

EXECUTIVE COMMITTEE MINUTES

Present: Anaya, Bender, Guevara, LaCost, Nickerson, Ruchala, Schubert, Woodman, Wysocki

Absent: Purdum, Reisbig, Rinkevich, Zoubek

Date: Wednesday, July 11, 2012

Location: Faculty Senate Office

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

Schubert called the meeting to order at 3:04 p.m.

2.0 Announcements

2.1 Executive Committee Retreat

Griffin reminded the Committee that the retreat will be held on Tuesday, July 17.

Schubert stated that he would like to establish achievable goals for the 2012-13 academic year. Wysocki noted that the Committee should also discuss how to get the faculty participating more in achieving these goals.

3.0 Approval of 6/27/12 Minutes

LaCost moved for approval of the minutes as revised. Anaya seconded the motion. The motion was approved.

4.0 VC Paul and Associate VC Hamernik – Minor Changes to UNL Conflict of Interest Policy

Schubert reported that he discussed some proposed changes to the UNL Conflict of Interest policy with VC Paul and Associate VC Hamernik. He noted that General Counsel had concerns with the appeals process and whether the Academic Rights and Responsibilities Committee should be involved in the appeals process since the policy is a compliance issue, not an academic rights and responsibility issue. He stated that he asked VC Paul and Associate VC Hamernik to present the proposed changes to the Executive Committee. The Executive Committee would need to decide whether the changes would be accepted and whether full Senate approval is needed or if it could be handled by the Executive Committee. He pointed out that the policy needs to be in place by August 24 or faculty members would not be able to apply for funding from certain federal agencies.

Schubert reported that the second change in the document is to include the ARRC chair as a member of the committee that will review conflict of interest cases. He noted that this would level out the removal of the ARRC from the appeals process.

Bender stated that he has served on the ARRC and does not see a problem and that the proposed changes make sense. He pointed out that if any academic freedom issues arise in the future they can still be dealt with through the ARRC.

Nickerson wondered whether the Chancellor has been informed that he would be the person to deal with the appeals process. Guevara stated that if it came from General Counsel you would assume that they have informed the Chancellor that he would handle the appeals.

Nickerson asked if anyone raised concerns in the definition portion of the document about a faculty member having to disclose a financial interest of \$5,000 in a publicly traded entity. He noted that this figure is low. Schubert suggested that Nickerson ask VC Paul and Associate VC Hamernik when they arrive.

Woodman wondered if the document will be changed to reflect the addition of employee plus one benefit. Wsocki noted that it should be changed to match the university's definition of immediate family.

VC Paul stated that he appreciates the leadership of the faculty and noted that the faculty is at the heart of all the good things that are happening at the university. He stated that there is an aggressive agenda on the research component of the university and some of the research issues are bringing up some challenges that we need to manage.

VC Paul stated that there is a national effort by the federal government to control conflicts of interest in research. He reported that this effort developed as a result of some major cases of conflicts of interest, particularly, an incident that occurred at Emory University where a faculty member was being funded for research but gained personal benefits due to working with the private sector on the research project. A Congressional effort led by Senator Grassely from Iowa questioned whether people receiving federal funding can be impartial in federally funded research efforts that might also benefit them personally. He stated that the NIH is the first agency that institutions must be in compliance with in order to receive funding. He pointed out that the university must be in compliance, including training by August 24. He noted that training and annual disclosure of managing and documenting sponsored travel will be a huge burden on us but something that must be done.

VC Paul stated that not only will activities from private sector industries need to be disclosed, so will funding by professional societies. He stated that if a professional society funds a faculty member for travel and they are funded by a grant, they will have to report the travel and disclose the funding they have received for it. He stated that this is something that we will have to do to comply with federal regulations.

VC Paul noted that the conflict of interest policy was approved by the Senate, the deans, Chancellor, and Vice Chancellors. He stated that Chancellor Perlman suggested having General Counsel review the document to make sure it is legally appropriate and in line with the Board of Regents policy. He pointed out that the Board of Regents asked that

each campus develop its own policy in addition to the university policy that was approved by the Board.

