

EXECUTIVE COMMITTEE MINUTES

Present: Bender, Dawes, Lee, Nickerson, Reisbig, Rudy, Steffen, Woodman

Absent: Joeckel, Konecky, Purcell, Sollars, Vakilzadian

Date: Wednesday, July 8, 2015

Location: 203 Alexander

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 (*Bender*)

Bender called the meeting to order at 3:03 p.m.

2.0 VC Green

2.1 Status of Extension Educators under Proposed Changes to Regents Bylaw 4.3, 4.4, 4.8, 4.9 and 4.14

Bender noted he received an e-mail from VC Green stating that he supported the additional language to be included in the Regents Bylaws regarding faculty practice and faculty research appointments. VC Green clarified that extension educators are special appointees under the bylaws. He noted that they are faculty and under the IANR Bylaws, specifically, they are listed as faculty adhering to the Regents' Bylaws. He said that, if they are to have the same grievance rights, these changes need to be made to the Regents Bylaws. Lee asked if they get promoted. VC Green noted that they do have a promotion system but not under tenure committees. He said they are not tenured but they do have promotable rank and that there is a committee within Extension who reviews this. Nickerson noted that extension educators can bring grievances to the ARRC.

Nickerson asked if VC Green would be supportive of the Executive Committee crafting changes in language and then bringing such to the Board of Regents for their consideration. VC Green stated he would. Steffen asked if there was a structural reason why this could not happen. Bender noted that it would make sense that extension educators were treated the same as professors of practice.

Woodman said that only tenured faculty can serve on the ARRC. He asked if that changes whether or not an extension educator can bring an appeal to the ARRC. Bender noted that any faculty can bring a complaint. He also stated that people not from the UNL community could go to the ARRC with a complaint about any faculty member.

2.2 Status of Temporary Funds Budget for Covering Courses

Bender asked if there was going to be enough money to cover positions needed for the Fall to teach language and English composition classes, for example, Rudy added by asking if the temporary budget would also be used to cover VSIP vacancies. VC Green stated that the payout of the VSIP was 90% of the faculty member's salary as compared

to 100% four years ago. He said that, upon request, Academic Affairs provided back to the colleges money to help fill that gap. This time the 10% has been provided back for the temporary instruction support.

Woodman stated that, prior to VSIP, there was already a reduction in temporary funds and that there seems to be more of a long-term issue involved. He inquired what will happen in the years that follow. He said that Dean Francisco has mentioned that he wants to transition temporary faculty into professor of practice lines. He asked VC Green if this was being discussed more. VC Green noted that this is being actively discussed. He stated that a contributing factor to the issue are the cuts in distance education funds coming back to the Colleges, which formerly were used to fill a lot of gaps. He noted that when the funding model changed, a lot of gaps were exposed. Lee asked if VC Green has confidence that the University will be able to cover the basic ACE courses in the fall. VC Green stated that the Deans have assured him that they are covered for the fall.

2.3 Use of 5% Surcharge Funds

Bender inquired how the funds from the 5% surcharge will be used. VC Green stated he only had the information from IANR and that those funds are being allocated on a competitive basis for either deferred maintenance or infrastructural costs. He stated it was estimated that \$500,000 would be collected, but it would be closer to \$1 million. Nickerson asked what percentage of deferred maintenance will be covered. VC Green stated that they will make strategic decisions on how to disperse the funds. He noted that there had been concern that the funds would be taken away and not given back. However, he assured that the funds go back directly to support the programs from which they were received. He stated that this is highly market-dependent and surmised that in the coming years the amount collected will likely be similar. Woodman noted that lab fees are often increased to compensate for the surcharge and that this is essentially charging the students for the increase. He asked if increases will be made to program fees to offset surcharge funds. Woodman noted that lab fees should not be used for deferred maintenance. VC Green stated he did not believe that lab accounts were included and would look into it. He said this does not occur through IANR but will inquire regarding Academic Affairs.

2.4 Update on Results of MARC Report: Changes in Practices, Overall Recommendations?

VC Green stated that the original review report was in March from an external review panel appointed by the Secretary of Agriculture. He said there were no concerns about adequate animal care at US MARC but that they recommended some minor changes to their IACUC policy. He stated that there was also a second phase to the review panel and that the review was released last week with the same findings. He said that the panel reviewed other lab sites, again with no animal care concerns and minor changes to protocols to ensure they are as fully compliant in terms of ARS Institutional IACUC with the Animal Welfare Act as possible. Further, he stated that an additional review the Secretary of Agriculture called for was from the Office of the Inspector General at USDA to review each accusation referenced in the original NYT article. He said they are still working on that part of the report and so far, to his knowledge, there has not been any

evidence to suggest inappropriate animal care.

