

UNL FACULTY SENATE MEETING MINUTES

East Campus Union,

February 2, 2010

Presidents John Fech, John Lindquist, and Kathy Prochaska Cue, Presiding

1.0 Call to Order

President Fech called the meeting to order at 2:35 p.m.

2.0 Announcements

2.1 Elections for the Executive Committee

President Fech announced that elections for the Senate Executive Committee will occur in April and that the President-Elect, Secretary and two Executive Committee members will need to be replaced. He encouraged Senators to think about running for election. He pointed out that serving on the Executive Committee is a labor of love but a great opportunity to learn about the campus.

2.2 Brown Bag Lunch Series

President Fech reported that a series of brown bag luncheons will be held on campus this semester. The next luncheon will be held on February 25th in the City Campus Nebraska Union. The topic will be "The Selling of the University" and will be led by Professor Stephen Baenziger.

2.3 Grant Writing Seminar

President Fech reported that a research grant writing workshop will be held on March 12th and reminded the Senate of the upcoming Research Fair April 6 – 8.

2.4 James A. Lake Academic Freedom Award

President Fech announced that a call for nomination for the James A. Lake Academic Freedom Award have been sent out. He encouraged faculty members to nominate people who qualify for the award and noted that nominations need to be made by March 5th to Professor Dwayne Ball (dwall1@unl.edu).

2.5 Interim Senate Secretary

President Fech noted that Professor Shea will be standing in for Secretary Rapkin during the Senate meetings. President Fech reported that Professor Rapkin is unable to attend the meetings due to a course scheduling conflict.

3.0 Vice Chancellor Owens

Vice Chancellor Owens stated that he was reporting for the Chancellor who was traveling. He reported that the administration is concentrating on the upcoming budget cuts. He noted that UNL's target for cuts this year is \$5.2 million and the campus is in the process of determining where reductions will be made. He stated that the next report from the forecasting board will be made in the spring. He reported that there has been some talk about the legislature going into spring recess but possibly coming back for another short session. Vice Chancellor Owens reported that the December receipts for the state looked a little better than expected.

Vice Chancellor Owens encouraged Senators to go over and look at the new Jackie Gaughan Multicultural Center. He noted that the Center is a result of a private donation made to the university and is a superb addition to the Nebraska Union. He reported that there are spectacular public spaces in the Center and scheduling of rooms will be handled by the staff of the Multicultural Center.

Professor Chouinard, Mathematics, stated that he is coordinator of the math placement exam for the Mathematics department and consequently he has had conversations with Dr. Hawkey, Director of Registration & Records, and his people about the new placement system because the old placement system tied into very tightly with SIS+. In mid-September we had a meeting and he was told that we would have a test system available for math placement purposes in late October. He stated that he finally got access to a limited such system last Friday. He stated that he doesn't really worry about math placement from this perspective because if math placement goes down the consequences are relatively minor. What concerns him is that clearly this suggests that there are some problems going on with the new student information system. He stated that it is his understanding that UNK and UNO requested that the implementation of this system be delayed from Fall 2010 until some time after that but the request was denied. He is wondering if we are absolutely certain that we will not have major problems with the new system and if not should we be

consulting together with UNK and UNO and the Board of Regents. Vice Chancellor Owens stated that he has not heard of any problems but will check on this and get an answer back to the Senate.

4.0 Approval of 1/12/10 Minutes

Professor Wysocki, Computer & Electronics Engineering, moved that the minutes be approved. The motion was seconded by Professor Peterson, Agricultural Economics. Professor Zorn, Finance, noted a few corrections to the minutes. The motion was approved.

5.0 Committee Reports

5.1 Convocations Committee (Professor Neal)

Professor Neal reported that the total amount awarded for bringing in guest speakers during the 2009-2010 academic year is \$4,750. She stated that one problem that is being encountered is that some applicants are using the old form rather than the new form that can be found on the Senate webpage. She pointed out that the old application forms will not be accepted in the future.

Professor Carlson, Veterinary & Biomedical Sciences, asked where the money for allocating awards comes from. Coordinator Griffin stated that funding sources for the convocations awards are the Special Events Fund and the Palladian Avery Lectureship Fund.

