

## EXECUTIVE COMMITTEE MINUTES

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

**Absent:** Konecky

**Date:** Wednesday, February 11, 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 Susan Foster, Director of Institutional Equity and Compliance

Nickerson welcomed Director Foster and noted that her appointment is timely because of two issues that need to be discussed: ASUN's resolution requiring the inclusion of Title IX language on all course syllabi, and a possible policy at UNL banning sexual or romantic relationships between faculty members and undergraduate students. He asked Director Foster to tell the Executive Committee about herself and what she thinks some of the active issues will be for her office and her approach in dealing with them.

Director Foster stated that she has worked as a senior associate attorney at the law firm of Jackson Lewis PC in Omaha working and providing guidance to clients seeking advice in all areas of employment related issues. She noted that her primary practice was as a litigator but she has also provided counseling. She reported that she received her law degree from UNL and was an elementary teacher for 7 ½ years with the Millard schools. During this time she was a union representative.

Director Foster stated that she will be working on Title IX issues and the campus diversity initiative. She pointed out that she begins her position on February 16 and, although she has a lot to learn on exactly what she will be doing, she is a very quick learner and is a very structured person who likes to get tasks accomplished on time.

Nickerson reported that Harvard University recently approved a policy banning sexual or romantic relationships between a faculty member and an undergraduate student. He asked Director Foster whether she thinks the policy may have been created for PR reasons or to address a real problem that may exist at the institution. Director Foster stated that it may be a PR piece, although she speculates that an incident may have occurred to generate the policy. She stated that she hopes the University Nebraska has a policy in place that addresses the issue. Steffen noted that most universities have a policy stating that a faculty member cannot have a relationship with a student who is in their class. He pointed out that Harvard's policy is too broad and noted that there could be

circumstances of a newly hired faculty member whose spouse may be an undergraduate student. Woodman stated that he believes the policy refers to anyone who is in a supervisory capacity. Steffen noted that Harvard had a similar policy, but the new one expanded the ban. Guevara pointed out that while the ban looks like more protection, it is far too broad and it does not take into consideration students and faculty of similar ages who could meet and know each other completely outside the university and never coming anywhere near a common area while at UNL, for example, a faculty or student from Extended Education with a faculty or student of Electrical Engineering in Omaha. Having such policy would render a relationship inappropriate by the mere fact that one works and the other studies at UNL. Also, would be difficult to enforce with such a large student population. Director Foster stated that a consideration that needs to be weighed is what is at risk for the university in not having a policy. She stated that she can understand the reasoning for wanting to review the current policy. Nickerson reported that the Chancellor suggested that an exception be made for people who are already married. Associate to the Chancellor Nunez pointed out that there would need to be a review of any existing policies before any changes were made. Sollars noted that the AAUP is opposed to a ban like the one Harvard has initiated. Steffen stated that he can understand wanting to protect the younger undergraduate students, but asked if a ban would apply to people who are in different colleges, particularly non-traditional students. Director Foster noted that while the idea of a ban might be something people want to jump on, it might not be necessary because of existing policies. She questioned whether an institution needs to ban a relationship that happens between a faculty member and a student if the student is not directly taking a class. She pointed out that there could be problems if a relationship failed and someone wanted to make claims against another person who either is employed or attends the university. Joeckel stated that he is not in favor of any situation in which the power is so heavily in favor of an older male with a young undergraduate student.

Woodman noted that Director Foster was a targeted search and asked why she believes she was the ideal candidate for the position. He pointed out that she comes from a corporate law background rather than a university based background. Director Foster stated that she believes her experience in employment and labor law will be extremely valuable, particularly with respect to equity issues. She stated that she is extremely passionate about diversity and equity and providing everyone with the opportunity to be heard and she believes the campus being proactive with respect to diversity and equity is very important. She stated that having a lack of experience within a university does not intimidate her, and she believes she will enjoy being at the university and can work well with a wide variety of people.

