EXECUTIVE COMMITTEE MINUTES

Present: Fech, Flowers, Franti, LaCost, Konecky, Lindquist, McCollough, Prochaska-Cue, Rapkin, Schubert, Shea

Absent: Bolin, Stock

Date: Wednesday, December 2, 2009

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
Fech called the meeting to order at 3:00 p.m.

2.0 Announcements
No announcements were made.

3.0 Minutes of 11/18/09
Minor changes were made to the minutes.

4.0 Unfinished Business
4.1 Research Misconduct Policy
Lindquist reported that he sent the comments he received from Emeritus Professor McShane to Associate Vice Chancellor Espy who made some of the changes to the document. Lindquist noted that he was in a meeting the previous morning to discuss the suggested changes with Associate Vice Chancellor Espy, Emeritus Professor McShane, and Professor Boden of the Academic Rights & Responsibilities Committee (ARRC). He pointed out that numerous changes have been suggested and the ARRC has some concerns with the proposed document.

Lindquist stated that in light of the suggested changes and concerns of the ARRC he thinks the Executive Committee should make a motion at the December Senate meeting to postpone a vote until a new amended version can be distributed and reviewed by the Senate.

Shea asked if the ARRC’s concerns are substantial. Lindquist reported that there is some concern with some of the language and the definition of confidentiality. Shea asked if Lindquist thought that the document would be accepted by the ARRC if the concerns were addressed. Lindquist stated that, based on feedback from Professor Boden, he believes the ARRC would then accept the document.

The Executive Committee agreed that the motion should be postponed.
4.2 Budget Reallocation and Reduction Review Committee (BRRRC) Proposed Revisions to Budget Reduction Procedures

Prochaska-Cue stated that the BRRRC is proposing six major changes to the procedures along with cleaning up some grammatical errors. She reported that following is a list of the major changes:

- Adding a description of the Senior Administrative Team
- Changing the definition of the word “consultation”
- Adding language to define each Phase
- Adding representatives from UNOPA and UAAD to the Academic Planning Committee during Phases 1 – 3 of the budget cutting process. (Prochaska-Cue noted that the Chancellor has agreed to this change and will institute it with the new budget cuts)
- Changing the wording of the document to reflect the delivery of the Vice Chancellor’s budget proposals to the Chancellor, not the Senior Administrative Team.
- Adding language to the definition of programs.

Prochaska-Cue stated that she tried to bring additional changes to the procedures during the first few meetings of the BRRRC but there was little to no support for those changes from other faculty members on the committee. She pointed out that many of the suggested recommendations came from the previous APC chair.

Shea asked what the other suggested changes were to the document and who refused to consider these changes. He pointed out that he was expecting more changes than what is being presented to the Executive Committee. He stated that some of the changes are definitely helpful but he does not see anything substantive. He pointed out that if we approve these cursory changes as “satisfactory,” there is little chance that the administration will be receptive to considering additional changes to the procedures in the near future.

Prochaska-Cue reported that she did not press for some of the suggested changes because there was very little or no support from the other faculty members on the BRRRC for additional changes. She stated that she did not know the reason for the lack of support. After one faculty representing the APC stated that there was nothing wrong with the current procedures, Prochaska-Cue said she felt she could not continue to press for additional changes.

Shea noted that the proposed minor changes to the document suggests to the administration that only a small number of faculty members want to change the procedures and that the majority of the faculty are satisfied with the process with a few minor adjustments. He stated that he would like to see the changes suggested by the previous chair of the APC. Prochaska-Cue stated that she will provide an earlier draft of the document with additional suggested changes to the Executive Committee.
The Committee discussed postponing presenting the document to the Senate at the December 8th meeting. Prochaska-Cue reported that the Chancellor is willing to put the representatives from UNOPA and UAAD on the APC for the upcoming budget cutting process and is agreeing with the definition of the word consultation. Shea noted that the Committee should not be in a hurry to get the document finalized if the Chancellor is agreeing to these changes. He stated that this will allow time to investigate the other suggested changes by the previous APC chair. He suggested that the other faculty members on the BRRRC be contacted to see why they rejected the other suggested changes “out-of-hand.”

