

EXECUTIVE COMMITTEE MINUTES

Present: Bolin, Fech, Flowers, Franti, Konecky, LaCost, Lindquist, Prochaska-Cue, Rapkin, Shea, Stock

Absent: McCollough, Schubert

Date: Wednesday, April 29, 2009

Location: Faculty Senate Office, 420 University Terrace

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

Fech called the meeting to order at 3:01 p.m.

2.0 Update on Academic Honesty Committee (Professor Bicknell-Holmes, Chair)

Fech noted that there has been great interest in the past several years about academic honesty. He stated that Dean Hecker met with the Committee several times to discuss concerns of the faculty with academic honesty issues.

Bicknell-Holmes stated that the committee has not been able to proceed as far along as she would have liked due to difficulty in scheduling meetings. She reported that the committee was able to get input from the members about areas of academic honesty that they are concerned with. She stated that more than likely there will be some changes to Section 4.2 of the student Code of Conduct. Other concerns are how we actually enforce the code and encourage faculty members to report violations.

Bicknell-Holmes stated that the committee has agreed that there needs to be language that addresses the boundaries of group work and how it is defined. She noted that another area of concern is plagiarism. Not just plagiarism of printed material, but of visual material as well.

Bicknell-Holmes stated that discussions with the committee started drifting towards the Law College honor code, which is lengthy. She stated that most of the questions that the committee has had have been about procedures and how these can be applied in a standard way. She noted that the idea is to set up an easy to use process and this might be accomplished by looking at best practices. She stated that she is hoping to have a small subcommittee that can work over the summer on academic integrity. She pointed out that the literature that has been found on the subject has been varied. She stated that honor codes do seem to work as long as there is a structure to promote and encourage it.

Bicknell-Holmes stated that the committee is discussing the creation of an academic integrity center which could provide an easy way for faculty members to report cases and could assist students and instructors with clarification on academic identity issues.

Flowers stated that faculty members might resolve cases of academic dishonesty on their own but often do not report it. The problem with not reporting cases is that there might be repeat incidents with a student which would create a pattern. This could identify a problem that needs to be dealt with by Judicial Affairs but faculty members have stated that the current procedures for reporting incidents of academic dishonesty are just too troublesome. He pointed out that there needs to be a way to get faculty members to report these cases. He noted that the written code currently states that any incident of academic dishonesty that results negatively on a grade must be reported.

Fech asked whether the committee has discussed plagiarism. He noted that there seems to be different definitions of plagiarism among faculty and students. Bicknell-Holmes stated that the committee did discuss this and feels that this is an issue that needs to be addressed. She pointed out that 70% of the cases that are reported involve plagiarism, but the definition of plagiarism is much more abstract than it sounds. She noted that there are different citation practices in different fields.

Bicknell-Holmes stated that the University Libraries has been looking into what is being taught at the high school level regarding plagiarism. She stated that it has been discovered that students know what a citation is, but students are confused when it comes to understanding what and when things need to be cited.

Rapkin noted that plagiarism is an abstract issue that can be difficult to distill down to a list of do's and don'ts. He pointed out that he has different expectations from freshmen than from seniors on citations and plagiarism. Bicknell-Holmes stated that there needs to be a connection for students when writing about what they need to reference. She noted that students want to know how many words they need to change before they have to cite something or before it is considered paraphrased.

Bicknell-Holmes stated that some students have pointed out that unless they see consequences for cheating, they are not going to change their behavior. She noted that the students felt that severe repercussions should follow if a student is caught cheating.

Fech asked if there were intellectual property issues. Bicknell-Holmes reported that there was discussion with the students on the committee about whether the instructor needs to be informed if a student uses a paper they wrote for a different course. She stated that students need to know that it is appropriate for them to inform the instructor when a paper has been used in a previous course.

Bicknell-Holmes stated that she is hoping to form a subcommittee of 3 – 5 people who can work on some of the issues facing the committee over the summer.

Stock stated that there is a general feeling that instructors need to take care of their own housekeeping by resolving issues of academic honesty on their own. He noted that he

understands the need for identifying serial offenders but reporting cases of academic dishonesty is an alien philosophy in many departments. Bicknell-Holmes pointed out that to many people it might feel like tattling. Stock agreed and stated that instructors may feel that they have taken care of the problem within their class.

Flowers pointed out that if the violation is severe enough to require a substantial sanction, like lowering a grade, then it is severe enough to be a violation of the honor code. He noted that, if there is written proof of a student lying in some way, than it should be reported.

