix A

Approved States for Remote Work

- Arizona
- Georgia
- Iowa
- Kansas
- Michigan
- Minnesota
- Missouri
- Nebraska
- North Carolina
- South Dakota
- Texas

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Chancellor/Presidential Associate Appointment

POLICY NUMBER: 5024

A. PURPOSE

To establish procedures for the appointment of Associate to the President/Chancellor for spouses of Nebraska State College Presidents and Chancellor.

B. DEFINITIONS

None

C. POLICY

1. Associate Appointment

1.1 Authorization and Duties

- In order to reflect and to recognize the contributions and services to the Nebraska State College System or a member College of the spouse of a President or the Chancellor, the Board authorizes the creation of the position of Associate of the President/Chancellor.
- This appointment acknowledges the Associates' oversight responsibility in acting as official agents of the System and/or the College for the purpose of performing services that further the official business purposes of the System or College, if the spouse is available and chooses to so perform.
- Such designation is not automatic and is subject to approval by the Board. Such designation authorizes the spouse to act in a representative capacity for the System or College only when performing services that are consistent with those described in this policy.

1.2 Compensation and Potential Conflicts of Interest

- Appointment as Associate of the President/Chancellor is without salary or benefits and conveys no rights associated with employment.

- Designation of a spouse as “Associate to the President/Chancellor” must not conflict with any other employment.

1.3 Allowable Benefits and Coverage

The following will be provided to the Associate of the President/Chancellor:

- An appropriate identification card to provide access to College libraries and other facilities in accordance with College or System procedures.
- Official business cards.
- Special parking permits, where needed, for use at facilities owned or controlled by the College.
- Travel expenses incurred while traveling as an Associate will be reimbursed according to System travel policies. Whenever possible non-state funds such as Foundation allowances should be used for this purpose.
- An Associate of the President/Chancellor is formally recognized as a volunteer and when performing services as an Associate, is qualified for coverage under all applicable liability insurance coverages.

2. Services Performed

The following duties are illustrative of services that may be performed by the Associate of the President/Chancellor.

- Serves as special assistant and advisor of the President/Chancellor.
- Responsibility for planning, production, and oversight of official occasions, events, or activities.
- Serves as an official representative of the System or College within the institution and broader community at meetings, workshops, conferences, community and institutional activities, alumni events, faculty/student/staff activities, and other events that are related to or support the purposes of the System or College.
- Assists with public relations, development, and fund-raising activities.

3. Reimbursement Conditions and Limitations

Judgments related to whether an expense included in a request for payment or reimbursement of the Associate is bona fide are to be handled at the next supervisory level.

Taxes, if any, resulting from the reimbursement or payment of expenses of a spouse designated as an Associate are the obligation of the spouse or, if appropriate, the President/Chancellor.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: April 1999

Policy Revised: June 2006, October 2018, February 2022, October 2022

PERSONNEL, NEBRASKA STATE COLLEGE SYSTEM

The mission of the Nebraska State College System is enhanced by the active participation of citizens of the community serving as volunteers. To this end, the Board accepts and encourages the involvement of volunteers at all levels of the College and the System Office within appropriate programs and activities. The duration of the volunteer relationship is set at the discretion of the College and/or System Office, however; the volunteer may at any time, for any reason, decide to sever the relationship. Notice of such a decision should be communicated as soon as possible to the volunteer's supervisor.

Volunteer Defined. A "volunteer" is anyone who chooses to perform services without compensation or expectation of compensation, (beyond reimbursement for pre-approved specified expenses) and, who performs a task at the direction of and on behalf of a College and/or the System Office. A "volunteer" must be officially accepted prior to performance of the task via successful completion of one of the Volunteer Service Agreement Forms as prescribed by the System Office. A student performing a classroom assignment or a student participating as a volunteer for a service learning activity that is part of an academic course or graduation requirement is not considered to be a "volunteer" for purposes of this policy.

Two "Volunteer Service Agreement Forms" have been prescribed by the System Office. One of the forms is for a single volunteer to complete. The other form must be used for "mass volunteer" events where more than twelve (12) volunteers are participating in an event.

Volunteers are not employees. Family members of employees are allowed to volunteer, in the same department as a family member, however; such volunteers will not be placed under the direct supervision of any family member who is an employee.

Employee Volunteer Activities. Employees (all employee categories as defined in Board Policy 5010) may not perform uncompensated, volunteer activities for the College and/or System Office, except in very limited situations. If an employee wishes to volunteer for the College and/or System Office those volunteer activities must be:

- Separate from, dissimilar to, and unrelated to the employee's normal work duties and responsibilities at the College and/or System Office;
- Generally characterized as civic, humanitarian, charitable, or public-service in nature;
- Performed voluntarily without any direct or implied pressure or expectation from the College and/or System Office;
- Scheduled according to the employee's own personal schedule and at the employee's convenience; and,
- Performed without any promise, expectation or receipt of pay or payment in kind from the College and/or the System Office.

Confidentiality. Volunteers are responsible for maintaining the confidentiality of all appropriate or privileged information to which they are exposed while serving as volunteers, whether this information involves employees, students, other volunteers, or business matters. Failure to maintain confidentiality could result in termination of the individual's volunteer status.

Safety. Safety of volunteers is important. Volunteers are expected to comply with federal and state regulations for training and protective equipment. Applicable safety measures should be included in the description of volunteer responsibilities. Volunteers who are injured or who are involved in an accident during their volunteer assignment must report the accident immediately to the Director of Human Resources. Injuries are not covered by the System's Worker's Compensation program.

Background Checks. The College or System Office shall conduct criminal background checks for the following types of volunteers:

1) Volunteers in a College child care center, preschool program, "Kiddie College", residence hall, any type of athletic/academic camp or event involving minor children (under the age of nineteen [19] years);

   In addition to a criminal background check, each College child care center or preschool program is required to conduct background checks through the Nebraska Department of Health and Human Services (Nebraska Central Registry of Child Abuse and Neglect and the Adult Protective Services Central Registry) for volunteers.

2) Volunteers in community placements sponsored or arranged by the College or System Office where the volunteer will work with a minor/minors (under the age of nineteen [19] years);
3) Volunteers with access to money or financial information of the College or System;
4) Volunteers with access to campus master keys;
5) Volunteers with access to confidential student/employee information;
6) Volunteers in the Activity Center;
7) Volunteers in athletic staff positions including any level of coaching staff, managers, athletic trainers/assistants;
8) Volunteer bus drivers;
9) Volunteers in housing and residence life programs;
10) Volunteers in IT positions;
11) Volunteers in Security positions;
12) Guest speakers/classroom guests if the person will be alone with students in the classroom; and
13) Volunteers providing services at College sponsored events (i.e. contest judges) where the volunteer will be alone with a minor/minors as part of his or her volunteer service.

Student tour guides are not required to have a criminal background check conducted prior to volunteering in this manner, even if the individuals on the tour are minor children (under the age of nineteen [19] years).

A volunteer's background check is good for five (5) years and then the volunteer, if still required to have a check conducted, should be rechecked.

Training. Volunteers should receive training by their assigned supervisor to provide them with the necessary information, knowledge and skills necessary to perform their volunteer assignment. College resources, including College vehicles, may be available for use by volunteers at the discretion of the appropriate Vice President. Volunteers using College vehicles are subject to the same requirements as College employees.

Expense Reimbursement. Volunteers may be eligible for reimbursement of reasonable expenses incurred while undertaking business for the College or System Office. Actual receipts must be submitted for reimbursement. Examples of these expenses include mileage, meals, out of pocket expenses, travel and parking. This expense will be charged to the department budget where the volunteer is assigned. Prior approval must be sought for any reimbursable expenditure. Volunteers are not eligible for stipends, honorariums, compensation, or other payment for services rendered.

Working with Minor Children. The Board is committed to the safety and protection of minor children (any person under nineteen [19] years of age) on College campuses. Volunteers working with, or around, minor children, must at all times be aware of, and maintain, appropriate physical, emotional, and sexual boundaries. Volunteers are prohibited at all times from physically disciplining minor children. One-on-one meetings with minor children are best held in public areas or in spaces where interactions can be observed by other employees.

Volunteers who are aware of abuse or neglect of a minor child occurring on campus or in conjunction with any College activity or event, must report the matter to the College administration (President, Vice Presidents, Human Resources Director or Title IX Coordinator) as quickly as possible.

Note: Nebraska State law requires any person who suspects that a child has been abused or neglected to report it promptly to law enforcement or to the Nebraska Department of Health and Human Services at 1-800-652-1999.

Policy Adopted: 4/25/14
Policy Revised: 11/7/14

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Salary Payment

POLICY NUMBER: 5030

A. PURPOSE

To establish guidelines for salary payment for all Nebraska State College System personnel.

B. DEFINITIONS

None

C. POLICY

1. Salary Payments

1.1. Faculty

- Salary payments to full-time employees shall be made in twelve (12) equal monthly payments.
- At the end of employment, any salary proration shall be based upon the fractional part of the academic term completed preceding the date of termination and will take into account any salary earned but not yet paid due to prorating academic year salaries over a twelve (12) month period.

1.2 Professional Staff

- Salary payments for full-time (1.0 FTE) employees shall be made in twelve (12) equal monthly payments.
- Salary payments for part-time employees (less than 1.0 FTE) will be determined by the employment contract terms. At the end of employment, any salary proration shall be based upon the number of days worked in the month preceding the date of termination and will take into account any salary earned but not yet paid if prorating salaries over a twelve (12) month period for less than 1.0 FTE employees.

1.3 Support Staff

- Salary payments for full-time (1.0 FTE) employees shall be made in twelve (12) equal monthly payments.
- Salary payments for part-time employees (less than 1.0 FTE) will be determined by the employment terms.
- At the end of employment, any salary proration shall be based upon the number of days worked in the month preceding the date of termination and will take into account any salary earned but not yet paid if prorating salaries over a twelve (12) month period for less than 1.0 FTE employees.

1.4 Student/Temporary Employees

- Wages for student and temporary employees shall be determined by the College based on an hourly rate and shall be paid biweekly.

2. Method of Payment

At the Chancellor's discretion, all salaries and wages will be paid by electronic fund transfer or a similar means of deposit. No compensation can be paid in advance of services performed in accordance with state law. The Chancellor, Presidents, or designees, as appropriate, shall properly voucher and certify according to the law all salary and wage claims, and shall present them to proper officials for issuance of payments.

3. Upon Death

3.1. Earnings

- Salary earnings shall terminate on the date of death, however, this provision in no way abrogates the employee's right to receive salary earned but not yet paid because of the method of prorating salaries.

3.2 Payments

- The rate of payment is based on the employee's regular pay rate at the time of the employee's death.
- Unpaid wages, less any amount owed, and vacation pay paid to the estate of a deceased employee are not considered wages subject to federal and state income tax withholding.
- Therefore, these payments do not represent an increase to federal income tax (FIT) gross, and no income taxes are to be withheld on them.
- If paid before the close of the calendar year in which the employee died, they are considered wages subject to social security withholding and Medicare withholding, and therefore represent an increase to social security gross and are reported in box 3 and box 5 on Form W-2 (but not in box 1).

- If paid after the close of the calendar year, they are not considered as such and therefore, no social security of Medicare withholding is required and such amounts are not reported on Form W-2.
- If eligible for accumulated sick leave payout, it will be paid to the estate of a deceased employee and is not considered wages for federal or state income tax, social security or Medicare withholdings.
- If the employee is enrolled in the TIAA primary retirement plan at the time of death, then the payment made for unpaid wages, vacation, and accumulated unused sick leave pay is also subject to retirement withholding.
- Insurance coverage for the deceased employee's spouse and/or dependent children will continue to the end of the month in which the employee died and premiums will be processed accordingly in the final pay.
- If the employee elected voluntary deductions such as flexible spending or supplemental retirement, those will also be withheld from the final pay.

4. Payees

4.1. Employee Estate

- Unpaid wages, vacation pay and accumulated sick leave pay of a deceased employee, are to be paid to the Personal Representative of the employee's estate unless an Affidavit for Transfer of Personal Property without Probate is received (see discussion below).
- The final pay warrant is to be issued in the name of the Personal Representative of the estate of the deceased employee when the College is presented with a certified copy of Letters of Personal Representative issued by a County Court indicating the name of the legal Personal Representative of the employee's estate.
- When a warrant is issued to the Personal Representative of an employee's estate, the 1099-MISC Form is issued to the estate name and utilizes the estate's tax ID number.

5. Affidavit for Transfer of Personal Property without Probate/Successor (usually the spouse)

In the cases of small estates, at least thirty (30) days after the death of the employee, the College may release the warrant to the person who is the successor of the employee upon being presented with an affidavit (affidavit can be obtained from the Human Resources Office) stating that:

- The value of the entire estate subject to probate, wherever located, less liens and encumbrances, does not exceed one hundred thousand dollars ($100,000);

- Thirty (30) days have elapsed since the death of the decedent as shown in a certified or authenticated copy of the decedent's death certificate attached to the affidavit;
- No application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction; and
- The successor is entitled to payment or delivery of the property.
    - If the successor meets the affidavit qualifications, the last check will be made payable directly to the successor.
    - If the successor is paid directly, the 1099-MISC Form is processed in the name of the successor using the successor's social security number.

6. Grant and Contract Compensation

As authorized by the Chancellor or President and specified by the funding source, funds from an external grant or contract may be used to pay all or a portion of an employee's salary.

- Funds can either supplement or substitute the funds regularly budgeted for the employee's salary as authorized by the Chancellor or President.
- The Board will be notified any time an employee's salary amount changes per Board Policy 5021.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 30-24,125	Collection of personal property by affidavit.
	Neb. Rev. Stat. 30-24,126	Effect of affidavit.

Policy Adopted: June 1993

Policy Revised: June 2006, January 2009, June 2009, January 2017, June 2018, December 2022

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Cell Phones and Stipends

POLICY NUMBER: 5031

A. PURPOSE

To address the issuance of cellular devices or the payment of stipends for the use of personal devices for work purposes.

B. DEFINITIONS

1. **Stipend:** Monthly payment through payroll for business-related use of personal cell phone.

C. POLICY

1. Business Rationale

Some employees have job duties and responsibilities that require cell phone service to support NSCS business needs. The NSCS recognizes the importance of cellular telephone service as a function of these roles.

The College or System Office will determine the business-related cellular service needs for employees and arrive at an appropriate cellular service option. The employee's supervisor is strongly encouraged to review whether a cell phone is necessary, and to select alternative means of communication, e.g., landlines, pagers, and mobile radios, when such alternatives would provide adequate and less costly service to the College or System Office. For employees with a rotating on-call schedule, one College or System Office owned cell phone may be a preferred solution as opposed to several individual phones or stipends.

The ability to pay a cellular stipend is intended to significantly reduce the number of employer provided cell phones.

2. Cellular Procedures

The NSCS will have procedures in place that outline the approval process, identify the stipend amounts, provide the necessary forms, and cover other eligibility criteria.

3. **Employer Issued or Personal Phone**

Employees who hold positions that have a business need for a cell phone may either receive an employer issued cell phone or a cell phone stipend to compensate for business-related costs incurred when using their individually owned cell phones. The Colleges will determine whether it is more efficient to provide an employer issued cell phone or provide an appropriate stipend for business related calls or data needs.

3.1. Employer Issued Phone

- If an employer issued cell phone is provided, no personal use of the phone is allowed.

3.2 Cell Phone Stipend

- If a stipend will be provided, the College or System Office will determine if the stipend will support the need for cell calls only, a data plan, or both.
- If an employee meets the eligibility requirements for a cell phone stipend, as outlined in NSCS procedures, a stipend may be requested using the Cellular Services Stipend Acknowledgement and Agreement form. Once approved, the stipend amount will be added to the employee's regular pay.
- In order to meet IRS guidelines, any amount added for cell phone service will be identified as a taxable benefit. Taxes on that amount will be deducted from the employee's pay.
- Any stipend provided does not constitute and increase to base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades, benefits based on a percentage of salary, etc.
- The stipend will be paid as a flat rate per month, based on the selected service(s) and usage level(s) outlined in the NSCS' procedures.

4. **Public Records**

All phone records (including phone calls, emails and text messages) are subject to public records requests when using an employer owned cell phone. Phone records may be subject to public records requests when using a personally owned cell phone for conducting NSCS or College business, regardless of whether an employee received a cellular services stipend.

FORMS/APPENDICES:

Cellular Services Stipend Acknowledgement and Agreement Form

SOURCE:

Policy Adopted: June 2012

Policy Revised: September 2015, January 2023

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Overtime

POLICY NUMBER: 5032

A. PURPOSE

To establish guidelines for compensatory time as payment for overtime hours.

B. DEFINITIONS

None

C. POLICY

1. Fair Labor Standards

Under provisions of the Fair Labor Standards Act, employees not exempted from payment of overtime wages must be compensated for overtime hours worked.

2. Compensatory Time

Compensatory time off shall be provided for overtime hours, in lieu of payment, as follows:

- Compensatory time on a one for one basis must take place within the work week; e.g., employee works ten (10) hours Wednesday and can be compensated by working six (6) hours on Thursday to avoid exceeding the forty (40) hours limit in one work week.
- Supervisors may direct employees to schedule work hours so as to avoid exceeding the forty (40) hour per week limitation.
- Compensatory time on a one and one-half basis shall be provided for hours worked over the forty (40) hour per week limitation.
- Compensatory time should be scheduled as soon as possible, preferably within the same pay period as earned, to avoid large accumulations.
- Supervisors may direct employees when to schedule and use compensatory time.
- Employees shall be paid for unused compensatory time at the end of employment.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: March 2013, August 2022, October 2022

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Employee Background Checks

POLICY NUMBER: 5040

A. PURPOSE

To establish guidelines for conducting employee background checks.

B. DEFINITIONS

None

C. POLICY

1. General

1.1. The Board of Trustees is committed to protecting the safety and welfare of its employees, students, and visitors and the security of its assets. In accordance with that commitment, background checks will be conducted for new employees at the time of hire and periodically thereafter according to the terms of this policy. Prior to conducting the background check, the applicant or employee must consent by completing the Disclosure and Authorization form designated by the Board. Background checks will primarily investigate criminal convictions. Credit checks will be conducted in addition to the criminal background check, on a limited basis, for new hires and current employees who work in positions involving significant financial responsibilities at the discretion of the College or System Office.

1.2. Driving record checks will only be conducted as part of the background check, if driving is required for the position. Alcohol or drug related driving offenses within the last three (3) years will disqualify an applicant for positions that require driving and possession of a valid driver's license.

1.3. Note: An "investigative consumer report" is a detailed report that summarizes information about a person's character, reputation, lifestyle, and personal characteristics. Information for "investigative consumer reports" is often gathered through interviews with neighbors, friends and associates. **The Nebraska State College System shall not conduct "investigative consumer reports."** All references to background checks

and reports in this policy specifically exclude such investigative consumer practices and reports.

1.4. This policy applies to all full-time and part-time employees. This policy also applies to temporary or student employees working in designated positions per this policy (*see "Temporary and Student Employees" section on page 2*).

1.5. The costs for the background checks shall be borne by the employing College or System Office and not by the applicant or employee.

2. Pre Employment Procedures

2.1. Offers of employment for all full-time and part-time employees, and for designated temporary or student employees will be conditional upon satisfactory results of a background check. A statement notifying applicants of this requirement will be included in the vacancy announcement and/or offer letter.

2.2. An applicant's refusal to consent to a background check or an unsatisfactory background check report shall result in withdrawal of the employment offer.

2.3. Applicants will be asked to self-disclose law violations and juvenile court adjudications that resulted in probation, community service, jail sentence, or revocation/suspension of a driver's license during the selection process. Applicants are not obligated to disclose a sealed juvenile record of arrest, custody, complaint, disposition, diversion, adjudication, or sentence. The criminal history information provided by the applicant will not automatically disqualify them from employment but will be considered during the review process.

2.4. Falsification or omission of any requested information during the selection process may result in disqualification from employment consideration for applicants, or if currently employed, termination of employment.

3. Continuing Employment Procedures

3.1. As a condition of continued employment, all full-time and part-time employees and designated temporary or student employees shall have background checks completed at least once every five (5) years. An employee's refusal to consent to a background check or an unsatisfactory background check report may result in disciplinary action. Any disciplinary action shall comply with the provisions of applicable collective bargaining agreements and/or other Board Policies. Employees shall receive a copy of the background check report prior to the imposition of any disciplinary action.

3.2. Each President shall determine the methodology in which the Human Resources Office will implement an ongoing background review process in coordination with the Vice Chancellor for Employee Relations.

3.3. All College employees are required to report to the Director of Human Resources if they are convicted of a criminal misdemeanor or felony offense or if they are subject to a restraining order no later than five (5) days after such conviction or order. Employees in the System Office are also required to report criminal misdemeanor or felony convictions or restraining orders to the Vice Chancellor for Employee Relations within five (5) days. Such convictions and/or orders will be considered in light of employee job responsibilities to determine if disciplinary action is warranted.

3.4. Employees required to possess a license (i.e. driving, profession, etc.) as a part of their employment are also required to report to the Director of Human Resources within five (5) days, if their license is revoked, suspended or lapses.

4. Temporary and Student Employees

The College shall conduct background checks on temporary and student employees as designated below:

4.1. Any employee working in a College child care center, preschool program, “Kiddie College”, residence hall, any type of athletic/academic camp or event involving minor children (under the age of nineteen (19) years);

4.2. In addition to a criminal background check, each College child care center or preschool program is required to conduct pre-employment background checks through the Nebraska Department of Health and Human Services (Nebraska Central Registry of Child Abuse and Neglect and the Adult Protective Services Central Registry).

4.3. Any employee with access to money or financial information of the College or System;

4.4. Any employee with access to campus master keys;

4.5. Any employee with access to confidential student/employee information;

4.6. Activity center staff;

4.7. Athletic staff positions including any level of coaching staff, managers, athletic trainers/assistants;

4.8. Bus drivers;

4.9. Graduate Assistants;

4.10. Housing and residence life staff;

4.11. Criminal background checks are also required for anyone who has requested to reside with residence life staff in on-campus housing and who is 19 years of age or older (e.g. spouse, domestic partner, boyfriend/girlfriend, fiancée). A satisfactory criminal background check must be completed before they are allowed to reside in on-campus housing with the employee.

4.12. Information technology employees; and

4.13. Security employees.

5. Work Study Programs

College students working under federal work study programs at off-campus locations will not be subject to background checks pursuant to this Policy. Prior to making payroll arrangements to assign work study students to community employers (generally not-for-profit organizations or public schools), the College must enter into a signed agreement with the community employer to clarify that the College is not responsible for conducting a background check on the student to determine the suitability of such community placements.

6. International Students

International student employees who have resided in the United States for less than six (6) months, will not be subject to a background check at the time of initial hire given that there will be no history available. After a period of six (6) months, they will be subject to background checks on an ongoing basis in accordance with this policy.

7. Results

7.1. If the background check report documents criminal misdemeanor or felony convictions, the Director of Human Resources will contact the President and consult with the Vice Chancellor for Employee Relations to discuss and determine what employment or disciplinary action, if any, will be taken. Concerns identified in credit reports will be addressed in the same manner. In the System Office, the Vice Chancellor for Employee Relations will contact the Chancellor to make such a determination.

7.2. A conviction is not an automatic disqualification to or termination from employment. Factors that will be taken into consideration when reviewing the criminal background report include: the relevance of the offense/conviction to the position's job responsibilities; the amount of time that has elapsed since the last offense/conviction; the severity and number of offenses/convictions; extenuating circumstances; sex offender registry reporting classification; reparations, remediation or treatment, etc., that occurred after the conviction; terms of probation, parole or prison release; evidence of continuing treatment/counseling and rehabilitation information; evidence or opinions from law enforcement officers, parole officers, or mental health providers; and, other extenuating circumstances surrounding the offense/conviction.

7.3. Factors that will be taken into consideration when reviewing the credit report include: late payment history including but not limited to loan defaults; accounts in bankruptcy or foreclosure; accounts currently in collection or charged off in actions including but not limited to court

judgments, tax liens, and garnishments; extenuating circumstances; risks relative to the position's responsibilities; and the type and amount of debt.

7.4. The consideration of the background check report will be conducted free of unlawful discrimination.

7.5. Upon request to the Human Resources Director, the employee shall receive a copy of the background check report once it is completed. For employees in the System Office, a copy of the report can be obtained by making such a request to the Vice Chancellor for Employee Relations. A copy of the report will be maintained in the Human Resources Office or System Office in the employee's personnel file. The Human Resources Director, President, Vice Chancellor for Employee Relations and/or Chancellor will only discuss the background check report on a need to know basis with supervisors/administrators. Supervisors will not receive a copy of the background check report unless otherwise directed by the President or Chancellor for disciplinary purposes.

7.6. Applicants and employees may dispute/appeal the results of the background check by contacting the background check vendor.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: January 2014

Policy Revised: June 2014, March 2017, June 2019, February 2025

Board of Trustees of the Nebraska State Colleges

Policy Category

POLICY NAME: Chancellor

POLICY NUMBER: 5100

- **PURPOSE**

  This policy establishes the procedures and expectations governing the appointment, contract terms, evaluation, duties, and termination of the Chancellor of the Nebraska State College System. It affirms the Chancellor's role as the chief executive officer of the System and the chief administrative officer of the Board of Trustees, responsible for advancing the System's strategic mission, supervising the College Presidents, coordinating System-wide initiatives, and representing the Colleges to state and federal stakeholders.

- **DEFINITIONS**

  1. **Hearing Officer:** An individual appointed by the Board of Trustees to conduct a hearing in the event of proposed dismissal for cause, providing findings and recommendations for Board Consideration.
  2. **Key Performance Indicators (KPIs):** Quantitative or qualitative measures adopted by the Board to assess institutional and System progress toward key strategic goals, including financial health, student success, enrollment, and workforce alignment.
  3. **Strategic Plan:** A Board-approved multi-year plan that sets the direction, goals, and performance indicators for the System and its Colleges.

- **POLICY**

  1. **Appointment**

     The Chancellor for the Nebraska State College System shall be appointed by the Board of Trustees. In making the appointment , the Board may consider recommendations from any advisory search committee(s) comprised of representatives from the College and other System constituent groups as designated by the Board. The selection process shall comply with all applicalbe equal opportunity hiring requirements. Acting or interim appointments to the position of Chancellor may be made by the Board as deemed necessary.

2. Contract

2.1. Initial Contract

An initial contract for the Chancellor shall be for a period of two (2) years with the annualsalary level determined by the Board.

2.2. Contract Renewal

The Board may renew the Chancellors contract at its discretion. . Each renewal shall be for an additional one (1) year term, with the salary set annually. Written notice of non-renewal shall be given by June 30 prior to the final contract year. No advance notice shall be required in case of dismissal for cause.

2.3. Nonrenewal

If the Chancellor receives a non-renewal notice, the Board may reassign the Chancellor to administrative or other duties in the System Office. Alternatively, the Board and the Chancellor may mutually agree to a different arrangement, which may includerelinquishing the office in exchange for acontract buyout of upt to six (6) months. This provision shall not apply in cases of malfeasance or gross neglect of duty

2.4. Termination

- The Chancellor may be dismissed for cause at any time during the contract period by the affirmative votes of four (4) Board members.
- Before a dismissal vote, the Board shall provide the Chancellor with a written notice of the proposed dismissal and the reasons for it. The Chancellor shall have the right to request a hearing before a hearing officer appointed by the Board. Such a request must be submitted in writing to the Board Chair within five (5) calendar days of receipt of the written notice.
- The hearing officer shall conduct a hearing and provide written findings and recommendations to the Board. A copy shall be provided to the Chancellor.
- The hearing officer shall admit and consider evidence submitted by the parties in the form of documents or witness testimony. . The Chancellor shall have the right to attend the hearing, to present evidence, to examine documents, to question witnesses, and to otherwise present any relevant evidence with respect to the statement of reasons for dismissal.
- The Chancellor shall also have the right to be represented by an attorney at his/her own expense.

- Following the review of the hearing officer's findings and recommendation, the Board shall make a final determination. The Board's decision will be final.

3. Duties & Responsibilities

3.1. Strategic Leadership and Governance

- Serve as the Chief Administrative Officer of the Nebraska State College System and Chief Administrative Officer of the Board of Trustees and System Office Staff.
- Provide visionary leadership and long-term planning for the System, ensuring policies and operations align with the Board's mission, values and strategic priorities.
- Collaborate with stakeholders across the Colleges and communities to develop, implement, and monitor a comprehensive System-wide Strategic Plan that aligns key outcomes with Board-approved performance indicators.
- Assist the Board in policy development and oversight, and lead the implementation of Board policy through planning, operational coordination, and fiscal management.
- Interpret and implement Board policy, and develop administrative procedures and regulations for effective governance of the Colleges.
- Supervise and provide direct oversight of the College Presidents, including conducting annual performance evaluations that assess institutional progress on strategic and financial benchmarks established by the Board.
- Serve as the Secretary to the Baord, reporting directly to the Board on matters of policy, strategic planning, and administration.

3.2. Board Relations and System Coordination

- Prepare and present Board meeting agendas, recommendations, and reports from the College, System Office, and external stakeholders for Board decision-making.
- Serve as the primary liaison between the Board and the Colleges for presenting policies, concerns, and updates, including matters brought forth by faculty, staff, , students, and state agencies.
- Maintain and distribute Board minutes and official records as required by law.

- Act on behalf of the Board between meetings consistent with Board policy, and take emergency action when necessary to preserve state property or ensure continuity of College operations.
- Execute and administer all Board policies, decisions, contracts, and bylaws, including amedments, corrections, and clarifications.
- Act within certain powers and duties in regard to publication and distribution of amendments, corrections or clarifications of the Board's adopted by-laws and policies in accordance with Article XIV of the Board's By-Laws.

3.3. Academic and Operational Oversight

- Chair the Council of Presidents, fostering collaboration and strategic alignment among College Presidents and system leadership.
- Provide oversight to the President's performance, and review and approve all personnel appointments that create new full-time positions, fill previously unfunded positions, or cause an increase in budgeted FTE
- Review and analyze Colleges academic program proposals and plans, providing recommendations to the Board. .
- Organize and lead inter-institutional initiatives, studies, and partnerships that advance System goals and improve operations.

3.4. Advocacy and External Relations

- Serve as the official representative and lead advocate of the Board and the State Colleges to:
    - The general public, the Legislature, the Office of the Governor, the Executive Branch, and to other state and federal governmental entities.
    - Federal entities and higher education associations; and
    - Community, business, and educational stakeholders.
- Lead advocacy efforts that communicate the value and needs of the Colleges and seek support for System priorities.
- Coordinate and represent the Board in requesting legal opinions from the Attorney General's Office, and engage with the the Department of Administrative Services, Legislative Fiscal Office, and other regulatory bodies.
- Manage legal services and proceedings on behalf of the Colleges and entities governed by the Board.

3.5. Budget and Finacial Management

- Review and analyze the College budget recommendations and make final recommendations to the Board on annual and biennial budgets
- Direct the development and submission of the System biennial and annual budget requests to the Governor and the Legislature, ensuring alignment with strategic priorities, financial stability indicators, and institutional needs.
- Identify and recommend special initiatives for funding that promote innovation, program expansion, workforce development, and systemwide improvements.
- Oversee and report on the financial condition of the Colleges, ensuring responsible stewardship and use of public funds.

3.6. Human Resources and Labor Relations

- Oversee collective bargaining negotiations and implementation of approved contracts across the System.
- Establish and adjust policies, employment terms, and benefits for non-union employees to ensure consistency and competitiveness, and report such changes to the Board as part of the meeting agenda.

3.7. Legal, Regulatory, and Statutory Duties

- Act as the Board's official designee for fulfilling state or federal statutory duties not otherwise assigned by the Board

4. Performance Evaluations

4.1. Annual Evaluation Process

- The Chancellors performance shall be evaluated annually by the Board. The purpose of the evaluation is to (1) ensure the Nebraska State College System is effectively managed, (2) promote the Chancellor's continued growth and performance, (3) reinforce effective governance and accountability, and (4) assess the Chancellor's progress toward strategic priorities established and approved by the Board.
- Each year, the Chancellor will develop a set of strategic priorities and goals for the upcoming fiscal year. These goals will align with the long-term strategic direction and mission of the System, and reflect Board guidance, input, and feedback.
- The Board shall review and approve the proposed goals during closed session and may suggest revisions, additions, or refinements. As circumstances warrant, the Chancellor may introduce supplemental goals throughout the year in response to unforeseen issues,

emergencies, or emerging priorities. These additionals will be shared with the Baord in a timely manner.

4.2. Monitoring and Reporting

- Progress toward the Chancellor's annual goals will be tracked and reported throughout the year through:
    - Routine Chancellor updates to the Baord during regular meetings;
    - Written information reports submitted in conjunction with Board agendas;
    - Special briefings or consultation with the Board Chair or Executive Committee as needed.

4.3. Annual Evaluation Conference

- Prior to the Chancellor's annual contract renewal, the Baord will conduct a formal evaluation conference in closed session. This evaluation will include a comprehensive review of the Chancellor's progress toward the approved goals and strategic outcomes. Consideration of any supplemental goals or challenges may be addressed along with a review of major accomplishments, barriers, and organizational needs meoving forward.
- In preparation for the conference, the Chancellor shall submit a written annual performance review summarizing: 1) the prior year's goals and accomplishments; 2) key achievements and institutional outcomes; and 3) proposed strategic priorities and goals for the next fiscal year.

4.2. Six-Month Review for New Appointees

- For a newly appointed Chancellor, the Executive Committeewill meet with the Chancellor within six (6) months of their start date to:
    - Review the Chancellor's initial assessment of the System's status;
    - Discuss emerging priorities, leadership approach, and planned actions;
    - Begin developing shared expectations and initial strategic objectives.
- This six-month review shall inform goal development for the remainder of the Chancellor's first year.

The Chancellor shall have broad delegated authority to carry out the duties and responsibilities enumerated herein, including the authority to interpret and secure implementation of Board Policy and to establish administrative regulations and policy for the proper governance of the System. The Chancellor is responsible for policy implementation and System administration by providing vision, leadership, planning, advocacy, coordination and management for the System with a commitment to quality management and with particular attention to maintaining and strengthening the Colleges' services to Nebraska citizens.

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-304	Board of trustees; powers and duties, enumerated.

Policy Adopted: January 1992

Policy Revised: June 1993, June 2006, June 2011, November 2025

Board of Trustees of the Nebraska State Colleges

Policy Category

POLICY NAME: College Presidents

POLICY NUMBER: 5101

A. PURPOSE

The purpose of this Policy is to establish clear guidelines and expectations for College Presidents regarding contract terms, duties and responsibilities, and the structure of annual performance reviews. By delineating these elements, this Policy aims to ensure transparency, accountability, and alignment between the College President and the institution's mission, goals, and values. This Policy seeks to foster effective leadership, promote institutional stability and advancement, and ultimately enhance the overall educational experience and success of students, faculty, staff, and the broader community.

B. DEFINITIONS

1. **Financial Stability Indicators** – Board-defined benchmarks that evaluate the financial health of the College, including but not limited to reserve levels, operating margins, budget-to-actual performance, and sustainability of revenue sources.
2. **Hearing Officer** – An individual appointed by the Board to conduct a hearing in the event of a proposed dismissal for cause, providing findings and recommendations to the Board.
3. **Key Performance Indicators (KPIs)** – Quantifiable metrics approved by the Board that are used to evaluate institutional progress in areas such as enrollment, retention, graduation, financial health, academic quality, and workforce alignment.

C. POLICY

1. Appointment

Presidents shall be appointed by the Board of Trustees. When making Presidential appointments, the Board may take into consideration recommendations from the Chancellor and any search committee(s) comprised of College and other constituent groups authorized by the Board. The selection

process shall follow equal opportunity hiring requirements. Acting or interim appointments to the position of President may be made by the Chancellor after consultation with the Board.

2. Contract

2.1. Initial Contract

An initial contract for a President shall be for a maximum of two (2) years with an annually salary level determined annually by the Board.

2.2. Contract Renewal

Contracts may be renewed at the discretion of the Board. Such renewal shall be for an additional one (1) year period with a salary level determined for the upcoming year. Written notice of non-renewal shall be given by June 30 prior to the final contract year. No advance notice shall be required in the event of dismissal for cause.

2.3. Nonrenewal

If a President is given a non-renewal notice, a President may be reassigned administrative or other duties at one of the State Colleges or in the System Office. An alternate arrangement may be negotiated whereby the Board may purchase up to of six (6) months remaining on the final contract. This provision shall not apply where dismissal is a result of malfeasance or gross neglect of duty.

2.4. Termination

- A President may be dismissed for cause during the contract period by the affirmative votes of four (4) Board members.
- Prior to voting, the Board shall provide the President with a written recommendation regarding the proposed dismissal and shall afford the President an opportunity to request a hearing before a hearing officer appointed by the Board. The President must submit a written request for such a hearing to the Chancellor within five (5) calendar days of receipt of the written notice.
- A hearing officer shall conduct a hearing and provide written findings and recommendations to the Board regarding the proposed dismissal. A copy of the findings and recommendations shall be provided to the President and the Chancellor. A hearing officer shall admit and consider evidence submitted by the parties in the form of documents or the testimony of witnesses. The President shall have the right to attend the hearing, to present evidence, to examine documents, to question witnesses, and to otherwise present any relevant evidence with respect to the statement of reasons for dismissal. The President shall also have the right to be represented by an attorney at his/her own expense. After considering the hearing officer's findings and

recommendation, the Board shall make a decision regarding the dismissal. The Board's decision will be final.

3. Duties & Responsibilities

3.1. Overall Leadership

- Provide visionary leadership to the College, setting strategic directions in collaboration with the Chancellor and consistent with the mission, vision and values established by the Board.
- Oversee the day-to-day operations of the College including academic affairs, financial management, human resources, facilities management, and student affairs, with regular progress updates to the Chancellor.
- Implement policies and procedures established by the Board and ensure compliance with applicable state and federal laws and regulations. The Presidents are responsible to the Board and the Chancellor for the administration of the Colleges under Board Policies and applicable laws/regulations.
- Ensure proactive risk management and timely escalation of issues to the Chancellor and Board as appropriate.
- Champion student success initiatives aimed at increasing enrollment, retention, graduation rates, and post-graduate outcomes.

3.2. Required Duties

- Appointing all personnel within the parameters of the College's specified personnel allocations in their approved budgets, providing written justification to the Chancellor for the addition/elimination of positions or increase/decrease in budgeted FTE. Such appointments require Chancellor approval prior to the effective date. The Chancellor shall report such changes to the Board on a regular basis.
- Attending all Board meetings except as specifically exempted, by the Chancellor
- Coordinate with the Chancellor on the development of annual performance goals and evaluation processes, ensuring alignment with Board expectations.

3.3. Academic Excellence

- Developing new courses of study and curricular initiatives in coordination with the Vice President for Academic Affairs in areas authorized by the Board.
- Regularly report to the Chancellor on the effectiveness of the instructional programs, including student learning outcomes and

accreditation status, with timely recommendations for policy or program modifications.

- Collaborate with the Chancellor to ensure academic programs remain aligned with workforce needs, regional priorities, and state education goals.

3.4. Communication & Reporting

- Serve as the primary spokesperson and representative of the College to external stakeholders, including donors, alumni, community, and service region, while coordinating key messages with the Chancellor's office.
- Consult with the Chancellor on the agenda for all regular and special Board meetings and submit required Board reports, agreements, and contracts within the established deadlines.
- Report the actions and decisions of the Board and Chancellor to employees, press and the community at large.
- Assume joint responsibility with the Board and Chancellor, through agreed-upon procedures, for establishing and maintaining good press and public relations with key stakeholders.
- Establish and operate a transparent communication system to keep faculty and employees informed of the important activities, plans, and policies, and facilitate two-way communication of proposals and concerns between faculty/employees and administration.

3.5. Financial Management

- Develop and manage the College's annual budget in coordination with the Vice President for Administration and Finance, ensuring fiscal responsibility, sustainability, and alignment with the College's strategic priorities.
- Prepare and submit a budget designed to support the College's educational program for consideration and adoption by the Board, with adequate documentation and rationale.
    - Supervise maintenance of financial records and provide regular, detailed reports to the Chancellor concerning the status of receipts, expenditures, debts and investments.
    - Prepare an annual fiscal report in cooperation with the Chancellor for Board review.
- Seek opportunities for revenue generation, including fundraising, grant applications, and partnerships with industry and community organizations, reporting timely progress and challenges to the Chancellor.

- Organizing the College for effective operation; providing for continuous planning; making provisions for periodic reviews and critical evaluation.
- Establish procedures and responsibilities for faculty and staff participation in College affairs, including shared governance mechanisms.

3.6. Additional Responsibilities

- Cultivate strong relationships with local, regional, and national stakeholders and the Foundation to support the College's mission and strategic goals, while fostering partnerships with industry, government, and nonprofit organizations to enhance workforce development, research opportunities, and community impact.
- Facilitate effective communication and collaboration between the administration and the Board of Trustees, ensuring the Board is well-informed on College operations, achievements, challenges, and strategic initiatives to support effective decision-making.
- Uphold the highest standards of ethics, integrity, and transparency in all decisions and interactions, ensuring the College complies with accreditation standards, professional codes of conduct, and relevant ethical guidelines.
- Develop and implement robust contingency plans for addressing emergencies and unforeseen challenges, while maintaining clear, timely, and effective communication with stakeholders during crises to preserve trust and minimize negative impact.

4. Performance Evaluations

4.1. Annual Evaluation Process

- The performance of each President shall be evaluated annually by the Chancellor. The objectives of the evaluations are to:
    - Determine that the College is well managed;
    - Improve the performance of those holding the positions;
    - Ensure effective governance;
    - Ensure that sound institutional goals are being pursued;
    - Assess the College's progress on Board-approved key performance indicators in the strategic plan; and
    - Monitor the College's advancement toward financial stability indicators as defined by the Board.

- The evaluation shall include:
    - A review of the progress toward goals mutually established by the Chancellor and President at the start of the evaluation period;
    - Assessment of institutional performance using standardized metrics across the system, including student success, enrollment, graduation outcomes, financial health, and workforce alignment;
    - An analysis of financial data in relation to Board-established benchmarks, including reserve levels, operating margins, and budget-to-actual performance; and
    - A comprehensive discussion between the Chancellor and President about College conditions, institutional challenges, and strategic improvements.
- A written summary of the Chancellor's evaluation, including identified areas for continued development and performance targets for the following year, shall be placed in the President's personnel file and be shared with the Board of Trustees in closed session.

4.2. New Appointees

- Newly appointed Presidents shall meet with the Chancellor six (6) months after their start date to:
    - Provide an initial assessment of the state of the College;
    - Identify short- and long-term priorities for action; and
    - Establish baseline goals and metrics to guide future performance reviews.
- This six-month review will serve as an onboarding milestone and an opportunity to align expectations between the Chancellor and President.

4.3. Annual Evaluation

- Each President shall participate in a formal evaluation conference with the Chancellor annually, prior to employment contract renewal. The conference will:
    - Review progress toward strategic and operational goals;
    - Discuss accomplishments, challenges, and emerging issues;
    - Examine trends in institutional key performance and financial indicators as compared to System and Board benchmarks; and

    - Consider proposed plans and priorities for the upcoming year.
- Prior to the conference, each President will submit a written self-assessment to the Chancellor including:
    - The previous year's goals and progress toward them;
    - Key institutional achievements and challenges;
    - Proposed goals and strategies for the year ahead; and
    - Plans and priorities, and progress toward meeting them.
    - The report will also include the plans and priorities which are intended to be accomplished in the future. Other material should be included as appropriate to assure the Chancellor's and the Board's understanding of College issues which address the important circumstances of the President's evaluation.

4.4. Interim Presidential Appointments

4.1. Establishing Priorities and Oversight

- Upon appointment, the Chancellor will meet with the Interim President within 30 days to:
    - Set short-term institutional priorities;
    - Identify key challenges and transitional risks; and
    - Align actions with Board-approved strategic goals and financial stability indicators.
- The Chancellor will provide the Board with a written summary of interim goals and key focus areas following this meeting.

4.2. Ongoing Engagement and Reporting

- The Chancellor will hold regular meetings (typically monthly) with the Interim President to:
    - Monitor progress on defined priorities;
    - Address emerging issues or operational barriers; and
    - Ensure continued advancement of mission-critical efforts.
- The Interim President will uphold the same standards of leadership, communication, and accountability as a permanent appointee.
- The Chancellor will brief the Board periodically on progress, and adjustments to strategy or support needed during the interim

period.

SOURCE:

Policy Adopted: April 1992

Policy Revised: June 1993, August 1993, June 2006, June 2011, November 2025

BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

Personnel

POLICY NAME: Terms and Conditions of Employment for Non-Union Faculty

POLICY NUMBER: 5102

PURPOSE

To specify the terms and conditions of employment for full-time faculty employees (at least .75 FTE) who are excluded from the SCEA collective bargaining unit.

ABANDONMENT

Employees may be considered to have abandoned the job if absent from work for longer than two (2) consecutive scheduled work days without being on approved leave. Abandonment shall be considered as a voluntary resignation not in good standing.

APPOINTMENTS

Full-time (at least .75 FTE) faculty special appointments will be limited to three (3) academic years.

BACKGROUND CHECKS

Offers of employment are contingent on the applicant/employee successfully passing a background check.

BENEFITS

The Board shall make group medical, dental, vision, life, and long-term disability insurance coverages available to employees who are employed full-time on a continuing basis in a budgeted position (at least .75 FTE). Employees employed less than .75 FTE are not eligible for group medical, dental, vision, life or long-term disability coverages, unless coverage is required under the Affordable Care Act.

For medical and dental insurance, the Board will contribute a fixed dollar amount equivalent to eighty-five percent (85%) of the aggregate costs of the individual plan, with the employee responsible for the remaining amount of the cost of coverage. For those employees who opt for coverage under a family plan, the Board will contribute toward either family plan, employee/children or employee/spouse a fixed dollar amount equivalent to seventy-five percent (75%) of the aggregate costs of the family plan, with

the employee responsible for the remaining amount of the cost of coverage. When both members of a married couple are employed by the Board and request family coverage, each individual will be required to contribute an amount equal to the contribution an employee makes toward single coverage. Employees who elect insurance must enroll in both the medical and dental plans.

The Board will contribute fifty percent (50%) toward the cost of single vision coverage for any plan option selected by the employee.

A life insurance plan offering group term life insurance coverage at a minimum amount of thirty thousand dollars ($30,000) will be provided at the Board's expense with the employee permitted to supplement the basic coverage at the employee's expense. Employees may also purchase a dependent life policy on a spouse and a child(ren) at the employee's expense. Eligible coverage for children begins at six (6) months of age. In accordance with current policy provisions, employees' life insurance benefits are reduced to 50% at seventy (70) years of age.

A group long-term disability plan will be provided which will pay sixty-six and two-thirds percent (66 2/3%) of salary after ninety (90) days of continuous disability as defined by the insurance carrier. The Board will provide seventy-five percent (75%) of the aggregate costs of this coverage.

The Board shall provide an opportunity for employees (employed at least .75 FTE full-time) to voluntarily participate in a flexible spending account, subject to provisions of IRS Code Section 125. Employees may choose to set aside an amount from their paychecks, which is not taxed, in a medical or dependent care account for payment of eligible expenses.

The Board shall make an Employee Assistance Program available for employees (employed at least .75 FTE full-time). The Board shall pay the annual flat rate as established by the program. Any other costs shall be borne by the employee. Records concerning an employee's treatment for alcoholism, drug or stress-related problems shall remain separate from other personnel materials. All employee assistance records shall remain confidential.

DISCIPLINARY ACTION

Employees may be terminated from employment prior to the expiration of the current employment appointment for adequate cause. The exercise of academic freedom or constitutionally guaranteed civil rights will not be used as a basis for termination of employment. The College shall adopt and promulgate rules of conduct for distribution to employees in the form of an employee handbook, including but not limited to grounds for disciplinary action.

A decision to terminate an employee for cause will be made by the President, after the employee has had an opportunity for a hearing before a committee established by the

President. When considering a termination for cause, the President or designee shall prepare a formal statement of charges, framed with reasonable particularity, and setting forth the grounds for termination. Said statement of charges shall be provided to the employee.

Within ten (10) business days of the receipt of the charges, the employee may submit a written response to the President and shall indicate whether they desire a hearing before the committee. If no written response is received, or if a hearing is not requested within the specified time, such failure constitutes the waiver of the right to a hearing.

If the employee requests a hearing, the President shall set the date and time for that hearing as soon as possible in order to permit the parties to reasonably prepare for the hearing.

During the hearing, the employee may bring an advisor and/or counsel at their own expense to the proceedings. A complete recording of the hearing will be made, and upon request, a copy will be made available to the employee at their own cost. The employee will be afforded an opportunity to obtain and present necessary witnesses and documentary or other evidence. The employee and the College will have the right to confront and cross-examine all adverse witnesses.

The committee shall prepare a written statement of findings of fact and recommendation, which shall be delivered to the employee, the President, and the Chancellor, within ten (10) business days following conclusion of the hearing. The findings of fact shall be based on a preponderance of the evidence in the record considered as a whole, as determined by a majority of the committee. The President shall review and consider the committee's recommendations prior to making a decision regarding the termination of employment. The President's decision shall be rendered within ten (10) business days.

If the employee is not satisfied with the decision of the President the employee may make a written request to the Chancellor within ten (10) business days of the receipt of the President's decision. The Chancellor shall render a written decision regarding the dismissal within twenty (20) business days. The decision of the Chancellor, on behalf of the Employer, shall be final. The dismissed employee may only seek additional recourse under available state and federal law.

An employee who is under investigation for misconduct or who has been recommended for dismissal for cause may, at the discretion of the President, be suspended with pay and full benefits until such time as it is possible to determine if misconduct occurred and/or if the employee should be dismissed from employment. Such investigatory suspensions are not grievable.

An employee shall continue to be an employee until the dismissal appeal procedure, up to and including the Chancellor, has been exhausted or until the employee has failed to advance their appeal in a timely fashion. The President may, at their discretion, suspend

or reassign the employee to other professional duties with pay during the dismissal process.

DRUG AND ALCOHOL TESTING

In the interest of maintaining a safe, healthy, and efficient workplace for all employees, and to protect the Board's property, information, equipment, and reputation, the Board has established a program to test for drug and alcohol use in the workplace. Testing will be required when reasonable cause exists in the workplace to conduct such a test. The Board shall be responsible to pay for the costs of any such tests. Employees, who may be required under federal law or regulations to submit to random drug and alcohol testing, will be notified of the general testing requirements in writing in advance.

GRIEVANCE PROCEDURE

The grievance procedure as set forth herein is designed to provide a prompt and efficient method for the resolution of grievances. The grievance procedure hereinafter set forth shall be the exclusive method for resolving grievances. Time limits provided herein shall be adhered to unless modifications are agreed to in writing by the parties to the grievance.

A grievance is defined to be a dispute filed by an employee concerning a violation of policies or other terms and conditions of employment, and filed in accordance with the terms of this policy. Employees who have been recommended for dismissal from employment for cause under the provisions of this policy, may not file grievances while the dismissal process is pending.

Informal Grievance. Prior to the filing of a formal grievance hereunder, an employee shall discuss their dispute with the appropriate Dean or the administrator who made the decision at issue in an attempt to resolve the dispute.

Formal Grievance. In reducing a grievance to writing, the following information must be stated with reasonable clarity: the exact nature of the grievance; the act or acts of commission or omission; the dates of the act or acts; the identity of the party or parties alleged to have caused the grievance and any known witnesses; the specific policies that are alleged to have been violated; and the remedy that is sought.

Procedure. A formal grievance shall be processed in the following manner:

a) **Step 1.** A formal grievance shall be filed in writing with the Vice President for Academic Affairs within twenty (20) business days following the act or omission giving rise thereto, or the date on which the grievant knew, or reasonably should have known, of such act or omission if the date is later.

The Academic Vice President has ten (10) business days after receipt of the grievance, or any extension provided for herein, to review the grievance. The Academic Vice President shall issue a determination in writing to the grievant

within the ten (10) business day period. If the written determination refers to documents, copies of such documents shall be attached.

Upon the written request of either party to the other, an additional ten (10) business days extension shall be granted during which period efforts to resolve the grievance shall be made.

b) **Step 2.** The grievant shall have five (5) business days from receipt of the Academic Vice President's determination to appeal by filing the grievance and all prior responses with the President.

Within ten (10) business days of receipt of the grievance appeal, the President shall submit the grievance to a "Grievance Advisory Committee" established by the President. The Grievance Advisory Committee shall hold a hearing within ten (10) business days after receipt of the grievance and shall admit and consider evidence submitted by the parties in the form of documents or the testimony of witnesses. The grievant shall have the right to attend all evidentiary proceedings of the committee, to present evidence, to examine documents, to question witnesses, and to otherwise present any relevant argument or evidence. The grievant shall also have the right to assistance by counsel at the grievant's expense. The committee following its own procedures shall submit a complete recording of the hearing, copies of all exhibits, and the committee's findings and recommendations to the President and grievant within ten (10) business days following the hearing. Any party who wishes to use a court reporter to take a verbatim transcript may do so at their own expense.

The President shall issue a written decision to the grievant within five (5) business days following receipt of the recommendation of the Grievance Advisory Committee.

c) **Step 3.** The grievant shall have ten (10) business days from receipt of the President's decision to appeal that decision to the Chancellor. A copy of the grievance and all prior written recommendations and responses is to be provided. The Chancellor shall review and notify the grievant of their final decision within fifteen (15) business days.

If the Chancellor's decision under this Step fails to satisfy the grievant, the grievant wishing to continue may seek relief under one of the following two (2) options:

1) applicable State or Federal laws; or
2) by mutual agreement of the parties, pursue mediation.

There shall be no reprisals taken against an employee for the filing of a grievance or participating as a witness in a grievance hearing.

LAYOFFS

The President or Chancellor, as appropriate, decides when a layoff is necessary, and which employees and positions will be affected. Layoffs may be determined necessary because of budget adjustments or reallocations, a modification of position workloads, or elimination of or change in scope of institutional services, or as the result of any other job-related management decision. Employees shall receive written layoff notices at least ninety (90) calendar days in advance.

LEAVE

Bereavement Leave

Employees shall be granted paid bereavement leave for up to six (6) days during each academic year. Generally, bereavement leave is taken immediately following the death, however, there may be circumstances when more flexibility is needed, for example, if a memorial service is scheduled at a time in the future. Such leave must be approved through the usual leave practices or procedures.

Civil Duty Leave

An absence with pay will be granted an employee for jury service or election service during the actual period of service, and the employee will retain fees paid as a juror or election worker; provided that the employee calls their supervisor to determine whether they should report for work upon being released from jury duty or election service on any day prior to the end of their regular shift.

Absence with pay may be granted for an employee who is subpoenaed as a witness during the actual period of such service; provided that the absence is limited to that period the employee is actually compelled to be present at court, having made reasonable efforts to arrange with the subpoenaing party that the attendance would be so limited. Copies of summons and subpoenas should be provided to the Human Resource Office in advance of the absence and the Dean should be notified in advance of the absence.

If an employee is appointed as a clerk, election inspector, or judge on an election or counting board, the employee shall be granted an absence with pay during the time when the employee's physical presence is required by the court or the board. The employee shall retain all fees paid for their civil service.