Rudy asked if the report was public and if there was response from the NY Times or the media. Green noted that there was no response from the media or the article's authors. He said there was a response from some non-governmental organizations asking if the review was thorough, by animal experts, and third-party. VC Green verified that the reviews were thorough and completed by non-affiliated animal experts. He said their questions also centered on trying to get agricultural animal research put into the same guidelines as laboratory animals. He remarked that he was surprised that the level of public comment and dialogue was relatively low when the report was released.

Nickerson asked if VC Green thinks that the allegations in the NY Times article never existed or were not able to be appropriately interpreted or that MARC or UNL has gotten rid of these practices. VC Green stated that the way the article was presented represented that there was a different environment for animal care than exists today. He said that the authors took unconnected incidents and strung together a series of four or five accounts and made that look as if those were routine animal care. He added that when the article is read the way it is presented, it appears as egregious animal abuse. VC Green stated, speaking as an animal scientist, it was grossly misrepresented. He also stated that he did an interview with the Lincoln Journal Star addressing the concerns. Bender noted that the article in the LJS isn't going to have as much attention as one in the NY Times. Green added that the Secretary of Agriculture is doing the right thing by investigating every accusation in the article to ensure there aren't animal care concerns or misuse of federal dollars.

2.5 Update on Draft Guidelines for Extension Educators Serving on Boards

VC Green stated that it is back to a guidance document. He said that the document was reviewed by the committee structure in Nebraska Extension and that Dean Hibberd has submitted it back to General Counsel Joel Pederson's office.

2.6 Topics of Discussion for Non-Tenure Track Faculty Forum

Bender stated that the Executive Committee is looking to have another forum in October and that VC Green's participation is invited. He asked if VC Green had topics he thinks would be beneficial to faculty to include. VC Green inquired about the intent of the forum and if it was a follow-up to the non-tenure track faculty survey. Rudy clarified the intent as inquiring about what practices are in place that we are doing successfully and what is the nature of dissatisfaction among faculty. He stated that the intent is not to dictate to administration what ought to be done but rather to provide a forum for discussion of what is going well and what areas could be improved. Woodman noted that he would like a set of best practices to be developed in that there is a lot of variation between colleges.

VC Green asked if there was a mixture of reactions in each faculty category. Woodman noted the lecturers were the most insecure but such is the nature of the position. He said that professors of practice appear to be the most satisfied and that extension educators seem fairly satisfied as well. Rudy stated he doesn't just want it to be an airing of

grievances and wants an actionable outcome. Steffen noted a difference in culture between colleges and a need to identify where people feel threatened and how other colleges abate that. Nickerson said he wants to develop a set of best practices but wants to work with the administration as much as possible. VC Green stated he appreciates the invitation and is glad to participate. Woodman noted that a date which matches with VC Green's schedule would be determined.

