

EXECUTIVE COMMITTEE MINUTES

Present: Bender, Dawes, Joeckel, Konecky, Lee, Reisbig, Sollars, Vakilzadian, Woodman

Absent: Nickerson, Purcell, Rudy, Steffen

Date: Wednesday, June 10, 2015

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

Bender called the meeting to order at 3:05 p.m.

2.0 Chancellor Perlman

2.1 Clarification on the use of the 1% faculty salary increases that was to be returned to faculty and staff if there was sufficient tuition revenue.

Bender stated that the issue is whether the money for promotion and tenure increases comes from the staff salary increases as well as the faculty salary increases. He pointed out that staff members would not benefit from any of these promotions as it would all be used for faculty. Chancellor Perlman reported that for the last few years the money needed for promotion and salary was taken off the top of the salary pool before it was split between the faculty and staff. He noted that 1% was originally taken off of everybody's salary to cover the budget deficit, but he understands the point being made and will see if anything can be done to address the issue. Bender noted that there is concern with the impacts that this has on staff salaries and asked if they can be compensated for in some way. Chancellor Perlman stated that he will see if something can be done.

2.2 Fall Enrollment Figures

Chancellor Perlman reported that there is some clue that the total enrollment will grow some, but no actual numbers are available yet.

2.3 Overall Campus Budget for 2015-2016

Chancellor Perlman reported that currently there could be a \$4 million reduction in our budget over the next two years, although this does not take into account additional revenue from an increase in enrollment. He noted that there is some sentiment on the Board that the campuses should identify how they are going to deal with the budget cuts now. He stated that he is sure we will face some kind of budget cut, but we do not know whether it will be imposed by the Board or by the absence of revenue.

Bender noted that he chaired the Academic Planning Committee during a previous budget cut and asked what there is left to be cut. Chancellor Perlman stated that he feels the

same way. He noted that he will try to do as much as possible around the core, but it will be difficult because so much has been cut previously.

2.4 Budget for Classroom Improvements

Chancellor Perlman stated that he knows that SVCAA Weissinger would like to create a budget for classroom improvement, but at this point we may only be able to use one-time funds because of the budget outlook. He pointed out that undergraduate education is our top priority and we need to keep classrooms up-to-date.

2.5 Committee for Determining Use of Old College of Business Administration Building

Chancellor Perlman reported that there is not a real committee to consider the use of the old CBA building, although there is a growing list of interested units. He stated that Associate to the Chancellor Nunez as Director of Institutional Research and Planning has been looking at the square footage and looking to see what would fit into the building. He stated that if there is any significant controversy involving the academic enterprise he would come to the Senate about it. He noted that he would need to check to see if the planned use of the building would need to go to the Academic Planning Committee for approval.

Chancellor Perlman stated that use of the CBA building may be impacted by the purchase of the Nebraska Bookstore building, but there are significant contingencies the outcome of which will determine use of the bookstore. He noted that when the offer was made to the campus to purchase the building he knew we needed to get it because it is such a strategic location for the campus and it fits nicely into two other projects that we are trying to get done. He stated that he will provide further details to the Executive Committee when he can.

2.6 Clifton Foundation/Gallup Gift to CBA

Chancellor Perlman stated that the gift to CBA is unique in multiple parts. It makes a significant contribution to the CBA building fund and a large part of the gift is the Clifton Strengths Institute, which in theory should be open to the campus. He stated that a small piece of it would underline the survey research unit that Gallup has funded on an annual basis, although the funding was somewhat unstable. The gift will move the research unit into the Business College which will be responsible for the unit. He noted that the gift also provides us with a number of licenses that would give access to Gallup's Global Poll. He pointed out that Gallup conducts surveys in 167 countries and they have an extraordinary, unique database which is accessible for a large fee. He stated that having access to this database could be very helpful for forming good research projects.

