

EXECUTIVE COMMITTEE MINUTES

Present: Bender, Guevara, Joeckel, Konecky, Nickerson, Purcell, Rinkevich, Rudy, Woodman, Wysocki

Absent: Ruchala, Sollars, Steffen

Date: Wednesday, November 12, 2014

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

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

2.0 Chancellor Perlman

2.1 What is the policy or bylaw that was used as an explanation of why extension faculty members needed to resign from a board?

Having just arrived back from Brazil, Chancellor Perlman stated that he did not have all of the information on the incident, but it seems that any management within the University can deal with conflicts of interest and there may be instances when it would be good to avoid any conflict. Nickerson reported that he met with VC Green about the issue who informed him that there is an overall university policy that extends over all faculty members and extension faculty members are subject to two additional policies, one of which is that extension personnel can consult outside the state of Nebraska but not within the state, and they cannot be members of boards that are federally or state mandated.

Nickerson stated that he had plans to review the university's conflict of interest policy. Chancellor Perlman noted that it seems the university's conflict of interest policy is revised approximately every two years, usually in conjunction to changes made by the government which requires us to comply with its regulations.

Chancellor Perlman pointed out that extension faculty members are to provide consultation to people in the state without compensation and there would be real problems created if financial charges were made for any consulting. He noted that for the most part, conflicts of interest are about disclosure, but there are some instances that would be prohibited. He reported that the easiest conflict of interest to deal with is nepotism. Purcell asked who determines whether something is considered a conflict of interest. Chancellor Perlman stated that there are some clear definitions, but there is a general notion that if you are in a perceived position of conflict between your personal and your professional interest it needs to be managed.

2.2 Update on Alleged Rape Case

Chancellor Perlman noted that most people have seen the allegations as reported in the newspapers. He pointed out that he cannot comment on the case itself. He noted that there are two matters associated with the alleged case, the one that is more public is being handled by the Lincoln Police Department and occurred off campus. He stated that this case was reported to UNL within a day or two of the alleged event and the allegations are that a faculty member had raped a student in his apartment. He reported that when the administration was made aware of the incident the faculty member was told he could have no further contact with students and had to be off university property. He pointed out that the faculty member left for Europe within days after the alleged incident and the university was unable to talk to him for a period of time. Upon his return it was determined through the university's processes that the evidence seemed to tilt towards him being involved in the crime so he was terminated. However, the faculty member still has all rights of appeal available to him within the University should he ultimately be found not guilty.

Nickerson asked if the termination occurred on August 23. The Chancellor stated that the faculty member was terminated whenever he returned, and as far as he knows the investigation by the Lincoln Police is continuing and the faculty member is being prosecuted.

Chancellor Perlman reported that the alleged victim filed a complaint with the Department of Education Office in Kansas City claiming that the university did not act quickly enough and did not keep her informed of the investigation or provide her with enough information about it. He stated that he believes that our records will show otherwise, but she is entitled to file a complaint. He noted that he received a phone call from the Kansas City Office and informed them that he was happy to have them look at the records, but what is disconcerting is that the Department of Education now wants to investigate every sexual misconduct allegation at UNL since 2011. He reported that he asked if this was still necessary if the current complaint is determined to have no merit and he was informed that an investigation will still be conducted. He stated that he believes they will be here sometime in the next year to conduct an onsite investigation.

Rudy asked what UNL's obligation is to inform the alleged victim. Chancellor Perlman stated that there is a federal regulation obliging us to take steps to assure the community that it is safe, which he believes we did, and to keep the victim informed as much as she wants to be. He stated that we are obliged to let her know what the outcomes of the investigation are, if she wants to know this information, and to provide her with counseling and other forms of support which he said were provided. Nickerson noted that he met with Associate to the Chancellor Nunez who informed him that we did everything we could at the time, but no further action could be taken until the alleged perpetrator returned from Europe.

Chancellor Perlman reported that we are one of 72 universities that is being investigated until Title IX. Guevara asked if this is the first time that we are being investigated. Chancellor Perlman stated that as far as he knows this is the first time.

Joeckel noted that the Chancellor indicated that there are two matters. Chancellor Perlman stated that he was referring to the alleged rape incident and the investigation of us by the Department of Education.