Lindquist stated that he liked the idea of a center for academic integrity. He stated that he thinks instructors do not report cases of academic dishonesty because there is uncertainty about what will happen. He stated that the instructors might feel that their resolution to the incident is all that is necessary, but if it is just a matter of reporting the incident, instructors might be more willing to report it. Flowers stated that he has asked if other sanctions will be taken if he reports an incident. He stated that most of the time further action will not be taken unless the student has repeatedly been reported.

Rapkin pointed out that instructors might want to retain some flexibility in cases of violations because there are all kinds of variations of violations. He noted that faculty members want to preserve autonomy in these situations, yet the institution also has an interest in handling such instances in a consistent manner. He stated that the other part is that both the university and faculty have a strong interest in deterrence. He suggested that a report be published each semester indicating the number of cases that have occurred and resulted in sanctions.

Bolin asked if names are attached when incidents are reported. Flowers stated that Judicial Affairs knows names when an instructor makes a report. He stated that a student may be questioned if he/she has been reported previously. He pointed out that Judicial Affairs is trying to identify problem cases.

Bolin noted that it may be easier to get instructors to comply with reporting if it can be done automatically. She suggested that there might be a grading function that might allow an instructor to make a report when grades are turned in.

Flowers stated that he had a situation where a student made a serious violation early in a course. He reported it and an immediate sanction was taken. When he received the grading sheet an F was already recorded for the student.

Rapkin noted that as technology changes, so will the issues involving academic honesty. Fech pointed out that the committee seems to be addressing issues for both faculty and students. Bicknell Holmes stated that there have been a lot of good issues and discussions with the committee. She stated that she will report back to the Executive Committee sometime in the fall.

3.0 Changes to University Benefits (Professor Hope, UNL Faculty Representative to the University-wide Benefits Committee)

Hope noted that there is no mechanism in place for the faculty representative to report back to the Senate about the University-Wide Benefits Committee. She reported that this committee is composed of faculty and staff representatives from each of the four campuses. Administrators from the campuses and from Central Administration also sit in on the meetings. She stated that she has two specific items to report on.

Hope stated that the first item is the health care reimbursement account. She noted that the federal law regarding the reimbursement account has changed. Expenses can now be submitted for payment through February/March of the following year, if the employer chooses. She pointed out that, although the federal law was changed several years ago, the university has not adhered to the changes.

Hope stated that she had asked why the university has chosen not to make changes to the health reimbursement account. She reported that the University-Wide Committee was informed that there were two reasons: the first was that this would create a complication in the paperwork for the Benefits Office. The second is that a person who is enrolled can have a procedure done early in the year and receive the full amount of their share of the reimbursement account, even though he or she has not yet deposited this entire amount into the account. What could happen is that this person could quit before depositing the full amount and he or she would not be liable for paying back the amount they used for a medical expense. She stated that this loss is made up by those people who do not use all of their reimbursement money for the year. She pointed out that the University-Wide Benefits Committee was informed that only a few people leave very much in the account so the overall dollar amounts in question are not large.

Prochaska-Cue stated that people may not know what their full medical expenses are going to be until December and sometimes it is too late for them to be able to use all of the money in their account. She stated that if the university was to follow the federal changes, this would allow people with health situations to have more flexibility in using the health care reimbursement account since they could use any “excess” funds in the first three months of the following year.

Prochaska-Cue asked if there was information on how businesses have dealt with the change in the federal law. Hope noted that she asked this question and was told that for-profit businesses could absorb the financial loss that might occur with these incidences.

Prochaska-Cue stated that the question is whether the health reimbursement account and submitted expenses comes out evenly at the end. She noted that there is some suspicion on campus that excess funds from people not fully using the money in their health reimbursement account. Hope stated that no information was provided on the actual figures involved with the health reimbursement account. She stated that she would be happy to go back to the University-Wide Committee to argue for this information. She stated that she thinks there should be some other plan on how to make up the health care

reimbursement deficit if there is any. She pointed out that no one else on the committee showed any interest in pursuing this argument.

Fech asked about sequential medical expenses. He noted that having a longer period of time for people to submit expenses would allow more flexibility for the employee, especially in situations of orthodontist work where expenses are paid out over a period of time.

LaCost asked if there was any data on how many not-for-profit organizations embrace the new shift in federal regulations. Hope stated that she would be happy to ask for that information.

