

## UNL FACULTY SENATE MEETING MINUTES

City Campus Union,

October 7, 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 2:39 p.m.

### 2.0 Announcements

#### 2.1 Substitutes for Senators

President Prochaska-Cue announced that anyone substituting for a Senator needs to get a white name tag at the sign-in desk. She pointed out that this name tag will allow the Senate to know who the substitutes are since Senate Rules state that there is no voting by proxy.

#### 2.2 Tim Clare, Candidate for Board of Regents

Mr. Clare reported that he has been a lawyer with the firm of Rembolt and Ludtke since 1992 and that he received his MBA from Creighton and his bachelor's degree from UNL. He noted that while at UNL he was involved in student government and worked to lobby the legislature to put an addition on the College of Business Administration so UNL could compete with other business schools.

Mr. Clare stated that while an adjunct faculty member he realized that many Nebraska students are leaving the state because there are not enough job opportunities here. He stated that this made him realize that he wanted to serve on the Board of Regents because he believes that the university is the only entity that can have statewide impact on the economy. He pointed out that young people are vital to the state and he believes that four things need to be accomplished in order to retain young people in Nebraska. The first is that we need to continue to provide top quality education to the students of the state, we need to make education affordable, we need to retain and recruit top faculty members, and we need to create partnerships with businesses.

Mr. Clare stated that we need to make people aware that the University of Nebraska is one of the best kept secrets in the Midwest. He stated that we need to focus on what students at the University are doing and we need to get people to appreciate the excellence that is occurring at the University.

Mr. Clare pointed out that we cannot price ourselves out of the market so it is important to keep tuition affordable. He stated that predictability of tuition rates is needed as this is a main concern he has heard from people.

Mr. Clare suggested that scholarships need to be more readily available to students. He pointed out that some scholarships are not being used and students are not aware of them. He stated that students need to be given the opportunity to utilize these scholarships.

Mr. Clare stated that as Regent he would like to see the best students and faculty members recruited and retained. He pointed out that Nebraska is a state of only 1.7 million people and we cannot afford to lose students to get what they perceive is a better education elsewhere.

Mr. Clare stated that he recognizes focus needs to be paid to faculty salaries since UNL, in particular, is below the mid-point of its peers in terms of salary. He stated that the University needs to provide salary packages with better benefits packages.

Mr. Clare stated that he would like to create private/public partnerships which will provide internships and externships to students. He noted that this would allow students to gain experience in practicing a trade they may be considering as a career. He pointed out that this kind of partnership could create a dialogue between the public and the University.

Mr. Clare stated that collaborations between a university and the private sector provides jobs and gets companies involved in projects at the University. He noted that this has been successful at other institutions and it has helped to create opportunities for students, which is a big factor in helping to retain them. He stated that he wants to create an environment in Nebraska where students can find work once they graduate.

Mr. Clare noted that Innovation Park is going to provide some great prospects. He stated that faculty members need to be provided with compensation packages that allow us to recruit and retain good faculty members which in turn will provide the best education for our students. He stated that one of his plans, if elected, is to hold town hall meetings to let the people of Nebraska know what is taking place at the University.

Professor Starace, Physics & Astronomy, noted that Mr. Clare mentioned the desire to establish more predictability in tuition rates. He asked how this can occur if the legislature cuts more of the University's budget. Mr. Clare stated that Kansas has locked in tuition rates. He noted that locking in a tuition rate can be done if the rate is higher than needed to predict future costs. The rate would then be locked in when the student enters the university. He pointed out that if the student does not complete their degree in four years the tuition rate would increase. He stated that economic issues and salary issues need to be taken into account if tuition rates are locked. He reported that he has spoken to a variety of people in the legislature about this and there appears to be support for the idea.

