

EXECUTIVE COMMITTEE MINUTES

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

Absent: Anaya

Date: Wednesday, April 15, 2015

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

Nickerson called the meeting to order at 3:00 p.m.

2.0 Director of Institutional Compliance and Equity Susan Foster

2.1 ASUN Resolution on Including Title IX Language on Course Syllabi

Nickerson reported that ASUN has passed a resolution requesting that Title IX Language be included on all course syllabi, but members of the Executive Committee feel that the course syllabi are becoming overloaded with information that does not pertain to the specific course. Instead the Committee suggested the possibility of putting the language on Blackboard so the students would see it whenever they accessed Blackboard. He noted that the Chancellor suggested that the Committee consult with Director Foster about the idea of putting the language on Blackboard and to get her opinion on the proposed language.

Foster noted that it is a reasonable request to put the language on Blackboard, but she cautioned that others may want to do similar things which could make Blackboard congested. She suggested that it might be better to tie the language into Registration. Nickerson noted that ASUN was concerned that anything received on the first day of class was filed away, but something that would provide a daily reminder might be more effective. Foster asked how often the students accessed Blackboard. Woodman stated that any time they are accessing a course they would use Blackboard. Konecky suggested that having the message tied to Registration could be a good addition, particularly for new students who will be coming to campus in the summer. Foster noted that students coming to campus will receive training on a variety of issues, including Title IX.

Rudy suggested that the message could appear on websites as a flash message that cycles through other important policies. He noted that while the Title IX language is very important, there are other important policies that students need to be aware of as well. Foster stated that presenting the information in the cycling message format might be better. She pointed out that people automatically start ignoring messages when they appear every time someone accesses a site. Steffen stated that if we put all of the policies

on a cycling message it could be overwhelming. Foster suggested that links could be provided to take the students to a resource page. She noted that currently a Title IX webpage for the campus is being developed.

Guevara stated that many people think everyone knows what Title IX is, but this is not true. He stated that he still believes Blackboard is the best place for the information and he is against putting it on a syllabus. Foster pointed out that the information that is presented to the students needs to be consistent across campus. She stated that the Title IX web page will provide both on-campus and off-campus resources since many of the on-campus resources are closed after 5:00 p.m. She reported that a proposal has been presented regarding who faculty and staff would report to concerning Title IX violations. She noted that before this can happen there needs to be training for the individuals who will deal with the concerns.

Woodman noted that recently some faculty members received an email informing them that they are considered Campus Security Authorities (CSA) and, under the Clery Act, must report any knowledge of specific crimes that have occurred on campus. Foster pointed out that the Clery Act deals with crime statistics, and not all sexual harassment has to be reported under the Clery Act. She noted that if people have been identified as a CSA they need to receive training. She stated that she would like to see the criteria that were used to identify who is a CSA and she wants to discuss this with Chief Yardley. Joeckel asked if Foster can present the results of her inquiry to the Executive Committee. Steffen pointed out that the email message that was sent out to CSAs has created a lot of angst with the faculty because they were not even aware of the Clery Act and did not understand why they were identified as a CSA. Foster noted that there are two ways that CSAs can report a crime, the UNL Police have a form that can be submitted on line or it can be reported at the end of the year. Her office completes a form immediately if they learn of any crime reportable under the Clery Act. She asked that the Executive Committee give her the opportunity to explore this issue further.

Foster pointed out that Title IX and the Clery Act are different and distinct. She stated that the Clery Act is used to report crime statistics and there does not have to be identification of involved individuals. She stated that when she reports back to the Executive Committee she will clarify the responsibility of employees who are identified as Title IX Responsible Employees, but first a proposal needs to be developed and appropriate steps outlined.

Nickerson stated that it is his understanding that the Executive Committee will have Foster look into the actual Title IX language being proposed by ASUN and the Committee will look into having the general information put on Blackboard. He noted that he liked the idea of the rolling message, but there needs to be links to provide further information. Woodman stated that Heath Tuttle, Director Academic Technologies would be responsible for putting the Title IX information on Blackboard. Griffin noted that the Chancellor would more than likely have to give final approval for putting the language on Blackboard. Foster stated that she would like to meet with the student who was responsible for the bill. She stated that the language in the motion gives a very general,

quick overview but it also leaves a lot of information out and does not provide any information on resources for students. She stated that she wants to see links provided so students can get more information.

Sollars asked if it would be the right time to remove all of the extraneous information that has been added to course syllabi and put the information on Blackboard. Nickerson stated that he believes this is a great idea.