2.7 Can Benefits between the Big Ten Universities be Coordinated through the CIC?

Chancellor Perlman noted that while he is open to the idea of this, there are two questions that need to be considered: is there enough comparative data to know whether we are competitive with the other Big Ten schools in terms of benefits. He stated that he

thought it would be possible to get this information, but the benefits are managed through Varner Hall. He pointed out that it is very difficult and complex to compare plans.

Chancellor Perlman stated that the idea of coordinating and pooling medical insurance to lower premiums would be very difficult because insurance is regulated by each state, not just one government system. He stated that trying to coordinate the medical insurance would be very hard and it may not be to our advantage because we do not have a high medical cost compared to other universities.

2.8 5% Assessment Projections – How much has been recovered and how is it being used?

Chancellor Perlman stated that he would need to have VC Jackson give a report on how much money has been recovered. He noted that the idea is that the 5% assessment would go back to the Vice Chancellor that the auxiliary is in and the Vice Chancellors could make their own discretion on how to use the funds. He stated that he will see if VC Jackson can give a report on the funds.

2.9 Tenure and promotion difficulties for faculty members with joint appointments

Bender stated that there has recently been some publicity about this issue at universities across the country. Chancellor Perlman stated that he thinks it is a real issue and it is always raised, particularly if someone with a joint appointment has been denied tenure. He pointed out that it is hard to know whether there is any merit to the argument, but he does think it is an issue. He noted that there are some areas where joint appointments have been successful for a long time such as in the Law/Psychology program. He stated that Ethnic Studies does seem to have some concerns. He suggested that one useful way to address the issue is to have the faculty take a hard look at these appointments. He suggested the Senate create a task force that would look at other universities to see how they manage these appointments and if the Senate wanted someone from administration on the task force he would be happy to appoint someone to serve on it.

Lee noted that for a variety of reasons the joint appointments seem to be more difficult for faculty in Ethnic Studies because they often have so many obligations to mentor students and to serve on committees. He stated that the easiest solution would be to make Ethnic Studies a department and asked if this is something that would be possible. Chancellor Perlman stated that nothing is off the table, but the problem is true for all diverse faculty members, regardless of whether they have a joint appointment. Lee pointed out that the work intensifies for faculty members with joint appointments because they have two department meetings to attend, serve on committees for two departments, and advise students from two different units. Chancellor Perlman stated that he appreciates the concerns, but when there are rules stating that committees need diverse members you impose these additional burdens on these faculty members. He pointed out that the joint appointments could be viewed separately from the minority appointments.

Woodman reported that Dean Francisco is working on trying to reduce the workload for these faculty members. Chancellor Perlman noted that when he was Dean of the Law

College he acted as a buffer for diverse faculty members who might feel pressured to serve on various committees by requiring that he had to approve their appointment to a committee. Lee noted that we want people to serve as a role model and mentor and we want to encourage that they serve on committees, but it needs to be done in a way that doesn't interfere with their career progress. Chancellor Perlman noted that a balance needs to be achieved but this can be difficult.

2.10 Potential Collaboration with UNMC Regarding iExcel

Bender asked if there has been any collaboration between UNL and UNMC with respect to iExcel. Chancellor Perlman reported that iExcel has not been established at this point. He stated that a substantial amount of funds still needs to be raised to match the funding provided by the state legislature. He said that ultimately the goal is that the program will be available across the university system.

2.11 Post Tenure Review Update

Bender asked if there was any information regarding post tenure reviews since the policy was established. Chancellor Perlman stated that he does not have the data but knows that there are some people that have been put into the post tenure review process and some of these people may have retired or have left the university. He thinks that the data can be obtained. Bender noted that the Executive Committee was curious as to the frequency of how often the process was invoked. Chancellor Perlman stated that he would be surprised if it was more than a handful of times. He stated that the value of the policy is that it is a way to encourage people who are not contributing to research to retire and the VSIP might have been appealing to some of these people. He stated that the policy sets the principle that a faculty member needs to be contributing in some way thorough their entire career at the University.