Professor Wunder, History, noted that Mr. Clare wants to encourage Nebraska high school graduates to come to UNL and does not want them to be discouraged by increased tuition costs yet in his ads he makes a point of saying that students of illegal immigrants should not be given in-state tuition. Professor Wunder pointed out that the legislature would make this decision, not the Board of Regents, so he wondered why Mr. Clare would even make the statement. Mr. Clare asked what would happen after we give in-state tuition to students who are illegal immigrants because they would not be able to get a job in the U.S. He noted that 47% of the Latino population in Lincoln does not graduate high school. He stated that what is first needed is to provide a high school education to these students. He stated that the duty of the University is to provide educational benefits to the people of Nebraska.

Hannah German, ASUN, noted that ASUN has been discussing the possible impacts of the Nebraska Civil Rights Initiative on scholarships. She asked what Mr. Clare's stand is on the Initiative. Mr. Clare stated that he has a hybrid position on it. He supports the Board of Regent's position on the Initiative. He noted that the world is a melting pot and it is positive and good for students to be exposed to different cultures of the world but at the same time we need to look at recruiting and hiring the best faculty and students. He stated that he holds in favor of the current practice and is concerned when he sees a total ban on a whole program or on grants and scholarships.

### **3.0 Approval of 9/9/08 Minutes**

Professor Peterson, Agricultural Economics moved and Professor Carlson, Veterinary & Biomedical Sciences seconded approval of the minutes. Motion approved.

### **4.0 Nebraska Civil Rights Initiative**

President Prochaska-Cue stated that two people have been invited to speak on the Initiative followed by a question and answer period.

Professor Schneiderjans, Management, stated that he supports the Initiative because it would eliminate preferential treatment and discrimination as it relates to hiring, and educational opportunities, and would put an end to immoral practices. He noted that California passed a similar initiative ten years ago and there are more minorities in the educational system now than before it was passed. He stated that people opposed to the Initiative help perpetuate a willful system of discrimination. He asked how we can have equality at UNL if students are admitted based on their skin color. He stated that everyone should have equality or no one does. He stated that the Initiative would protect all Nebraskans against discrimination. He stated that there are cases of reverse discrimination even in the Lincoln fire department when a female candidate who did not score as well and did not have as much experience was given a position in the department. It resulted in a legal case that was later settled out of court. He noted that the City of Lincoln paid a penalty so they could have a woman in the position. He stated that another example is that if a minority student wants to go to a top flight school in this country they can get a free ride but if it is a white person they have to pay. He noted that this happened to his daughter. He pointed out that an administrator can determine whether someone gets admitted based on their skin color and he resents anyone having this kind of power.

Professor Schneiderjans stated that quite a few Nebraskans want to see the Initiative on the ballot and 5% of the voters in every county were in favor of the petition. He noted that many people call it the affirmative

action or the Ward Connerly initiative but in fact he paid the application fee and that this is a Nebraska effort. He stated that the Initiative takes race and gender away from those in power in human resources.

Professor Schneiderjans noted that some people think that color and gender are very, very important in hiring but he asked whether people should be hired based on their ability. He stated that some have thought that the Initiative would make it harder to hire and recruit people which he thinks is good and that administrators should work harder to hire people.

Professor Schneiderjans noted that one argument against the Initiative is that it could hurt some scholarships. He reported that he started a scholarship for women, especially those with children, in the 1990's. He stated that he contacted the University Foundation and asked how difficult it would be to change the scholarship at the university. He reported that he was told that it would only take about three hours to fill out some forms.

Ms. Nantkes stated that she was a proud representative from the 46<sup>th</sup> district but she was here in a different capacity, as a member of Nebraskans United. She reported that Nebraskans United is composed of individuals and groups of Nebraskans who are concerned about equal opportunity in Nebraska. She stated that more information on the group can be found on the web at <http://www.nebraskansunited.org>. She noted that in over twelve years of working on political campaigns she has never seen such a diverse group of people and they are all concerned with the Initiative.

Ms. Nantkes stated that people need to see who is behind the Initiative. She pointed out that Nebraska has been targeted by Ward Connerly as one of five states for applying for his radical views. She stated that there has been independent evidence of documentation of systematic voter fraud associated with the petition process in all of the targeted states and the Initiative has not qualified in three of these states. She reported that the case of fraud here in Nebraska over the Initiative is currently in court. She stated that money to support the Initiative here in Nebraska comes from New York and California.