Crisis Leave Sharing Program

(a) Employees may contribute accrued sick leave to benefit another employee at the same College who is suffering from a catastrophic illness, who is unable to report to work due to pandemic quarantine measures or who is a new parent. Sick leave shall be donated in no less than a one (1) day increment. Hours donated, but not used, will be

maintained in a shared leave pool and distributed on an as needed basis to eligible employees by a Shared Leave Committee designated by the College.

The Committee will determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of ninety (90) days in a twelve (12) month period. To be eligible to receive donated leave, an employee must have exhausted all paid leave. The crisis leave-sharing program will permit salary and health insurance continuation for those employees receiving shared leave.

The crisis leave pool at each College may not exceed 7,500 hours.

Details of the Crisis Leave Sharing Program are available at the College Human Resource Office.

(b) New Parents. Within the first twelve (12) months following the birth or adoption or a child, an employee may request up to thirty (30) workdays of crisis leave donations. To be eligible to receive leave, faculty members must have exhausted all paid leave options. For employees eligible for FMLA, crisis leave, donations shall count against the 12 weeks FMLA leave. Donations are not for intermittent use; donations may be used for up to thirty (30) consecutive workdays.

Family and Medical Leave

Employees with one (1) year of service and who have worked at least one thousand two hundred fifty (1,250) hours during the previous twelve (12) month period shall be entitled, in accordance with federal regulations under the Family and Medical Leave Act (FMLA), to take up to twelve (12) work weeks of unpaid family and medical leave during any twelve (12) month period for reasons related to family and medical needs. Eligible employees, may use FMLA leave:

a) for the birth of a child, or the placement of a child for adoption or for foster care;

b) to care for a spouse, children, parents, or persons bearing the same relationship to the employee's spouse with a serious health condition;

c) for the employee's own serious health condition; or,

d) for any qualifying exigency arising out of the fact that the spouse, son, daughter or parent of the employee is on active duty (or has been notified of any impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Note: "Children" shall mean a biological, adopted or foster child, a step-child or legal ward.

A serious health condition is defined to include:

a) an illness, injury, impairment, or physical or mental condition that involves either inpatient care, meaning an overnight stay in a hospital, hospice, or residential care facility, or continuing treatment by a health care provider for more than three (3) consecutive days;

b) any period of incapacity because of pregnancy or prenatal care (even without treatment by a health care provider and even if the absence is less than three (3) days, e.g., morning sickness);

c) any period of incapacity because of a serious chronic condition (even without treatment by a health care provider and even if the absence is less than three (3) days, e.g., an asthma attack);

d) any period of absence to receive multiple treatments by health care providers for reconstructive surgery after an accident or injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days if untreated, e.g., cancer (chemotherapy), kidney disease (dialysis).

Sick leave must be used during family and medical leave before unpaid FMLA leave begins. Sick leave shall not accrue while on family and medical leave. Requests for family and medical leave must be submitted to the Dean and Human Resources Director for approval. Appropriate medical certification or documentation may be required.

To the extent possible, thirty (30) days' notice will be given by the employee, and where possible, an effort will be made, in the case of an employee, to begin and end the leave to coincide with the beginning of academic semesters.

The Board agrees to continue to pay its portion of insurance premiums during the term of FMLA leave. In the event both parents are eligible under this policy, the couple shall be entitled to a combined total of twelve (12) work weeks of leave for the birth and care of a newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

Family Military Leave Act. According to the terms of the Family Military Leave Act (Neb. Rev. Stat. §§55-501 to 507), an eligible employee who is the spouse or parent of a person called to military service lasting one hundred seventy-nine (179) days or longer with the state or United States pursuant to the orders of the Governor or the President shall receive up to thirty (30) work days of unpaid leave. An eligible employee must have been employed for at least one thousand two hundred fifty (1,250) hours during a twelve (12) month period immediately preceding the commencement of leave.

The employee shall give at least fourteen (14) days' notice of the intended date upon which the family military leave will commence, if leave will consist of five (5) or more consecutive work days. Employees taking family military leave for less than five (5) consecutive days shall give as much advanced notice as is practicable. The employee shall consult with their supervisor to schedule the leave so as not to unduly disrupt College

operations. Certification may be requested from the proper military authority to verify the employee's eligibility for the family military leave requested. For benefit purposes, employees taking Family Military Leave will be treated the same as other employees taking unpaid Family and Medical Leave.

National Defense Authorization Act. An employee who is a spouse, child, parent or next of kin (nearest blood relative) to a member of the Armed Forces who is being treated for, recuperating from, or is on the temporary disability retired list due to a serious injury or illness, is entitled to a total of twenty-six (26) work weeks of leave during a twelve (12) month period to provide care for the service member as provided by the Family and Medical Leave Act as amended by the National Defense Authorization Act.

Inclement Weather/College Closure Leave

When inclement weather causes College classes to be canceled, all employees, other than those required to report to work to provide emergency or other essential services, will be entitled to take Inclement Weather Leave. Such leave does not require the prior approval of the employee's supervisor. When the President declares the College closed, absences will not be charged against employee leave balances.

Leave of Absence

Employees who have been employed at the College for three (3) consecutive years shall be eligible to apply for a leave of absence for the purpose of research, education, travel, work at other institutions, or private business organizations, or engaging in other activities which will improve the employee professionally and be of benefit to the College. Such leave of absence is without pay. However, if the leave of absence is at the request of the President, and the employee has been employed at the College for four (4) consecutive years, such leave may be compensated with one-half (1/2) pay for one (1) academic year, full pay for one (1) semester, or a lesser amount by mutual agreement of the employee and the President.

Employees under performance improvement plans are not eligible for a leave of absence.

The recipient of a paid leave of absence may, at the discretion of the President, be required to return to the College for a period of one (1) year or to immediately repay the salary and cost of benefits received while on the leave of absence.

Requests for leave of absence must be submitted according to a deadline established by the Academic Vice President, but no later than December 1 of the year preceding the year for which the leave is requested. Requests for a leave of absence without pay may be requested after the December 1 deadline if there are extenuating circumstances, such as receipt of a Fulbright award. Such leaves are limited to one (1) year but leave without pay may be extended one (1) additional year by mutual agreement. Requests for extension must be received by February 1. Granting leaves of absence is at the discretion of the President and is a non-grievable matter.

Employees on a paid leave of absence will continue to receive the proportionate share of the Board's contribution for applicable insurance and retirement plans. The remaining portion will be paid by the employee. Employees are not required to submit sick leave; bereavement leave or civil leave requests while on the leave of absence.

Employees on an unpaid leave of absence may contribute to the retirement plan and participate in applicable insurance programs at their own expense.

Within ninety (90) days following return from a leave of absence, the employee shall submit to the Academic Vice President a written report summarizing the activities and results of the leave.

Personal Leave

Three (3) days of leave each academic year may be requested for personal needs or exigencies. The leave is available in whole day increments only. Approval shall be at the discretion of the Dean and is a non-grievable matter. Human Resources will be notified for leave record requirements. Employees denied personal leave from the Dean may ask the Academic Vice President to review the decision. The Vice President's decision will be final.

Sick Leave

Paid sick leave for full-time employees (1.0 FTE) shall accrue at the rate of twelve (12) days per contract year. Sick leave accrual shall be prorated as of the first day of employment, and unused sick leave may be accumulated up to and including one hundred-eighty (180) business days. Supervisors may require documentation to substantiate the legitimate use of sick leave. Sick leave is not intended as any earned time off with pay, and will not be granted as such. Unused sick leave will not be paid out at the end of employment. Employees who have separated from employment and return after a break in service shall not have prior sick leave balances reinstated.

Sick leave hours shall be calculated in the following manner:

a) If the employee is unable to fulfill all assigned teaching obligations for the day, the employee will be charged eight (8) hours of sick leave for the day.
b) If the employee is only able to fulfill part of the assigned teaching obligations for the day, the employee will be charged four (4) hours of sick leave for the day.
c) If the employee is able to perform all assigned teaching obligations but not established office hours and/or required meetings, four (4) hours of sick leave will be charged for that day.

Reasons to Utilize Sick Leave. Sick leave may be taken for absences made necessary by reason of illness, injury, medical appointments or disability (including temporary

illnesses caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery), by exposure to contagious disease which may endanger the employee or public health, or by reason of the illness of a family member who resides in the employee's household.

If not eligible for Family Medical Leave, up to ten (10) days of earned but unused sick leave in an academic year may also be taken by reason of the serious illness of a family member who does not reside with the employee. Family member shall be defined to include the spouse, child, stepchild, legal ward, parent, or persons bearing the same relationship to the faculty member's spouse. Serious illness shall mean a disabling physical or mental illness which requires in-patient care in a hospital, nursing home, or hospice, or significant in-home care.

If earned sick leave hours are not available New Parent Crisis Leave may be requested.

PERFORMANCE EVALUATION

The President is responsible for determining how and when the performance of employees will be evaluated at the College.

The purpose of performance evaluations is to promote high levels of achievement; measure, maintain and improve performance; and provide opportunities for discussion and planning of goals and objectives. Employees will be allowed to participate in the evaluation process and shall be informed of the criteria used to evaluate performance.

TUITION PROGRAMS

Only full-time (at least .75 FTE) employees are eligible for the following programs. These programs are not available to the immediate family members of employees whose anticipated employment period is less than six (6) months, regardless of FTE employment status. To receive the tuition benefit, employees and immediate family (if applicable) must submit and have approved a tuition remission/waiver request form no later than the tuition payment due date for that term. Benefits will not be provided retroactively.

A sixty-seven percent (67%) tuition remission shall be available for the employee's immediate family members (spouse and children who are twenty-four (24) years of age or younger) on a space available basis. The remission does not apply to fees. Although online courses have a single rate, a portion of the rate consists of fees. The remission provided for online courses will be sixty-seven percent (67%) of the equivalent resident tuition rate for an on-campus course. Remissions are subject to the following conditions:

a. The immediate family member must be admitted as a student of the College and must have met all normal academic requirements for the courses taken.

Employees shall be eligible to enroll in credit courses for one dollar ($1.00) per course plus applicable course related fees, such as lab, materials, etc., which are normally added

above tuition. One dollar ($1.00) covers the cost of tuition for purposes of this waiver program and the one-dollar ($1.00) charge is non-refundable. Although online courses have a single rate, a portion of the rate consists of fees. The waiver provided for online courses will be based on the equivalent resident tuition rate for an on-campus course beyond one dollar ($1.00). Tuition waiver under this program will be limited to one (1) course per term on a space available basis and such enrollment will not be counted toward minimums necessary for a course to be offered.

An employee may not enroll in the tuition remission and tuition waiver courses simultaneously the same semester. Tuition remissions and tuition waivers will not apply to already discounted tuition rates for dual enrollment and professional development courses.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: Neb. Rev. Stat. §304

Policy Adopted: March 1982

Policy Revised: June 1993, April 2009, March 2011, March 2013, January 2015, November 2015, March 2017, March 2019, September 2020, March 2021, March 2023 – Effective Date July 1, 2023; March 2025- Effective Date July 1, 2025.

BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

Personnel

POLICY NAME: Terms and Conditions of Employment for Non-Union Professional Staff

POLICY NUMBER: 5103

PURPOSE

To specify the terms and conditions of employment for full-time and part-time professional staff employees who are excluded from the NSCPA collective bargaining unit. This policy does not apply to temporary employees or student employees.

ABANDONMENT

Employees may be considered to have abandoned the job if absent from work for longer than two (2) consecutive work days without being on approved leave. Abandonment shall be considered as a voluntary resignation not in good standing.

BACKGROUND CHECKS

Offers of employment are contingent on the applicant/employee successfully passing a background check.

BENEFITS

The Board shall make group medical, dental, vision, life, and long-term disability insurance coverages available to employees who are employed full-time on a continuing basis in a budgeted position (at least .75 FTE). Employees employed less than .75 FTE are not eligible for group medical, dental, vision, life or long-term disability coverages, unless coverage is required under the Affordable Care Act.

For medical and dental insurance, the Board will contribute a fixed dollar amount equivalent to eighty-five percent (85%) of the aggregate costs of the individual plan, with the employee responsible for the remaining amount of the cost of coverage. For those employees who opt for coverage under a family plan, the Board will contribute toward either family plan, employee/children or employee/spouse a fixed dollar amount equivalent to seventy-five percent (75%) of the aggregate costs of the family plan, with the employee responsible for the remaining amount of the cost of coverage. When both members of a married couple are employed by the Employer and request family coverage, each individual will be required to contribute an amount equal to the contribution an employee makes toward single coverage. Employees who elect insurance coverage must enroll in both the medical and dental plans.

The Board will contribute fifty percent (50%) toward the cost of single vision coverage for any plan option selected by the employee.

A life insurance plan offering group term life insurance coverage at a minimum amount of thirty thousand dollars ($30,000) will be provided at the Board's expense with the employee permitted to supplement the basic coverage at the employee's expense. Employees may also purchase a dependent life policy on a spouse and a child(ren) at the employee's expense. Eligible coverage for children begins at six (6) months of age. In accordance with current policy provisions, employees' life insurance benefits are reduced to fifty percent (50%) at seventy (70) years of age.

A group long-term disability plan will be provided which will pay sixty-six and two-thirds percent (66 2/3%) of salary after ninety (90) days of continuous disability as defined by the insurance carrier. The Board will provide seventy-five percent (75%) of the aggregate costs of this coverage.

The Board shall provide an opportunity for employees (employed at least .75 FTE full-time) to voluntarily participate in a flexible spending account, subject to provisions of IRS Code Section 125. Employees may choose to set aside an amount from their paychecks, which is not taxed, in a medical or dependent care account for payment of eligible expenses.

The Board shall make an Employee Assistance Program available for employees (employed at least .75 FTE full-time). The Board shall pay the annual flat rate as established by the program. Any other costs shall be borne by the employee. Records concerning an employee's treatment for alcoholism, drug or stress-related problems shall remain separate from other personnel materials. All employee assistance records shall remain confidential.

Employees, their spouses, and dependents will be allowed to use those facilities belonging to the College that are used to promote wellness. Although there is no membership fee to access the facilities, the College may charge spouses and dependents (seventeen [17] years and older) a fee for an identification card to access the facilities. Dependents under the age of seventeen (17) must be accompanied by an adult to use the facilities. Such facilities will be available to employees, their spouses and dependents during the facilities' normal hours of operation and when not being used for classroom instruction or program activities.

CORRECTIVE AND DISCIPLINARY ACTION

The Colleges shall adopt and promulgate rules of conduct for distribution to employees in the form of an employee handbook, including, but not limited to grounds for disciplinary action. The same rules of conduct and disciplinary grounds shall apply to employees located in the NSCS Office.

The Chancellor is authorized to implement corrective and disciplinary action for System Office employees, pursuant to the procedures established in this policy.

The right to exercise discipline for just cause is vested exclusively in the Board, provided that an employee who has been disciplined will be advised of the reason or reasons for such action. The level of discipline imposed shall be based on the nature and severity of the infraction. Disciplinary action challenged by the employee as not in conformance with this policy may be grieved.

Investigatory Suspension. An employee who is under investigation for alleged misconduct, or charged with criminal activity may, at the discretion of the President or designee, be suspended with pay and full benefits, until such time as it is possible to determine if disciplinary action should be taken. Such investigatory suspensions are not grievable. The Chancellor is authorized to implement corrective and disciplinary action for System Office employees, pursuant to the procedures established in this policy.

Verbal Counseling. Verbal counseling is an informal level of corrective action. Verbal counseling is not disciplinary action. Verbal counseling is not grievable. It is a warning given by an immediate supervisor in conference with an employee in which the matter is discussed with the employee. The employee will be advised what action is expected to correct the problem.

Pre-disciplinary Notice. Prior to imposing discipline, employees are entitled to notice of the allegations against them which will identify the nature of the offense, the rule, policy, or performance standard violated and include an explanation of the evidence against them. The notice will include a description of the incident(s) involved and date(s) of occurrence as applicable.

Employee Opportunity to Respond. Prior to imposing discipline, the employee will additionally be entitled to an opportunity to respond to the allegations, present mitigating evidence, or present reasons why disciplinary action should not be taken.

Notice of Disciplinary Action. An employee will be notified in writing whenever any disciplinary action is taken against them. The employee must acknowledge receipt by signing the written disciplinary notice. The employee's signature does not constitute agreement with the content of the notice. If the employee refuses to sign, the supervisor and a witness will sign a notation of the employee's refusal on the notice. A copy of the written disciplinary notice will be placed in the employee's personnel file, which is housed in the Human Resource Office.

Types of Disciplinary Action:

Written Warning. Written warnings consist of a discussion between the employee and the supervisor in which the supervisor explains in detail the reasons for the warning and then provides a written disciplinary notice to the employee of the action required to correct the unsatisfactory performance with applicable time requirements. Written reprimands

will include a place for supervisors to note in writing when unsatisfactory performance issues have been resolved. Employees will receive a copy of this written note.

Disciplinary Probation. A disciplinary probation may be imposed by the appropriate Vice President or designee for a period of up to six (6) months, but may be extended during which time the employee's performance must improve. A corrective action plan including improvement standards and time frames shall be included in the written disciplinary notice.

i) Employees on disciplinary probation shall not be granted pay increases.

ii) Employees granted leave while serving disciplinary probation may have their probation period extended by the number of days absent on leave.

iii) Employees may be removed from disciplinary probation by a written notice of the appropriate Vice President or designee.

Disciplinary Suspension Without Pay. A period of suspension imposed by the President shall be without pay and shall not exceed twenty (20) working days. The disciplinary notice informing the employee of suspension shall be dated and include the reason for the suspension and the number of days of the suspension.

i) The employee's service date shall be adjusted by the number of calendar days absent during a suspension.

ii) Employees on suspension shall not be granted paid leave during the suspension period.

Demotion. A President may transfer an employee to a position of lesser responsibility as a disciplinary action. Upon transfer, a President shall place the employee in the new position at an appropriate, reduced salary.

Dismissal. Dismissal is removal from employment for failure to respond to previous disciplinary actions or when extreme circumstances render any preceding steps unnecessary or inappropriate. Employees may be dismissed for cause prior to the expiration of their current appointment term.

Upon receipt of a supervisor's and/or Vice President's recommendation to dismiss an employee, the President shall inform the employee, in writing, of a time at which the employee may present to the President or designee, any additional facts, material, or evidence regarding the employee's potential dismissal. Failure by the employee to appear shall constitute a waiver by the employee of the aforementioned meeting. The employee may be represented by a third party at the meeting, but the time, date, or place of said meeting shall not be postponed or rescheduled because the representative of the employee is unable to attend, unless both the President and the employee mutually agree to another time, date, and/or place.

Within five (5) work days following the scheduled date of the meeting, the President shall provide the employee a copy of their recommendations regarding the dismissal. The five (5) day period may be extended upon agreement between the President and the employee. A copy of the President's recommendation shall be forwarded to the employee and the Chancellor. If the President recommends that the employee be dismissed, the written notice shall inform the employee that they may request a hearing before an advisory committee by submitting a written request to the President within ten (10) work days of receipt of the notice. If the employee submits a written request for a hearing the President shall refer the proposed dismissal to an advisory committee for a hearing and recommendation. The committee members will be appointed by the President.

The committee will then establish the date, time and place for the hearing and so inform the employee and the President. The committee shall admit and consider evidence submitted by the parties in the form of documents or the testimony of witnesses. The committee will arrange for the hearing to be recorded. The employee shall have the right to attend all evidentiary proceedings of the committee, to present evidence, to examine documents, to question witnesses, and to otherwise present any relevant evidence with respect to the statement of reasons for dismissal. The employee shall also have the right to be represented by an attorney at the employee's expense. Any party who wishes to use a court reporter to take a verbatim transcript may do so at party's own expense. The committee shall adopt rules to be followed which ensure substantive and procedural due process including prior notice of witnesses to be called and documents to be offered in evidence at the hearing, no documents or witnesses not so listed shall be heard, except for the purpose of rebutting oral testimony of the other party or for other justifiable cause found to exist by the committee. The Committee may admit probative evidence as well as exclude incompetent or repetitive evidence.

The hearing shall be conducted within twenty (20) working days of the request for a hearing. The committee shall render its written recommendation along with a complete recording of the hearing to the employee and the President within ten (10) working days after the hearing is closed.

Within ten (10) working days after receiving the recommendation from the committee, the President shall render a decision in writing to the employee and committee. If the President rejects the recommendations of the committee, the President shall state reasons for doing so, in writing, to the committee and the employee. The committee shall have the opportunity within five (5) working days to provide a response for the record.

If the employee is not satisfied with the decision of the President, the employee may make a written request to the Chancellor within ten (10) working days of the receipt of the President's decision. The Chancellor shall render a written decision regarding the dismissal within twenty (20) working days. The decision of the Chancellor, on behalf of the Employer, will be final.

An employee recommended for dismissal for cause shall continue to be an employee

until the appeal procedure up to and including the Chancellor only has been exhausted or until the employee has failed to advance their appeal in a timely fashion. The President may, at their discretion, suspend or reassign the employee to other professional duties with pay during the appeal procedure.

If the Chancellor recommends dismissal for an employee in the NSCS Office, the employee may request a hearing before a hearing officer by submitting a written request to the Board Chair within ten (10) work days of receipt of the notice. If the employee submits a written request for a hearing the Board shall appoint a hearing officer to conduct a hearing and submit findings of facts and recommendations to the Board for a vote on the dismissal decision. The Board's decision will be final.

DRUG AND ALCOHOL TESTING

In the interest of maintaining a safe, healthy, and efficient workplace for all employees, and to protect the Board's property, information, equipment, and reputation, the Board has established a program to test for drug and alcohol use in the workplace. Testing will be required when reasonable cause exists in the workplace to conduct such a test. The Board shall be responsible to pay for the costs of any such tests. Employees, who may be required under federal law or regulations to submit to random drug and alcohol testing, will be notified of the general testing requirements in writing in advance.

GRIEVANCE PROCEDURE

All regularly employed full-time employees (at least .75 FTE) have grievance rights. Applicants, temporary employees, part-time employees (less than .75 FTE) and employees located in the NSCS Office do not have grievance rights under this policy.

Employees who are aggrieved as a result of a violation of policies or other terms and conditions of employment may file a grievance. Presidents and the Chancellor, as appropriate, shall ensure that every possible effort is made to resolve grievances at the College level.

The Board has final authority to determine whether or not an issue is grievable, and may elect to hear any issue at its discretion. Issues determined to be non-grievable are subject to summary dismissal. The following issues, when done in compliance with established law, rule or policy, are examples of non-grievable matters: performance evaluations; employment appointments, including promotions to positions; leave of absence decisions; salary allocations; and, position classification. Employees who have been recommended for dismissal from employment for cause under the provisions of this policy, may not file grievances while the dismissal process is pending.

Prior to filing a formal grievance, an employee shall request a "preliminary grievance meeting" to discuss the matter with the immediate supervisor or the administrator who made the decision at issue in an attempt to resolve the dispute.

Steps. A formal grievance will be processed in the following manner:

Step 1. A formal grievance shall be filed in writing with the Human Resource Director within twenty (20) working days following the act or omission giving rise thereto, or the date on which the grievant knew, or reasonably should have known, of such act or omission if the date is later. The Human Resource Director and appropriate Vice President have ten (10) working days after receipt of the grievance, or any extension provided for herein, to review the matter. The Vice President shall issue a determination in writing to the grievant within the ten (10) working day period.

Step 2. The grievant shall have ten (10) working days from receipt of the Vice President's decision to appeal that decision to the President, by filing the written grievance form and all prior written responses with the President. At the grievant's request, the President will conduct a conference with the grievant in an attempt to resolve the grievance. Within ten (10) working days of receipt of the written grievance form and all prior written responses, the President will render a written decision to the grievant.

Step 3. The grievant may appeal the President's decision to the Chancellor, within ten (10) working days of the receipt of the written response in Step 2 by filing the written grievance form and all prior written responses with the Chancellor.

The Chancellor shall notify the grievant of their final decision, within twenty (20) working days after receipt of the written grievance form, all prior written responses and any additional information the grievant wishes to have considered.

Time Limits. Failure of the Employer in any step to render a decision to the grievant within the maximum time limits shall automatically allow the grievant to proceed to the next step. Failure of the grievant to proceed to the next step within the maximum time limit shall be considered as termination of the grievance.

HOLIDAY SCHEDULE

Thirteen (13) paid holidays are provided each year. Additional holidays may be scheduled at the discretion of the President or Chancellor to match state and federal holiday observances. In order for an employee to be eligible for holiday pay the employee must work their scheduled work day before and after the holiday or be authorized to use paid or unpaid leave on the day before and after the holiday. Part-time employees shall receive paid holiday time on a pro-rated basis.

If an employee is required to work on a scheduled College holiday, such employee shall be allowed an equal number of hours off on an alternate date.

LAYOFFS

The President or Chancellor, as appropriate, decides when a layoff is necessary, and

which employees and positions will be affected. Layoffs may be determined necessary because of budget adjustments or reallocations, a modification of position workloads, or elimination of or change in scope of institutional services, or as the result of any other job-related management decision.

Employees shall receive written layoff notices at least ninety (90) calendar days in advance.

LEAVE

Bereavement Leave

At the discretion of the immediate supervisor, up to six (6) days of paid bereavement leave, per fiscal year, may be granted to employees for purposes of bereavement. Reasonable requests within this limit shall not be denied. Generally, bereavement leave is taken immediately following the death, however, there may be circumstances when more flexibility is needed, for example, if a memorial service is scheduled at a time in the future.

Civil Duty Leave

An absence with pay will be granted an employee for jury service or election service during the actual period of service, and the employee will retain fees paid as a juror or election worker; provided that the employee calls their supervisor to determine whether they should report for work upon being released from jury duty or election service on any day prior to the end of their regular shift.

Absence with pay may be granted for an employee who is subpoenaed as a witness during the actual period of such service; provided that the absence is limited to that period the employee is actually compelled to be present at court, having made reasonable efforts to arrange with the subpoenaing party that the attendance would be so limited. Copies of summons and subpoenas should be provided to the Human Resource Office in advance of the absence.

If an employee is appointed as a clerk, election inspector, or judge on an election or counting board, the employee shall be granted an absence with pay during the time when the employee's physical presence is required by the court or the board. The employee shall retain all fees paid for their civil service.

Crisis Leave Sharing Program

(a) Employees may contribute accrued vacation, compensatory time, or accrued sick leave to benefit another employee at the same College who is suffering from a catastrophic illness, who is unable to report to work due to pandemic quarantine measures, or who is a new parent. To be eligible to receive leave, employees must have exhausted their own paid leave options. Accrued vacation or sick leave may be donated

in no less than one (1) day increments. Hours donated, but not used, will be maintained in a shared leave pool and distributed on an as needed basis to eligible employees by a Shared Leave Committee designated by the College.

(b) New Parents. Within the first twelve (12) months following the birth or adoption of a child, an employee may request up to thirty (30) workdays of crisis leave donations. To be eligible to receive leave, employees must have exhausted their own paid leave options. For employees eligible for FMLA, crisis leave donations shall count against the 12 weeks of FMLA leave. Donations are not for intermittent use; donations may be used for up to thirty (30) consecutive days.

The Committee will determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of ninety (90) days in a twelve (12) month period.

The crisis leave sharing program will permit salary and insurance continuation for those employees receiving shared leave.

The crisis leave pool at each College may not exceed 7,500 donated hours.

Details of this program are available at the Human Resource Office and on the HR website.

Employees located in the NSCS Office may contribute accrued vacation leave, compensatory time, or accrued sick leave to benefit another employee in the NSCS Office under the same terms and conditions listed above.

Family and Medical Leave (FMLA)

Eligibility. Employees with one (1) year service and who have worked at least one thousand two hundred fifty (1,250) hours during the previous twelve (12) month period will be entitled to take up to twelve (12) work weeks of unpaid family leave during any twelve (12) month period for reasons related to family and medical needs. Eligible employees, male or female, may use family and medical leave:

1) for the birth of a child, or the placement of a child with the employee for adoption or for foster care (leave for birth and care, or placement for adoption or foster care must conclude within twelve [12] months of the birth or placement);

2) to care for a spouse, child, parents, or persons bearing the same relationship to the employee's spouse with a serious health condition;

3) for the employee's own serious health condition; and

4) for any qualifying exigency arising out of the fact that the spouse, or a son, daughter or parent of the employee is on active duty (or has been notified of any impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Note: "Child" shall mean biological, adopted or foster child, a stepchild, a legal ward, or child of a person standing in loco parentis.

Serious Health Condition. A serious health condition is defined to include:

1) An illness, injury, impairment, or physical or mental condition that involves either inpatient care, meaning an overnight stay in a hospital, hospice, or residential care facility, or continuing treatment by a health care provider for more than three (3) consecutive days.

2) Any period of incapacity because of pregnancy or prenatal care (even without treatment by a health care provider and even if the absence is less than three (3) days, e.g., morning sickness).

3) Any period of incapacity because of a chronic serious condition (even without treatment by a health care provider and even if the absence is less than three (3) days, e.g., an asthma attack).

4) Any period of absence to receive multiple treatments by health care providers for reconstructive surgery after an accident or injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days if unrelated, e.g., cancer (chemotherapy), kidney disease, (dialysis).

Use of Paid Leave. Accrued sick, vacation, compensatory time, and crisis leave donations (paid leave) must be used during FMLA before unpaid FMLA leave begins. Leave shall not accrue while on unpaid family and medical leave.

Requests. Requests for family and medical leave must be submitted to the Human Resource Director for approval. Appropriate medical certification or documentation may be required. Requests in the NSCS Office should be submitted to the Chancellor. To the extent possible, thirty (30) days' notice will be given by the employee.

Insurance Contributions. The Board agrees to continue to pay its portion of insurance premiums during the term of any family and medical leave.

Limitation. In the event two (2) employees are both eligible under this policy, the couple shall be entitled to a combined total of twelve (12) work weeks of leave for the birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

Family Military Leave Act. According to the terms of the Family Military Leave Act (Neb. Rev. Stat. §§55-501 to 507), an eligible employee who is the spouse or parent of a person called to military service lasting one hundred seventy-nine (179) days or longer with the state or United States, pursuant to the orders of the Governor or the President, shall receive up to thirty (30) work days of unpaid leave. An eligible employee must have been employed for at least one thousand two hundred fifty (1,250) hours during a twelve (12) month period immediately preceding the commencement of leave.

The employee shall give at least fourteen (14) days' notice of the intended date upon which the family military leave will commence, if leave will consist of five (5) or more consecutive work days. Employees taking family military leave for less than five (5) consecutive days shall give as much advanced notice as is practicable. The employee shall consult with their supervisor to schedule the leave so as not to unduly disrupt College operations. Certification may be requested from the proper military authority to verify the employee's eligibility for the family military leave requested. For benefit purposes, employees taking Family Military Leave will be treated the same as other employees taking unpaid Family and Medical Leave.

National Defense Authorization Act. An employee who is a spouse, child, parent or next of kin (nearest blood relative*)* to a member of the Armed Forces who is being treated for, recuperating from or is on the temporary disability retired list due to a serious injury or illness, is entitled to a total of twenty-six (26) work weeks of leave during a twelve (12) month period to provide care for the service member as provided by the Family and Medical Leave Act as amended by the National Defense Authorization Act.

Inclement Weather/College Closure Leave

When inclement weather causes College classes to be canceled, all employees, other than those required to report to work to provide emergency or other essential services, will be entitled to take Inclement Weather Leave. Such leave does not require the prior approval of the employee's supervisor. Time spent on Inclement Weather Leave will be charged against the employee's vacation or comp-time balances (if applicable), or time can be made up within thirty (30) working days at the request of the employee, which request shall not unreasonably be denied. When the President declares the College closed, absences will not be charged against employee leave balances. Employees required to report to work to provide emergency or other essential services as determined by the President will be allowed comparable time off on an alternate date mutually agreed upon by the supervisor and the employee. The Chancellor is authorized to make inclement weather leave decisions for employees located in the System Office.

Leave of Absence

Employees who have been employed for three (3) consecutive years, shall be eligible to apply for a leave of absence for the purpose of research, education, travel, work at other institutions, or private business organizations, or engaging in other activities which will improve the employee professionally and be of benefit to the Board. Granting leaves of

absence is discretionary and is a non-grievable matter. Such leave of absence is without pay. However, if the leave of absence is at the request of the President or Chancellor and the employee has been employed for four (4) consecutive years, such leave may be compensated with half (1/2) pay for one (1) academic year, full pay for one (1) semester or a lesser amount by mutual agreement.

Employees under performance improvement plans are not eligible for a leave of absence.

A recipient of a paid leave of absence may be required to return to employment for a period of one (1) year or to immediately repay the salary and cost of benefits received while on the leave of absence, at the discretion of the President or Chancellor.

Employees will continue to receive the proportionate share of the Board's contribution for applicable insurance and retirement plans. The remaining portion will be paid by the employee. Employees on unpaid leave of absence may contribute to the retirement plan and participate in the insurance programs at their own expense. Employees are not required to submit sick leave; bereavement leave or civil leave requests while on the leave of absence.

Within ninety (90) days following the employees return from the leave of absence, the employee shall submit to the President or Chancellor a written report summarizing the activities and results of the leave.

Sick Leave

Employees shall be allowed sick leave with pay. Medical documentation to substantiate the use of sick leave may be required by supervisors.

Sick leave shall accrue at the rate of one (1) day per calendar month of consecutive service during the first five (5) years of service for full-time employees (1.0 FTE). Part-time employees (less than 1.0 FTE) shall earn sick leave on a prorated basis. Employees who have completed six (6) or more years of consecutive service shall accrue sick leave according to the following schedule:

1st through 5th year	1.0 day per month
6th year	1.1 days per month
7th year	1.2 days per month
8th year	1.3 days per month
9th year	1.4 days per month
10th year/thereafter	1.5 days per month

Accrual of sick leave shall begin the first day of employment, and unused sick leave may be accumulated up to and including one hundred eighty (180) days [one thousand four hundred forty (1,440) hours]. At no time will an employee be allowed to accrue sick leave hours in excess of the one thousand four hundred forty (1,440) hours [or one hundred eighty (180) day] accumulation limit. Employees with appointments less than 1.0 FTE

shall accrue sick leave at a proportional pro-rated amount.

Sick pay is available with the realization that an employee may become ill or injured to the extent of being unable to work. Sick leave may be taken for absences made necessary by reason of illness, injury, or disability, including temporary illnesses covered by or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery there from, by exposure to dangerous disease which may endanger the employee or public health, medical appointments, or by illness in the immediate family making it necessary that the employee be absent from their duties. The term "immediate family" as used in this section shall be defined to include the spouse, children (adopted, foster, step, biological, or legal ward), grandchildren, siblings, parents, grandparents, or parents of the spouse. It is not intended as any earned time off with pay, and shall not be granted as such. Employees shall not be compensated for unused sick leave upon separation of employment except in cases of retirement and death as provided below.

The President may advance sick leave to employees in an amount not to exceed a total of forty (40) hours. Sick leave earned thereafter will be applied toward the negative sick leave account balance until the amount advanced is fully reimbursed. Upon separation from employment, employees who have been advanced sick leave and have not repaid it, shall reimburse the Board for all advanced and unreimbursed sick leave. The Board is authorized to deduct such amount from the final pay. The Chancellor may advance sick leave to employees located in the NSCS Office.

Should an employee become ill or disabled and require hospitalization while on vacation, vacation leave shall be changed to sick leave, effective the date of hospitalization, upon request to the immediate supervisor.

Documentation regarding the hospitalization may be requested.

An employee who is eligible for retirement in the NSCS will, upon separation of employment by reason of retirement, be entitled to a one-time payment of one-fourth (1/4) of their accumulated sick leave, with the rate of payment based upon their regular pay at the time of retirement. Upon the death of an employee, one-fourth (1/4) of their accumulated, unused sick leave, with the rate of payment based upon the employee's regular pay at the time of death will be paid per Board Policy 5030.

Return to Employment Within One (1) Year. Employees who have separated employment and who return to employment within one (1) year from the date of such separation shall have service for sick leave reinstated at the level established prior to the separation, unless they received the one-fourth (1/4) retirement payment. Employees who have been dismissed for disciplinary reasons shall not have service for sick leave reinstated.

Transfer Employees. An employee who is transferred within the NSCS shall have their accrued sick leave transferred. Employees transferring as an employee from Nebraska State Government or the University of Nebraska System may be eligible to have sick

leave hours transferred to the receiving College or System Office at the discretion of the receiving President or Chancellor. Employees transferring may also be given credit for previous employment in Nebraska State Government or the University of Nebraska for purposes of accruing sick leave at an advanced rate at the discretion of the receiving President or Chancellor. Employees transferring to Nebraska State Government or the University of Nebraska System may be eligible to have sick leave hours transferred to the new employer at the discretion of the new employer.

Vacation Leave

Full time employees (1.0 FTE) shall accrue three (3) weeks' vacation with pay, which consists of fifteen (15) working days. Part-time employees (less than 1.0 FTE) shall earn vacation leave on a prorated basis. The basis for computation is the accrual of 1.25 vacation days per month of employment. Accrual of vacation leave shall begin the first day of employment. Employees with appointments less than twelve (12) months shall accrue vacation leave at a proportional pro-rated amount. Following the fifth (5th) year of continuous employment, the following accrual schedule shall be followed:

1st year through 5th year	15 days
6th year	16 days
7th year	17 days
8th year	18 days
9th year	19 days
10th year	20 days
11th year	21 days
12th year	22 days
13th year	23 days
14th year	24 days
15th year	25 days

At no time will an employee be allowed to accrue vacation leave hours in excess of the two hundred eighty (280) hours [or thirty-five (35) days] accumulation limit.

The President may advance vacation leave to an employee in an amount not to exceed a total of forty (40) hours. Vacation time earned thereafter will be applied to the negative vacation balance until the advanced amount has been fully reimbursed. Upon separation from employment, employees who have been advanced vacation leave shall reimburse the Board for all advanced and unreimbursed vacation leave. The Board is authorized to deduct such amount from the final pay. The Chancellor may advance vacation leave to employees located in the NSCS Office.

Employees, upon retirement, dismissal or separation from employment, shall be paid for unused accumulated vacation leave. Upon the death of an employee, unused accumulated vacation leave will be paid per Board Policy 5030.

Employee requests for up to ten (10) consecutive days of accumulated vacation leave shall not be unreasonably denied.

Supervisors shall respond to written requests for vacation leave within five (5) working days of the request. Requests for use of accumulated vacation leave shall not be unreasonably denied.

Return to Employment Within One (1) Year. Employees who have separated employment and who return to employment within one (1) year from the date of such separation shall have service for vacation leave reinstated at the level established prior to the separation. However, employees who have been dismissed for disciplinary reasons shall not have service for vacation leave reinstated.

Transfer Employees. An employee who is transferred within the NSCS shall have their accrued vacation leave transferred. Employees transferring as an employee from Nebraska State Government or the University of Nebraska System may be eligible to have vacation leave hours transferred to the receiving College or System Office at the discretion of the receiving President or Chancellor. Employees transferring may also be given credit for previous employment in Nebraska State Government or the University of Nebraska for purposes of accruing vacation leave at an advanced rate at the discretion of the receiving President or Chancellor. Employees transferring to Nebraska State Government or the University of Nebraska System may be eligible to have vacation leave hours transferred to the new employer at the discretion of the new employer.

PAY

Annual pay increases shall only be provided to employees with satisfactory or better performance evaluation reports.

Salary base increases may be paid upon the completion of each academic degree earned after the commencement of employment. Base salary increases will be awarded only on July 1st following completion of the degree program. Official transcripts or other appropriate documentation from the awarding institution must be provided to the Human Resource Office prior to July 1st in order to receive the salary increase. The amount of the salary base increase will be determined by the President, or by the Chancellor for employees in the System Office.

An employee assigned by a supervisor to perform the duties of another position may receive a temporary pay increase at the discretion of the President, or Chancellor for employees in the System Office.

PERFORMANCE EVALUATION

The President is responsible for determining how and when the performance of employees will be evaluated at the College. The Chancellor is responsible for determining how and when the performance of employees will be evaluated at the System Office.

The purpose of performance evaluations is to promote high levels of achievement; measure, maintain and improve performance; and provide opportunities for discussion and planning of goals and objectives. Employees will be allowed to participate in the evaluation process and shall be informed of the criteria used to evaluate performance.

RESIGNATION

To resign in good standing, written notice must be given to the campus President or Chancellor, as appropriate, at least ten (10) working days before separation, unless the President or Chancellor agrees to a shorter period.

TUITION PROGRAMS

Only full-time (at least .75 FTE) employees are eligible for the following programs. These programs are not available to the immediate family members of employees whose anticipated employment period is less than six (6) months, regardless of FTE employment status. To receive the tuition benefit, employees and immediate family (if applicable) must submit and have approved a tuition remission/waiver request form no later than the tuition payment due date for that term. Benefits will not be provided retroactively for previously ended terms.

Immediate Family Tuition Remission. A sixty-seven percent (67%) tuition remission shall be available for immediate family (children who are twenty-four (24) years of age or younger at the beginning of the semester or session and a spouse) of employees who enroll at a Nebraska State College on a space available basis. The remission does not apply to fees. Although online courses have a single rate, a portion of the rate consists of fees. The remission provided for online courses will be sixty-seven percent (67%) of the equivalent resident tuition rate for an on-campus course. Remissions are subject to the following condition:

a) The immediate family member must be admitted as a student of the College and must have met all normal academic requirements for the courses taken.

Employee Tuition Waiver. Employees shall be eligible to enroll for credit in courses during non-work hours for one dollar ($1.00) per course on a space available basis. Enrollment and tuition waiver under this provision will be limited to one (1) course of not more than four (4) hours in each of the Fall and Spring semesters and one (1) Summer term. One dollar ($1.00) covers the cost of tuition for purposes of this waiver program and the one-dollar ($1.00) charge is non-refundable. Fees connected with course enrollment must be paid by the employee including the same institutional and class fees paid by all other students. Although online courses have a single rate, a portion of the rate consists of fees. The waiver provided for online courses will be based on the equivalent resident tuition rate for an on-campus course (beyond one dollar [$1.00]). Waivers are subject to the following conditions:

a) Employees must be admitted as students of the College and must have met all normal academic requirements for the courses taken.
b) An employee's work schedule may be arranged, with appropriate supervisory approvals, to accommodate enrollment. Such approval shall not be unreasonably denied.

An employee may not enroll in courses under these two (2) programs simultaneously during the same semester. Only one (1) tuition waiver course may be taken per semester by an employee. Tuition remissions and tuition waivers will not apply to already discounted tuition rates for dual enrollment and professional development courses.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: Neb. Rev. Stat. §304

Policy Adopted: June 1993

Policy Revised: August 1997, June 2006, April 2009, March 2011, March 2013, January 2015, November 2015, March 2017, June 2018, March 2019, September 2020, March 2021, September 2021, March 2023 – Effective Date July 1, 2023, March 2025- Effective Date July 1, 2025.

BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

Personnel

POLICY NAME: Terms and Conditions of Employment for Non-Union Support Staff

POLICY NUMBER: 5104

PURPOSE

To specify the terms and conditions of employment for full-time and part-time support staff employees who are excluded from the NAPE/AFSCME collective bargaining unit. This policy does not apply to temporary employees or student employees.

ABANDONMENT

Employees may be considered to have abandoned the job if absent from work for longer than two (2) consecutive work days without being on approved leave. Abandonment shall be considered as a voluntary resignation not in good standing.

BACKGROUND CHECKS

Offers of employment are contingent on the applicant/employee successfully passing a background check.

BENEFITS

The Board shall make group medical, dental, vision, life, and long-term disability insurance coverages available to employees who are employed full-time on a continuing basis in a budgeted position (at least .75 FTE). Employees employed less than .75 FTE are not eligible for group medical, dental, vision, life or long-term disability coverages, unless coverage is required under the Affordable Care Act.

For medical and dental insurance, the Board will contribute a fixed dollar amount equivalent to eighty-five percent (85%) of the aggregate costs of the individual plan, with the employee responsible for the remaining amount of the cost of coverage. For those employees who opt for coverage under a family plan, the Board will contribute toward either family plan, employee/children or employee/spouse a fixed dollar amount equivalent to seventy-five percent (75%) of the aggregate costs of the family plan, with the employee responsible for the remaining amount of the cost of coverage. When both members of a married couple are employed by the Board and request family coverage, each employee will be required to contribute an amount equal to the individual employee

plan premium. If electing insurance coverage, an employee must be enrolled in both the medical and dental plans.

The Board will contribute fifty percent (50%) toward the cost of single vision coverage for any plan option selected by the employee.

A life insurance plan offering group term life insurance coverage at a minimum amount of thirty thousand dollars ($30,000) will be provided at the Board's expense with the employee permitted to supplement the basic coverage at the employee's expense. Employees may also purchase a dependent life policy on a spouse and a child(ren) at the employee's expense. Eligible coverage for children begins at six (6) months of age. In accordance with current policy provisions, employees' life insurance benefits are reduced to fifty percent (50%) at seventy (70) years of age.

A group long-term disability plan will be provided which will pay sixty-six and two-thirds percent (66 2/3%) of salary after ninety (90) days of continuous disability as defined by the insurance carrier. The Board will provide seventy-five percent (75%) of the aggregate costs of this coverage.

The Board shall provide an opportunity for employees (employed at least .75 FTE full-time) to voluntarily participate in a flexible spending account, subject to provisions of IRS Code Section 125. Employees may choose to set aside an amount from their paychecks, which is not taxed, in a medical or dependent care account for payment of eligible expenses.

The Board shall make an Employee Assistance Program available for employees (employed at least .75 FTE full-time). The Board shall pay the annual flat rate as established by the program. Any other costs shall be borne by the employee. Records concerning an employee's treatment for alcoholism, drug or stress-related problems shall remain separate from other personnel materials. All employee assistance records shall remain confidential.

Employees, their spouses, and dependents will be allowed to use those facilities belonging to the College that are used to promote wellness. Although there is no membership fee to access the facilities, the College may charge spouses and dependents (seventeen [17] years and older) a fee for an identification card to access the facilities. Dependents under the age of seventeen (17) must be accompanied by an adult to use the facilities. Such facilities will be available to employees, their spouses and dependents during the facilities' normal hours of operation and when not being used for classroom instruction or program activities.

CORRECTIVE AND DISCIPLINARY ACTION

The Colleges shall adopt and promulgate rules of conduct for distribution to employees in the form of an employee handbook, including, but not limited to grounds for disciplinary action. The same rules of conduct and disciplinary grounds shall apply to employees

located in the NSCS Office.

The right to exercise discipline for just cause is vested exclusively in the Board, provided that an employee who has been disciplined will be advised of the reason or reasons for such action. The level of discipline imposed shall be based on the nature and severity of the infraction. Disciplinary action challenged by the employee as not in conformance with this policy, may be grieved.

The Chancellor is authorized to implement corrective and disciplinary action for System Office employees pursuant to the procedures established in this policy.

Investigatory Suspension. An employee who is under investigation for misconduct, or charged with criminal activity or for other reasons at the discretion of the President or designee may be suspended with pay until such time as it is possible to determine if disciplinary action should be taken. The Chancellor is authorized to implement corrective and disciplinary action for System Office employees pursuant to the procedures established in this policy.

Verbal Counseling. Verbal counseling is an informal level of corrective action. Verbal counseling is not disciplinary action. Verbal counseling is not grievable. It is a warning given by an immediate supervisor in conference with an employee in which the matter is discussed with the employee. The employee will be advised what action is expected to correct the problem.

Predisciplinary Notice. Prior to imposing discipline, employees are entitled to notice of the allegations against them which will identify the nature of the offense, the rule, policy, or performance standard violated and include an explanation of the evidence against them. The notice will include a description of the incident(s) involved and date(s) of occurrence as applicable.

Employee Opportunity to Respond. Prior to imposing discipline the employee will additionally be entitled to an opportunity to respond to the allegations, present mitigating evidence, or present reasons why disciplinary action should not be taken.

Notice of Disciplinary Action. An employee will be notified in writing whenever any disciplinary action is taken against them. The employee must acknowledge receipt by signing the written disciplinary notice. The employee's signature does not constitute agreement with the content of the notice. If the employee refuses to sign, the supervisor and a witness will sign a notation of the employee's refusal on the notice. A copy of the written disciplinary notice will be placed in the employee's personnel file.

Types of Disciplinary Action:

Written Warning. Written warnings consist of a discussion between the employee and a supervisor in which the supervisor explains in detail the reasons for the warning and then provides a written disciplinary notice to the employee of the

action required to correct the unsatisfactory performance, the time allowed for improvement and the consequences, including dismissal, for future violations or failure to improve.

Disciplinary Probation. A disciplinary probation may be imposed by the appropriate Vice President or designee for a period of up to six (6) months, but may be extended to a total of one (1) year, during which time the employee's performance must improve. A corrective action plan including the time allowed for improvement and the consequences, including dismissal, for future violations or failure to improve shall be included in the written disciplinary notice.

i) Employees on disciplinary probation shall not be promoted or granted merit pay increases.

ii) Employees granted leave while serving disciplinary probation may have their probation extended by the number of days absent on leave.

iii) Employees may be removed from disciplinary probation by a written notice of the appropriate Vice President or designee.

Disciplinary Suspension Without Pay. A period of suspension imposed by the President shall be without pay and shall not exceed five (5) working days. The disciplinary notice informing the employee of suspension shall be dated and include the reason for the suspension, the number of days of the suspension, time allowed for improvement and the consequences, including dismissal, for future violations or failure to improve.

i) The employee's service date shall be adjusted by the number of calendar days absent during a suspension.

ii) Employees on suspension shall not be granted paid leave during the suspension period.

Demotion. A President may demote an employee to a class of a lower salary grade as a disciplinary action. The employee's duties shall be changed to reflect the new classification. Upon demoting an employee for disciplinary reasons, a President shall reduce the employee's salary a minimum of five percent (5%) and the salary may not be above the Maximum Rate of the new salary grade. However, demoted employees' salaries may be reduced no lower than the minimum salary of the new salary grade. The written notice regarding the demotion time shall specify the time allowed for improvement and the consequences, including dismissal, for future violations or failure to improve.

Dismissal. Dismissal is removal from employment for failure to respond to previous disciplinary actions or when extreme circumstances render any preceding steps unnecessary or inappropriate.

Upon receipt of a supervisor's and/or Vice President's recommendation to dismiss an employee, the President shall inform the employee, in writing, of a time at which the employee may present to the President or designee, any facts, material, or evidence regarding the employee's potential dismissal. Failure by the employee to appear shall constitute a waiver by the employee of the aforementioned meeting. The employee may be represented by a third party at the meeting, but the time, date, or place of said meeting shall not be postponed or rescheduled because the representative of the employee is unable to attend unless both the President and the employee mutually agree to another time, date, and/or place.

Within five (5) work days following the meeting, the President shall provide the employee a copy of their recommendations regarding the dismissal. The five (5) day period may be extended upon agreement between the President and the employee. A copy of the President's recommendation shall be forwarded to the employee and the Chancellor. If the President recommends that the employee be dismissed, the written notice shall inform the employee that they may request a hearing before a hearing officer by submitting a written request to the President within ten (10) work days of receipt of the notice. If the employee submits a written request for a hearing the President shall refer the proposed dismissal to a hearing officer for a hearing and recommendation. The hearing officer will be appointed by the President.

The hearing officer will then establish the date, time and place for the hearing and so inform the employee and the President. The hearing officer shall admit and consider evidence submitted by the parties in the form of documents or the testimony of witnesses. The hearing officer will arrange for the hearing to be recorded. The employee shall have the right to attend all evidentiary proceedings, to present evidence, to examine documents, to question witnesses, and to otherwise present any relevant evidence with respect to the statement of reasons for dismissal. The employee shall also have the right to be represented by an attorney at the employee's expense. Any party who wishes to use a court reporter to take a verbatim transcript may do so at party's own expense. The hearing officer shall adopt rules to be followed which ensure substantive and procedural due process including prior notice of witnesses to be called and documents to be offered in evidence at the hearing, no documents or witnesses not so listed shall be heard, except for the purpose of rebutting oral testimony of the other party or for other justifiable cause found to exist. The hearing officer may admit probative evidence as well as exclude incompetent or repetitive evidence.

The hearing shall be conducted within twenty (20) working days of the request for a hearing. The hearing officer shall render its written recommendation along with

a complete recording of the hearing to the employee and the President within ten (10) working days after the hearing is closed.

Within ten (10) working days after receiving the recommendation from the hearing officer, the President shall render a decision in writing to the employee. If the President rejects the recommendations of the hearing officer, the President shall state reasons for doing so, in writing, to the employee.

If the employee is not satisfied with the decision of the President, the employee may make a written request to the Chancellor within ten (10) working days of the receipt of the President's decision. The Chancellor shall render a written decision regarding the dismissal within twenty (20) working days. The decision of the Chancellor, on behalf of the Board, will be final.

An employee recommended for dismissal for cause shall continue to be an employee until the appeal procedure up to and including the Chancellor only has been exhausted or until the employee has failed to advance their appeal in a timely fashion. The President may, at their discretion, suspend or reassign the employee to other duties with pay during the appeal procedure.

If the Chancellor recommends dismissal for an employee in the System Office, the employee may request a hearing before a hearing officer by submitting a written request to the Board Chair within ten (10) work days of receipt of the notice. If the employee submits a written request for a hearing the Board shall appoint a hearing officer to conduct a hearing and submit findings of facts and recommendations to the Board for a vote on the dismissal decision. The Board's decision will be final.

DRUG AND ALCOHOL TESTING

In the interest of maintaining a safe, healthy, and efficient workplace for all employees, and to protect the Board's property, information, equipment, and reputation, the Board has established a program to test for drug and alcohol use in the workplace. Testing will be required when reasonable cause exists in the workplace to conduct such a test. The Board shall be responsible to pay for the costs of any such tests. Employees, who may be required under federal law or regulations to submit to random drug and alcohol testing, will be notified of the general testing requirements in writing in advance.

GRIEVANCE PROCEDURE

All regularly employed full-time employees (at least .75 FTE) have grievance rights. Applicants, temporary employees, probationary, part-time employees (less than .75 FTE) and employees located in the NSCS Office do not have grievance rights under this policy.

Employees who are aggrieved as a result of a violation of policies or other terms and conditions of employment may file a grievance. Presidents and the Chancellor, as appropriate, shall ensure that every possible effort is made to resolve grievances at the

College and System Office levels.

The Board has final authority to determine whether or not an issue is grievable and may elect to hear any issue at its discretion. Issues determined to be non-grievable are subject to summary dismissal. The following issues, when done in compliance with established law, rule or policy, are examples of non-grievable matters: performance evaluations; employment appointments including promotions to positions; leave of absence decisions; salary allocations; and, position classification. Employees who have been recommended for dismissal from employment for cause under the provisions of this policy, may not file grievances while the dismissal process is pending.

Steps. A grievance will be processed in the following manner:

Step 1. The employee will discuss the grievance with their immediate supervisor in an attempt to settle the grievance.