VC Paul stated that General Counsel Pederson stated that the policy was fine but suggested removing the statement that an appeal can be made to the ARRC because it was unnecessary. He noted that the Chancellor has to approve any decisions, but the conflict of interest committee manages the process of the appeal and recommends the management plan before a final decision is made by the Chancellor. He pointed out that the document is cleaner if the appeal goes to the Chancellor. He stated that the process does not negate the right of the faculty member to go to the ARRC, and the chair of the ARRC serving on the conflict of interest committee can recommend that the faculty member file a complaint with the ARRC.

VC Paul stated that the Senate's concurrence with the changes is needed and he hopes that the Executive Committee can give him the green light to proceed with getting the document in place. He stated that once it is approved by the faculty, he will send an email message to the Chancellor, and when he accepts the changed document it will go to President Milliken and the Board for final approval.

Nickerson noted that the Executive Committee briefly discussed the changes earlier and seems to be in general agreement with the proposed changes. Anaya noted that some concerns were raised, specifically, will the document be changed to reflect the employee plus one status that was approved by the Board. VC Paul stated that language reflecting the new benefit will be included in the document. Associate VC Hamernik noted that the Board of Regents will be changing the language in the university's conflict of interest policy to coincide with the employee plus one benefit.

LaCost asked if all faculty members need to be trained on the conflict of interest policy. Associate VC Hamernik stated that initially just those faculty members and graduate students receiving NIH grants will have to be trained. She reported that UNL will be offering training sessions on the new disclosure of interest form for any faculty member. VC Paul noted that training will broaden in the future.

Nickerson asked who specified the language for the section relating to significant financial interest. He pointed out that \$5,000 is a low figure for having to report financial interest. Associate Hamernik stated that the language is according to federal regulations and is a federal mandate.

Schubert asked if the Executive Committee can move to approve the changes. Griffin noted that according to the Senate Bylaws, the Executive Committee "shall act for the faculty between meetings of the Senate and the Assembly." Bender moved to approve the changes. The motion was seconded by Nickerson. The motion to approve the changes to the conflict of interest policy was approved unanimously.

5.0 Unfinished Business

5.1 Survey of Non-tenured Faculty Members

Schubert reported that he sent SVCAA Weissinger a memo explaining the reason for conducting the survey but he has not had any response back yet. He suggested the Executive Committee think about what the rights and responsibilities of non-tenure track faculty members would be and to compile this list that eventually could be presented to the administrators. He noted that the discussions so far have been very helpful but the Committee is still in the process of creating ideas and figuring out what the recommendations should look like.

Griffin reported that she has obtained a copy of each of the college's bylaws except for Engineering which is currently revising its bylaws. She noted that she is starting to work on obtaining department bylaws. Schubert stated that he did get information that the department bylaws are to follow the college bylaws. He noted that in reviewing the college bylaws it is easy to understand the disparities in rights that exist among the non-tenure track faculty members.

Schubert stated that a summary report will need to be given to the Senate on the survey. He suggested a draft policy on the rights of non-tenured faculty members be created that could be implemented by all of the colleges. He asked if the Executive Committee should create the policy or whether an ad hoc committee should be appointed. Nickerson suggested that this be discussed at the upcoming Executive Committee retreat because it could be a goal of the Committee.

Guevara stated that the department's faculty has to decide what is best for their department and while the survey clearly indicates that there are some disturbing concerns for non-tenured faculty members, it is the responsibility of each department to fix the problems. He stated that the Executive Committee can make suggestions on how to correct some of the problems. LaCost noted that some departments have a definite hierarchy and some faculty members do not want non-tenure track faculty members voting in the department. Guevara pointed out that it is up to the faculty in each department to make the decision as to who can and cannot vote although they cannot conflict with college or university bylaws. Woodman noted that several colleges already provide voting rights to non-tenure track faculty members and Arts & Sciences should allow this as well.