5.0 New Business
5.1 SVCAA Search
Fech reported that he has received a considerable amount of email messages concerning the process of appointing someone to the position of SVCAA. He suggested that the Executive Committee discuss the issue.

Fech stated that the process could continue as it has been laid out by the Chancellor, an alternative approach could be proposed, or the traditional procedures of conducting a national search could be done. He asked for input from the Committee.

Flowers stated that the feedback he has been receiving from colleagues is that the current process should be stopped and an interim SVCAA appointed while a traditional search is conducted.

LaCost reported that colleagues in her department discussed various options. She stated that suggestions were made for an external organization to conduct a search; conducting an internal search; appointing someone for a very specific two year appointment with the understanding that a national search would be conducted at the end of the two year appointment and the appointed person would be eligible to apply for the position. She pointed out that this would increase the legitimacy of the term and a finite appointment might address the concerns of not conducting a national search.

LaCost suggested that the interim be open to internal people only.

Rapkin asked if the title of an interim precludes someone from applying for a position. Flowers stated that he does not think it does.

LaCost pointed out that moving someone to a senior level position without that person working their way up the ladder is a red flag to the faculty and others. Shea noted that he asked the Chancellor about this when the emergency meeting was held, but the Chancellor did not think it was a major issue.

Lindquist pointed out that if the search committee meets, then we would need to go forward and fully evaluate Associate to the Chancellor Poser’s credentials. He stated that if, based on faculty sentiment about the process and our reading of the Bylaws, the
Executive Committee wants to stop the process, then it needs to act before the search committee meets.

Flowers stated that from what he has heard, many consider the process to be destructive of faculty governance. He stated that the process could be viewed negatively by colleagues at other institutions who might question whether they would want to come here if this kind of process can take place.

Fech noted that the full Executive Committee was not in attendance at the emergency meeting. Griffin asked if a motion was made to accept the process at the emergency meeting. Rapkin and Shea stated that no motion was made. Schubert pointed out that there is now a majority of the Committee and there should be a motion on whether to accept the process.

Shea pointed out that the Committee agreed to consider the proposed process at the emergency meeting. He stated that the Committee did not agree to anything specific about the proposal. He stated that the Committee is now gathering information on the proposed process and being informed by the faculty body.

Schubert stated that the faculty members in his college that he has heard from strongly feel that the process needs to follow normal procedures. He pointed out that this is their sentiment and it has nothing to do with the candidate. Konecky noted that the candidate may be totally qualified and would succeed through a national search but the current proposed process could be crippling to the candidate. Rapkin stated that the qualifications of the candidate are being questioned and the more the process drags on the worse the questioning will become.

Franti stated that he agrees we should stop the process. He pointed out that the Committee was invited to consider a process and we should reject the process on behalf of the faculty. He reported that in his department 50% of the faculty members are against it and he has also spoken with deans, junior and senior faculty, and non-faculty personnel who are also against it. Why create so much mistrust because of a process? Konecky pointed out that rejecting the process opens up the opportunity to create alternatives.

LaCost noted that a similar situation happened once before with the search of a new athletic director. There was intervention with the search committee when Steve Pederson was hired. She pointed out that this kind of thing creates a lot of dissention.

Lindquist presented the following motion: Based on the following: 1) Regents Bylaw 2.1(f) clearly states that the advisory committee and the appointing officer (the Chancellor) shall actively solicit applications and nominations of qualified candidates for the position, and 2) UNL bylaw 2.5.3 clearly states that the search advisory committee shall solicit and receive suggestions and recommendations for filling the position from all sources – Regents, Administrators, Faculty, Students, and the Public. Further, the committee should be allowed sufficient time and resources to make a thorough search and full deliberation, but the work shall proceed without undue delay. The Chancellor’s
plan does not allow the search committee to actively solicit applications and nominations, nor does it allow sufficient time to make a thorough search and full deliberation. Therefore, I move that the Executive Committee reject the Chancellor’s plan and request the Chancellor 1) appoint a qualified interim SVCAA, and 2) initiate a proper (adhering to the Regents and UNL Bylaws) search to fill this critical senior administrative position. Rapkin stated that this is an expression of faculty will and governance. The motion was not seconded.