5.2 Honorary Degrees Report (Professor Geisinger)

Professor Geisinger noted that that Senate would be voting on the Pound Howard award later in the meeting. He reported that six nominations were made for the award this year and it was difficult for the Committee to select a nominee and considered giving two awards this year but in the end decided on just one nominee. He asked if there were any questions on the report.

5.3 Intercollegiate Athletics Committee (Professor Gaussoin)

Professor Gaussoin stated that the IAC reviews and makes recommendations on athletic policies. Activities of the IAC include several subcommittees: scheduling oversight subcommittee which makes sure students do not miss too many classes due to athletic events; transfer appeals committee which is convened when a student athlete requests an appeal hearing when denied transfer to another university by a coach; athletic scholarship appeals committee; student athletes of the year committee; and student athletic advisory committee.

Professor Eccarius, Special Education & Communication Disorders, noted that she has had student athletes say that she is the only instructor who sends back the periodic checks to see how the student athlete is doing in courses. She asked how much data is available on how these students are doing. Professor Gaussoin stated that the periodic check enables the athletics department to identify students who are having trouble so intervention can be taken to get the student back on track. He wanted to make a plea that instructors respond to the requests for information on student athletes. He noted that the response rate is far shorter than the IAC would like to see. President Fech pointed out that Senators should bring this information to their department and encouraged faculty members to respond to the periodic checks.

Professor Gaussoin reported that the IAC did have an action for the Senate to discontinue membership in the Coalition on Intercollegiate Athletics.

6.0 Unfinished Business

6.1 Motion on Research Misconduct Policy

President Fech noted that a motion is needed to replace the October draft of the policy with the January draft that was recently sent out. Professor Weeks, Biochemistry, moved to replace the October draft with the most recent draft. The motion was seconded by Professor Peterson. The motion was approved.

President Elect Lindquist reported that the list of improvements made to the most recent version of the draft is not long because so many changes have already been made to the policy. He noted that currently we have two policies in place to deal with research misconduct: one is the Academic Rights & Responsibilities Professional Code of Conduct-B procedures (PC-B) and the Office of Research's policy. The PC-B procedures were revised along with the ARRC procedures in September 2005 and the Office of Research policy was adopted in 2005. He pointed out that the Office of Research policy was written to address federal regulations as this was required by any institution receiving federal funding.

President Elect Lindquist reported that since 2005 the federal regulations were revised and as a result we needed to review our policy. He pointed out that the Office of Research policy did not offer faculty members the protections found in the PC-B procedures. He stated that nearly two years ago an ad hoc committee was

put together to rewrite the policy. Members of the ad hoc committee are: himself, Professors LaCost, Shea, and Boden, Associate to the Chancellor Poser, Associate Vice Chancellor Espy, and Susan Conrad, Research Compliance Services Manager. He stated that the latest version is a much improved document over what is currently being used.

Professor Peterson stated that he is under the impression that we are still operating under the PC-B procedures. He presumed that if the motion passes that we will amend the ARRC procedures and remove the PC-B procedures. President Elect Lindquist stated that this is correct. The ARRC will need to make changes to its general procedures and bring them to the Senate for approval.

Professor Peterson noted that the new policy does not require a hearing on a case of research misconduct but states that a panel will be formed and evidence collected. He pointed out that the PC-B procedures require a hearing. He stated that the new procedure states that each interview conducted for an investigation of misconduct will be recorded and transcribed, but the procedure does not state who will be doing the recording and transcribing. President Elect Lindquist reported that the ad hoc committee chose to leave the details of the process to the people who would serve on the investigation committee. Professor Peterson asked if an investigator would have to do the recording. President Elect Lindquist stated that someone would need to be brought in to do the recording and transcribing.

Professor Peterson stated that it is important that individuals be protected. He pointed out that it seems dangerous to have a vague and open ended procedure and due diligence needs to be taken to protect someone who might be falsely accused of misconduct.

Professor Chouinard stated that he has serious concerns that the rights of the respondents are not fully protected in the document. He stated that his concerns in particular have to do with section III.C of the document. Professor Chouinard moved to amend the draft of the University of Nebraska-Lincoln Policy and Procedures for Responding to Allegations of Research Misconduct on page 9. He distributed copies of his amendment and noted that it calls for inserting the word "timely" and eliminating a comma in III.C 4. and including the following language in III.C. 6. "and present evidence to rebut the testimony and other evidence used against the respondent before a preliminary determination is made by the Investigation Committee."