Prochaska-Cue stated that some people have a more fluid health situation and having more flexibility in using the health care reimbursement account would help. She pointed out that it can be difficult to predict what health care expenses will be needed.

Konecky noted that the concept is that a person could receive \$1200 worth of money from the health reimbursement account without having to pay it back should the person quit before the year is passed. Hope stated that she does not think that many faculty members do this and her guess is that it might occur more often with people whose job tenure is more fluid. Shea stated that the university's current policy on the health reimbursement account almost encourages people to take advantage of the situation. He noted that if the policy was changed it would be able to follow the federal policy. Hope noted that she has the impression the policy to use the funds before they are paid in is part of the federal regulations but she can check on that to be sure.

Franti pointed out that the administration's argument falls apart. He noted the funds will be replaced in March. He stated that when changes are made to federal regulation that benefits the administration, the university jumps on them quickly but this does not seem to be the case when it benefits the employees. He made the following motion:

“The Senate Executive Committee unanimously supports immediate change to the Health Care Reimbursement Account to follow the federal law, allowing use of previous year funds in the first quarter of the current year (through March).”

Motion seconded by Prochaska-Cue. Franti pointed out that our benefits should reflect the changes made in the federal regulations. He noted that once the change is made, carry-over funds to pay for shortfalls will be available at the end of the first quarter. He noted that it is not proper to use funds of those paying into the account to payoff losses of those that leave early, when it is our option (per federal regulations, to use that money). He stated that rules can be promulgated to require those who leave employment to pay back funds used that were not paid. Motion passed unanimously.

Lindquist stated that if the University-Wide Benefits Committee does not make any changes, then Hope should notify the Executive Committee so that it can be taken to the

Senate for a motion. Hope stated that the next meeting of the University-Wide Committee will not be until September but she will take it back to Vice President Dietze.

The Committee agreed to invite Vice President Dietze, Director of University-Wide Benefits, and Vice President Lechner, Business and Finance, to meet with the Committee to discuss its concerns.

Hope stated that she also wanted to report on the wellness programs. She stated that a health risk assessment survey is being planned. She noted that the university is contracting with Blue Cross/Blue Shield to conduct the survey and the benefit of participating will be a small addition to an employee's wellness benefit (e.g., additional coverage of annual physical exam).

Hope stated that the survey will be conducted on-line and health fairs are coming to the different campuses. She reported that participation will be strictly voluntary. She noted that the wellness people are particularly excited about this plan and it will help them focus their efforts. She stated that those who participate will be provided with feedback on what they can do to stay healthy.

Hope noted that one question that has been raised is how extension personnel will be able to have access to the program. She stated that the discussions are just beginning to address this problem but it is believed that the program will be made accessible to everybody.

LaCost asked if this would include dependents. Hope stated that they would also receive the benefit if they participate.

LaCost noted that the monetary benefit is through the university's health care plan. Hope stated that this is correct.

LaCost pointed out that a lot of personal information will be asked of people. Hope stated that Blue Cross/Blue Shield has assured the university that information will be collected as group data, and individual information will not be released..

Shea suggested that people who have regular health checkups can have their physicians provide the necessary information. He pointed out that this could save a lot of time. Hope stated that she is not sure whether physicians could legally provide this kind of information.

Shea, stated that he serves on the Chancellor's Wellness Committee, and he has heard that there might be some other specific advantages to participating in the survey. There might be additional allowance for other physical tests. Hope stated that this has been discussion on a possible extra benefit if an employee uses prescriptions by mail or generic prescriptions. She pointed out that the extra benefits would be modest dollar amounts for most people.

Fech asked if there has been any discussion on employees joining a campus recreation center for free. He noted that employees in other parts of the state would not be able to take advantage of this benefit. Hope stated that she has not heard any discussion of this in the University-Wide Benefits Committee. Shea stated that the Chancellor's Wellness Committee has talked about this and is interested in it. He stated that exploring this benefit would be a positive thing.

Prochaska-Cue noted that there is a small group of faculty members on campus that are covered by federal Blue Cross/Blue Shield. She asked if they would receive the wellness benefit. Hope stated that it is her understanding that they would not be able to get this benefit.

Hope stated that one question that needs to be asked is whether this will save the university money in overall health costs. She stated that the Committee was informed that there would be no expected savings. Shea stated that the message the Wellness Committee has been receiving is that it might take some years to see any benefits but more than likely there will be benefits.

Hope noted that everyone received the email messages on retiree changes. Franti asked if the changes were in response to a federal requirement. Hope stated that this was her impression.