Joeckel asked what would happen in the unlikely event that the alleged perpetrator is cleared of charges. Chancellor Perlman reported that we could look at this administratively on our own, but for him to do this he would have to know why the faculty member was not convicted. He pointed out that the faculty member is entitled to file a grievance with the ARRC that he was unfairly terminated.

Rudy asked if it makes any difference for UNL if the incident occurred off campus. Chancellor Perlman stated that it does not in terms of our obligations. Rudy pointed out that this makes the university responsible over a wide area. Chancellor Perlman noted that our Student Code of Conduct applies to behavior off campus as well as on campus. He feels that we have an obligation to protect our students and federal requirements expect it too.

2.3 Update on sanctions on the Farm House Fraternity and whether there have been other sanctions, and the ramifications on the Greek system.

Chancellor Perlman stated that it is clear that we have a problem with students drinking alcohol, but this is not unique to any university. He noted that when students are away from home and have no context for measuring excess and how to manage and protect themselves, over consumption of alcohol can occur. He stated that the recent death of a student was extraordinarily unfortunate and the campus is trying to eliminate binge drinking. He stated that the cause of death was clearly alcohol poisoning. He reported that the Farm House fraternity in the past has largely been immune from violations, but the officers of the house promoted the party where the tragic death occurred.

Chancellor Perlman stated that sanctions against a Greek house is essentially a two-step process. He pointed out that freshmen are required to live on campus and the first step is to protect students by finding alternative housing for the freshmen. He noted that fraternities and sororities are a privately owned organization on private property, but because freshmen are living there the university can prevent freshmen from living there. He reported that Farm House was immediately suspended after the incident.

Chancellor Perlman stated that the second part of the process is having the Vice Chancellor of Student Affairs negotiate with the national fraternity on what penalties will be imposed on the house. He pointed out that there are a number of factors that go into this determination, some of which are the willingness of the fraternity to clean up the house, to take responsibility for what occurred, how serious the national chapter takes the matter, and their recommendations on how to move forward.

Woodman stated that it seems like some of the Greek houses are moving their parties from being in the house to a party bus, and he has heard that some fraternities own other houses that are used as party houses. Chancellor Perlman stated that how this evolved is

that there were some fraternities that owned party houses, but the university was able to track this connection and tie the party to the house and could take punitive action. He noted that our understanding is that now things have evolved where the fraternity doesn't own a house, instead they find students living off campus who will rent their house out or will allow a party to occur there.

Konecky stated that when an incident like this happens the debate over having a wet or dry campus usually occurs. She asked the Chancellor what his thoughts are on this issue. Chancellor Perlman stated that he doesn't think we are intelligent enough in how we regulate alcohol whether it is a dry or wet campus. He stated that his sense is that our students are now more attuned to the dangers of binge drinking than when he was in college. He pointed out that having a designated driver did not exist years ago, but many of the students have them now.

Joeckel noted that at a recent presentation on Nebraska Innovation Campus an individual remarked that it would be possible to meet a colleague for a beer at a proposed restaurant on NIC. Chancellor Perlman stated that this is true. He pointed out that the only state property is the convention center and the restaurant would be privately owned. He stated that he hopes that the restaurant can serve as an informal faculty club in the future.

2.4 Update on the Hiring of a New President

Chancellor Perlman said that he hopes the faculty will attend the public presentation of each of the candidates because it is important, and faculty should feel, either collectively or individually, to express their views to members of the Board after seeing the candidates. He noted that faculty members can do research on the candidates since they might have colleagues that know the individuals. He stated that he would appreciate knowing what the Executive Committee's views are, but he is not a conduit for the feedback. Nickerson noted that the Executive Committee members will probably send their comments directly to the Board of Regents. Chancellor Perlman asked, if members of the Committee feel comfortable, to share their views with him.

Nickerson stated that while attending the CIC Faculty Governance conference there was talk about the search consultants requiring the selected candidate to give a significant percentage of their first-year salary to the search firm. Chancellor Perlman stated that this is incorrect. He stated that the tradition in the headhunter industry is for the employer to be charged a fee based on a percentage of the salary that is offered the candidate. He noted that when UNL has used a headhunter he has refused to sign those agreement because he wants a set fee. He pointed out that the effort to find someone is not related to the the salary that will be offered.

Nickerson noted that he is glad that we are using a search firm to find a new SVCAA. Chancellor Perlman pointed out that headhunters know the people that are out there and that are interested in such positions and they will investigate these individuals and talk with them so the next time they have a search they will likely know of someone who may qualify for a position. He noted that if an individual is treated well by a search firm, they may employ the search firm at a later date. He pointed out that we have used Paul Chou

a number of times now and he brings some advantages to us because he knows our campus well.