Bender stated that the Chancellor had indicated that the director's position has changed after the former director retired. He asked what the differences will be. Associate to the Chancellor Nunez stated that the most notable differences will be along the line of the diversity initiative. He pointed out that the previous director was not actively involved with diversity. He stated that Director Foster will chair a diversity commission and Professor Castro has been hired to assist with the initiative. He noted that the compliance component of the position, search committee training, dealing with disability issues,

being the EEO point person, will remain the same. He stated that the biggest change in the job has been the elevation of the diversity component which the Chancellor wants to make more highly functional. Nickerson asked if the change coincides with the reinstatement of the Chancellor's Commission on the Status of People of Color. Associate to the Chancellor Nunez stated that the CCSPC is being currently being reconstituted and it will become another element of the diversity initiative.

Steffen reported that he knows of a case where there was a discrimination complaint filed and investigated on campus, but the goal seemed to focus on making the complaint invalid rather than address the fundamental issues of discrimination. He wondered whether the dual role of the director's position can address such problems. Associate to the Chancellor Nunez pointed out that the diversity initiative is through the Chancellor and is much bigger than the Office of Institutional Equity and Compliance. Director Foster noted that she was involved in numerous discrimination cases at Jackson Lewis PC. She stated that diversity comes in many ways, but the question is how we can do things better to improve the campus culture and provide an opportunity to learn and grow. She stated that the university can and should learn from the types of complaints and violations it receives.

Woodman asked what is occurring now with the incident that occurred off campus this past summer between a faculty member and a student. Associate to the Chancellor Nunez stated that Associate Director Perez is the point person on the case and the campus has replied to federal officials but has not received a reply yet.

Rudy asked if UNL is considered diverse enough if our student body reflects the population of the state of Nebraska. Director Foster stated that in her opinion it is not enough and she believes we can do more to make the campus more diverse. Rudy stated that he has heard some people say that diversity takes away from the majority. He noted that he realizes that this is in part due to past historical barriers, but asked how to explain the need for diversity to these people. Director Foster pointed out that true diversity isn't harmful to anyone because it brings different thoughts, ideas, and cultures. She noted that it is more detrimental to not have diversity, particularly in the growing global world. She stated that the majority needs to have a better understanding of the world and this can be done through diversity. She stated that it is in our best interest to diversify. Steffen stated that one of the issues in academia that is offensive is requiring a quota. He noted that to get real diversity the university needs to reach out to K-12 schools to get them interested and we need to work with young kids to get them qualified to come to the university. Associate to the Chancellor Nunez noted that a new issue is the legal mandate to give preferential treatment to veterans in hiring decisions.

Nickerson asked if Director Foster will be involved with the P-16 program which is a statewide initiative to integrate pre and kindergarten students through elementary, middle school and high school to get them better prepared for the university. Director Foster stated that if she can get involved in any program that will bring in more diversity she will be involved.

Guevara reported that there are some discrimination cases where people try to manipulate the Office of Institutional Equity and Compliance by claiming that some far-fetched discriminatory action took place when in fact nothing close to anything discriminatory action occurred. He pointed out that the process itself becomes a very delicate matter and that the case seems to linger well after claims as such are discredited. Director Foster pointed out that whenever the Office receives a complaint it needs to be examined. She stated that an investigation is conducted, and if there is no evidence to support the complaint, it is closed out. She stated that once a determination is reached, the case is considered closed.

Director Foster stated that she would be happy to meet with the Executive Committee again in the future after she has settled into the Office and learns more about what needs to be done.

#### **4.0 Announcements**

##### **4.1 Email Seeking Nominations for SVCAA**

Nickerson noted that he had received an email message sent primarily to administrators asking for nominations for the SVCAA position. He wondered whether this suggests that the search is not receiving many applicants. Guevara stated that he is concerned that UNL might have a reputation for hiring only internal candidates.

##### **4.2 Lincoln Journal Star Editorial**

Nickerson noted that the LJS had an editorial piece on [transfer.nebraska.edu](http://transfer.nebraska.edu) which is a website that allows students from 16 different state colleges and universities to see if their course(s) are transferrable. He reported that this information was presented to the Board of Regents by Provost Fritz. He pointed out that the website became functional a few days ago and might deter the passing of LB 54, which basically states that all courses are transferrable from all Nebraska colleges. He noted that the website also contains a list of contacts and phone numbers at each of the participating universities and colleges.

