

**UNL FACULTY SENATE MEETING MINUTES**  
**City Campus Union,**  
**December 2, 2008**  
**Presidents Kathy Prochaska Cue, John Fech, and Steve Bradford, Presiding**

**1.0 Call to Order**

President Prochaska-Cue called the meeting to order at 2:40 p.m.

**2.0 Announcements**

**2.1 Senate Rules on Visitor's Speaking at the Meeting**

President Prochaska-Cue noted that there are visitors at the meeting today who wish to speak. She asked that when a visitor wishes to speak they approach the mike and once recognized state their name and identifying unit.

**3.0 Chancellor Perlman**

Chancellor Perlman stated that he wants to speak primarily about the budget situation and his thinking on it. He noted that the economic situation will present serious challenges for the university but it is important to put our own situation into context. He pointed out that Nebraska is only one of 9 states that is not in a recession and he does not believe there will be a mid-year budget cut. He reported that Kansas is looking at a 3% cut this year and a 5% cut next year and other universities around the country are facing significant decreases in their budget. He stated that he has confidence that the campus will be able to face the challenges and ideally come out of this stronger.

Chancellor Perlman stated that from projections of revenue for the state and the cash reserve it does not look like we will have a mid-year budget cut but the next fiscal year will be much different. The most recent revenue forecasting board report suggests that we will be in some kind of budget cut for the next biennium, certainly for the first year of the biennium and maybe the second although things could change.

Chancellor Perlman reported that the legislature will not approve a budget for the next biennium until the first week of June and it will not take effect until July 1<sup>st</sup>. The timing of the budget considerations will leave us in a state of uncertainty resulting in us not being able to put some permanent cuts into place until the 2010-2011 fiscal year. He stated that realistically we have to cash flow any budget cuts for a year or more until permanent cuts can be implemented. He pointed out that we are still dealing with some modest amounts of cash flow from the cuts made in 2003. He stated that there is no way to get money to cash flow other than being opportunistic.

Chancellor Perlman stated that if we can save resources this year it will help with cash flow problems for next year and he has been assured by Central Administration that any money we don't spend this year will be appropriated next year. He pointed out that it would be foolish for us not to adopt some policies that encourage us to save every dollar we can that isn't essential to running the university. To do so will save jobs and people. He noted that those who were here for the last budget cuts know that over 80% of the university's budget is in personnel and the only way to make significant permanent cuts is by eliminating jobs.

Chancellor Perlman reported that there are two areas where savings are possible. The first is being more cautious with respect to hiring new personnel. He stressed that this is not a hiring freeze but we need to be more careful about filling positions this year and then having to deal with the cash flow situation next year. He stated that the deans have been urged not to make any additional offers to anyone unless the position has been reauthorized by the Vice Chancellors.

Chancellor Perlman stated that he thinks we might be in a pretty good position next year given how things are across the country for other universities. He noted that some very talented people might be available next year and we might be able to get them. He stated that he doesn't want to impair a unit's ability to function but he does want units to check and reconsider open positions. He commented that he knows that the hiring restrictions are unfair for units trying to hire this year, but realistically the cash flow situation can only be spread across units evenly. He reported that he is working on a way to ensure that units or departments that forgo hiring this year will get credit for it when the budget situation improves.

Chancellor Perlman stated that he believes that we are not as careful as we could be with utility costs. He noted that some good progress has been made in certain areas with air handling systems, but equipment left running continues to be the biggest consumer. He reported that the administration is trying to work out a plan to see if we can entice people to reduce their usage and plans are in place to attribute power usage by units.

Chancellor Perlman reported that he has heard that at another university a person is designated in the evenings to check each office to see if equipment is left on. He was told this university saved \$4 million dollars in utility costs and if this is something that works we should do it. He pointed out that leaving a computer on at night is a big drain of electricity and if everyone shut his/her computer off at night it could save money. He noted that in China they don't turn the lights on in offices and hallways during the day and some light bulbs here at the university might be turned off which could save a significant amount.

Chancellor Perlman stated that SVCAA Couture is taking a look at evening classes to see if they can be consolidated into fewer buildings which would enable the campus to lower the heat and utilities for some buildings. He stated that offices that were exempt from having the heat lowered might want to reconsider whether they really need the exemption. He stated that he would be delighted to hear other suggestions on how we could lower some of our costs and anyone with suggestions should email him.