Franti made the alternative motion that based on overwhelming response from our faculty we feel that the Board of Regents and UNL Bylaws and procedures should be followed. The proposed plan does not meet the letter or the intent of the bylaws for a search for the Senior Vice Chancellor. Therefore, the Faculty Senate Executive Committee declines to accept the proposed procedures and encourages the chancellor to initiate a national search. The motion was seconded by Lindquist. The motion passed unanimously.

(Chancellor Perlman joined the Committee at this point). Fech read the motion to the Chancellor and reported that it was passed unanimously. Chancellor Perlman asked how the Committee determined that there was overwhelming response from faculty members.

Franti reported that he did a systemic survey and the response was over 50% opposed to the proposed process. Flowers stated that he did the same and had the same results. LaCost reported that she conducted a survey and eleven in her department responded and all felt that this process was not the best approach. She pointed out that the newer faculty members who responded were more vocal and outraged than the senior faculty members. McCollough reported that she has spoken and received email messages from over 20 people and all were bothered with the permanency of the appointment and could not understand why an interim was not being appointed. She stated that none of the people she spoke with were against Associate to the Chancellor Poser.

Chancellor Perlman stated that he is disappointed and does not think it is in the best interest of the university but he understands the decision. He noted that procedures are important, but he thinks the core of the procedures was satisfied with the process. He pointed out that it is going to be very hard now to pick an SVCAA, but if the campus does not want to do it this way, then we can’t do it.

Chancellor Perlman stated that he thinks this now puts the university in a fairly difficult position. He stated that he has received emails and he understands the arguments. He stated that one of the arguments is that an interim will not have legitimacy. Franti asked why an interim wouldn’t have legitimacy. Chancellor Perlman pointed out that he does not need the support of a search committee to hire an interim so this will now be his decision. He noted that the interim will be making budget cuts and appointing deans. He stated that he finds it hard to see this as a good situation.

Konecky pointed out that the time frame of the process is such that essentially the stakeholders haven’t had a chance to buy into the process. She stated that there needs to be buy in if a process is going to succeed.
Chancellor Perlman asked the Committee if it has any suggestions on how to deal with the situation. Lindquist stated that an open internal search might be more acceptable than having a single candidate. Chancellor Perlman asked the Committee if they would support doing this. Flowers stated that the faculty opinion needs to be measured as well. He stated that the responses he received are that we need to do a national search now. He noted that other institutions are conducting searches on a short time frame. He stated that he does not know the degree of support for an internal search but thinks it would be more acceptable than the current plan.

LaCost stated that colleagues in her department suggested conducting an internal search and having the person serve a specific, short term for two years. She reported that it was also suggested that an external search firm be used to help expedite the search process. She noted that all of the comments she received were about the process, not the candidate.

Schubert stated that the faculty members he communicated with in the College of Engineering feel that this is a key position for the university and that traditional procedures must be followed.

Chancellor Perlman asked if an internal search is realistic at this point. Lindquist asked if the Chancellor was questioning whether the process would be accepted or if he would get applicants for the position. Chancellor Perlman stated both. He noted that he has signaled who he feels is a very strong candidate but he didn’t exclude anyone else from the pool. He pointed out that the signal would be pretty clear now. He asked if the Committee would prevent the same option for a search committee. Flowers stated that the idea of an internal search for a permanent position has not been floated by the faculty yet. He stated that most of the comments he received were that we needed to begin a national search and appoint an interim.

