

EXECUTIVE COMMITTEE MINUTES

Present: Bender, Dawes, Joeckel, Konecky, Lee, Nickerson, Reisbig, Rudy, Steffen, Vakilzadian, Woodman

Absent: Purcell, Sollars

Date: Wednesday, June 24, 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 to Order

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

2.0 Announcements

2.1 Meeting with Faculty Senate Presidents from UNO, UNK, UNMC

Bender reported that he is in the process of setting up a meeting with the Presidents and Vice Presidents of the Faculty Senates from the other NU campuses to discuss issues that the Senates could collaborate on. He stated that he is trying to arrange the meeting for mid-July and one possible topic of discussion is getting faculty representation on the Board of Regents. Nickerson stated that another topic would be to pursue AFCON's suggestion to include language in the Regents Bylaws that would protect faculty if they criticized the University.

3.0 Approval of June 10, 2015 Minutes

Joeckel moved to approve the revised minutes. Motion seconded by Reisbig and then approved by the Executive Committee.

4.0 Unfinished Business

4.1 Response from Director Susan Foster on Questions Regarding Clarification of Title IX and Clery Act

Bender reported that Director Susan Foster was able to answer some of the Executive Committee's additional questions regarding Title IX and the Clery Act, although some questions could not be answered because it has not been determined as yet who will be considered a responsible employee. Woodman stated that he hopes that the Executive Committee's opinion will be solicited on the definition of a responsible employee because we don't want to overload faculty members with additional responsibilities, particularly if there is poor communication in keeping these faculty members informed.

Nickerson noted that if a faculty member puts the Title IX language on their syllabus it would make them a responsible party de facto. Konecky pointed out that anyone designated as a responsible employee would be required to participate in the annual training. Bender stated that it sounds like the administration is trying to compile a list of

people who either have authority to address sexual misconduct or have been given the duty of reporting sexual misconduct. Lee stated that it might be to the faculty's advantage for them to all say that they are responsible employees since many people report to faculty members, however, students can go to other employees, such as coaches and he thinks other groups of employees should be required to take the training. Joeckel stated that while he appreciates Lee's concerns he is concerned about the legal responsibilities of faculty members and he is skeptical of what an individual faculty member might be held responsible for under Title IX and the Clery Act, and if a faculty member takes on this additional responsibility it should be manifested in their service record. Lee pointed out that the key would be in the training which would need to be very clear on how things should be handled by a responsible employee.

Reisbig pointed out that there is a confidentiality issue with students over the age of 19 because they are no longer considered minors. She noted that they may want support from a faculty member, but they may not want the information to go any further. She stated that the law mandates that any adult must make a report if a violation occurs against a student under the age of 19. She pointed out that there may be a conflict with what the administration is trying to accomplish and confidentiality laws. Lee noted that Title IX is a federal directive that has been written by our duly elected representatives to Congress. Reisbig wondered whether ASUN or the Women's Center have been consulted about the implementation of the Title IX regulations on campus.

Woodman stated that most students would expect faculty members to be considered responsible employees. Vakilzadian stated that an immediate supervisor should be considered a responsible person. Dawes pointed out that the students' definition of a responsible employee may not include the stipulation that the employee must report an incident confided to them by a student. Woodman wondered how a faculty member would deal with a situation if they have not had training and a student starts to confide in them about an incident. Joeckel stated that there should be designated officers that should deal with it. Griffin noted that the Chancellor had said that consideration is being given to have a person in each unit identified as the responsible employee. Dawes pointed out that there is a legal level and a moral responsibility to this issue; the university is trying to cover the legal responsibility and we want to protect the faculty from being held legally responsible.

Konecky stated that there seems to be a lot of speculation. She suggested that the Executive Committee should speak to Director Susan Foster about what the definition is of a responsible employee, what consideration the administration is taking into account with identifying who these people will be, and what training will be provided.

Nickerson stated that a succinct statement should be given to all faculty at the beginning of the fall semester on what they are responsible for, even if it is just to make them aware of who a student should speak to about any incidents.

Woodman reported that a study conducted by Canadian universities showed that women who were taught self-defense courses were half as likely to be victims of sexual assault.

He stated that he wrote to Director Foster and VC Franco about two weeks earlier asking if there was, or if they were considering such a program at UNL, but has not received a response yet. He noted that providing self-defense courses would be a proactive step for the campus. Konecky stated that self-defense courses have been available at times on campus although she does not know if they have been offered recently.

Nickerson noted that Director Foster has volunteered to meet again with the Executive Committee and suggested setting up a date and providing a series of questions for her.

5.0 New Business

5.1 Report on Board of Regents Meeting

Bender reported that the Regents approved the budget plan submitted by President Bounds. The budget calls for a 1.75% tuition increase for this year and 2.5% increase for the following year. There is also the possibility of having to trim \$8 million of planned expenditures from the budget for the university system which would amount to a \$4 million cut for UNL, but these figures will depend on enrollment.

Rudy asked if President Bounds was aware of the issues surrounding our budgets given that he just took over the position in April. Bender stated that President Bounds seemed to be very comfortable and knowledgeable with the basis of the budget and was very well prepared. Nickerson pointed out that President Bounds was visiting the university and getting up to speed on things well before his actual start date. He noted that the University got everything it asked for except the \$25 million for NIC. Woodman stated that President Bounds was very well received by the Regents and seemed to be a very strong spokesperson for the University.

