

EXECUTIVE COMMITTEE MINUTES

Present: Alloway, Bolin, Bradford, Hachtmann, Fech, Flowers, LaCost, Ledder, Lindquist, Rapkin, Zimmers

Absent: Moeller, Prochaska Cue

Date: Wednesday, March 5, 2008

Location: 201 Canfield Administration Building

Note: These are not verbatim minutes. They are a summary of the discussions at the Executive Committee meeting as corrected by those participating.

1.0 Call to Order

Bradford called the meeting to order at 3:03 p.m.

2.0 Chancellor Perlman/SVCAA Couture

2.1 New Diversity Committee

Bradford noted that there is a rumor that a new diversity committee has been created. He asked if this was true. Chancellor Perlman stated that he is not yet forming a committee, instead he is trying to reinstitute the Chancellor's Commission on the Status of People of Color (CCSPC). He stated that he has invited a group of senior faculty of color to meet with him to discuss what the Commission could be helpful with. He pointed out that the Chancellor's Commission on the Status of Women is composed of three different councils, one each for faculty, staff, and students. He noted that this arrangement is working well. He reported that he met with the staff council who came up with eight or nine ideas of how to reward staff without involving salary and benefits. He stated that the faculty council was instrumental in pushing forward the brochure on family friendly policies. He stated that he has put out a call for people to serve on the CCSPC and intended to start with the faculty council first to determine the level of interest.

2.2 Best Practices Report

SVCAA Couture reported that the Advisory Board in Washington, D.C. is developing a general report on recruiting both faculty and students for a consortium of over twenty universities. She noted that this is one report of four that the Board will be doing. In addition, we have asked them to do a consultation on our campus. She stated that a survey has been given to the deans asking them about their own best practices to diversify the faculty. Interview of deans and faculty members identified as good sources for this information were also conducted by the Board. She stated that she will be having a phone conversation with the Board to discuss their findings. She reported that there will be a workshop for deans and chairs the second week of May on what the Board has learned about our campus as well as best practices at other universities. She noted that she has not seen a copy of the national report yet.

Bradford asked if there will be two separate reports, a national one and another that is unique to UNL. SVCAA Couture stated that she believes this is correct. She stated that she envisions a formal presentation of the Board's findings nationally and then some specific information for UNL. She stated that the administration believes this will be helpful to chairs and deans.

2.3 ADA Supervisory Training

Bradford asked if every faculty member who has a research assistant is required to take the training. Chancellor Perlman stated that if the research assistant is paid then the faculty member is required to take the training. He pointed out that EEO regulations require that anyone supervising employees must take the training. He noted that the training has been done for over ten years and over 2500 employees have been trained. He pointed out that EEO Officer Horn indicated that there is concern about insurance and litigation issues that could arise if the training is not done. He stated that training varies from campus to campus. He pointed out that of all the training that he has done this is the most interesting.

Bradford asked if faculty members must do the training even if they do not have someone employed who needs accommodations. Chancellor Perlman stated that supervisors must take the training regardless. Bolin stated that she enjoyed the training. She asked if there is the possibility of having the training on-line. Chancellor Perlman stated that he did not know. He pointed out that getting the search committee training on-line is proving to be difficult. He noted that the training allows people to see the scientific ways of accommodating people with disabilities and he found this to be really interesting.

LaCost pointed out that not all disabilities are visible. The training teaches you of the different disabilities that people can have.

2.4 Internal Search Process

Bradford stated that an issue has come forward regarding interim positions being created and filled by someone with the expectation that the position will become permanent. He noted that an internal search is usually created for these positions and the person currently employed in the position usually gets the position. The problem is that search requirements are usually circumvented for in these situations.

SVCAA Couture stated that her experience with interim positions is that they are a position that needs to be filled quickly. She reported that as far as she knows the search rules are never circumvented. She stated that if a search is not initially conducted to fill the interim position, a search must be done when and if the position becomes permanent. She pointed out that at times the interim person is at a disadvantage for getting the permanent position and the assumption cannot be made that the person has an advantage.

Bradford stated that with the particular incident raised to him there appeared to be some uncertainty about the search for the position. He stated that he did not know if anything could be done about it at this point.

