

5-24-2016

NU-BOR-Bylaws Chapter 3

NU Board of Regents

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Chapter III. Terms and Conditions of Employment

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

3.1 Categories of University Personnel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.3 **Compensation for Services Rendered.**

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

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

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

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

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

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

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

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

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

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

3.4.1 **Salary Termination.**

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

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

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

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

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

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

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

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

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

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

3.4.3 Leaves of Absence.

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

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

Such leaves may be extended for one additional year with approval of the President. No leaves of absence with pay will be approved by the President except in cases where it is demonstrated to the satisfaction of the President that the best interests of the University will be substantially and directly promoted by granting such leave of absence with pay, and that the recipient of the leave of absence with pay has agreed to resume his or her duties at the University of Nebraska upon termination of the leave and continue such duties for a period of at least one academic year and, if he or she fails to do so in strict accordance with his or her agreement, agrees to reimburse the University for all pay received during the leave of absence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) May be retained to provide professional services outside the University to an individual person, client, company, firm or governmental agency over a time period lasting more than two years.
- (b) May accept professional employment requiring more than an average of two days per month during the period of his or her full-time University employment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.12 Retirement.

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

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

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

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

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

- 3.12.1.2 **Partial Retirement.** [Repealed]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.12.4.3 Plan Contributions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.12.4.6 **Amendment or Termination of Plans.**

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

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

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

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

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

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

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

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