Hope stated that another item is a bill in the legislature that states that businesses would have to allow dependents up to the age of 30 to stay on a parent's insurance. She pointed out that this would require payment but it would not be as much as COBRA. She stated that two stipulations are that the dependent cannot be married or living out of state.

Prochaska-Cue asked if this covers grandchildren. Hope stated that she believes it does if they qualify as dependents.

Fech thanked Hope for reporting to the Executive Committee and suggested that she come back and report after the September meeting of the University-Wide Benefits Committee.

3.0 Announcements

Prochaska-Cue stated that she attended the Board of Regents meeting and reported that during the meeting there was some discussion on salary increases. She stated that data on the salary gaps of the four campuses as compared to their peer institutions was provided. She noted that the Regents accountability measure on salary increases states that the increases should be awarded, to the extent possible, on the basis of merit, not solely on merit as the Executive Committee has been told.

Prochaska-Cue reported that the Regents started working on the preliminary budget for 2009-10. She stated that Ron Withem, Associate Vice President for University Affairs, briefed the Board on the budget situation with the legislature and provided the Regents

with a list of bills that are of interest to the university. She reported that there was discussion on raising the tuition at UNMC.

Prochaska-Cue stated that the Regents also heard about identify theft policies that are being implemented at the university.

Prochaska-Cue stated that she spoke with the consultant who is conducting the interviews for the five-year evaluation of Chancellor Perlman. Shea stated that he hoped that the consultant got a cross section of faculty members for the interviews.

4.0 Minutes of 4/22/2009

Corrected minutes will be on record at the end of the meeting.

5.0 Unfinished Business

5.1 Draft Policy on Misconduct in Research

Franti noted that the motion on the floor of the Senate to rescind the PC-B procedures and approve the draft policy on misconduct in research has been withdrawn. He asked if the ad hoc committee that developed the draft will be working on it over the summer.

Lindquist stated that the ad hoc committee will be meeting over the summer. He stated that the plan is to come up with a newly revised draft that will be presented to the Senate in September.

Franti suggested that the new chair of the Academic Rights & Responsibilities Committee be included. Lindquist stated that this was a good idea and he would also like to keep Shea on for continuity. Shea stated that Professor Boden, University Libraries, will be the new chair of the ARRC.

Franti asked if the ad hoc committee will go through the same process, giving the draft to the Executive Committee to review before it goes to the Senate floor. Lindquist stated that he hopes to do this although the timing will be tight.

Shea noted that having discussion in the Senate was a good thing because it provided a broader review of the policy. He pointed out that the ad hoc committee wants and needs people to raise issues about the policy to ensure that we have a policy that will work well. He stated that this is a good demonstration of how the faculty and administration can work together to come up with a policy that is acceptable to both the administration and the faculty.

Prochaska-Cue pointed out that she does not think that the Academic Rights & Responsibilities Professional Conduct A procedures will be revoked, as Emeritus Professor McShane suggested at the Senate meeting, if the draft policy is approved. Shea and Lindquist agreed. Shea pointed out that McShane's comments did help to draw attention to the importance of the policy.

Prochaska-Cue reported that LB 674 regarding internal audit procedures at the university is in the general file of the legislature. Shea stated that he spoke with Associate Vice

Chancellor Moeller about this bill. He noted that the administration seems to be in favor of the bill. He stated that there have been some questions and concerns about the bill but he understands that the language has been changed which might address some of these concerns. He stated that it would be good to see the revised bill. Prochaska-Cue stated that the newly revised bill can be found on-line.

Shea stated that there are some positive things in LB 674 but there is concern that there is language in the bill that could make it difficult or impossible to get access to some records. He noted that it is already difficult to get some financial information and if the bill prevents access to even more information, he would be against it.

6.0 New Business

6.1 Review of Senate Meeting

Prochaska-Cue stated that she was serious when she suggested at the Senate meeting about UNL hosting a conference on academic freedom. She pointed out that faculty, students and the administrators could all be a part of the conference. Rapkin stated that the committee looking into the dis-invitation of Dr. Ayers is suggesting this conference. Franti suggested that it could be co-sponsored with the local AAUP chapter.

Shea stated that he was glad to see the discussion and debate that occurred at the Senate meeting. He pointed out that we need to have more discussions like this and people need to be comfortable about speaking at the meeting. He stated that the Committee needs to promote discussion at the Senate meetings.