Professor Peterson seconded the amendment. Professor Gaussoin called the question. The motion to amend the policy passed.

Emeritus Professor McShane noted that he has worked on similar documents for over 35 years and suggested that it is difficult to amend policies on the floor and that a committee should review and address issues raised at the senate meeting. He stated that he has concerns that people can be found guilty without having the opportunity to see the evidence or confront their accuser. He pointed out that this is foreign to our system of governance, but has been told that this is what the federal government requires. He stated that there are inconsistencies with definitions in the document. He stated that the word shall needs to be used in the document if you want to hold someone responsible. He stated that the ad hoc committee should be charged to look at the legal definitions of the words shall and will. He noted that the document is asking people to handle documents that others are not authorized to give them.

Emeritus Professor McShane stated that there are two references in the document to an appeal process yet nothing in the document allows for an appeal. He suggested that the appeals process was overlooked when portions of the PC-B procedures were built into the document. He pointed out that an appeals process needs to be built into the document or the language needs to be changed. He stated that if the rules are not clear and mandates are not certain, everyone involved will be in trouble. He noted that the document asks a committee of three people to make a consensus decision. He asked if this is a majority of the three or of one. He pointed out that the committee that has to make the judgment has to know the rules under which it is operating. He stated that he would like someone to make a motion about this and pointed out that he cannot make a motion or vote since he is not a voting member of the Senate. He asked that the committee address the issues that have been raised because a responsible and clear process that allows accountability is needed.

Professor Chouinard stated that it is his understanding after the Senate approves the document it will need to go to the Board of Regents for approval. He pointed out that it is difficult to revise procedures after the Regents have approved them.

Professor Carlson asked if there is a deadline that requires the document to be in place so our federal funding is not jeopardized. President Elect Lindquist stated that there is no deadline because the current policy is still in

effect.

Professor Carlson asked if it would be beneficial to have someone with legal expertise to review the document for the legality of the terminology used in it. President Elect Lindquist pointed out that the document is a policy, not a legal document. He pointed out that Associate to the Chancellor Poser served on the committee and is a lawyer. He noted that the document was also reviewed by the University General Counsel.

Associate to the Chancellor Poser stated that she did not give the document a legal review but it has been reviewed by General Counsel Pedersen. She stated that she did not think there are any legal differences between the words shall and will. She recommends that if the Senate should approve the document that the General Counsel review it again before it goes to the Board.

Professor Chouinard stated that having a further review by General Counsel that would not lead the document back to the Senate is different than what Emeritus Professor McShane suggested. He stated that either way it could be done under the Rules of Order. He stated that it would be best to make a motion to refer the document back to the committee for further counsel with the Academic Rights & Responsibilities Committee and perhaps legal counsel. President Fech asked if it would be wise to include a specific day for postponement. Professor Chouinard suggested the motion state that the committee should report back to the Senate at the next meeting so that it is returned under Old Business.

Professor Stock, English, moved that the document be returned back to the Executive Committee, along with Emeritus Professor McShane's comments and anyone else's comments, to be scrutinized again and to get legal counsel and report back to this body at least for an interim report. The motion was seconded by Professor Carlson.

Associate to the Chancellor Poser suggested that a deadline date for comments be set. She pointed out that if a list of concerns was given to the committee earlier they could have been reviewed and addressed. President Elect Lindquist agreed. He pointed out that all of the issues that were raised have been discussed previously. He encouraged that anyone with changes be very specific about them.

Professor Carlson withdraws his second because he does not agree with "and anyone else's comments." Professor Stock accepted the suggestion and removed "and anyone else's comments" from the motion. Professor Carlson then seconded the revised motion.

Professor LaCost asked if Emeritus Professor McShane's comments are new to the ones that he previously suggested to the committee. She pointed out that the committee has already reviewed comments made by Emeritus Professor McShane. She noted that if the committee has looked at these suggestions already, it is now up to the Senate to deal with the document.

Emeritus Professor McShane reported that he met with the committee previously to discuss his concerns and thought that the committee handled most of his concerns in the meeting. He stated that he had an agreement that the changes were going to be made but the revised document does not address his concerns.

Professor Gaussoin called the question. The motion passed with 39 in favor and 6 against.