Rudy asked if the President's candidates were solicited. Nickerson stated that he was told that they were identified by the search consultants. Chancellor Perlman stated that this is his recollection.

2.5 Update on the Possibility of a Wage Increase in January

Chancellor Perlman stated that an announcement will be made soon about this issue.

Chancellor Perlman noted that Blue Cross/Blue Shield has restored coverage over single hospital towns that are part of the Catholic Health Initiative. He stated that he believes BCBS is willing to say that they will use the same copays if a person goes to St. Elizabeth's, but an agreement needs to be made that St. Elizabeth's will not charge them the difference.

2.6 VSIP Update – Was the decision to provide the VSIP made before July 1?

Chancellor Perlman reported that the decision was not made until the last week in August or the first week in September, and then he had to consult with Varner Hall about it.

Nickerson asked if UNO and UNK participated in the VSIP in 2010. Chancellor Perlman stated that they did but not UNMC because they have pretty much eliminated tenure. He noted that UNO provided a cap where the individual received the full incentive, but only up to a certain dollar amount and he believes they are doing something similar this time.

Nickerson noted that he was interviewed by a magazine recently about the VSIP and he was given the impression by the reporter that this was something relatively new that was being offered to professors. Chancellor Perlman pointed out that there have been quite a few programs like this particularly during the 2003-2006 period due to the recession. He noted that our first attempt, some years ago (in the 90's), did not work well and caused hardships for the departments that were struggling to fund the incentives, because we agreed to fund health insurance until age 65. He pointed out that we now have a chart to show how many years of health coverage you will have, and for many the incentives should get them past 65 when they are eligible for Medicaid. He stated that the spouses are more difficult because in many cases they are younger and the faculty member would have to pay the individual health care price for the spouse which is a significant cost. He reported that many universities began looking at these kinds of programs when the government said that mandatory retirement could not be applied to tenured faculty members.

Nickerson asked if the average age of those taking the VSIP in 2010 was ever calculated. Chancellor Perlman stated that we have all of that information. He noted that they tend to be over 65, very few of them are earlier. He reported that the numbers he saw on this year's VSIP a few weeks ago was that the campus had about 55 applications compared to a normal year where there are 13 or 14 retirements.

Joeckel asked if the Chancellor foresees this kind of program being implemented in the future. Chancellor Perlman stated that this is unknown, but it will not be done on a regular basis and whatever the incentive, it will be less than the previous time it was offered. He noted that the issue of retirement is complex and the people who take the incentive might be on the line on whether to retire or not. He pointed out that he has said internally that anybody that retired between the time the administration started talking about it at the end of August and when it was offered that we would let them take advantage of it, but not if they chose to retire before August. Bender noted that he had a couple of colleagues who decided to retire in the spring and are upset about the VSIP. Chancellor Perlman stated that he understands their feelings but they made the decision back in April and they are no worse off if the VSIP wasn't offered.

2.7 SVCAA Search Committee Timeline

Chancellor Perlman noted that VC Green wants to get the search going and SVCAA Weissinger wants to leave the position by the end of June. He stated that the hope is to get the search completed in the spring and to have someone in for the new academic year. Nickerson asked if there will be an interim. Chancellor Perlman stated that we will not have an interim if we follow the timeline. He noted that he has been out of the country conducting university business but the search committee will be announced soon.

2.8 Update on Implementation of TIPSPrevention – any complaints, glitches, how has it functioned?

Chancellor Perlman noted that he has not heard of any trouble with the program. Guevara reported that there will be a meeting of the TIPS committee on November 20th and he will report back to the Executive Committee on it. Nickerson noted that Associate to the Chancellor Nunez has agreed to speak to the Senate about it in the spring semester.

2.9 Implications for the University after the Elections

Chancellor Perlman stated that he does not think the new Governor is anti-higher education and economic development is a priority for him. Since the university plays an important role in economic development he is realistically optimistic. He noted that we still have good supporters in the legislature and even though the newspaper says that the legislature has become more conservative, we have elected some very strong advocates of the university, and not just here in Lincoln. He pointed out that whenever you have a turnover of state senators you have to start building relationships again and we have not had this large a turnover in several years.