Step 2. If the grievance is not settled in Step 1, the employee may file a written grievance with the Human Resources Director within no more than fifteen (15) working days after the employee has knowledge or should have had knowledge of the facts giving rise to the grievance. The written grievance shall be recorded on the designated form. When reducing a grievance to writing, the following information must be stated with reasonable clarity: the exact nature of the grievance, the act(s) of commission or omission, relevant date(s) if
known, the identity of individual(s) alleged to have caused the grievance, the rule or policy that was misinterpreted or misapplied and the relief requested.
Upon receipt of the written grievance and prior to issuance of a written response, the Human Resources Director and the appropriate Vice President shall meet and confer with the employee in an attempt to resolve the grievance. The Vice President shall provide a written response to the employee within ten (10) working days of the date the grievance was filed. If a written response is not received within ten (10) working days, the employee may proceed to Step 3.

Step 3. If the grievance is not settled in Step 2, the employee may appeal to the President within ten (10) working days of the receipt of the written response in Step 2, by filing the written grievance form and all prior written responses with the President.

At the employee's request, the President will conduct a conference with the employee in an attempt to resolve the grievance.

Within ten (10) working days of receipt of the written grievance form and all prior written responses, the President will render a written decision to the employee.

Step 4. If the grievance is not settled in Step 3, the employee may appeal to the Chancellor, within ten (10) working days of the receipt of the written response in Step 3 by filing the written grievance form and all prior written responses with the Chancellor.

The Chancellor shall notify the employee of their final decision, within twenty (20) working days after receipt of the written grievance form, all prior written responses and any additional information the employee wishes to have considered.

Time Limits. Failure of the Board in any step to render a decision to the employee with the maximum time limits shall automatically allow the employee to proceed to the next step. Failure of the employee to proceed to the next step within maximum time limit shall be considered as termination of the grievance.

HOLIDAY SCHEDULE

Thirteen (13) paid holidays are provided each year. Additional holidays may be scheduled at the discretion of the President or Chancellor to match state and federal holiday observances. In order for an employee to be eligible for holiday pay the employee must work their scheduled work day before and after the holiday or be authorized to use paid or unpaid leave on the day before and after the holiday. Part-time employees shall receive paid holiday time on a pro-rated basis.

LAYOFFS

The President or Chancellor, as appropriate, decides when a layoff is necessary, and which employees, positions, and geographic locations will be affected. Layoffs may be determined necessary because of budget adjustments or reallocations, a modification of position workloads, or elimination of or change in scope of institutional services, or as the result of any other job-related management decision.

Employees to be laid off shall be given as much notice as possible, but at least fifteen (15) working days' written notice if employed full-time (at least .75 FTE) and ten (10) working days' written notice if employed part-time (less than .75 FTE).

LEAVE

Bereavement Leave

At the discretion of the immediate supervisor, up to six (6) days of paid bereavement leave, per fiscal year may be granted to employees. No employee shall be unreasonably denied the use of vacation leave when such additional time is required to settle personal matters related to a death in the immediate family. Generally, bereavement leave is taken immediately following the death, however, there may be circumstances when more flexibility is needed, for example, if a memorial service is scheduled at a time in the future.

Civil Duty Leave

An absence with pay will be granted an employee for jury service or election service during the actual period of service, and the employee will retain fees paid as a juror or

election worker; provided that the employee calls their supervisor to determine whether they should report for work upon being released from jury duty or election service on any day prior to the end of their regular shift.

Absence with pay may be granted for an employee who is subpoenaed as a witness during the actual period of such service; provided that the absence is limited to that period the employee is actually compelled to be present at court, having made reasonable efforts to arrange with the subpoenaing party that the attendance would be so limited. Copies of summons and subpoenas should be provided to the Human Resource Office in advance of the absence.

If an employee is appointed as a clerk, election inspector, or judge on an election or counting board, the employee shall be granted an absence with pay during the time when the employee's physical presence is required by the court or the board. The employee shall retain all fees paid for their civil service.

Crisis Leave Sharing Program

(a) Employees may contribute accrued vacation leave, accrued sick leave or compensatory hours to benefit another employee at the same College who is suffering from a catastrophic illness, who is unable to report to work due to pandemic quarantine measures or who is a new parent. Vacation leave, sick leave or compensatory hours may be donated in no less than one (1) day increments. Hours donated but not used will be maintained in a crisis leave sharing pool and distributed on an as needed basis to eligible employees by a Shared Leave Committee designated by the College.

(b) New Parents. Within the first twelve (12) months following the birth or adoption of a child, an employee may request up to thirty (30) workdays of crisis leave donations. To be eligible to receive leave, employees must have exhausted their own paid leave options. For employees eligible for FMLA, crisis leave donations shall count against the twelve (12) weeks of FMLA leave. Donations are not for intermittent use; donations may be used for up to thirty (30) consecutive workdays.

The Committee will determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of ninety (90) days in a twelve (12) month period. To be eligible to receive donated leave, an employee must have exhausted all paid leave.

The crisis leave sharing program will permit salary and health insurance continuation for those employees receiving shared leave.

The maximum number of hours for each College crisis leave pool is 7,500 donated hours.

Details of this program are available at the Human Resource Office.

Employees located in the NSCS Office may contribute accrued vacation leave, accrued

sick leave or compensatory hours to benefit another employee in the NSCS Office under the same terms and conditions listed above.

Emergency Volunteer Leave

Employees who volunteer as a first responder, firefighter and/or emergency medical personnel shall be excused from work without loss of pay for up to twenty-five (25) hours per calendar year to respond to local emergency calls.

Family and Medical Leave

Eligibility. Employees with one (1) year service and who have worked at least one thousand two hundred fifty (1,250) hours during the previous twelve (12) month period will be entitled to take up to twelve (12) work weeks of unpaid family leave during any twelve (12) month period for reasons related to family and medical needs. Eligible employees, male or female, may use family and medical leave:

1) for the birth of a child, or the placement of a child with the employee for adoption or for foster care (leave for birth and care, or placement for adoption or foster care must conclude within twelve (12) months of the birth or placement);

2) to care for a spouse, child, parents, grandparents, or persons bearing the same relationship to the employee's spouse with a serious health condition;

3) for the employee's own serious health condition;

4) for any qualifying exigency arising out of the fact that the spouse, or a son, daughter or parent of the employee is on active duty (or has been notified of any impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Note: "Child" shall mean biological, adopted or foster child, a stepchild, a legal ward, or child of a person standing in loco parentis.

Serious Health Condition. A serious health condition is defined to include:

1) An illness, injury, impairment, or physical or mental condition that involves either inpatient care, meaning an overnight stay in a hospital, hospice, or residential care facility, or continuing treatment by a health care provider for more than three (3) consecutive days.

2) Any period of incapacity because of pregnancy or prenatal care (even without treatment by a health care provider and even if the absence is less than three (3) days, e.g., morning sickness).

3) Any period of incapacity because of a chronic serious condition (even without treatment by a health care provider and even if the absence is less than three (3) days, e.g., an asthma attack).

4) Any period of absence to receive multiple treatments by health care providers for reconstructive surgery after an accident or injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days if unrelated, e.g., cancer (chemotherapy), kidney disease, (dialysis).

Use of Paid Leave. Accrued sick, vacation and compensatory time (paid leave) must be used before unpaid FMLA leave begins. Leave shall not accrue while on unpaid family and medical leave.

Requests. Requests for family and medical leave must be submitted to Human Resources for approval. Appropriate medical certification or documentation may be required. Requests in the NSCS Office should be submitted to the Chancellor.

Notice. To the extent possible, thirty (30) days' notice will be given by the employee.

Insurance Contributions. The Board agrees to continue to pay its portion of insurance premiums during the term of any family and medical leave.

Limitation. In the event two employees are both eligible under this policy, the couple shall be entitled to a combined total of twelve (12) work weeks of leave.

Family Military Leave Act. According to the terms of the Family Military Leave Act (Neb. Rev. Stat. §§55-501 to 507), an eligible employee who is the spouse or parent of a person called to military service lasting one hundred seventy-nine (179) days or longer with the state or United States pursuant to the orders of the Governor or the President shall receive up to thirty (30) work days of unpaid leave. An eligible employee must have been employed for at least one thousand two hundred fifty (1,250) hours during a twelve (12) month period immediately preceding the commencement of leave.

The employee shall give at least fourteen (14) days' notice of the intended date upon which the family military leave will commence, if leave will consist of five (5) or more consecutive work days. Employees taking family military leave for less than five (5) consecutive days shall give the Employer advanced notice as is practicable. The employee shall consult with the Employer to schedule the leave so as not to unduly disrupt College operations. The Employer may require certification from the proper military authority to verify the employee's eligibility for the family military leave requested. For benefit purposes, employees taking Family Military Leave will be treated the same as other employees taking unpaid Family Medical Leave.

National Defense Authorization Act. An employee who is a spouse, child, parent or next of kin (nearest blood relative*)* to a member of the Armed Forces who is being treated for,

recuperating from or is on the temporary disability retired list due to a serious injury or illness is entitled to a total of twenty-six (26) work weeks of leave during a twelve (12) month period to provide care for the service member as provided by the Family and Medical Leave Act as amended by the National Defense Authorization Act.

Inclement Weather/College Closure Leave

When inclement weather causes College classes to be canceled, all employees, other than those required to report to work to provide emergency or other essential services, will be entitled to take Inclement Weather Leave. Such leave does not require the prior approval of the employee's supervisor. Time spent on Inclement Weather Leave will be charged against the employee's vacation or compensatory leave balance or time can be made up within thirty (30) working days at the request of the employee, which request shall not unreasonably be denied. When the President declares the College closed, absences will not be charged against employee leave balances. Employees required to report to work to provide emergency or other essential services as determined by the President will be allowed comparable time off on an alternate date mutually agreed upon by the supervisor and the employee. The Chancellor is authorized to make inclement weather leave decisions for employees located in the System Office.

Sick Leave

Accrual. Full-time employees (1.0 FTE) shall accrue paid sick leave as follows, not to exceed one-thousand four hundred forty (1,440) hours [or one-hundred eighty (180) days] maximum accumulation of unused sick leave. Part-time employees (less than 1.0 FTE) shall earn sick leave on a prorated basis. Accrual of sick leave shall begin the first day of employment.

1-5 years of continuous employment	1 day/month (12 days/year)
6th year of continuous employment	1.1 days/month (13.2 days/year)
7th year of continuous employment	1.2 days/month (14.4 days/year)
8th year of continuous employment	1.3 days/month (15.6 days/year)
9th year of continuous employment	1.4 days/month (16.8 days/year)
10th year of continuous employment and thereafter	1.5 days/month (18 days/year)

Reasons to Use Sick Leave. Sick leave is available when an employee is ill or injured to the extent of being unable to work. Sick leave may be taken for absences made necessary for medical appointments or by reason of illness, injury, or disability, including temporary illnesses caused by or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery there from, by exposure to contagious disease which may endanger the employee or public health, or by illness in the immediate family making it necessary that the employee be absent from their duties. Sick leave is not intended as any earned time off with pay, and will not be granted as such. The term "immediate family" as used in this section will be defined to include the spouse, parents, grandparents, children,

stepchildren, grandchildren, legal wards, brothers, and sisters, or persons bearing the same relationship to the employee's spouse.

Transfer. An employee who is transferred within the NSCS shall have their accrued sick leave transferred to the receiving College or System Office. Employees transferring as an employee from Nebraska State Government or the University of Nebraska System may be eligible to have sick leave hours transferred to the receiving College or System Office at the discretion of the receiving President or Chancellor. Employees transferring may also be given credit for previous employment in Nebraska State Government or the University of Nebraska for purposes of accruing sick leave at an advanced rate at the discretion of the receiving President or Chancellor. Employees transferring to Nebraska State Government or the University of Nebraska System may be eligible to have sick leave hours transferred to the new employer at the discretion of the new employer.

Employees Returning Within One (1) Year. An employee who separates (other than for disciplinary reasons) from employment and returns to employment within one (1) year from the date of termination shall have their service for sick leave computed by combining prior continuous service with current continuous service disregarding such period of absence and shall have reinstated to their sick leave account all earned sick leave not used or paid out at the time of departure.

Employees Returning After One (1) Year. An employee who returns to employment after one (1) year or longer or who retired or voluntarily separated in lieu of retirement shall be considered a new employee (i.e., a new hire) for the purpose of sick leave entitlement.

No Compensation for Unused Sick Leave, Except for Retirement or Death. All sick leaves will expire on the date of separation from employment and no employee will be reimbursed for sick leave outstanding at the time of termination, except in the case of retirement or death.

Compensation at time of Retirement or Death. Employees who are eligible for retirement in the NSCS will, upon termination of employment by reason of retirement, be entitled to a one-time payment of one-fourth (1/4) of their accumulated unused sick leave, with the rate of payment based upon their regular pay at the time of retirement. Upon the death of an employee, one-fourth (1/4) of their accumulated unused sick leave, with the rate of payment based upon the employee's regular pay at the date of death will be paid per Board Policy 5030.

Advancing Sick Leave. The President may advance sick leave in an amount not to exceed a total of forty (40) hours. Sick leave earned thereafter will be applied toward the negative sick leave balance until the amount advanced has been fully reimbursed. Upon separation from employment, employees who have been advanced sick leave and have not yet paid it back, shall reimburse the Board for all advanced and unreimbursed sick leave. The Board is authorized to deduct such amount from the employee's final pay. The Chancellor may advance sick leave to employees located in the System Office.

Vacation Leave

Accrual. Full time employees (1.0 FTE) shall accrue paid vacation leave as follows. Part-time employees (less than 1.0 FTE) shall earn sick leave on a prorated basis. Applicable accrual rates for paid vacation leave after the first two (2) years of employment, up to a maximum accumulation of two hundred eighty (280) hours, are as follows:

1-5 years of continuous employment	15 days
6th year of continuous employment	16 days
7th year of continuous employment	17 days
8th year of continuous employment	18 days
9th year of continuous employment	19 days
10th year of continuous employment	20 days
11th year of continuous employment	21 days
12th year of continuous employment	22 days
13th year of continuous employment	23 days
14th year of continuous employment	24 days
15th year of continuous employment and thereafter	25 days
Maximum Accumulation	35 days or 280 hours

Accrual of vacation leave shall begin the first day of employment. At no point in time will an employee be allowed to accrue vacation leave hours in excess of the two hundred eighty (280) hours [or thirty-five (35) days] accumulation limit.

Reasons to Use Vacation Leave. Employees can request to use vacation leave for whatever purpose they choose.

Transfer. An employee who is transferred within the NSCS will have their accrued vacation leave transferred to the receiving College or System Office. Employees transferring as an employee from Nebraska State Government or the University of Nebraska System may be eligible to have vacation hours transferred to the receiving College or System Office at the discretion of the receiving President or Chancellor. Employees transferring may also be given credit for previous employment in Nebraska State Government or the University of Nebraska for purposes of accruing vacation leave at an advanced rate at the discretion of the receiving President or Chancellor. Employees transferring to Nebraska State Government or the University of Nebraska System may be eligible to have vacation hours transferred to the new employer at the discretion of the new employer.

Employees Returning Within One (1) Year. An employee who has separated from employment for any reason other than disciplinary and who returns to employment within one (1) year from the date of separation will have their service for vacation leave accrual computed by combining prior continuous service with current continuous disregarding the

period of absence.

Compensation for Unused Vacation Leave. Employees upon retirement or separation from employment will be paid for unused accumulated vacation leave. Upon the death of an employee, unused accumulated vacation leave will be paid per Board Policy 5030. Payment rates will be based on the regular rate of pay at the time of retirement, separation or death.

Approval to Use Vacation Leave. Approval of employee requests with reasonable and adequate notice for consecutive days of accumulated vacation leave will be subject to the needs of the Board but will not be unreasonably denied.

Transfer Employee. An employee who is transferred within the NSCS will have their accrued vacation leave transferred.

Advancing Vacation Leave. The President may advance vacation leave in an amount not to exceed a total of forty (40) hours. Vacation time earned thereafter will be applied to the negative vacation balance until the advanced amount has been fully reimbursed. Upon separation from employment, employees who have been advanced vacation leave and have not yet paid it back, shall reimburse the Board for all advanced and unreimbursed vacation leave. The Board is authorized to deduct such amount from the final pay. The Chancellor may advance vacation leave to employees located in the System Office.

PAY

Annual pay increases shall only be provided to employees with satisfactory or better performance evaluation reports.

Salary base increases may be paid upon the completion of each academic degree earned after the commencement of employment. Base salary increases will be awarded only on July 1st following completion of the degree program. Official transcripts or other appropriate documentation from the awarding institution must be provided to the Human Resource Office prior to July 1st in order to receive the salary increase. The amount of the salary base increase will be determined by the President, or by the Chancellor for employees in the System Office.

Salary base increases may be paid upon the completion of each certification program approved by the immediate supervisor in writing that relates to the employee's position and better qualifies the employee to perform assigned tasks. The amount of the salary base increase will be determined by the President, or by the Chancellor for employees in the System Office. After providing the salary increase, the Board has the right to continue to require the employee to maintain a current certificate without further compensation.

An employee assigned by a supervisor to perform the duties of a position in a classification higher than the classification currently held by the employee may receive a temporary pay increase at the discretion of the President, or Chancellor for employees in

the System Office.

Employees will have an option to be paid for up to forty (40) hours of compensatory time on May 31, 2026, as part of monthly payroll. To receive the payout, a written request from the employee must be submitted to Human Resources between May 1st and May 15th, 2026.

Employees will have an option to be paid for up to forty (40) hours of compensatory time on May 31, 2027, as part of monthly payroll. To receive the payout, a written request from the employee must be submitted to Human Resources between May 1st and May 15th, 2027.

PERFORMANCE EVALUATION

The President is responsible for determining how and when the performance of employees will be evaluated at the College. The Chancellor is responsible for determining how and when the performance of employees will be evaluated at the NSCS Office.

The purpose of performance evaluations is to promote high levels of achievement; measure, maintain and improve performance; and provide opportunities for discussion and planning of goals and objectives. Employees will be allowed to participate in the evaluation process and shall be informed of the criteria used to evaluate performance.

PROBATION PERIOD

New employees shall be required to complete a probation period of six (6) months from the date of hire and shall be so notified. Employees who have successfully completed their probation period and thereafter transfer to another position in another classification series or who are permitted to transfer to another College may be required, with sufficient written notice, to satisfy another probation period in the new position. Employees who are rehired after a separation in employment may be required, with written notice at the time of rehire, to satisfy another probation period in the new position.

Extensions. A probationary employee may have the probation period extended for up to an additional six (6) months for reasons of performance, transfer, promotion or leave of absence, at the discretion of the immediate supervisor. The notice of extension will be in writing and will include the specific period of extension. In case of extension for performance reasons the employee will be provided specific performance improvement requirements.

Discharge. Employees may be discharged at any time during the probation period with or without cause. The President or Chancellor will notify the employee in writing of the date the discharge is effective.

RESIGNATION

To resign in good standing, written notice must be given to the campus President or Chancellor, as appropriate, at least ten (10) working days before separation, unless the President or Chancellor agrees to a shorter period.

RETIREMENT PROGRAMS

Voluntary Retirement Settlement Program. Eligible full-time employees (at least .75 FTE) who elect to surrender their right to continued employment and retire on June 30, 2026, shall in exchange for the surrender of such right, receive a financial settlement incentive of twenty-five percent (25%) of their final year base salary with payment to be made in twelve (12) equal monthly installments following termination of employment. An eligible employee must be fifty-five (55) years of age with ten (10) or more years of consecutive service within the NSCS and must provide six (6) months of advanced written notice. Part-time employees (less than .75 FTE) shall not be eligible for this program. The six (6) months advanced written notice can be waived at the discretion of the Board.

In addition, the employee and spouse (if spouse is currently enrolled in plan coverage) will be permitted to remain in the group medical and dental insurance plan offered retirees by Blue Cross/Blue Shield at the time of the employee's retirement. The Board will pay the full cost of such coverage, which includes both the cost the employee would pay if still employed and the cost that the Board pays for such coverage as the employer. Coverage payments will continue for a period of twelve (12) months following retirement. Any COBRA benefits remaining will be available following cessation of the coverage payments. COBRA benefits are not available if the employee elects to enroll in the Direct Bill program.

If the retired employee reaches the age of sixty-five years (65) at any time during the twelve (12) month period of payout, at which time eligibility to participate in the BC/BS retiree plan ceases, the Board will pay an amount equivalent to the full-cost of the NSEA Medicare Supplemental Plan that the employee selects for the payout period remaining.

If death occurs during the payout period, the employee's beneficiaries or estate will receive any remaining incentive payments due under the terms of this program. The medical and dental benefit will terminate upon the date of death.

No employee will be coerced into participating in this Voluntary Retirement Settlement Program, or have their employment terminated for the purpose of preventing them from becoming eligible to participate.

The Program is intended to be operative through the time period indicated with salary payments and insurance coverage available only during the fiscal year following retirement.

Early Retirement Incentive Program. The Program is designed to encourage the early retirement of eligible full-time (at least .75 FTE) employees by offering an incentive to retire in the form of paid premiums in the group medical and dental health insurance program offered retirees by Blue Cross Blue Shield at the time of the eligible employees' retirement. The payment of premium for the employee and spouse (if spouse is currently enrolled in plan coverage) will continue until the retired employee and/or spouse becomes eligible for coverage under the Federal Medicare program, at which time the paid premiums shall cease. Full-time employees who have completed at least ten (10) years of continuous service within the NSCS, and who are sixty (60) years of age or older are eligible to participate in this program upon providing six (6) months of advanced written notice. The six (6) months advanced written notice can be waived at the discretion of the Board. Part-time employees (less than .75 FTE) shall not be eligible for this program. In order to be eligible for this program, the employee has to meet the five (5) year Educator's Health Alliance continuous coverage requirement. If death occurs during the coverage period, the medical and dental benefit will terminate upon the date of death.

TUITION PROGRAMS

Only full-time (at least .75 FTE) employees are eligible for the following programs. These programs are not available to the immediate family members of employees whose anticipated employment period is less than six (6) months, regardless of FTE employment status. To receive the tuition benefit, employees and immediate family (if applicable) must submit and have approved a tuition remission/waiver request form no later than the tuition payment due date for that term. Benefits will not be provided retroactively for previously ended terms.

Tuition Remission. A sixty-seven percent (67%) tuition remission will be available for employees and immediate family (spouse and children who are twenty-four [24] years of age or younger) members of employees who enroll at a Nebraska State College on a space available basis. The remission does not apply to fees. Although online courses have a single rate, a portion of the rate consists of fees. The remission provided for online courses will be sixty-seven percent (67%) of the equivalent resident tuition rate for an on-campus course. Remissions are subject to the following conditions:

a) The employee or immediate family member must be admitted as a student of the College and must have met all normal academic requirements for the courses taken.

Employee Tuition Waiver. Employees will be eligible to enroll for credit in course offerings during non-work hours for one dollar ($1.00) per course on a space available basis. Enrollment and tuition waiver under this provision will be limited to one (1) course of not more than four (4) credit hours each fall and spring semester, and one (1) summer term. One dollar ($1.00) covers the cost of tuition for purposes of this waiver program and the one dollar ($1.00) charge is non-refundable. Any mandatory or applicable fees which are charged with the course enrollment must be paid for by the employee. Although online courses have a single rate, a portion of the rate consists of fees. The waiver provided for

online courses will be based on the equivalent resident tuition rate for an on-campus course beyond one dollar ($1.00). Waivers are subject to the following conditions:

a) Employees must be admitted as students of the College and must have met all normal academic requirements for the courses taken.

b) An employee's work schedule may be arranged, with appropriate supervisory approvals, to accommodate enrollment.

Limitation. An employee may not enroll in courses under the two programs described above simultaneously during the same semester. Only one (1) tuition waiver course may be taken per semester by an employee. Tuition remissions and tuition waivers will not apply to already discounted tuition rates for dual enrollment and professional development courses. To receive the tuition benefit, employees must submit and have approved a tuition remission/waiver request form no later than the tuition payment due date for that term. Benefits will not be provided retroactively.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: Neb. Rev. Stat. §304

Policy Adopted: January 1977

Policy Revised: June 1993, June 2006, April 2009, March 2011, March 2013, January 2015, November 2015, March 2017, November 2017, June 2018, March 2019, September 2020, March 2021, September 2021, March 2023 – Effective July 1, 2023, March 2025- Effective July 1, 2025.

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Retirement

POLICY NUMBER: 5404

A. PURPOSE

To establish eligibility for retirement from the Nebraska State College System.

B. DEFINITIONS

None

C. POLICY

1. Retirement

1.1 Eligibility Criteria

- Employees are eligible to retire from the Nebraska State College System upon reaching the age of fifty-five (55) years and having completed ten (10) years of employment in the System.
- Full-time and part-time employment shall be counted towards the ten (10) year requirement, if in a budgeted position with an FTE allocation.
- Employment in temporary or student employment is excluded.

1.2 Retirement Accounts and Fund Access

- An employee is eligible to access funds from their primary TIAA retirement account (403(b) plan) upon separation from employment, upon incurring a disability, or upon reaching seventy-two (72) years of age.
- Primary and secondary TIAA retirement accounts are further described in Board Policy 5405.
- Employees can also obtain details regarding such “distribution events” by contacting TIAA.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: March 1994, January 2012, March 2021, August 2022, October 2022

POLICY: 5405 Retirement Plan; State College Employees

BOARD POLICY

It is the policy of the Board that the retirement program is and shall be consistent with state and federal regulations.

Participation, Annuity

The Board shall provide participating plans for retirement annuities for all eligible employees of the Nebraska State College System. All plan assets shall be held in an annuity, or a trust or custodial account, for the exclusive benefit of plan participants. The Board shall provide such retirement benefits through the Teachers Insurance and Annuity Association of America (TIAA). Old Age and Survivors Insurance of the Social Security Administration shall be a part of the plan of retirement benefits.

The State Colleges are authorized to enter into, on behalf of the Board, contracts with employees providing for the purchase of such retirement annuity contracts under the provisions of the Technical Amendments Act of 1958 to the Internal Revenue Code, as amended. Contracts with the State College employees shall provide that the accounts contributed by the State Colleges for such retirement annuity contracts shall be contributed as a result of an agreement of the employee to take a reduction in salary, or to forego an increase in salary, but only to the extent that such amounts are earned, or would be earned by the employee after the agreement becomes effective. Such an agreement must be legally binding and irrevocable with respect to amounts earned while the agreement is in effect and shall, in all other respects, conform with the applicable provisions of the Internal Revenue Code, as amended. The right of employees to such retirement annuity contracts shall be non-forfeitable, except for failure to pay future premiums; and such retirement annuity contracts shall be non-transferable.

Primary and Secondary Plans

A primary retirement plan intended to constitute an eligible deferred compensation plan as set forth in Internal Revenue Code (Code) Section 403(b) shall be provided for all full-time employees of the Nebraska State College System. Participation in the primary 403(b) Defined Contribution Plan is mandatory as set forth in the section below relating to Eligibility for Participation in the Primary Retirement Plan.

Secondary retirement plans intended to constitute eligible deferred compensation plans within the meaning of Sections 403(b) and 457 of the Code, as amended, shall be offered to all eligible employees of the Nebraska State College System. Participation in the secondary 403(b) and 457(b) Plans is voluntary as set forth in the section below that outlines Eligibility for Participation in the Secondary Retirement Plans. The secondary 403(b) Tax Deferred Annuity Plan and 457(b) Voluntary Deferred Compensation Plan shall be secondary to and a supplement for the primary 403(b) Defined Contribution Retirement Plan.

Eligibility for Participation in the Primary Retirement Plan 403(b)

1. Employees eligible for participation are any active employee of the State College System whose employment status is full-time. Full-time for faculty employees shall mean carrying a "full-time load," as defined by the College, for the regular academic year. Full-time for all other employees will consist of working full-time, as defined by the College, for the regular academic year or at least three-fourths time over a twelve (12) month period.

2. All eligible employees will begin participation in this retirement plan on the first day of the month coinciding with or next following the attainment of age thirty (30). During required participation, employees are not permitted to switch from salary reduction (pre-tax) to salary deduction (after-tax) at any time. Therefore, salary reduction is to be used exclusively. As a result, the mandatory employee contribution will be treated as an employer contribution for calculation purposes and will not be subject to the employee elective deferral limit. Furthermore, during voluntary employee participation, those voluntary employee contributions will be subject to the limits under 402(g), the employee elective deferral limit, in addition to the 403(b) and the 415 limits.

3. All eligible employees may begin participation in this retirement plan on the first day of the month coinciding with or next following the second anniversary of their employment and the attainment of age twenty-five (25). Eligible employees under age thirty (30) may count prior full-time service (at least three-fourths time over a twelve [12] month period) with an educational institution toward the required service period. Educational institutions include, but are not limited to, public and private elementary or secondary schools (K-12) in addition to postsecondary institutions.

Contributions for Primary Retirement Plan 403(b)

The Board shall have power, in its discretion, to provide retirement benefits for employees of the Board, subject to the following:

1. The cost of such retirement benefits shall be funded in accordance with sound actuarial principles with the necessary contributions for both past service and future service being treated in the budgets in the same way as any other operating expense.

2. The maximum State College contribution under such retirement plan shall not exceed the sum of:

   a. the percentage approved by the Board of each employee's salary or wage earnings for any calendar year before any agreement for reduction of salary or wage earnings; and,

   b. pursuant to an agreement for reduction of salary or wage earnings, the amount of the reduction of salary or wage earnings.

3. Each employee's contribution shall equal six percent (6%) of each employee's qualifying salary or wage earnings for any calendar year and shall be calculated before any agreement for any reduction of salary or wage earnings, provided that in lieu of making such contribution, each such employee shall enter into an agreement for reduction of salary or wages in an amount equal to such employee's contribution for the purchase by the Board of an annuity contract for such employee, under the provisions of the Technical Amendments Act of 1958 to the Internal Revenue Code, as amended.

4. The retirement benefits of any employee for service prior to the effective date of any retirement plan established under the provisions of this section shall be those provided under the retirement plan now in force which benefits shall not be abridged.

5. Each participant in this primary retirement plan and each College shall make contributions under the retirement plan on a monthly basis during the years of participation, except for months in which no salary is paid, in accordance with the following schedule:

(Contributions as a Percent of Total Salary to Primary 403(b) Plan)

Participant Contribution (salary reduction only)	State College Contribution	Total Contribution
6.0%	8.0%	14.00% effective July 1, 2005

6. Under no circumstances or conditions will any contribution of the Colleges revert to, be paid to, or insure to the benefit of, directly or indirectly, the Colleges. However, if contributions made by the Colleges were based on mistake of fact, such contributions may be returned to the Colleges within one (1) year of the date on which the contribution was made.

Eligibility for Participation in the Secondary Retirement Plans 403(b) and 457(b)

1. Full-time employees (at least three-fourths time over 12 months) are eligible to participate on a voluntary basis in the secondary 403(b) and 457(b) retirement plans.

2. Non-student employees who normally work twenty (20) hours or more per week are eligible to participate on a voluntary basis in the secondary 403(b) retirement plan.

3. To participate in the secondary plans, each eligible employee shall complete and return the applicable forms, including a Salary Reduction Agreement, to the College Human Resources Office. Enrollment shall be effective on or after the first day of the pay cycle following the date the enrollment forms are properly completed by the employee, including the Salary Reduction Agreement, and approved by the employer or its designee.

Contributions for Secondary Retirement Plans 403(b) and 457(b)

1. The employer will not make any non-elective or matching contributions to the Nebraska State College 403(b) Tax Deferred Annuity Plan or 457(b) Voluntary Deferred Compensation Plan. These plans will accept only elective deferrals made to the plan by the eligible employee.

2. Starting the effective date of this plan, and in accordance with the Economic Growth and Tax Relief Reconciliation Act of 2001, the Board will permit eligible State College employees to participate simultaneously in both the primary 403(b) and secondary 403(b) and 457(b) retirement plans.

3. The secondary 403(b) Tax Deferred Annuity Plan includes elective deferrals which can be made on a pre-tax and/or after-tax (Roth) basis.

4. The 457(b) Voluntary Deferred Compensation Plan is an elective salary reduction plan that permits employees who participate to supplement their primary 403(b) plan and Social Security benefits by setting aside an additional portion of their salary on a pre-tax basis. Any such elective deferral of salary may be made up to the maximum amount permitted by law provided the employee agrees to voluntarily defer a minimum of twenty-five dollars ($25) per pay period.

5. Participants who elect to make contributions on a pre-tax basis, do not pay any federal or state income taxes on the amounts they contribute, or on any earnings on the amount they contribute, until the funds are withdrawn. Contributions made on an after-tax (Roth) basis are included as taxable income.

6. A participant shall be fully vested at all times in his or her accrued benefits under these plans. Such accrued benefits shall be non-forfeitable at all times.

7. Employees may elect to change their Elective Deferral Rate with respect to future contributions by submitting a new properly executed Salary Reduction Agreement to the employer. Such change shall take effect as soon as administratively practicable but not earlier than the first pay period commencing with or during the first month following receipt by the employer of such Salary Reduction Agreement.

8. Employees may terminate their election to have compensation deferred in this plan by so notifying the employer or its designee in writing. Such termination shall take effect as soon as administratively practicable, but not earlier than the first pay period commencing with or during the first month following receipt by the employer of satisfactory written notice of such revocation.

9. To the extent permitted by law, rollovers may be made to the secondary 403(b) and 457(b) Plans from any other eligible deferred compensation plan maintained by a State, political subdivision of a State or any agency or instrumentality of a State or political subdivision of a State. Such funds shall be accepted and fully vested and non-forfeitable at all times.

10. To the extent permitted by the plan, rollovers to the plan are permitted.

Cashability Option for Primary and Secondary Retirement Plans

1. Upon termination of employment, an employee can elect to make cash withdrawals up to the entire amount of the CREF (College Retirement Equities Fund) accumulation under the Board TIAA Primary 403(b) Retirement Plan. TIAA Traditional Account cash withdrawals from Retirement Annuity accounts can be made in accordance with the investment options withdrawal rules that currently allow substantially equal payments over ten-annual installments.

2. Full or partial cash withdrawals from Group Supplemental Retirement Annuity accounts upon severance from employment can also be made under the Board TIAA Secondary 403(b) and 457(b) Plans.

Distribution Options for Primary and Secondary Retirement Plans

Employees who sever their employment within the State College System may make an immediate and binding election with respect to how they will take their distribution when they retire, or they may defer their decision until they are ready to retire, as permitted by law. Participants in both the primary and secondary retirement plans must begin taking a distribution by the April 1st of the year following the year in which he or she attains age 72or terminates employment, whichever is later.

A variety of payment options are available under the TIAA Primary 403(b) and Secondary 457(b) plans, including, but not limited to:

- Lifetime annuity income
- Fixed-period annuity (5 to 30 years)
- Minimum distribution option (MDO)
- Full or partial cash withdrawals
- Systematic withdrawals
- Interest payment Retirement Option (IPRO)

Investment Options for Primary and Secondary Retirement Plans

The Nebraska State Colleges TIAA Retirement Plans offer employees a variety of investment options. An employee may request that amounts contributed to either plan on his or her behalf be allocated among the available Investment Options established under the plans. Following the initial allocation request at the time of enrollment, the investment allocation request shall remain in effect for all subsequent contributions until changed by the employee. An employee may change his or her investment allocation by submitting a written request to TIAA either in writing, by phone, or online. Such change shall become effective as soon as administratively feasible.

Transfer Policy

This plan does not permit transfers of retirement accumulations to investment accounts other than TIAA.

Questions

Details of participation, current rates of withholding, retirement age, etc., are available in the current retirement plan agreement, copies of which are available in the Chancellor's office and each Colleges' Human Resources Director's office.

Any questions about the Retirement Plan or any requests for financial advice or retirement counseling, should be directed to TIAA.

Social Security

Employees are entitled to benefits provided under the Social Security Act, subject to whatever conditions may be applied by the State of Nebraska or the United States government.

Retirement Age

Retirement is permitted when employment ceases on or after attainment of age fifty-five (55). Age based mandatory retirement is prohibited.

Legal Reference:	RRS85-606.01	University of Nebraska; State Colleges; Community Colleges; retirement annuity contracts; purchases
	RRS 85-320	State colleges; retirement plan, establishment; terms; investment of funds

Policy Adopted:	1/28/77
Policy Revised:	8/4/79
Policy Revised:	2/7/83
Policy Revised:	9/18/87
Policy Revised:	12/8/89
Policy Revised:	6/5/93
Policy Revised:	5/8/96
Policy Revised:	8/29/97
Policy Revised:	4/1/99
Policy Revised:	4/9/02
Policy Revised:	2/10/05
Policy Revised:	9/15/06
Policy Revised:	6/6/08
Policy Revised:	6/15/12
Policy Revised:	11/7/14
Policy Revised:	1/16/18
Policy Revised:	3/21/19
Policy Revised:	4/23/20

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Ancillary Organizations

POLICY NUMBER: 5501

A. PURPOSE

To establish eligibility requirements for Ancillary Organization employees' participation in the Nebraska State College System insurance and benefits plan.

B. DEFINITIONS

1. **Ancillary Organizations –** Chadron State Foundation, Peru State College Foundation and Wayne State Foundation.

C. POLICY

1. Ancillary Organization Employees

1.1. Employment Status

- Full-time employees (at least .75 FTE) are eligible for participation in the System Group Insurance and Retirement Plans, namely the group medical/dental, vision, life, long-term disability insurance plans and the TIAA retirement plans.
- Part-time employees are eligible for medical/dental insurance coverages according to the Affordable Care Act. Employees will also be eligible to participate in the immediate family tuition remission program, the tuition waiver program, and the Employee Assistance Program.

1.2. Eligibility Status & Fund Source

- Employees are also eligible to participate in the immediate family tuition remission program, the tuition waiver program, and the Employee Assistance Program.
- No State College contribution will be made to employees' premium cost.
- The ancillary organizations shall be responsible to reimburse the College or System for the employer's share of benefit costs.

1.3. Reporting Requirements

- Ancillary organizations must have a written Collaborative Agreement with the Board addressing access to insurance and benefit plans.
- An annual listing of Ancillary organization employee salaries is due to the System Office on the date Board materials are due for the next regularly scheduled Board meeting, following the approval of salaries by the Foundation for their upcoming fiscal year.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: March 2010 – Effective Date April 2010, November 2015, February 2020, November 2022

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Employee Injuries, Leave and Workers' Compensation

POLICY NUMBER: 5502

A. PURPOSE

To provide the necessary procedures and requirements for when an employee is injured at work.

B. DEFINITIONS

None

C. POLICY

1. Employee Injuries

The following procedure should be followed when a State College or System Office employee sustains an injury in the performance of their duties:

1.1 Whenever an injury occurs, the employee is expected to:

- Make every reasonable effort to secure prompt medical attention.
- Notify the College President or Chancellor, in a timely manner, of any such injury, stating in ordinary language the time, place and cause of injury.
- The College President or Chancellor, upon receiving notification of the happening of any such injury, shall seek the advice of System Legal Counsel who shall approve the "First Report of Alleged Accident or Occupational Disease" form before the same is filed with the Nebraska Workers' Compensation Court.
- The College President shall immediately provide a copy of the report to the System Office detailing the happening of any such injury.
- When required, subsequent reports concerning injuries sustained by employees are to be filed with the Nebraska Workers' Compensation Court and the System Legal Counsel shall be kept advised of the condition of the injured employee.

- Employees under the jurisdiction of the Board shall be subject to provisions and benefits of the Nebraska Workers' Compensation Laws.

2. Injury Leave

2.1. All employees, as defined by the workers' compensation insurance carrier, who are unable to work as determined by a medical provider, as a result of a job-related injury or disease, may be granted injury leave.

- Injury leave shall not exceed five (5) of the employee's normal working shifts (no more than a maximum of forty (40) hours) for any particular injury.
- Such leave is not to be charged against accumulated vacation or sick leave.
- For details of workers' compensation benefits, employees are to inquire at the College or System Office, as appropriate.

3. Reporting

3.1. The College or System Office, as appropriate, shall have the responsibility to supply all the necessary information to the appropriate workers' compensation insurance carrier.

4. Use of Leave

4.1. Employees being paid Workers' Compensation for job-related injuries or disease may elect to use accumulated sick leave, vacation, compensatory time or crisis leave (if approved) to supplement their pay up to, but not to exceed, their regular rate of pay.

4.2. While using paid sick leave, vacation, compensatory time or crisis leave donations to supplement earnings, vacation and sick leave will continue to accrue, but once exhausted, the employee may be converted to a non-paid status with workers' compensation benefits only.

4.3. If the employee declines to use or has no sick leave, vacation, compensatory time or crisis leave balances available to supplement workers' compensation pay, the employee shall not be entitled to any leave or pay benefits or additional accrual of sick leave or vacation except as authorized under workers' compensation. FMLA regulations may apply, if applicable.

FORMS/APPENDICES:

First Report of Alleged Accident or Occupational Disease Form

SOURCE:

Legal Reference: Neb. Rev. Stat. 48-193 Terms; defined.

Policy Adopted: January 1977

Policy Revised: June 1993, March 2006, September 2006, June 2011, April 2023

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Military Leave

POLICY NUMBER: 5608

A. PURPOSE

To establish policy and procedures for military leave.

B. DEFINITIONS

None

C. POLICY

1. Military Leave

At a minimum, employees shall receive military leaves of absence and re-employment rights as provided by state or federal law.

All employees who are members of the following shall be entitled to a military leave of absence from their respective duties, without loss of pay, when employed with or without pay under the orders or authorization of competent authority in the active service of the state or United States.

- National Guard
- Army Reserve
- Naval Reserve
- Marine Corps Reserve
- Air Force Reserve
- Coast Guard Reserve

Members who are full-time (0.75 FTE and above) shall receive one hundred sixty-eight (168) hours of military leave each calendar year.

Such military leave of absence may be taken in addition to the regular annual leave.

In the event the Governor declares that a state of emergency exists and any employee is ordered to active military service, a state of emergency leave of

absence will be granted until such member is released from active service of the state by competent authority.

During such time, the employee shall receive their normal salary or compensation minus the state active duty base pay they receive in active service of the state.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 55-160	Military leave of absence without loss of pay; limitations
	38 U.S.C.A. 4301	Uniformed Services Employment and Reemployment Rights Act

Policy Adopted: January 1977

Policy Revised: June 1993, November 2008, June 2018, August 2022, October 2022

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Collective Bargaining

POLICY NUMBER: 5700

A. PURPOSE

To provide guidance for collective bargaining negotiations.

B. DEFINITIONS

None

C. POLICY

1. Negotiations

The Board shall not negotiate directly with any collective bargaining representatives regarding salaries, wages, or other terms and conditions of employment.

The Chancellor shall appoint a Chief Negotiator, and a NSCS bargaining committee, to engage in good faith negotiations with each recognized employee union consistent with applicable laws.

The Chancellor will periodically update the Board regarding the status of negotiations. All agreements reached during collective bargaining shall be tentative, pending Board approval. Following ratification by employees, the Board must vote on all tentative agreements upon completion of negotiations.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: June 1993

Policy Revised: September 2006, January 2024

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Reserve Requirement

POLICY NUMBER: 6005

A. PURPOSE

To identify an appropriate reserve requirement to meet emergency needs, unexpected expenses and circumstances.

B. DEFINITIONS

None

C. POLICY

1. Reserve Requirement

1.1 Minimum

The Colleges are required to maintain a reserve fund that is no less than eight percent (8%) of the previous year's general and cash fund operating appropriations, excluding student aid.

1.2. Purpose of Reserve

In any one fiscal year, there may be unexpected circumstances whereby current appropriations are insufficient to cover expenditures of an emergency or unpredictable nature. There may also occur extraordinary and unforeseen fluctuations of inflationary costs that would require the Colleges to draw upon contingent funds in order to adequately meet their current obligations. In addition, there may be instances where revenues fall short of planned or anticipated revenues. The reserve should be used as a last resort after adjusting budgets and expenditures, to cover the unexpected circumstance.

1.3. Approval to Drop Below Minimum

Approval must be requested from the Chancellor before initiating any action that would cause the reserve to drop below the eight percent (8%) minimum reserve. The approval to drop below the minimum will be reported to the Board along with a plan and timeline to return the reserve to the minimum level.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: March 1994

Policy Revised: August 1997, September 2006, June 2008, November 2018, January 2020, April 2022, January 2025

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Depositories

POLICY NUMBER: 6006

A. PURPOSE

To provide direction on lawful bank accounts and security requirements for those banks.

B. DEFINITIONS

None

C. POLICY

1. Local Depository Accounts

1.1. Record of Local Accounts

The Colleges have bank accounts for which they are responsible. The locations of the depository accounts, the purpose of the accounts, and the authority for withdrawals shall be reported to the System Finance Director prior to the start of each fiscal year. Any changes to the information shall be reported to the System Finance Director throughout the year.

1.2. Authorized Accounts

All cash receipts shall be deposited in banks to the credit of the individual College or to the Board, as appropriate. No deposits can be held or placed in an account in any other name.

2. State Treasurer Depository Accounts

2.1. State Treasurer Oversight

The State Treasurer is responsible for certain bank accounts used by the Colleges as depositories, for which the Colleges do not have authority for withdrawal. The State Treasurer clears the deposits in these bank accounts periodically, and the amounts cleared by the Treasurer are credited to the accounts of the individual College or Board, as appropriate.

3. Security Requirements

3.1. Legal Requirements

Each depository shall pledge a portion of its own securities as collateral for the accounts holding state funds on behalf of any of the Colleges. The collateral shall be provided using the procedures and in the forms as prescribed by the State Treasurer.

- For the accounts under the control of the State Treasurer, the collateral shall be in the amount(s) required by that office.
- Collateral for accounts under the control of the Colleges or Board shall be equal to the largest amount of funds deposited and maintained in the separate accounts during the fiscal year, less the amount covered under the bank's Federal Depository Insurance Corporation insurance.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 77-2301	State funds; deposit of funds; conditions
	Neb. Rev. Stat. 77-2302	Federal Deposit Insurance Corporation references; how construed
	Neb. Rev. Stat. 77-2303	State funds; depositories; bond required; approval; conditions
	Neb. Rev. Stat. 77-2304	State funds; depositories; form of bond
	Neb. Rev. Stat. 77-2305	State funds; depositories; limitations on amount deposited in any one bank
	Neb. Rev. Stat. 77-2306	State funds; depositories; security in lieu of bonds
	Neb. Rev. Stat. 77-2386 - 77-23,106	Public Funds Deposit Security Act

Policy Adopted: January 1977

Policy Revised: February 1983, February 1989, March 1994, February 1995, September 2013, November 2017, April 2022, July 2024

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Investments

POLICY NUMBER: 6007

A. PURPOSE

To identify where and how the Colleges and System Office can invest funds.

B. DEFINITIONS

1. **Auxiliary System Trustee** – The Trustee designated by the Board to manage funds, including the investment of the funds, related to the Auxiliary System.
2. **OIP –** The Operating Investment Pool managed by the State Treasurer.
3. **Facilities Corporation Trustee –** Party designated to manage and invest funds related to Facilities Corporation bonds.

C. POLICY

1. Investment Management

The Colleges have State Funds, Cash Funds, Revolving Funds and Bond Funds that are to be invested by the responsible party.

1.1. State and Cash Funds
Investing of the Colleges' general and cash funds is the responsibility of the State Investment Officer.

1.2. Revolving Funds
Management of the assets of the Auxiliary System is delegated to the Revenue Bond Trustee appointed by the Board with the funds being invested in direct general obligations of the United States of America as outlined in the bond indentures.

- The Colleges or System Office may, in consultation with the Trustee, invest Auxiliary funds with the State Investment Officer.
- Auxiliary System reserve funds should be invested where they will garner the best return for the Colleges.

1.3. Bond Funds

A Trustee will be designated to manage all bond proceeds and refunding proceeds. The Trustee will invest the refunding proceeds in appropriate and approved state and local government series investment securities. Bond proceeds will be invested in general obligation bonds of the United States or with the State Investment Officer to maximize the investment return.

- The Colleges or System Office may, in consultation with the Auxiliary System Trustee, invest bond funds with the State Investment Officer.
- Bond funds should be invested where they will garner the best return for the Colleges

2. Local Bank Investments

The Colleges are authorized to deposit fifty thousand dollars ($50,000), pursuant to Policy 6004, in local banks for operating needs and contingencies. Each College is responsible for formulating an investment plan to be followed by the financial institution holding those funds.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 72-1243	State investment officer; investment and reinvestment of funds; duties; council; analysis required; plan; contents.
	Neb. Rev. Stat. 85-316	State colleges; funds; contingencies; disbursements; travel expense.
	Section 3.14	State College Revenue Bond Resolutions

Policy Adopted: March 1994

Policy Revised: February 2006, September 2013, June 2022

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Financial Exigency

POLICY NUMBER: 6012

A. PURPOSE

To identify the process used to address an imminent financial crisis.

B. DEFINITIONS

1. **Financial Exigency –** An imminent financial crisis of such magnitude that one or more of the Colleges' normal operations cannot be maintained and programs and operations of the College(s) must be significantly altered.

C. POLICY

1. Declaring Financial Exigency

A state of financial exigency may be declared by the Board usually upon the recommendation of the Chancellor.

2. Preparing for Financial Exigency Declaration

2.1. College Procedure

Each College shall establish an internal policy that addresses what steps will be taken if a financial exigency is eminent or declared, that includes the following elements:

- The president shall appoint a College-wide Exigency Review Committee with appropriate administrator, faculty and staff representation.
- Notification to administrators, faculty and staff as soon as possible of impending financial difficulties and/or declaration of financial exigency.
- Participation of College Exigency Review Committee in making recommendations for faculty and staff reductions once all other less drastic alternatives have been exhausted.
- Priority on preserving academic programs that align most closely with the College mission and strategic goals and limiting the impact on student progression.

- Communication plan with the campus-wide community as well as with the Chancellor

2.2. Chancellor Role

The Chancellor shall review and approve all actions proposed by the President to respond to the financial exigency. The detailed plan and timeline will be presented to the Board.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: March 1994

Policy Revised: September 2006, June 2009, July 2022

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Surplus Property

POLICY NUMBER: 6014

A. PURPOSE

To provide for the proper handling of surplus tangible personal property.

B. DEFINITIONS

1. **Tangible Personal Property –** Property exclusive of land and buildings that is movable, including equipment, furnishings, vehicles, appliances, electronics, scientific or academic instruments and other physical property.
2. **Surplus Property** - Usable or unusable tangible personal property, which has been declared excess or surplus to the needs of the College or System Office.

C. POLICY

1. Surplus Property

Tangible personal property that is deemed to be surplus property by a College or the System Office can be transferred, sold, traded or destroyed depending on the situation.

1.1. Authorization

The transfer, sale, trade or disposal of property for any College must be approved by the President, the Vice President for Administration and Finance, the Associate Vice President for Administration and Finance, or Comptroller. The transfer, sale or disposal of property for the System Office must be approved by the Chancellor or Vice Chancellor for Finance and Administration or General Counsel.

1.2. Transferred Between Departments, College or System Office

Tangible personal property that is no longer needed by a department of the College shall first be made available to other departments at the College. Surplus items will be deemed to have no value when they are transferred between departments, therefore the selling of items between departments will be prohibited. If no other College department is

interested in the surplus property, the property should be offered first to the other Colleges and the System Office. Any surplus property from the System Office will be first offered to the Colleges.

1.3. Sale or Trade of Surplus Property

If the other Colleges or System Office are not interested in surplus property, then the items may be sold or traded. Revenues from the sale of surplus property, less standard commission/sales costs, will be deposited in the appropriate funds, as directed by the President, Vice President for Administration and Finance, Chancellor or Vice Chancellor for Finance, as appropriate. All items will be sold “as is” with no return and/or refund.

- Sale by publicly advertised auction – Surplus property may be sold at auction if the auction is advertised in local/area newspapers and a minimum of fifteen (15) calendar days shall have elapsed between the time formal bids are advertised or called for and the time of their opening. All sales shall adhere to approved cash handling procedures.
- Sale by fixed price – Surplus property may be sold by fixed price if the price can be reasonably estimated. Surplus property sold by fixed price should have the method of determining the fixed price on file for review by interested parties. College or System Office employees are not eligible to purchase surplus items by fixed price. All sales shall adhere to approved cash handling procedures.
- Sale by negotiated price – Surplus items may be sold by negotiated price if a fixed price cannot be reasonably determined. A record of the negotiation should be kept on file for review by interested parties. College or System Office employees are not eligible to purchase surplus property by negotiated price. All sales shall adhere to approved cash handling procedures.
- Sale by sealed bids – Surplus property may be sold by sealed bids if the bidding process is advertised in local/area newspapers and a minimum of fifteen (15) calendar days shall have elapsed between the time formal bids are advertised or called for and the time of their opening. Receipt of three sealed bids is preferred. If advertising protocol is followed and less than three bids are received, the College may accept less than three.
- Sale by On-Line Auction – Items may be sold by posting items to school websites, social media or online auction houses when deemed appropriate, with appropriate internal controls. The on-line auction process should be reviewed and approved by the Chancellor.
- Trade-In – Surplus items that are to be traded-in, do not have to be offered to the other Colleges or System Office. Items cannot be traded prior to the appropriate approvals required within this policy.

1.4. Disposal of Personal Property

- If a surplus item is not sellable or is unusable, the item may be disposed of by recycling the item or transferring the item to the local waste disposal facility. Whenever practical, the unusable item will be recycled. Recycling is appropriate for metal items and electronic waste.
- Hard drives shall be erased or destroyed on all computers declared surplus.
- Hazardous waste shall be dealt with according to all applicable laws and regulations.
- All labeling that identifies the College or State of Nebraska must be removed.

1.5. Surplus Firearms

Surplus firearms must be turned over to the Nebraska State Patrol or other local law enforcement agency.

1.6 Inventory

Any inventoried item which has been determined to be surplus to the needs of the institution, must be removed from the inventory. Each institution shall develop written procedures to ensure that items sold, transferred or disposed of are identified and removed from inventory/cost records.

2. Exceptions to Surplus Property Disposal

2.1. Federal Property

Title to federally purchased property may be retained by the federally sponsored agency or vested in the College depending on the regulations of the agency and the requirements of the research project. Any federal requirements must be followed regarding any federally purchased property that is declared excess or surplus.

2.2. Surplus Materials

Materials consumed in the day-to-day operation of the College are considered supplies and are not managed or accounted for as property or equipment and may not be designated as surplus property. However excess supplies may be disposed of in a similar manner to surplus property.

SOURCE:

Legal Reference: Neb. Rev. Stat. §85-304 Board of trustees; powers and duties, enumerated.

Policy Adopted: March 1994

Policy Revised: November 1995, May 2001, July 2010, March 2011, April 2012, March 2013, January 2023, March 2025

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Safeguarding Assets

POLICY NUMBER: 6016

A. PURPOSE

To provide for the safekeeping of cash, financial assets and personal property.

B. DEFINITIONS

1. **Tangible Personal Property** – Property exclusive of land and buildings that is movable, including equipment, furnishings, vehicles, appliances, electronics, scientific or academic instruments and other physical property.
2. **Surplus Property** - Usable or unusable tangible personal property, which has been declared excess or surplus to the needs of the College or System Office.
3. **Capital Item** – Tangible personal property owned, leased, controlled or possessed that meets three criteria: 1) is not consumed in the normal course of business, 2) has a unit value of five thousand dollars ($5,000) or more, and 3) has an economic useful life that exceeds two (2) years.

C. POLICY

1. Safekeeping Financial Assets

Each College and the System Office shall develop specific safeguards to reduce the risk of theft and destruction of cash on hand and in transit as well as other financial assets.