6.2 Motion to Change the Student Absence Policy

President Fech stated that Associate Vice Chancellor Wilson recommended that the language of the student absence policy be changed to accommodate student soldiers because orders from the military have recently changed. He noted that the Senate is being asked to add the language "or military training" to the policy because of more interruptions to some student soldiers schedules.

Professor Chouinard stated that he is concerned that military training may be a bit narrow. He pointed out that someone may be called up to deal with a disaster, which is really military duty and suggested that it be changed. Professor Carlson stated that the language should be order, not training. He pointed out that training is very specific and could cause confusion for the student. He stated that orders would be more appropriate and suggested that it be included further down in the paragraph as well so it is consistent throughout the policy.

Interim Secretary Shea suggested that an amendment to change the word be made. Professor Chouinard moved that the policy be amended in two ways: changing "or military training" to "or military orders" and include the language in the section of sponsored activities.

Professor Zorn stated that he was concerned with the word “orders.” He stated that he is unsure what military protocol is for some of these things and suggested military duty instead because it is a more general term. He suggested that the Executive Committee check with ROTC about this. President Fech noted that it was ROTC’s suggestion to use military training.

Professor Gaussoin seconded Professor Chouinard’s motion. Professor Carlson questioned whether there are unit orders or individual orders. He moved that the motion to amend the motion be changed from “military orders” to “military duty.” Professor Zorn seconded the motion. The motion to amend the amendment passed.

The motion to amend the policy passed.

6.3 Motion to Approve the Academic Planning Committee Procedures

President Fech asked for a vote on approving the procedures as recommended by the Academic Planning Committee. The motion passed.

6.4 Motion to Withdraw Membership in the COIA

Professor Peterson asked why the request to withdraw membership from COIA. Professor Gaussoin noted that he is the current chair of the Intercollegiate Athletics Committee and was chair when UNL first joined COIA and during this time he has not seen a lot of activity by COIA that is beneficial to student athletes. He pointed out that COIA tends to be very prescriptive in its recommendations and if institutions don’t abide by their recommendations they lose points. He stated that the organization really has no backbone either. Professor Zorn stated that the bottom line is that COIA tried to write regulations that are already in NCAA regulations. He stated that COIA should have just suggested some general principles rather than going the route that it did.

The motion passed with two voting against it.

7.0 New Business

7.1 Pound Howard Award

President Fech noted that the award is for outstanding service to UNL and asked the Senate to vote on the nomination put forward by the Honorary Degrees Committee. He noted that the award will be presented to the recipient at Honors Convocations in mid-April.

7.2 Ballot for Academic Planning Committee, Academic Rights & Responsibilities Committee, and Academic Rights & Responsibilities Panel

Professor Chouinard asked if the open slots on the ballot are expected to be filled by the March 2nd meeting when the Senate gets to vote on the ballot. He stated that he feels strongly that it is important to keep the credibility of elected committees by having people serve who have won an election. He pointed out that while it is important to keep a balance of people on the committees, if no names are added to the ballot then the list of people should be combined so that everyone is running against someone else.

Professor Chouinard pointed out that one of the faculty members listed on the ballot is a current member of the APC and the Syllabus of Campus-wide Committees states that people cannot succeed themselves on committees unless it is specified in the committee syllabus.

President Fech stated that he will ask the Committee on Committees to address the questions raised by Professor Chouinard. He pointed out the issue of the unfinished ballot will need to be addressed if more people are not identified to run for election to the ARRP.

7.3 Faculty Senate Redistricting

President Fech reported that the Senate bylaws call for the Senate Office to verify the number of faculty members in each unit every other year. He pointed out that the number of faculty members varies over time which can impinge on how many Senate representatives a department has. Professor Chouinard moved to accept the report. The motion was seconded by Professor Flowers. Professor Zorn asked which departments will be affected by the redistricting. Coordinator Griffin stated that Agronomy & Horticulture will lose a senator but Electrical Engineering and Veterinary & Biomedical Sciences will each gain a senator. The motion to approve the redistricting report was approved.

Professor Flowers moved to adjourn, seconded by Professor Wysocki.

The meeting was adjourned at 4:17 p.m. The next meeting of the Faculty Senate will be held on Tuesday, March 2, 2010, 2:30 p.m. in the City Campus Union, Auditorium. The minutes are respectfully submitted by Karen Griffin,

Coordinator, and David Rapkin, Secretary.