Ruchala asked if there are college-wide committees that could work with the deans on non-tenure track faculty members' rights and responsibilities. Guevara stated that the college executive committee could possibly do this work.

Schubert noted that Arts & Sciences gives great flexibility to its departments in determining their bylaws. He suggested that department bylaws could change with respect to non-tenure track faculty rights if suggestions come from a broad community like the Faculty Senate. He pointed out that the faculty can set an example of how it wants to behave and that providing rights to non-tenure track faculty members shows respect for them. Guevara pointed out that the Senate cannot dictate voting rights for

non-tenure track faculty members. Schubert agreed, but stated that tenured faculty can exhibit good behavior and respect to other faculty members.

Guevara stated that departments need to decide whether people who are not full-time can vote on issues. He pointed out that some departments can become heavily loaded with part-time faculty members on a limited contract. He stated that some decisions need to be made by people who are more than likely going to be here for a long time rather than those on a contract.

Schubert suggested getting the colleges to implement general rights or responsibilities for non-tenure track faculty members. Guevara stated that tenured faculty members should be asked who they think should have voting rights. He doubts that some departments will approve voting rights for non-tenure track faculty members and the Senate should not suggest to deans that everyone needs to vote if the majority of the tenured faculty members do not agree. Ruchala stated that the Senate could show what other units on campus are doing with non-tenure track faculty members' rights and the Senate could put forth a more enlightened perspective. She pointed out that the flip side is that there are people on contracts who have been here much longer than some tenured faculty members and there is no guarantee that a tenured faculty member will remain at the university. She stated that if non-tenure track faculty members are doing the work than they should have some say in the department. Guevara stated that this wouldn't work for all departments. Schubert asked if a handful of people should have the right to make decisions for everyone else in a department. He asked if this is a democracy.

Ruchala pointed out that some of the college bylaws have included different degrees of involvement for non-tenure track faculty members and suggested that this could be done in Arts & Sciences. Woodman noted that the CASNR bylaws has two definitions of faculty members and clearly states who has voting rights. Wysocki agreed that the Senate should seek for a middle ground. He pointed out that if we want to provide recommendations on voting rights for non-tenure track faculty members we should also survey tenure track faculty members on whether non-tenure track faculty members should have voting rights. Woodman disagreed. He pointed out that there are non-tenure track faculty members who are committed to the university and do a lot of teaching in a department. He stated that these people should have the right to state their opinion on curriculum issues. He stated that the college bylaws should define the faculty. He stated that not providing voting rights to non-tenure track faculty members disenfranchises a large number of faculty members who are being hired to do a large part of a department's work. He pointed out that many departments are hiring professors of practice. LaCost noted that colleges are transitioning to less life time appointments and are moving to a higher percentage of people on contracts.

Guevara suggested that this effort needs to come from the bottom up rather than from the top down. Otherwise the Senate will do a disservice to the faculty. Schubert stated that he plans on asking the Senators to bring the discussion to the departments and let the Senate know what they are thinking on the issue.

Guevara stated that another issue occurring in the department related to the non-tenure track faculty members is the hiring of temporary faculty. He noted that sometimes chairs will just hire someone without consulting with the faculty members in the department. He stated that it would be a good idea to involve a department's faculty members in the temporary hiring decisions. Schubert noted that departments cannot single handedly hire temporary faculty members because Human Resources is involved in the process and a committee is required.

Nickerson noted that initially the survey was to be conducted on lecturers, senior lecturers, and professors of practice, not research professors and others on soft money. Schubert pointed out that not all research assistant professors are on soft money and that more contracted faculty members will be hired. He reported that Virginia Tech University now has a ratio of 1 to 3 tenured to non-tenured faculty members and these positions are not going away. He stated that he would feel uncomfortable with only a handful of people in a department, particularly a large department, making decisions for the entire department. Guevara pointed out that in theory tenured professors carry more responsibility than non-tenure track faculty members. He stated that it is the tenured and permanent faculty members who decide the goals of their departments. Schubert agreed but said that he can bring examples of non-tenure track faculty members who are doing as much work as tenured faculty members and the issue boils down to voting rights.