1.1 Internal Controls

The Colleges and System Office shall adhere to a system of internal controls that provides for the necessary oversight and separation of duties to protect financial assets, is responsive to any audit findings identifying weaknesses, and includes on-going monitoring.

1.2. Bonded Employees

Board members and employees who handle money on behalf of the Board and/or College(s) shall be bonded to the amount and in the manner

prescribed by the State Risk Manager, state law and existing bond indentures as part of the state's corporate surety bonds.

In no instance shall the cost be assumed by a Board member or employee. The premiums on the bonds shall be paid by the State of Nebraska out of funds appropriated by the Legislature, upon the order of the Risk Manager.

2. Safeguarding Personal Property

Appropriate capital and non-capital inventories of tangible personal property shall be maintained throughout the System. Each College and the System Office shall be responsible for maintaining required inventory records for tangible personal property, performing physical inventories, reconciling physical inventories to the related records and reconciling additions and deductions on the inventory system to the general accounting system.

2.1. Capital Inventory

Procedures should be in place to ensure that newly acquired capital items are promptly added to the inventory records and any item which has been determined to be surplus to the needs of the institution, and has been transferred, sold, traded-in or disposed of, is deleted from the inventory records. A physical inventory is to be conducted annually to compare assets on hand to those listed on the inventory records. The location of equipment and other capital items should be updated as necessary to reflect the current status of the inventory; it is essential that persons taking the physical inventory be able to locate all items listed on the inventory promptly. Physical inventory as of June 30 should be completed and documented by August 31 each year.

2.2. Non-Capital Inventories

All desktop, laptop, and tablet computers will be tracked on inventory and tagged. The colleges should define an appropriate level of control for other movable assets, including art, not included on the capital inventory and non-capital inventories.

2.3. Tagged Properties

All capital inventory and other non-capital inventory items required to be tracked shall be indelibly tagged, marked or stamped as belonging to the State of Nebraska. All items purchased with non-state funds that meet the inventory requirements shall also be tagged, marked or stamped with appropriate identification and a separate inventory maintained.

2.4. Recovery of Tangible Personal Property

If any property identified in the inventories is lost, destroyed or unaccounted for due to negligence or carelessness, proper steps shall be taken to recover such property or the reasonable value thereof from the responsible party.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 11-201-11-202	Bonds or insurance; state officers and employees
	Neb. Rev. Stat. 85-304	Board of trustees; powers and duties, enumerated.

Policy Adopted: March 1994

Policy Revised: June 2010. March 2013**,** January 2023, January 2025

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Private Use of Office Equipment

POLICY NUMBER: 6020

A. PURPOSE

To document expectations regarding the private use of certain office equipment.

B. DEFINITIONS

None

C. POLICY

1. Private Use of Equipment

1.1. Telephone Use

Calls on College or System Office telephones are to be for communications related only to College or System Office business. Personal long-distance calls may not be charged to the College or System Office. However, if an emergency need arises, a long-distance personal call may be made. If such a call is made, reimbursement shall be made by the employee to the appropriate office. Employees are allowed to make local personal calls for essential business.

- Each College and the System Office shall develop procedures for review and monitoring of its monthly phone calls. Long distance phone calls that are not official business must be reimbursed by the employee.

1.2 Copy Machines and Printers

College and System Office photocopy machines and printers are intended to be used for College and System Office business. If photocopy machines or printers are made available to students, campus guests or to employees as a convenience, rates shall be established that are comparable to those charged by private providers and shall cover the costs to the institution of operating, maintaining and replacing the equipment.

1.3 Technology Equipment

The use of College technology equipment for private use is addressed in Policy 5008.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: March 1994

Policy Revised: August 1997, September 2013, January 2023

POLICY: 6023 Income; Tuition and Fees - Refunds

BOARD POLICY

Refund of tuition and fees will follow the Board approved formula for each College, as set forth in the catalog of each college, except that the college shall make full tuition refund to students who have enlisted or have been called into military service on official orders, or have been called for jury duty and it has been determined by the college that the time involved had significant impact on the student's class attendance. Such refund will be for the semester or term in which the student is enrolled at the time of the call. Residence hall board and room refund shall be in direct proportion to the time the student is enrolled prior to the official call.

Legal Reference: RRS 85-504 State educational institutions; Fees, waiver

Policy Adopted: 1/28/77
Policy Revised: 5/26/78
Policy Revised: 3/11/94

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: State or Fleet Vehicle Use

POLICY NUMBER: 6100

A. PURPOSE

To provide guidance on the use of vehicles for College and System Office travel. Additional guidance is provided in the NSCS Travel Manual.

B. DEFINITIONS

1. **Volunteers** – A volunteer is anyone who chooses to perform services without compensation or expectation of compensation and who performs a task at the direction of and on behalf of a College and/or the System Office. A volunteer must be officially accepted prior to performance of the task via successful completion of one of the Volunteer Service Agreement Forms as prescribed by the System Office. (As defined in Policy 5025.)
2. **State Vehicle** – Vehicles checked out of the Department of Administrative Services Transportation Services Bureau fleet pool.
3. **Fleet Vehicle** – Vehicles available from the College fleet pool.
4. **De minimis** – not significant enough to be bound by rules or regulations; not reportable.

C. POLICY

1. Fleet Vehicles

Each College shall maintain a pool of vehicles for the official use of employees, student trustees, and authorized volunteers. Persons authorized by the College and/or the System Office will be required to utilize the most economical transportation solution available as determined by the institution. Fleet vehicles will typically provide the most value to the institution.

2. Expenses

The cost of vehicle use for travel shall be charged against the academic administrative or student activity budgets as appropriate. No mileage

reimbursement shall be allowed when such mileage accrues while using a fleet or state vehicle.

3. Authorized Travelers

3.1 Requirements

- Each person driving a vehicle must have a valid driver's license.
- Each person using a State or fleet vehicle will follow all motor vehicular rules and regulations.

3.2 Defensive Driving Course

Every person authorized by the College and/or the System Office to operate a vehicle shall complete a defensive driving course approved by the Nebraska Transportation Services Bureau. The defensive driving course shall be successfully completed prior to operating a vehicle or when authorized to drive a personal vehicle. Volunteers shall also complete the defensive driving course prior to operating a vehicle.

Should a person driving a vehicle be found at fault after involvement in a personal injury or property damage motor vehicle accident, that person shall be required to enroll in an approved defensive driving refresher course before being authorized to again operate a vehicle on College or System Office business.

4. Commuting

4.1 State-owned vehicles may not be operated for personal use. The employee may not retain possession of state-owned vehicles during non-working hours and weekends, unless in an overnight travel status. State-owned vehicles may not be taken home before or after scheduled travel. Any exceptions must be approved in advance in writing by the appropriate College President, Chancellor, or their designee, and may be taxable to the employee.

4.2 Driving a state-owned vehicle from an employee's regular place of employment to the employee's residence or from the employee's residence to the employee's regular place of employment is considered commuting and is taxable under IRS regulations. The IRS commuting valuation rate will be added to the employee's income. Each College and the System Office is responsible for maintaining the necessary supporting documentation and providing the information to their respective payroll offices.

4.3 A de minimis exception is allowed when an employee does not use an employer provided vehicle in a commuting capacity more than once per month. This is still considered an exception under section 4.1 and must be approved.

4.4 An employee whose home is their official office would not incur any commuting income.

FORMS/APPENDICES

None

SOURCE

Legal Reference: Neb. Rev. Stat. 81-1008-1025 Transportation services bureau, created, responsibility.

Policy Adopted: January 1977

Policy Revised: March 1994, August 1997, April 2007, June 2018, January 2020, November 2021, November 2025

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Travel Authorization and Claims

POLICY NUMBER: 6101

A. PURPOSE

To identify the process for getting travel approved and for processing claims. Additional guidance is provided in the NSCS Travel Manual.

B. DEFINITIONS

None

C. POLICY

1. Approval of Travel

1.1. Supervisor Approval
All travel must be approved in advance by the immediate supervisor and by the designated financial approver.

1.2. Travel Outside the United States
No expenditure for traveling expenses outside the United States shall be allowed unless approval for such trip shall first be granted by the President or Chancellor or their designee. Each President and Chancellor are responsible for determining authorized designees, if any.

2. Travel Expense Claims

2.1. Information Required for Claim
Whenever any person is entitled to be reimbursed for travel expenses incurred in the line of duty, they shall be required to submit a claim with all necessary documentation. For most travel claims, the travel management system will be used to document the travel and should include all receipts. Meals are reimbursed per diem; therefore receipts are not required. For situations where the travel management software is unable to be used, a travel reimbursement claim with all receipts (excluding meal receipts) included must be approved by the supervisor and submitted to the accounting department for audit and payment. Information necessary to process a travel claim will include:

- Date(s)
- Purpose of travel
- Start and end times of travel
- Name and location of lodging documented with receipts
- Meals provided
- Other miscellaneous reimbursable expenses documented with receipts

2.2. The request for reimbursement must be submitted no later than sixty (60) days after the final day on which expenses were incurred for which reimbursement is sought.

2.3. Travel Expenses Covered by College Foundations

When a person, other than Presidents or Chancellor or Foundation employee, is entitled to be reimbursed for travel expenses from funds held by the Foundations, the College or System Office will establish procedures to pay approved travel costs and seek reimbursement from the Foundation.

Travelers, other than the Presidents, Chancellor, or any employee assigned to work in the foundation office, shall not submit reimbursements for travel expenses directly to the college foundations; and no such payments shall be made from the college foundations to travelers.

FORMS / APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 81-1174	Reimbursement for expenses; request; contents; automobile; airplane; statement required; receipts; limitation
	Neb. Rev. Stat. 81-1175	Reimbursement for expenses; vouchers; written authorization; exceptions
Policy Adopted:	January 1977	
Policy Revised:	April 1981, March 1994, September 1997, September 2006, June 2012, September 2013, June 2018, June 2021, November 2021, November 2025	

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Airplane Travel

POLICY NUMBER: 6102

A. PURPOSE

To clarify when airline travel is allowable and when the costs are reimbursable. Additional guidance is provided in the NSCS Travel Manual.

B. DEFINITIONS

None

C. POLICY

1. Airplane Travel

All airplane travel must be approved by the immediate supervisor.

1.1. Charter

Periodically, it may become necessary to charter airplanes to travel to distant locations when commercial airline transportation is not available, or is available but is a great inconvenience to reach the destination. The designated purchasing agent shall act in the best interest of the State of Nebraska to select a certified air charter carrier that satisfies the scheduling needs in a reliable and cost competitive manner.

1.2 Privately Owned or Rented

Travel in privately-owned planes or personally-rented planes must be approved by the President or Chancellor before such travel occurs. This type of travel shall only be authorized when it is more economical than surface transportation or will result in a substantial saving of productive time.

1.3 Commercial

The employee will be reimbursed for an approved economy or coach priced ticket at the lowest-priced available tier of seating.

2. Expense Reimbursement

The statement of expenses for air travel shall be duly verified and supported by receipts for all such expenditures for which reimbursement is claimed.

2.1. Direct Billed

No claim for airline travel reimbursement shall be submitted when the cost has been paid by a College or System Office credit card.

2.2. Commercial

When the cost of air transportation has been paid by the traveler and is submitted for reimbursement, a receipt for the actual expenditure for air transportation shall be attached to the voucher.

2.3. Charter

When reimbursement of expenses is claimed for chartered or personally-rented planes, the request shall include the following:

- Points between which such travel occurred
- Time of arrival and departure
- Necessity and purpose of such travel
- Actual expense of such travel

2.4 Privately Owned or Personally-Rented

When reimbursement of expenses is claimed for privately-owned airplanes, the request shall include the following:

- Points between which such travel occurred
- The time of arrival and departure
- The necessity and purpose of such travel
- The cost of operating the plane not to exceed a rate established by the State
- Actual expense of such travel

2.5 Timely Claims

The request for reimbursement must be submitted not later than sixty (60) days after the final day on which expenses were incurred for which reimbursement is sought.

FORMS / APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 81-1174	Reimbursement for expenses; request; contents; automobile; airplane; statement required; receipts; limitation
	Neb. Rev. Stat. 81-1175	Reimbursement for expenses; vouchers; written authorization; exceptions
	Neb. Rev. Stat. 81-1176	Mileage; rates; how computer; adjustments; application
	Ne. Rev. Stat. 85-316	State colleges; funds; contingencies; disbursements; travel expense

Policy Adopted: January 1977

Policy Revised: March 1994, October 1997, November 2021

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Meal Reimbursement

POLICY NUMBER: 6103

A. PURPOSE

To explain reimbursement rules for meal costs related to College or System Office business. Additional guidance is provided in the NSCS Travel Manual.

B. DEFINITIONS

None

C. POLICY

1. Eligible Meal Reimbursement

1.1. Overnight Travel

Meal expenses incurred during overnight travel on official business for the College or System Office will be paid or reimbursed pursuant to a percentage of the per diem rates of the federal General Services Administration in conformance with the NSCS Travel Manual.

1.2 One-Day Travel

Breakfast or dinner expenses for one (1) day travel is allowed if the time of travel begins at or before 6:30 a.m. or ends at or after 7:00 p.m. Lunch expenses for one (1) day travel are not allowed.

1.3 Meals Provided

Any meal provided to, but not paid for by the traveler, shall be identified on the request for reimbursement and will be deducted from the maximum per diem by the component amount of per diem allocated for the meal provided. This includes, but is not limited to, any meals provided as part of a business meeting, conference, or hotel.

1.4 Local Meals Provided

No meal expenses shall be allowed when such expenses are incurred in the city or town where the residence or headquarters of the employee is located, except for meal expenses that occur when the employee is required to attend official functions, conferences or hearings within such location. Written approval to attend such activities shall be obtained from the President, Chancellor, or their designee prior to incurring the expenses.

2. Filing Claims

2.1. Detail of Claim

The request for reimbursement shall include the date the travel began and ended, the time of departure and time of return, the purpose of the travel, and any meals provided.

2.2 Timely Claim

The request for reimbursement must be submitted no later than sixty (60) days after the final day on which expenses were incurred for which reimbursement is sought.

FORMS / APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 81-1174	Reimbursement for expenses; request; contents; automobile; airplane; statement required; receipts; limitation

Policy Adopted: March 1994

Policy Revised: September 2006, January 2021, June 2021, November 2021, November 2025

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Lodging

POLICY NUMBER: 6104

A. PURPOSE

To provide guidance on booking lodging and getting reimbursed for lodging while on College or System Office business. Additional guidance is available in the NSCS Travel Manual.

B. DEFINITIONS

None

C. POLICY

1. Lodging Reservations

All travel and related lodging must be approved by the immediate supervisor and designated financial approver.

1.1. Authorized Rates

Travelers are expected to book lodging that is reasonably priced and relevant for the specific destination, time of year, and business purpose. When choosing a location, the traveler should always ask the vendor or booking agent for a government or event rate. The traveler is expected to book the lowest rate offered.

1.2. Direct Billed

Many lodging establishments are willing to bill the Colleges or System Office directly for employee lodging. The traveler should inquire with the respective accounting office if the lodging can be direct billed. Nebraska lodging that is direct billed should be tax-exempt. The traveler is solely responsible for initially paying any other charges incurred with the lodging.

1.3. Conference or Event Lodging

Travelers are expected to take advantage of special priced lodging blocked for conference or events. If discounted lodging collocated with the

event is no longer available, then the traveler may choose the lowest priced rate currently available at the location or at a nearby location.

1.4. Individual Reservation

The traveler may personally reserve and pay for all lodging expenses if the location will not agree to a direct billing.

2. Lodging Claims

2.1. Authorized Reimbursement

Payment/reimbursement for lodging will be limited to the single occupancy rate, plus applicable fees and taxes. NSCS is not required to pay lodging taxes in Nebraska so travelers should request an exemption.

2.2. Non-Reimbursable Expenses

Charges incurred for personal comfort/entertainment are not reimbursable. Meals charged to a room and included on a lodging receipt are not reimbursable.

2.3. Shared Lodging

If more than one (1) traveler on NSCS business chooses to share lodging, then the lodging expenses must be cross-referenced in each traveler's request for reimbursement. Total reimbursement for the shared lodging shall not exceed the combined cost of a single occupancy rate, plus applicable fees and taxes, for each traveler.

3. Filing Claims

3.1. Detail of Claim

The request for reimbursement shall include the date the travel began and ended, the time of departure and time of return, the purpose for the travel and any meals provided.

3.2. Timely Claim

The request for reimbursement must be submitted not later than sixty (60) days after the final day on which expenses were incurred for which reimbursement is sought.

FORMS / APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 81-1174	Reimbursement for expenses; request; contents; automobile; airplane; statement required; receipts; limitation
	Neb. Rev. Stat. 81-1175	Reimbursement for expenses; vouchers; written authorization; exceptions
	Neb. Rev. Stat. 85-316	State colleges; funds; contingencies; disbursements; travel expense

Policy Adopted: November 2021

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Private Vehicle Use

POLICY NUMBER: 6105

A. PURPOSE

To provide guidance on the use and reimbursement for using a private vehicle for College or System Office business. Additional guidance is available in the NSCS Travel Manual.

B. DEFINITIONS

1. **Volunteers:** A volunteer is anyone who chooses to perform services without compensation or expectation of compensation and who performs a task at the direction of and on behalf of a College or the System Office. A volunteer must be officially accepted prior to performance of the task via successful completion of one of the Volunteer Service Agreement Forms as prescribed by the System Office. (As defined in Policy 5025).

C. POLICY

1. Private Vehicle Use

Every person authorized to operate a private vehicle for College business shall have completed a defensive driving course approved by the Nebraska Transportation Services Bureau. Employees, volunteers, or student trustees that choose to use a private vehicle for College business must have a valid driver's license and valid personal automobile insurance. Authorized persons are entitled to be reimbursed on a per mile basis based on the circumstances.

1.1. No State Fleet Vehicle Available

If there is no appropriate state vehicle available for business travel and the traveler chooses to use their own personal vehicle, they will be reimbursed at the high-mileage rate established by the Chancellor.

1.2. Written Approval

When a traveler has received written authorization to use a personal vehicle, the reimbursement rate will be the high-mileage rate established by the Chancellor.

1.3. State or Fleet Vehicle Available

If a traveler chooses to utilize a personal vehicle when a state or fleet vehicle is available, they will be reimbursed at the low-mileage rate established by the Chancellor.

2. Mileage Claims

If trips included in an expense claim are made by personal vehicle, only one (1) mileage claim shall be allowed for each mile actually and necessarily traveled by the most direct and efficient route, regardless of whether one (1) or more persons are transported in the same motor vehicle. Exceptions to the most direct route will be allowed for unusual circumstances such as road closures or accidents if documented by the traveler. No expenses beyond the mileage reimbursement will be paid for personal vehicle use. When mileage for a personal vehicle is claimed, the travel management system reimbursement request shall include the following information:

- Start and stop points for travel segments
- Time of departure and arrival
- Purpose for the trip
- Related receipts for tolls and parking fees
- Rate per mile claimed
- If the higher rate for personal mileage reimbursement is being claimed because no state or fleet vehicle was available, the approval document should be included with the claim.

3. Miscellaneous Expenses

Parking fees and toll charges incurred while on business can be reimbursed with appropriate receipts and documentation.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 81-1174	Reimbursement for expenses; request; contents; automobile; airplane; statement required; receipts; limitation
	Neb. Rev. Stat. 81-1175	Reimbursement for expenses; vouchers; written authorization; exceptions
	Neb. Rev. Stat. 81-1176	Mileage rates; how computer; adjustments; application
	Neb. Rev. Stat. 85-316	State colleges; funds; contingencies; disbursements; travel expense
	Neb. Rev. Stat. 81-1014	Privately owned vehicles; mileage allowance; conditions

Policy Adopted: November 2021

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Budgets

POLICY NUMBER: 6200

A. PURPOSE

To provide direction on budget development, the budget allocation process and the development of operating budgets.

B. DEFINITIONS

1. **Deficit Budget Request –** A formal request to the Executive Branch to increase or decrease any fund source for any budget program for the biennium in progress.

C. POLICY

1. Biennial Budget Requests

The biennial budget requests shall be presented on forms and in a manner directed by the System Office. All general operating budget requests for each College and the System Office must be approved by the Board prior to being submitted by the System Office to the appropriate agencies of the executive and legislative branches of state government, and the Coordinating Commission for Postsecondary Education.

2. Distribution of Funds

Based upon the Legislative appropriation, the Board will allocate the operational funds to the Colleges and the System Office in an equitable manner. The Board may take into consideration the adequacy and fairness of the funding levels at each institution to carry out its role and mission when making funding allocations.

3. Operating Budgets

3.1. Academic Needs

The academic requirements of the Colleges shall drive the operational and capital construction budgets. Nothing in the budgets shall be deemed sacrosanct, and no part of the College's operations will be immune from scrutiny or possible reallocation if evaluations determine that such action is necessary for an efficient and effective operation.

3.2. Budget Approval

The Colleges and the System Office will submit proposed operating budgets to the Board for approval based on the funds distribution approved by the Board.

3.3. Revised Operating Budgets

If needed, revised budgets for the current fiscal year may be submitted to the Board for approval. Revised budgets must clearly identify any additional funds being added to the budget and be accompanied by a full explanation of the proposed program budget adjustments. If revenue or expenditure adjustments are made to the operating budget during the year, a final budget reflecting those changes must be approved by the Board.

4. Deficit Budget Requests

If deficit requests for specific emergency funding become necessary, the Colleges and the System Office shall first submit the proposals to the Board for evaluation. If approved by the Board, information on the requests will be prepared and forwarded to the Governor's Budget Office, the Legislative Fiscal Office and the Coordinating Commission by the System Office before second-round approval.

FORMS/APPENDICES:

None

SOURCE:

Legal References:	Neb. Rev. Stat. 85-316	State colleges; funds; contingencies; disbursements; travel expense.
	Neb. Rev. Stat. 81-126	Governor; recommendations as to deficiency funding; bill form.

Policy Adopted: March 1994

Policy Revised: September 2006, January 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Prompt Payments

POLICY NUMBER: 6300

A. PURPOSE

To identify the timeline for paying for all goods and services.

B. DEFINITIONS

None

C. POLICY

1. Timely Payment for Goods and Services

1.1. Payment for Goods or Services Received
Each College shall make payment in full (unless an alternate payment plan has been agreed upon) for all goods delivered or services rendered in accordance with the State of Nebraska's Prompt Payment Act (Neb. Rev. Stat. 81-2401 through 81-2408). This will require the Colleges to make payment on or before the forty-fifth (45th) calendar day after (a) the receipt by the College of the goods or services, or (b) the date of receipt by the College of the bill for the goods or services, whichever is later, unless other provisions for payment are agreed to in writing by the creditor and the College.

- No goods or services shall be deemed to be received by a College until all such goods or services are completely delivered and found acceptable by the College.
- For purposes of determining whether payment was made in accordance with this policy, payment in full shall be considered to be made on the date the warrant or check for payment was mailed or otherwise transmitted.

1.2. Timing of Payment for Erroneous Billing
When a bill submitted to a College is filled out incorrectly or when there is any defect or impropriety in a bill submitted, the College shall notify the creditor in writing prior to the date on which payment in full is due. The notice shall contain a description of the defect or impropriety and any other additional information to enable the creditor to correct the bill.

- Upon receiving a corrected bill, the College shall make payment in full of the bill on or before the forty-fifth (45th) calendar day after receipt of the corrected bill.

FORMS / APPENDICES:

None

SOURCE:

Legal Reference: Neb. Rev. Stat. 81-2401 to 81-2408 Prompt Payment Act

Policy Adopted: March 1994

Policy Revised: June 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Delinquent Accounts and Write-Offs

POLICY NUMBER: 6303

A. PURPOSE

To document the expectations related to delinquent student accounts.

B. DEFINITIONS

1. **Delinquent Account –** Student accounts that are not fully paid by the established due date and that have no payment arrangements are considered delinquent.
2. **Write-Off –** The process of removing a student receivable from the accounting records.

C. POLICY

1. Delinquent Account Collections

1.1. Internal Collections

At the end of each semester, the College will conduct collection efforts internally for all delinquent accounts in accordance with System Student Account Guidelines.

1.2. Collection Agency

Within four months following the end of a semester, all delinquent accounts greater than $200 that remain unpaid, or without a reasonable payment plan in place and with without an initial payment made, will be referred to the contracted collection agency.

- Accounts will remain at the collection agency for a minimum of twelve months.
- The Chancellor is granted the authority to file suit for the collection of delinquent accounts, on behalf of the Board, after appropriate preliminary steps have been taken to collect on those accounts.

2. Student Account Flags

Students may be restricted from registering or enrolling in the next term without an acceptable payment arrangement.

2.1. Global Service Restrictions

When a student account is past due, global service restrictions may be placed on the student account that prevent future registrations. Application and removal of restrictions must follow the System Student Account Standards.

3. Writing Off Bad Debts

The Colleges shall prepare a listing of uncollectible accounts for write-off including those returned from the collection agencies and those that are less than $200. The lists shall be approved annually but could be more often according to the Student Account Guidelines and shall be approved in writing by the Vice President for Administration and Finance (VPAF) and shared with the Vice Chancellor for Finance and Administration (VCFA).

3.1. Permanent Restrictions

A record of the unpaid amount is retained in the student record system and account restrictions remain on the student account.

4. Presidential Authorization for Limited Debt Forgiveness

Notwithstanding the collection and write-off provisions above, a President may authorize the forgiveness of institutional charges for former students and facilitate their return to complete a credential. Any such approval shall receive prior authorization from the Chancellor and must follow any System Student Account Guidelines established for this purpose.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: Neb. Rev. Stat. 85-307 State colleges; president; collection of fees.

Policy Adopted: March 1994

Policy Revised: September 2013, January 2020, July 2022, August 2022, April 2024 - Effective July 2024, April 2026

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: State Treasurer

POLICY NUMBER: 6305

PURPOSE

To identify the authorized agent for processing warrants and making expenditures for funds not assigned to a trustee.

A. DEFINITIONS

None

B. POLICY

1. State Treasurer

1.1. The State Treasurer is the authorized treasurer of the Board and the Colleges by virtue of their office.

1.2. The State Treasurer shall pay, out of proper funds, all warrants for money to be expended. The warrants are to be drawn by the Director of Administrative Services on certificates by the Presidents or their designee for College-related expenses and the Chancellor for the System Office.

1.3. The Treasurer shall assure that all monies due and payable to the Colleges are received, and payments are made on the basis of audited and certified vouchers evidencing payment for services rendered or materials received, and that the amounts to be paid are those agreed on for the specific services rendered or for the specific kind, quality and quantity of goods received.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 81-1107	Director of Administrative Services; duties, powers, and responsibilities.
	Neb. Rev. Stat. 84-602	State Treasurer; duties.
	Neb. Rev. Stat. 85-302	Board of trustees; officers; body corporate; audit.
	Neb. Rev. Stat. 85-316	State colleges; funds; contingencies; disbursements; travel expense.

Policy Adopted: January 1977

Policy Revised: February 1983, February 1989, March 1994, September 2006, April 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Unclaimed Property

POLICY NUMBER: 6307

A. PURPOSE

To instruct employees regarding the handling of all uncashed warrants and other unclaimed property.

B. DEFINITIONS

1. **Tangible Personal Property –** Property exclusive of land and buildings that is movable, including equipment, furnishings, vehicles, appliances, electronics, scientific or academic instruments and other physical property.

2. **Intangible Personal Property –** An item of value that cannot be physically touched that would include a prepaid card, credit or refund on a student account, or unpaid wages.

3. **Unclaimed Property** – Intangible or tangible personal property held by the Colleges or System Office that has been unclaimed or has been abandoned for more than three years is considered unclaimed property. Unpaid wages or uncashed payroll checks are considered abandoned after one year.

C. POLICY

1. Uncashed Warrants

Unclaimed warrants shall be handled as follows:

1.1. Uncashed General and Cash Funds

Excluding student refunds warrants, will be allowed to expire one year after issuance. Any such warrant shall cease to be an obligation of the Nebraska State College System and shall be charged off upon the books of the State Treasurer. Except as otherwise provided by law, the amount stated on such warrant shall be credited to the General Fund. Such warrant may thereafter be presented to the State Claims Board which may approve a claim pursuant to the State Miscellaneous Claims Act.

1.2. Uncashed Student Refunds, Room Deposits, or other Overpayment Refund Warrants

Will be cancelled before the one year issuance expiration for the warrant. The non-Title IV aid portion of any cancelled refund warrant shall be remitted in accordance with the unclaimed property procedures. The Title IV aid portion of any cancelled refund warrant will be returned to the U.S. Department of Education no later than two hundred forty (240) days after the date the original student refund warrant was issued. Any credit remaining after the Title IV returned amount shall be retained on the student financial account.

1.3. Uncashed Federal Funds

Will be cancelled before the one year issuance expiration for the warrant. Funds shall either be returned to the Federal awarding agency or handled in accordance with the applicable grant agreement.

1.4. Uncashed Trust Funds

Will be cancelled before the one year issuance expiration for the warrant and will either be handled in accordance with the trust arrangement or remitted in accordance with the unclaimed property procedures.

1.5. Uncashed Revenue Bond Funds

Will be cancelled before the one year issuance expiration for the warrant and will be returned to the Revenue Bond Fund.

1.6. Uncashed Capital Improvement Fee Funds

Will be cancelled before the one year issuance expiration for the warrant and will be returned to the Capital Improvement Fee Fund.

1.7. Multiple Fund Sources

If a warrant contains multiple fund sources, the warrant shall be cancelled and handled in accordance with the applicable directive noted above for each fund type.

2. Unclaimed Property Notice

The owner of all intangible and tangible personal property deemed to be unclaimed and held for the owner by any of the Colleges or System Office shall be notified in accordance with the unclaimed property procedures.

2.1 Tangible Personal Property

- The notice shall describe the property in a manner reasonably adequate to permit the owner of the property to identify it.
- The notice shall state that reasonable costs of storage may be charged before the property is returned, the location where the property may be claimed, and the date on or before which such property must be claimed.

- The date specified in the notice shall be a date not less than seven days after the notice is personally delivered or, if mailed, not less than fourteen days after the notice is deposited in the mail.
- The notice shall be given within six months of the date of expiration of the lease of the property or the date of discovery of the abandonment, whichever is later.
- The notice shall be personally delivered or sent by first-class mail, postage prepaid, to the person to be notified at his or her last-known address and, if there is reason to believe that the notice sent to that address will not be received by him or her, also delivered or sent to such other address, if any, known to the landlord at which such person may reasonably be expected to receive the notice.
- Contain one of two statements:
    - If you fail to reclaim the property, it will be sold at a public sale after notice of the sale has been given by publication. You have the right to bid on the property at this sale. After the property is sold and the costs of storage, advertising, and sale are deducted, the remaining money will be turned over to the State Treasurer pursuant to the Uniform Disposition of Unclaimed Property Act. You may claim the remaining money from the office of the State Treasurer as provided in such act; or,
    - Because this property is believed to be worth less than two thousand dollars, it may be kept, sold, or destroyed without further notice if you fail to reclaim it within the time indicated in this notice.

2.2. Intangible Personal Property

Prior to reporting and remitting unclaimed intangible personal property above twenty-five dollars ($25) to the State Treasurer, the Colleges and System Office shall exercise due diligence by sending a notification letter to the last known address of the owner at least sixty (60) days and no more than one hundred (120) days before reporting and taking any other reasonable steps to locate the owner to avoid abandonment.

3. Remitting Unclaimed Intangible Personal Property

3.1. Filing with State Treasurer

After the three (3) year dormancy period for intangible property has lapsed, any property held by the Colleges or System Office are presumed abandoned in accordance with the Uniform Disposition of Unclaimed Property. The Colleges shall file a report with the State Treasurer with the following elements:

- Except with respect to traveler's checks and money orders, the name, if known, and last-known address
- The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due

- The date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property
- Any other information requested by the State Treasurer as prescribed by rule

3.2. Filing Deadline

All reports and remittances are to be filed by November 1 for the fiscal year ending the preceding June 30.

3.3. Delivery of Property to State Treasurer

Once the report filing has been completed, the College or System Office shall pay or deliver the property to the Treasurer unless a valid claim is made prior to submission of the property which will require a written explanation to the State Treasurer.

3.4. Records Retention

Documentation to support the report filed with the State Treasurer shall be maintained for seven (7) years.

4. Remitting Unclaimed Personal Property

Any personal property that is deemed abandoned and where proper notice has been given, may be disposed of or retained depending on the value.

4.1. Property Value is Less Than Two Thousand Dollars ($2,000)

If the Colleges believe the total resale value of the property is less than two thousand dollars ($2,000), the Colleges may either retain such property or dispose of it by sale or disposal. If an item estimated to be less than two thousand dollars ($2,000) is sold, the proceeds shall be deposited as Cash Funds or Revenue Bond Funds, depending upon the operation under which the abandoned property was discovered.

4.2. Property Value is More Than Two Thousand Dollars ($2,000)

Personal property items with an estimated value in excess of two thousand dollars ($2,000) shall be sold by competitive bid and the proceeds, after the deduction of the reasonable costs of storage, advertising and sale, shall be remitted to the State Treasurer for disposition pursuant to the Uniform Disposition of Unclaimed Property Act no later than thirty (30) days after the date of the sale.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb, Rev. Stat. 69-1301 through 69-1329	Unclaimed Property Act.
	Neb. Rev. Stat. 69-2301 through 69-2314	Disposition of Personal Property Landlord and Tenant Act.
	Neb. Rev. Stat. 77-2205	Warrants; payment; time limitation; file claim with State Claims Board.

Policy Adopted: September 2017

Policy Revised: September 2022

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Purchasing of Materials and Equipment

POLICY NUMBER: 6400

A. PURPOSE

To secure the best possible prices and procure quality materials and equipment that meet specifications and other requirements. This policy applies to bidding and purchasing of all goods, materials, supplies, vehicles and equipment, with the exception of fixed equipment, hereinafter referred to as "materials".

Fixed equipment should be purchased according to Policy 8064.

The purchase of any IT equipment or software must adhere to the purchasing thresholds in Policy 7018 and have the approval of the College or the NSCS Chief Information Officer (CIO) or designee. See Policy 7018 for additional guidance.

B. DEFINITIONS

1. **Open Solicitation:** Consists of pursuing purchase prices which are secured by telephone calls, prices available online, or letters to potential vendors or from the vendors' published material.
2. **Informal Bids:** An Informal Bid is a written quote from a vendor which may include a facsimile quote or an email. Note that "proposals" and "quotes" have the same meaning as "bids" throughout this policy.
3. **Formal Bids:** Bids are secured from vendors by means of an advertised Request for Proposal (RFP). An RFP is a document that announces a project, describes the scope of the project, details criteria for bids, and solicits bids from vendors. A minimum of fifteen (15) calendar days shall elapse between the time the RFP is advertised and the time of the bid opening. Bids must be opened in the manner, time and date specified in the RFP. Electronic bids are only allowed when prescribed by the RFP.
4. **Emergency:** Any situation where it is necessary to enter into a contract to (a) avoid the loss of life, health, safety or property; (b) respond to time limits established by an external authority; (c) ensure the continuation of an essential College service, function, utility, facility or (d) avoid, correct or repair a situation outside the control of the College including detrimental negligence or acts of an employee, natural or manmade disasters.

5. **Fixed Equipment:** Equipment that is affixed to the facility and is not movable.

C. POLICY

1. Purchasing Thresholds

All purchases shall conform to the following dollar thresholds and bidding process.

1.1. Less than $25,000 – No bids are required

Open Solicitation applies when the materials purchased are valued at less than twenty-five thousand dollars ($25,000). If it is determined by the College/System Office that solicitation of bids for materials costing less than twenty-five thousand dollars ($25,000) would result in a better-quality product or lower cost, Informal Bids may be secured in writing by facsimile quotes or emails.

1.2 $25,000 but less than $150,000 – Informal Bid process

An Informal Bid process is required for all purchases that are twenty-five thousand dollars ($25,000) but less than one hundred fifty thousand dollars ($150,000). A minimum of three (3) written quotes is necessary. If it is not possible to get three (3) written quotes, the process and reasons should be documented.

1.3 $150,000 or more – Formal Bid process

On purchases of one hundred fifty thousand dollars ($150,000) or more Formal Bids are required.

2. General Purchasing Guidance

2.1. Purchase Orders and Notification of Award

Purchase orders or purchase requisitions or signed contracts may serve as notification of award and documentation for the purchase of supplies and materials.

2.2. Most Advantageous Price

- Purchasing processes and procedures shall be designed to ensure that all materials following appropriate standards and specifications can be purchased at the most advantageous price.
- Where feasible and appropriate, each College shall attempt to determine its annual supply needs so that purchasing may be coordinated to realize the potential economies of standardization of materials and large-scale purchases.
- State purchasing assistance or contracts may be utilized where found to be advantageous.

2.3. Threshold Adherence

All purchases shall be bid as a single whole item. In no case shall purchases be divided or fractioned to produce several purchases which are each of an estimated value below a particular threshold bidding requirement.

3. General Bid Requirements

3.1. Minimum Number of Bidders

If materials are to be purchased by the Formal Bid process, the College or System Office shall prepare standards and specifications for the Request for Proposal (RFP) in such a manner it will be possible for three (3) or more manufacturers, vendors or suppliers to submit bids. If bids are not submitted from three (3) bidders, bids may be accepted from a fewer number of bidders than three (3) upon documentation of the bidding process including the companies contacted.

3.2. Bid Timelines

The RFP shall state the manner, day and time upon which bids shall be returned, received and opened.

3.3. Bid Preference

When a public bid is to be awarded to the lowest bidder, a Nebraska residential bidder shall be allowed a preference over a nonresident bidder from a state which gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the nonresident bidder. This provision shall not apply to any contract for any project upon which federal funds would be withheld because of such provisions.

3.4. Nondisclosure

No person in charge of any bids prior to the bid opening time shall open them prior to that time or otherwise disclose to any bidder the contents, amount, or other details of any rival bid.

3.5. Lowest Bidder

Purchases are generally made from the lowest bidder, taking into consideration the best interest of the College, the quality of the materials proposed to be supplied, conformity with specifications, the purposes for which required, and the times of delivery. In determining the lowest bidder, in addition to price, the College may develop criteria specific to a purchase or may give the following elements consideration when appropriate:

- The ability, capacity and skill of the bidder to meet the specifications;
- The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- Whether the bidder can meet the delivery expectations;
- The performance on past awarded bids;

- The previous and existing compliance by the bidder with laws relating to the contract;
- The life cycle costs of the personal property in relation to the purchase price and specific use of the item;
- The performance of the materials, taking into consideration any commonly accepted tests and standards of product usability and user requirements; and
- Such other information as may be secured having a bearing on the decision to award the bid.

3.6 Bid Rejection

Any or all bids may be rejected including the bid of any bidder who has failed to perform a previous contract with the Colleges. In any case, where Formal Bids are required and all bids rejected, and the proposed purchase is not abandoned, new bids shall be called for as in the first instance.

4. Exceptions, Emergencies, and Sole Sourcing

4.1. Exceptions to Bidding Requirements

The following are exceptions to bidding requirements. Documentation justifying the exception should be kept on file by the College.

- Used items including vehicles and equipment, used materials, or used supplies.
- Library books, magazines, and acquisitions.
- Purchasing from a previously competitively bid government contract, including the State of Nebraska, the University of Nebraska System, or a multistate compact contract. Competitively bid government contracts by non-government entities such as consortiums, organizations, and partnerships are also included.
- When pricing has been established by the federal General Services Administration.
- Utilities include electricity, water and sewer, heating fuels, gasoline, diesel fuel, or wood chips.
- Lodging and airfare.

4.2 Emergency

Emergency purchases shall be documented by the College and submitted by the President, Vice President for Administration and Finance (VPAF), or Vice President for Academic Affairs (VPAA) to the Chancellor for approval. Chancellor approval of an emergency automatically includes the suspension of bidding requirements as appropriate for each emergency.

4.3 Sole Source

A sole source purchase is when there is only a single feasible or sole source for the supplies or equipment. Documentation to purchase based on sole source without Informal or Formal Bids shall be documented by the College and approved by the President, VPAF or VPAA and given System Office approval by the Vice Chancellor for Facilities (VCF), or the Vice Chancellor for Finance and Administration (VCFA). A single feasible or sole source exists when:

- Supplies or equipment are proprietary and only available from the manufacturer or a single entity and there is no similar equipment available that meets the requirements;
- Supplies or equipment that must be compatible with the original equipment;
- The materials are copyrighted and are only available from the publisher or a single distributor; or
- Donors providing majority funding for materials may specify a particular vendor.

5. Compliance Requirements

5.1. Purchasing Responsibility

- The responsibility for the purchasing, receiving, storing and distributing of all materials and supplies to support the activities and programs of each College and the System Office, unless otherwise provided, is delegated by the Board to the Presidents or to the Chancellor. The VPAF shall serve as the principal purchasing agent for the College and shall be responsible for the development and implementation of College processes and procedures which conform to the requirements of the Board.
- Should such processes and procedures include the appointment of a College purchasing agent and a decentralized purchasing function, responsibility for conformance with the College's and Board's requirements shall remain with the principal purchasing agent.

5.2 Independence and Conflict of Interest

- While an employee as a prospective user may informally seek information and confer with a vendor about services and product prices, negotiation for purchases of services and products must be done in compliance with the College and Board policies.
- The principal purchasing agent shall retain responsibility for assuring compliance with procurement procedures.
- If correspondence is carried on between a prospective user and a vendor, copies of such correspondence shall be included along with other price documentation accompanying a purchase order to the extent

determined appropriate by the principal purchasing agent. Employees are to be aware of and follow the conflict-of-interest requirements stated below when working with potential vendors.

- An employee, employee's family member, and/or business with which the employee is associated shall not enter into a College or System contract valued at two thousand dollars ($2,000) or more, in any one (1) year, unless the contract is awarded through an open and public process in compliance with Neb. Rev. Stat. §49-14,102.
- An employee should not be involved in an advisory or decision-making capacity relating to College or System purchases where the employee, employee's family member and/or business has a financial interest.
- If an employee, the employee's family or a business with which the employee is associated has a financial interest directly, or indirectly in a College or System purchase the Vice Chancellor for Finance & Administration must review information regarding the financial interest and approve the terms of the purchase and/or contract in advance.
- Employees or employees' family members may not receive or accept, either directly or indirectly, by rebate, gift, or otherwise, any money or other specific item of value whatsoever, or any promise, obligation or contract for future reward or compensation from any vendor, person, firm, corporation or other entity which is conducting business with the College or System.
- For purposes of this Policy, a direct or indirect financial interest does not include de minimis holdings or transactions that are unlikely to influence, or appear to influence, the employee's decision making. A financial interest shall be considered de minimis if: the value of the interest in a publicly traded entity does not exceed $5,000 in aggregate, including stock, stock options, or other ownership interests; and, the employee does not serve in a managerial, board, or executive capacity with the entity; and, the interest does not represent more than 1% ownership in the entity.

5.3 Disabled Veteran or Enterprise Zone Act Preference

- In accordance with state law, when a state contract is to be awarded to the lowest bidder, a resident disabled veteran or a business located in a designated enterprise zone under the Enterprise Zone Act shall be allowed a preference over any other resident or nonresident bidder, if all other factors are equal.
- Resident disabled veteran means any person who resides in the State of Nebraska, who served in the United States Armed Forces, including any reserve component or the National Guard, who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions), and who possesses a disability rating

letter issued by the United States Department of Veterans Affairs establishing a service connected disability or a disability determination from the United States Department of Defense.

- The resident disabled veteran must own and control a business or, in the case of a publicly owned business, more than fifty percent (50%) of the stock must be owned by one or more persons that meet the definition of a resident disabled veteran. The management and daily business operations of the public business must also be controlled by one or more persons meeting the definition of resident disabled veteran.

5.4 Federal Funding

When purchases are made using federal funds, federal purchasing requirements must also be followed. For those purchases meeting the federal definition of a "covered transaction", the purchaser shall verify that the potential vendor has not been suspended or debarred.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 4-114	Public employer and public contractor; register with and use federal immigration verification system; Department of Labor; duties.
	Neb. Rev. Stat. 73-107	Resident disabled veteran or business located in designated enterprise zone; preference; contract not in compliance with section; null and void.
	Neb. Rev. Stat. 85-304	Board of trustees; powers and duties, enumerated.

Policy Adopted: January 1977

Policy Revised: July 1983, March 1990, March 1994, November 1995, September 1997, September 2006, April 2007, June 2010 – Effective July 2010, June 2011, November 2011, March 2013, September 2013, September 2014, March 2015, June 2015, April 2020, September 2021, April 2022, June 2022, November 2022, January 2025, September 2025

Board of Trustees of the Nebraska State Colleges

Fiscal Operations

POLICY NAME: Contracts and Agreements

POLICY NUMBER: 6401

A. PURPOSE

To ensure that all situations involving a contract or agreement (hereinafter referred to as contracts) for acquiring services are clear and that the appropriate process is followed when entering into a contract. A contract is necessary whenever a legal relationship is established consisting of rights and duties that go beyond the sale transaction details.

B. DEFINITIONS

1. **Contract** - A written agreement between two or more parties creating legally enforceable obligations. Whether a document is titled as a contract, an agreement, a memorandum of understanding, or any other type of cooperative undertaking, any written arrangement wherein parties exchange value, such as the exchange of services for payment, is legally considered to be a contract. The relationship's legal status does not change just because the document is labeled as something other than a contract.
2. **Open Solicitation:** Consists of pursuing purchase prices which are secured by telephone calls, prices available online, or letters to potential vendors or from the vendors' published material.
3. **Informal Bids:** An Informal Bid is a written quote from a vendor which may include a facsimile quote or an email. Note that "proposals" and "quotes" have the same meaning as "bids" throughout this policy.
4. **Formal Bids:** Bids are secured from vendors by means of an advertised Request for Proposal (RFP). An RFP is a document that announces a project, describes the scope of the project, details criteria for bids, and solicits bids from vendors. A minimum of fifteen (15) calendar days shall elapse between the time the RFP is advertised and the time of the bid opening. Bids must be opened in the manner, time and date specified in the RFP. Electronic bids are only allowed when prescribed by the RFP.
5. **Emergency:** Any situation where it is necessary to enter into a contract to (a) avoid the loss of life, health, safety or property; (b) respond to time limits established by an external authority; (c) ensure the continuation of an essential

College service, function, utility, facility or (d) avoid, correct or repair a situation outside the control of the College including detrimental negligence or acts of an employee, natural or manmade disasters.

6. **Revenue Sharing –** A financial arrangement where the parties agree to distribute a portion of the income generated from a specific activity, product, or service. Revenue sharing includes, but is not limited to commissions, royalites, profit sharing, or other forms of revenue distribution.

C. POLICY

1. Application of Policy

- Policy 6401 applies to all situations where there will be a contractual relationship or terms established in writing with a third-party except capital construction and facility maintenance and repair, and where the purchase of fixed facility equipment acquisitions will involve a contract, which fall under Policies 8064 and 8066.
- General consulting contracts in this policy exclude architect and engineer services agreements which are addressed in Policies 8064 and 8066.
- For contracts related to IT purchasing, consulting or services, refer to Policy 7018.
- Purchases of insurance are not subject to these bidding and contract requirements, instead refer to Policy 6608.

2. Contract Thresholds

Thresholds are determined based on the total contract amount for the initial term of the contract, not to include renewal periods. All contracts shall conform to the following thresholds for bidding and contract signature approvals.

2.1. All Contracts Except for Consulting Agreements and Revenue Sharing Contracts

- Contracts less than $50,000
  - Signed by the President, Vice President for Administration and Finance (VPAF) or Vice President for Academic Affairs (VPAA).
  - Open Solicitation applies when the contract will be less than fifty thousand dollars ($50,000). If it is determined by the College or System Office that solicitation of bids for contracts costing less than fifty thousand dollars ($50,000) would result in a lower cost or better service, Informal Bids may be secured in writing by facsimile quotes or emails.
  - No contract is required for repair or maintenance services less than fifty thousand dollars ($50,000) to moveable equipment, vehicles, and furnishings.

- From $50,000 but less than $150,000
    - Signed by the President, VPAF or VPAA.
    - The contract is awarded using an Informal Bid process. If it is not possible to get three (3) bids, the process and reasons should be documented.
- From $150,000 but less than $300,000
    - Contract is awarded based on a Formal Bid process.
    - Signed by the President, VPAF or VPAA.
- $300,000 and above
    - Contract is awarded based on a Formal Bid process.
    - Requires Board approval or Board authorization for the Chancellor to approve.
    - Signed by the Chancellor, Vice Chancellor for Finance and Administration (VCFA) or General Counsel; and the President, VPAF or VPAA.

2.2 General Consulting Contracts

- Contracts less than $75,000
    - Signed by the President, VPAF or VPAA.
    - Open Solicitation applies when the contract will be less than seventy-five thousand dollars ($75,000). If it is determined by the College or System Office that solicitation of bids for contracts costing less than seventy-five thousand dollars ($75,000) would result in a lower cost or better service, Informal Bids may be secured in writing by facsimile quotes or emails.
- From $75,000 but less than $150,000
    - Signed by Chancellor, VCFA or General Counsel; and the President, VPAF or VPAA.
    - The contract is awarded using an Informal Bid process. A minimum of three (3) bids is necessary. If it is not possible to get three (3) bids, the process and reasons should be documented.
- $150,000 or more
    - Requires Board approval or Board authorization for the Chancellor to approve.
    - Signed by the Chancellor, VCFA or General Counsel; and the President, VPAF or VPAA.
    - Contract is awarded based on a Formal Bid process.

2.3. Revenue Sharing Contracts

- Bidding Exemptions for Revenue Sharing Contracts
  - Educational partnership agreements do not have to be bid even if they include a revenue sharing component.
  - Contracts with vendors located within the state of Nebraska that include revenue sharing for goods and services or projects provided on-campus do not have to be bid.
  - Licensing agreements for the use of the College name, logo or marks do not have to be bid.
- All Other Revenue Sharing Contracts
  - Should utilize a Formal Bid process
  - Must have Board approval
  - Signed by the Chancellor, VCFA or General Counsel; and the President, VPAF or VPAA.

3. General Bid Requirements

3.1. Minimum Number of Bidders

If services are to be purchased by the Formal Bid process, the College or System Office shall prepare standards and specifications for the RFP in such a manner it will be possible for three (3) or more vendors to submit bids. If bids are not submitted from three (3) bidders, bids may be accepted from a fewer number of bidders than three (3) upon documentation of the bidding process, including the companies contacted.

3.2. Bid Timelines

The RFP shall state the manner, day and time upon which bids shall be returned, received and opened.

3.3. Bid Preference

When a public bid is to be awarded to the lowest bidder, a Nebraska residential bidder shall be allowed a preference over a non-resident bidder from a state, which gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the nonresident bidder. This provision shall not apply to any contract for any project upon which federal funds would be withheld because of such provisions.

3.4. Nondisclosure

No person in charge of any bids prior to the bid opening time shall open them prior to that time or otherwise disclose to any bidder the contents, amount, or other details of any rival bid.

3.5. Lowest Bidder

Purchases of services are generally made from the lowest bidder, taking into consideration the best interest of the College, the quality of the materials proposed to be supplied, conformity with specifications, the purposes for which required, and the times of delivery. In determining the

lowest bidder, in addition to price, the College may develop criteria specific to a purchase or may give the following elements consideration when appropriate:

- The ability, capacity and skill of the bidder to meet the specifications;
- The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- Whether the bidder can meet the delivery expectations;
- The performance on past awarded bids;
- The previous and existing compliance by the bidder with laws relating to the contract;
- The life-cycle costs of the personal property in relation to the purchase price and specific use of the item;
- The performance of the materials, taking into consideration any commonly accepted tests and standards of product usability and user requirements; and
- Such other information as may be secured having a bearing on the decision to award the bid.

3.6. Bid Rejection

Any or all bids may be rejected, including the bid of any bidder who has failed to perform a previous contract with the Colleges. In any case, where Formal Bids are required and all bids rejected, and the proposed purchase is not abandoned, new bids shall be called for as in the first instance.

4. Exceptions, Emergencies, and Sole Sourcing

4.1. Exceptions to Bidding Requirements

The following are exceptions to the bid requirements. Documentation justifying the exception should be kept on file by the College or System Office:

- Purchasing services from a previously competitively bid government contract, including the State of Nebraska, the University of Nebraska System, or a multi-state compact contract. Competitively bid government contracts by non-government entities such as consortiums, organizations, and partnerships are also included.
- When pricing has been established by the federal General Services Administration.
- Placement of ads or advertising.
- Purchase of insurance as addressed in Policy 6608.
- Other exceptions include medical clinics and nursing services.

4.2. Emergency

Emergency purchases shall be documented by the College and submitted to the President, VPAF or VPAA, for approval by the Chancellor. Chancellor approval of an emergency automatically includes the suspension of bidding requirements as appropriate for each emergency.

4.3. Sole Source

Documentation to purchase based on sole source without Informal or Formal Bids shall be documented by the College and approved by the President, VPAF, or VPAA and given System Office approval by either the VCF or VCFA. A sole source purchase is when there is only a single feasible or sole source for the services. A single feasible or sole source exists when:

- Services are proprietary and only available from the company or a single entity.
- The same vendor/contractor of an installed pilot project system is required to install expansions to that system.
- Factory authorized maintenance services must be utilized in order to maintain a warranty or integrity of system.
- Only one (1) type of product or solution exists for a specific service.
- The services of a particular provider are unique, e.g. entertainers, authors, etc.
- Based on current research, it is determined that only a single entity services the region in which the services are needed.

5. Compliance Requirements

5.1. Contract Execution

No work should be performed under the contract until it has been signed by all parties. No contract, lease, or purchase agreement that requires approval by the Board or Chancellor shall be signed or finalized in any form until the Board or Chancellor has authorized the College to enter into the contract.

5.2. Contract Cancellation

Contracts can only be cancelled by individuals who are authorized to sign contracts on behalf of the College.

5.3. Non-Appropriation Clause

No contract may commit funds for a future fiscal year, unless specific funding has been identified in a Legislative appropriation bill or an appropriate cancellation clause has been inserted in the contract.

5.4. Contract Negotiation and Authorization

College departments are responsible for negotiating contracts prior to submission to the appropriate Vice President. The Presidents and VPAFs are primarily responsible for signing College contracts, however, the VPAA may sign contracts of an academic nature including, but not limited to, Academic Collaborations, Partnerships and Affiliations; Academic Transfer or Articulation Agreements; Academic Camps; Community Service and Service Learning; International Travel; Library Collections; academic events, speakers or activities; and work-based learning experiences, such as internships, practicums, clinical placements, student teaching, etc.

5.5. Chancellor Approval

The Chancellor can execute and sign a contract in place of the President, VPAF or VPAA for a College.

5.6. Contract Reporting

Contracts over one hundred fifty thousand dollars ($150,000) and all subsequent change orders, addenda and amendments over fifty thousand dollars ($50,000) shall be reported to the Board.

5.7. Contract Form

- The NSCS standard contract forms are to be used whenever possible. (See Contracts and Procurement found at www.nscs.edu.)
- In cases where there are no alternatives to using vendor contract forms, the applicable provisions of the appropriate NSCS form need to be incorporated into the contract.
- If an online user agreement (sometimes referred to as a “click-through agreement”) is required for a purchase, the terms and conditions are to be approved by the appropriate Vice President.