2.7 Possible Ways to Improve Joint Appointment Situations

Bender noted that there have been concerns with faculty who have joint appointments and the additional problems they face when they go up for promotion and tenure. He asked if VC Green had suggestions for ways to improve their conditions. Lee noted that it is particularly stressful for Ethnic Studies faculty with service demands on their time and that they often take on the obligation of mentoring minority students as well. He added that a lot of these programs are involved in interdisciplinary journals and faculty often get mixed messages on where to publish. VC Green noted this becomes an inconsistency in the evaluation of promotion and tenure. He stated that he is aware of the issue but does not have the solution. He is most aware of it in split departmental appointments that have a tenure home department but partial appointment in another. He said that there is inconsistency in criteria for evaluation that presents some challenges. Nickerson asked if extending the tenure clock one year for joint appointments could be part of the solution. Lee wondered if Ethnic Studies were to become a department if a lot of these problems could be resolved; what is the cost to have a department as opposed to a program? VC Green noted 10-15% of faculty per year have joint appointments in IANR colleges. Woodman asked if the joint appointments tend to hurt the faculty more often than appointments in single departments. VC Green noted that he less often sees the joint appointments hurting than when they have been fine. Steffen stated they did a lot of joint appointments to start the Professional Program in Veterinary Medicine and that there are quite a few joint appointments across departments and colleges. Nickerson said this is a mechanism to encourage interdisciplinary research. VC Green noted a disproportionate number of faculty who are dual hires would fall into this category as well. Lee wondered what the proportion of women and minorities are holding joint appointments. Rudy noted that some are joint appointments in a department and program. Dawes stated that the same faculty could be in both the program and department. She wondered if in those cases those faculty members could have disproportionate weight in voting on promotion and tenure decisions; would they be eligible to vote twice. Also, she inquired when the joint appointment is between a department and a program, what is the program's weight in decision-making? VC Green noted that programs or centers cannot serve as a tenure home and that they only serve in an advisory capacity in promotion and tenure processes. He stated this is the same with a dual appointment in that areas outside the tenure home only have an advisory role. Woodman noted that the Dean can disagree with any vote. Bender identified that disagreements have differed between department and program vote where the Dean ultimately agreed with the program. VC Green stated that a challenge with promotion and tenure guidelines is that every step of the process is to be taken independently of all of the other prior steps. He stated as the steps increase those evaluating the file become less connected and able to assess but that they are supposed to evaluate independently every step, even though all of the documentation about the prior

votes is in the files. Steffen stated that attitudes between departments won't likely be harmonized so it is important to have a clearly defined job description. He stated that there should be good documentation that all job descriptions are up to standard and to identify up front what types of journal publications are expected.

2.8 Lecturers and Senior Lecturers – Will they have the opportunity to move to Professor of Practice positions so they can be covered under the Regents proposed revisions to Bylaw 4.3?

Bender inquired if, with the additional protection being given to research professors and professors of practice, will lecturers be given the option to transition to professor of practice lines to take advantage of these additional protections? VC Green stated that it would have to be a programmatic decision whether a particular faculty best fit a lecturer designation versus the professor of practice or research professor position. He stated that this issue hasn't really been thought through yet, but at the surface level the answer is no. He added that given we have the category of lecturer, it would not make sense that we would offer this transition since we did not offer that prior to these bylaw changes.

Bender asked if it would make sense to revise that bylaw at this point to include extension educators since it is going to be delayed one time already due to the additional language regarding extension educators. VC Green stated that he would talk with Provost Susan Fritz about this. He stated that it would make more sense to do all of the changes at once instead of delaying it another two months. Bender stated if it is possible that would make a lot of sense.

2.9 Other Issues

Woodman inquired about the status of admissions and enrollment. VC Green noted it is projected that enrollment will have a small increase this year.

Nickerson asked if the search committee for the chancellor position has been finalized. VC Green stated he does not yet know, but that President Bounds intends to have it in place before the beginning of the school year.

Steffen asked about the status of the Brazil Scientific Mobility Program. VC Green stated that it is still active with around 30-35 students coming in the fall, but that there is some uncertainty about the program in the next years. He said that Brazil is getting ready to go into a recession and that there is a lot of economic instability. He surmised that it is unlikely to be a long-term program.

3.0 Announcements

3.1 Executive Committee Meeting with President Bounds

Bender reported that President Bounds has agreed to meet with the Executive Committee on October 28th and that a location is yet to be finalized.

3.2 Executive Committee Invitations to Board of Regents

Bender stated that he spoke with Corporation Secretary Carmen Maurer about meeting with one or more members of the Board of Regents. Bender noted Maurer expressed

support of this invitation and thinks it is a good idea to meet with the Regents to enhance communication between faculty and the Board. Bender stated that he will look into inviting one or two Regents during the semester.

3.3 Bylaw Revisions

Bender stated that he forwarded an e-mail received from Provost Susan Fritz and had a conversation with Deputy General Counsel John Wiltse regarding changes to Bylaw 4.3. He stated that the Executive Committee's recommendations into the bylaw revisions was embraced and that they are going to make this change. He said Rudy deserved kudos for spotting the issue.

3.4 Senate Liaison to Title IX Coordinator

Bender reported he had sent an e-mail to the Executive Committee members requesting someone to serve as a senate liaison to Susan Foster as Title IX Coordinator. He stated that Sollars agreed to do so.

