

## EXECUTIVE COMMITTEE MINUTES

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

**Absent:** Anaya, Woodman, Wysocki

**Date:** Wednesday, February 25, 2015

**Location:** 201 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.

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### 1.0 Call to Order

Nickerson called the meeting to order at 3:02 p.m.

### 2.0 Chancellor Perlman

#### 2.1 Policy Banning Faculty/Undergraduate Student Relationship and Faculty Senate Professional Ethics Statement

Nickerson noted that the Chancellor had sent him an email message suggesting that the Faculty Senate consider a policy, similar to the one recently approved by Harvard, prohibiting faculty/undergraduate student relationships. He pointed out that the Executive Committee thought that the Senate's 1990 Professional Ethics Statement covered the issue sufficiently, but is open to the suggestion of revising and updating the document. The Chancellor reported that having a policy is not a crusade for him, but he does want the campus to be prepared should the Board of Regents want such a policy. He stated that there used to be a policy on the Academic Affairs website relating to faculty/undergraduate relationships, and it has just recently been posted again on the website, but he does not think it is as strong as the Professional Ethics Statement. He noted that there obviously has to be exceptions to the rules for situations such as when a faculty member's spouse decides to go back to college.

Chancellor Perlman stated that this is an issue that he thinks the faculty needs to deal with. He stated that if there was a complaint filed there could be questions about whether the Professional Ethics Statement is really a policy. He thought that a formal complaint could be made about professional misconduct to the Academic Rights & Responsibilities Committee which could address the inappropriateness of these kinds of relationships.

Steffen stated that when he was looking for information he found that UNL's website did not include a good resource page on the various policies at UNL. Chancellor Perlman stated that this is a good point that should be corrected. He noted that Business and Finance have a policy resource page, but it mostly pertains to Business and Finance policies. He suggested that the Academic Affairs website should have a concise resource page for faculty members which could be linked from the Senate webpage.

Steffen noted that UNL is a big, diverse campus with older, non-traditional students on campus. He pointed out that making an adult relationship criminal would not be a good policy. Rudy noted that at some other institutions there have been problems with a coach dating one of the members of his/her team. He suggested that the Professional Ethics Statement should include professional staff members. Chancellor Perlman pointed out that any policy relating to professional staff must come from him because this is part of his responsibilities. He stated that the Faculty Senate serves as the governing board of the faculty so it can create a policy for the faculty. He stated that he did not know whether Athletics has a policy prohibiting professional staff from having a relationship with student-athletes. He pointed out that these kinds of issues are getting increasing attention.

Chancellor Perlman stated that the Professional Ethics Statement is something he will have Director Foster review to see if it is sufficient in addressing the issue.

## **2.2 Opinion on Having a Dedicated Position for a Non-tenured Track Faculty Member on the Academic Planning Committee**

Nickerson noted that the Executive Committee changed its syllabus to include a non-tenure track faculty member and the Academic Planning committee have said that they would like to do this as well. He stated that the APC wants to include the non-tenure track faculty members as full and valued faculty members. He noted that the Chancellor would have to approve the change to the APC's membership and the Executive Committee wanted to inquire what he thinks of the idea.

Chancellor Perlman reported that he would be hesitant, but is not necessarily opposed to the idea. He pointed out that the APC is designed to look at the long-term plans for the academic vision of the campus, and tenured faculty members typically have long-term interest in the university. He stated that he can fully understand having non-tenure track faculty members in the Senate and on the Executive Committee because the Senate deals with faculty governance and representation. He stated that he would be more comfortable if the non-tenure track faculty members were limited to Professors of Practice because they have a contract and some expectation of continuation of their contract. He pointed out that we would need to be careful with making this decision.

Joeckel asked if the Chancellor generally endorses the idea of having non-tenure track faculty members on the APC. Chancellor Perlman pointed out that there is a reason for giving tenure. He stated that he is more inclined to approve a requirement that the faculty member should be tenured. Nickerson asked if tenure-track, but as yet untenured faculty members, would be allowed to be on the APC and noted that there is currently at least one untenured faculty member on the ballot for election to the APC. Chancellor Perlman noted that the APC can deal with some very difficult and contentious issues and one of the values of tenure is that administrative control of these faculty members is lessened to some degree. Joeckel pointed out that the time commitment for serving on the APC can be considerable and this could interfere with a tenure track faculty member's workload. Guevara stated that non-tenure track faculty members can be more vulnerable to administrators and could potentially weaken the APC because they may feel less inclined

to vote against the administrators. Chancellor Perlman noted that from his own experience he was elected to serve on a liaison committee as an untenured faculty member and at times it caused difficulty for him.