5.8. Independence and Conflict of Interest

- While an employee, as a prospective user, may informally seek information and confer with a vendor about services and product prices, negotiation for purchases of services and products must be done in compliance with the College and Board policies.
- The principal purchasing agent shall retain responsibility for assuring compliance with procurement procedures.
- If correspondence is carried on between a prospective user and a vendor, copies of such correspondence shall be included, along with other price documentation accompanying a purchase order, to the extent determined appropriate by the principal purchasing agent. Employees are to be aware of and follow the conflict-of-interest requirements stated below when working with potential vendors.
- An employee, employee’s family member, and/or business with which the employee is associated shall not enter into a College or System

contract valued at two thousand dollars ($2,000) or more, in any one (1) year, unless the contract is awarded through an open and public process in compliance with Neb. Rev. Stat. §49-14,102.

- An employee should not be involved in an advisory or decision-making capacity relating to College or System purchases where the employee, employee's family member and/or business has a financial interest.
- If an employee, the employee's family or a business with which the employee is associated has a financial interest directly, or indirectly in a College or System purchase the Vice Chancellor for Finance & Administration must review information regarding the financial interest and approve the terms of the purchase and/or contract in advance.
- Employees or employees' family members may not receive or accept, either directly or indirectly, by rebate, gift, or otherwise, any money or other specific item of value whatsoever, or any promise, obligation or contract for future reward or compensation from any vendor, person, firm, corporation or other entity which is conducting business with the College or System.
- For purposes of this Policy, a direct or indirect financial interest does not include de minimis holdings or transactions that are unlikely to influence, or appear to influence, the employee's decision making. A financial interest shall be considered de minimis if: the value of the interest in a publicly traded entity does not exceed $5,000 in aggregate, including stock, stock options, or other ownership interests; and, the employee does not serve in a managerial, board, or executive capacity with the entity; and, the interest does not represent more than 1% ownership in the entity.

5.9. Threshold Adherence

All services shall be bid as a single whole item. In no case shall services be divided or broken up to produce several smaller contracts, which are each of an estimated value below a particular threshold bidding requirement.

5.10. Disabled Veteran or Enterprise Zone Act Preference

- In accordance with state law, when a state contract is to be awarded to the lowest bidder, a resident disabled veteran or a business located in a designated enterprise zone under the Enterprise Zone Act shall be allowed a preference over any other resident or nonresident bidder, if all other factors are equal.
- Resident disabled veteran means any person who resides in the State of Nebraska, who served in the United States Armed Forces, including any reserve component or the National Guard, who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions), and who possesses a disability rating letter issued by the United States Department of Veterans Affairs

establishing a service-connected disability or a disability determination from the United States Department of Defense.

- The resident disabled veteran must own and control a business or, in the case of a publicly owned business, more than fifty percent (50%) of the stock must be owned by one (1) or more persons that meet the definition of a resident disabled veteran. The management and daily business operations of the public business must also be controlled by one (1) or more persons meeting the definition of resident disabled veteran.

5.11. Federal Funding

When services are purchased with federal funds, federal purchasing requirements must also be followed. For those purchases meeting the federal definition of a "covered transaction", the purchaser shall verify that the potential vendor has not been suspended or debarred.

6. Contracts Delegated to Colleges or System Office

The following contracts do not require review and approval by the Board or the Chancellor, but must adhere to approval and bidding requirements, if appropriate:

- Any contracts that establish placements for students to complete work-based learning experiences, such as an internship, practicum, clinical placement, student teaching, etc.
- Any community service and service-learning contract.
- Any Northeast Nebraska Teacher Academy agreement (NENTA).
- Any articulation agreement to determine course equivalencies in accordance with Board Policies.
- Any bus chartering contracts.
- Any contract for the purchase of supplies and commodities used in the regular course of business operations.
- Any contract for the purchase of a license to use a mailing list, email list, or similar list of contacts.
- Any contract for trash services.
- Any contract with the state or federal government for the provision of Financial Aid.
- Any contract or change order or addendum associated with an emergency approved by the Chancellor.

7. Contracts Requiring Board Approval at Any Amount

7.1 Revenue Bond Auditors

All revenue bond auditor contracts as detailed in Policy 6800 require Board approval regardless of the dollar amount. All contracts related to revenue

bond facilities will be in accordance with the indentures, statutes, and related Board policies.

7.2 Educational Partnerships

- All contracts establishing collaborative, educational partnerships, and international study abroad trips require Board approval. Contracts, Memorandum of Understandings, or Agreements establishing collaborative, educational partnerships between the Colleges and external entities must be approved in advance by the Board and signed by the Chancellor.
- Contracts related to international study abroad trips are considered educational partnerships and must be approved in advance by the Board.
- Contracts that are solely for the purpose of exploring the potential for future substantive contracts do not require approval of the Board and shall be signed the President or the VPAA.

7.3 Food Service and Bookstore Contracts

All external food service and bookstore contracts require Board approval in advance, per Policies 9300 and 9500.

8. Consultant Contract Guidance

The Board recognizes the value and financial savings that may accrue from the use of experienced consultants to the Board, staff and faculty on special aspects of College and System Office programs. Since no College can include in its personnel appointments all the highly qualified and widely experienced people on all phases of College or System Office operations, the Board will therefore contract from time to time, as appropriate, with individuals or groups for special consulting services.

8.1. CPA Firms, Lobbyist and Search Consultants

The hiring and retention of personnel, excluding annual auditors which are approved by the Board, hired for a duration greater than five (5) days for any College or the System Office, shall be approved by the Chancellor. The Chancellor is delegated the responsibility for selecting and negotiating these services on behalf of the Board. The Chancellor shall determine if a contract is necessary. A Formal Bid process is not required. In each instance the Chancellor shall notify the Board.

8.2 Legal Services

All legal services shall be coordinated through the System Office as approved by the Chancellor. The Colleges are not authorized to obtain legal services or hire attorneys.

8.3 System Consultants

The Chancellor is delegated the responsibility for selecting and negotiating on behalf of the Board all other special consulting contracts for the System where the total cost is expected to be under one hundred fifty thousand dollars ($150,000). Such contracts shall be signed by the Chancellor, VCFA or General Counsel.

SOURCE:

Legal Reference:	Neb. Rev. Stat. 4-114	Public employer and public contractor; register with and use federal immigration verification system; Department of Labor; duties.
	Neb. Rev. Stat. 73-107	Resident disabled veteran or business located in designated enterprise zone; preference; contract not in compliance with section; null and void.
	Neb. Rev. Stat. 85-304	Board of trustees; powers and duties, enumerated.

Policy Adopted: July 1983

Policy Revised: March 1994, June 1995, April 2007, November 2011, March 2013, September 2013, November 2014, June 2015, May 2016, June 2017, September 2018, March 2019, September 2019, April 2020, July 2020, September 2021, April 2022, November 2022, April 2023, April 2024, November 2024, January 2025, September 2025

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Lease Purchase Agreements

POLICY NUMBER: 6402

A. PURPOSE

To provide guidance on when a lease purchase agreement may be used to procure materials.

B. DEFINITIONS

1. **Lease Purchase Agreement** – When a College (lessee) enters into an agreement to procure materials, equipment, facilities, or other investments that will be paid for over a period of time to the vendor (lessor).

C. POLICY

1. Use of Lease Purchase Agreements

Periodically it may be necessary or advantageous for the Colleges or System Office to enter into lease purchase agreements for the procurement of equipment, energy management projects, facilities management systems, vehicles, furnishings, fixtures, facilities, and other essential types of purchases.

2. Thresholds for Lease Purchase Agreements

All purchases shall conform to bidding thresholds as well as the following lease purchase thresholds:

2.1. Less than $25,000

- College agreements shall be signed by the College President and the Vice President for Administration and Finance
- System Office agreements shall be signed by the Chancellor, Vice Chancellor for Finance and Administration, or General Counsel.
- Must be reported to the Board

2.2. From $25,000 but less than $50,000

- Shall be approved by the Chancellor, and signed by the Chancellor or Vice Chancellor for Finance and Administration, or General Counsel

- College agreements shall be signed by the President or Vice President for Administration and Finance
- Must be reported to the Board

2.3. $50,000 or more

The following process shall be followed for all such agreements whereby the financing amount is $50,000 or more:

- Discuss proposed purchase with DAS representative for the State of Nebraska's Master Lease Program and obtain financial data for using that program;
- Solicit information on other available Lease-Purchase programs and analyze the advantages/disadvantages of each program that is appropriate for use;
- Submit material to System Office with recommendation on designated program, including draft of proposed agreement which recognizes the following:
    - Since the Colleges are not permitted, by law, to mortgage or grant a security interest in real or personal property to which it has title, the title to the property must be vested in the lessor until such time as all of the rental payments are made.
    - The Colleges may not permit title to any equipment, fixture, etc. to remain in another parties name if its removal would impair the integrity of the building to which it is attached or in which it is housed.
    - The lease-purchase agreement for qualifying projects would be subject to an annual appropriation and be annually renewable.
    - Unless there are other restrictions imposed by other documents, there are no restrictions on the source of funds that may be used for payment of the colleges' obligation under the agreement. However, the Board must specifically approve the source of funds intended to be used.
    - The Colleges may combine various sources of funds for lease purchase financing, but it must be recognized that failure of any one of the sources might cause a default for the entire agreement.
- Prepare recommendation to be submitted to the Board for approval.
- The Agreement, once approved by the Board, shall be signed by the Chancellor or Vice Chancellor for Finance and Administration, or General Counsel.
- College agreements shall be signed by the President or Vice President for Administration and Finance

FORMS/APPENDICES:

None

SOURCE:

Legal References:	Neb. Rev. Stat. 81-1107	Director of Administrative Services; duties, powers, and responsibilities.

Policy Adopted: June 1998

Policy Revised: September 2006, March 2013, January 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Bid Protests

POLICY NUMBER: 6403

A. PURPOSE

To provide vendors with a process to protest bid awards.

B. DEFINITIONS

1. Competitive Sealed Bids: Price quotations secured from vendors by means of an invitation for bids (competitive sealed bidding) or through a Request for Proposal (competitive negotiation).
2. Request for Proposal: An RFP is a document that announces a project, describes the scope of the project, details criteria for bids, and solicits bids from vendors.

C. POLICY

1. Protest Opportunities

A bidder that has submitted a valid bid may protest matters involving purchases and service contracts for which formal competitive sealed bids or competitive negotiations were utilized.

2. Protest Process

2.1. Filing Protest
Procedures for filing a protest by a vendor or service provider relating to a bid award are as follows:

- Within ten (10) calendar days of the bidder notification, a protest letter must be received by the Nebraska State College System in care of the Vice Chancellor of Finance and Administration. The protest letter must identify:
  - The bid and specific issues that are disputed;
  - The requested remedy or action, and,
  - A contact name and mailing address to which a response can be sent.

- The protests must be mailed to:

  Vice Chancellor of Finance and Administration
  Nebraska State College System
  1327 H Street, Suite 200
  Lincoln, NE 68508

2.2. Protest Response

A response regarding the protest will be sent to the protestor by the Vice Chancellor of Finance and Administration within ten (10) calendar days of receipt of the written protest letter.

2.3. Appeals

If the response does not satisfy the protestor, a written request for a meeting with the Chancellor may be requested within ten (10) calendar days of receipt of the response from the Vice Chancellor of Finance and Administration.

- The request must identify:
  - The bid and specific issues disputed;
  - The requested remedy or action, and
  - A contact name and mailing address to which a response can be sent.
- Requests for a meeting must be mailed to:

  Chancellor
  Nebraska State College System
  1327 H Street, Suite 200
  Lincoln, NE 68508

2.4. Meeting and Final Ruling

A meeting will be scheduled to discuss the protest. A final written decision will be sent to the protestor within fifteen (15) calendar days following the meeting, unless additional time is necessary to fully examine the issues presented, but shall not exceed thirty (30) days.

3. Protest Notification

The above procedures, or a notice of its availability, and a statement that protests must be filed in writing within ten (10) calendar days of the bid notification, are to be communicated to all bidders responding to invitations for bids (competitive sealed bidding) and requests for proposals (competitive negotiation). This requirement shall also be satisfied by including the same information in the invitation for bids or request for proposal (RFPs).

3.1 Federal Grants

Additionally, grants which utilize federal monies shall require that recipients of such grants (sub-grantees) have protest procedures in place in accordance with 34 CFR 80.36.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: June 2019

Policy Revised: January 2022

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Sponsorships

POLICY NUMBER: 6405

A. PURPOSE

To provide the parameters of College sponsorship agreements.

B. DEFINITIONS

1. **Sponsorship** – A form of financial support provided by a business or organization to the College in exchange for promotional benefits that are mutually beneficial. Sponsors provide financial assistance or in-kind services and in return they receive advertising visibility, or other promotional advantages. Sponsorship agreements are unique from grants which are outlined in Policy 6704.

C. POLICY

1. Sponsorships

The Board recognizes that many College activities provide potential sources of revenue or other in-kind benefits through legitimate and worthwhile opportunities for sponsorships.

1.1. Sponsorship Payment

The Colleges must have a written agreement with a sponsor to receive payment in support of College activities and provide reciprocal benefits to the sponsor. College activities may include, but are not limited to, academic related events, athletic events, performances, presentations, equipment, radio station operations and camps. The reciprocal benefits must be in accordance with IRS regulations for qualified sponsorships. Any printed or verbal acknowledgements are limited to the sponsor's name, contact information, regularly used logo and slogan, and/or neutral product or service descriptions. A qualified sponsorship agreement expressly excludes price information, qualitative/comparative statements, calls to action, or displays in regularly printed materials not connected with a specific event. All sponsorships shall:

- Be qualified sponsorship payments in accordance with the definition provided in this policy;

- Have an appropriate financial commitment on the part of the sponsor in order to offset any administrative burden and/or expense associated with the sponsorship;
- Comply with all other policies of the Board;
- Not unduly advance the interests of one non-College entity or organization over another;
- Be conducted in a manner consistent with the NSCS mission and values; and,
- Reflect positively on the College and the NSCS.

1.2. Sponsorship Revenue

Revenue from sponsorships shall be deposited in the appropriate accounts in the College's cash funds. One exception to this is that sponsorship revenue designated by the College for student scholarships shall be deposited in or transferred to the College's Trust Funds and shall only be used for student scholarships.

1.3. Sponsorship Advertising Locations

Sponsorships are not appropriate on recruitment materials, student communications related to academic programming, course catalogs and course schedules, or on the College landscapes or buildings. The only exception is the recognition of a sponsor in an athletic facility.

1.4. Chancellor Approval

Sponsorships for the following shall not be considered without prior written approval from the Chancellor:

- Sponsorships that involve facilities where there are outstanding tax-exempt bonds or that are a part of any tax-exempt refunding bonds; and
- Sponsorships related to revenue bond facilities, operations, or activities.

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1.5. Sponsorship Oversight

- Each College is responsible for administration and implementation of its sponsorship agreements and all agreements shall be administered in accordance with their terms and consistent with this policy. The President is responsible for communication to the College regarding any College-wide exclusive sponsorships.
- All sponsorship agreements must be reviewed by the Vice President for Administration and Finance and shall be signed by the President or Vice President for Administration and Finance. Sponsorship agreements shall be reported to the Board if the total value of the Sponsorship is more than $25,000 for the term of the agreement.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: June 2017

Policy Revised: February 2022, September 2022, April 2024

Board of Trustees of the Nebraska State Colleges

Policy Category

POLICY NAME: Athletic Competition Agreements

POLICY NUMBER: 6407

A. PURPOSE

To provide guidance on Athletic Competition Agreements.

B. DEFINITIONS

1. **Athletic Competition Agreements -** An athletic competition requiring a written agreement. An Athletic Competition Agreement is necessary if there is the intent for the College to provide or receive funds; designate competition dates and/or return competition dates; or provide or receive complementary tickets, passes, hotel rooms, meals, or travel expenses. These competitions are typically considered non-conference competitions and the agreement may also be called a game guarantee.

C. POLICY

1. Athletic Competition Agreements

The College shall enter into an agreement for athletic competition that may involve the receipt or payment of funds, or the exchange of goods and/or service related to the event.

1.1. Review, Authorization and Signature

- Appropriate Head Coach and Athletic Director must review the agreement and acknowledge the terms and conditions prior to forwarding to the Vice President for Administration and Finance.
- Agreements must be signed by the Vice President for Administration and Finance or the President.

1.2. Reporting Requirements

Colleges will report Athletic Competition Agreements with a total estimated cost, or the receipt of $25,000 or more, at the Board meeting following the execution of the agreement.

1.3. Deposit of Funds

All funds received must be deposited into College accounts.

1.4. Bidding Requirements

Athletic Competition Agreements do not require any type of bidding.

SOURCE:

Policy Adopted: April 2024

Policy Revised:

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Tuition Rates

POLICY NUMBER: 6500

A. PURPOSE

To establish tuition rates for the Colleges.

B. DEFINITIONS

1. **Blended Course:** A course taught using two separately registered groups of students enrolled in the same course at one College: online students and students receiving instruction face to face in the classroom.
2. **Dual Enrollment Course:** A course taught to high school students for which the students receive both high school credit and college credit.
3. **Hybrid Course:** A course taught using a combination of two (2) instructional modalities, namely face-to-face faculty instruction and online, instructor-led asynchronous or synchronous learning activities.
4. **Online Course:** A course taught with 75% or more of instruction delivered via the Internet.
5. **Professional Development Course:** Training, continuing education, and/or professional development activities offered by external organizations or entities that are approved by the College for academic credit.
6. **Tuition**: The rate charged per credit hour for instruction.

C. POLICY

1. Board Authorization

The Board shall fix and collect tuition for resident, non-resident, undergraduate and graduate students who matriculate at the Colleges. The Board shall also fix and collect an online rate for online courses. The approved rates shall be effective for the academic year which includes fall, spring, and the subsequent summer term.

2. Setting Base Tuition Rates

The Board will advocate sufficient funding from the state to maintain affordable tuition so more citizens can avail themselves of the opportunity to attend college. Factors which may be considered in establishing tuition rates will include, but not be limited to availability of general funds, resource requirements of the Colleges, peer comparisons, consumer price index, higher education price index, availability of student financial assistance and changes in regional per capita income.

2.1. Guidelines

When setting the rates, the following will be used as guidelines:

- Graduate resident and non-resident tuition will be set at approximately one hundred twenty-five percent (125%) of the undergraduate resident rate.
- There will be one rate for undergraduate and one rate for graduate online courses. The graduate rate will generally be set at approximately one hundred twenty-five percent (125%) of the undergraduate rate. However, special undergraduate and/or graduate online rates may be established by the Board for specific programs. In addition, the differential between undergraduate and graduate may vary in years where extenuating circumstances arise that warrant an adjustment to either rate.
- In recognition of the value of a diverse student population and the fact that the Colleges' service regions that extend beyond the Nebraska borders, non-resident undergraduate tuition may be set at the same rate as the undergraduate resident rate and non-resident graduate tuition may be set at the same rate as the graduate resident rate.

3. On-Campus and Center Tuition Rates

Courses taught on-campus and at Board approved Centers shall be assessed the Board approved rates based on the level of the course.

3.1. Blended Courses

The on-campus section of a blended course, shall be assessed the on-campus rate or Center rate.

3.2. Hybrid Courses

The on-campus rate or Center rate will be assessed on all hybrid courses.

4. Online Tuition Rates

Courses taught online shall be assessed the Board approved rates based on the level of the course. The online rate will be inclusive of tuition and fees.

4.1. Blended Courses

The online section of a blended course, shall be assessed the online rates.

4.2. Capital Improvement Fee

The online rate includes the Capital Improvement Fee. Each College will assure credit to the Capital Improvement Fee account out of the online tuition rate.

5. Special Tuition Rates

The Board may establish special tuition rates for on-campus and off-campus students based on programs in other states, consortiums, compacts, or based on competitiveness. The Colleges may also request special tuition rates for off-campus locations or special arrangements.

6. Dual Enrollment Rate

High school dual enrollment courses are taught to high school students for which the students receive both high school credit and college credit as described in Policy 4420. Any high school dual enrollment tuition rate will be inclusive of tuition and fees.

7. Professional Development Rate

Professional development courses as described in Policy 4440 may include training, continuing education, and/or professional development activities offered by external organizations or entities that are approved by the Colleges for academic credit and are eligible for the Professional Development Tuition Rate. The professional development tuition rate will be inclusive of tuition and fees.

7.1. Capital Improvement Fee

The professional development rate includes the Capital Improvement Fee. Each College will assure credit to the Capital Improvement Fee out of the professional development tuition rate.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat.	85-501	State educational institutions; nonresident fees.

Neb. Rev. Stat. 85-503 State educational institutions; tuition.

Policy Adopted: March 1994

Policy Revised: February 2005, September 2007, April 2009, September 2011, June 2012, June 2013, September 2013, June 2018, June 2019, June 2020, November 2020, July 2021, July 2022, June 2023, January 2026 – effective date Fall Term 2026

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Student Fees, Charges and Fines

POLICY NUMBER: 6501

A. PURPOSE

To identify the approved student fees and authorize the Colleges to assess charges and fines.

B. DEFINITIONS

1. **Course Fees:** Required fees assessed on courses in high-cost disciplines to support the purchase of instructional equipment or materials, and/or cover extraordinary operating costs related to offering the courses, all for the benefit of students enrolled in the courses.
2. **On-Campus Fee(s):** Required fees charged to all students attending courses on the main campus to support campus operations.
3. **Off-Campus Fees:** Required fees charged to all students taking an extended campus course, to support the cost of running an extended campus operation.
4. **Miscellaneous Fee(s):** Fees assessed under various circumstances related to campus or academic services.
5. **Charge(s):** Charges relate to an elected activity or service requested by a student.
6. **Fine(s):** Fines are assessed against students for damages or policy violations.

C. POLICY

1. On-Campus Fees

The Board shall set the rates and authorize the Colleges to collect required on-campus fees. The Colleges shall not assess any required fee for any special purpose unless authorized by the Board.

1.1. College Support Fee – The per credit hour College Support Fee will be assessed on all on-campus courses and will be reflected on the student bill. Each year the Board will approve the College Support Fee rate and the components of the fee. The fee will be the aggregate of the following mandatory student fees:

- General Support Fee - The General Support Fee will assist in supporting general college expenses across all programs and activities.
- Cash Facility Fee - The Cash Facility Fee will assist in paying the cost of operating and maintaining College facilities. The fee will be credited to the cash fund of the institution.
- Auxiliary Facility Fee - The Auxiliary Facility Fee will be used to support student centers, wellness centers, parking operations, and associated maintenance and debt financing. Excess funds generated from the Auxiliary Facility Fee will flow to the surplus fund, which is used to support extraordinary acquisitions, repairs, renewals, replacements, renovations, equipment, and furnishing of any of the Auxiliary System facilities.
- Technology Fee - The Technology Fee will assist in covering the costs of acquisition, support and maintenance of technology at the College.
- Capital Improvement Fee - Revenues generated by this fee are deposited into the State College System Facility Fee Fund (Capital Improvement Fund) and may be used for paying the cost of capital improvement projects approved by the Board of Trustees for facilities at the Colleges or lands owned or controlled by the Board. No Capital Improvement Fee funds shall be expended for capital improvement projects relating to revenue bond facilities and all projects and related budgets must have prior approval of the Board.

1.2. Student Activity Fee - The Student Activity Fee is designated for student activities, which are managed by student groups. The funds shall be distributed according to an annual budget developed by the appropriate student government organization at each College and approved by the President.

1.3. Student Health Fee – The Student Health Fee shall be levied to assist in the cost of providing students with first aid, physical, and mental health care while enrolled at one of the Colleges.

1.4. Course Fees – High-cost disciplines may have additional fees assessed on courses to support the purchase of instructional equipment or materials, and/or pay extraordinary operating costs related to offering the courses, all for the benefit of students enrolled in the courses.

- Approval of Course Fees - The discipline prefix codes and the course fee rates will be part of the Board's annual tuition and fee setting process each year. A recommendation for revisions or additions to the existing course fee rates can be forwarded to the Chancellor for consideration by the Council of Academic Officers each spring. The actual courses that are assessed the fees will be managed and

approved by the Vice Chancellor for Academic Affairs and the Council of Academic Officers (CAO).

- Course Fees Tied to Third Party Charges - Increases in course fees needed as a result of cost changes made by outside parties or vendors can be approved by the CAO and reported to the Chancellor each spring, with supporting documentation of the change in cost. These include such costs as increased software licenses and culminating examination or assessment costs.

2. Off-Campus Fees

The Board shall set the rates and authorize the Colleges to collect required off-campus fees at extended campus locations.

2.1. Extended Campus Fee – The per credit hour Extended Campus Fee will be assessed on all courses offered at delivery sites beyond the main campus and will be reflected on the student bill. The intent and amount of the fee is to make the off-campus offerings self-supporting.

- The Colleges can decide how to allocate the revenues but must allocate the approved Capital Improvement Fee (CIF) rate per credit hour to the CIF account.

2.2. Course Fees – Approved on-campus course fees may be assessed at extended campus locations.

2.3. Online, Dual Enrollment and Professional Development Courses – The approved rates for online courses, dual enrollment and professional development courses are inclusive of tuition and fees.

3. Miscellaneous Fees

The Board shall approve the miscellaneous fees as part of the annual tuition and fees approval process.

3.1. Late Payment Fee – A consistent late payment fee will be assessed when payments are not received within the established schedule. The late payment fee shall be a percentage of the outstanding tuition, specific fee, room and/or board charges with an established cap.

3.2. Reinstatement Fee – This fee will be assessed to students who have been administratively withdrawn and then become eligible to be reinstated within the same term.

3.3. Orientation Fee – This fee will be assessed for participation in student orientation programs.

3.4. International Student Fee – This fee is a one-time fee assessed to international students and collected prior to enrolling at the College.

3.5. Transcript Fee – Students that request a transcript will be charged the approved rate per transcript.

4. Parking Permits and Fees

4.1. Student Parking Permits – Students will be provided with a parking pass but could be charged for additional passes if the fee is approved by the Board.

4.2. Faculty and Staff Parking Permits – All parking permit rates for faculty and staff are to be approved by the Board. The monies received from the fee will be distributed to cash funds and/or the revenue bond fund, as appropriate.

5. Charges

The Colleges may assess a charge for an elected activity or service requested by a student. Charges will ordinarily be for requested services, materials furnished, or use of specialized equipment.

5.1. Field Trip Charges - The Colleges may assess students incidental charges for field trips. The charge can be assessed to cover the direct costs of the field trip including transportation, meals, lodging and the price of admission for students, faculty and staff involved in the field trip.

5.2. Study Tour Charge - The Colleges may assess students a study tour charge to cover the costs of studying abroad for Board approved study tour programs. The covered costs may include transportation, meals, lodging, and other incidentals for students, faculty and staff involved in the study tour.

6. Fines

Fines as determined by the Colleges may be assessed against students for damages or policy violations.

7. Publication and Notification of Fees, Charges and Fines

All fees, charges and fines will be published in college catalogs. Details of all the fees, charges, and fines shall be available on the college website.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:

Neb. Rev. Stat. 85-307	State colleges; president; collection of fees.
Neb. Rev. Stat. 85-328	State College Capital Improvement Fee Fund; created; use; investment.
Neb. Rev. Stat. 85-503	State educational institutions; tuition.

Policy Adopted: January 1977

Policy Revised: March 1988. March 1994, September 1997, April 2000, February 2004, January 2008, November 2011, June 2012, May 2016, June 2019, January 2020, June 2022, January 2024, January 2025

Board of Trustees of the Nebraska State Colleges

Policy Category

POLICY NAME: Refunds

POLICY NUMBER: 6503

A. Purpose

To establish a standard refund process for tuition, fees, housing and food plans for the Colleges.

B. DEFINITIONS

1. **Academic Semester/Regular Academic Session**: The officially established Fall and Spring academic session, also commonly referenced as "academic term", traditionally consisting of sixteen or seventeen weeks, including finals.
2. **Academic Session:** All academic sessions offered within the Summer Term, as well as all Fall and Spring academic sessions with begin and/or end dates that differ from the official Fall and Spring semesters. They are usually shorter in length, such as five to eight weeks.
3. **Academic Term:** The officially established timeframes built into the Nebraska Student Information System (NeSIS) and identified as Fall Term, Spring Term, and Summer Term, within which all academic sessions and semesters are scheduled and courses offered.
4. **Administrative Action:** An action taken by academics, registrar, financial aid, student affairs, or student accounts that was not initiated by a student.
5. **Administrative Drop:** Administrative action taken to drop a student from one or more courses after the add/drop period is over, which results in the course(s) being retroactively dropped from the student's schedule and no tuition and fees are charged.
6. **Administrative Withdrawal:** Administrative action taken to withdraw a student from all courses in which the student is enrolled for any current or future academic term after the add/drop period is over. This action is taken primarily due to disciplinary issues, failure to pay, or extenuating circumstances that require the student to be disenrolled from all College courses.
7. **Course Add/Drop Period** The course add/drop period runs from the first day of the academic session through 6% of the length of the academic session. Percentages that are at or above .45 will be rounded up to the next whole number.

For the regular academic semester, the add/drop period runs from the first day of the semester through day seven (7), which is Sunday.

8. **Refund** – The amount to be credited on a student's account or returned to the student related to various actions that impact tuition, fees, housing and food plan costs.
9. **Student Action:** An action initiated by the student related to their enrollment.
10. **Student Drop:** Student drops a course during the add/drop period.
11. **Student Withdrawal:** Student goes through the College's formal process to withdraw from all courses in which they are enrolled.

C. POLICY

1. Dropped Courses

1.1. 100% Refund Period

The refund calculation for a dropped course uses the start and end date for the course to determine the total number of days, and then establishes the 100% refund at the 6% point of course days. Percentages are rounded up based upon the decimal being at or above 0.45.

1.2. 50% Refund Period

The refund for dropped courses occurring after the 6% point of the course days through the 12% point, will be at 50%. Percentages are rounded up based upon the decimal point being at or above 0.45.

2. Student or Administrative Withdrawal

2.1. Prior to Start of Academic Term or Session

Students that withdraw or are administratively withdrawn from all courses they are enrolled in prior to the start of the academic semester or academic session will have all tuition, fees, housing and food plan charges removed from their account without penalty.

2.2. After Academic Term or Session Starts

- Tuition and fees will be prorated through 60% of the session excluding breaks of five days or more, including weekends (Where classes end on a Friday and do not resume until Monday following a one-week break, both weekends (four days) and the five weekdays would be excluded from the calculation, for a total of nine days). After the 60% point, no refund is available to the student.
- Housing refunds will also be prorated through 60% of the term using the start and end dates to calculate the proration, and the final checkout date to calculate the refund.

- Food service refunds will be prorated through 60% of the term using the start and end dates to calculate the proration, and the Sunday following the date of withdrawal as the date to calculate the refund.

2.3. Administrative Withdrawal for Nonpayment

A student withdrawn for nonpayment shall have all student tuition and fees removed from their account and will have their room and food plan prorated.

3. Student Breaks Housing Contract

Students that are required to fulfill the College's live-on requirement cannot break their housing contract or their food contract. For students that are not required to live on campus and break their housing contract, but still attend school, housing is prorated, through 60% of term using the start and end dates to calculate the proration, plus student may pay a penalty, after the 60% point, no refunds and no penalty.

3.1. Student Breaks Housing Contract Prior to Start of Academic Semester

The penalty for breaking the housing contract would be as follows:

- Fall and Spring Term: Cancel prior to June 1 - No penalty; June 1 through June 30 - $300 penalty; July 1 and after - $600 penalty.
- Fall Term Only: Cancel prior to June 1 – No penalty, June 1 through June 30 - $150 penalty, July 1 and after - $300 penalty.
- Spring Term Only: Cancel prior to November 1 - No penalty, November 1 through November 30 - $150 penalty, December 1 and after - $300 penalty.

3.2. Student Breaks Housing Contract During Academic Semester

The penalty for breaking the housing contract would be as follows:

- Fall and Spring Term: Prorate housing charges through 60% of the fall semester based on check out date plus a $600 penalty. After the 60% point, no penalty, and no refunds.
- Fall or Spring Term: Prorate housing charges through 60% of the academic semester based on check out date plus a $300 penalty. After the 60% point, no penalty, and no refunds.

4. Student Breaks Food Plan Agreement

Students that are required to fulfill the College's live-on requirement cannot break their housing contract or their food contract other than through a student or administrative withdrawal. For students that are not required to have a food plan, and choose to break their contract, the following refund policies will apply:

4.1. Student Breaks Food Plan Contract Prior to Start of Academic Semester

The student will receive a full refund with no penalty if they break their food contract prior to the start of the academic semester.

4.2. Student Breaks Food Plan Contract During the Academic Semester

Students can only make food plan changes or cancel during the first two weeks of classes for fall and spring terms with no penalty, after that no refunds, food plans can only be changed to bigger plans. Food plans are prorated using full week for first two weeks.

5. Extenuating Circumstances

The Colleges retain discretion on how to handle refunds for tuition and fees, housing and food plans for student emergencies and other extenuating circumstances upon approval of the appropriate offices. The refund would not be less than is provided to other students when considering the timeframe.

SOURCE:

Neb. Rev. Stat.	85-504	State educational institutions; fees, waiver.

Policy Adopted: April 2024 and June 2024, Effective August 2024

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Student Payment Plans

POLICY NUMBER: 6505

A. PURPOSE

To establish student payment plan guidelines.

B. DEFINITIONS

None

C. POLICY

1. Student Payment Plans

The Board authorizes the Colleges to provide student payment plans that may include charges for tuition, fees, housing, food plans, and other miscellaneous charges and fines.

- The plans must provide information on payment schedules and indicate all payment is due prior to the end of the semester of enrollment.
- The plans must define eligibility criteria and administrative procedures.
- Detailed information on the plans and repayment schedules shall be included on the College's website and be available in the business office.
- Colleges should exercise due diligence in extending credit through payment plans and every reasonable effort should be made to minimize uncollectible accounts.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: Neb. Rev. Stat. 85-307 State colleges; president; collection of fees.

Policy Adopted: March 1994

Policy Revised: September 2013, January 2020, July 2022, September 2023

Board of Trustees of the Nebraska State Colleges

Policy Category

POLICY NAME: Military Service and Jury Duty Refunds

POLICY NUMBER: 6507

A. PURPOSE

To identify the refund options for students that enlist, receive orders for active-duty military service, or perform jury duty, which results in an interruption of their studies.

B. DEFINITIONS

1. **Active Duty –** Full-time duty in the active military service of the United States. Active duty includes full-time training duty, and attendance, while in the active military service at a school designated as a service school designated by the Secretary of the military department concerned.
2. **Military Service –** Voluntary or involuntary service in the armed forces (U.S. Army, Navy, Air Force, Marine Corps, Space Force and Coast Guard) including service by a member of the National Guard or Reserve on active duty, active duty for training, or full-time National Guard duty under state or federal authority.
3. **Refund –** The amount to be credited on a student's account or refunded to the student related to various actions that impact tuition, fees housing and food plan costs.
4. **Jury Duty -** The legal obligation to act as a member of a jury in state or U.S. Federal court.

C. POLICY

1. Military Service or Jury Duty

In the event a student decides to enlist or finds it necessary to interrupt their studies due to military service or jury duty, and the time involved will exceed ten class days, having a significant impact on the student's class attendance, the student should contact the Registrar's Office and apply for a leave of absence prior to leaving the College. In the event a student is precluded from providing a notification prior to the leave of absence, such as service in operations that are classified or would be compromised by such notification, the student may submit an attestation of military service that necessitated their absence from the College at the time of readmission

1.1 Course Refund Options

The College shall consult with the student to determine the best course of action, in relation to the level of course completion.

- Administratively withdraw the student with full tuition and fee refund. Excess aid would be returned to the Department of Education on behalf of the student.
- *Receive a grade of Incomplete with no tuition and fee refund which will allow the student to complete the coursework by the deadline for completion established by the College.*
- *Have their overall grade reported for the course with no tuition and fee refund, with the grade being computed based upon the extent to which all course requirements were completed. Zero points should be entered for all incomplete assignments.*

1.2. Housing and Food Plans

Housing and food plan refunds shall be in direct proportion to the time the student is enrolled prior to the military service, or the jury duty report dates. Policy 6503 provides the detail on refund calculations.

SOURCE:

Neb. Rev. Stat. 85-504	State educational institutions; fees; waiver.

Policy Adopted: January 1977

Policy Revised: May 1978, March 1994, July 2024

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Student Housing and Food Plan Waivers

POLICY NUMBER: 6508

A. PURPOSE

To establish requirements for the Colleges regarding the use of student housing and food plan waivers, excluding those granted to resident assistants/advisors.

B. DEFINITIONS

1. Resident Assistant/Advisor (RA) – A student employed by the College to support residential life who receives compensation in the form of housing and/or food plan waivers, in exchange for their service.
2. Housing Waiver – A reduction or full forfeiture of housing revenue by the Auxiliary System, covering up to 100% of on-campus housing costs for eligible students.
3. Food Plan Waiver - A reduction or full forfeiture of food plan revenue by the Auxiliary System, covering up to 100% of on-campus food plan costs for eligible students.
4. Waiver Cap – The maximum allowable percentage of waiver base revenue that may be waived for students, excluding RAs.
5. Waiver Base Revenue – The College's four-year average gross housing and food plan revenue less refunds.

C. POLICY

1. Student Housing and Food Plan Waivers

1.1. Maximum

The President is authorized to provide limited waivers to students for housing and food plan contracts excluding those provided to RAs. A maximum cap of 12% of the waiver base revenue will apply beginning fall 2026, decreasing to a maximum cap of 10% beginning fall 2027, and decreasing to a maximum cap of 8% beginning fall 2028 and beyond. The RA waivers are not included in the maximum cap calculation. The President has the authority to set the College waivers cap at a percentage lower than the maximums stated above.

1.2 Additional Waivers

Additional waivers may not be subsidized by the Auxiliary System. If the President elects to grant housing and food plan waivers beyond the maximum cap outlined in Section C.1.1, the value of those waivers will be counted toward the 22% tuition remission limit specified in Policy 3400. In such cases, College funds must be transferred to the Auxiliary System to cover the cost of the waived amount. Alternatively, external funding may be used to fully reimburse the Auxiliary System in lieu of additional waivers.

1.3 Reporting

The College shall submit an annual report to the Chancellor by October 15 of each year detailing the number, type, and total value of student housing and food plan waivers awarded, including the percentage of revenue waived relative to the waiver base revenue and the source of funds used. RA waivers will be reported separately for informational purposes but not included in the cap calculation. The Chancellor shall provide a summary of student housing and food plan waivers to the Board.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: January 2026

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Indemnification and Legal Defense

POLICY NUMBER: 6607

A. PURPOSE

The purpose of this policy is to set forth the scope of the State of Nebraska's responsibility to indemnify and provide legal defense for members of the Board of Trustees, any officers and employees of the Board and of any State College.

B. DEFINITIONS

None

C. POLICY

1. Indemnification

1.1. To the extent authorized by law, the State of Nebraska will indemnify members of the Board or any officer or employee of the Board or of any State College including past Board members, officers and employees for money damages and reasonable costs incurred as a result of an act or omission occurring in the course and scope of such individual's duties for or employment with the Board or any State College. Such individual's right to indemnification shall include the payments of awards, settlements, and associated costs, including appeal bonds and reasonable costs associated with a required appearance before any tribunal. Such individual's right to indemnification shall not exceed the amount subject to collection by a party directly against such individual. The provisions of this policy shall not apply in the case of malfeasance in office or willful or wanton neglect of duty. The provisions of this policy shall not be interpreted as an expansion of the personal liability of any such individual or as an obligation that the Board initiate legal action on behalf of any Board member, officer, or employee.

1.2. The Board may maintain insurance coverage on behalf of the Board and employees of the State Colleges to provide defense and indemnification with respect to liabilities discussed hereunder. If such insurance is

provided, the Board strongly encourages individuals seeking indemnification, to first request legal representation from the Board.

2. Legal Defense Provided by the Board

2.1. If any civil action is brought against any member of the Board or any officer or employee of the Board or of any State College, such individual may request that the Board provide legal counsel if such civil action is based in fact on an alleged act or omission in the course and scope of the individual's duties or employment. Such request shall be made in writing to the Chancellor. At its discretion, the Board may 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 such individual's duties or employment or that the act or omission complained of amounted to malfeasance in office or willful or wanton neglect of duty, in which case the Board shall give the requesting individual written notice that the request for legal counsel in defense of the claim has been rejected.

2.2. Any such individual against whom a claim is made which is not rejected by the Board pursuant to 2.1 shall cooperate fully with the legal counsel provided for in the defense of such claim. If such individual does not cooperate or otherwise acts to materially prejudice the defense of the claim or the appearance, such legal counsel may be withdrawn.

2.3. If the request for legal counsel is rejected or if it is established by a judgment ultimately rendered on the claim that the act or omission complained of was not in the course or scope of employment or amounted to willful or wanton neglect of duty, no public money shall be paid in settlement of such claim or in payment of any judgment against such individual. The rejection of a request for legal counsel shall not prejudice the defense that the claim arose out of an alleged act or omission occurring in the course and scope of such individual's duties or employment or that the act or omission complained of did not amount to malfeasance in office or willful or wanton neglect of duty. If such individual is successful in asserting such defense, they shall be indemnified to the extent authorized by law for the reasonable cost of defending the claim.

2.4. If such individual has been defended by legal counsel provided by the Board, the Chancellor and such other individuals whose involvement is necessary and proper may formulate procedures to implement this policy and coordinate the processing of claims under this policy with insurance and risk management practices.

3. Legal Defense Provided by the Attorney General

3.1. If any civil action is brought against any member of the Board or any officer or employee of the Board or of any State College, such individual may file a written request for legal counsel with the Attorney General asserting that such civil action is based in fact on an alleged act or

omission in the course and scope of their duties or employment. The individual seeking legal counsel shall provide a copy of the written request to the Chancellor at the time the request is filed with the Attorney General. The Attorney General shall appear and defend or represent 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 such individual's duties or employment or that the act or omission complained of amounted to malfeasance in office or willful or wanton neglect of duty, in which case the Attorney General shall give the requesting individual written notice that the request for legal counsel in defense of the claim has been rejected.

3.2. Any such individual against whom a claim is made which is not rejected by the Attorney General pursuant to 3.1 shall cooperate fully with the Attorney General in the defense of such claim. If the Attorney General determines that such individual has not cooperated or has otherwise acted to prejudice the defense of the claim or the appearance, the Attorney General may at any time reject the defense of the claim or representation before the tribunal.

3.3. If the Attorney General rejects the defense of a claim or if it is established by a judgment ultimately rendered on the claim that the act or omission complained of was not in the course or scope of employment or amounted to willful or wanton neglect of duty, no public money shall be paid in settlement of such claim or in payment of any judgment against such individual. Such Action by the Attorney General shall not prejudice the right of the individual 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 such individual's duties or employment or that the act or omission complained of did not amount to malfeasance in office or willful or wanton neglect of duty. If such individual is successful in asserting such defense, they shall be indemnified to the extent authorized by law for the reasonable cost of defending the claim.

3.4. If such individual has been defended by the Attorney General and it is established.by the judgment ultimately rendered on the claim that the act or omission complained of was not covered by Neb. Rev. Stat. §81-8,239.05, the judgment against that individual shall provide for payment to the state of the state's costs, including a reasonable attorney's fee.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:

Neb. Rev. Stat. 81-8,239.05	Indemnification of state officials and employees; when; Attorney General; duties; attorney's fees; report.
Neb. Rev. Stat. 81-8,239.06	Civil action against state officer or employee; Attorney General; represent; cooperation required; payment for defense; when required.

Policy Adopted: June 1986

Policy Revised: March 1994, September 2006, June 2016, September 2022

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Risk Management, Insurance and Claims

POLICY NUMBER: 6608

A. PURPOSE

The purpose of this policy is to establish expectations and responsibilities for risk management, the procurement of insurance, and the handling of claims for the State Colleges.

B. DEFINITIONS

None

C. POLICY

1. Risk Management

1.1. The Board recognizes its role of stewardship in protecting and conserving the human, property, and financial resources of the Nebraska State College System. Each employee must also recognize this commitment and should show the highest degree of concern for the safety of fellow employees, students, and the general public.

1.2. To promote safety and prevent loss of assets or personal injury, the State Colleges will utilize an enterprise risk management approach to embed risk management into the culture and operations of the State Colleges, and its strategic planning, activity planning, and resource allocation. The Board will periodically reassess the State College System's risk management approach.

1.3. The State Colleges will remain alert to all opportunities for cooperative action with other institutions or agencies of the State that promote mutual benefits in handling risks that are not readily insured or safely retained.

1.4. The Chancellor is responsible for the coordination of the State College enterprise risk management and insurance management program, including:

- Mechanisms for identifying, assessing, and prioritizing risks and

- Appropriate means to eliminate, abate, transfer, or retain, identified risks.

1.5. Each President is responsible for designating a staff person responsible for developing and implementing the enterprise risk management strategies for each operational unit of the College, including but not limited to academic affairs, facilities, finance and administration, information technology, and student affairs.

2. Insurance

2.1. Risks resulting in losses which cannot be eliminated or realistically assumed by the State Colleges should be transferred by purchase of insurance. The State Colleges are capable of assuming limited and predictable risks of financial loss. The Board will not attempt to insure against these foreseeable and bearable risks, if alternatives can be achieved with due regard for sound business practices.

2.2. All insurance procured for the System or a State College, the limits of liability for casualty protections, and the establishment of deductibles on property and casualty protection shall be coordinated through the System Office. The Chancellor is responsible for the purchase of all insurance policies for the System.

2.3. An individual College shall not purchase insurance without the written approval of the Chancellor. If such approval is granted, a copy of the insurance policy purchased shall be filed with the System Office.

3. Claims

When a claim is filed by a student, employee, or campus visitor, the College shall contact the System Office (Vice Chancellor for Employee Relations and General Counsel or Vice Chancellor for Student Affairs and Risk Management) and provide a copy of the Colleges' security report related to the incident. After a review of the information provided, the College will be advised by the System Office about the proper filing of the claim, either with the insurance company or the State of Nebraska State Claims Board.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: Neb. Rev. Stat. 81-8,300	Risk Manager; State Claims Board; claims; filing; investigation; duties; review by Legislature; payment.

Policy Adopted: March 1994

Policy Revised: September of 2006, September 2013, September 2018; September 2022

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Risk Loss Trust

POLICY NUMBER: 6609

A. PURPOSE

To document requirements regarding the use, funding and operation of the risk loss trust established by Policy 6701.

B. DEFINITIONS

None

C. POLICY

1. General

1.1. Beginning with FY2024, the risk loss trust will be available to partially offset deductibles for claims under the Board's general, excess, and educator's legal liability coverages and property coverages.

1.2. The Board will continue to procure liability and property coverages, and the cost of premiums will be allocated to the Colleges.

- Liability related premiums will be allocated between the Colleges based upon the distribution of funds.
- Property premiums will be allocated between the Colleges based upon the statement of values.

2. Funding the Risk Loss Trust

2.1. The Colleges will be required to contribute to the trust on an annual basis commencing FY2025.

- The contribution to the trust for FY2025 will be a total of $100,000, increasing five percent (5%) annually.
- The total contribution will be allocated between the Colleges based upon the percentage of premiums paid by each College for property, general liability, excess liability, and educators' legal liability coverages for the prior fiscal year.

2.2. Any additional dividends or refunds paid due to our prior participation in the MHEC master property program, through UE, or another insurance program or provider will be deposited into the trust.

2.3. Any interest earned will be retained by the risk loss trust.

3. Withdrawals

3.1. In the event the College experiences a covered loss, per Policy 6701, the College is responsible for the first $50,000 of any loss before it can access the risk loss trust which should be covered by the College's operating budget.

3.2. To the extent additional deductible and damages exist beyond the first $50,000, the College will then have access to the risk loss fund to offset up to $200,000 of additional deductible. Any remaining deductible will be the College's responsibility.

3.3. A President may submit a request to the Chancellor to utilize reserve funds pursuant to Policy 6005 if needed to cover any remaining deductible not covered by the risk loss trust.

3.4. No individual College can access more than a total of $200,000 at any given time regardless of the number of claims.

4. Repayment

4.1. The Colleges will be required to reimburse the trust for any amounts expended on their behalf over a three (3)-year period commencing the fiscal year following the closing of the claim. This repayment period could be adjusted by the Board for good cause.

5. Reporting and Review

5.1. The Vice President for Administration and Finance will be required to track and report all claims and losses incurred under the property, general liability, excess liability, and educators' legal liability coverages regardless of whether the risk loss trust is implicated. The System Office will provide a report template. The report is due to the System Office by September 30 each year for the previous fiscal year.

5.2. The use, funding, and operation of the risk loss trust will be reviewed every two (2) years to ensure the trust is satisfying its intended purpose.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-330	Risk-loss trusts authorized; requirements; applicability of provisions; Attorney General; State Claims Board; duties.

Policy Adopted: September 2023

Policy Revised: January 2026

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Cash Funds

POLICY NUMBER: 6700

A. PURPOSE

To identify the sources and uses of cash funds.

B. DEFINITIONS

1. **Cash Funds:** Includes tuition and fees, with the exception of student activity fees and room and board fees. Also includes miscellaneous cash revenues assessed and collected locally by the Colleges.

C. POLICY

1. Source of Cash Funds

1.1. Tuition and Fees

The Board will adopt a tuition/fee schedule each spring for the following fiscal year. The Colleges are authorized to collect those fees and tuition from students, as well as other cash funds received in connection with operations. A record shall be kept by each College separating such money into individual accounts for undergraduate, graduate, resident, non-resident, off-campus and online tuition and fees.

1.2. Charges, Fines, Ticket Sales and Miscellaneous Revenues

The Colleges are authorized by the Board to assess charges and fines, and collect ticket sales and all other miscellaneous revenues to support operations.

2. Managing Cash Funds

2.1. Regular Deposits

As cash funds are collected by the Colleges, they shall generally be deposited each business day in federally-insured banks until such time that a transfer is made to the State Treasurer. All short-term deposits shall be placed into interest-bearing accounts such as money market funds.

Any cash funds held shall be locked in a College-designated location.

2.2. Cash Bank

Each College may retain in its possession a sum, not to exceed fifty thousand dollars ($50,000), to function as a cash bank for conducting cash transactions or to make payments for day-to-day operations calling for immediate payment, and to provide for contingencies. All such funds shall be maintained in an interest-bearing account such as a money market fund account.

3. Ownership and Use of Cash Funds

3.1. College Cash Funds

All money considered cash funds will be deposited with the State Treasurer and credited to each institution's Cash Fund.

3.2. Appropriated Cash Funds

All money shall become available when appropriated by the Legislature for use by the Colleges and shall, at all times, be subject to any limitations by the Board. No warrant shall be issued against such funds unless there is money in the hands of the State Treasurer to pay the same.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 84-602	State Treasurer; duties.
	Neb. Rev. Stat. 85-307	State colleges; president; collection of fees.
	Neb. Rev. Stat. 85-316	State colleges; funds; contingencies; disbursements; travel expense.
	Neb. Rev. Stat. 85-501	State educational institutions; non-resident fees.

Policy Adopted: March 1994

Policy Revised: August 1997, February 2006, June 2010, April 2022, July 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Trust Funds

POLICY NUMBER: 6701

A. PURPOSE

To identify the sources and uses of Trust Funds.

B. DEFINITIONS

1. **Trust Funds –** Assets held by the Colleges and the System Office in a trustee capacity.

C. POLICY

1. Trust Fund Guidance

1.1. Fiduciary Duty

The general duty of each College is to administer any trusts expeditiously for the benefit of the charitable purpose and the College. All expenditures are to be made in accordance with the terms of any trust agreement(s) which have been adopted.

1.2. Trust Fund Limitations

The following limitations apply to Trust Funds:

- No employee positions shall be funded through the Trust Fund account unless funds have been specifically designated for that purpose.
- No expenditures for parking projects shall be made from the Trust Fund account. Revenues from parking permits and penalties shall be deposited into and expended from the Cash Fund or Revolving Fund accounts, dependent upon the location and purpose of the specific parking lot project.
- Revenues and expenditures from Federal Funds shall not be accounted for in the Trust Fund but shall be recorded in the 4000 Fund account series (Federal Funds).
- These funds do not require appropriation authority when expended.

1.3. Fund Sources

Trust Funds come from funds held by the Colleges generated from student activity fees, funds provided by the foundations or private sources, funds from the Board of Educational Lands and Funds, state appropriations designated for the purpose of funding the Risk Loss Trust Fund, and Cash Funds used to replenish the Risk Loss Trust Fund.

2. Established Board Trust Funds

The Board may deposit and expend funds from the following five (5) Trust Funds: The Normal School Endowment Trust Fund (63280); the State College Endowment Trust Fund (65010); the Education Enhancement Trust Fund (65070), the Davis Scholarship Trust Fund (64960), and the Risk-Loss Trust Fund (65069).

- All expenditures from these funds shall support the role and mission of the System.
- All revenues to be credited to these funds shall be deposited with the State Treasurer.
- The Nebraska Investment Council shall be responsible for investing all funds and reporting on those investments to the System Office.

2.1. Normal School Endowment Fund

The Normal School Endowment Fund (63280) is, by statute, under the control of the Educational Land and Funds and is the depository for the principal received from the sale of Normal School Lands. This principal may not be expended. The interest earnings on the principal shall be transferred to the 65010 account and expended as determined by the Board.

2.2. State College Endowment Fund

The State College Endowment Fund (65010) is the depository for the rental income from the Board of Trustees' farmland and the interest earned from investing funds in the 63280 and 65010 accounts. Other State College receipts may also be deposited to this fund when they are intended for the benefit of the System. Disbursements from this fund shall be limited to those expenditures that will benefit the System.

2.3. Educational Enhancement Trust Fund

The Education Enhancement Trust Fund (65070) is the depository for the tracking of non-federal restricted funds, private or state grants and contracts, or contributions received by the Board from donors for endowed activities or special projects. Disbursements shall be made according to their intended purpose as determined by the Board.

2.4. Davis Scholarship Trust Fund

The Davis Scholarship Trust Fund (64960) is the depository for all contributions received by the Board for student scholarships for the Davis Chambers Scholarship program. Disbursements from this fund shall be limited to scholarships awarded to students.

2.5. Risk-Loss Trust Fund

The Risk-Loss Trust Fund (65069) is the depository for state appropriations designated for the purpose of funding a risk-loss trust as well as other Cash Funds used to replenish the Risk Loss Trust Fund. Disbursements from this fund shall be made for the following purposes:

- Paying losses and expenses incurred by the Colleges from general and professional liability, including but not limited to, judgments, awards, and settlements of claims and suits arising under federal and state law as determined by the Board;
- Damages, destruction or loss of real or personal property; and
- Errors and omissions liability.

3. Student Trust Fund

The Colleges are authorized to establish a Student Trust Fund whereby funds can be collected, held in trust and expended for various student activities. This trust shall be called the Student Trust Fund and no other funds shall be deposited and co-mingled in this trust. Funds designated for Student Trusts are Chadron State College Student Activities (65050), Peru State College Student Activities (65030), and Wayne State College Student Activities (65040).