##### **4.3 UNL Drop Box Being Decommissioned**

Woodman reported that the Information Technologies and Services Committee was informed that UNL's large file transfer service, [dropbox.unl.edu](http://dropbox.unl.edu), is being decommissioned beginning March 2. On that date file uploads will be suspended and files uploaded to the system prior to that date will be available for download only until March 16. The service will then be discontinued. He stated that the reason for the removal of the service is because it has been viewed as a potential risk as use has increased from outside the university and the entertainment industry has filed a number of take down notices with UNL for copyrighted material stored on Drop Box. He stated that we now have a contract with Box itself.

Nickerson asked how this news will be publicized to the faculty. Woodman stated that there would be an article in UNL Today, it is on the Information Technology Services website, and current users will be contacted. He stated that the move to Box should be fairly straight forward and should not have much impact. He noted that Box offers 50 gigs of storage, but if more is needed people should contact ITS.

#### **4.4 SSH and VNC Remote Access**

Woodman reported that the two remote access technologies, SSH and VNC are commonly used by UNL researchers, some faculty members, and campus IT staff to access their office desktops or servers from home or other non-UNL networks. It is being proposed that remote access to UNL computing resources from office campus, using the SSH and VNC protocols, be secured by requiring the use of the UNL Virtual Private Network service. He said the reason for this change is because for the past several months inbound attempts to get access to UNL servers and computers is averaging in the thousands of attempts per hour, and a majority of the attempts are clearly malicious in nature and originate outside of the US. He reported that the most frequent attackers are from China.

Woodman stated that the effort to procure a new learning management system is progressing, but there has been no firm financial commitment at this time.

#### **5.0 Approval of 1/28/15 and 2/4/15 Minutes**

Guevara moved for approval of the 1/28/15 revised minutes. Motion seconded by Joeckel. The motion was approved.

Guevara moved for approval of the revised 2/4/15 minutes. Motion seconded by Joeckel. Motion approved.

#### **6.0 Unfinished Business**

##### **6.1 ASUN Resolution about Including Title IX Language on Sexual Misconduct on Course Syllabi**

Nickerson noted that the Executive Committee had a long discussion about the issue last week and was in general agreement that it is a very important issue, but the syllabi are already cluttered with other non-essential information. He stated that one suggestion is to add the Title IX language on the syllabus but find a way later to put all of the non-essential language into one location, possibly a different, more accessible and more visible location.

Guevara pointed out that very few instructors provide printed syllabi. Students typically go to Blackboard and download the course syllabus. He stated that it would not be difficult to put the Title IX information on each student's Blackboard page so they will always see this information. He noted that doing it this way will ensure that students see the information and is not a recommendation to the faculty that they might still neglect to include on their syllabus. He pointed out that some instructors are hired at the last minute and only teach one or two courses a semester and may not be aware of the requirement. Requiring that Title IX information be included on all syllabi will create an inefficient strategy and unnecessary chance for noncompliance or rule violations on faculty. He stated that it could still be recommended that it be put on a course syllabus as well, but he thinks Blackboard would be a more efficient way to get the information out and keep it active as long as a student has a Blackboard page. Woodman stated that perhaps using the Blackboard home page would be a smarter choice and it would then become an

administrative issue. He suggested that the language be concise. Joeckel pointed out that because of the delicacy of the issue the information might need to be more detailed.

Nickerson asked who should be approached to get this information on Blackboard. Woodman stated that the decision would probably come from the Chancellor's office or Director Foster.

Woodman noted that the purpose of the syllabus is to say what the course is and provide information on what will be required for the course. He stated that he thinks there are better ways and more appropriate ways to educate the students about their responsibilities and safety-related concerns and issues. He suggested that an email message be sent at the beginning of each semester to the students providing the necessary information.

Guevara stated that the idea is to provide students with an extra opportunity to be able to deal with issues that they might not want to pursue due to emotional trauma or feeling helpless and providing them with information about it can give them another chance all throughout the semester. He asked if having the information on the syllabus is the best way to provide the information, but given that Blackboard is the place to keep information, it still would be the best and most efficient choice. Joeckel stated that he would like to see each instructor make a statement on the first day of class about the sexual misconduct policy in the Student Code of Conduct when the instructor is going over the syllabus. Woodman offered Guevara's suggestion of including it on Blackboard because it is a more powerful alternative and because the information would be constantly present. He noted that students will see the information whenever they go into Blackboard.