Ms. Nantkes pointed out that the language of the Initiative is intentionally misleading, using language from the civil rights movement to confuse voters.

Ms. Nantkes stated that the Initiative would have impacts on public contracting, public employment, and public education. She pointed out that there are no existing state laws that authorize any kind of hiring quotas for any state jobs. She stated that the only preference allowed under Nebraska law is for instate vendors over out of state vendors.

Ms. Nantkes stated that voters need to ask themselves the consequences that would befall us if the Initiative passes. She stated that the Initiative could be very harmful to education, particularly to the university. She noted that every educational group in the state has rallied against the Initiative. She pointed out that scholarships and programs such as the Cather Mentoring Program could be put at risk.

Ms. Nantkes reported that after the California Initiative passed hiring of female faculty members at the University of California went from 52% to 13%. Some unintentional impacts hurt programs specifically geared towards women such as breast cancer screening programs for low income women and there have been cases of litigation because of the California Initiative.

Ms. Nantkes stated that it is important that Nebraskans get the facts and stand tall against this attack on Nebraska sovereignty. She noted that when we have more and different voices around the table then we can understand and solve problems better enhancing our ability to move forward and deal with difficulties around the state. She pointed out that we are moving into a global economy and we should all be working to broaden opportunities for all Nebraskans.

Professor Carlson, Veterinary & Biomedical Sciences, asked how the Initiative would impact scholarships if there is a donor who is not willing to broaden the eligibility for particular scholarships. Professor Schneiderjans stated that he did not know how many people would do this and he questioned whether we would want to take money from people who are bigots. Professor Carlson agreed but asked about someone wanting to provide a scholarship to someone who is from a specific county or is targeting a specific group. Professor Schneiderjans stated that the Chancellor has been able to do this by specifically targeting North Omaha students. He noted that he did not think these kinds of scholarships would be considered discriminatory.

Ms. Nantkes pointed out that the language has to be clear because the Initiative would be inserting language into the state's constitution. She noted that there are well documented serious barriers in education and employment that have made things difficult for some groups. She stated that until the playing fields are level the opportunity for discrimination against these groups still exists. Professor Schneiderjans stated that two wrongs don't make a right and the real way to get equal opportunity is on merit and ability.

Professor Harbison, Chemistry, asked Ms. Nantkes what happened to the lawsuits in California. Ms. Nantkes stated that the litigations were dismissed but other states with a similar Initiative have experienced risks to specific health care programs. Professor Harbison stated that the California litigations were dismissed and not a single women's center was closed due to the Initiative.

Professor Wunder noted that Professor Schneiderjans has stated that department chairs have been bribed to accept opportunity hires. Professor Wunder asked if Professor Schneiderjans has any evidence to support this claim and if he does have evidence he ought to bring it forward to the appropriate authorities. Professor Schneiderjans stated that in each department there is opportunity money and it is a way of encouraging the hiring of women and minorities. He stated that he considers this to be a form of bribery and that it is unfair. He stated that departments would not get the money if the person they were hiring was not a woman or a minority. Professor Wunder stated that he is a traditionalist and usually considers bribery as a matter best handled with statutory law. He stated that he can only say that Professor Schneiderjans understanding of opportunity hires is not how most people see it working on campus. In fact, white males have been hired with the opportunity funds.

Past President Bradford noted that Professor Schneiderjans is concerned with preference for discrimination based on gender and race but not sexual preference. He asked why not sexual preference. Professor Schneiderjans replied that gender and race are winning terms to use and if too many different categories are included in the Initiative than you get more enemies against it. Ms. Nantkes thanked Professor Schneiderjans for his honesty and pointed out that the language in the Initiative is specifically chosen and is directed at women and minorities in Nebraska.