Konecky noted that she was not at the emergency meeting on Monday, November 23rd. She asked what the concerns are with conducting a national search. The Chancellor stated that there are three dean searches that are being conducted, the upcoming budget cuts, and a Chancellor that is older. He stated that things have to get done and it would be in the best interest of the university if this position is filled quickly. Konecky noted that external candidates at the dean level might view an appointment by the Chancellor to the SVCAA position poorly. Chancellor Perlman stated that this is speculation but usually candidates for deanships are uneasy with an interim Vice Chancellor.

Chancellor Perlman stated that he will have to give it some thought. He asked the Committee if they have any suggestions beyond doing a traditional search. The Committee suggested having a two-year, specific term fixed appointment. Afterwards a national search would be conducted and the person who filled the two year position would be eligible to apply for the SVCAA.
Schubert stated that he would need to discuss the idea with the faculty in his college. Flowers noted that if an interim is appointed it could be done immediately. He stated that the two year appointment does not have the stigma of interim that would prohibit the person from applying for the position. Fech asked it is predetermined that interims cannot apply for a position. Chancellor Perlman stated that it has been done before although he can’t remember when. He stated that this is a second best proposition but one that might make sense.

Schubert stated that he thinks the faculty in his college will want to go along with a traditional process. Franti stated that we need to think outside of the box and do something that isn’t business as usual; he stated that if people believe the premise, then we need to get someone into the position. He stated that a two year appointment would allow someone to gain experience. Konecky agreed and stated that she thinks the faculty in her college would agree to this plan. She pointed out that conducting a search at the end of the term still allows a traditional search as outlined in the Bylaws, but it allows the campus to act in an emergency situation. McCollough stated that she thinks this idea would appease a lot of people. Prochaska-Cue agreed.

Chancellor Perlman and the Committee worked on determining the timeline for a specific term appointment. He noted that the appointment would begin in January 2010 and end at the conclusion of the 2011-2012 academic year. He stated that the candidate identified by the search would begin in the fall of 2012. Lindquist noted that the position would actually be for two and a half years.

Chancellor Perlman stated that the position would be for two and half years and at the end there would be a permanent Vice Chancellor. He stated that he is unsure whether someone would be willing to accept a specific term appointment under these terms.

Chancellor Perlman asked the Committee if they would support this process if he announces it. Shea asked if the Chancellor would give the Committee a short opportunity to discuss it. The Chancellor agreed and left the room.

LaCost reported that her colleagues felt that having a finite term would increase the legitimacy of the appointment. Shea stated that he believes the faculty by and large will accept this appointment. He stated that with the proposed alternative process a person can be put into the position for a specific term. He pointed out that this would satisfy the desire to fill the position quickly and delay the normal search process, given the budget crisis. Prochaska-Cue pointed out that the length of the specific term would hopefully get us through the budget crisis.

Franti moved that the Committee vote in support of the concept for a specific term with the understanding that a national search will be conducted at the end of the term. Prochaska-Cue seconded the motion. Shea noted that this would be a vote of the Committee. Franti pointed out that the Committee has worked out a collaborative process with the Chancellor.
Konecky called the vote. All of the Committee members present agreed two support the two year term process with one abstention.

Chancellor Perlman re-entered the room and Fech stated that he was pleased to inform him that the Committee feels that they can support the compromised process. Shea pointed out that the Committee alone is giving this support. Chancellor Perlman noted that speaking as a Senate Executive Committee he does not think this decision violates any Bylaws.

Shea stated that he thinks this is a good solution to a difficult situation. The Chancellor asked for confidentiality until he has the opportunity to frame what we have done.

Fech asked the Chancellor if the search committee is now disbanded. The Chancellor stated that it is disbanded.

6.0  SVCAA Search Committee
The search committee was disbanded due to the motion made as noted above.

The meeting was adjourned at 4:49 p.m. The next meeting of the Executive Committee will be on Wednesday, December 9, 2009 at 3:00 pm. The meeting will be held in the Faculty Senate Office, 420 University Terrace. The minutes are respectfully submitted by Karen Griffin, Coordinator and David Rapkin, Secretary.