- Revenue generated by the Student Activity Fee shall be deposited into the Student Trust Fund. The amount of this special fee shall be submitted to the Board for approval as part of the annual fee recommendations.
- The appropriate student organization at each College, following its approved guidelines, shall determine the purposes for which the Student Trust Funds are to be spent. College staff may assist the student organization(s) in administering the fund and the fund use shall follow the guidance in Policy 3300 –Recognized Student Organizations.
- Interest earnings accruing to this fund shall be retained in the fund and used for student-determined activities.

4. Other Trust Funds

The System Office may establish additional Trust Funds, as needed. The Colleges may establish additional Trust Funds for the tracking of non-federal restricted funds, which could include private or state grants and contracts, foundation project funds, student activity fee funds, and funds designated for student housing activities.

5. Trust Fund Sub-Accounts

The Colleges are authorized to establish sub-accounts in the Trust Fund account as long as they meet the fund source requirements to account for each restricted fund separately from all others in the Trust Fund.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: November 1995

Policy Revised: June 2012, March 2021, July 2022, January 2023, September 2023

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Grants & Service Agreements

POLICY NUMBER: 6704

A. PURPOSE

To document the process of applying for and accepting grants or entering into service agreements where the College will perform services for a third party.

B. DEFINITIONS

1. **Grant** – A financial award provided to the College or the System Office for a specific project or purpose. Grants are typically awarded based on a competitive application process, and recipients are expected to use the funds for the intended purpose outlined in the grant award. Grants are often given to support initiatives that align with the goals and priorities of the grantor, such as research, education, community development, or social impact. Importantly, grants do not involve a direct exchange of goods and services between the grantor and grantee. Grants are unique from sponsorship agreements which are outlined in Policy 6405.
2. **Service Agreement** – An arrangement between a College and another party where the College agrees to perform certain services and may be compensated for the services.

C. POLICY

1. Applying for Grants

The Colleges may seek support from non-state funds as available and as needed in their programs. Support may be from private, state or federal sources. Such support may be for current educational and general purposes, student loans, student employment, student grants-in-aid, research projects, capital outlay or other purposes.

Such funds will be sought and used only to the extent that the funds are not restricted in any way that interferes unduly with College or Board objectives and operational procedures.

2. Grant Application Approvals

2.1. Chancellor Approval

Applications for all grants shall be reviewed in advance by the Chancellor prior to the submittal of the application when possible. In cases where timing makes prior approval by the Chancellor impossible, the application will be submitted to the Chancellor for consideration as soon as possible thereafter. No grant may be accepted without approval of the grant application. Once the Chancellor has approved the application, the College will be notified, and the System Office will report the application to the Board at the next meeting.

2.2 Board Approval

Applications for grants which a) have as part of the agreement the obligation to accept fiscal responsibility in future years or b) which require maintenance of effort shall be approved by the Board prior to submittal of the application when possible. In cases where timing makes prior approval by the Board impossible, the application will be submitted to the Board for consideration as soon as possible thereafter. No grant award requiring Board approval may be accepted prior to Board approval.

2.3 Grant Details

Information provided to the Board and Chancellor relative to a grant application will include:

- Name of granting agency
- Purpose of grant
- Dollar amount being sought and source(s) of all funds
- Number of new positions to be funded from grant
- Amount of matching funds required
- Amount of in-kind funds required
- Source and amount of any other revenue obtained for the grant activity
- Time period of grant

2.4 Reporting Awards

The Colleges will report all grant awards to the Board at the next regularly scheduled Board meeting.

3. Service Agreements

The Colleges may enter into service agreements with third parties to perform services and may receive payment in connection with the services. There are various types of service agreements:

- Any agreement relating to the staging or performance of any cultural, artistic, musical, scholarly, or recreational event (at home or away) involving payment to the College.
- Any agreement where services are provided to an external party, including, but not limited to, instruction, consulting, planning, technical assistance or program development courses.

3.1. Reporting Service Agreements

The Colleges will report service agreements that have a total value of $25,000 or more over the term of the agreement, at the Board meeting following approval of the agreement. The report shall include the name of the third party, the service to be rendered by the college, the terms of the agreement, and the total amount to be paid by the third party.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: January 1977

Policy Revised: March 1994, November 2006, July 2022, April 2024

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Gifts and Bequests

POLICY NUMBER: 6705

A. PURPOSE

To establish policies and procedures regarding gifts and bequests made to the Colleges from individuals, organizations, corporations, and similar entities.

Real property gifts and bequests are addressed in Board Policy 8002.

B. DEFINITIONS

1. **Gifts:** Donations of money, stocks or bonds, equipment, facilities, art or other items of value.
2. **Bequests:** Donation of money, stocks or bonds, equipment, facilities, art or other items of value through a will.

C. POLICY

1. Solicitation of Gifts

1.1. Each solicitation program undertaken by the College for private support of a college function or activity must be approved by the President. Each solicitation program must operate within all statutory limits and/or other regulatory guidelines.

2. Gifts Directed to Foundations

2.1. The Colleges shall encourage all donors to make gifts and bequests directly to the College Foundations rather than sending gifts and bequests to the Colleges.

2.2. Gifts and bequests made directly to the College may be transferred to the appropriate College Foundation at the discretion of the Board.

3. Gifts or Bequests Accepted by the College

3.1. Gifts made to the Colleges with a value of more than ten thousand dollars ($10,000) shall be referred by the President to the Board for acceptance or rejection. The President may tentatively accept contributions subject to the final approval of the Board. No appraisal or certificate of valuation is

necessary to determine the estimated value assigned by the College to a non-monetary gift. The value can be established at the discretion of the President.

3.2. Any gifts or bequests made available to the Colleges for any purpose together with the income thereof, shall be allocated to the College designated by the donor, or if none is designated by the donor, by the Board, provided that no matching of state funds may be required as a condition to accept any gift or bequest.

3.3. Individuals desiring to contribute supplies and equipment will counsel with College administration regarding the acceptability of such contributions prior to making them.

3.4. It is understood that equipment contributed to the College shall become the property of the College and subject to the same controls and regulations that govern the use of other College-owned properties.

3.5. Gifts may be commemorated by placing a descriptive plaque or scroll in a suitable location.

3.6. Each College may receive gifts or archival materials that include manuscripts, books, working papers, or other items that have a historical, educational, and/or research impact on the College or the region. The acquisition of such special collections shall be determined by the guidelines established by a committee of affected entities at each College. Special collections may be used for exhibition, research, publication, and other appropriate purposes.

4. Board Approval

4.1. The Board shall approve all gifts accepted directly by the College with a value of ten thousand dollars ($10,000) or more. No appraisal or certificate of valuation is necessary to determine the estimated value assigned by the College to a non-monetary gift. The value can be established at the discretion of the President.

4.2. Proposals for the contribution of equipment or services that may involve installation or related costs of ten thousand dollars ($10,000) or more for maintenance or initial or continuing financial commitments from College funds shall be presented by the President to the Board for approval prior to accepting the equipment or services.

4.3. The Board is authorized to receive gifts, bequests and endowments on behalf of the Colleges under terms and conditions as may be imposed by the donor. The Board shall be the trustee of the gifts, bequests and endowments.

5. Accounting for Expenditures

5.1. Expenditures from gifts or bequests may be made through restricted or trust fund accounts. In the case of restricted funds, the current appropriation would need to be increased by the amount of the gift.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-317.01	State colleges; endowments and gifts; acceptance

Policy Adopted: March 1994

Policy Revised: June 2012, August 2012, April 2022, July 2022, November 2022

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Farmland Endowment Trust

POLICY NUMBER: 6707

A. PURPOSE

To identify the designated Farmland Endowment assets and their use.

B. DEFINITIONS

None

C. POLICY

1. Farmland Endowment Trust

All of the appropriated endowment lands for the state colleges remaining unsold and all the endowment fund derived from the sale of such lands are hereby confirmed as the Farmland Endowment Trust, to be forever used for this purpose. At no time will the principal of the endowment fund be expended.

1.1. Endowment Earnings

Interest income from investment of the endowment fund and rental income from the farmland shall be deposited into the System Office's 6501 Trust Fund.

1.2. Investment of Funds

Investment of the endowment fund shall be the responsibility of the State Investment Council.

1.3. Use of Trust Funds

Trust funds can be used to pay costs for projects, activities, and/or functions that benefit the State College System. Board approval must be given for expenditure of 6501 funds prior to checks or warrants being written against the account.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: Neb. Rev. Stat. 85-317 State Colleges; endowment fund; source.

Policy Adopted: March 1994

Policy Revised: January 2023

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Annual Audits

POLICY NUMBER: 6800

A. PURPOSE

To identify annual audit requirements.

B. DEFINITIONS

None

C. POLICY

1. Annual Audit Requirements

The financial transactions and accounting records of each College and Foundation shall be audited annually. The annual audit will be reviewed by the Fiscal, Facilities and Audit Committee and the Board at the meeting following receipt of each audit. Copies of the audit reports shall be made available for public inspection.

1.1. APA Audit
The Nebraska Auditor of Public Accounts will annually produce the Nebraska State College System Basic Financial Audit. The College audits will become part of the statewide Comprehensive Annual Financial Report.

1.2. Foundation Audit
Each Foundation will be required to have a private audit conducted of its records each fiscal year and submit the audits to the System Office.

1.3. Revenue Bond Audit
The Revenue Bond audit of the Auxiliary System will be completed each year by a private audit firm approved by the Board.

1.4. Facilities Corporation
The Board of Trustees Facilities Corporation will have an annual audit conducted each year by a private audit firm approved by the Board.

1.5. Federal Audits
The Nebraska State College System Uniform Guidance Single Audit will be conducted by a contracted auditor approved by the Board. Audits of other federal programs will be conducted annually as required.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-301	State colleges; official names; board of trustees; appointment; expenses.
	Neb. Rev. Stat. 85-304	Board of trustees; powers and duties, enumerated.
	Neb. Rev. Stat. 85-306	State colleges; president; duties.

Policy Adopted: March 1994

Policy Revised: September 2006, April 2007, June 2010 – Effective July 2010, April 2012, June 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Required Financial Reports

POLICY NUMBER: 6801

A. PURPOSE

To identify annual reporting requirements to the Board.

B. DEFINITIONS

None

C. POLICY

1. General Operations Financial Reports

The following College reports will be submitted to the System Office in the format established by the System Office:

- Revenue and expenditure financial reports for the College for the six months ending December 31 and the fiscal year ending June 30 are due to the System Office on the date materials are due for the April and September Board meetings;
- Reports comparing College expenditures to budgets for the six months ending December 31 and the fiscal year ending June 30. The reports will include information on FTEs, by employee group and by program, including salary and fringe benefits expense. The reports are due to the System Office on the date materials are due for the April and September Board meetings;
- Reports comparing Auxiliary System expenditures to budgets for the six months ending December 31 and the fiscal year ending June 30.The reports are due to the System Office on the date materials are due for the April and November Board meetings;
- Occupancy and Income reports are due following each fall and spring with the details of beds available and beds occupied, along with estimated and actual income. The fall term report is due to the System Office on the date materials

are due for the April Board meeting and the spring report is due to the System Office on the date materials are due for the June Board meeting.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-304	Board of trustees; powers and duties, enumerated.
	Neb. Rev. Stat. 85-306	State colleges; president; duties.

Policy Adopted: March 1994

Policy Revised: September 2006, April 2007, June 2010 – Effective July 2010, April 2012, June 2022, February 2025, January 2026

Board of Trustees of the Nebraska State Colleges

Business and Finance

POLICY NAME: Foundations

POLICY NUMBER: 6900

A. PURPOSE

To identify expectations related to College Foundations.

B. DEFINITIONS

None

C. POLICY

1. Foundation Agreements

The Foundations are required to maintain written collaborative agreements with the Board.

1.1. Renewal of Agreements

Agreements will be generally renewed every five (5) to seven (7) years or more frequently if necessary.

2. Annual Reports

2.1. Financial Statements

Each separately incorporated foundation is requested to submit a copy of its annual audited financial report at the end of each fiscal year to the System Office, which will then be presented to the Board.

- It is understood that the accounting records of the private foundations will be maintained separately from those of the college.
- The Board recommends that the private foundations incorporate those fund structures and accounting principles promulgated by the National Association of College and University Business Officers and the AICPA - Audit Guide where applicable.

2.2. Foundation Support

Each College is directed to submit an annual listing of funds, by general category and amount, provided to the College by its respective Foundation in support of the College.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: March 1994

Policy Revised: April 2022

Board of Trustees of the Nebraska State Colleges

Information Technology and Security

POLICY NAME: Information Security Program (ISP)

POLICY NUMBER: 7003

A. PURPOSE

The purpose of this policy is to establish an Information Security Program (ISP) for the State Colleges.

B. DEFINITIONS

None

C. POLICY

1. Importance of Information Security

The following shall constitute Board policy concerning information security.

- Each College and the System Office will have an Information Security Program (ISP) which ensures availability, confidentiality, and integrity of NSCS Technology Resources. Collectively, these programs will constitute the NSCS ISP which shall satisfy the Gramm-Leach-Bliley Act (GLBA) requirements for non-public financial data.
- The ISP will comply and align with other NSCS policies and shall be based on the NSCS Information Security Standards. Each College and the System Office shall develop, maintain, and apply the NSCS Information Security Standards which can be securely accessed from the following SharePoint sites:
  - CSC: NSCS Security Standards
  - PSC: NSCS Security Standards
  - WSC: NSCS Security Standards
  - NSCS: NSCS Security Standards
- Each President shall designate an individual responsible for each College ISP. The Chief Information Officer shall be the individual responsible for the System Office ISP and shall serve as the System Office Information Security Officer (SOISO).

- The SOISO shall coordinate with each President's designee to review the NSCS ISP annually, and to update as necessary.
- To protect all Technology Resources of the NSCS, this Policy and NSCS ISP applies to all faculty, staff, students, visitors, vendors, and contractors, and to all systems that access, store, or transmit NSCS data.
- In all Standards, the principles of least privilege, least functionality, and defense in depth, shall be applied.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: November 2019

Policy Revised: January 2020, April 2022, January 2023

BUSINESS MANAGEMENT, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 7004 Federal Personal Information Security Programs

BOARD POLICY

Identity Theft Prevention Program

The Board recognizes the importance of identity theft prevention. The Board also recognizes that the Colleges currently maintain certain "covered accounts" as defined by the Federal Trade Commission (FTC) that include loan programs and payment plans. In response to the FTC's issuance of "Red Flag Rules", each College will establish and maintain an Identity Theft Prevention Program that includes identification, detection, prevention and mitigation of identity theft risks. The programs should be periodically reviewed and updated to consider changes to the plan in response to the changing environment.

A Red Flag, as included in the FTC's rules, and also included below, is defined as a relevant indicator of a possible risk of identity theft. The Identity Theft Program should include, at a minimum, the following sections:

1) Identification
   In identifying Red Flags, each College should consider the types of covered accounts it offers and maintains, the methods it provides to open and access its covered accounts, and its previous experiences with identity theft.

2) Detection and Prevention
   Each program should include consideration of the detection of Red Flags in connection with the covered accounts. The program should also include obtaining identifying information about, and verifying the identity of, a person opening a covered account. This information should then be used to authenticate customers, monitor transactions, and verify the validity of change of address requests.

3) Response
   Each program should provide for appropriate responses to detected Red Flags to prevent and mitigate identity theft.

Each program should be reviewed and updated periodically to reflect changes in risks such as:

*experiences with identity theft
*changes in methods of identity theft
*changes in methods to detect, prevent, and mitigate identity theft
*changes in service provider arrangements

Each College shall submit its initial Identity Theft Program for approval by the Board. Thereafter, a copy of each College's current program and annual report on compliance shall be kept on file at each College. Each College President, or designee, will be responsible for oversight of the Identity Theft Program at their College.

Policy Adopted: 1/13/09
Policy Revised: 3/24/17
Policy Revised: 11/14/19

Board of Trustees of the Nebraska State Colleges

Information Technology and Security

POLICY NAME: Information Technology (IT) Purchasing and Services

POLICY NUMBER: 7018

A. PURPOSE

To ensure that the procurement of all types of technology resources including IT products, IT equipment, hardware, software, licenses, subscriptions and all services and consulting meet appropriate technology standards and established requirements.

B. DEFINITIONS

1. **Open Solicitation:** Consists of pursuing purchase prices which are secured by telephone calls, prices available online, or letters to potential vendors or from the vendors' published material.
2. **Informal Bids:** An Informal Bid is a written quote from a vendor which may include a facsimile quote or an email. Note that "proposals" and "quotes" have the same meaning as "bids" throughout this policy.
3. **Formal Bids:** Bids are secured from vendors by means of an advertised Request for Proposal (RFP). An RFP is a document that announces a project, describes the scope of the project, details criteria for bids, and solicits bids from vendors. A minimum of fifteen (15) calendar days shall elapse between the time the RFP is advertised and the time of the bid opening. Bids must be opened in the manner, time and date specified in the RFP. Electronic bids are only allowed when prescribed by the RFP.
4. **Information Technology (IT):** IT includes devices and software that have a primary function related to the collection, transfer, storage, or processing of data. Equipment includes classroom and office equipment used to display or print data. Computers, printers, monitors, keyboards, servers, drivers, switches, routers, network cable and software licenses, all fall within Information Technology. In addition, any device connecting to the campus network is defined as IT. This includes, but is not limited to, HVAC equipment, lighting fixtures, laundry machines, televisions, and cameras.
5. **Emergency:** Any situation where it is necessary to enter into a contract to (a) avoid the loss of life, health, safety or property; (b) respond to time limits established by an external authority; (c) ensure the continuation of an essential

College service, function, utility, facility, or computer/software system; (d) avoid, correct or repair a situation outside the control of the College including detrimental negligence or acts of an employee, natural or manmade disasters, and security or data compromise.

C. POLICY

1. Information Technology Purchases and Services

1.1. Technology Approvals

Security of data and requirements for NSCS Technology Resources need to be considered when employees make IT purchases. In accordance with Policy 7003, Standard 10: Technology Resources Acquisition, all employees must consult with the applicable College or System Office Chief Information Officer (CIO), **before** developing, purchasing or contracting for products, services and/or consulting that have implications for Technology Resource components, data security or technical support. This includes, but is not limited to, cloud services, communication systems, information storage and processing systems, software systems, hosted services, physical facilities related to such systems and contractual relationships with vendors of such systems and services.

2. Contracting and Purchasing Thresholds

Thresholds are determined based on the total contract amount for the initial term of the contract, not to include renewal periods. All purchases shall conform to the following thresholds for bidding and contract signature approvals.

2.1. All Purchases Except for IT Consulting Agreements

- Purchases less than $50,000
    - Open Solicitation applies when the purchase will be less than fifty thousand dollars ($50,000). If it is determined by the College CIO or VPAF, or the System Office CIO, that solicitation of quotes for purchases costing less than fifty thousand dollars ($50,000) would result in a lower cost or better service, Informal Bids may be secured in writing by facsimile quotes or emails.
    - No contract is required for IT repair or maintenance services less than fifty thousand dollars ($50,000) for IT systems and equipment.
    - Contracts signed by the President or Vice President for Administration and Finance (VPAF), or the Chancellor or General Counsel.
- From $50,000 but less than $300,000
    - The purchase is made using an Informal Bid process. If it is not possible to get three (3) quotes, the process and reasons should be documented.

- Contracts signed by the President or VPAF, or the Chancellor or General Counsel.

- $300,000 and above
  - Purchase is made based on a Formal Bid process.
  - A Selection Committee will be formed. See Section 4 below.
  - Contracts require Board approval or Board authorization for the Chancellor to approve.
  - Contracts signed by the Chancellor, Vice Chancellor for Finance and Administration (VCFA) or General Counsel; and the President or VPAF.

2.2 IT Consulting Contracts

- Contracts less than $75,000
  - Open Solicitation applies when the contract will be less than seventy-five thousand dollars ($75,000). If it is determined by the College CIO or VPAF, or the System Office CIO that solicitation of quotes for contracts costing less than seventy-five thousand dollars ($75,000) would result in a lower cost or better service, Informal Bids may be secured in writing by facsimile quotes or emails.
  - Contracts signed by the President or VPAF, or the Chancellor or General Counsel.
- From $75,000 but less than $150,000
  - The contract is awarded using an Informal Bid process. A minimum of three (3) quotes is necessary. If it is not possible to get three (3) quotes, the process and reasons should be documented.
  - Contracts signed by Chancellor, VCFA or General Counsel; and the President or VPAF.
- $150,000 or more
  - Contract is awarded based on a Formal Bid process.
  - A Selection Committee will be formed. See Section 4 below.
  - Requires Board approval or Board authorization for the Chancellor to approve.
  - Contracts signed by the Chancellor, VCFA or General Counsel; and the President or VPAF.

3. Contracts Delegated to Colleges or System Office

The following contracts do not require review and approval by the Board or the Chancellor, but must adhere to approval and bidding requirements, if appropriate:

- Any contract for the purchase of IT supplies and commodities used in the regular course of business operations.
- Any IT contract for the purchase of a license to use a mailing list, email list, or similar list of contacts.
- Any contract for cable television and internet services.
- Any IT contract or change order or addendum associated with an emergency approved by the Chancellor.

4. Information Technology (IT) Selection Committee

4.1. Selection Committee for Formal Bid Process

- The project leader is responsible for determining the IT selection committee, which shall consist of at least two (2) other members from the College or System Office.
- Each IT selection committee will be responsible for the development of the Request for Proposal (RFP) specifications, requirements and criteria for proposal evaluation and ranking. The committee will evaluate proposals and select the best proposal based on application of the stated criteria and any additional information derived through interviews.
- The committee may also consider “best and final offers” to determine final selection and award of contract.

5. General Bid Requirements

5.1. Minimum Number of Bidders

If items or services are to be purchased by the Formal Bid process, the College or System Office shall prepare standards and specifications for the Request for Proposal (RFP) in such a manner it will be possible for three (3) or more manufacturers, vendors, or suppliers to submit Formal Bids. If bids or proposals are not submitted from three (3) vendors, they may be accepted from a fewer number of vendors than three (3), upon documentation of the RFP process including the companies contacted.

5.2. Bid Timelines

The RFP shall state the manner, day and time upon which bids or proposals shall be returned and received.

5.3. Nondisclosure

No person in charge of, or a selection committee member of, any RFP’s prior to the time fixed for receipt of proposals shall disclose to any vendor the contents, amount, or other details of any rival proposal.

5.4. Lowest Bidder

Purchases are generally made from the lowest bidder, taking into consideration the best interest of the College, the quality of the materials proposed to be supplied, conformity with specifications, the purposes for which required, and the times of delivery. In determining the lowest bidder, in addition to price, the College may develop criteria specific to a purchase or may give the following elements consideration when appropriate:

- The ability, capacity and skill of the bidder to meet the specifications;
- The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- Whether the bidder can meet the delivery expectations;
- The performance on past awarded bids;
- The previous and existing compliance by the bidder with laws relating to the contract;
- The life cycle costs of the personal property in relation to the purchase price and specific use of the item;
- The performance of the materials, taking into consideration any commonly accepted tests and standards of product usability and user requirements; and
- Such other information as may be secured having a bearing on the decision to award the bid.

5.5 Bid Rejection

Any or all bids or proposals may be rejected including the proposal of any vendor who has failed to perform a previous contract with the Colleges. In any case, where Formal Bids are required and all proposals rejected, and the proposed purchase is not abandoned, new RFP's shall be called for as in the first instance.

6. Exceptions, Emergencies, and Sole Sourcing

6.1. Exceptions to bidding and RFP Requirements

The following are exceptions to bidding and RFP requirements. Documentation justifying the exception should be kept on file by the College.

- Used IT items and equipment.
- Technology license renewals.
- Technology maintenance contracts.
- Library electronic subscription services and acquisitions.
- Purchasing from a previously competitively bid government contract, including the State of Nebraska, the University of Nebraska System, or a multistate compact contract. Competitively bid government contracts

by non-government entities such as consortiums, organizations, and partnerships are also included.

- When pricing has been established by the federal General Services Administration.

6.2 Emergency

Emergency purchases shall be documented by the College and/or System Office CIO and submitted by the President or VPAF to the System Office CIO and Chancellor for approval. Chancellor approval of an emergency automatically includes the suspension of bidding and RFP requirements as appropriate for each emergency.

6.3 Sole Source

A sole source purchase is when there is only a single feasible or sole source for the IT items, systems, equipment, or services. Documentation to purchase based on sole source without Informal or Formal Bids shall be documented by the College and/or System Office CIO and approved by the President or VPAF and then given System Office approval by the System Office CIO or Chancellor. A single feasible or sole source exists when:

- IT items, systems, equipment, or services are proprietary and only available from the vendor or a single entity and there are no similar items, systems, equipment, or services available that meets the requirements;
- IT items, systems, equipment, or services that must be compatible with the original equipment, systems, or services;
- The software or materials are copyrighted and are only available from the vendor or a single distributor; or
- Donors providing majority funding for an IT project may specify a particular vendor.

7. Compliance Requirements

7.1 Purchasing Responsibility

- The responsibility for the purchasing, receiving, storing and distributing of all materials and supplies to support the activities and programs of each College and the System Office, unless otherwise provided, is delegated by the Board to the Presidents or to the Chancellor. The VPAF shall serve as the principal purchasing agent for the College and shall be responsible for the development and implementation of College processes and procedures which conform to the requirements of the Board.
- Should such processes and procedures include the appointment of a College purchasing agent and a decentralized purchasing function,

responsibility for conformance with the College's and Board's requirements shall remain with the principal purchasing agent.

7.2 Independence and Conflict of Interest

- While an employee, as a prospective user, may informally seek information and confer with a vendor about services and product prices, negotiation for purchases of services and products must be done in compliance with the College and Board policies.
- The principal purchasing agent shall retain responsibility for assuring compliance with procurement procedures.
- If correspondence is carried on between a prospective user and a vendor, copies of such correspondence shall be included, along with other price documentation accompanying a purchase order, to the extent determined appropriate by the principal purchasing agent. Employees are to be aware of and follow the conflict-of-interest requirements stated below when working with potential vendors.
- An employee, employee's family member, and/or business with which the employee is associated shall not enter into a College or System contract valued at two thousand dollars ($2,000) or more, in any one (1) year, unless the contract is awarded through an open and public process in compliance with Neb. Rev. Stat. §49-14,102.
- An employee should not be involved in an advisory or decision-making capacity relating to College or System purchases where the employee, employee's family member and/or business has a financial interest.
- If an employee, the employee's family or a business with which the employee is associated has a financial interest directly, or indirectly in a College or System purchase the Vice Chancellor for Finance & Administration must review information regarding the financial interest and approve the terms of the purchase and/or contract in advance.
- Employees or employees' family members may not receive or accept, either directly or indirectly, by rebate, gift, or otherwise, any money or other specific item of value whatsoever, or any promise, obligation or contract for future reward or compensation from any vendor, person, firm, corporation or other entity which is conducting business with the College or System.
- For purposes of this Policy, a direct or indirect financial interest does not include de minimis holdings or transactions that are unlikely to influence, or appear to influence, the employee's decision making. A financial interest shall be considered de minimis if: the value of the interest in a publicly traded entity does not exceed $5,000 in aggregate, including stock, stock options, or other ownership interests; and, the employee does not serve in a managerial, board, or executive capacity with the

entity; and, the interest does not represent more than 1% ownership in the entity.

7.3 Disabled Veteran or Enterprise Zone Act Preference

- In accordance with state law, when a state contract is to be awarded to the lowest bidder, a resident disabled veteran or a business located in a designated enterprise zone under the Enterprise Zone Act shall be allowed a preference over any other resident or nonresident bidder, if all other factors are equal.
- Resident disabled veteran means any person who resides in the State of Nebraska, who served in the United States Armed Forces, including any reserve component or the National Guard, who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions), and who possesses a disability rating letter issued by the United States Department of Veterans Affairs establishing a service connected disability or a disability determination from the United States Department of Defense.
- The resident disabled veteran must own and control a business or, in the case of a publicly owned business, more than fifty percent (50%) of the stock must be owned by one or more persons that meet the definition of a resident disabled veteran. The management and daily business operations of the public business must also be controlled by one or more persons meeting the definition of resident disabled veteran.

7.4 Federal Funding

When purchases are made using federal funds, federal purchasing requirements must also be followed. For those purchases meeting the federal definition of a “covered transaction”, the purchaser shall verify that the potential vendor has not been suspended or debarred.

FORMS / APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 4-114	Public employer and public contractor; register with and use federal immigration verification system; Department of Labor; duties.

Neb. Rev. Stat. 73-107	Resident disabled veteran or business located in designated enterprise zone; preference; contract not in compliance with section; null and void.
Neb. Rev. Stat. 85-304	Board of trustees; powers and duties; enumerated.

Policy Adopted: March 1994

Policy Revised: September 1997, February 204, September 2006, November 2009, April 2010, March 2013, June 2015, September 2021, February 2022, August 2023, February 2025, September 2025

Board of Trustees of the Nebraska State Colleges

Facilities

POLICY NAME:	Real Property; Eminent Domain; Acquisition; Disposal; Demolition
POLICY NUMBER:	8002

A. PURPOSE

To define the authority of the Board of Trustees of the Nebraska State Colleges regarding the acquisition, management, and disposal of real property and to establish procedures that ensure compliance with state law, fiscal responsibility, and alignment to campus master plans. This Policy outlines the steps for planning, approval, documentation, and legal review of all property transactions to ensure consistent and transparent stewardship of property owned or controlled by the Board.

B. DEFINITIONS

1. **Gift:** Voluntary donation without monetary payment or exchange of other legal consideration.
2. **Real Property:** Land and any building, structure or other improvement permanently affixed to the land.

C. POLICY

1. Board Authority to Acquire Real Property

The Board has the power to acquire real and personal property and dispose of the same whenever any of the Colleges will be benefited thereby, but no grounds upon which any buildings of any of the Colleges are located shall be disposed of without the consent of the Legislature. Board action regarding revenue bond facilities will be in accord with the directives of the Revenue Bond Indentures.

2. Eminent Domain

The Board has been given power and authority to acquire by condemnation lands necessary for Colleges. The procedure to condemn such property shall be exercised in accordance with state law.

3. Acquisition of Real Property

3.1 Written Report to Board

When a need for real property is identified, a written report shall be made to the Board which shall include:

- Justification of need
- The legal description of the property
- A general description of any buildings or other improvements located on the property
- A summary of the past and present use of the property
- The estimated value of the property
- The impact on the campus master site plan
- Proposed method of acquisition (purchase or gift)

3.2 Purchase of Property

Board Approval

No funds of the Colleges shall be committed or paid out to purchase real property and no contract related thereto may be executed for or on behalf of the Board until the purchase has been approved by the Board.

Appraisal

An appraisal by a qualified real estate appraiser concerning the fair and reasonable market value of the property proposed for purchase shall be prepared and submitted to the Board. The Board must approve the purchase price of the property.

Legal Review

All contracts, deeds, leases and other instruments for purchase of real property shall be reviewed by General Counsel prior to execution of the same on behalf of the Board.

3.3 Gifts of Real Property

Any gift of real property shall follow the same process as that for purchased real property, unless an exception is granted by the Chancellor.

3.4 Property Records

- All real property acquired by the Colleges shall be acquired in the name of the Board.
- All deeds and other appropriate instruments will be recorded in the appropriate county as soon as practical after receipt.
- Original abstracts of title and other real property instruments for land purchases using state funds shall be forwarded to the System Office for filing with the Educational Lands and Funds Office as required by law.

- Original abstracts of title and other real property instruments for land purchases using revenue bond funds shall be filed in the System Office.

4. Disposal of Real Property

4.1 When real property becomes excess to the needs of the College, a written report shall be made to the Board which shall include:

a) justification and need for disposal

b) the legal description of the property

c) a general description of any building or improvement located on the property

d) a summary of the past and present use of the property

e) the estimated value of the property

f) the impact on the campus master site plan

4.2 Any proposed disposal of real property shall be submitted to the Board for approval. No instrument disposing of real property owned by the Board shall be executed until such disposal has been approved by the Board. Whenever the Board shall approve the sale of any state land, state-owned building or revenue bond building located on state land that will not be moved or demolished, no instrument disposing of such real property shall be executed until disposal thereof has also been approved by the Legislature.

4.3 Unless the means for disposal is otherwise provided for by the Board, disposal of real property shall be by public auction or by sealed bid public sale, except where disposal shall be to the State of Nebraska or to any agency or political subdivision thereof. Any such auction or sale shall be advertised at least once per week for three successive weeks in advance of the sale or auction in at least one newspaper having general circulation in the county where the real property is located. The Board shall always reserve the right to reject any and all bids at any public auction or sealed bid public sale.

4.4 All instruments relating to the disposal of real property shall be reviewed by General Counsel prior to execution of the same on behalf of the Board.

4.5 Proceeds from the disposal of real property shall be deposited into the appropriate state or revenue bond fund, with the proceeds being expended for purposes authorized by the Board and/or the Legislature, if required.

5. Demolition of Real Property

The Board must give approval prior to the demolition of any building, appurtenance, or annex to a College facility. If the facility is state-owned, the Board will designate the property as unusable, surplus property and take action

to declare it so and, if state funds are sought to pay the demolition costs, shall transfer ownership to the Department of Administrative Services for disposal.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 84-401	Board of Educational Lands and Funds; records of state lands; duty to keep
	Neb. Rev. Stat. 85-304	Board of trustees; powers and duties; enumerated
	Neb. Rev. Stat. 85-319	Eminent domain; powers of board of trustees; procedure.

Policy Adopted: March 1994

Policy Revised: September 2021, November 2021, November 2022, June 2023, November 2025

FACILITIES, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 8005 Trespass; Policy and Procedure

BOARD POLICY

The Nebraska State Colleges are tax-supported state institutions and may be visited by the general public under certain conditions.

College campus property includes buildings, grounds, and parking lots. Not all property on college campuses is open to the general public. Restricted areas which are not open to the general public include, but are not limited to, the following:

- •Classrooms, laboratories and storage areas;
- •Faculty and staff offices;
- •Student residence buildings used for student living quarters; and,
- •Locked college buildings during posted “closed” hours.

Visitors or guests who pose unreasonable risks to the safety and security of persons or property on campus, who violate college policies or rules, or who have damaged property on campus have no "right" to be on college property and may be advised to leave by the President or other authorized college personnel and may be issued a written notice of trespass as provided below. Visitors and guests are responsible to understand and comply with college policies and rules related to their conduct on college property.

PROCEDURE

Trespass Notice

Colleges may ban individuals from college property (either specified portions of the College campus or the campus in its entirety) by issuing a written notice of trespass. Violation of a trespass notice will be deemed to constitute trespassing on College property and the person may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. §28-520 or §28-521.

Legal Reference:	RRS 28-520	Criminal trespass, first degree; penalty
	RRS 28-521	Criminal trespass, second degree; penalty

Policy Adopted: 6/6/08

FACILITIES, NEBRASKA STATE COLLEGE SYSTEM

BOARD POLICY

When one of the Colleges has determined that it is in the best interest of the institution to request the closing of a city-owned street that runs through or is adjacent to the campus, such proposal shall be submitted to the Board for consideration and approval. Included in the information provided to the Board should be:

a) rationale for vacating the street
b) planned use of the street
c) fiscal impact of vacating the street
d) city's procedures for vacating the street
e) results of preliminary discussions with city officials on the proposed closing

After the Board has approved the vacating of a street(s) within a college campus, the required documents to petition for the vacation of specific streets or alleys shall be signed by the President or Vice President for Administration and Finance and then by the Chancellor or Vice Chancellor for Finance and Administration or General Counsel and submitted to the appropriate county or city.

Policy Adopted: 3/11/94
Policy Revised: 9/15/06
Policy Revised: 3/15/13

FACILITIES, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 8007 Real Property; Easements

BOARD POLICY

Any easement acquired or granted by any College shall be acquired or granted in the name of the Board of Trustees of the Nebraska State Colleges. When a need for an easement is identified, a written report shall be made to the Board which shall include:

a) An explanation of purpose and need for the easement
b) The legal description of the property impacted by the easement
c) A summary of any buildings or other improvements located on the property proposed for an easement
d) A summary of the past and present use of the property
e) The impact on the campus master site plan

No easement shall be acquired or granted, and no contract related thereto may be executed for or on behalf of the Board of Trustees until the easement has been approved by the Board.

The Chancellor may, in the event of an unforeseen immediate need:

a) Approve a temporary easement until the Board meets to consider a longer-term easement; or
b) Approve an easement needed for a limited duration of less than 6 months.

All easements shall be reviewed by the Board's legal counsel prior to execution of the same on behalf of the Board.

All easements will be recorded in the appropriate county as soon as practical after receipt.

Legal Reference: RRS 85-304 Board of trustees; powers, enumerated

Policy Adopted: 9/11/15

FACILITIES, NEBRASKA STATE COLLEGES

BOARD POLICY

Each campus shall establish and maintain a tree management plan so that trees are not unnecessarily removed. Cutting of trees in order to fulfill the requirements of the campus facilities master plan is authorized, but needless and destructive removal of tree cover is prohibited.

The following requirements shall apply to this tree removal policy:

1. This policy is applicable to all land owned and managed by the Board of Trustees.

2. The President of each college is to appoint a campus representative who will be responsible for reviewing all plans affecting trees, coordinating tree removal, and replacement wherever and whenever it occurs on campus.

3. Projects affecting the Arboretum on each campus must have the approval of the President of the institution.

4. Projects affecting landscape spaces and frontages on campus grounds must have the approval of the Campus President or his/her designee.

5. Trees causing hazardous conditions, dead trees or those required to be removed for emergency reasons are exempt from this policy.

6. Trees and shrubs removed by thinning or other approved management practices to improve the growth or habitat conditions will be excluded from the replanting guidelines, provided such removal is covered in the college's tree management plan.

7. The tree management plan should include an inventory of trees that include the location, species and numbers as appropriate. Information on pruning, fertilization, disease control, insect control and irrigation should be considered in the tree management plan.

8. For each tree removed, a tree of equal or greater value at maturity will be replanted on the State College campus.

9. Replacement of planted trees will be repeated as necessary to achieve a 100% survival rate at the end of three years.

10. Each State College will maintain a record by fiscal year of trees removed and replaced.

11. Landscaping, tree removal and tree replacement will be addressed in project program statements. Details on tree removal and tree replacement will be included in the schematic design and design development reports for construction projects.

POLICY: 8015 Facilities; Inventory

BOARD POLICY

The 1982 Nebraska State Colleges Comprehensive Capital Facilities document shall be the basis for the inventory of facilities on each State College campus. As changes occur on each campus, the comprehensive capital facilities document for that institution shall be revised to reflect those modifications. The revisions shall include information on new or demolished facilities; alterations or renovations that affect the physical or functional components of the facilities; and the priorities established by the campus for future projects. As campus master plans are developed, the Future Needs section of the comprehensive capital facilities document shall be amended to reflect the recommendations proposed in the master plan.

Every five (5) years, the colleges will evaluate the information contained in the comprehensive capital facilities document on buildings that have not undergone major renovations during that period, and update the sections on interior conditions, use/assignment of space, and replacement cost.

Legal Reference: RRS 81-1114.01 Capital construction project; plan required; contents; revisions required; when; to whom submitted

Policy Adopted: 3/11/94

FACILITIES, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 8016 College Facility Master Plans

BOARD POLICY

College Facility Master Plans shall be developed by each College, using the services of a professional person or firm with experience and qualifications in producing such a document. The College Facility Master Plan shall include the following sections:

1. History of College
2. Description of College Facilities
3. Purpose and Objectives of the Master Plan
4. Analysis, Observations, Conclusions and Recommendations related to the following components:

    a) Academic Space Utilization
    b) Land Use and Function
    c) Circulation and Parking
    d) Aesthetics and Open Space
    e) Utilities
    f) Landscape Design

Displays to be inserted in the College Facility Master Plans should include photographs and line drawings that provide an overview of the six (6) components listed above.

Each College Facility Master Plan shall be submitted to the Board for approval. The College Facility Master Plans shall be updated every ten (10) years or less, if needed. With Board approval, the update of College Facility Master Plans may be extended by no more than twenty-four (24) months.

Proposed facility projects included in the College Facility Master Plans shall be the basis for biennial capital construction requests for state general funds, unless the institution can justify any deviation therefrom.

Legal Reference: RRS 81-1114.01 Capital construction project; plan required; contents; revisions required; when; to whom submitted

Policy Adopted: 3/11/94
Policy Revised: 1/12/10
Policy Revised: 1/13/21

Board of Trustees of the Nebraska State Colleges

Facilities

POLICY NAME: Naming of Buildings, Structures and Features

POLICY NUMBER: 8020

A. PURPOSE

To provide policy and procedures for naming or renaming of buildings, free standing structures, or other significant physical features at the Colleges.

B. DEFINITIONS

None

C. POLICY

1. Naming Opportunities

1.1 Requirements

- Building (including rooms and open areas), structures and features shall not be named for persons who are currently employed full-time by one of the Colleges or the System Office or elected public officials.
- The naming must reflect favorably on and bring honor to the System.
- The naming must honor individuals, families, businesses or corporations who have rendered outstanding academic and/or professional service as an employee of the System; who have rendered distinguished leadership; outstanding support and/or exceptional service to the System or to the State of Nebraska; or who have donated a substantial financial gift to support the cost of construction of a capital project.

1.2 Procedures

- The President shall consult with and obtain approval from the Chancellor regarding levels of contribution for naming rights prior to taking a recommendation to the Board.
- Prior to soliciting donations from businesses or corporations that may result in a request for the naming of a building or facility, the President shall consult with and obtain approval from the Chancellor. Such

consultation shall include consideration regarding any potential tax implications.

2. Proposals

2.1 President Recommendation & Review

- The naming proposal shall come to the Board as a recommendation of the President prior to any commitment to the naming. The following information shall be included in the proposal submitted to the Chancellor.
  - Location and description of the building etc.;
  - Proposed name;
  - Background of person(s) for whom the building or other facility is to be named; and
  - Rationale for proposed naming.
- The Chancellor shall review the documentation supporting the proposal and, if in concurrence, will forward their recommendation to the Board of Trustees Fiscal, Facilities & Audit Committee at a subsequent meeting of the Board.
- If the College wishes to keep the recommendation confidential until a future event as which time it will be disclosed, the institution should so note that on the recommendation provided to the Chancellor.

3. Due Diligence Review

A due diligence review of each naming proposal shall be conducted which will include the following:

- Review of any potential conflict of interest issues;
- Review of potential impact upon the academic autonomy of the College or System;
- Evaluation of the impact on future giving;
- Consultation with General Counsel to ensure compliance with applicable policies, laws and regulations; and
- Consultation, as necessary, with bond counsel to determine if a proposed naming would adversely affect existing or future tax-exempt bonds.

FORMS/APPENDICES:

Recommendation and Approval Form

SOURCE:

Policy Adopted: March 1994

Policy Revised: February 1996, December 1998, September 2006, November 2007, September 2012, September 2014, November 2014, January 2023

FACILITIES, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 8021 Cornerstones and Plaques

BOARD POLICY

Cornerstones

Cornerstones, should they be placed into new facilities on the State College campuses, are to contain the following information:

1. Name of the institution
2. Name of the facility
3. Date construction began
4. Board of Trustees of the Nebraska State Colleges

Plaques

Plaques which are affixed upon newly-constructed or extensively renovated facilities shall, at the least, contain the names of the President, Board Members, and Chancellor who were serving the State College System at the time the project was funded by the Board.

Extensively renovated, for the sake of this policy, shall be defined by renovation efforts in excess of $1.5 million including, but not limited to, work featuring architectural elements, electrical systems, mechanical systems and may involve interior or exterior components.

Policy Adopted: 3/11/94
Policy Revised: 9/15/06
Policy Revised: 11/15/13

Board of Trustees of the Nebraska State Colleges

Facilities

POLICY NAME: Private Use of Facilities

POLICY NUMBER: 8025

A. PURPOSE

To identify the circumstances and expectations surrounding the use of College facilities by private parties.

B. DEFINITIONS

None

C. POLICY

1. Private Use

Students, employees, and organizations affiliated with the College shall have priority in the use of facilities and information technology resources over individuals and groups not associated with the College. Physical and related information technology resources (including, but not limited to, distance education electronics, virtual classrooms, and supporting data connections) of the System are available for non-college purposes with specified limits.

1.1. Limitations

Upon approval by the President, or his/her designee, functions which meet the following criteria may be accommodated. The functions shall:

- Not be in conflict with College functions and purposes;
- Be in accord with the best interests of the College and of the larger community; and
- Not involve the System in the promotion of a particular partisan, sectarian, or political position.

1.2. Procedure

- Each College will develop a set of procedures for use of its physical and information technology resources by non-college persons or organizations.
- Any person or organization not affiliated with the College, must have a written agreement with the College to utilize facilities and information technology

resources. The person or organization shall assume responsibility for the activity and may be required to obtain liability insurance for that activity.

- The Colleges will develop a schedule of fees and charges for non-college use of its facilities and information technology resources.
- In general, the Colleges are to avoid allowing use of College facilities and information technology resources in any manner that would directly compete with the commercial facilities of the community.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: Neb. Rev. Stat. 85-314 Board of trustees; rules and regulations

Policy Adopted: March 1994

Policy Revised: April 2007, January 2014, January 2023

Board of Trustees of the Nebraska State Colleges

Facilities

POLICY NAME: Lease-Purchase Financing

POLICY NUMBER: 8026

A. PURPOSE

To provide the parameters related to the lease-purchase option to finance revenue facilities that are not part of the Auxiliary System.

B. DEFINITIONS

1. **Auxiliary System:** Facilities comprised of housing facilities, buildings and structures used for athletic and wellness purposes, student centers, medical centers and parking facilities that are pledged under a bond resolution.
2. **Revenue Facility:** Facilities comprised of housing facilities, buildings and structures used for athletic and wellness purposes, student centers, medical centers and parking facilities that produce revenue necessary to support the facility.

C. POLICY

1. Site of Lease-Purchase Facility

The Board is authorized to lease to any persons, firms or corporations portions of the respective campuses under their control as may be necessary to be used as sites for construction of fireproof buildings for dormitories, boarding, housing and student activity purposes, athletic structures and parking, or as sites for the establishment of parking facilities.

1.1. Athletic Facility on State Property

The Board may also lease from any person, firm or corporation an athletic structure or structures constructed on a site or sites owned by the State of Nebraska when the person, firm or corporation has the permission of the Legislature to construct on such site or sites.

1.2. Acquiring Land to Lease

The Board may acquire lands adjacent to the campus of any such institution by donation or purchase with any funds they may have available for that

purpose to be leased as sites for such buildings and facilities. The colleges must follow policy 8002 to acquire real property.

2. Lease-Purchase

In connection with such financing, the Board may contract with the owners of the buildings or facilities erected on land leased from the Board for the purpose of providing housing, for athletic and wellness purposes, student centers, medical care or parking facilities. The Board may also contract with the owner of an athletic facility erected on state property, with approval of the Legislature.

2.1. Lease or Rental Rate

The rental or lease rate for the use of the buildings or facilities will be an amount sufficient to pay the principal and interest on an amortization schedule not to run more than 40 years.

2.2. Amortization Interest Rate

The rate of interest allowed on the cost of construction and related costs shall be fixed by the Board and payable annually or semiannually.

2.3. Title

The contract shall provide that when the cost of construction and related costs has been satisfied according to the amortization schedule, that the buildings and facilities shall become the property of the Board.

3. Funding Source

The Board may pledge all or any part of the net revenues and fees derived from the operation of housing facilities, buildings and structures used for athletic and wellness purposes, student centers, medical centers and parking facilities that are not part of the Auxiliary System, to pay the required principal and interest cost.

3.1. Limitations

In no case is the Board authorized to pledge the credit of the State of Nebraska for the payment of any sum or sums over and above the net income derived from the leased facility unless a State appropriation is specifically made for such purposes.

3.2. Legislative Approval

If the Board proposes to pledge all or any part of the revenues and fees from buildings and facilities other than the buildings or facility to be constructed, the plans for such building or facility to be constructed, including financing plans, shall first be submitted to the Legislature or the Executive Board of the Legislative Council for approval.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-401	Board of Regents; Board of Trustees; campus buildings and facilities; lease-purchase agreements authorized; conditions.
	Neb. Rev. Stat. 85-402	Campus buildings and facilities; pledge of income and appropriations authorized; limitations.
	Neb. Rev. State. 85-404	Dormitories; housing facilities; parking facilities; other facilities; revenue bonds; issuance; approved by Legislature.

Policy Adopted: March 1994

Policy Revised: November 1995, September 2006, March 2013, June 2014, June 2023

Board of Trustees of the Nebraska State Colleges

Facilities

POLICY NAME: Leasing or Renting Space

POLICY NUMBER: 8027

A. PURPOSE

To identify the circumstances and requirements for leasing or renting space.

For leasing/rental agreements associated with educational partnerships, refer to Policy 6401, Section 7.2. All such agreements require Board approval, as do all interlocal agreements.

B. DEFINITIONS

None

C. POLICY

1. Leasing or Renting Off-Campus Space

When circumstances require a College to lease or rent space off-campus for one (1) year or less and the lease or rental agreement is less than fifty thousand dollars ($50,000) the agreement may be signed by the President or Vice President for Administration and Finance. The Chancellor shall be notified in advance.

When circumstances require a College to lease or rent space off-campus for a term that exceeds one (1) year or that costs fifty thousand dollars ($50,000) or more, the President shall prepare a recommendation and request for Board approval containing the following information:

- Purpose for leasing or renting the space.
- Amount of square footage to be leased or rented.
- Cost per square foot of leased or rented space.
- Length of time that lease or rental agreement is in force.
- Disclosure of any additional financial, personnel, programming, or other miscellaneous obligations related to leasing or renting the space.

- Once approved by the Board, the Agreement shall be signed by the President or Vice President for Administration and Finance and then by the Chancellor or Vice Chancellor for Finance and Administration or General Counsel.
- Board approval is required for renewals or amendments beyond the original lease term.

2. Leasing or Renting On-Campus Space

If College facilities are not needed for their original purpose or other College-related purposes, the Board authorizes the Colleges to enter into agreements with other entities for lease or rental of vacant space. The agreement must address the following:

- All alterations or improvements on the leased property will be done by the College, following current board policy for all such work, with all costs the responsibility of the entity leasing the property, unless otherwise noted in a memorandum of understanding, lease agreement or rental contract.
- Rental rates, which are comparable to similar facilities in that geographic region, may be charged.
- Any Presidential waiver or reduction in rental charges for public service functions as described in Policy 4350.
- Proof of insurance requirements as applicable. Revenue will be deposited in the appropriate cash fund or revolving (revenue bond) fund.

2.1 Approvals and Thresholds

- Less than $20,000/year and no more than a 5-year term

  The President or Vice President for Administration and Finance are authorized to approve a lease agreement or rental agreement, if agreement is less than twenty thousand dollars ($20,000) per year, and no more than a five (5) year term. The agreement shall be signed by the President or Vice President for Administration and Finance.

- From $20,000/year but less than $50,000/year and no more than a 5-year term

  The Chancellor can approve a lease or rental agreement with a value of twenty thousand dollars ($20,000) but less than fifty thousand dollars ($50,000), and with a term of no more than five (5) years. The agreement shall be signed by the President or Vice President for Administration and Finance and then by the Chancellor or Vice Chancellor for Finance and Administration or General Counsel.

- $50,000/year or more or term greater than five (5) years

  If a lease or rental agreement equals or exceeds fifty thousand dollars ($50,000) annually or has a term of more than five (5) years, the document shall be submitted to the Board for approval. After approval by the Board, the agreement shall be signed by the President or Vice President for Administration and Finance and then by the Chancellor or Vice Chancellor for Finance and Administration or General Counsel.

- Board approval is required for annual renewals beyond five (5) years.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-304	Board of trustees; powers and duties, enumerated.
	Neb. Rev. Stat. 85-314	Board of trustees; rules and regulations.

Policy Adopted: September 1997

Policy Revised: March 2013, January 2023, March 2025

FACILITIES, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 8030 Facilities; Maintenance, Deferred Repair, Preventive Maintenance

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BOARD POLICY

The Board shall adopt all needful rules and regulations for the careful preservation of the buildings, furniture, equipment, grounds, trees, shrubbery and other property belonging to the State Colleges and the System Office.

Each College shall implement a maintenance management solution for the maintenance and upkeep of all facilities and equipment, using acceptable campus standards.

Each College's maintenance management solution shall establish standards of quality maintenance that include deferred repair and preventive maintenance. Periodic detailed inspections shall be made of the facilities to accurately determine what renewal work items exist and the probable cost and time required to do the work. An annual report of these findings shall be filed with the System Office and the Office of the Building Renewal Task Force. Financial and inspection assistance should be solicited from the LB 309 Task Force for projects for state-owned facilities.

Legal Reference:	RRS 85-304	Board of trustees; powers, enumerated
	RRS 85-314	Board of trustees; rules and regulations
	RRS 81-177	State agency; inspection of facilities; report; contents; referred to task force

Policy Adopted: 3/11/94
Policy Revised: 11/15/13

FACILITIES, NEBRASKA STATE COLLEGES

POLICY: 8031 Facilities; Energy Conservation

BOARD POLICY

The Board directs the State Colleges to establish goals and objectives for their facilities that promote the efficient, economic and environmentally responsible use of energy resources. Specific attention shall be paid to lighting options, window replacement, energy management systems, energy efficient heating and cooling systems, low maintenance plantings, caulking and weatherstripping doors and windows, insulating walls, ceilings and floors, and devices that utilize solar energy.

The State Colleges are encouraged to budget operational funds or to seek financial assistance from the Department of Energy to undertake projects which will result in significant energy savings and have a payback of 10 (ten) years or less. The Board authorizes the colleges to use those energy savings for additional energy savings measures; for one-time equipment purchases; and/or to support the operations of the institution.

The Board recognizes the cost savings that can be realized with the installation of energy conservation measures and encourages the State Colleges to obtain information on the possible use of energy financing contracts if operational funds or grant funds are not available. Such agreements may include, but are not limited to, performance contracts, shared savings contracts, guaranteed contracts and lease purchase contracts. The agreement shall be with an energy service company for the purpose of implementing one or more energy conservation measures in an existing facility in exchange for a portion of the energy cost savings produced. The energy service company shall be a person or business experienced in the implementation and installation of energy conservation measures. Procedures established in Nebraska RRS 66-106 shall be followed in soliciting energy financing contracts and all such agreements must be submitted to the Board for approval prior to their execution.

When new facilities are to be constructed or existing facilities renovated, the colleges are directed to work with the professional consultant selected for the project to ensure that current energy codes are followed and special consideration is given to achieving energy efficiency without unduly adding to the cost of the project.

Legal Reference:	RRS 66-1001	Energy conservation and efficiency; legislative findings
	RRS 66-1004	Energy Conservation measure; defined
	RRS 66-1062 through 1066	Oils, Fuels and Energy; Energy Financing Contract

Policy Adopted: 3/11/94
Policy Revised: 6/19/98

FACILITIES, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 8032 Facilities; Access, Physical Disability

BOARD POLICY

No otherwise qualified person should, solely by reason of his/her physical disability, be excluded from participating in, be denied the benefits of, or be subject to discrimination, insofar as the academic programs in the State College System are concerned. The provisions set forth in the Americans with Disabilities Act of 1990 are to be enacted so that individuals with disabilities will receive fair treatment and be provided with equal opportunities as do other campus students, staff or visitors.