Chancellor Perlman noted that he has been through the budget reductions before and the first thing he will need to do is come to the Senate, deans, Academic Planning Committee, and others to explain the budget situation to see what path we need to take. He stated that he is inclined to do this when we return in January and he hopes people will show some patience and forbearance with the process. He stated that he is very sensitive to the fact that we do not want to announce a cut if it is not likely to occur.

Professor Starace, Physics & Astronomy, asked if the Chancellor has any idea how fundraising by the Foundation has fared this year and whether it has been impacted by the poor economy. Chancellor Perlman noted that last year the University Foundation set a record in the amount of money raised and transferred to the university. He stated that he thinks it is unlikely that we will set a record this year.

Professor McCollough, Anthropology, noted that less than 50% of the personnel of the university are faculty yet it appears from what the Chancellor is saying that faculty may take the biggest hit in reductions. Chancellor Perlman stated that when he indicated units it means any unit, not just academic units. He pointed out that the priority of the university is undergraduate education and research. Anything at the core of these two priorities will probably not be touched but at the same time he will say that it is likely that the Board of Regents may demand vertical cuts.

Past President Bradford asked if the temporary restrictions on hiring apply to non-faculty hires as well. Chancellor Perlman responded absolutely! He noted that a report was written at the end of the 2003-2004 budget cuts which demonstrated that 55% of all of the cuts made were from administration. He pointed out that many of these positions have not been replaced, but he will be looking at where there has been growth on the administrative side to see if there are areas that can be cut. He stated that we will need to be careful though because we need to remember that there are 1500 more students on campus than in 2003. He pointed out that we do not want to do anything that will hurt our enrollment. He stated that keeping our enrollment up and increasing it could help us weather the storm.

Professor Franti, Biological Systems Engineering, asked if the winter close down helps with savings on utilities and suggested that it might be helpful to have a longer break. He stated that other suggestions could be a salary furlough or summer closedown when utilities are high. Chancellor Perlman stated that these are interesting suggestions but right now we need to adhere to the system calendar however it might be possible to ask Central Administration to consider this option. He pointed out that there are substantial programs that take place on campus during the summer but it might be possible to collapse some of them into fewer buildings.

Chancellor Perlman stated that other things to consider are merging colleges, departments, and functions to help reduce costs, but it is important to remember that we cannot undermine the quality of the university. He noted that currently we have a lot of momentum at the university and it is as good as it has ever been. He stated that the trick is to be in a position that when the economy turns around we are positioned to take giant steps forward. He stated that this will not be easy but with the faculty's help we can try to do the best that we can.

Professor Weeks, Biochemistry, noted that the Senate will be discussing the cancellation of Dr. Ayers' visit at the meeting and the Senate would ultimately like to see an agreement with the administration about getting rules and regulations in place that would allow faculty input if such an incident should happen again. He asked if the Chancellor or President Milliken would object to sitting down with the faculty to make that decision now. Chancellor Perlman stated that this is a campus matter and he is willing to engage with the Senate in a set of procedures that would govern such circumstances as long as the procedures allow the Chancellor to work in a timely way. He stated that in some circumstances you might have the luxury of taking a week or two to make a decision, but in other situations a decision must be made quickly. He stated that he has always thought that faculty involvement protects him because having faculty members look at the same information he has helps in making decisions but he pointed out that if safety is a concern he can't be bound by lengthy procedures.

Professor Zorn, Finance, asked what portion of the campus budget is for utilities. Chancellor Perlman stated if his recollection is correct about \$20 million goes towards utility bills. Professor Zorn stated that while he sympathizes with the need to cut unnecessary utilities there is a limit as to how much can be done. He pointed out that he often works at night and uses a remote access computer so he needs to leave his computer on in his office. Chancellor Perlman stated that he has been told this and he does not think we are at the limit yet that everyone must shut off their computer, but there are some things that we do now where adjustments could be made.