Chancellor Perlman stated that when the interim person in a position applies and becomes a candidate for that position, it becomes an awkward factor in appearing to have an open search, although, it is no more awkward than having an internal candidate when there is a national search. He stated that one of the downsides of our employment process is that there is really no way to successfully build a bull pen to have a clear succession when there is an opening in a position. As a result, you have transition periods. He noted that there are real gains to having an open search process and people involved in the decision process. He pointed out that one of the advantages of building succession is that you have some sense of these people whereas when a person is hired from outside the university you don't really know the person and how they work. He stated that if there is a specific circumstance of a concerted effort to forgo a search process he would be very upset but he did not see that our processes were out of balance at this point.

Lindquist stated that he knows of a specific case. He reported that a number of faculty members are concerned with the planned restructuring within the Agricultural Research Division (ARD) and the Agricultural Research and Development Center (ARDC). He stated that some faculty expressed concern about the possibility of the current director being promoted to a position of leading the ARD. These faculty members feel they had no input into the appointment of a person who is not a scientist. Moreover, there was greater concern about the appointment of the new director of ARDC, where faculty members felt they had no input at all on the selection of this individual. Chancellor Perlman stated that he is not familiar with this change but he thinks the important thing is to have broad involvement of people before appointments are made to administrative positions. He stated that he will look into this appointment.

2.5 Diversity Committee Report

Chancellor Perlman stated that he may not be able to attend the April Senate meeting when the report is discussed so he wanted to make some comments on it. He pointed out that the report is a diversity statement, not a plan, which is what was requested. He stated that his major concern is that the definition of inclusiveness, harassment, and diversity training does not reflect the law and which is not limited to hostile intent. Ledder asked what is considered as harassment. Chancellor Perlman stated that it is whether the person the actions are being directed at believes the actions to be hostile.

Chancellor Perlman noted that the document cites the Board of Regents Bylaws, section 3.0 but does not cite any of the Regents policies relating to this section.

Chancellor Perlman stated that there are great misunderstandings about opportunity hires. He noted that in order to do an opportunity hire without a search requires the approval of the Office of Access, & Diversity Programs after they check to ensure that federal regulations have been met and the department has justified why a search is not being conducted. He pointed out that in every instance proof is required that the faculty agreed to the waiver of normal procedures. He noted that this does not apply to administrative positions.

Chancellor Perlman stated that the most common instance of asking for a waiver for a search is when the department has a search open for one candidate but has two exceptional candidates and they want to offer a position to both. The second most common instance is when there is a person already working here, say as a lecturer, and the faculty want to move the person into a tenure-track position. Again this is done only with faculty participation in the department. He stated that to call opportunity hires as hiring done under the table is offensive, not only to the administration but to the faculty as well.

Chancellor Perlman pointed out that there are some opportunity searches where gender or race may be one factor in moving forward. He reminded the Committee that the University is under a legislative directive subject to having our budget reduced if numbers of diverse faculty are not raised. He stated that dual career hires is another significant area where we do opportunity hires. He noted that he does not think that a trailing spouse was ever forced onto a department without the approval of the faculty.

Chancellor Perlman asked if three members constitute a committee when there were originally eight members. Bradford noted that he has asked the committee members who resigned if they want to publicly provide reasons why they resigned. He noted that one of the former members agreed to this and he is waiting to hear from the others.

Ledder stated that it sounds like a distinction was not properly made regarding the opportunity hires. He noted that the Chancellor made it clear that the faculty in a department must approve the opportunity hire. He stated that if there is any unfairness it would be for the other applicants who might have applied for the original position. Chancellor Perlman noted that Assistant to the Chancellor Crump's office makes every effort to see that faculty in a department are comfortable with an opportunity hire. He pointed out that there are a cluster of reasons why searches may not be conducted. He noted that the Othmer chairs are an example where we could not get well established scholars to consider us if we were going to engage in an elaborate search process.

3.0 Announcements

3.1 ACE Reception

Ledder reported that at a recent reception on the ACE program SVCAA Couture recognized the importance of the Faculty Senate in the process of developing the program and how the Senate is very much in support of it.

4.0 Approval of 2/27/08 Minutes

The Committee approved the minutes as amended.

5.0 Unfinished Business

5.1 Diversity Committee Report

Rapkin stated that he did not think the Senate could let the report stand. He stated that he thinks the report should be renounced. Bradford stated that the Senate could either accept the report or vote it down. Rapkin suggested that the Senate could conduct a survey of the entire faculty to see how they feel about the report.