To ensure the above, the Board directs each of the Colleges to:

1. Designate a campus coordinator to oversee activities related to the ADA compliance and to address ADA complaints.

2. Provide reasonable accommodation and access to individuals with disabilities in the services, activities and programs provided, sponsored or conducted by the College.

3. Ensure that, as facilities are renovated or new buildings constructed, professional consultants designing the project will design the facilities to meet the 2010 ADA Standards for Accessible Design as enforced by the state authority having jurisdiction.

Legal Reference: Title II of the Americans with Disabilities Act of 1990 as amended, and Section 504 of the Rehabilitation Act of 1973

Policy Adopted: 3/11/94
Policy Revised: 1/21/15

POLICY: 8033 Facilities; Environment and Safety Precautions, Fire and Safety Inspection Reports

BOARD POLICY

Each campus shall develop a campus environment and safety policy. This policy shall establish a mechanism for the identification of existing and potential threats to the environment and safety of persons on campus and for the elimination or reduction of such threats.

The campus environment and safety policy should contain provisions for cooperation with local emergency services personnel and a plan for efficient, effective coordination of efforts with such personnel. Campus procedures for dealing with emergencies (i.e. fires, tornadoes, large accidents, etc.) should be established as part of the campus policy. A copy of the environment and safety policy shall be filed in the System Office.

All local and state fire/life safety regulations which govern places of public assembly shall be observed at each college.

When inspections of State College facilities are conducted by representatives of the state fire marshal, insurance underwriter, or safety code regulatory agencies, copies of the reports and the institution's plan for addressing any deficiencies noted therein, shall be filed with the System Office, by the college, within ninety (90) days after receiving the report.

Legal Reference:	RRS 81-502	State Fire Marshal; fire prevention and safety; duties
	RRS 81-502.04	State Fire Marshal; rules and regulations

Policy Adopted: 3/11/94

Board of Trustees of the Nebraska State Colleges

Facilities

POLICY NAME: Smoking

POLICY NUMBER: 8034

A. PURPOSE

To clarify where smoking is allowed on College property.

B. DEFINITIONS

1. **Smoking:** Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. Smoking includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form.

C. POLICY

1. Smoking Prohibited

1.1. Indoors

Smoking is prohibited in all College facilities in alignment with the Clean Indoor Air Act which prohibits smoking in a place of employment or in public places.

1.2. Outdoors

The Colleges may designate smoking areas outdoors.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 71-5716 through 71-5735	Nebraska Clean Indoor Air Act

Policy Adopted: March 1994

Policy Revised: January 2023

Board of Trustees of the Nebraska State Colleges

Facilities

POLICY NAME: Alcohol Use

POLICY NUMBER: 8035

A. PURPOSE

To identify the locations and situations where alcohol use is permitted at the Colleges.

B. DEFINITIONS

None

C. POLICY

1. Alcohol Use at Sponsored Events

Alcoholic beverages may be served to individuals twenty-one years of age or older at specific alumni and community functions or at an event or program, such as a banquet, official entertainment or reception approved and hosted by the president, or his or her designee.

- The Colleges must comply with Nebraska statutes, and the rules and regulations promulgated by the Nebraska Liquor Commission relating to the consumption of alcohol.
- Food and nonalcoholic beverages shall also be available any time alcoholic beverages are served.

2. Alcohol Use in Academic Course

In approved academic courses where samples containing alcohol are being studied, but not consumed, students age 19 and above may possess and conduct experiments on samples using the standard operation procedures of the laboratory. The College may, at the discretion of the president, allow alcoholic beverages to be possessed and consumed by individuals twenty-one (21) years of age or older in conjunction with an approved academic course and curriculum. For example, a chemistry course addressing technical/chemical composition may be combined with wine tasting opportunities.

3. Alcohol Event Procedures

The following guidelines will be applicable to dispensing and consumption of alcoholic beverages at scheduled events on College property or at College sponsored events that occur off campus.

- The College is responsible for and shall control the dispensing of alcoholic beverages provided by a private individual, group or organization sponsoring or participating at an approved event.
- The duration of the event shall be restricted as specified by the president or his or her designee.
- The College may provide, for a fee, all services and set-ups.
- Unused quantities of alcoholic beverages will remain the property of the private individual, group or organization sponsoring or participating in the event.
- Only persons invited by the College to attend the event and necessary College personnel may be present at the event. All other persons shall be excluded.
- While the Colleges may not sell alcoholic beverages, under any circumstance, the president may authorize appropriately licensed vendors to sell alcoholic beverages at events.
- Each president may promulgate specific College policies further controlling and regulating the dispensing and consumption of alcoholic beverages at scheduled events consistent with this policy.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: Neb. Rev. Stat. 53-101-53-1,122 Nebraska Liquor Control Act

Policy Adopted: July 1987

Policy Revised: March 1994, April 2002, September 2006, June 2011, June 2014, January 2018, June 2018, January 2023

FACILITIES, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 8036 Facilities; Planning for Technology

BOARD POLICY

Information and instructional technology play an increasingly important role in the efforts of the Colleges to deliver programs which address institutional objectives in instruction, research, public service and support areas. In order for the Colleges to be prepared to utilize technology in the pursuit of such objectives, planning for facilities development must include consideration of the types of technology available at the time plans are developed and the types projected for the future, including computer-assisted instruction, virtual classrooms, electronically published library materials, computer-assisted facilities management and the like. All campus facilities, existing and planned for the future, must offer an environment which supports the installation and use of information and instructional technology capabilities in classrooms, laboratories, offices, libraries, physical plant and infrastructure. As plans are developed for the renovation of existing facilities or for the construction of new ones, the Colleges shall insure that design documents and specifications incorporate the components and features necessary to meet the technological requirements of the structure at the time of construction and for the foreseeable future. The College Chief Information Officer (CIO) or Director of Computer Services, shall be consulted during the development of the program statement, and throughout the design and construction of the project.

Legal Reference:	RRS 72-802	Public buildings; plans and specifications; limitations; bids; appropriations; limits
	RRS 72-803	Public buildings; construction; improvement and repair; contracts; bidding; procedure; exceptions
	RRS 81-1192	Information Technology Infrastructure Act
	RRS 85-304	Board of Trustees; powers; enumerated

Policy Adopted: 9/26/97
Policy Revised: 6/18/15

Board of Trustees of the Nebraska State Colleges

Facilities

POLICY NAME: Campus Access and Security

POLICY NUMBER: 8040

A. PURPOSE

To outline the parameters of public access to College property, identify banned weapons, and delegate responsibility to the Presidents for the security of College property.

B. DEFINITIONS

1. **College Property:** Buildings, grounds, and parking lots owned or leased by the College or Board of Trustees.
2. **Weapon:** Any instrument, article or substance designed, used or intended to be used to cause bodily harm or property damage. Weapons include, but are not limited to the following items: firearms, including rifles, shotguns, handguns, air rifles, paint ball guns, or imitation firearms that could be confused with actual firearms; ammunition used with firearms; knives with a blade longer than (4) four inches; explosives (including fireworks); swords, nun chucks, throwing stars and other martial arts weapons: bows and arrows of all types; tasers or stun guns.

C. POLICY

1. Security Operation

The President shall have general control and responsibility for the security of the College and College property. This responsibility and authority shall include the authority to:

- Designate individual(s) who shall have responsibility and authority for the immediate supervision, management and control of College property;
- Prohibit or otherwise restrict access, occupation or possession of College property; and
- Contract with private security companies or public law enforcement agencies for the provision of security services.

2. Campus Access

2.1. General Public

The Colleges, as state institutions, may be visited by the general public under certain conditions and subject to compliance with College policies and rules related to their conduct on College property. Not all College property is open to the general public. Restricted areas which are not open to the general public include, but are not limited to, the following:

- Classrooms, laboratories and storage areas;
- Faculty and staff offices;
- Mechanical, maintenance, custodial and other operations space;
- Student residence halls; and
- Locked College buildings during posted “closed” hours.

2.2 Restricting Access

Any person who poses an unreasonable risk to the safety and security of persons or property on campus; threatens to interfere with persons, property or the orderly operation of the College; who violates college policies or rules; has previously been issued a notice of trespass; - who has damaged property on campus; or has been found to have willfully violated the Foreign Adversary and Terrorist Agent Registration Act or any rule or regulation under the Act has no right to be on College property and may be subject to the following consequences:

- The President or other authorized College employee may require the person to leave the College property. The person may be issued a written notice of trespass as provided in Section 3 of this policy.
- The person may be reported to law enforcement and be subject to criminal prosecutions.
- The College may initiate or authorize administrative, civil and/or criminal prosecution of persons or entities who violate any directive, policy or other regulation governing the use, occupancy or possession of the College property.

2.3 Reporting Required

In the event a person is required to leave College property, the authorized employee requiring the person to leave shall, as soon as reasonably possible, submit a written report to the President, or their designee, which shall contain the following:

- Description of person required to leave, including the person's name, address and telephone number, if known;
- Names and contact information of any witnesses, if known; and A Statement of the facts describing the incident.

3. Notice of Trespass

The Colleges may ban any person from College property, either specified portions of College property or the College property in its entirety, by issuing a written Notice of Trespass. The College shall keep a record of all trespass notices issued.

3.1. Trespass Violation

Violation of a trespass notice will be deemed to constitute trespassing on College property, and the person may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. §28-520 or §28-521.

3.2. Trespass Appeal

Any person who has been issued a trespass notice may submit a written request to the President for withdrawal of the ban. The President may withdraw the trespass notice in writing if they determine the presence of the person will no longer disrupt the orderly operation of the campus, its programs, or pose an unreasonable risk to the safety and security of persons or property on campus.

4. Weapons on College Property

Weapons are not permitted on College property, regardless of whether the person is licensed to carry a weapon, unless otherwise permitted within section 4.2 of this policy.

4.1. Violations

Any person found to possess a weapon or cause a weapon to be on College property may be subject to the following consequences:

- The person may be reported to law enforcement and be subject to criminal prosecution.
- The person may be subject to a notice of trespass as set forth in section 3 of this policy.
- An employee in violation of this policy may be subject to disciplinary actions up to and including termination of employment.
- A student in violation of this policy may be subject to conduct proceedings pursuant to Policy 3100.

4.2. Exceptions

- Certified law enforcement officers employed or contracted by the College to provide security or policing services, or on duty licensed law enforcement officers of the city or state, are allowed to carry a weapon on college property.
- Contracted vendors are allowed to possess, handle and discharge fireworks on college property.

- The Colleges may permit the use of a black powder cannon discharge at athletic events by trained individuals with approval of the President.
- Imitation weapons may be used for school instruction and for extracurricular events, if authorized by the President.
- Student activities organized by Registered Student Organizations or approved courses of the College involving use of a weapon such as a shooting range, trap shoot area, or archery target use must have approval of the President. All firearms, when not used for the activity, must be stored in a secure location not on College property. When not in use for the approved activity, archery equipment may be stored in a location secured by the College on College property.
- Knives longer than (4) four inches are acceptable when used by the college food service operation for the preparation and serving of food.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-306	State colleges; president; duties.
	Neb. Rev. Stat. 85-314	Board of trustees; rules and regulations.
	Neb. Rev. Stat. 28-520	Criminal trespass, first degree; penalty.
	Neb. Rev. Stat. 28-521	Criminal trespass, second degree; penalty.
	LB 644 [2025]	Foreign Adversary and Terrorist Agent Registration Act

Policy Adopted: March 1994

Policy Revised: June 2008, March 2023, September 2025

Board of Trustees of the Nebraska State Colleges

Facilities

POLICY NAME: Vehicle Parking

POLICY NUMBER: 8042

A. PURPOSE

To regulate parking on College property.

B. DEFINITIONS

1. **The Americans with Disabilities Act (ADA) -** is a federal civil rights law that prohibits discrimination based on disability. The ADA also requires covered employers to provide reasonable accommodations to employees with disabilities and imposes accessibility requirements on public accommodations.

C. POLICY

1. Vehicle Parking and Regulations

The Presidents are authorized to establish and enforce rules and regulations concerning the parking and operation of vehicles upon College property.

2. Handicapped Parking

2.1. Designated Parking

When parking lots are constructed or renovated on a College property, each College is to designate the parking spaces for the exclusive use of handicapped or disabled persons. The number, type and placement of such spaces are to be in conformance with ADA. Each College shall identify the handicapped parking stalls with signage that is clearly visible to all employees, students and visitors of the college.

- Any person wishing to obtain a temporary or permanent handicapped parking permit must apply for a permit from the city or county clerk in the location in which the applicant resides.
- Distinguishing license plates, permits or other types of identification shall be required in order to occupy a handicapped parking space.

2.2. Authority

The Colleges control parking on campus property.

- The Colleges may enter into an agreement with the governing board of the county, or city to enforce handicapped parking infractions.
- On-street parking designations shall be coordinated with the appropriate city or county official.

3. Parking Fees and Fines

3.1 Parking Fees

The cost of a parking permit for employees and students will be approved by the Board each year as part of the tuition and fee process.

3.2 Parking Fines

Fines for parking violations may be assessed in amounts established by each College.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 18-1737	Handicapped or disabled persons; off-street parking facility; on-street parking; designation; removal of unauthorized vehicle; penalty; state agency defined.
	Neb. Rev. Stat. 85-411	Campus buildings and facilities; board; powers

Policy Adopted: March 1994

Policy Revised: October 1997, January 2023

POLICY: 8050 Reports to Board of Trustees

BOARD POLICY

The following facilities management reports shall be submitted to the Board in the format developed by the System Office:

Each Meeting

1. Contracts and change orders for information, approved by the Board, the Chancellor, or the President or Vice President for Administration and Finance

2. LB 309 Projects Allocations and Retrievals (for Board approval on Consent Agenda)

Quarterly

1. Capital Construction Progress Reports

Semi-annually

1. Contingency Maintenance Progress Reports

2. LB 309 Projects Progress Reports

3. Income/Occupancy, Actual, Reports

Annually

1. Income/Occupancy, Potential Reports

2. Revenue Bond Financial Viability Report (with Contingency Maintenance requests)

Policy Adopted: 3/11/94
Policy Revised: 1/14/20

Board of Trustees of the Nebraska State Colleges

Facilities

POLICY NAME:	Capital Construction; Budget Requests; Planning, Design and Construction Documents
POLICY NUMBER:	8060

A. PURPOSE

To define the term, Capital Construction Project, and to specify approval and reporting requirements for such projects. To provide a process for the Colleges to follow for submission of Capital Construction Budget Requests (CCBR), and to provide requirements for Capital Construction Project planning and construction documents.

B. DEFINITIONS

1. **Capital Construction Project:** For both state-supported and revenue bond facility projects, a *Capital Construction Project* is defined as a project estimated at two million dollars ($2,000,000) total project cost and above, for renovation and new construction of programmatic spaces. This threshold does not include costs of the project attributed to fire and life safety upgrades, Americans with Disability Act (ADA) requirements, deferred repair and renewal work and utilities infrastructure, and energy conservation improvements. Majority funded LB 309 Task Force for Building Renewal projects, and Auxiliary Contingency Maintenance projects, are excluded regardless of project size. Campus site improvements are considered a *Capital Construction Project* when reaching the threshold stated above, after subtracting utilities infrastructure costs.

   The Vice Chancellor for Facilities (VCF) determines whether a project qualifies as *Capital Construction Project* based on information provided by the College, and if applicable, by the project design consultants.

C. POLICY

1. Capital Construction Board Approval and Reports

- All projects meeting the definition of a *Capital Construction Project* will require Board approval, and subsequent quarterly status reports to the Board, per Board Policy 8050. Non-Capital Construction LB 309 Task Force and Auxiliary Contingency Maintenance projects are Board approved and reported per Board Policies 8050 and 9101.

- When a *Capital Construction Project* reaches two million dollars ($2,000,000) or more in estimated total project costs for programmatic spaces, Board approval of a Program Statement is required. See *Section 4.* This Program Statement approval requirement applies also to biennial Capital Construction Budget Requests (CCBR) seeking *state general funds* equal to or greater than the established State Building Division (SBD) Program Statement requirement (currently eight hundred ninety-six thousand dollars [$896,000] until January of 2026).

2. Capital Construction Budget Requests (CCBR)

- The CCBR is a biennial set of requests for state general funds, submitted by the Nebraska State College System (NSCS) to the state of Nebraska every September 15th of even numbered years. It includes requests for major renovation and new construction projects, as well as LB 309 Task Force for Building Renewal requests. It does NOT apply to revenue bond building or Auxiliary Contingency Maintenance projects. After the NSCS CCBR is approved by the Board, the System Office is responsible for submitting the NSCS CCBR to applicable state offices by the published state deadlines.
- CCBR preliminary information (not including LB 309 Task Force requests information) is due to the Vice Chancellor for Facilities (VCF) by December 1st of odd numbered years. This information is reviewed by the Fiscal, Facilities and Audit (FFA) Committee and the Chancellor. The CCBR preliminary information (excludes estimated costs and priorities) is submitted to the Board for approval at the subsequent January Board meeting.
- Detailed cost estimates and narratives of approved preliminary *Capital Construction Project* requests are submitted to the Vice Chancellor for Facilities (VCF) by March 31st of even numbered years. After review, the Chancellor and FFA Committee recommend the final NSCS CCBR, with priorities and total project costs, for approval at the subsequent June Board meeting. CCBR Program Statements must be approved by the Board no later than at the June Board meeting, unless an exception is allowed by the Vice Chancellor for Facilities.
- Program Statements approved two (2) years earlier or before do not need another approval by the Board, unless there is a change in scope as defined by the Coordinating Commission for Postsecondary Education (CCPE), and as determined by the Vice Chancellor for Facilities (VCF). Simple adjustments of project budgets to account for inflation can be made without modifying the Program Statements when these adjustments are accounted for in the final NSCS CCBR as approved by the Board.
- When a CCBR request is a major utilities or infrastructure project, which does not propose renovations or additions to programmatic spaces, an engineering study may be submitted to the state in place of a Program Statement. Engineering studies do not require Board approval, but are used as Board information to approve a utilities infrastructure project in the NSCS CCBR.

3. **Need Statements**

- A Need Statement is a planning document for renovation or new construction of programmatic spaces when a Program Statement is not required. For any CCBR renovation or addition project (excluding LB 309 Task Force requests) when the estimated total project cost is below the SBD Program Statement threshold stated in *Section 1*, only a Need Statement is required to be submitted with the CCBR.
- Need Statements do not require Board approval, but are used as Board information for approving CCBR project requests, or for approving *Capital Construction Projects* that do not meet a requirement for a Program Statement.
- The Need Statement template can be found on the NSCS website by clicking here https://www.nscs.edu/information-for/system-resources/facilities-projects.

4. **Program Statements**

- A Program Statement is a planning document for renovation or new construction of programmatic spaces that details the scope of the proposed space modifications and associated construction and provides a thorough total project budget estimate. Program Statements are typically developed by architecture/engineering consulting firms using program and facilities information provided by the College. Program Statements are required for Board approval of *Capital Construction Projects* per *Section 1*.
- When preparing a Program Statement, see also the requirements of *Board Policy 8036; Facilities; Planning for Technology*.
- Program Statements are presented by the project design consulting firm to the Board for the purpose of obtaining Board approval. This Program Statement presentation and approval item may be combined with the Design Development for the project when necessitated by the project schedule and when funding for construction is imminent. See *Section 6* for Design Development documents phase.
- The Vice Chancellor for Facilities (VCF) is responsible for submitting Program Statements to applicable state offices for review, and to the CCPE for approval.
- The Program Statement template can be found on the NSCS website by clicking here https://www.nscs.edu/information-for/system-resources/facilities-projects.

5. **Schematic Design**

- The Schematic Design phase typically starts once adequate funding for the project is in place, and this phase is intended to validate or modify Program Statement assumptions, consider alternative design layouts, and eventually

arrive at schematic floor plans, building elevations, and other final Schematic Design documents before proceeding to the Design Development phase.

- The project design team comprised of College and System Office personnel, and others as appropriate, approves the final Schematic Design documents based on consistency with the Program Statement and total project cost budget.

6. **Design Development**

   - The Design Development phase refines and elaborates on the Schematic Design documents and creates drawings that serve as a basis for the development of construction bid documents. Programmatic spaces, floor plans and building elevations are modified and updated based on more defined design requirements, and further refinement of construction systems and materials.
   - For any *Capital Construction Project* that requires a Program Statement, the final Design Development documents for that project also require presentation to the Board, using the same procedures as described in *Section 4*, and may be combined with the Program Statement presentation/Board approval item, per that same section.
   - The Design Development document template can be found on the NSCS website by clicking here https://www.nscs.edu/information-for/system-resources/facilities-projects.

7. **Construction Documents**

   - Once the Design Development documents are approved by the Board, construction documents are developed for the purpose of obtaining bids. For *Construction Manager at Risk* projects, the bids are used to establish the *Guaranteed Maximum Price* (*GMP)*. For additional information, see *Board Policy 8071*. Reviewing and approving construction documents are delegated to the project's design team described in *Section 5*.

For additional guidance on *Board Policy 8060* and *Capital Construction Projects*, click here https://www.nscs.edu/information-for/system-resources/facilities-projects.

For specific construction bidding applicability, contracts guidance, and procedures, see *Board Policy 8064; Capital Construction, Facility Maintenance and Repair Contracts, and Board Policies 8066, 8067, and 8071.*

For completion of *Capital Construction Projects*, see *Board Policy 8069; Capital Construction; Inspections; Substantial Completion; Final Completion.*

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-411	Campus buildings and facilities; board; powers.

Policy Adopted: March 1994

Policy Revised: September 2006, July 2020, August 2020, March 2021, April 2022, June 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Facilities

POLICY NAME:	Capital Construction, Facility Maintenance and Repair Contracts, and Fixed Equipment Acquisitions
POLICY NUMBER:	8064

A. PURPOSE

To explain requirements for capital construction, facility maintenance and repair contracts, and the process for acquiring fixed equipment.

Acquiring moveable equipment must follow Policies 6400 and 6401. Professional consulting services related to capital construction must follow Policy 8066.

B. DEFINITIONS

1. **Construction Project:** Any new facility, expansion of a current facility, major remodeling, or renovation of a current facility.
2. **Maintenance and Repair Project:** The routine upgrades, replacements of facility components, or repairs to current facilities.
3. **Informal Bids:** An Informal Bid is a written quote from a vendor which may include a facsimile quote or an email from the vendor.
4. **Formal Bids:** Bids or proposals secured from contractors, vendors and bidders by means of an advertised public notice bid solicitation or Request for Proposal (RFP). An RFP is a document that announces a project, describes the scope of the project, details criteria for bids, and solicits bids. A minimum of fifteen (15) calendar days shall elapse between the time the public notice or RFP opportunity is advertised and the time of the bid opening. Bids must be opened in the manner, time and date specified. Facsimile quotes or emails received by the institution are not allowed during this formal process.
5. **Facility or Facilities:** Any buildings or structures, above or below ground. May also refer to campus grounds, landscaping, and utility systems.
6. **Capital Construction Project:** A project estimated at $2,000,000 and above for renovation and new construction of programmatic spaces, per Policy 8060.
7. **Emergency:** Any situation where it is necessary to enter into a contract to (a) avoid the loss of life, health, safety or property; (b) respond to time limits established by an external authority; (c) ensure the continuation of an essential College service, function, utility, facility or (d) avoid, correct or repair a situation

outside the control of the College including detrimental negligence or acts of an employee, natural or manmade disasters.

8. **Fixed Equipment:** Equipment that is affixed to the facility and is not movable.

C. POLICY

1. Contracting and Fixed Equipment Acquisition Thresholds

All contracts and fixed equipment acquisitions shall conform to the following dollar thresholds and bidding process.

1.1 Less than $50,000 – Bids not required

Competitive bidding is not required for projects and fixed equipment that are less than fifty thousand dollars ($50,000). The College may contract directly with a contractor after negotiating a contract price that is reasonable and within budget.

- No contract is required for repair, maintenance, or construction services less than fifty thousand dollars ($50,000) for fixed equipment, facilities, and grounds.

1.2 From $50,000 but less than $300,000 – Informal Bid process

Construction and fixed equipment contracts with a total cost between fifty thousand dollars ($50,000) and less than three hundred thousand dollars ($300,000) shall observe the following bidding procedure.

- Three (3) or more quotations shall be solicited from bidders. Original quotations may be obtained in writing or verbally. Any verbal quotations must be followed up with a written or faxed confirmation for project files.
- A fixed bid receipt date or public opening is not required.
- A contract shall be executed for the project after negotiating a price that is reasonable and within budget.
- All resulting quotations or refusals to quote shall be documented by the College.

1.3 $300,000 or more – Formal Bid process

Construction and maintenance contracts and fixed equipment with a total cost of three hundred thousand dollars ($300,000) or more shall use the Formal Bid process.

2. Project and Contract Approvals

2.1. Approval of Projects

- No capital construction, maintenance or repair contract may commit funds for a project until the funds have been identified and approved by the Board, with the exception of Task Force for Building Renewal 309 funds.
- While Task Force projects must follow all other requirements in this Policy, unless otherwise noted, 309 funding does not have to be accepted by the Board prior to committing funds in accordance with this Policy.
- For state funded projects, the appropriation must have been received before construction contracts are submitted for approval.
- For revenue bond projects, bond proceeds or surplus funds must be available, and their expenditure approved by the Board before construction contracts are executed.

2.2 Contracts and Change Orders for College Approval and Execution

The President or Vice President for Administration and Finance (VPAF) is delegated the responsibility for bidding, negotiating, and signing on behalf of the Board the following types of construction contracts and any related change orders/addenda.

- Any contract for the construction, alteration, renovation, remodeling, repair, or demolition of any building or other improvement to real property, under which payment by the College will be less than three hundred thousand dollars ($300,000).
- Contracts with architects or engineers or consultants where the fee will be less than one hundred fifty thousand dollars ($150,000).
- Contract change orders, addenda and amendments involving each additional expenditure under one hundred fifty thousand dollars ($150,000).

2.3 Board Approval of Contracts and Change Orders

The following types of contracts are to be submitted to the Board for approval.

- Capital construction, facility maintenance or repair contracts amounting to three hundred thousand dollars ($300,000) or more.
- Any contract with an engineer or architect where the fee will be one hundred fifty thousand dollars ($150,000) or more.
- Contract change orders and addenda involving additional expenditure of one hundred fifty thousand dollars ($150,000) or more.
- Once approved by the Board (or the Chancellor per 2.4 below), the construction or maintenance contract shall be signed by the President

or VPAF, and then by the Chancellor, Vice Chancellor for Finance and Administration (VCFA) or General Counsel. A contract signed by the vendor should be available for execution at the Board meeting when approved.

2.4 Board Approval Exception: Chancellor Authorization to Approve and Sign Contracts and Change Orders

If approval of any construction or maintenance contracts and change orders are critical to the schedule of the project, the Chancellor is authorized to approve and sign these contracts and change orders at the following thresholds.

- The Chancellor shall be authorized to approve construction and maintenance contracts of three hundred thousand dollars ($300,000) or more, so long as the Board has authorized the project and compliance with all specifications, bidding and contract procedures has taken place. Notification of these approvals shall be provided as an information item to the Board at a subsequent meeting.
- The Chancellor shall be authorized to approve engineer or architect contracts of one hundred fifty thousand dollars ($150,000) or more, so long as the Board has authorized the project and compliance with all consultant selection procedures has taken place. Notification of these approvals shall be provided as an information item to the Board at a subsequent meeting.
- If approval of a contract, change order or addenda requires immediate action, the Chancellor has the option of approving it as an emergency similar to 4.2 below. Such approved emergency contracts, change orders and addenda will be provided as an information item at the next Board meeting.

3. Formal Bidding Requirements

The details below must be followed when using a Formal Bid process to award a contract.

3.1. Specifications

All specifications and plans for buildings to be renovated or constructed are to be prepared by professional architects and/or engineers in accordance with state law. The specifications and plans shall be prepared to conform with the budget amount authorized for that project.

3.2. Advertising

A public notice for construction shall appear once in a publication based in or near the locality of the project and in other widely circulated publications and electronic platforms as deemed necessary by the College. A copy of the advertisement shall be kept on file with the College. The notice shall not appear on a weekend or holiday. A minimum of fifteen (15) calendar

days shall elapse between the time Formal Bids are first advertised or called for and the time of their opening. The notice, bid specifications or RFP shall include, at a minimum, the following information.

- Name of Board of Trustees and the College
- Description of project
- Date, place and time when bids must be received
- Person to contact for information
- Locations where bid documents can be viewed/obtained

3.3. Bid Submission and Opening

Bids shall be submitted in a sealed envelope with notation of the project on the front. Bids shall be opened on the date, time and place as advertised. The bid opening shall be conducted in public so that all bidders and interested parties may be present. No bids are to be received after the specified time and if so, are to be returned unopened. The bidder's envelope is to be attached to the back of the bid form. College staff or the professional consultant shall be responsible for opening and reading aloud the bids. Bid documents shall be considered public information after they have been opened. The following requirements shall be noted at the time of opening the bid.

- Conformance with bidding instructions
- Accompanied by bid bond or certified check or sent in separately in case of a bid submitted electronically
- Acknowledgment of any addendum
- Bid is signed

3.4. Evaluation

When bids are received, publicly opened and read, the contractors shall not be notified of the final decision until a later date so that adequate study and analysis can be made of the bids received. The professional consultant shall evaluate the bids received and make a recommendation to the College. Awarding of the contracts shall be based on competitive bidding with award to the lowest bidder, taking into consideration the best interests of the State of Nebraska and the System, the quality or performance of the firm and the materials to be supplied, their conformity with specifications, and the times of completion. In determining the lowest bidder, in addition to price, the following elements shall be given consideration.

- The ability, capacity and skill of the bidder to perform the contract required;

- The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- Whether the bidder can perform the contract within the time specified;
- The quality of performance of previous contracts;
- The previous and existing compliance by the bidder with laws relating to the contract;
- Energy efficiency ratio as stated by the bidder for alternative choices of appliances or equipment;
- The life cost of the article or property in relation to the purchase price and the specific use of the item;
- The performance of the article or property, taking into consideration any commonly accepted tests and standards of produce usability and user requirements; and
- Such other information as may be secured having a bearing on the decision to award the contract.

3.5. Bid Acceptance

The recommendation, bid tab sheet and other applicable materials shall be kept on file by the College for review. If less than three (3) bids or proposals are received, then bids may be accepted upon documentation of the bidding process. If the recommendation is to reject the lowest bid for any one or more of the reasons stated above, the recommendation must include the reason(s) for the rejection. The Nebraska State College System (NSCS) always reserves the right to reject any or all bids.

4. Exceptions, Emergencies and Sole Sourcing

4.1. Exceptions to Bidding Requirements.

The following are exceptions to bidding requirements. Documentation justifying the exception should be kept on file by the College.

- Purchasing from a previously competitively bid government contract, including the State of Nebraska, the University of Nebraska System, or a multistate compact contract. Competitively bid government contracts by non-government entities, such as consortiums, organizations, and partnerships, are also included.
- When pricing has been established by the federal General Services Administration
- Utilities and fuels, including woodchips
- Advertising for facility projects
- Facility maintenance agreements

4.2. Emergency

- Proposed emergency projects and fixed equipment acquisitions meeting the definition of an emergency shall be documented by the College and submitted to the Vice Chancellor for Facilities (VCF) for approval by the Chancellor.
- Chancellor approval of an emergency automatically includes the suspension of bidding requirements as appropriate for each emergency.

4.3. Sole Source

A sole source exception would be permitted where there is only one firm with the necessary skillset to perform the services or there are other extenuating circumstances. Documentation to hire a vendor based on sole source without competitive bids or proposals shall be documented by the College and approved by the VPAF and either the VCF or the VCFA. A sole source situation may exist under the following conditions.

- Services are proprietary and only available from the manufacturer of a building system or equipment and the vendor is the only firm providing the unique expertise.
- Additions to a system must be compatible with the original equipment or facility software.
- The same vendor of an installed system is necessary to install expansions to that system.
- Factory authorized maintenance services must be utilized to maintain a warranty or the integrity of system.
- Based on current research, it is determined that only a single entity services the region in which the project is needed.
- Donors providing the funding for an item, service or system may specify a particular vendor, manufacturer, or brand of equipment to be used for the project.

5. General Contract Guidance

5.1. Performance Bond

For any construction project that has a total cost of more than three hundred thousand dollars ($300,000), the successful bidder for the project shall be required to furnish a Performance Bond and a Labor Material Payment Bond, each in the amount of one hundred percent (100%) of the contract sum and written by a Surety licensed to do business in the State of Nebraska.

5.2. Resident Bidder Preference

When a public contract is to be awarded to the lowest bidder, a resident bidder shall be allowed a preference over a nonresident bidder from a state which gives or requires a preference to bidders from that state.

5.3. Contract Negotiation and Legal Requirements

A contract may be conditioned upon later refinements in scope and price and may permit the College, with written agreement by the contractor, to make changes in the project or the purchase without invalidating the contract. Later refinements shall not exceed the budget or available funding for the project.

5.4. Fair Labor Standards Compliance

All bidders on College projects must file a statement that they are complying with, and will continue to comply with, fair labor standards in the pursuit of their business and in the execution of the contract on which they are bidding.

5.5. Drug Free Workplace Compliance

All bidders must also comply with the State of Nebraska's Drug Free Workplace requirement. The proposal form used to bid projects shall contain a clause, which, when the proposal is signed by the bidder certifies that the firm has a drug free workplace policy in accordance with State requirements.

5.6. Non-Discrimination Requirement

The Contractor agrees to comply fully with Title VI of the Civil Rights Act of 1964, as amended, the Nebraska Fair Employment Practice Act, Neb. Rev. Stat. §§48-1101 to 48-1125, as amended, and Board Policy 5000. Unlawful harassment and/or discrimination in employment and procurement is prohibited. The Contractor further agrees to insert a similar provision in all subcontracts for services.

5.7. Contract Forms

- All contracts for construction and maintenance projects and related services of three hundred thousand dollars ($300,000) or more will be reviewed by General Counsel or VCF prior to submission to the Board for consideration and action.
- Contract forms developed by the System Office may be used for all construction and other related services where the cost will be less than three hundred thousand dollars ($300,000).
- If the project will be three hundred thousand dollars ($300,000) or more, and a professional architect or engineer has designed and specified the project, the latest applicable American Institute of Architects (AIA) contract form must be utilized and must incorporate the standard NSCS Long Form provisions.

5.8 Non-Appropriation Clause

No contract may commit funds for a future fiscal year unless specific funding has been identified in a legislative appropriation bill or an appropriate cancellation clause has been inserted in the contract.

5.9 Independence and Conflict of Interest

- No College employee or Board member shall furnish or cause to be furnished any technical information or solicit proposals and/or prices or take any type of action, which would or could be construed to give a direct or indirect advantage or disadvantage to a potential bidder for a College project.
- No person shall attempt to influence in any way or participate or assume responsibility in the evaluation of proposals and selection of contractors when participation constitutes a conflict of interest.
- While an employee, as a prospective user, may informally seek information and confer with a vendor about services and product prices, negotiation for purchases of services and products must be done in compliance with the College and Board policies.
- The principal purchasing agent shall retain responsibility for assuring compliance with procurement procedures.
- If correspondence is carried on between a prospective user and a vendor, copies of such correspondence shall be included, along with other price documentation accompanying a purchase order, to the extent determined appropriate by the principal purchasing agent. Employees are to be aware of and follow the conflict-of-interest requirements stated below when working with potential vendors.
- An employee, employee's family member, and/or business with which the employee is associated shall not enter into a College or System contract valued at two thousand dollars ($2,000) or more, in any one (1) year, unless the contract is awarded through an open and public process in compliance with Neb. Rev. Stat. §49-14,102.
- An employee should not be involved in an advisory or decision-making capacity relating to College or System purchases where the employee, employee's family member and/or business has a financial interest.
- If an employee, the employee's family or a business with which the employee is associated has a financial interest directly, or indirectly in a College or System purchase the Vice Chancellor for Finance & Administration must review information regarding the financial interest and approve the terms of the purchase and/or contract in advance.
- Employees or employees' family members may not receive or accept, either directly or indirectly, by rebate, gift, or otherwise, any money or other specific item of value whatsoever, or any promise, obligation or

contract for future reward or compensation from any vendor, person, firm, corporation or other entity which is conducting business with the College or System.

- For purposes of this Policy, a direct or indirect financial interest does not include de minimis holdings or transactions that are unlikely to influence, or appear to influence, the employee's decision making. A financial interest shall be considered de minimis if: the value of the interest in a publicly traded entity does not exceed $5,000 in aggregate, including stock, stock options, or other ownership interests; and, the employee does not serve in a managerial, board, or executive capacity with the entity; and, the interest does not represent more than 1% ownership in the entity.

5.10 Threshold Adherence

In no case shall materials and services be divided or broken up to avoid required bidding.

5.11 Reporting to the Board

Contracts over one hundred fifty thousand dollars ($150,000) and all subsequent change orders, addenda, and amendments over fifty thousand dollars ($50,000) shall be reported to the Board.

5.12 Disabled Veteran or Enterprise Zone Act Preference

- In accordance with state law, when a contract is to be awarded to the lowest bidder, a resident disabled veteran or a business located in a designated enterprise zone under the Enterprise Zone Act shall be allowed a preference over any other resident or nonresident bidder, if all other factors are equal.
- Resident disabled veteran means any person who resides in the State of Nebraska, who served in the United States Armed Forces, including any reserve component or the National Guard, who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) and who possesses a disability rating letter issued by the United States Department of Veterans Affairs establishing a service connected disability or a disability determination from the United States Department of Defense.
- The resident disabled veteran must own and control a business or, in the case of a publicly owned business, more than fifty percent (50%) of the stock must be owned by one (1) or more persons that meet the definition of a resident disabled veteran. The management and daily operations of the public business must also be controlled by one (1) or more persons meeting the definition of resident disabled veteran.

5.13 Work Eligibility Status

Contractors shall register and use a federal immigration system to determine the work eligibility status of new employees physically performing services within the State of Nebraska.

5.14 Payments

For construction contracts of $300,000 or more with phased payments and retainage requirements, the payment schedule shall be as follows.

- Every application of payment shall be based on a portion of the Contract sum, properly allocable to the completed portion of work and shall be reviewed and payment authorized by the architect/engineer. A retainage of five percent (5%) shall be kept until the project reaches substantial completion, except that ten percent (10%) retainage may be used on projects fully funded by the 309 Task Force for Building Renewal, and small projects, as determined by the College.
- When the project reaches final completion, the retainage will be paid in full.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 4-114	Public employer and public contractor; register with and use federal immigration verification system; Department of Labor; duties.
	Neb. Rev. Stat. 72-802	Public buildings; plans and specifications; limitations; bids; appropriations; limits; exceptions; violation; penalty.
	Neb. Rev. Stat. 72-803	Public buildings and grounds; construction; improvement and repair; contracts; bidding; procedure; exceptions.
	Neb. Rev. Stat. 73-102	Fair labor standards; statement of compliance required.
	Neb. Rev. Stat. 73-107	Resident disabled veteran or business located in designated enterprise zone; preference; contract not in compliance with section; null and void.

Neb. Rev. Stat. 81-1108.43	Capital construction project; prohibited acts; exceptions; warrant; when issued.
Neb. Rev. Stat. 81-1114	Department of Administrative Services; building division; powers; duties, and responsibilities.
Neb. Rev. Stat. 81-3449	Practice of architecture; exempted activities.
Neb. Rev. Stat. 81-3453	Practice of engineering; exempted activities.
Neb. Rev. Stat. 85-304	Board of trustees; powers and duties; enumerated.

Policy Adopted: March 1994

Policy Revised: August 1997, October 1997, September 2002, February 2004, September 2006, September 2007, September 2009, April 2010, June 2011, June 2015, November 2017, June 2019, November 2019, September 2021, February 2022, April 2022, June 2022, November 2022, April 2024, June 2025, November 2025

Board of Trustees of the Nebraska State Colleges

Facilities

POLICY NAME:	Professional Consulting Services Related to Capital Construction
POLICY NUMBER:	8066

A. PURPOSE

To ensure professional consulting services related to construction projects follow the procedures established by the Nebraska Consultants' Competitive Negotiation Act in the selection of professionals needed for capital construction projects.

B. DEFINITIONS

1. **Construction Costs:** The total amount to be spent for construction materials and installations, excluding architects and other professional consultant fees.

C. POLICY

1. Thresholds

When construction costs are greater than one million sixty thousand dollars ($1,060,000) and consulting fees are greater than one hundred ten thousand dollars ($110,000):

- Request for Proposals to be issued
- For projects whose basic construction costs are estimated to be more than the limit established in Neb. Rev. Stat. §81-1108.43 and periodically adjusted by the Department of Administrative Services (currently one million sixty thousand dollars [$1,060,000] until January 1, 2030) and the estimated fee is anticipated to exceed the limit established in Neb. Rev. Stat. §81-1712 and periodically adjusted by the Department of Administrative Services (currently one hundred ten thousand dollars [$110,000] until January 1, 2030).

2. Applicability

All contracts involving the use of Building Renewal funds must conform to Project Procedures/Standards as promulgated by the Task Force for Building Renewal.

3. Advertisement for Consulting Services

- A Request for Proposal (RFP) advertisement for the project shall be drafted by the College and reviewed by System Office staff before publication.
- The advertisement shall include a general description of the project and the name of the person at the College to contact for additional information.
- This advertisement must be published once at least thirty (30) calendar days prior to the deadline for receipt and opening of proposals in a publication based in or near the locality of the project and in other widely circulated publications or electronic platforms as deemed necessary by the College.
- A timeline shall be noted in the advertisement including the deadline for submittal of proposals. The RFP will direct the firms to include specific forms/information with their proposals.

4. Proposal Reviews

4.1. Screening Committee

The President is authorized to appoint a screening committee to review the professional consultants' proposals and to select three (3) or four (4) firms for interviews by the selection committee. It is suggested that the local committee include the leadership of the Division/Department for which the facility is being constructed/renovated; the Vice President of Administration and Finance (VPAF); the College Director of Facilities and others deemed appropriate by the President.

4.2 Proposal Criteria

In evaluating the proposals, the screening committee shall give consideration to the following criteria:

- Demonstrated interest in project;
- Relevant experience in projects of similar nature;
- Background of key personnel to be involved in project;
- Planned use of outside consultants;
- Approach in working with campus staff, students and faculty;
- Past performance in meeting budget limits and time schedules;
- Evaluation of firm's work on other state projects;
- Evaluation of proposal;
- Current workload and past volume of work for State Colleges to promote an equitable distribution of contracts among qualified firms; and
- Any additional project specific criteria.

4.3 Selection Committee

The President shall recommend the membership of the Selection Committee to the Board for approval. Included as members of the committee will be a Board of Trustee member, Chair of the Fiscal, Facilities & Audit Committee, the Vice Chancellor for Facilities (VCF) and appropriate campus personnel as desired by the President.

4.4 Selection Committee Interviews

- The College representative in charge of the selection process shall consult with the System Office staff in scheduling the date for the interviews.
- Once the firms to be interviewed have been identified by the Screening Committee, notification and appropriate material shall be forwarded to the selection committee for review prior to the interviews.
- The objective criteria used by the Selection Committee shall be similar to that used by the Screening Committee.
- Unless time is not available, each firm shall be interviewed for one (1) hour, including questions from the Selection Committee.

4.5 Selection Committee Decision

When the interviews have all been completed, the committee shall discuss the strengths of the firms in relation to the proposed project and shall arrive at agreement on the order of firm preference.

4.6 Contract Negotiation

After the Selection Committee has made their selections, the College shall then negotiate a contract, with the selected firm, keeping in mind the budget for professional fees. If the fee cannot be negotiated with the first-place firm within the budget limits and required terms, negotiations shall be held with the second-place firm. If agreement cannot be reached with the second-qualified firm, negotiations shall be undertaken with the third-place firm. If those negotiations do not result in a satisfactory agreement, the College and System Office staff will determine the next steps.

4.7 Agreement Form

The Department of Administrative Services (DAS) “Open End Agreement” as defined by DAS Standard Form of Consulting Services: Design and Contract Administration, Nebraska Open End Agreement may be substituted as defined by DAS policy. Per the current DAS-BD Open End Agreement, the policy applies to projects not to exceed two million nine hundred forty-five thousand dollars ($2,945,000). The policy recognizes the DAS-BD Open End Agreement as an already complete Proposal Request.

5. Exceptions to Process

5.1. Emergencies and DAS Selected Consultants

In cases of emergencies approved by the Chancellor, and in cases where a DAS “Open End Agreement” consulting firm is utilized at less than two hundred ninety-five thousand dollars ($295,000) in fees, the consultant selection procedures in Sections 3 and 4 are not required.

6. Contract Changes

A consultant services contract may be conditioned upon later refinements in scope and price and may permit the College in agreement with the consultant to make changes in the project without invalidating the contract. Later refinements shall not exceed the budget or available funding for the project.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	RRS 81-1108.43	Capital construction project; prohibited acts; exceptions; warrant; when issued.
	RRS 81-1701 et. seq.	Nebraska Consultants’ Competitive Negotiation Act.
	RRS 85-304	Board of trustees; powers and duties; enumerated.
	RRS 85-306	State colleges; president; duties.
	RRS 85-316	State colleges; funds; contingencies; disbursements; travel expense.
	RRS 85-325	Construction projects; board of trustees; powers.
	RRS 85-411	Campus buildings and facilities; board; powers.

Policy Adopted: March 1994

Policy Revised: June 1998, September 2002, February 2004, September 2006, November 2009, April 2010, March 2013, November 2013, November 2014, November 2015, March 2017, April 2018, September 2021, April 2022, June 2022, September 2025, June 2026

Board of Trustees of the Nebraska State Colleges

Facilities

POLICY NAME: Works of Art Related to Capital Construction

POLICY NUMBER: 8067

A. PURPOSE

To make provisions for the inclusion of appropriate art in College facility projects using state tax funds through a specific appropriation approved by the Legislature.

B. DEFINITIONS

None

C. POLICY

1. Funding Art

- The Board, in consultation with the Nebraska Arts Council, shall determine the amount of money to be made available for the purchase of art for each project under its supervision.
- At least one percent (1%), minus applicable deductibles, of any appropriation for the original construction cost of certain public building under the supervision of the Board shall be spent for the acquisition of works of art.
- The requirement for committing funds to art shall not include repair shops, garages, warehouses or buildings of a utilitarian nature.

2. Art Selection Committee

- The President to which an appropriation is made for the construction, expansion or renovation of a public building will appoint an art selection committee consisting of a minimum of three (3) members for the purpose of advising the President on art for eligible projects.
- The committee should be established at the earliest practical time after appropriation of design funds. The decision as to whether the art is to be an integral part of the structure, attached to the structure, detached within or outside of the structure or exhibited in other public facilities should be made prior to the design of the project and shall be made by the President with the advice of the committee and the architect.

- The committee shall be responsible for advising the President on the type of art; the selection and commissioning of an artist; the design and execution of the proposed work of art; placement and acceptance of the work of art.

3. **Nebraska Arts Council**

   The President shall consult with the Nebraska Arts Council prior to any formal action by the Board. Consultation should cover the amount of funds available for art, the type, placement and acceptance of art, the selection and commissioning of an artist and the proposed art design.

4. **Approval of Art**

   The President will get approval of funding, the artist and the proposed art design by the Board.

5. **Art Commissioning**

   A contract may be conditioned upon later refinements in scope and price and may permit the College in agreement with the artist to make changes in the project without invalidating the contract. Later refinements shall not exceed the scope of the program statement contained in the request for proposals.

6. **Placement of Art**

   The work of art may be an integral part of the structure, attached to the structure, detached within or outside of the structure or may be exhibited by the Board in other public facilities.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-304.01	Nebraska State Colleges; new capital construction; appropriation; percentage used for works of art; when.
	Neb. Rev. Stat. 85-304.02	Board of trustees; works of art; duties.
	Neb. Rev. Stat. 85-304.03	Board of trustees; insure compliance with sections; manner.
	Neb. Rev. Stat. 82-316	Nebraska Arts Council Cash Fund; created; deposits; disbursements; investment.

Neb. Rev. Stat. 82-317	Public buildings; artwork; declaration of policy.
Neb. Rev. Stat. 82-318	Public buildings; artwork; terms; defined.
Neb. Rev. Stat. 82-319	New state capital construction; appropriation; percentage used for works of art; when.
Neb. Rev. Stat. 82-320	Nebraska Arts Council; duties.
Neb. Rev. Stat. 82-321	Construction project; artwork; committee; created; members; duties.
Neb. Rev. Stat. 82-322	Nebraska Arts Council; promulgate rules and regulations.
Neb. Rev. Stat. 82-323	Nebraska Arts Council; artists; how chosen.
Neb. Rev. Stat. 82-324	Nebraska Arts Council; insure compliance prior to payment; manner.
Neb. Rev. Stat. 82-325	Public buildings; expenditures for works of art; contracted separately.
Neb. Rev. Stat. 82-326	Public buildings; appropriation; works of art; administration and installation; art maintenance fund.
Neb. Rev. Stat. 82-327	Public buildings; works of art; how displayed.
Neb. Rev. Stat. 82-328	Public buildings; works of art; property of State of Nebraska; sale of reproductions.
Neb. Rev. Stat. 82-329	Public buildings; works of art; Nebraska Arts Council; maintain inventory; inspect; recommend procedures.

Policy Adopted: May 1982

Policy Revised: March 1994, November 1995, April 2000, September 2006, April 2010, September 2021, February 2025

POLICY: 8069 Capital Construction; Inspections; Substantial Completion; Final Completion

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BOARD POLICY

Construction projects will be inspected by either the architect or engineering firm who designed the project, or by a construction inspector specifically hired to perform the construction inspection function. This representative of the owner will be responsible for the inspection services and provide information to the architect or engineer as applicable.

The duties of the construction inspector shall be determined by the College administrator responsible for the project, after consultation with the architect or engineer who designed the project.

Substantial Completion

A committee recommended by the President shall perform the substantial completion inspection of a capital construction project. The committee shall include the Chair of the Fiscal, Facilities and Audit Committee, a Board of Trustee's member, the Vice Chancellor for Facilities, a registered architect or engineer employed by the state (for state funded projects), the construction inspector retained by the College, the campus Physical Plant Director, and other campus representatives appointed by the President.

Before the substantial completion inspection occurs, the college-retained inspector, the architect/engineer and the contractor shall make an inspection of the project for the purpose of developing a punch list to be used by the substantial completion inspection committee. A copy shall be provided to each member of the committee along with a notation of the items that have been completed.

Following the inspection, if the committee determines that the project is at the substantial completion phase, each member shall sign the AIA document indicating that designation. The president shall report such action to the Board at the next official meeting through submission of an updated capital construction quarterly report for the project.

The purpose of the substantial completion inspection is to:
1. allow the owner to occupy or utilize the project for its intended use
2. insure a quality project
3. make specific payments and commence warranties

The substantial completion inspection allows:

1. The inspection committee to identify areas where an acceptable level of quality of work, materials or equipment are lacking

2. The contractor to obtain payment and stop responsibility for future financial exposure other than that identified

3. The architect to show progress and/or move the project to closure

Final Completion

When the architect, engineer, contractor and college-retained inspector or College representative determine that the project is complete with all work on the outstanding items adequately performed, the project shall be deemed to have reached final completion and final payments will be processed. Notice of final completion and project close out will be provided to the Board of Trustees through submission of the final capital construction quarterly report for the project at the next regular Board meeting.

Legal Reference:	RRS 81-855	Engineers and architects; public works; supervision by registered engineer or architect required; exception
	RRS 85-304	Board of trustees; powers, enumerated

Policy Adopted: 3/11/94
Policy Revised: 2/23/95
Policy Revised: 2/12/04
Policy Revised: 9/15/06
Policy Revised: 11/7/14
Policy Revised: 6/16/17
Policy Revised: 4/12/22

FACILITIES, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 8070 Capital Construction; Gifts and Bequests for Facilities

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BOARD POLICY

Grants, gifts and/or bequests of private funds offered to any of the State Colleges for use in constructing, renovating or equipping facilities or for the purpose of acquiring real estate shall be submitted to the Board of Trustees for acceptance prior to any commitment by the College. This shall include funds from private corporations, college foundations and other non-state sources.

Such gifts and/or bequests cannot require the commitment of State College capital funds but may be sought and accepted for the purpose of providing funds for projects not adequately funded by state appropriations, bond proceeds/surplus funds, or other revenue resources.

PROCEDURE

When the College receives notification of a grant, gift or bequest, the Board of Trustees shall be asked to take action to accept the funds and to authorize the project. Authorization for the project and the understanding of the project scope shall be incorporated into an agreement form developed by the System Office and signed by a representative of the donor and the Chancellor or Vice Chancellor for Finance and Administration or General Counsel

The process for advertising the project and selecting the contractor must follow Board policies for capital construction projects.

The contract for the project shall be between the Board of Trustees/State College and the contractor. The College shall be in control of the funds and is authorized to approve all payments upon proper billing by the contractor.

If the project involves major renovation of a facility or construction of a new facility, the procedures adopted by the Board of Trustees for review of design documents, oversight during construction, capital construction reports, and final acceptance of the project, shall be followed.

While state law does not require the approval of projects by various state agencies when private funds are used for capital construction projects in the State College system, information will be provided to the Budget Office, Building Division, Legislative Fiscal Office and Coordinating Commission for Postsecondary Education after such projects have been approved by the Board of Trustees.

Legal Reference: RRS 85-317.01 State colleges; endowments and gifts; acceptance

Policy Adopted: 3/11/94
Policy Revised: 9/15/06
Policy Revised: 3/15/13
Policy Revised: 6/10/14

POLICY: 8071 Capital Construction; Contracts; Design-Build; Construction Management At Risk

BOARD POLICY

For contracts related to construction projects, the System will follow the procedures established by the Political Subdivisions Construction Alternatives Act (RRS §13-2901 through §13-2913) in their decision to solicit and execute a design-build contract or construction management at risk contract for capital construction projects.

PURPOSE

This policy authorizes the Colleges to enter into a design-build contract which is subject to qualification-based selection or a construction management at risk contract for a public project if the Colleges adhere to specific procedures.

DEFINITIONS

For purposes of this policy the following are the definitions outlined in the Political Subdivisions Construction Alternatives Act.

Construction management at risk contract is a contract by which a construction manager:

a. Assumes the legal responsibility to deliver a construction project within a contracted price,
b. Acts as a construction consultant during the design development phase of the project, and
c. Is the builder during the construction phase of the project.

The construction manager is the legal entity which proposes to enter into a construction management at risk contract.

Design-build contract is a contract subject to qualification-based selection of the design-builder to furnish:

a. Architectural, engineering, and related design services for a project, and
b. Labor, materials, supplies, equipment and construction services.

A design builder is the legal entity which proposes to enter into a design-build contract by qualification-based selection.

A letter of interest is a statement indicating interest to enter into a design-build contract for a project.

A performance-criteria developer is any person licensed or any organization issued a certificate of authorization to practice architecture or engineering who is selected to assist in the development of project performance criteria, requests for proposals, evaluations of proposals, evaluation of construction under a design-build contract to determine adherence to performance criteria, and any additional requested services to represent the Colleges' interest in relation to a project.