3.5 Michigan Faculty Governance Conference Invitation

Bender stated that he also forwarded an e-mail regarding a faculty governance conference in Michigan. Nickerson noted he thinks we should participate. He said that the plan is to take up issues that are of tremendous importance in Wisconsin and North Carolina. He said that we need to think about ways to counteract that. Lee noted that the governance of Nebraska is very different than in Wisconsin and that there is a statute in Wisconsin that establishes tenure for faculty that the governor is currently trying to remove. Bender said he would be interested in attending and would like to have the support of the Executive Committee as well. Woodman noted that the Executive Committee could request funding from the Chancellor's Office since the Faculty Senate budget is small. Bender stated that funding by the host institution to cover lodging and food is being sought and that only travel would need to be covered.

4.0 Approval of June 24, 2015 Minutes

Nickerson moved to approve the revised minutes. Motion seconded by Lee and then approved by the Executive Committee.

5.0 Unfinished Business

6.0 New Business

6.1 Possible Coordinator Position Change

Bender stated that this change is an outgrowth of the creation of the Vice Chancellor for Information Technology position. He said that as a result of that creation, the Office of Institutional Research and Planning headed by Bill Nunez is going to move under the VC for Information Technology. Bender stated he had a conversation with Nunez last week and that he was told that Nunez is going to be stepping down as Director of Institutional Research and Planning to devote full time to serving as Chief of Staff and Associate to the Chancellor and that a new person will be hired into the director position in the near future. Bender stated that, as a result of that change, two issues arise. He said that one issue is regarding the University bylaws and the designation of the Director of

Institutional Research and Planning as a voting member of the Academic Planning Committee. He said it would be problematic to have a subordinate person on that committee as a voting member when the VC for Information Technology is not. He said a revision of the bylaws needs to be considered regarding who should have that vote.

Bender stated that a second issue is that, Shelly Green, who has been the coordinator for the APC, is going to be moving full time to working with Institutional Research and Planning. He said that Nunez is suggesting Karen Griffin to take over as coordinator of both APC and Faculty Senate. Further, he said that Nunez indicated Griffin's new role would be designated as Coordinator of Faculty Governance and would be more consistent with what is being done with other Big Ten institutions. Bender noted in addition that Nunez stated the administration would be willing to hire someone part-time to assist Griffin with both APC and Faculty Senate issues. Nickerson noted how highly that spoke of Griffin's work. Nickerson asked if they were going to rethink the role of the APC and Faculty Senate since there is considerable overlap between both, although he sees it as good to have this overlap. Woodman noted a conflict between meeting times of APC and the Faculty Senate. Bender stated some resolution has to occur.

6.2 Discussion Topics for Retreat

Bender identified that there are a couple of items already added to the agenda. He said that Bill Nunez has agreed to come to the July 22 Executive Committee meeting and that a request will be placed for Susan Foster to attend as well. Lee noted to send to Bender any discussion topics if members decide on any. Reisbig asked if Bender would send an e-mail request to the committee and he agreed to do so. Bender also stated that he will ask Griffin to send out last year's agenda to the Committee. Rudy asked about adding a mission statement for the Executive Committee.

6.3 UNL Bylaws Update

Woodman stated that the sub-committee consisting of himself, Dawes, and Steffen are making progress on the areas dealing with faculty governance. He stated the other areas are best dealt with by the Chancellor's office.

6.4 Chancellor's Memorandum on Title IX Compliance

Lee noted confusion in interpreting the memorandum. He wondered if the police were involved, Susan Foster or Harvey wouldn't have jurisdiction would they? Nickerson stated he read it as a press release about the new position held by Susan Foster. Bender stated that it had not occurred to him that the police could be the other party with whom there was a disagreement. He stated that the document reads that based on Title IX, Susan Foster would be the final authority and that if a matter were both criminal and civil, only Title IX falls under her jurisdiction and if intermingled with another non-Title IX issue, it will not move forward without a Title IX decision. Lee added that it reads that if Susan Foster is in conflict with another decision that the Chancellor ultimately gets the decision. He said that it appears that some issue was raised that perhaps we are unaware and that this is the response to it. Woodman agreed that the Title IX Policy Memorandum appears to be delineating a process based upon a prior issue. Bender noted that he would look

further into it.

The meeting was adjourned at 4:54 p.m. The next meeting of the Executive Committee will be on Wednesday, July 22nd at 3:00 pm. The meeting will be held in 203 Alexander. The minutes are respectfully submitted by Allison Reisbig, Secretary and Karen Griffin, Coordinator.