Secretary Rapkin asked Professor Schneiderjans if he would like to correct his statement that UNL administrators should get off their butts and hire good and talented black Americans, which implies both that administrators are characteristically lazy and that black candidates are sub par. Professor Schneiderjans stated that the university has hired good people based on their abilities but people of color have been hired through the opportunity hires without a competitive search being conducted. He stated that a committee found that about 20% of the hires for the university were opportunity hires and a large portion of these were women and minorities. He asked if this was being done to achieve an extra percentage point of diversity. He stated that it would be better to do competitive searches and get the best people. He stated that it has been his observation that on this campus we focus on gender and minority which does not generate the best people. He stated that the Initiative will make administrators work harder. This does not mean that the university has to give up the idea of diversity. He stated that he thinks UNL is probably composed of the most diverse group of people.

Ms. Nantkes stated that this dialogue has been instructive. She pointed out that if there are issues about the university's hiring practices there is a process in place to deal with these concerns. She noted that Nebraskans United are focused on providing people with opportunities while the opposition is focused on race. Professor Schneiderjans stated that the Initiative provides greater opportunity.

Assistant to the Chancellor Crump, Equity, Access & Diversity Programs, stated that she cannot let the comment that UNL hires people who aren't qualified go unanswered. She stated that the university does not hire anyone who is not qualified and they must meet the requirements of a position in order to be hired.

Professor Bryant, Educational Administration, stated that he has worked at UNL for 20 years and he has seen slow progress toward a rich diversity on campus, which he considers to be a good thing. He asked if the passing of the Initiative might slow the university's ability to be a part of the global society in which the majority of the people are people of color. Professor Schneiderjans stated that the university is in an effort to get as many minorities as it can but not hiring the best people is going to cost everyone. He stated that he believes we can look in different places for diversity and that people should not be hired based on their color of their skin or their gender. He stated that if we hire good quality people we can get them and keep them here and if someone is a very talented woman or African American then they will be in top demand anywhere. He stated that diversity is an important thing that we need to work on.

Professor Schneiderjans stated that what was observed in California was that minority students who were given the opportunity to attend premier universities often dropped out before completing their degrees but now they can go to other universities where they can succeed. He stated that entrance is based on merit and ability, not on skin color. He stated that the same can be true to instructors. He stated that he thinks we can attract minorities but we have to work harder to get the very best.

Professor Bryant stated that there were a lot of people in the audience who have served as President of the Senate and a lot of people have spent many hours reviewing candidates and serving on search committees and they looked at the very best candidates. He stated that he believes that Professor Schneiderjans miss categorized the work that the faculty on search committees has done. Professor Starace agreed with Professor Bryant and stated that he has been here for more than 30 years and has served on many search committees and he does not remember any incident where the searches were directed at hiring someone based on gender or race. Professor Schneiderjans asked if anyone had ever heard the statement that we should hire a woman or a minority. Professor Starace pointed out that we are educating half of the population who are women or minorities and his department is working very hard to recruit people who can serve as role models to these students. He wanted to repeat that in his experience no one has ever been hired who was not the best person for the job.

Ms. Nantkes pointed out that it is already illegal in Nebraska to hire someone based on gender or race alone. She pointed out that this is already part of state law.

Professor Harbison stated that in October 1997, former SVCAA Edwards and Dean Foster spoke to the Chemistry department and said that the department was not diverse enough although there were people from three continents and about a dozen countries sitting in the room. He reported that the SVCAA had binders sent over of women and members of under represented groups who were completing their Ph.D.'s and were seeking jobs. He stated that the department was told that it should find people who were suitable without conducting a search. He stated that the department did not usually hire someone right out of graduate school and so it declined to take the approach suggested by the Dean. As a result the department could not do new hires for five years. He stated that he informed the Chancellor and the Board of Regents about this incident and tried to bring the case to the legislature but nothing happened. He stated that it is ridiculous to say that we shouldn't amend the constitution.