Rapkin pointed out that no other positions are represented in the report. He stated that he thinks the majority of the faculty would not support the document. He suggested that a new committee be appointed. Ledder stated that he doesn't feel that he can support a report when so many people on the committee resigned, even if he agreed with what was in the report.

Bradford reminded the Committee that the Chancellor wanted a plan that focused on recruitment and retention and he wanted specific comments on best practices. He pointed out that none of this is in the report.

Bradford stated that he is not sure he agrees with the idea of forming a new committee. He noted that the Advisory Board is coming out with a report on best practices and it might be wise to look at the specifics of this report and go from there. He suggested that the Senate could approve or disapprove the specifics.

Lindquist asked if Professor Moshman, co-author of the report, is coming to the Senate to present it. He stated that he thinks the Senate needs to reject the report. Ledder suggested that there be a motion stating that the report does not represent the views of the Senate and does not represent the task that was given to the committee. Bradford stated that he thinks the motion should come from the floor of the Senate.

Rapkin stated that Professor Orey, a former member of the Diversity Committee, would be willing to come speak with the Executive Committee about why he resigned. Bradford stated that this would be fine and he is welcomed to come and speak to the Senate if he wishes to do so.

The Committee discussed what a motion rejecting the report should state. Bolin suggested that the motion should focus on the content and process: the content does not represent the Senate's views and the report is not responsive to the charge the Diversity Committee was given.

Bradford suggested that any member of the Executive Committee could bring a motion to the Committee about the report or the motion can come from the Senate floor.

Bradford asked the Committee whether the Senate should do anything with respect to diversity at the Senate meeting. He asked whether the Senate should wait for the Advisory Board's report. Ledder suggested that the Senate reconsider the issue when the Advisory Board report is received.

Alloway asked if we currently have a diversity plan or are we functioning without one. Bradford stated that there are a lot of practices going on but there is currently no comprehensive plan. Rapkin stated that efforts to create a plan should attempt to colleague all of the best practices and guidelines together.

Bradford stated that the law is now reasonably clear with diversity. He noted that in hiring and student admissions diversity can be considered as a factor but you cannot hire or admit someone just on that basis. He stated that quotas cannot be used.

Lindquist stated that, completely aside from the diversity issue, there are some legitimate concerns about opportunity hires. He agreed with the Chancellor that faculty members decide on these hires within a department. However, in these times of limited resources it is clear that if a person comes to a department qualified and capable of making a contribution to the field, the faculty will approve those positions, even though they may not fill a priority position for the department. The concern with faculty members is that when they go to the Deans to request priority positions, they will not receive them because by accepting an opportunity hire they have essentially forfeited a position.

5.2 Computing

Flowers reported that the Computational Services and Facilities Committee will be meeting again and he should have information to report on next week. He noted that some members of the Committee received a copy of the Advisory Board's report. Bradford stated that he found it interesting to hear that the Board's report and our own report run along the same lines.

Bolin stated that she has heard of some concerns about the concept of having a Chief Information Officer. Flowers stated that the idea is to have someone with direct input to the Senior Administrative Team and be involved with combining research efforts and planning rather than just reporting on computer maintenance. Fech stated that the IANR group that meets before the Senate meeting had a good discussion on this topic and some of the concerns about having another administrator were cleared up. He pointed out that having a CIO is just elevating the Associate Vice Chancellor of Information Services' position to allow for better communication.

6.0 New Business

6.0 Changes to the Committee on Committees (CoC) Syllabus

Bradford noted that Professor Chouinard requested that corrections be made to the proposed changes to the CoC syllabus. Bradford presented revisions that clarified the appointment of two faculty members by the President of the Faculty Senate, one faculty member elected by the Senate each year, and that no more than eight full professors, (excluding the President of the Faculty Senate, the Chancellor, or their designees) shall serve on the Committee.

Ledder moved that the newly revised syllabus be substituted at the April Senate meeting. Motion seconded by Zimmers. Motion approved.

The meeting was adjourned at 4:33 p.m. The next meeting of the Executive Committee will be on Wednesday, March 12th at 3:00 pm. The meeting will be held in the Faculty Senate Office. The minutes are respectfully submitted by Karen Griffin, Coordinator and Rick Alloway, Secretary.