Professor Zorn stated that he was involved with the budget reduction review committee that dealt with budget reductions in the 1990's and the most painful cuts were the personnel cuts. He stated that he would rather see a drastic reduction of new hiring. He noted that this is the least painful way of dealing with budget cuts. Chancellor Perlman agreed up to a point. He stated that it is not painless to forgo hiring someone who could make extraordinary contributions to the university. To do this would be much more painful in the long run than turning off computers at night. He noted that if he is not going to be in his office for two hours he shuts his computer off and if we all did this it might help.

#### **4.0 Approval of 11/4/08 Minutes**

Professor Peterson, Agricultural Economics moved and Professor Lawson, Geosciences, seconded approval of the minutes. Motion approved.

#### **5.0 Committee Reports**

##### **5.1 Academic Planning Committee (Professor Eckhardt)**

Professor Eckhardt stated that the APC has thankfully been quiet so far but having been through the budget cuts twice now he is aware that things will change for the Committee. He reported that he has asked the APC's long range planning sub committee to think about what kinds of things should be looked at in anticipation of upcoming budget cuts. He pointed out that in the last cuts units were removed and there was controversy over the removal of tenure for some faculty members. He reported that the definition of a program was ad hoc created by then SVCAA Edwards. He stated that the Senate might want to consider looking at the reduction-in-force procedures considering what happened in the past.

Professor Eckhardt stated that the APC is interested in working with the Senate on the budget cuts. He stated that questions that should be asked are what role should program reviews have in determining budget cuts if faculty personnel are involved. What is the balance between faculty members and other university personnel.

Professor Eckhardt reported that the APC has been aware of the possible budget cuts and began looking at the university budgets beginning in August but could not discuss it until President Milliken and Chancellor Perlman made it public. He urged the Senate to look at the university budgets as well.

##### **5.2 Chancellor's Commission on the Status of Women (Professor Becker and Suzanne Drew)**

Professor Becker and Suzanne Drew did not attend the meeting. Anyone with questions should contact them at [kbecker2@unl.edu](mailto:kbecker2@unl.edu) or [sdrew2@unl.edu](mailto:sdrew2@unl.edu).

##### **5.3 University Appeals and Judicial Board (Dean Hecker)**

Dean Hecker did not attend the meeting. Anyone with questions should contact him at [mhecker2@unl.edu](mailto:mhecker2@unl.edu).

#### **6.0 Unfinished Business**

##### **6.1 Motion Calling for an Investigation into the Cancellation of Dr. Ayers' Visit**

President Prochaska-Cue stated that the motion from last month has been tabled and the Senate Executive

Committee is proposing a substitute motion. She pointed out that the substitute motion now requests that an investigation be conducted and directs the resident of the Faculty Senate to take all steps necessary to obtain such an investigation by Foundation for Individual Rights in Education (FIRE), American Association of University Professors (AAUP), or an outside consultant. She pointed out that the substitute motion does not require a second since it is being made by the Executive Committee.

Professor Starace noted that the original motion stated that the investigation would be to determine if the cancellation violated AAUP policies. Professor Zorn asked where we are going with this motion. He noted that if the point is to formulate policies for the future the Executive Committee should sit down with the Chancellor to develop some policy to deal with possible future incidences.

Professor Carlson, Veterinary & Biomedical Sciences, stated that he believes investigation is a strong word and suggested using the word study or review instead. He pointed out that the word investigation implies fault finding. He asked how an outside consultant would be paid.

Professor Schleck from English asked to speak to the Senate. She noted that the incident received national coverage and an outside investigation into the cancellation is warranted. She pointed out that not doing so could be seen as reflecting negatively on us in regards to academic freedom. She stated that approving an outside investigation serves to make a public stance for the faculty on academic freedom.

Professor Weeks stated that there are many faculty members who feel that academic rights were not carefully considered when Dr. Ayers' visit was cancelled. He noted that the university is entering into a period where public opinion is going to play a role. He stated that if we ask to sit down with the Chancellor and if there is agreement in how to proceed in the future, we could announce this to the academic world.

Professor Zorn pointed out that if the Senate wants to voice disapproval it should do it but going through an investigation is a wrong way to express disapproval.