3.0 Announcements

3.1 Graduate Student Grievance Policy

Joeckel reported that he is in the process of speaking with the graduate student about a possible policy, but this will be on hold until a future agenda. Nickerson noted that a possible solution is the possibility that graduate students can bring a grievance to the Academic Rights and Responsibilities Committee.

3.2 Meeting with Heath Tuttle, Director, Learning & Emerging Technologies & Analytics

Purcell reported that on November 6 she, along with Professor Weitzenkamp, and Director Cotton met with Tuttle to discuss the possibility of offering non-credit classes online. She noted that are two major problems of offering non-credit classes according to Tuttle. She stated that Tuttle explained that the funding that supports online courses is paid through the student technology fees and he does not see this being able to work for non-credit extension courses, particularly if 7,000 4-H'ers take these courses. She stated that Tuttle said the second challenge was "how do we know who is who," with regard to identity. Nationwide higher education is at least three years out for this capability. None of the identify management infrastructure is ready for that.

Woodman suggested that she look into Coursera. Purcell pointed out that she has already been told that this cannot be used. Woodman stated that there are places where people can offer courses for free.

Nickerson asked is there is an estimate of how many 4-H students go to the university. Purcell did not have this information and believes that it is being worked on by IANR. Nickerson noted that offering the non-credit courses to these students could help increase enrollment in the future. Joeckel suggested that Purcell speak to Dean Waller about the issue.

3.3 2010 VSIP Statistics

Joeckel stated that some of the Senator's constituents might be interested in seeing the statistics from the 2010 VSIP and the current VSIP. Guevara pointed out that Associate to the Chancellor Nunez probably has this information. Nickerson stated that he will contact Nunez to see if he has the information.

3.4 Meeting with VC Green

Nickerson reported that he met with VC Green to discuss why faculty members would be forced to resign from an organization's board. He noted that VC Green stated that everybody at the university is subject to the conflict of interest policy. In addition, extension educators are subject to two additional policies in that they cannot consult in state or be a member of any federal or state mandated boards. He reported that VC Green stated that he is re-examining the rationale that was used in asking the two extension faculty members to leave the boards they were on. Joeckel stated that the question is what VC Green plans to do about this.

Nickerson noted that the Academic Rights & Responsibilities Committee, which is looking into the issue from an academic freedom perspective might just end up clarifying what the conflict of interest policies are, and identify the two additional policies for extension educators.

The Executive Committee decided to discuss the issue with VC Green when it meets with him on December 3.

3.5 Faculty Senate Office to Relocate

Griffin reported that she received official notice that the Faculty Senate Office will be moved to Alexander West in May.

4.0 Approval of November 5, 2014 Minutes

Bender moved for approval of the minutes as revised. Purcell seconded the motion. The motion was approved.

5.0 Unfinished Business

5.1 Student Absence Form

Nickerson noted that he received some minor changes made by Dr. Guest of the University Health Center and the Executive Committee seems to be fine with the changes. Wysocki stated that questions number 5a and 5b on the form do not say whether the visit was in association with the illness. Woodman suggested that the form explicitly require a check box indicating that the student had authorized the medical practitioner to validate that they had seen the student for the illness stated in the form, if a faculty member choose to authenticate the validity of the form's content. Konecky pointed out that there may need to be a statement referring to HIPPA on the end of the form to provide information on whether the student went to a medical facility. Nickerson stated that he will check this out with Dr. Guest.

6.0 New Business

6.1 Questions for CIO Askren

The Executive Committee identified the following topics to discuss with CIO Askren at its next meeting:

- Update on learning management system situation
- Follow up on data breach and security measures since the breach
- Innovative ideas on how using computers to teach can be used on campus
- Provide a brief prospectus of general ideas of where technology is going in the classroom
- Provide a general overview of how computers can be used in the classroom at the beginning of the semester

6.2 December 2 Senate Meeting

The Executive Committee agreed to have an open mic discussion on travel reimbursement processes and procedures. Nickerson suggested that someone from the Office of Business and Finance provide information on how to get reimbursed quickly for travel expenses.

The meeting was adjourned at 4:58 p.m. The next meeting of the Executive Committee will be on Wednesday, November 19 at 2:30 pm. The meeting will be held in the City Campus Union, Room 212. The minutes are respectfully submitted by Karen Griffin, Coordinator and Tad Wysocki, Secretary.