Purcell asked if there has been any consideration to giving fully promoted extension educators tenure. Chancellor Perlman stated that this would be a faculty decision. He stated that he understands that faculty members without tenure can be fearful of expressing their views and this relates to academic freedom. He noted that this is not something he would go out and fight for at this point, but he can understand it.

Chancellor Perlman stated that tenure is valuable, not only for providing job security, it also allows us to attract people in the market place. He noted that it could be difficult to get some faculty members to come to UNL if we didn't offer tenure, but he is not sure whether this is true with extension educators. He pointed out that he is the only one who can get fired from his position for what he says, the first amendment protects the faculty. If he was fired as Chancellor, he would still retain his position in the faculty of the Law College. Joeckel asked how the Chancellor views tenure if he considers academic freedom to not be much of an issue. Chancellor Perlman stated that he thinks tenure is important because it provides us with a competitive edge in the marketplace. He noted that during the 2003 budget cuts he terminated tenured faculty members which he is not proud of, but he thinks the tenure did protect them because we were obliged to do a number of things for them and many of them were able to get positions in different departments. He pointed out that the argument can be made in some ways that tenure is a way that we pay faculty members less than the market rates. He stated that as faculty members become more specialized in a field they get more vetted in higher education which limits the number of job opportunities available to them. This is one reason to provide tenure and he is fine with doing this. Joeckel thanked the Chancellor and said that his statement was the most cognizant and honest statement he has heard about tenure.

### **2.3 What is the University Doing to Protect Ourselves from the MARC Situation?**

Nickerson reported that he recently had a discussion with VC Green about the situation at MARC and VC Green explained to him how little the university overlapped with MARC, but there is some collateral damage because of our association with the research center. Furthermore, a USDA investigative team will visit MARC and then make a report to Congress on these allegations by the end of March. Chancellor Perlman stated that he is hesitant to express too strong an opinion because he does not know all of the details, but he believes the New York Times article was wildly exaggerated. He pointed out that most research and production of animal protein is not pleasant, but it is an important source of food and a large part of our economy. He believes the university had a clear evaluation at MARC when we had animals out there, and it is part of the university's policies to ensure that animals used for research are treated well. He pointed out that the USDA has their own standards that they adhered to which is different than ours and this can create issues. He noted that there could be some collateral damage from the article but he thinks most of it will be from people who are offended by animal agriculture. He

stated that we will have to see the USDA report before any further comments are made by the university.

#### **2.4 Title IX Language on Blackboard Rather Than in Course Syllabi?**

Nickerson noted that ASUN has passed a bill suggesting that all course syllabi include Title IX language regarding sexual misconduct. He pointed out that the faculty are very sympathetic to the issue, but the syllabi are getting overly loaded with university policy statements and the Executive Committee thought that it would be better to have the policies come up on Blackboard whenever the student accesses the program. The Executive Committee believes that the Chancellor has the authority to decide whether to put this information on Blackboard.

Chancellor Perlman stated that he thinks the ASUN resolution was helpful and he is glad to see the students taking the issue seriously. He pointed out that all universities are under a new obligation from the government to inform, educate, and train students and faculty members to address the concerns of sexual assault or misconduct. He stated that ASUN's suggestion is a good one and should be considered. He stated that compliance with the Title IX regulations will be a focus of Director Foster and the suggestion to include language about it on Blackboard is something that she should consider. Nickerson suggested having the Executive Committee coordinate with Director Foster about ASUN's suggestion. Chancellor Perlman said yes and noted that putting a statement on Blackboard is an interesting idea, but we want to see whether Blackboard would be the most efficient and effective way of getting the information to the students.

#### **2.5 Elimination of International Student Housing on East Campus. Will Alternative Housing Be Offered?**

Nickerson reported that Professor Adams, Plant Pathology, discussed concern over the elimination of the graduate student housing on East Campus at the recent Senate meeting. He stated that the housing is primarily used by international students and it provides them with a sense of security. He asked if other housing will be available particularly given the fact that we are recruiting more international students.

Chancellor Perlman stated that there is definitely the willingness to help, but currently there are no substitutions for housing. He pointed out that the housing complex had to be demolished because it was not up to code. He stated that there might be an opportunity in the local neighborhood of East Campus for housing because the university owns some apartments in the vicinity. He stated that the Director of Student Housing, Sue Gildersleeve is looking into it.