The performance criteria developer is ineligible to be included as a provider of any services in a proposal for any project on which he/she/it has acted as performance-criteria developer and is not employed by or does not have a financial or other interest in a design-builder or construction manager who will submit a proposal.

The project performance criteria are the performance requirements of the project suitable to allow the design-builder to make a proposal. Performance requirements include the following:

a. Capacity
b. Durability
c. Standards
d. Ingress and egress requirements
e. Description of the site
f. Surveys
g. Soil and environmental information concerning the site
h. Interior space requirements
i. Material quality standards
j. Design and construction schedules
k. Site development requirements
l. Provisions for utilities and storm water retention and disposal
m. Parking requirements
n. Applicable governmental code requirements, and
o. Other criteria for the intended use of the project.

A proposal is an offer in response to a request for proposals a) by a design-builder to enter into a design-build contract or b) by a construction manager to enter into a construction management at risk contract.

The qualification-based selection process is the process of selecting a design-builder based first on qualifications of the design-builder and then on the design-builder's proposed approach to the design and construction of the project.

A request of letters of interest is the documentation or publication by which the state colleges solicit letters of interest.

A request for proposals is the documentation by which the state colleges solicit proposals.

POLICIES

The Board shall adopt a resolution selecting the design-build contract or construction management at risk contract delivery system prior to proceeding with any of the steps involved with solicitation or execution of any construction contract at any of the Colleges. The resolution requires the affirmative vote of at least two-thirds of the Board.

PROCEDURES

DESIGN-BUILD CONTRACT

Letters of Interest

The College wishing to enter into a design-build contract shall prepare a request for letters of interest for design-build proposals. Requests shall describe the project in sufficient detail to permit the design-builder to submit a letter of interest. The details should include the items listed under the project performance criteria under the definition section of this policy.

Requests for letters of interest shall be published in a newspaper of general circulation within the Colleges' area at least thirty (30) days prior to the receipt of letters of interest deadline. Requests for letters of interest should also be sent via first class mail to any design-builder upon request.

Letters of interest shall be reviewed by the College in consultation with the performance-criteria developer. The College shall select prospective design-builders in accordance with the procedures and standards adopted by the College.

At least three (3) prospective design-builders shall be selected, except that if only two (2) design-builders have submitted letters of interest, the College shall select at least two (2). Selected design-builders shall then be considered prequalified and eligible to receive a request for proposal.

Request for Proposal

The College shall prepare a request for proposal for each design-build contract. Notice of the request for proposal shall be published in a newspaper of general circulation within the Colleges' service area at least thirty (30) days prior to the deadline for receipt and opening of proposals.

The request for proposal shall contain, at a minimum, the following elements.

a. The identity of the College for which the project will be built and that the Board of Trustees will execute the design-build contract.
b. The policies adopted by the Board to be used when executing a design-build contract.
c. The proposed terms and conditions of the design-build contract, including any terms and conditions which are subject to further negotiation. The general terms and conditions shall be consistent with nationally recognized model general terms and conditions which are standard in the design and construction industry in Nebraska. The terms and conditions may set forth an initial determination of the manner by which the design-builder selects any subcontractor and may require that any work subcontracted be awarded by competitive bidding.
d. A project statement which contains information about the scope and nature of the project.
e. The project performance criteria.
f. The budget parameters for the project.
g. Any bonds and insurance required by law or as may be additionally required by the College.
h. The criteria for evaluation of proposals and the relative weight of each criterion.
i. A requirement that the design-builder provide a written statement of the design-builder's proposed approach to the design and construction of the project, which may include graphic materials illustrating the proposed approach to design and construction but shall not include price proposals.
j. A requirement that the design-builder agree to the following conditions:
    1. An architect or engineer licensed to practice in Nebraska will participate substantially in those aspects of the offering which involve architectural or engineering services;
    2. At the time of the design-build offering, the design builder will furnish to the Board a written statement identifying the architect or engineer who will perform the architectural or engineering work for the design-build project;
    3. The architect or engineer engaged by the design-builder to perform the architectural or engineering work with respect to the design-build project will have direct supervision of such work and may not be removed by the design-builder prior to the completion of the project without the written consent of the Board;
    4. A design-builder offering design-build services with its own employees who are design professionals licensed to practice in Nebraska will comply with the Engineers and Architects Regulation Act by procuring a certificate of authorization to practice architecture or engineering and will submit proof of sufficient professional liability insurance; and
    5. The rendering of architectural or engineering services by a licensed architect or engineer employed by the design-builder will conform to the Engineers and Architects Regulation Act and rules and regulations adopted under the act.

k. Other information which the college chooses to require.

Proposal Evaluation

The request for proposals shall be sent only to the pre-qualified design-builders selected. Design-builders shall submit proposals as required by the request for proposals.

The College may only proceed to negotiate and enter into a design-build contract if there are at least two proposals from pre-qualified design-builders.

Proposals shall be sealed and shall not be opened until expiration of the time established for making proposals as set forth in the request for proposals. Proposals may be withdrawn at any time prior to acceptance. The College shall have the right to reject any and all proposals except for the purpose of evading the provisions and policies of the Political Subdivisions Construction Alternatives Act. The College may thereafter solicit new proposals using the same or a different project performance criteria.

The College shall refer the proposals for recommendation to the selection committee. The selection committee shall be at least five (5) persons designated by the College. Members of the selection shall include:

a. Members of the Board;
b. Members of the administration or staff of the College;
c. The performance-criteria developer when evaluating proposals from design-builders;
d. Any person having special expertise relevant to selection of a design-builder under the Political Subdivisions Construction Alternatives Act; and
e. A resident of the College's service region other than any individual listed above.

Any selection committee member designated under item "d" or item "e" above, shall not be employed by or have a financial or other interest in a design-builder who has a proposal being evaluated and shall not be employed by the College or the performance-criteria developer.

The College shall rank in order of preference the design-builders pursuant to the criteria in the request for proposals and taking into considerations the recommendation of the selection committee.

The College and the selection committee shall evaluate proposals taking into consideration the criteria listed below with the maximum percentage of total points for evaluation which may be assigned to each criterion as indicated immediately following the criterion.

a. The financial resources of the design-builder to complete the project, ten percent (10%)
b. The ability of the proposed personnel of the design-builder to perform, thirty percent (30%)
c. The character, integrity, reputation, judgment, experience, and efficiency of the design-builder, thirty percent (30%)
d. The quality of performance on previous projects, thirty percent (30%)
e. The ability of the design-builder to perform within the time specified, thirty percent (30%)
f. The previous and existing compliance of the design-builder with laws relating to the contract, ten percent (10%), and
g. Other information as may be secured having a bearing on the selection, twenty percent (20%).

The records of the selection committee in evaluating proposals and making recommendations shall be considered public records.

The College may attempt to negotiate a design-build contract with the highest ranked design-builder selected by the College and may enter into a design-build contract after negotiations. The negotiations shall include a final determination of the manner by which the design-builder selects a subcontractor.

If the College is unable to negotiate a satisfactory design-build contract with the highest ranked design-builder, the College may terminate negotiations with that design-builder. The College may then undertake negotiations with the second highest ranked design-builder and may enter into a design-build contract after negotiations. If the College is unable to negotiate a satisfactory contract with the second highest ranked design-builder, the College may undertake negotiations with the third highest ranked design-builder, if any, and may enter into a design-build contract after negotiations.

If the College is unable to negotiate a satisfactory contract with any of the ranked design-builders, the College may either revise the request for proposals and solicit new proposals or cancel the design-build process.

A design-build contract may be conditioned upon later refinements in scope and price and may permit the College in agreement with the design-builder to make changes in the project without invalidating the contract. Later refinements shall not exceed the scope of the project statement contained in the request for proposals.

The Colleges shall not use a design-build contract for a project, in whole or in part, for road, street, highway, water, wastewater, utility, or sewer construction.

CONSTRUCTION MANAGEMENT AT RISK CONTRACT

Request for Proposal

The College shall prepare a request for proposal for each construction management at risk contract. Notice of the request for proposal shall be published in a newspaper of general circulation within the Colleges' service area at least thirty (30) days prior to the deadline for receipt and opening of proposals.

The request for proposal shall contain, at a minimum, the following elements.

a. The identity of the College for which the project will be built and that the Board will execute the contract.
b. The policies adopted by the Board to be used when executing a construction management at risk contract.
c. The proposed terms and conditions of the contract, including any terms and conditions which are subject to further negotiation. The general terms and conditions shall be consistent with nationally recognized model general terms and conditions which are standard in the design and construction industry in Nebraska. The terms and conditions may set forth an initial determination of the manner by which the construction manager selects any subcontractor and may require that any work subcontracted be awarded by competitive bidding.
d. Any bonds and insurance required by law or as may be additionally required by the College.
e. General information about the project which will assist the College in its selection of the construction manager, including a project statement which contains information about the scope and nature of the project, the project site, the schedule and the estimated budget.
f. The criteria for evaluation of proposals and the relative weight of each criterion.
g. A description of any other information which the College chooses to require.

Proposal Evaluation

Proposals shall be sealed and shall not be opened until expiration of the time established for making proposals as set forth in the request for proposals.

The College shall refer the proposals for recommendation to the selection committee. The selection committee shall be at least five (5) persons designated by the College. Members of the selection shall include:

a. Members of the Board;
b. Members of the administration or staff of the College;
c. The College's architect or engineer when evaluating proposals from construction managers;
d. Any person having special expertise relevant to selection of a construction manager under the Political Subdivisions Construction Alternatives Act; and
e. A resident of the College's service region other than any individual listed above.

Any selection committee member designated under item "d" or item "e" above, shall not be employed by or have a financial or other interest in a construction manager who has a proposal being evaluated and shall not be employed by the College or the performance-criteria developer.

The College shall evaluate and rank each proposal on the basis of best meeting the criteria in the request for proposals and taking into considerations the recommendation of the selection committee.

The College and the selection committee shall evaluate proposals taking into consideration the criteria listed below with the maximum percentage of total points for evaluation which may be assigned to each criterion as indicated immediately following the criterion.

h. The financial resources of the construction manager to complete the project, ten percent (10%)
i. The ability of the proposed personnel of the construction manager to perform, thirty percent (30%)
j. The character, integrity, reputation, judgment, experience, and efficiency of the construction manager, thirty percent (30%)
k. The quality of performance on previous projects, thirty percent (30%)
l. The ability of the construction manager to perform within the time specified, thirty percent (30%)
m. The previous and existing compliance of the construction manager with laws relating to the contract, ten percent (10%), and
n. Other information as may be secured having a bearing on the selection, twenty percent (20%).

The records of the selection committee in evaluating proposals and making recommendations shall be considered public records.

The College may attempt to negotiate a construction management at risk contract with the highest ranked construction manager and may enter into a construction management at risk contract after negotiations. The negotiations shall include a final determination of the manner by which the construction manager selects a subcontractor.

If the College is unable to negotiate a satisfactory contract with the highest ranked construction manager, the College may terminate negotiations with that construction manager. The College may then undertake negotiations with the second highest ranked construction manager and may enter into a construction management at risk contract after negotiations. If the College is unable to negotiate a satisfactory contract with the second highest ranked construction manager, the College may undertake negotiations with the third highest ranked construction manager, if any, and may enter into a construction management at risk contract after negotiations.

If the College is unable to negotiate a satisfactory contract with any of the ranked construction managers, the College may either revise the request for proposals and solicit new proposals or cancel the construction management at risk process.

A construction management at risk contract may be conditioned upon later refinements in scope and price and may permit the College in agreement with the construction manager to make changes in the project without invalidating the contract. Later refinements shall not exceed the scope of the project statement contained in the request for proposals.

The Colleges shall not use a construction management at risk contract for a project, in whole or in part, for road, street, highway, water, wastewater, utility, or sewer construction.

Nothing in the Political Subdivisions Construction Alternatives Act shall limit or reduce statutory or regulatory requirements regarding bonding or insurance.

Legal Reference:	Nebr. Rev. Stat.	13-2901	Act, how cited
		13-2902	Purpose
		13-2903	Terms, defined
		13-2904	Contracts authorized; governing body; resolution required
		13-2905	Political subdivision; policies; requirements
		13-2906	Letters of interest; requirements
		13-2907	Design-build contract; request for proposals; requirements
		13-2908	Design-build contract; evaluation of proposals; requirements; negotiations
		13-2909	Construction management at risk contract; request for proposals; requirements
		13-2910	Construction management at risk contract; evaluation of proposals; requirements; negotiations
		13-2911	Contract proposals; evaluation; selection committee; duties
		13-2912	Contracts; refinements; changes authorized
		13-2913	Act; bonding or insurance requirements

Policy Adopted: 11/14/08
Policy Revised: 9/9/16

Board of Trustees of the Nebraska State Colleges

Auxiliary System

POLICY NAME: Auxiliary Revenue System

POLICY NUMBER: 9000

A. PURPOSE

To identify the authority given to the Board to create and fund the Auxiliary System.

B. DEFINITIONS

1. **Auxiliary System:** Facilities comprised of housing facilities, buildings and structures used for athletic and wellness purposes, student centers, medical centers and parking facilities that are pledged under a bond resolution.
2. **Bond Resolution:** The legal document between the bond issuer and the bondholder(s) containing the details related to the bond issue, including the purpose, obligations of the issuer, rights of bondholders, and includes the Master Resolution.
3. **Master Resolution:** The Board adopted a Master Resolution on June 11, 2002 that created a combined system of housing and auxiliary facilities for the three Colleges. The Master Resolution contains the bond covenants and is also considered a Bond Resolution.
4. **Revenue Bonds:** A series of bonds issued to finance the construction, purchase, remodel, repair, furnish and equipping of Auxiliary System facilities.
5. **Refunding Bonds:** A series of revenue bonds issued to replace outstanding revenue bonds, usually to refinance outstanding debt at better terms.

C. POLICY

1. **Creation of Auxiliary System**
   The Board of Trustees may construct, purchase or otherwise acquire, remodel, repair, furnish, and equip; 1) dormitories, residence halls, single or multiple dwelling units or other facilities for the housing and boarding of students, single or married, faculties, or other employees of the institutions under their control; 2) buildings and structures for athletic purposes; 3) student and faculty unions or centers; 4) student wellness centers for physical development and other activities of the students; 5) medical centers, and 6) buildings or other facilities for parking. All of which shall make up the Auxiliary System to the extent such

facilities are pledged as such under a bond resolution.

1.1. Master Resolution
All bonds issued and applicable interest thereon shall be wholly exempt from Nebraska income taxation and subject to the existing master resolution and any tax compliance agreements.

2. Bonding Authority

The Board is authorized to issue revenue bonds to construct, purchase or otherwise acquire, remodel, repair, furnish, and equip facilities within the Auxiliary System. In exercising these powers, the Board of Trustees is deemed a public corporation organized for educational purposes and is declared to be a governmental subdivision and instrumentality of the State of Nebraska.

2.1. Revenue Bonds
The Board may issue revenue bonds to finance projects in the Auxiliary System within the following parameters:

- The proceeds of bonds shall be used solely for the purpose for which they are issued and subject to the existing bond resolution.
- Auxiliary System projects can be built upon real estate owned or controlled by the Board, or on real estate purchased, leased, or otherwise acquired for such purpose. If the bonded project requires the purchase of real estate, the Board will pay the cost out of the revenue bond proceeds and not from funds received through taxation.
- Any building or facility for parking shall be located on or adjacent to campuses controlled by the Board.
- All revenue bonds issued, together with interest thereon, shall be wholly exempt from Nebraska income taxation.
- All revenue bonds issues shall be registered with the office of the Director of Administrative Services of the State of Nebraska and within sixty days a copy of the listing filed with the Auditor of Public Accounts
- The revenue bonds will be payable at a bank or trust company determined by the Board.
- The bonds are not an obligation of the State of Nebraska, and no tax shall be levied to raise funds for their payment or interest.
- The bonds shall not constitute a debt of the Board, and shall be paid solely out of money derived from the Auxiliary System revenues and earnings.

2.2 Refunding Bonds

The Board is authorized to issue revenue refunding bonds in the same manner as provided for the issuance of revenue bonds and subject to the

bond resolution.

3. Funding Source

The Board may pledge all or any part of the net revenues and fees derived from the operation of housing facilities, buildings and structures used for athletic and wellness purposes, student centers, medical centers and parking facilities, which are part of the bonded Auxiliary System, to satisfy bonds issued.
The following language is being moved to Policy 9004.

3.1. Legislative Approval

- If the Board proposes to pledge all or any part of the revenues and fees from buildings and facilities other than the buildings or facility to be constructed, the plans for such building or facility to be constructed, including financing plans, shall first be submitted to the Legislature or the Executive Board of the Legislative Council for approval.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 10-140	Issuance of bonds; recording requirements.
	Neb. Rev. Stat. 10-142	Refunding bonds; issuance; conditions; application of proceeds.
	Neb. Rev. Stat. 85-403	Campus buildings and facilities; construction, purchase, or repair; revenue bonds; authorized; not obligation of state or governing board; investment of proceeds.
	Neb. Rev. Stat. 85-405	Campus buildings and facilities; revenue bonds; registration; place of payment.
	Neb. Rev. Stat. 85-406	Campus buildings and facilities; revenue bonds; proceeds; use.
	Neb. Rev. Stat. 85-407	Campus buildings and facilities; refunding bonds; authorized.
	Neb. Rev. Stat. 85-410	Campus buildings and facilities; revenue bonds; issuance; public purpose; exempt from taxation.

Policy Adopted: January 1977

Policy Revised: March 1994, June 2023

Board of Trustees of the Nebraska State Colleges

Auxiliary System

POLICY NAME: Debt Service Coverage Ratio

POLICY NUMBER: 9005

A. PURPOSE

To identify the required debt service coverage ratios for the Auxiliary System.

B. DEFINITIONS

1. **Auxiliary System –** Facilities comprised of housing facilities, buildings and structures used for athletic and wellness purposes, student centers, medical centers and parking facilities.
2. **Coverage Ratio –** The ratio of the annual net revenues to the annual debt service.
3. **Master Resolution** – The Board adopted a Master Resolution on June 11, 2002 that created a combined system of housing and auxiliary facilities for the three Colleges. The Master Resolution contains the bond covenants.

C. POLICY

1. Master Resolution Coverage Ratio

The Master Resolution requires a system coverage ratio for the Auxiliary System, which includes the bonded facilities at all three Colleges to be at a minimum of 110%.

2. Board Established Coverage Ratios

The Board requires that individually the Colleges shall maintain a coverage ratio of at least 125%.

2.1. Falling Below Coverage Ratio

The President shall notify the Chancellor, and the Chancellor shall notify the Board, as soon as it is known, if unexpected and/or unplanned circumstances have occurred which will cause the debt service coverage factor to temporarily dip below the 125% ratio.

- The official measurement date of the 125% is at the end of each fiscal year.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: March 1994

Policy Revised: August 1997, September 2006, November 2013, June 2023

Board of Trustees of the Nebraska State Colleges

Auxiliary System

POLICY NAME: Utility Support of Auxiliary System

POLICY NUMBER: 9006

A. PURPOSE

To allow for the payment of Auxiliary System utilities expenses using non-system funds.

B. DEFINITIONS

1. **Auxiliary System –** Facilities comprised of housing facilities, buildings and structures used for athletic and wellness purposes, student centers, medical centers and parking facilities that are pledged under a bond resolution.

C. POLICY

1. Payment of Utilities

The Board may, at its discretion, furnish heat, light, power and other similar utilities for the Auxiliary System facilities without charging the same against the revenues thereof.

1.1. Board Approval

The Colleges must get Board approval before covering the utilities with cash or state appropriated funds.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-409	Campus buildings and facilities; utilities; board furnish.

Policy Adopted: June 2023

Board of Trustees of the Nebraska State Colleges

Auxiliary System

POLICY NAME: Annual Budgets

POLICY NUMBER: 9008

A. PURPOSE

A. To establish the annual budgets for the Auxiliary System at each College.

B. DEFINITIONS

1. **Auxiliary System –** Facilities comprised of housing facilities, buildings and structures used for athletic and wellness purposes, student centers, medical centers and parking facilities that are pledged under a bond resolution.

C. POLICY

1. Annual Budgets

Each College shall prepare and submit its revenue bond operating budget for the next fiscal year for approval at the June Board meeting. Each operating budget shall show separately, in reasonable detail, the following:

- all charges, fees, rentals and miscellaneous income to be derived by the Board during that period from the revenue bond facilities;
- the total amount required to be paid by the Board from the revenues to any party for the performance, or supplying, of all, or any part, of the services for the facilities pursuant to contractual or other arrangements between the Board and such party;
- the total costs of operation and maintenance of the facilities;
- the revenues of the facilities to be paid to the Bond Trustee for deposit in the revenue fund;
- the amount to be paid to the Bond Trustee for deposit in the Debt Service Fund; and,
- the amount of anticipated Surplus and related coverage ratio.

1.1. Minimum Reserve Requirements

The requirements regarding minimum amounts to be on deposit in the bond accounts, as specified in the Colleges' bond resolutions, shall be confirmed by the System Office and taken into account when establishing the fiscal year's operating budget.

1.2. Revised Operating Budgets

Any College may submit, if needed, revisions to its Auxiliary System operating budget. Any revision shall not become effective until the Board has approved the revision and the same has been delivered to the Bond Trustee.

1.3. Bond Trustee Notified

The System Office shall forward copies of the approved Auxiliary System operating budgets and any subsequent changes to the Bond Trustee after approval of the Board.

SOURCE:

Legal Reference:

Neb. Rev. Stat. 85-316	State colleges; funds; contingencies; disbursements; travel expense.

Policy Adopted: March 1994

Policy Revised: September 2009, July 2023

Board of Trustees of the Nebraska State Colleges

Auxiliary System

POLICY NAME: Bond Support

POLICY NUMBER: 9009

A. PURPOSE

To lay out the process used to select key partners to support the issuance of bonds.

B. DEFINITIONS

None

C. POLICY

1. Selection of Bond Team

1.1. Financial Advisor

The Board may contract with a firm to act as Financial Advisor to analyze and make recommendations regarding the issuance of revenue bonds by the Board. The Board will utilize the same Financial Advisor for bonds of the Nebraska State Colleges Facilities Corporation.

- Selection – The Fiscal, Facilities and Audit Committee, along with the Chancellor and Vice Chancellor for Finance and Administration, may conduct an RFP or informal process to select a Financial Advisor. If an informal process is used, the Committee shall interview at least three (3) qualified firms before making a recommendation regarding an engagement with the Board.
- Term – The initial contract term shall be a one-year period and can be extended by written agreement of the parties until the Fiscal, Facilities and Audit Committee, along with the Chancellor and Vice Chancellor for Finance and Administration, determine that it is in the Board's best interest to conduct another RFP or informal selection process.

1.2. Bond Counsel

The Board of Trustees shall designate a legal firm to represent it, draft the required bond documents, provide advice to the Board on the legal structure and related legal matters, and deliver such opinions to the Board appropriate for such bond issue.

- Selection – The Fiscal, Facilities and Audit Committee, along with the Chancellor and Vice Chancellor for Finance and Administration may conduct an RFP or informal process to select a legal firm. If an informal process is used, the Committee shall interview at least three (3) qualified firms before making a recommendation regarding the designation to the Board.
- Term – Once the selection is made for bond counsel, the firm can be used on subsequent bond deals until such time that it is deemed appropriate by the Fiscal, Facilities and Audit Committee, along with the Chancellor and Vice Chancellor for Finance and Administration, that it is in the Board's best interest to conduct another RFP or informal selection process.

1.3. Bond Trustee

When a new resolution is to be approved, the Board shall designate a Trustee to act on behalf of the bond holders affiliated with that particular indenture. When bonds are issued under supplemental resolutions, the appointment of the firm selected as Trustee under the original resolution is expected to be extended.

- Selection – The Fiscal, Facilities and Audit Committee, along with the Chancellor and Vice Chancellor for Finance and Administration, may conduct an informal process to select a Trustee. If an informal process is used, the Committee shall interview at least three (3) qualified firms before making a recommendation regarding the designation to the Board.

1.4. Bond Underwriter

When bonds are to be issued, the Board, or its Financial Advisor on behalf of the Board, may solicit proposals from firms to provide underwriting services. One or more underwriting firms may be selected that are determined to best meet the goals of the Board related to a particular bond issue.

- Selection - The Chancellor, in consultation with the Fiscal, Facilities and Audit Committee, is delegated the authority to select the underwriting firm(s) for each bond issue.

2. Contract Execution

Any contract executed pursuant to this Policy shall be signed by the Chancellor or designee.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: January 1994

Policy Revised: November 2019, July 2023

Board of Trustees of the Nebraska State Colleges

Auxiliary Operations

POLICY NAME: Non-Student Use

POLICY NUMBER: 9010

A. PURPOSE

To identify appropriate non-student uses of the Auxiliary System facilities.

B. DEFINITIONS

1. **Auxiliary System:** Facilities comprised of housing facilities, buildings and structures used for athletic and wellness purposes, student centers, medical centers and parking facilities that are pledged under a revenue bond resolution.
2. **Bond Resolution:** The legal document between the bond issuer and the bondholder(s) containing the details related to the bond issue, including the purpose, obligations of the issuer, rights of bondholders, and includes the Master Resolution.
3. **Master Resolution:** The Board adopted a Master Resolution on June 11, 2002, that created a combined system of housing and auxiliary facilities for the three Colleges. The Master Resolution contains the bond covenants and is also considered a Bond Resolution.
4. **Revenue Bonds:** A series of bonds issued to finance the construction, purchase, remodel, repair, furnish and equipping of Auxiliary System facilities.

C. POLICY

1. Purpose of Auxiliary System

The Auxiliary System facilities, have been to support the programs needed to provide a satisfactory campus environment for the students. However, periodically the Colleges may find it necessary and/or advantageous to provide space for non-student uses that benefit the Colleges or the community. Use of the facilities for non-student purposes is prohibited if, in doing so, the students are unduly prevented from their normal, rightful and expected usage of them.

1.1. Emergency Use

The Colleges may provide housing or use other Auxiliary System facilities for non-college functions in the case of an emergency or highly unusual

conditions occurring in the region. The Chancellor is to be notified prior to such use.

1.2 Other Approved Uses

Other non-student uses of the Auxiliary System facilities, of a non-emergency nature, such as the following are authorized:

- Events hosted or co-sponsored by the College;
- Students from other institutions and their sponsors who are visiting the campus on official business;
- Invited guests of the Colleges or person performing services for the college;
- Community "overflow" which cannot be satisfied by similar commercial facilities in the community;
- Housing of faculty or staff;
- Prospective students and families; and
- Families of current students

1.3. Non-Student Use Rates

Each College shall develop a schedule of fees and charges for non-student use of its Auxiliary System facilities and provide the schedule to the System Office.

2. Housing Facilities

The Colleges may rent housing to faculty, staff or other affiliated parties if housing is available. Individuals shall not be housed in the same apartment or residence hall room with students. The colleges shall not allow housing facilities to be used by persons who would normally use similar commercial facilities in their visit to the community unless deemed to be an emergency or unusual circumstance.

2.1 Housing Contract

Every person who rents any type of housing unit from one of the Colleges shall enter into a contract for the period of time during which the unit will be occupied. The contract will identify who will be allowed to reside in the unit. A contract shall be provided to the renter and his/her signature affixed before occupying a College-owned housing unit.

2.2 Delinquent or Unpaid Rent

In the event payment of rental is not made at the time stipulated in the contract, the College shall initiate campus proceedings for collection of debt owed according to collection procedures.

3. **Food Service Facilities**

   The food service facilities may be used for non-student purposes whenever to do so is beneficial to the campus and the community and does not interfere with students' access to and use of the facilities. Each College, when establishing charges for non-student use of its food service facilities, will take into consideration the costs involved and will establish rates that will assure that no financial loss will result to the Auxiliary System. Such rates shall follow the posted cash prices offered by the food service operation or will be negotiated catering rates.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb Rev. Stat. 85-314	Board of trustees; rules and regulations.
	Neb. Rev. Stat. 85-408	Dormitories; housing facilities; other facilities; rates, fees, or charges, pledge for payment of bonds; surplus; approval by Legislature.

Policy Adopted: March 1994

Policy Revised: September 1997**,** September 2023

Board of Trustees of the Nebraska State Colleges

Auxiliary Operations

POLICY NAME: Student Housing Costs

POLICY NUMBER: 9401

A. PURPOSE

To provide details related to student housing costs and refunds.

B. DEFINITIONS

1. **Refund** – The amount to be credited on a student's account or returned to the student related to various actions that impact tuition, fees, housing and food plan costs.

C. POLICY

1. Housing Rates

The Board shall approve all housing rates and mandatory fees for student housing as part of the annual housing and food plan rates approval process.

1.1. Processing Charge

A non-refundable student housing contract processing charge is to be submitted with the initial application for on-campus student housing. Rooms may not be assigned until the processing charge is received. The charge is only required once, if there is no interruption (summer terms excluded) in on-campus living. If there is a break in on-campus living, the charge will be required again with the new application.

2. Housing Contracts

The Colleges may require housing contracts with students for the fall and spring term, or a single term or session.

3. Housing Refunds

3.1 Administrative Withdrawals

Students that withdraw from school or have appropriate administrative approvals to terminate their housing contract for extenuating circumstances will be eligible to receive prorated refunds of their housing charges through 60% of the term. Refunds shall exclude the room reservation processing charge.

3.2. Broken Contracts

Students that break or cancel their housing contracts shall receive a refund according to Policy 6503.

SOURCE:

Neb. Rev. Stat.

Neb. Rev. Stat. 85-314	Board of trustees; rules and regulations.
Neb. Rev. Stat. 85-408	Dormitories; housing facilities; other facilities; rates, fees, or charges, pledge for payment of bonds; surplus; approval by Legislature.

Policy Adopted: March 1994

Policy Revised: November 2010, April 2024, Effective August 2024

Board of Trustees of the Nebraska State Colleges

Auxiliary Operations

POLICY NAME: Food Service Plans

POLICY NUMBER: 9301

A. PURPOSE

To provide details related to food service costs and refunds.

B. DEFINITIONS

1. **Refund** – The amount to be credited on a student's account or returned to the student related to various actions that impact tuition, fees, housing and food plan costs.

C. POLICY

1. Food Service Rates

The Board shall approve all food service plans as part of the annual housing and food plan rates approval process.

2. Food Plans

Each College shall establish student food service plans and rates to be approved by the Board annually. Food plans shall be developed and offered for full-time students living on and off campus, as well as those enrolled as part-time students.

2.1 Required Food Plans

Every student living in College housing shall be required to contract for the food service program. Other students may also participate in the food service program at the same fee schedule provided to college-housed students, or in plans developed for commuter students.

- Exemptions

  Exemptions to this requirement may be approved in accordance with campus policies and procedures for students whose individual circumstances warrant such exceptions.

2.2 Waivers

The President is authorized to provide limited waivers to students for food service contracts with the maximum cap approved by the Chancellor. A report on food service waivers will be provided to the Board annually.

2.3. Food Plan Refunds

Students that withdraw from school or have appropriate administrative approvals to terminate their food plan contract for extenuating circumstances will be eligible to receive prorated refunds of the total cost of their food plan through 60% of the term. Refunds for food plans for students that break their contracts will be in accordance with Policy 6503.

SOURCE:

Neb. Rev. Stat.

85-304	Board of trustees; powers, and duties, enumerated.
85-314	Board of trustees; rules and regulations.
85-408	Dormitories; housing facilities; other facilities; rates, fees, or charges; pledge of bonds; surplus; approval by Legislature

Policy Adopted: March 1994

Policy Revised: August 1997, April 2024 – Effective August 2024

REVENUE BOND - AUXILIARY OPERATIONS, NEBRASKA STATE COLLEGES

POLICY: 9030 Revenue Bond; Insurance; Property, General Liability

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BOARD POLICY

Fire and Extended Coverage

Insurance to cover loss by fire, vandalism, damage from storms or other hazards, will be carried on revenue bond buildings, contents, and movable equipment housed therein. Policies with standard extended coverage endorsements shall be obtained by appropriate bidding procedures from responsible insurers and carried in amounts sufficient to provide for the greater of the full insurable value thereof, as determined from time to time by the insurer, or the estimated replacement costs as determined by the Board. A deductible of five hundred dollars ($500) will be allowed for Chadron State and Peru State; the deductible for Wayne State will be one thousand dollars ($1,000). If insurance coverage obtained is less than the full insurable value of the facilities, or the deductible allowed is higher than the figures stated, the institutions shall provide self-insurance for the difference.

Use and Occupancy

The colleges shall also obtain use and occupancy insurance and business interruption insurance in an amount sufficient to enable the Board to deposit in the Bond Fund, out of the proceeds of such insurance, an amount equal to the sum that would normally have been available for deposit in such Fund from the revenues of the damaged building during the time the damaged building is non-revenue producing.

Builder's Risk

Any revenue bond building or facility under construction or major renovation shall be insured by the contractor under a Builder's Risk Policy in the amount equal to contract for the project. Such policy shall run until Final Completion Status has been given to the project by the Board of Trustees.

The proceeds of the foregoing insurance policies shall be payable to the Board and all monies collected on account of loss or damage covered by the policies shall be held in trust by the Board. Upon occurrence of any damage covered by insurance, the Board shall use the proceeds of the insurance to 1) promptly restore the properties so destroyed or damaged; 2) erect and equip, or substitute, in place of the building damaged or destroyed, other facilities which produce revenues and fees comparable to those produced by the damaged or destroyed facility. If the facility destroyed or damaged was, at the time of the destruction, unserviceable, inadequate, obsolete or unfit to be used or no longer required for use in connection with the security and payment on the bonds, the Board may apply the proceeds to purchase property which shall be a part of the revenue bond facilities or may deposit the proceeds into the Surplus Funds.

Comprehensive General Liability

The college shall require public liability insurance, commonly known as "Comprehensive General Liability", be maintained and delivered to the college before any external party or private person's use, occupancy or possession of college premises or facilities. Such insurance shall provide for coverage set at reasonably negotiable limits for injury or death, occurring to any person or persons as a result of an accident, and such insurance shall name both the Board and college, and the external entity as insureds.

Except for claims arising out of acts caused by the affirmative negligence of the college or its agents or employees, the college shall require the external party using college facilities to further indemnify, defend and hold harmless the Board and college, at its expense, from and against all claims for personal injuries and death, or loss, expenses, damages, or liabilities arising from any act or negligence of the external party or its agents, employees, licensees or invitees.

Before the use of campus facilities commences and before the external party's use, occupancy or possession of college premises, whichever is sooner, the external party shall obtain such insurance from a company reasonably acceptable to the college and deliver to the college a certificate evidencing issuance of such policy, together with evidence of payment of premiums.

Board of Trustees of the Nebraska State Colleges

Revenue Bond-Auxiliary Operations

POLICY NAME: Auxiliary Surplus Funds

POLICY NUMBER: 9100

A. PURPOSE

To identify the priority and potential uses of surplus auxiliary funds.

B. DEFINITIONS

None

C. POLICY

1. Surplus Funds

Surplus Funds are part of the revenue, fees and earnings derived from the operations of the auxiliary system and which are pledged under the revenue bond resolution to payment on the debt of the facilities. The Surplus Funds at each College are those funds remaining each year after costs of operations and maintenance have been paid and after the required minimum dollar amounts have been deposited into the various other bond funds at the end of the fiscal year.

1.1. Uses

The Surplus Funds may be used for extraordinary items which are not customarily included as costs of operation and maintenance and which are deemed necessary or desirable by the Board in order to maintain such revenues, fees and earnings or to maintain the facilities as a revenue-producing enterprise.

- The Surplus Fund shall be drawn upon first to make up any deficiencies in the Bond Fund and/or the Bond and Interest Reserve Funds.
- Remaining Surplus Funds can then be used to make any extraordinary repairs, renewals, replacements, renovations, or to equip and furnish revenue bond facilities.
- Remaining Surplus Fund may also be used, upon approval of the Board, to complete the costs of construction or acquisition of the

improvement in the event the funds on deposit in the Construction Fund are not adequate or to pay the costs of construction or acquisition of additional buildings and facilities appropriate to be purchased with revenue bond funds.

1.2 Reserve

The minimum balance to be maintained in the Surplus Funds at each College shall be 7.5% of the outstanding debt; however, in no circumstance shall any of the Colleges' Surplus Funds be drawn down below two hundred thousand dollars ($200,000).

1.3 Maximum Expenditure

Before an expenditure exceeding five hundred thousand dollars ($500,000) for any one item can be initiated, and subsequent to Board approval, the project will be submitted to the Legislature for approval as required by law.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-408	Dormitories; housing facilities; other facilities; rates, fees, or charges; pledge for payment of bonds; surplus; approval of Legislature.

Policy Adopted: March 1994

Policy Revised: August 1997, February 1999, June 2006, September 2006, April 2007, June 2013, June 2014, January 2021, April 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Revenue Bond-Auxiliary Operations

POLICY NAME: Auxiliary System Maintenance

POLICY NUMBER: 9101

A. PURPOSE

To lay out the process for allocating and approving surplus funds to make repairs, renewals, replacements, renovations, or to equip and furnish auxiliary facilities.

B. DEFINITIONS

1. **Surplus Funds:** The Surplus Funds at each College are those funds remaining each year after costs of operations and maintenance have been paid and after the required minimum dollar amounts have been deposited into the various other bond funds at the end of the fiscal year.

C. POLICY

1. Maintenance and Repair Approval

An annual Auxiliary Maintenance Request for repair items shall be submitted to the System Office in the format and according to the schedule developed by the System Office. The request material shall be reviewed by the Vice Chancellor for Finance & Administration and the Vice Chancellor for Facilities, and a recommendation submitted by them to the Board.

1.1. Project Timing

- The projects being requested are generally authorized to be initiated at the beginning of the subsequent fiscal year and expenditures for them are to be transacted after July 1 of that new fiscal year. An exception to this procedure is granted for those projects that must be completed during the summer months following the approval of the projects. The Colleges are also authorized to begin planning and design activities for any approved project and to cover incurred expenses.
- Approved projects will be initiated and completed within three (3) years of the resolution's applicable fiscal year period. Projects that have not been initiated within that time period shall be closed out and Surplus Fund balances earmarked for those specific projects shall be

reclassified as uncommitted Surplus Funds. Designated funds may continue to be earmarked for those projects that have been initiated within the three-year period but, due to extraordinary circumstances, have not been completed and payment made to the vendor.

1.2. Emergency Projects

Periodically it may be necessary to expend Surplus Funds on an emergency-type project. The System Office should be notified and the College may proceed with the project, after approval is given by the Chancellor and the Fiscal, Facilities and Audit Subcommittee Chair. Such approvals shall be reported to the Board at the subsequent meeting.

1.3. Realignment Between Approved Projects

In any contingency maintenance item approved by the Board exceeds the estimated cost, the Colleges may realign funds between the approved projects. A transfer request identifying the Resolution Year(s) and the amount(s) being transferred between approved projects will be processed through the System Office and then reported to the Trustee.

1.4. Reallocation of Funds to New Projects

- $50,000 or Less

  If any fund balances remain from completed maintenance projects or from projects that will not be completed, the College may request reallocation of up to fifty thousand dollars ($50,000) of those funds. The project(s) must be approved by the Vice Chancellor for Facilities. The reallocation shall be reported to the Board in the subsequent Auxiliary Maintenance Progress Report.

- More than $50,000

  Projects costing more than fifty thousand dollars ($50,000) shall be submitted to the Board for approval prior to initiating the projects using those funds.

1.5. Maximum Expenditure

Before an expenditure exceeding five hundred thousand dollars ($500,000) for any one item can be initiated, and subsequent to Board approval, the project will be submitted to the Legislature for approval as required by law.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-408	Dormitories; housing facilities; other facilities; rate, fees, or charges; pledge for payment of bonds; surplus; approval by Legislature.

Policy Adopted: March 1994

Policy Revised: August 1997, February 1999, June 2006, September 2006, April 2007, June 2013, June 2014, January 2021, April 2022, February 2025

Board of Trustees of the Nebraska State Colleges

Auxiliary System

POLICY NAME: Auxiliary System Rates

POLICY NUMBER: 9200

A. PURPOSE

To establish an appropriate revenue stream to support the Auxiliary System.

B. DEFINITIONS

1. **Auxiliary System –** Facilities comprised of housing facilities, buildings and structures used for athletic and wellness purposes, student centers, medical centers and parking facilities that are pledged under a bond resolution.
2. **Master Resolution** – The Board adopted a Master Resolution on June 11, 2002, that created a combined system of housing and auxiliary facilities for the three Colleges. The Master Resolution contains the bond covenants.

C. POLICY

1. Board to Establish Rates and Fees

The Board will regularly set the room and board rates and any fees and charges for the use of the Auxiliary System facilities. The amounts of such funds shall be expended for purposes in connection with the facilities as the Board determines and be sufficient to cover all the following:

1.1. Bond Support

The revenues collected in whole or in part are pledged to the holder of the bonds and shall be in an amount sufficient to pay the principal and interest representing the indebtedness against the facilities.

1.2. Reserve Funds

Funds generated must be sufficient to provide for any bond reserves required by the bond covenants and sufficient to meet required coverage ratios.

1.3. Operating Costs

Revenues must be sufficient to support the daily operations and maintenance of the facilities.

1.4. Replacement and Surplus Funds

Revenues must be sufficient to generate any replacement or surplus funds as required by the Master Resolution.

2. Board to Control Rates and Fees

Even if the Board contracts for the operation of any building or facility or part thereof, it must still maintain supervision and control over the fees and charges of the facility.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 85-318	State colleges; dormitory funds; use.
	Neb. Rev. Stat. 85-408	Dormitories; housing facilities; other facilities; rates, fees, or charges; pledge for payment of bonds; surplus; approval by Legislature.

Policy Adopted: January 1977

Policy Revised: March 1988, February 1989, March 1994, September 2002, April 2007, June 2014, June 2023

Board of Trustees of the Nebraska State Colleges

Auxiliary Operations

POLICY NAME: Food Service Operations

POLICY NUMBER: 9300

A. PURPOSE

A. To provide the goals and contract terms for food service operations.

B. DEFINITIONS

None

C. POLICY

1. Food Service Objectives

Objectives of the college food service are to 1) serve high quality foods at reasonable prices and at convenient times for the College community; 2) provide catering to college groups and others in the college interest; and 3) provide options to the Colleges for concessions at sporting and other college events.

2. Contracted Food Service

A college may operate their own food service operation or contract with a food service provider.

2.1. Contract Requirements

- Should a college choose to provide food service through contract with a food service vendor, proposals are to be solicited from qualified food service vendors.
- The initial term of any food service contract cannot exceed five (5) years, with clearly identified start and end dates, but may have options to renew for four additional one-year periods beyond the initial period.
- A copy of the proposed contract is to be submitted to the System Office for legal review prior to submitting it to the Board for approval.
- The RFP should not be incorporated as an Appendix to the contract. Any necessary representations in the RFP should be part of the contract terms.

- The contract should not include any mandatory renegotiation terms.
- The College contract is to be approved by the Board upon recommendation by the President. If the System proposes a single vendor for all three Colleges, such contract is to be approved by the Board upon recommendation by the Chancellor.
- The College is to provide a contract signed by the vendor to the Board for approval. Upon approval of the Board for a College food service contract, the approved contract is to be signed, President or Vice President for Administration and Finance, and then by the Chancellor or Vice Chancellor for Finance and Administration or General Counsel.
- The System Office is to provide a contract signed by the vendor to the Board for approval if there will be a system-wide contract. Upon approval of the Board for a system-wide food service contract, the approved contract is to be signed by the Chancellor or Vice Chancellor for Finance and Administration, or the General Counsel.
- The contract must have a termination clause that will allow the College to terminate the contract with appropriate notice and clearly established deadlines that will allow sufficient time to replace the vendor before the start of the next fiscal year.
- Annual renewals to establish food service rates or change any terms, as recommended by the President or Chancellor, are to be submitted to the Board for approval. The College is to provide a contract signed by the vendor to the Board for approval. Annual renewal agreements, once approved by the Board, will also be signed by the President or Vice President for Administration and Finance, and then by the Chancellor or Vice Chancellor for Finance and Administration or General Counsel.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: January 1977

Policy Revised: January 1978, February 1989, March 1994, November 1995, December 2004, September 2006, March 2013, May 2016, September 2023

Board of Trustees of the Nebraska State Colleges

Auxiliary Operations

POLICY NAME: Food Service Plans

POLICY NUMBER: 9301

A. PURPOSE

To provide details related to food service costs and refunds.

B. DEFINITIONS

1. **Refund** – The amount to be credited on a student's account or returned to the student related to various actions that impact tuition, fees, housing and food plan costs.

C. POLICY

1. Food Service Rates

The Board shall approve all food service plans as part of the annual housing and food plan rates approval process.

2. Food Plans

Each College shall establish student food service plans and rates to be approved by the Board annually. Food plans shall be developed and offered for full-time students living on and off campus, as well as those enrolled as part-time students.

2.1 Required Food Plans

Every student living in College housing shall be required to contract for the food service program. Other students may also participate in the food service program at the same fee schedule provided to college-housed students, or in plans developed for commuter students.

- Exemptions

  Exemptions to this requirement may be approved in accordance with campus policies and procedures for students whose individual circumstances warrant such exceptions.

2.2 Waivers

The President is authorized to provide limited waivers to students for food service contracts with the maximum cap approved by the Chancellor. A report on food service waivers will be provided to the Board annually.

2.3. Food Plan Refunds

Students that withdraw from school or have appropriate administrative approvals to terminate their food plan contract for extenuating circumstances will be eligible to receive prorated refunds of the total cost of their food plan through 60% of the term. Refunds for food plans for students that break their contracts will be in accordance with Policy 6503.

SOURCE:

Neb. Rev. Stat.

85-304	Board of trustees; powers, and duties, enumerated.
85-314	Board of trustees; rules and regulations.
85-408	Dormitories; housing facilities; other facilities; rates, fees, or charges; pledge of bonds; surplus; approval by Legislature

Policy Adopted: March 1994

Policy Revised: August 1997, April 2024 – Effective August 2024

Board of Trustees of the Nebraska State Colleges

Auxiliary Operations

POLICY NAME: Beverage and Snack Vending Contracts

POLICY NUMBER: 9302

A. PURPOSE

To state the goals and terms for beverage and snack vending contracts.

DEFINITIONS

1. Exclusive Contract – The commodity or service opportunity is limited to a single vendor.

B. POLICY

1. Beverage and Snack Vending Contract Objectives

The objectives of beverage and snack vending contracts are a) to provide convenient access to beverages and snacks to the campus population; b) provide the service at competitive prices; c) promote and support the college and student experience.

2. Exclusive Contract

The Colleges may offer an exclusive campuswide contract for beverage service, for snack vending service, or a single campuswide contract for both beverage and snack vending service.

2.1. Beverage Service

- The beverage service may include premix and postmix beverage products and various bottled or packaged beverage products.
- The beverage service will be utilized by the contracted food service provider.
- The contract may or may not include coffee products used by the food service provider.
- Certain beverage items may be excluded in the contract.

2.2. Snack Vending Service

- The snack vending service will be limited to convenience vending machines.
- Packaged snacks may be provided by the food service provider at their convenience locations.
- Certain snack items may be excluded in the contract.

3. Contract Requirements

The following are the requirements for bidding and contracting with a beverage and/or snack vending provider:

- Proposals are to be solicited from qualified beverage and snack vendors using a competitive sealed bid process.
- The initial term of the contract cannot exceed five (5) years, with clearly identified start and end dates, but may have options to renew for four (4) additional one (1) year periods beyond the initial period.
- A copy of the proposed contract is to be submitted to the System Office for legal review prior to submitting it to the Board for approval.
- The RFP should not be incorporated as an Appendix to the contract. Any necessary representations in the RFP should be part of the contract terms.
- The contract should not include any mandatory renegotiation terms.
- The contract is to be approved by the Board upon recommendation by the President.
- The College is to provide a contract signed by the vendor to the Board for approval. Upon approval of the Board the approved contract is to be signed by the President or Vice President for Administration and Finance, and then by the Chancellor or Vice Chancellor for Finance and Administration, or General Counsel.
- The contract must have a termination clause that will allow the College to terminate the contract with appropriate notice and clearly established deadlines that will allow sufficient time to replace the vendor before the start of the next fiscal year.

4. Profits from Beverage and Snack Vending Contracts

The contract may include in-kind support, promotional items or sponsorships in support of the College, but the profits from the beverage and snack vending operation will be deposited with and retained by the Auxiliary System.

SOURCE:

Policy Adopted: September 2024

Policy Revised:

Board of Trustees of the Nebraska State Colleges

Auxiliary Operations

POLICY NAME: Student Housing Operations

POLICY NUMBER: 9400

A. PURPOSE

A. To provide guidance on the operations of the student housing system.

B. DEFINITIONS

None

C. POLICY

1. Student Housing Operations

1.1. President's Direction

Each President shall have responsibility for the development and application of policies relating to the operation of student housing and any other residence units which operate as approved College housing. The objectives of such policies include the following:

- Affordability of housing subject to the approval of all rates by the Board.
- Ensure maximum occupancy and/or an adequate flow of revenue to support the operations of the residential system.
- Provide necessary funding to maintain the facilities.
- College housing will provide a safe and secure environment for student residents.
- Provide appropriate visitation hours and quiet hours so as to not impinge upon the privacy of students unnecessarily.
- Clear guidance and rules regarding appropriate student conduct in campus housing.
- Provide imposition of sanctions on students who violate campus policy in regard to student housing.

1.2. Housing Waivers

The President is authorized to provide limited waivers to students for student housing l contracts with the maximum cap approved by the

Chancellor. The waivers are beyond those provided to resident assistants and are calculated as a percentage of total revenue. A report on housing waivers will be provided to the Board of Trustee members annually.

1.3. Access to Housing

Student housing will be available to students with contracts throughout the contracted term including holidays and breaks at no additional cost, except for the winter and spring breaks. Accommodations may be made to the extent possible for the winter and spring breaks to students with no other housing available. There may be a charge for housing provided over the winter and spring breaks.

1.4. Housing Contract

Every student residing in college housing must enter into a contract on forms provided by the Colleges. Access to the contract shall be provided electronically and the student will utilize an electronic signature form that identifies the student.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: March 1994

Policy Revised: August 1997**,** July 2023, September 2023

Board of Trustees of the Nebraska State Colleges

Auxiliary Operations

POLICY NAME: Other Auxiliary Operations

POLICY NUMBER: 9500

A. PURPOSE

A. To identify other Auxiliary operations such as the Bookstore and Student Centers.

B. DEFINITIONS

1. **Auxiliary System:** Facilities comprised of housing facilities, buildings and structures used for athletic and wellness purposes, student centers, medical centers, and parking facilities that are pledged under a bond resolution.
2. **Bond Resolution:** The legal document between the bond issuer and the bondholder(s) containing the details related to the bond issue, including the purpose, obligations of the issuer, rights of bondholders, and includes the Master Resolution.
3. **Master Resolution:** The Board adopted a Master Resolution on June 11, 2002 that created a combined system of housing and auxiliary facilities for the three Colleges. The Master Resolution contains the bond covenants and is also considered a Bond Resolution.
4. **Revenue Bonds:** A series of bonds issued to finance the construction, purchase, remodel, repair, furnish and equipping of Auxiliary System facilities.

C. POLICY

1. Other Auxiliary Operations

The student center operations are supported by a fee assessed to all students and committed to the Auxiliary System. Net revenues from operations within the student centers including food service and bookstores are also committed to the Auxiliary System.

1.1. Revenue Account

Receipts and disbursements shall be handled through the Revenue Bond Revenue Account of each College. All monies received shall be deposited daily in the official local depositories approved by the Board and amounts

above $5,000 will be transmitted to the Revenue Bond Trustee at least once every seven days.

2. Bookstore or Apparel Shop

The Colleges shall provide facilities for the sale of apparel, equipment and supplies necessary or convenient for the use of students, staff, and the College community. The Colleges shall also provide facilities for the sale of books or contract with an on-line service. The College may operate their own bookstore or College apparel shop or contract with qualified vendors.

2.1. Contract Requirements

- Should a College choose to provide bookstore or College apparel services through a contract with a vendor, proposals are to be solicited from qualified vendors.
- The initial term of any contract cannot exceed five (5) years, with clearly identified start and end dates, but may have options to renew for four additional one-year periods beyond the initial period.
- A copy of the proposed contract is to be submitted to the System Office for legal review prior to submitting it to the Board for approval.
- The Request for Proposal should not be incorporated as an Appendix to the contract. Any necessary representations in the RFP should be part of the contract terms.
- The contract should not include any mandatory renegotiation terms.
- The contract must have a termination clause that will allow the College to terminate the contract with appropriate notice and clearly established deadlines that will allow sufficient time to replace the vendor before the start of the next fiscal year.
- Annual renewals beyond the original term of the contract must be submitted to the Board for approval upon recommendation of the President.

The contract offered to the selected vendor is to be approved by the Board upon recommendation by the President. The College is to provide a contract signed by the vendor to the Board for approval. Once the Board has approved the contract, it is to be signed by the President or Vice President for Administration and Finance, and then by the Chancellor or Vice Chancellor for Finance and Administration or General Counsel.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: January 1977

Policy Revised: March 1994, June 2008, June 2010, March 2013, May 2016, September 2023

Board of Trustees of the Nebraska State Colleges

Auxiliary System

POLICY NAME: Audits

POLICY NUMBER: 9700

A. PURPOSE

To identify the process used to select the auditor following the audit requirements for the Auxiliary System.

B. DEFINITIONS

1. **Auxiliary System –** Facilities comprised of housing facilities, buildings and structures used for athletic and wellness purposes, student centers, medical centers and parking facilities that are pledged under a bond resolution.

C. POLICY

1. Selection of Auditor

The Board will solicit proposals and appoint an independent certified public accountant or firm of independent certified public accountants licensed, registered or entitled to practice as such under the laws of the State of Nebraska to undertake an annual examination of the financial records of the State Colleges' Auxiliary System.

1.1. Timing

Within one hundred twenty (120) days of the close of the fiscal year, the Board will cause its accounting records and related documentation with respect to the Auxiliary System to be audited. The Auxiliary System audit shall be completed by November 1 each year.

1.2. Distribution

The Board will take action after receiving the completed audit to accept the reports, after which copies will be distributed by the System Office to the Bond Trustee and to the bondholders or other entities who request the same in writing.

2. Audit Requirements

2.1. Audit Detail

The audit will include the following elements in reasonable detail:

- The revenue credited to the revenue fund during the year and the deductions and payments made therefrom;
- The financial statement of the facilities, the funds and accounts established in the bond resolutions;
- The transactions during the year relating to said funds and accounts;
- A review of the insurance carried on the facilities;
- The percentage of occupancy and use of the facilities and the number of students with respect to whom any fees are pledged and charged; and
- Any other matters deemed relevant and necessary by the Audit Firm to make the audit informative.

2.2. Management Letter

The audit firm shall provide a management letter with comments and recommendations arising from the examination to the college administrators and the Board. At a subsequent meeting the Colleges will submit written responses to the Board on the actions taken to correct the problem areas identified in the Auxiliary System audit.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference: Section 5.6 of the Master Resolution — State College Revenue Bond Resolutions

Policy Adopted: March 1994

Policy Revised: January 2014, June 2023