Nickerson asked if the Executive Committee should ask the Chancellor to have the information placed on Blackboard. Woodman stated that he thinks the Chancellor will have to approve it.

Sollars noted that the syllabus should be about the course and suggested that all of the other required information now on the syllabus be taken off the syllabus and put onto a resource page for the students. She stated that a link could be provided to the resource page on all syllabi. Joeckel noted that much of the additional information currently on the syllabus is from the Student Code of Conduct. He suggested that in addition to making the information available on Blackboard, a front piece that covers all of the basics reflects what is in the Student Code of Conduct. Griffin suggested that a brief description accompany each of the links providing information.

Nickerson asked who would create the standard document of information. Guevara stated that he thinks this is an administrative issue. He pointed out that all of the information needs to be accessible and it should be put into one page where everyone can have access to it.

## **6.2 Follow up on Chancellor's Discussion Regarding the Budget at the Faculty Senate Meeting**

Joeckel stated that he has concerns with the university presenting budget requests to the legislature in three different packages. He is worried that it could open the door to the core budget being cut in order to fund the other enterprises. Nickerson stated that he believes the decision to present the budget in this fashion was decided by central administration. The Executive Committee agreed to discuss the issue with the Chancellor when it meets with him on February 25.

## **7.0 New Business**

### **7.1 Update on Non-tenure Track Faculty Survey**

Woodman reported that he ran a comparison between the 2012 and the 2014 surveys and that many of the original questions showed a positive trend of these faculty members becoming more informed of their roles and on promotion. He stated that the details of the survey shows that the most negative comments were received from the lecturers. Rudy pointed out that one of the suggestions from the survey is to consider the impacts on lecturers who either decided not to move, or were not offered the opportunity to move, into a professor of practice position. Steffen asked if there is any clear understanding why they are treated differently. Woodman reported that while all of the non-tenured faculty members are on limited contracts, lecturers can vary from a single semester to semester to three years. Wondering if your contract is going to be renewed each year can increase anxiety. Rudy suggested, that when possible, senior lecturers be moved to a professor of practice position which have five year contracts.

Woodman stated that the 2014 survey showed that the non-tenure track faculty members want another forum. He suggested that April 17<sup>th</sup> would be a good date. The Executive Committee agreed to brainstorm on who should speak at the forum. Joeckel suggested that the topic of how tenure track faculty members can help non-tenure track faculty members should be considered at the forum. Woodman noted that there were comments regarding how working with a tenured faculty member can help move a non-tenure track faculty member's career forward. Joeckel suggested that there could be teams built between tenured and non-tenure track faculty members.

Purcell noted that 28% of the 316 respondents to the survey were extension educators, the largest group to respond. Of the extension educators respondents, 51 were employed for six years or more, and 12 reported as being with extension for over 31 years. She reported that extension educators can be fully promoted but are not given tenure. She wondered if any consideration has ever been given to providing the fully promoted extension educators with tenure. Steffen pointed out that the University of Wisconsin runs a parallel system for their appointed clinical tract faculty members by providing them with an indefinite appointment. He noted that to get an indefinite appointment certain criteria would need to be met, but the intent would be to offer a badge of security for some of these people. Purcell noted that extension educators do not sign a contract every year, they sign a performance evaluation. Woodman stated that one of the insecurities that exists for professors of practice is that there is nothing that can be done if the university decides to hire someone at half your salary to replace you.

Woodman suggested that the Executive Committee present information of each of the groups of respondents separately, with one being presented at a time. Rudy stated that at some point there needs to be a comparison between the lecturers and professors of practice. He noted that lecturers indicated that they are being hired to do similar tasks but are not treated as well as the professors of practice. He wondered if the faculty are getting a mission creep where they are being asked to do more. Woodman suggested that there could be an open mic discussion at one of the Senate meetings on non-tenure faculty members.

The meeting was adjourned at 5:02 p.m. The next meeting of the Executive Committee will be on Wednesday, February 18, 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.