Professor Wunder, History, suggested that we consult with the Presidents of the Faculty Senates at our peer institutions to see how they deal with this kind of situation. He stated that he thinks we need to reach out to our peer institutions to see if they can offer us something that could help us out. He stated that it is a good idea to proceed with negotiations with the Chancellor but this does not mean that we shouldn't study the cancellation. He pointed out that this is a different issue from developing procedures to use in the future. He suggested that the Executive Committee should appoint a few people to work with the Chancellor to develop procedures that would provide faculty input but it is important to keep in mind that action would need to be taken quickly. He noted that no administrator was on campus to make the decision because they were either in China or elsewhere and this should not happen again. He pointed out that faculty members should have been consulted in some formal, official way.

Professor Creswell, Educational Psychology, asked to speak to the Senate. He stated that he liked the option of reviewing the policies but he is not certain that an investigation will do anything. He wanted to speak about his role in the situation and faculty input into the matter. He reported that he is the senior faculty member on the committee that extended the invitation to Dr. Ayers. He stated that it was a just invitation because Dr. Ayers is eminently qualified because of his long, distinguished career in education. He noted that he was unaware of Dr. Ayers' background. He reported that he was in South Africa on a Fulbright Award when the incident occurred. He noted that before he left for South Africa he spoke with Dr. Ayers who was concerned that people might attend his speech who are not interested in the topic he was to discuss, but he and Dr. Ayers did not think it would be too much of a problem because the speech was to occur after the elections.

Professor Creswell reported that Dean Kostelnik called him while he was still in South Africa to get his input in the matter. He noted that the Dean received numerous hate email messages about Dr. Ayers' upcoming visit and contacted the UNL police about it. The police indicated that they were unsure whether they could provide the necessary protection for Dr. Ayers.

Professor Creswell stated that he supported the Dean's decision to cancel Dr. Ayers' visit because of the safety issue. He pointed out that he is a firm believer in academic freedom but stated that there first needs to be input from the faculty. He suggests that the Chancellor put a policy in place with the help of the faculty to deal with these kinds of issues in the future. He stated that he is going to recommend that next year the college's topic for the conference is social justice on campus.

Professor Starace stated that he believes that it would be more productive to focus on establishing procedures that could be used in the future rather than conducting an investigation. President Prochaska-Cue stated that the Executive Committee's discussion in drafting the motion was not about finding fault or blaming anyone but to see what happened before the decisions were made. She noted that the intent of the Executive Committee is to develop a procedure that could be used in the future if necessary.

Professor Ramsay, English, asked to address the Senate. He wanted to point out that no one in the administration has made any statement regarding academic freedom. He stated that the question is whether safety supercedes academic freedom.

Professor Latta, Teaching, Learning & Teacher Education, asked to address the Senate. She stated that she is and has been the coordinator for the student conference for a number years but what drew attention to it this year was the invitation to Dr. Ayers. She pointed out that the conference has huge worth to the college in terms of interaction and she wants to remind the Senate that we are safeguarding the conference for debate, deliberation, and interaction and to make sure that these are not lost at a public university.

Professor Bryant suggested that the motion be broadened. He stated that he is disappointed with the Board of Regents' actions and with different parts of the university's structure. He stated that the role of the Risk Assessment Committee should be investigated noting that the Committee felt that the threats were so grave but they couldn't talk about them or reveal any of them to the faculty. He pointed out that the President made very inappropriate remarks and characterized the professors involved in a very inappropriate way. He stated that after the motion is voted on he wishes the Faculty Senate would make a public statement about its dismay with what happened and note the damage that the cancellation is doing to the university's reputation. He pointed out that when the Chancellor took over the management of UNL he said that management of the national perception of UNL is most important yet his recent action has seriously damaged the university's reputation.

Professor Kranz, Northeast Research & Extension Center, stated that he thought the motion stops one step short. He asked what happens when the investigation is completed. He stated that he would like to offer an amendment to the motion to include language that creates a committee that would provide input into similar decisions in the future.

Past President Bradford noted that it would be procedurally correct to first vote on whether to accept the substitute motion. Professor Peterson called the question. The motion to accept the substitute motion passed with a vote of 42 in favor of it and 3 against it.

Professor Kranz offered a friendly motion to add a step three that creates a committee that would provide faculty input into similar decisions in the future.