#### **2.6 Depth of the Pool of Candidates for the SVCAA Position?**

Nickerson noted that he is on the search committee, but has not heard of what is happening with the search process. Chancellor Perlman pointed out that the depth of the pool does not concern him as long as the right person is found for the job.

#### **2.7 Strategic Rationale for Presenting the University's Budget to the Legislature**

Chancellor Perlman reported that the Appropriations Committee has put out their tentative recommendations for the university budget. He stated that the Committee is suggesting 3% for the core university budget, but a requirement to spend \$1.8 million on pediatric cancer research has been put into the budget by a State Senator. He pointed out that this is not part of the university's budget and could create a shortfall for the rest of the university.

Chancellor Perlman stated that the economic development package of the university budget received some funding for Nebraska Innovation Campus, for health related activities at UNK, and for makers' space at UNK and UNO. He noted that no funding was provided for the Peter Kiewit Institute. Purcell asked if any funding was given to the Rural Futures Initiative. Chancellor Perlman stated that no funding was provided. He pointed out that obviously the university has to make some decisions and has work to do to try to improve our funding.

Joeckel noted that presenting the budget in the novel manner this year seems to have had no negative effects on the core budget. Chancellor Perlman stated that so far it has not hurt the core budget. He noted that the legislative hearing on the university's budget is next Tuesday.

## **2.8 Senator's Proposal to Have Alcohol Available on Campus**

Nickerson noted that a State Senator has made a proposal to have alcohol on campus. He asked if there is any possible solution or compromise to the proposal. Chancellor Perlman pointed out that alcohol can be available for events on campus by a permit process. He stated that he thinks the Senator's intentions with the proposal are good. He noted that the Senator came from a campus that allowed registered parties on campus and during the party the police would come through several times to make sure there were no problems. He stated that allowing registered parties on campus would pull them out of the neighborhoods. He stated that alcohol consumption abuse by students is a serious issue and he would be open to any proposal that would have a demonstrated effect on alleviating the problem. He pointed out that people who have worked on the alcohol problem have found that students of legal drinking age are usually drinking in the bars, it is the underage students that are having parties in the neighborhoods. There is some evidence that bringing the parties onto campus could create more alcohol abuse.

Joeckel asked about beer sales on campus at the Student Union. Chancellor Perlman noted that Creighton University allows the purchase of alcohol on campus, but he does not want UNL to be in competition with the bars downtown. He pointed out that at least half of our students are underage. He stated that some people theorize that if alcohol is made to be a more common experience kids would drink more responsibly when they are older, although he does not know if this theory is true. He stated that the typical student is young, away from home for the first time, and most of them are going to try drinking.

## **2.9 Error in Scholarships Notification – Will Compensation be made for this Error?**

Chancellor Perlman stated that some compensation has been made for those students who can prove that they received an incorrect letter. He stated they will be awarded \$1,000 per year, for four years, providing they maintain a 3.5 GPA. He reported that currently 29 students have been contacted, but he does not know for sure how many incorrect letters were sent.

Joeckel asked what measures have been taken to make sure that this does not happen again. Chancellor Perlman stated that an audit of the system that generated the letters will be conducted. He pointed out that it was human error, but we will look to see if we have the right checks and balances in place to make sure that it does not happen again.

### **3.0 Announcements**

#### **3.1 LB 54**

Nickerson reported that he recently spoke with Assistant to the Chancellor for Community Relations Michelle Waite concerning LB 54 which would give unrestricted transfer of credits to any college or university in Nebraska. He noted that the bill is still in the hearing committee and the hope is that it will not make it out of the committee. He pointed out that the new website on transfer or credits should be a significant player against the proposed bill because it describes the transfers between the twelve different colleges and universities within the state.

#### **3.2 No Executive Committee Meeting Next Week**

Nickerson reminded the Executive Committee that in lieu of a meeting on Wednesday the Executive Committee will meet briefly after the Senate meeting to address any business that needs to be dealt with.

#### **3.3 Guidelines for Extension Educators Serving on Professional Boards**

Nickerson reported that he spoke with VC Green and Dean Hibberd about the proposed document on Monday. He stated that he mistakenly thought the document revised by the Executive Committee was accepted by Dean Hibberd and VC Green and went to the university lawyers, but this is incorrect. He stated that VC Green and Dean Hibberd felt that the document, as revised, was trying to accomplish three things: to set up a guideline for Extension Educators, to broaden it to all IANR personnel, and to broaden it to all faculty at UNL. He stated that they decided together in the meeting that the document needed to be simplified and the approach revised. He noted that Professor Moshman and the Academic Freedom Coalition of Nebraska did not like the draft document because it made the jump from Conflicts of Interest (financial) and Conflicts of Commitment (time) to also include Conflicts of Ideas.