Flowers stated that having discussions in the Senate allows people to see how much diversity of opinion there is on campus. He pointed out that people often don't realize that there are such different groups within the university with such a range of opinions.

Prochaska-Cue stated that she hopes to see more motions coming from the floor. She noted that there seems to be an expectation that motions should come from the Executive Committee but this is not the case. Senators are free to make motions from the floor.

Franti stated that the Committee should continue to point out the characteristics of what we should be doing at the Senate meetings and remind people that they are there to offer their voice and opinions on issues. He stated that people need to express their views and the Committee needs to encourage this more.

Lindquist stated that he did not know why Professors Wunder and Peterson did not modify their motion given the discussion that occurred during the meeting. Shea noted that the motion did bring attention to the fact that the faculty does have some serious concerns with the budget cutting procedures. He stated that he believes the outcome of the motion would have been different if it would have been worded differently. Franti pointed out that some senators spent a lot of time preparing for the discussion on the motion.

Flowers noted that the next time anything can be done about the procedures more than likely won't be until after the Chancellor announces his budget cuts.

Lindquist stated that the Committee should meet with the chair of the Academic Planning Committee over the upcoming year. He stated that there needs to be a better mechanism that would allow faculty to have better input into the budget cutting process.

Shea noted that there are a significant number of administrators on the APC and that this could have some influence on the APC's decisions. He stated that the question needs to be asked whether the APC is really functioning the way it was intended.

Fech stated that he has plan on having Professor Bender, chair of the APC, and Professor Eckhardt, Faculty Senate designee to the APC, meet with the Executive Committee during the summer.

6.2 Outside Letters of Recommendation for Promotion and Tenure

Rapkin asked how many outside letters of recommendation are being asked for in other departments and colleges. He noted that in the past, Arts & Sciences has usually required three, but departments are now expected to have 5 – 8. He pointed out that this could be a practice that is difficult to sustain. Stock has stated that he has heard that some chairs are being pressured to have 8 – 9 outside letters.

LaCost stated that another question regards the content of these letters. She pointed out that what is being asked of from outside references varies. She wondered if the writer of the letter is only to judge a person's research work. She stated that she would like to see some more consistency in what is required in these outside reference letters.

Lindquist reported that some departments in IANR might require outside reference letters but not all. He noted that one of the goals of the Life Sciences Review Committee is to make this a requirement.

Lindquist noted that this would be a good conversation to have with SVCAA Couture when the Committee next meets with her.

6.3 Lack of Meetings with Administrators

Rapkin noted that the Committee is concerned with the lack of meetings with the administrators since they have often cancelled scheduled meetings with the Committee. He asked if there would be some advantage to meeting with Associate to the Chancellor Poser if the Chancellor cannot meet with the Committee. Fech stated that he remembered the Chancellor stating that the Committee can request to meet with former Associate to the Chancellor Howe when he was here so he assumes the same would hold true for Associate to the Chancellor Poser.

Franti felt that the Committee needed to meet directly with the Chancellor. LaCost pointed out that the Committee would only meet with Associate to the Chancellor Poser

if the Chancellor had to cancel a meeting. Prochaska-Cue stated that it would be better to meet with someone rather than with no one from the administration.

Prochaska-Cue moved that the Committee ask the Chancellor and the Vice Chancellors to have one of their Associate Vice Chancellors meet with us if something if they cannot attend a meeting. Stock seconded the motion. The motion passed, seven in favor, one against.

6.2 De-escalation Training

Fech noted that UNOPA had reported to the Executive Committee that they were trying to have a de-escalation training session for staff members but had no success in getting the administration to support this training. He stated that the Executive Committee suggested to the Chancellor that an on-line course, similar to the sexual harassment training could be done.

Fech reported that he recently received a message from Nancy Myers about a de-escalation training session that is being scheduled. An outside consultant, Steve Albrecht, is coming in from California to conduct the sessions and the sessions would be about diffusing violence in the work place. He stated that there will be two sessions with the staff and one for the faculty. The faculty session would focus on diffusing hostile student situations and ensuring safety in the classroom. Rapkin stated that he thought this was a fine idea but suggested the Chief Yardley be consulted about these sessions.

The meeting was adjourned at 5:05 p.m. The next meeting of the Executive Committee will be on Wednesday, May 6th at 3:00 pm. The meeting will be held in 201 Canfield Administration. The minutes are respectfully submitted by Karen Griffin, Coordinator and David Rapkin, Secretary.