2.12 Appointment Change for Dean Cerveny

Bender asked what former Dean Cerveny's role will be now and how it will differ from Associate to the Chancellor Nunez's position. Chancellor Perlman pointed out that Cerveny will not be Chief of Staff like Nunez. He noted that Cerveny is great at student enrollment and there are some issues with enrollment that he would like to see addressed such as increasing international student recruitment and how the Alumni Association could be more helpful in recruiting efforts. He stated that Cerveny's position as Special Advisor to the Chancellor for Recruitment and Enrollment will be a one year position. He reported that Associate Vice Chancellor Goodburn will be Interim Dean of Enrollment Management for a year and a search will be conducted to fill the Dean's position. He noted that Dean of Enrollment Management is becoming a more specialized position at universities.

2.13 Issues on the Horizon

Chancellor Perlman reported that approval of the program statement for a new Health Center will be on the Board of Regent's June 12 agenda. He noted that the Med Center fully takes control of the Health Center on July 1 although some governance structures will need to be developed and how the campus will still have input into policy decisions of a non-medical basis.

Chancellor Perlman stated that he presumes CIO Askren's position change to Vice Chancellor will be approved at the Board meeting. He believes that this change will be helpful to us. He pointed out that information technology involves a lot of money and he does not know if we are using the technology to our best advantage. He noted that a major issue is the need for a better data center. He reported that currently UNL's and CSN's data center is currently housed in Nebraska Hall which is not even considered a tier one facility. He stated that a data center building is being considered on NIC and it could possibly be attractive to some private companies and the state for use.

Chancellor Perlman reported that there are 2 – 3 interim studies being conducted at the legislature that we are involved in, one of which is about NIC which we are asking money for. He stated that there will probably be hearings in the fall about it. He noted that the grand opening of NIC is in October and the campus is coming along remarkably well with the construction of buildings.

Chancellor Perlman stated that an interim study is being conducted for the legislature on the engineering program at PKI which we asked resources for but were denied. The legislature's response was to conduct an interim study. He pointed out that the setup of the PKI program is somewhat confusing, but we need to focus on the need for more engineers in the state. He stated that another study is on tax incentives that will go to companies that engage in research involving the university which clearly applies to NIC.

Chancellor Perlman reported that President Bounds is interested in learning as much as he can about each of the campuses as quickly as possible and we are providing extensive information on UNL. He stated that President Bounds will be taking a two hour tour of the campus with the Chancellor and Vice Chancellor.

Lee asked if the Governor is interested in trying to eliminate tenure, similar to what Governor Walker of Wisconsin is doing. Chancellor Perlman stated that he gets no sense that Governor Ricketts is interested in doing this. He stated that Governor Walker is obviously trying to save money by trying to make the University of Wisconsin more independent from the state. He pointed out that we do not have the same situation here and there are some strong limitations on what the legislature can do with the university. Lee asked if the legislature can end tenure. Chancellor Perlman stated that he did not think so. He said tenure is defined and implemented within the by-laws of the Board of Regents and he wasn't sure it was even in state statute. He noted that although the budget was not as much as we would have liked it wasn't too bad and he thinks the Governor is cooperative.

Joeckel asked when we might know more specifics about budget cuts. Chancellor Perlman noted that the Board will adopt a budget at the June 12 meeting and it will show an \$8 million cut in the university system budget for the next two years. He stated that we will have to get a sense of the Board's reaction before making any decisions on what we need to do. He noted that a large budget cutting process has not been done for a number of years and we may be forced to do a visible budget cutting process even though

his normal instinct is to avoid making these kinds of cuts. He stated that we will have to see what the Board decides and we will need to work together to figure out how to deal with the cuts.

3.0 Announcements

3.1 Tour of Sustainability Project

Bender reported that the Executive Committee has been invited to take a tour of sustainable facilities next Wednesday, June 17 at 3:00. Those Executive Committee members interested should respond to him to let him know if they plan to attend.