Steffen questioned how tuition could be raised creating more revenue, but the administration saying there is still going to be a budget cut. Woodman pointed out that costs are increasing and there is a 3% raise on the table. Bender noted that President Bounds stated that the budget cuts are not definite at this point.

Bender stated that the Board of Regents approved the plans for a new University Health Center facility which will be constructed on the parking lot south of the Beadle Center and combined with the College of Nursing. Konecky stated that she did not see anything on the space allocation for the College of Nursing. Bender noted that the College of Nursing plan had been approved earlier and the plans just approved by the Board were not the final building plans. He suspects that the final building plans will state the details on square footage for both UHC and the College of Nursing.

Bender reported that an item on the Regent's agenda that was not discussed was proposed revisions to Bylaw 4.3 to include Practice Faculty and Research Faculty appointments. He noted that this is something he believes the Senate would generally approve of because it affords these faculty members with some of the same protections as tenure and tenure track faculty members.

Bender stated that he wants to check whether lecturers will have the opportunity to move into Professors of Practice positions and whether this will change with the proposed revisions to the Bylaw. Lee pointed out that his department would not make anyone a Professor of Practice if they do not have a Ph.D. Nickerson suggested that the Regents may be trying to clear up any ambiguity in their Bylaws. Woodman noted that the revisions protect Practice Faculty and Research Faculty from being let go before, or after the end of their contract without review. Bender noted that it provides these faculty members with the opportunity to request reconsideration or to go to a grievance committee should they be terminated before the end of their contract. Vakilzadian pointed out that it should be up to the department to decide whether it wants to get new faculty members in these non-tenure track positions and the suggested revisions practically give these faculty members tenure. He noted that departments often use soft money to hire temporary faculty members and questioned what would happen if the money ran out before the end of the contract for these faculty members. Woodman pointed out that Practice Faculty are meant to be more long term and do not fill a temporary need. Konecky questioned why lecturers wouldn't be reappointed if the purpose of their hiring was still there.

Lee stated that another reason for the importance of these revisions is to give the non-tenure track faculty members some security knowing that they have a contract. Having some security will benefit faculty governance because these faculty members may be more willing to serve on the Faculty Senate and some of the various campus committees. Rudy stated that another benefit to the revisions is that they require the chair to conduct annual reviews for Practice Faculty and Research Faculty. He noted that the recent survey conducted by the Senate showed that many non-tenure track faculty members do not get an annual review.

Joeckel asked if the Executive Committee should send a message to the Board stating that it endorses the revisions. He asked if the Committee has the opportunity to tweak the revisions. Rudy questioned whether the tenured faculty members of a unit should be the only faculty members to sit as arbiters when deciding whether a Practice Faculty or Research Faculty member is professionally competent. Lee pointed out that tenured faculty members are in a stronger position to go against a chair's decision. Konecky noted that it is the tenured faculty members of a unit that evaluate pre-tenured faculty members and this would be a similar situation. Lee pointed out that when faculty members are promoted they are evaluated by faculty members who hold the rank of the promoted position or above and as long as the chair is not the person who decides who the grievance committee members would be, he does not think there would be a problem. Bender stated that he does not think the Regents changed this portion of the Bylaw because they did not think this was an issue. Reisbig pointed out that making a change would remove the hierarchical position of tenured faculty members. She suggested adding the Practice Faculty or Research Faculty members of similar rank or above because they could help support the person being reviewed for professional competence. Joeckel noted that even professors that are protected could be cowed and it is very important to make the language specific. Lee stated that faculty members serving on the committee should at least be in a promoted rank. Woodman suggested Associate

Professors or above. Reisbig noted that this needs to cover Research Professors as well. Bender suggested inserting fully promoted faculty members who hold practice and research appointments. Lee suggested removing fully and just stating promoted.

Bender stated that he will draft a letter endorsing the proposed changes and suggesting some slight revisions to the Bylaw and will send it to the Executive Committee for input.

5.2 Agenda Items for VC Green

The Executive Committee identified the following topics for VC Green:

- Status of Extension Educators
- Lecturers Moving to Professors of Practice
- How do we stand on the budget for temporary teaching positions which are used to cover many basic courses?
- What has the 5% surcharge been used for?
- Update on results of MARC report, changes in practice, overall recommendations?
- Update on draft of guidelines for Extension Educators serving on outside boards
- October 9 Forum for Non Tenure-Track Faculty Members – Would he like to attend and is there anything in particular he would like discussed?
- Ideas on how to improve the joint appointment situation

5.3 Invite One or More Regents to Meet with the Executive Committee

Bender queried the Executive Committee to see if they would want to meet with one or more of the Regents. Joeckel suggested that the Committee extend an invitation on an annual basis. Nickerson suggested inviting some of the Regents once a semester. Bender stated that he would check with Associate General Counsel Carmen Maurer to see if a meeting with one or more of the Regents is feasible.

5.4 Invitation to President Bounds to Meet with the Executive Committee

Bender stated that he would like to extend an invitation to President Bounds to meet with the Executive Committee. The Executive Committee agreed and Bender will check to see if President Bounds would be available.

5.5 Motion Commending Coordinator Griffin on Senate Office Move

Joeckel made the motion to commend Griffin on the move of the Senate Office. The motion was seconded and approved.

The meeting was adjourned at 4:41 p.m. The next meeting of the Executive Committee will be on Wednesday, July 8 at 3:00 pm. The meeting will be held in 203 Alexander. The minutes are respectfully submitted by Karen Griffin, Coordinator and Allison Reisbig, Secretary.