Professor McCollough, Anthropology & Geography, stated that she was sorry that this happened to the Chemistry department. She asked if the Initiative could affect recruitment of girl scouts or boy scouts in the public schools. Ms. Nantkes stated that the Initiative has dramatic potential for any and all programs that are gender specific. She asked if Nebraskans want to spend years defending those kinds of programs. Professor Schneiderjans stated that the Initiative could have an impact if the program is based on gender or race. He pointed out that the complete impacts of the Initiative are unknown at this time but the experience in California has been such that there have not been dramatic changes. Ms. Nantkes noted that if we are going to amend our constitution than we should at least know what the changes will entail. She stated that it is clear that there is the potential for many unintended impacts with the Initiative.

## **5.0 Committee Reports**

### **5.1 Academic Standards Committee (Professor Gregory)**

Professor Gregory reported that while the Academic Standards Committee meets frequently during the year, each member of the Committee only needs to attend three meetings a year. He reported that the Committee tries to give students an opportunity to improve their grades and most students submitting an appeal are given a chance. He stated that there is still an open position on the Committee that needs to be filled.

### **5.2 Academic Rights and Responsibilities Committee (Professor Bryant)**

Professor Bryant stated that the ARRC is a group that most people know about but they don't have a clue about what the Committee does or the documents that they have created. He stated that he is not sure how to correct this but people seem to find the ARRC when they are needed.

Professor Bryant reported that the ARRC has specific committees to deal with situations of the university trying to fire someone or if someone wants to file a grievance against another person or cases of professional misconduct. He stated that there is a pool of faculty members from which six are selected to serve on a special hearing committee if a case goes forward. He noted that this is very valuable service to the university.

Professor Starace pointed out that the report recommends that the Senate take action on a possible conflict between an Office of Research Policy and the ARRC procedures. He asked for clarification on this. Professor

Bryant stated that there was a situation of alleged professional misconduct in research that was federally funded. He stated that the case did not go to the ARRC because the Office of Research has its own internal set of procedures. He reported that the ARRC looked at the Office of Research procedures and felt that there needs to be examination of whether these procedures are parallel to the procedures approved and accepted by the Faculty Senate and the Board of Regents. He stated that the Research Policy should be dovetailed with the ARRC policies. He noted that presently the Office of Research could investigate and find you at fault without consultation with the ARRC. He stated that it is very important than this matter get resolved.

President Prochaska-Cue pointed out that the Executive Committee has been discussing this problem in some detail the last couple of weeks and it is pursuing the concerns raised by the ARRC. She stated that the Executive Committee will work further to see if the problem can be resolved.

### **5.3 Grading & Examinations Committee Report (Professor Woodward)**

Professor Woodward noted that the Committee deals with students who either want to withdraw from a course after the deadline date or change their grade for Pass/No Pass. He stated that there are subcommittees within each college that handle most of the requests but if there is a particular issue that comes up then the college representative to the Committee can contact the full Committee. He pointed out that this does not happen very often.

Professor Woodward noted that figures on the number of requests were included in the report. He reported that figures over the last six years are also in the report and it shows that the number of appeals has gone down a little bit.

Professor Woodward stated that the other activity conducted by the Committee is to review the plus and minus grading system. He noted that the grading system was changed to include the plus and minus grades to stop grade inflation and it had an effect for a short while but little since. Professor Harbison pointed out that in looking at the chart in the report it looks like we have had significant grade inflation in the last ten years. Professor Woodward agreed and stated that the minus grade did not really change anything.

Professor Wunder asked who appoints the appeals officer. Professor Woodward stated that it is usually appointed by someone in the advising office of the college. Professor Wunder asked if this was a good idea. Professor Woodward stated that the person in the advising office is usually the person students go to see first and they have all of the necessary data. He noted that the procedures were well established by Professor Lee when he was chair of the Committee.

Professor Wunder noted that some of the appeals officers are not faculty members. He asked if there is any difference between how faculty and non-faculty members approach an appeal. Professor Woodward stated that they probably have a different viewpoint on the appeal but an appeal is usually deliberated with the college representative. He noted that the process has been working well.