3.1 Meeting with Director Nancy Mitchell about ACE Five Year Review

Bender reported that he and Sollars met with Director Nancy Mitchell to have a preliminary meeting regarding the five year assessment of the ACE program. Sollars stated that the review will largely be faculty driven. She stated that each of the ACE categories will have a designated study group that will look at the ACE criteria from a couple of different perspectives. She stated that the over-arching rubric will help with assessment in future years and there will be an analysis of how the criteria are working. She reported that there will be a separate committee that will look at the ACE program in general with the idea of improving the quality of education and improving assessment. She noted that there is concern about the assessment process of ACE.

Lee asked if external reviewers will be involved with the review. Sollars stated that it is not mandated in the governing documents of ACE but it is one of the questions that has been raised. Lee asked why ACE outcomes 1 – 9 will be reviewed but not 10. Sollars stated that a review of ACE 10 outcomes was conducted last year. Lee asked if a possible outcome of the review could be that we need a different ACE program. Sollars stated that this could be a possibility. She stated that there has been discussion about outcomes 8 and 9 and whether global diversity and awareness need to be a larger component of these outcomes. Lee stated that he was on a committee in Arts & Sciences about ACE and there was concern that there is an ACE requirement on history, but not all courses certified under the outcome were taught by historians. Sollars stated that there is discussion about requiring all ACE outcomes to have a writing component to them.

Sollars stated that an invitation will be sent out to the faculty to see if anyone is interested in participating in the review and an announcement will also be made about it. Joeckel noted that the Executive Committee needed to thank Sollars for taking on all of the tasks of representing the Senate on the committees.

Bender stated that he is aware that there has been concern about the faculty time involved with ACE and he thinks Nancy Mitchell is trying to make some changes that will make the process less burdensome for faculty members. Sollars reported that an interface is going to be developed with the program which might help.

Joeckel pointed out that we still need to know whether ACE is effective at all. Bender stated that the assessment will generate data that will allow the faculty to make more concrete decisions about the effectiveness of the program and how it is benefitting our

teaching and benefitting the students. He noted that at this point there is not enough data to answer these questions, but the hope is that any changes will help generate the needed data. Lee pointed out that ACE took a set of course requirements that was not uniform across the campus and created a program that would make it easier for students to transfer to a different college. He stated that he found the capstone course to be very beneficial

3.2 Clarification on TIPS Reporting and Title IX

Bender reported that he received information from Director Susan Foster, Institutional Equity and Compliance, clarifying differences between TIPS reporting and Title IX requirements. He noted that there are no obligations to report an incident on TIPS, but under the Clery Act, people identified as campus security authorities have an obligation to make a report should someone confide that they have been a victim of any crime. He pointed out that anyone who sees or learns of an incident of child abuse must report it under state law. He noted that Director Foster has spoken with Chief Yardley concerning the breadth of the list of campus security authorities under the Clery Act as being anyone that has advisory responsibilities with students. He reported that Director Foster stated that this broad definition is currently being reviewed.

Bender stated that with Title IX the Office of Civil Rights requires that the campus identify people who are confidential or responsible employees, but the campus needs to get a clearer definition on just who would be identified as these employees and the university is making a list of employees who would be on the list. Those people who are identified will have a responsibility to report any incidences to the Title IX coordinator.

Woodman questioned what the consequences would be if someone does not make a report. He pointed out that there are people who may not realize that they are considered a campus security authority under the Clery Act. Bender stated that Director Foster did not provide any information on this particular subject.

Sollars reported that she recently attended the Title IX training session. She stated that one of the trickiest issues is defining who is considered a responsible employee. She noted that there is a third category that needs to be considered and that is a responsible employee could be anyone that a student thinks is a responsible person. She stated that it was mentioned at the sessions that some institutions feel that every adult, including food service workers, are considered a responsible employee. She pointed out that anyone identified as a responsible employee is required to go through annual training. She stated that the responsible employee under Title IX could be a separate group from the campus security authorities under the Clery Act, and that they would be notified separately. She noted that reports under the Clery Act are completely anonymous.