Professor Zorn stated that he believes the word investigation is the wrong word to use. He asked if you know what the conclusion is going to be is it really an investigation? He pointed out that the motion can call for a committee that formulates what the Senate is upset about. Past President Bradford asked what makes Professor Zorn think that we know exactly what happened. He pointed out that he doesn't know. Professor Zorn asked what actions will be taken when we find out exactly what happened. Past President Bradford pointed out that one doesn't know if the correct decision was made if an investigation is not conducted. Professor Zorn stated that he has not heard of anyone who was in favor of the cancellation of Dr. Ayers' visit. Past President Bradford stated that he does know such people.

Professor Carlson stated that we don't know if the right decision was made. Although the Chancellor has said that the decision was made for safety reasons the question is why academic freedom wasn't part of the process. He noted this is where the problem lies. He stated that we do not know if the decision needed to be made as rapidly as it was and the procedures that were used were ad hoc. He stated that we are now asking for a deliberation about the decision and he believes we can study or investigate what happened. He pointed out that we cannot formulate procedures if we do not know what happened. He stated that he is inclined to support the motion and it is interesting to extend the motion to the Board of Regents and President. He stated that we need to make our views known because our reputation is suffering and because there are people who now believe they can affect what happens on campus by their actions. He pointed out that if we do not take an opinion on this issue he does not know who will.

Professor Ramsay stated that he encourages the Senate to support the resolution. He pointed out that this

incident garnered national attention and the Senate should not let something like this pass. He stated that he believes it is dangerous to say that the incident is over and in the past without taking any action.

Emeritus Professor Haller stated that he thinks the idea of having a committee to deal with the findings is important. He noted that the AAUP has issued a statement in the past few years stating that it is common nationwide for people to allege safety issues. He pointed out that the faculty has been deprived of something that it strongly recommended.

Professor Fuller, Art & Art History, asked if there is already a standing committee that could look into this matter.

Past President Bradford pointed out that the resolution is calling for an investigation. He stated that he thinks it would be best to have the investigation conducted by an outside organization. He noted that we might not need to create a new committee to work on a policy.

Emeritus Professor McShane stated that he would like to see the motion as proposed pass. He pointed out that when the Emeriti Association brought forth this question there was not enough information to condemn anyone and to look at this investigation as slapping someone is a mistake. He stated that the intent was for the faculty to see the best information they could gather and then act on it. He noted that if you look at the rules of the Academic Rights & Responsibilities Committee it is the body that is established to advise the Senate on issues of academic freedom and tenure.

Professor Leiter, Law, stated that the Senate should be on record saying that we are concerned and outraged over the disinvitation and note that damage to the university's reputation has occurred. He suggested that there might be another line in the beginning of the motion about the impact that the event had on academic freedom.

President Prochaska-Cue stated that there is a proposed amendment before us to create a committee to develop procedures to provide faculty input into similar decisions in the future. Professor Dewey, School of Natural Resources, seconded the amendment.

Dean Kostelnik asked to speak to the Senate. She stated that she was very impressed with the very thoughtful and diverse statements that have been made at the meeting. She stated that whatever the Senate does she sees it as being helpful to the university. She stated that she thinks the Senate has the opportunity to talk about the procedures and that she hopes that what comes out of this situation is that we turn a negative situation into a learning experience. She asked the Senate to think of this and she doesn't think the motion now encompasses a learning aspect or moves forward in a constructive way. She noted that the Senate seems to be under the perception that the faculty of the college did not have any input into the matter. She stated that this is not entirely true. She pointed out that Dr. Creswell was consulted while he was in South Africa and the faculty member who organized the conference was consulted while in Canada. She reminded the Senate that there are faculty members on the Risk Assessment Committee and the faculty in the College of Education and Human Sciences met to discuss the issue although she acknowledged that no vote was taken at the meeting. She stated that the college's qualitative interest committee met early in the morning on Friday to voice their opinions. She stated that these may not have been the best procedures but she wants to make it clear that an effort was made to include the faculty voice. She stated that having more formal procedures in place to deal with this kind of situation in the future would be good.