President Prochaska-Cue pointed out that there needs to be a correction in the name of the College of Education and Human Sciences.

## **6.0 Unfinished Business**

No unfinished business was discussed.

## **7.0 New Business**

### **7.1 University Calendar (Associate to the Chancellor Poser)**

Associate to the Chancellor Poser stated that she is here because Provost Pratt composed a committee with representatives from each campus to recommend the ten year calendar for 2010-2020. She noted that Professor Ali Moeller from Teaching, Learning, and Teacher Education and Associate Chancellor Dave Wilson served as UNL's representatives.

Associate to the Chancellor Poser stated that Provost Pratt has asked the Chancellors of each campus to present the proposed calendar to each Faculty Senate. Any comments would be forwarded back to the Provost.

Associate to the Chancellor Poser stated that UNL raised the issue of spring break not coinciding with the Lincoln Public School (LPS) spring break. She pointed out that LPS decides their calendar two years in advance but only schedules for one year at a time. She noted that in 2009 they will decide the 2010-2011 calendar.

Associate to the Chancellor Poser reported that research has shown that UNL's spring break is typically the third week in March. She stated that currently 505 students from UNL teach for LPS and approximately 1700 children of UNL faculty members are in the LPS schools. She pointed out that Omaha's spring break is typically in April so it is not really an issue for UNO.

Associate to the Chancellor Poser reported that she and Associate Vice Chancellor Wilson met with superintendents of LPS and they were very cooperative but the problem is that they only schedule their calendar for one year. She stated that LPS is on a quarter system and they like to have their breaks on the quarter but we are continuing to work with them to hopefully coordinate the calendars better. She stated that anyone with comments should email her ([sposer1@unl.edu](mailto:sposer1@unl.edu)) by October 24<sup>th</sup> and she will forward them to the Chancellor and Provost Pratt.

Professor Wunder asked why we can't just accept what LPS has as their spring break schedule. He pointed out that people bring their children to the university and it interrupts classes. Associate to the Chancellor Poser stated that the problem is that the university's calendar is system-wide and there are problems with sporting events, visiting scholars and other events.

Associate to the Chancellor Poser stated that spring break for the proposed calendar can be subject to change with a two year notice. She stated that one problem is that some students take classes at both UNL and UNO. She stated that they are working hard on resolving the issue with LPS and are hoping that LPS will be a little more flexible with their schedule.

Professor Starace asked why LPS can't plan their calendar 10 years in advance. Associate to the Chancellor Poser stated that she did not know. Professor Starace suggested that LPS be asked about this. Associate to the Chancellor Poser pointed out that the university cannot control LPS. She stated that she could ask LPS administrators if they could come to a Senate meeting to discuss the issue further.

## **7.2 Emergency Motion**

Secretary Rapkin stated that he wanted to offer an emergency motion: "The UNL Faculty Senate believes that passage of the proposed amendment would make harder the already difficult task of recruiting and retaining a diverse faculty, staff and student body. We therefore urge members of the University community and other citizens of the state to vote against the amendment." Motion seconded by Professor Winter, Classics & Religious Studies.

President Prochaska-Cue declared this as an emergency motion because the next Senate meeting is on election day, November 4<sup>th</sup>. Professor Harbison moved that the Senate vote on whether to accept this as an emergency motion. Motion seconded by Professor Leiter, Law. Professor Carlson asked if there was still a quorum. Coordinator Griffin and Secretary Rapkin confirmed that there was no longer a quorum.

## **7.3 TIAA-CREF Material**

Professor Wunder reported that some of the TIAA-CREF material is not getting to colleagues and people are reeling under the destruction of our retirement which has resulted in many people postponing retirement for some time. He pointed out that this will have a lot of impacts that have not been considered. He suggested that the Executive Committee consider these impacts and what is on the horizon. Secretary Rapkin asked Professor Wunder to send his concerns to the Committee.

The meeting was adjourned at 4:27 p.m. The next meeting of the Faculty Senate will be held on Tuesday, November 4<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.