Woodman reported that some supervisors who were identified as a campus security authority under the Clery Act were not aware that they were considered as such and there has been no follow-up with these individuals. Sollars reported that with the transition in leadership in the Office of Institutional Equity and Compliance there may have been

some miscommunication, but now that Director Foster has been hired things should be straightened out and she believes Foster will handle things well.

Griffin asked if responsible employees would be required to make a report if a fellow employee confides they have been a victim of sexual harassment or abuse. Lee pointed out that a lot of employees are also students making the issue cloudy. Bender stated that he will ask Director Foster this question. Reisbig asked if Title IX applies to any students over 19 years of age. Sollars reported that any student that pays tuition falls under Title IX and any identified responsible employee must take appropriate action if they become aware that the student has been a victim of sexual harassment/abuse. She pointed out that anyone identified as a responsible employee needs to stop the student before they confide in the employee to let them know that they are required to report the incident and what the ramifications of this could be. She stated that this issue will be part of the training, but all of these issues will have to be made clear to the responsible employee.

Woodman noted that ASUN wants language included in the course syllabus concerning sexual assault/harassment and suggested adding information that a faculty member is required to report any incidents should a student speak to them about what happened. Chancellor Perlman noted that universities are no longer free agents and that the Office of Civil Rights and the federal government have requirements that must be met. He pointed out that if a faculty member wants to put a statement like this on the course syllabus the faculty member would be required to go through training. He reported that up to now, the university has determined not to make all faculty responsible parties, but if they feel that they would be comfortable in that role they could become an identified responsible employee. He pointed out that in doing so the faculty made would have imposed obligations that would have some ramifications.

Lee asked if the university is free to decide who the responsible people will be for Title IX compliance. Chancellor Perlman stated that currently the university is free to make that decision and the idea is that there would be someone in each department that students could go to. These people could perhaps have an identifying symbol, similar to the pink triangle that was used several years ago indicating that the individual was a person that LGBTQA people could talk to. He noted that whoever the responsible employee is they are obligated to inform the student of specific things so each responsible employee would need to have an information card telling them what they need to say. He pointed out that requirements under Title IX are very regulatory. Sollars stated that during the training session one of the trickier categories was who is a responsible employee because many students could assume that all faculty members are a responsible employee. Chancellor Perlman agreed and stated that this is a reason for having an identifying symbol on an employee's door. He noted that administratively it would be easier to make everyone a responsible employee but that would mean that every employee would need to go through annual training.

4.0 Approval of May 27, 2015 Minutes

Joeckel moved for approval of the revised minutes. Motion seconded by Konecky and approved by the Executive Committee.

5.0 Unfinished Business

No unfinished business was discussed.

6.0 New Business

6.1 What is Meant by the Term “Collegiality”

Bender noted that the term is used in the Professional Ethics Statement which is being revised by Lee, Reisbig, and Rudy. Lee reported that the AAUP is very worried about the use of the term collegiality and at some institutions collegiality is being put into tenure standards. He stated that his concern is that sometimes collegiality can be an excuse for homogeneity, people who disagree with you could call you out about not being collegial. He thinks we need to think through this term and that we need to create a statement that isn't loaded.

Lee reported that he, Reisbig, and Rudy met and looked at Harvard's policy prohibiting relationships between faculty members and undergraduates. He pointed out that statements and policies need to be carefully worded on this issue because there are numerous instances where many faculty members and students are married in perfectly legitimate circumstances. Sollars noted that the policy might be appropriate for Harvard because their student body is composed only of young undergraduates.

Reisbig asked that if anyone has any statements defining collegiality to let her, Lee, or Rudy know.

The meeting was adjourned at 4:51 p.m. The next meeting of the Executive Committee will be on Wednesday, June 24, 2015 at 3:00 pm. The meeting will be held in conference room 203 Alexander West. The minutes are respectfully submitted by Karen Griffin, Coordinator and Allison Reisbig, Secretary.