Purcell asked if there is actual clarification of the faculty that are considered responsible for reporting Title IX incidents. Foster stated that under Title IX each university must inform students who are Responsible Employees. If a Responsible Employee receives knowledge of a sexual complaint they are required to report it, but at this time UNL has not determined who will be Responsible Employees. Steffen pointed out that the first step is for a student to talk to a trusted person, but if they know that a report is going straight to the police they may not want to talk. Foster pointed out that students have confidentiality laws protecting them. Students can talk to licensed psychologists and advocates who do not have a responsibility to report. Some universities identify all faculty and staff members as being responsible, while other campuses have very distinct categories. Nickerson asked who will make the decision on who will be designated as a responsible person for reporting Title IX complaints. Foster reported that she has prepared a proposal about the selection process, but noted that the decision will not be made by just one person. She stated that there needs to be discussion with people on campus about it and the Faculty Senate will definitely be involved. She stated that the proposal states that the students will not be informed until the identified individuals are fully trained because people need to be prepared to take on this responsibility.

Joeckel stated that if there is a designated group of faculty members participating as Title IX reporters, this service work should be taken seriously by the administration and should be reflected in the faculty member's annual evaluation. Guevara pointed out that each department will probably make that decision on whether it counts towards service. Foster stated that she thinks the message will be relayed by the Chancellor that certain individuals have been defined and trained for Title IX reporting.

Purcell asked if consideration has been given for Extension Educators and the Extension Centers. Foster said yes. She stated that Title IX investigator training will occur in June and she would like to have a representative from the Faculty Senate. Sollars volunteered to serve. Foster stated that she is looking to get representation from all kinds of groups on campus because there needs to be more breadth of knowledge across the campus about Title IX. She reported that the training will occur June 1 and 2 and will take place on Innovation Campus. Purcell asked how many total people will be trained. Foster stated that as of now 50 people can be accommodated. She noted that the cost is \$500 per person and her office is covering the cost. She stated that she wants to get people from different areas of the campus who can share the information. Nickerson stated that he would provide Foster with a name from the Executive Committee.

2.2 Faculty Senate Professional Ethics Statement

Foster suggested that the Statement needs to uniformly list the categories of protected status groups throughout the document. She provided the Executive Committee with the university's non-discrimination statement which identifies all of the protected status categories and suggested that the Committee might want to include this in the Statement as it would then echo the university's official statement. Guevara asked what the genetic information refers to. Foster said that federal law states that we cannot not discriminate against the genetic information of a person. Nickerson noted that this pertains to someone who may have a genetic predisposition to a disease.

Purcell asked if faculty members at a meeting use inappropriate language that identifies a protected category of people if this is an act of discrimination. Foster stated that if this occurs people should call her. She noted that her office explores all avenues of discrimination, not just for students. She pointed out that there is an employee discrimination policy.

Nickerson stated that when the Executive Committee gets a more formalized draft of the Statement it will be forwarded to Foster for review and input.

Woodman noted that the Statement addresses general rights and responsibilities for professional staff, but political pressure is not listed in the document. He asked if this is something that should be included. Foster stated that she does not see a problem with adding political pressure, but this is something that would not fall under her office's purview.

Woodman asked what the status is of the Department of Education's Office of Civil Rights (OCR) Title IX investigation of the campus. Foster noted that investigators from the OCR were on campus last week and interviewed approximately 30 people. She stated that the next step will be for them to come back to campus to conduct some focus groups. She noted that she cannot share information regarding the current investigation.

3.0 Announcements

3.1 Chancellor's Committee on Wellness

Nickerson reported that he received an email message notifying him that a faculty representative from City Campus is needed to serve as a member of the Committee on Wellness. He asked the Executive Committee to provide suggestions. Rudy noted that the Committee meets once a month and discusses what kinds of wellness services should be provided on campus. The Committee also promotes some wellness activities such as the flu shot clinics but it has very little funding.

3.2 Post Tenure Review

Joeckel stated that he recently reviewed the post tenure review policy and wondered if the Executive Committee could consider more positive ways of mentoring senior post tenured faculty members. He noted that we do not do a good job of mentoring junior faculty members, but wondered if some mentoring of senior tenured faculty members could be done as well. Nickerson reported that he has spoken with many faculty

members who have retired from the university feeling embittered primarily on their experiences over the few years prior to retirement. Rudy pointed out that the survey and forums for non-tenure track faculty members have been helpful and wondered if something similar could be done for post tenured faculty. Joeckel stated that he believes there is a looming issue and pressure on senior faculty members. He noted that a survey of some kind could be a start in identifying concerns of these faculty members. He stated that he would like the Executive Committee to have a cogent discussion on truly rejuvenating the faculty.