Nickerson pointed out that it is specifically an Extension document, but Dean Hibberd and VC Green wanted to work with the Senate on it. He stated that he thinks the solution will be to go back and write a very short document saying that Extension Educators are faculty members and have faculty rights, but indicate how they differ in regards to consulting practices and what boards they can be on. He stated that he hopes the best document possible can be created and he will bring it back to the Executive Committee for review. He stated that he will work with Dean Hibberd on the draft document.

#### **4.0 Approval of February 18, 2015 Minutes**

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

#### **5.0 Unfinished Business**

##### **5.1 Report on Non-tenure Track Faculty Survey – Lecturers**

Rudy reported that 77 of the respondents were lecturers and 5 senior lecturers responded, but only two of the five completed the survey. He noted that the results he is reporting on concern the lecturers. He noted that the campus seems to be doing well with people being given a letter of appointment and being informed of their duties, however, a predominant theme is that 77% of the respondents reported that they had less than a semester notice that their contract would be renewed which caused considerable stress for them. Guevara pointed out that this is a problem caused by the deans because departments do not know if they will be getting money in their budget to support non-tenure track faculty members. He stated that these people are typically paid on temporary money. Nickerson wondered if there was a way to make the notice of contracts more attractive. Guevara stated that it could be made more transparent, not more attractive. He noted that there will always be some people who are on temporary funds.

Rudy reported that 40% of the respondents did not receive an annual letter of evaluation which relates to not knowing whether their contract will be renewed. He stated that it would be helpful if they received an evaluation because it would allow them to build their portfolio should they wish to move their career forward. He stated that 82% of them did not receive salary raises relative to performance.

Rudy stated that only 10% of the respondents were preparing for promotion; 82% did not know what the guidelines were for promotion; and 95% were not informed in writing of how they will be evaluated for promotion.

Rudy reported that 51% of respondents stated that they did not know their faculty rights. He stated that the Senate needs to do a better job of informing the non-tenure track faculty members about their rights. He wondered if there is new faculty orientation for part-time faculty members. He stated that 76.12% of respondents stated that they did not see themselves as a fully recognized faculty member.

Rudy stated that possible topics for the non-tenure track faculty forum included the need for more professor of practice positions and the need for longer term lecturer contracts. Steffen pointed out that if a lecturer has been teaching for five years there is a strong predictability that their course will be retained and these instructors should be given a longer term contract.

#### **6.0 New Business**

##### **6.1 Proposed Bus Service to Nebraska Innovation Campus**

Bender reported that he learned from Professor McCoy, chair of the Parking Advisory Committee, that the administration wants to create a new bus line for Nebraska

Innovation Campus. The administration went to the PAC with the recommendation to pay for the new line by increasing student transit fees. He noted that the PAC did not agree with this proposal because the student fees were raised just a few years ago to help with the purchase of new buses. Instead, the PAC suggested having limited service to remote parking lots which could result in savings that would cover half the cost of the new bus line. He stated that the administration did not like this proposal and is proposing an increase in fees. Steffen stated that he is opposed to any increase in any fees because NIC is an outside enterprise and the bus line would benefit the private companies at the students and/or faculty/staff's expense. Bender noted that the PAC determined that it would be expensive per rider to have a line go to NIC. Steffen suggested that the buses currently going down Holdrege Street could make a turn at 27<sup>th</sup> Street and go to NIC. Konecky pointed out that if the transit service wants to maintain the frequency of stops at all of its bus stops it would need to increase bus service and this would be costly. Steffen stated that this is an overhead cost that the university should have considered and put into the planning of the campus.

## **6.2 Faculty Members for the Chancellor's Commission on Environmental Sustainability**

Nickerson noted that two faculty members are needed for the Chancellor's Commission on Environmental Sustainability. He stated that he would like to get faculty members who are interested in the issue and have technical expertise that they can bring to the Commission.

The meeting was adjourned at 4:58 p.m. The next meeting of the Executive Committee will be on Tuesday, March 3 after the Faculty Senate meeting. The meeting will be held in the City Campus Union, Auditorium. The minutes are respectfully submitted by Karen Griffin, Coordinator and Tad Wysocki, Secretary.