Nickerson stated that the Executive Committee needs to decide what to do as a result of the survey. He stated that the Committee needs to decide on appropriate recommendations.

LaCost pointed out that the tenured faculty members may have a sense of ownership of the institution and taking care of their unit. She stated that people on contracts may not have that same sense of ownership, but the trend is to move more towards non-tenure track faculty members. Woodman pointed out that the faculty has changed in recent years and individual faculty members may not be committed to the departments as they used to be. Schubert stated that there is a change to the faculty. He noted that ten years ago people were more isolated but this is beginning to change because more funding opportunities are available for those faculty members working with others either within or across departments. He stated that his idea with the recommendations is to have faculty members treated alike.

5.2 Changes to Student Code of Conduct

Woodman pointed out that the Executive Committee needs to be involved in the proposed changes of the Student Code of Conduct, particularly the Academic Honesty section. Guevara stated that he is aware that some of the fraternities and sororities have test file banks. Woodman pointed out that Safe Assignment is a program that can be used to help identify plagiarism, but students giving out a copy of their paper or exam is a problem that needs to be addressed.

Wysocki stated that an argument can be made that a paper is a student's intellectual property and they are entitled to do whatever they want with it. Woodman pointed out

that there is a big difference between someone turning a paper in as opposed to getting it from the public domain. He noted that the real issue is whether an instructor chooses to punish a student who is found cheating.

Guevara stated that stronger language is needed in the academic honesty section of the Student Code of Conduct because plagiarism is rabid now. He stated that students need to learn to use materials without just copying and pasting. Anaya stated that the question is who is teaching students how to do research. She noted that there is the assumption that everyone should know how to do this but in fact they don't. Woodman asked if the library resources class is still required. Anaya stated that only one class is offered and very few instructors want to require that students take the course. She stated that not every instructor teaches their students how to use the library for research. Woodman pointed out that students should be required to take a library resources course early in their career at the university. Anaya noted that there is no set place for students to go to learn how to do research. She asked if it should be a requirement in the English department that every incoming student has to take this course or should majors require it. Nickerson suggested that the Executive Committee make recommendations on how to overcome or address the problem. Guevara stated that colleges can require a library resources class. Anaya pointed out that it is important for the colleges to require students to take the library resources class in the first or second semester on campus. She wondered if this could be made a university-wide requirement.

Schubert suggested that the Executive Committee review the 2010 report from the Senate's ad hoc Academic Honesty Committee and discuss the issue further.

6.0 New Business

6.1 Agenda Items for Chancellor Perlman

The Executive Committee discussed agenda items for the meeting with Chancellor Perlman:

6.2 Temporary Housing for International Students

Guevara asked if there is any place for international students to stay on campus for a few days when they first arrive to campus and before they can obtain an apartment. Schubert stated that the students have to have a university identification number and you need to hope that a room might be available. Nickerson stated that he has put up graduate students at his house for a few days because of the lack of availability for short-term housing. Guevara pointed out that other universities have facilities where students can pay to rent an apartment for a short period of time. Schubert stated that this ties into the Chancellor's goal of increasing student enrollment, particularly international student enrollment. He noted that there are many residence halls on campus and there is no reason people can't live in one of these halls for a short period of time.

Nickerson stated that the university could save money if they had a pool of decent apartments for short term use. He stated that seminar speakers and other visiting faculty members could use these apartments. This in turn would save the university significant money because the visitors would not have to stay in hotels which are more costly.

Schubert stated that he needs to contact VC Jackson and Sue Gildersleeve, Director of Housing, to arrange a meeting so there can be a discussion about the need to house international visitors on a short term basis. LaCost suggested that Associate VC Wilson be invited to the discussion because he is the Chief International Officer on campus now.

The meeting was adjourned at 5:07 p.m. The next meeting of the Executive Committee will be on Wednesday, July 25 at 3:00 pm. The meeting will be held in 201 Administration. The minutes are respectfully submitted by Karen Griffin, Coordinator and David Woodman, Secretary.