Steffen stated that we need to ask what might have contributed to a bright, enthusiastic faculty member losing enthusiasm for the field and are things administratively that might have contributed. Joeckel noted that changes occur on the biological level of older faculty members which may not allow them to work the long hours that they used to.

Griffin noted that several years after the post tenure review policy was created the Executive Committee received a report from administration on the number of post tenure review cases that have occurred. She asked if the Executive Committee wanted to get an updated report. Woodman stated that he is worried that the numbers from the administrators will be biased.

Guevara noted that when SVCAA Weissinger was asked about post tenure review she pointed out that post tenure review was started at the department level. If it goes to the Dean's office it will be on record, but sometimes the Dean will intervene and send it back to the department. Konecky noted that post tenure reviews are triggered by a sequence of poor evaluations. She stated that if senior faculty members are mentored it should help to prevent the need for a post tenure review.

4.0 Approval of April 7, 2015 Minutes

Guevara moved for approval of the minutes. Woodman seconded the motion. The minutes were approved.

5.0 Unfinished Business

5.1 APC Membership – Motion to the Senate

Nickerson reported that the APC has addressed the concerns raised by the Executive Committee. He stated that he would like to present the motion to the Senate at the April 28th meeting although ASUN will also need to approve the change since the APC is listed in the UNL Bylaws. He stated that there is some concern whether the Chancellor would approve the addition of another faculty member because in the past he has raised concerns of having an imbalance of faculty members versus administrators on the committee.

Wysocki stated that he has a concern with the language saying that there shall be nineteen members. He made the motion to include shall "consist of up to" nineteen members. Purcell seconded the motion. Nickerson pointed out that the APC voted and approved on the language that was sent to the Executive Committee and changing it would require the approval of the APC. Woodman pointed out that the exception to the number of faculty

members listed at the end of the membership clarifies the intent and therefore it is not necessary to amend the language. Sollars stated that the term “notwithstanding” takes care of the possibility that a qualified non-tenure track faculty member is not available or willing to serve. Joeckel called the question. The motion failed by a vote of 7 to 4.

Bender moved for approval of the motion as sent by the APC. Rudy seconded the motion. The motion was approved. The motion will be presented to the Faculty Senate.

5.2 Motion to the Senate to Approve the Change of the CIO title to Vice Chancellor for Information Technology

Nickerson reported that he will introduce the motion to Senate as an emergency motion because the Chancellor is seeking to present it to the Board of Regents at the June 12 meeting.

6.0 New Business

6.1 Executive Committee Approval of Interim SVCAA

Nickerson reported that he was asked by the Chancellor on April 8 whether the Executive Committee would support the appointment of VC Green as Interim SVCAA. He noted that he told the Chancellor that the Executive Committee only discussed the idea informally, but they all seemed in favor of the idea. Woodman asked if there was any question about VC Green holding three positions. Rudy noted that VC Green chaired the search for a new SVCAA and asked if there would be any conflict of interest. Nickerson pointed out that the search has been delayed.

Purcell moved that the Executive Committee formally approve the appointment of VC Green as Interim SVCAA. Motion seconded by Konecky. Woodman suggested a friendly amendment stating that the Executive Committee retroactively approves the appointment. Purcell accepted the friendly amendment. Joeckel stated that he would like to make a friendly amendment stating that the Executive Committee endorses the appointment of VC Green, rather than using the term approves. Purcell accepted the friendly amendment. Sollars made a friendly amendment for the Executive Committee to affirm the appointment. Purcell withdrew the motion. Konecky seconded the withdrawal.

Wysocki make the motion that the Executive Committee affirms the Faculty Senate President’s approval of the appointment of VC Green as Interim SVCAA. Purcell seconded the motion. Rinkevich called the question. Motion approved.

6.2 Topics of Discussion for President Bounds

The Executive Committee identified the following topics of discussion for President Bounds:

- Upcoming search process for new Chancellor
- The branding of the University
- Vision for the future development of the NU system
- Articulate how he sees the four campuses interacting
- Views on tenure and non-tenure academic freedom

- Insights into the status and employment of non-tenure track faculty members

The meeting was adjourned at 5:01 p.m. The next meeting of the Executive Committee will be on Wednesday, April 22, 2015 at 3:00 pm. The meeting will be held in the Faculty Senate Office. The minutes are respectfully submitted by Karen Griffin, Coordinator and Tad Wysocki, Secretary.