Dean Kostelnik reported that she spoke with the Chancellor at midnight on that Thursday and he said that it was important to get input from other faculty on the situation. She stated that she did not speak to Dr. Ayers until Friday evening. She noted that the college dealt for two days with very angry messages from the public. She pointed out that disinviting Dr. Ayers put the college in a total no win situation because she knew what people would say regarding the issue of freedom of speech but also knew that people would still be angry if he came to campus. She stated that from the college point of view we tried very hard to use principle to guide our action. She stated that the Senate should help with the principles to guide the university's actions rather than procedures. She stated that there are other constructive actions that can be taken beyond procedures.

Past President Bradford asked if Dean Kostelnik is saying that the decision was not made until Friday. Dean Kostelnik reported that she spoke with the Chancellor at midnight on Thursday and he was aware that the threat assessment committee was saying that the situation was escalating and we were moving into a situation in which violence was likely. She noted that the Chancellor gave her the courtesy of talking to her faculty and if the faculty had a very different opinion about the cancellation of Dr. Ayers' visit she would have conveyed

this to the Chancellor. She stated that the opinions at the meeting about the issue were very diverse. She stated that she did not ask for a vote of the faculty but wanted to hear their opinions. She noted that the press release came out on Friday evening but when she spoke with the Chancellor on Thursday he made it very clear that we were heading towards canceling the visit.

Past President Bradford asked if it was not true that the decision was not made on Friday morning. Dean Kostelnik stated that she concurred with the Chancellor Thursday evening but if the faculty had voiced a very different opinion she would have conveyed this information to the Chancellor and she stated that she trusted him that he would have listened if the faculty in the college had felt differently. She pointed out that safety was a credible issue.

Secretary Rapkin stated that he was very interested in hearing Dean Kostelnik's first hand perspective. He pointed out that the threat was not imminent and the decision was made 30 days before Dr. Ayers was to come to campus. He asked what the Dean's perspective is on the immediacy of the threat. He noted that other options could have been pursued. Dean Kostelnik stated that she welcomes the study of the incident but as someone who was at the center of the issue and had the opportunity to read the email messages she feels that safety was a credible issue. She noted that it wasn't just whether we could maintain safety for Dr. Ayers but also whether we could maintain safety for the students, faculty, and staff.

Secretary Rapkin stated that there is a loose end that needs to be pursued which prevents people from reaching closure on this issue. He noted that Dean Kostelnik spoke about the chilling effects of reading the emails and threats of violence but there has not been any follow up to try and track down and find these perpetrators who made these threats. He pointed out that until this is addressed there won't be closure and the strategy of bullying has proven to be successful. Dean Kostelnik stated that she cannot speak to this because it is a matter for the police and other appropriate bodies. She stated that she wants to speak to the motion that is in front of the Senate. She noted that the procedures focus on faculty input which she states is important but not the whole point. She stated that she hopes we will talk in a constructive way about the lessons learned and think of ways to move forward which may include procedures and other strategies as well.

Professor Jess, School of Natural Resources called the question. President Prochaska-Cue asked for a vote on the amendment to the motion. The motion was approved with 33 in favor of it and 12 against it.

Past President Bradford pointed out that the amendment does not fit because it is asking for the outside investigators to create a committee. Professor Shea agreed. Past President Bradford proposed an amendment, "The President is to create a committee to develop procedures to provide faculty input into similar decisions in the future." Professor Flowers seconded the amendment.

Professor Starace suggested using the word "designate" instead of "create" because it would allow more flexibility. Past President Bradford accepted the amendment and Professor Flowers accepted the amendment. The vote on the amendment was 37 in favor of it and 1 against it.

President Prochaska-Cue asked for a vote on the motion as amended. The motion passed with 35 votes in favor of it and 6 votes against it.

## **6.2 Motion to Change the Commencement and Honors Convocations Committee Syllabus**

Professor Wunder wanted to make an amendment to section F. so that it reads that a "faculty member" be added to the committee as a representative from the Graduate College. Professor Peterson seconded the amendment. Due to lack of a quorum the motion to amend the existing motion will be carried over until the January 13<sup>th</sup> meeting.

## **7.0 New Business**

No new business was discussed.

The meeting was adjourned at 4:41 p.m. The next meeting of the Faculty Senate will be held on Tuesday, January 13<sup>th</sup>, 2:30 p.m. in the East Campus Union, Auditorium. The minutes are respectfully submitted by Karen Griffin, Coordinator, and David Rapkin, Secretary.

