

EXECUTIVE COMMITTEE MINUTES

Present: Anaya, Franti, LaCost, Konecky, Lindquist, McCollough, Nickerson, Shea, Stock

Absent: Berg, Fech, Flowers, Schubert

Date: Wednesday, April 28, 2010

Location: Faculty Senate Office, 420 University Terrace

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

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

2.0 Announcements

2.1 New Executive Committee Members

Lindquist introduced new Executive Committee members Toni Anaya, University Libraries, and Ken Nickerson, School of Biological Sciences.

3.0 Minutes of 4/21/10

No major changes were made to the minutes of 4/21/10.

4.0 Unfinished Business

Lindquist stated that he wants to discuss what the best approach would be for getting domestic partner benefits at the university. He wondered if having a unified approach from all four of the campuses might be a good strategy. He stated that he will send an email to the other Senate Presidents, prior to the Board of Regents meeting, about the issue. He asked what action should be taken next.

Anaya asked what the Senate can do. Lindquist stated that the Executive Committee could present a motion to the Senate asking the University to offer domestic partner benefits. He wondered whether making a direct request of the Board of Regents would force them to have a conversation about the topic.

Anaya asked if the issue has been discussed before by the Senate. Lindquist reported that the Senate did pass resolutions supporting domestic partner benefits but the last one was in 2001.

Franti asked what the timeframe would be for working on a resolution. Lindquist stated that he would like to bring a motion to the Senate in September. McCollough noted that it would be good to have all four campuses pass resolutions, but pointed out that the other campuses will probably not have a Senate meeting again until September.

Nickerson wondered what the economic cost would be to the university if domestic partner benefits would be implemented. He wondered whether negative reactions from some administrators are a result of economic concerns or political and social concerns.

Anaya wondered how many other universities offer the benefit. She pointed out that Arizona already had the benefit four years ago and it was not an issue. Franti asked if the State of Arizona offers the benefit or just the university. Anaya stated that she believes it is just the university. Lindquist pointed out that the State of Nebraska does not offer the benefit, but if it did, the university would more than likely have it.

Nickerson wondered how many universities in our peer group offer the benefit. Lindquist stated that the letter he received from faculty in the English department indicates that all but two of the peer group institutions have the benefit.

Shea stated that it would seem logical and helpful to see if it might be possible to get the other campuses' Senates to consider a resolution in the fall. He noted that if each campus approves a resolution around the same time, the Board might take notice and discuss the issue. He suggested that Lindquist have a conversation with the other Senate Presidents over the summer to see what they think about possibly putting a resolution together. Nickerson pointed out that it would be advantageous if all of the resolutions had identical language. Stock stated that providing some statistics with precise information about other institutions that offer the benefit would be helpful.

4.2 Process for Suspending Pay

Lindquist noted that the Chancellor has asked the Executive Committee to create a policy to deal with cases of suspending a faculty member's salary if he/she is not doing their assigned duties. He stated that the Chancellor would like a policy, but one that offers some protections for faculty members. He stated that the Committee needs to look at the Bylaws to see if there are any policies that relate to this issue.

McCullough pointed out that currently we have an apportionment of duties and a person's performance in these duties should be reviewed each year. She stated that accusations of not performing duties needs to be investigated. Lindquist noted that State law and Board of Regents Bylaw 3.3.4 states that no compensation can be paid in advance of services performed.

Anaya asked when the Academic Rights & Responsibilities Committee (ARRC) gets involved in issues like these. McCullough noted that this occurs when a faculty member asks them to get involved, and the ARRC feels there is sufficient evidence to warrant an investigation.

Shea stated that the ARRC procedures need to be checked to see if they are adequate because the ARRC would be taking action after the fact. He stated that he thinks the Chancellor is suggesting a clear policy in determining when such actions should be taken and what circumstances would warrant the specific action of suspending pay. He pointed out that it appears there are no clear policies on the issue and that the Chancellor is giving

the Senate Executive Committee the opportunity to get involved in creating a process. Nickerson asked if there is an existing committee that should handle this. Lindquist stated that the ARRC could possibly be involved, but most of the work the ARRC deals with is cases of grievance or violation of academic freedom and tenure. Shea stated that it is not unreasonable for the ARRC to discuss this issue. Nickerson suggested that the ARRC could be expanded temporarily, if needed, to work on this policy. Franti noted that the ARRC will have to revise its procedures because of the Research Misconduct Policy, and the Chancellor is looking for the policy to be created quickly.

LaCost noted that the Chancellor is looking for a definitive policy that would precede actions of the ARRC. She stated that if the policy was written clearly, it would benefit both the Chancellor and the ARRC.

Lindquist stated that he would like the group to evaluate whether there are any Bylaws or existing policies that might deal with these cases. He asked if the ARRC would be the appropriate place or whether an ad hoc committee of faculty and administrators should be put together to create a policy.

Nickerson asked if this could be a policy that could come back to haunt us, given the budget situation. Shea noted that the Chancellor has indicated that he already has the authority to suspend someone with pay, and that he does intend to use it if it is necessary, but the Chancellor does have some concerns, particularly that future Chancellors can abuse the guidelines. He pointed out that we can cooperate and develop a policy that will be followed versus not creating a policy and allowing the Chancellor to follow the current guidelines. Konecky stated that not having a policy in place might allow the Chancellor more leeway, and this provides us with the opportunity to put some protections in place for the faculty. Shea stated that we need to be careful in creating a policy. He pointed out that if we want to move towards a better university with cooperative governance then we need to share in the responsibilities of what happens with policies developed in cooperation with the administration.

Nickerson asked if the AAUP has an opinion or history of dealing with suspension of pay. LaCost stated that she will check with the AAUP on this.

Shea volunteered to look at the ARRC documents to see if they address the issue. McCollough stated that she will check the Board of Regents Bylaws and the Chronicle of Higher Education.

Stock stated that he finds it amazing that annual evaluations are not being conducted in some units. He noted that incidents of faculty not doing their assigned work would be indentified if annual evaluations were conducted. Lindquist pointed out that in some cases, an annual evaluation cannot be conducted in a timely manner if someone is not doing their duties.

Konecky stated that the primary focus of the policy seems to be teaching, but the policy will need to cover all duties of faculty members. McCollough pointed out that the

parameters of the policy must be kept very broad because of the diversity of the work the faculty does, and the way it is done.

Lindquist stated that the definition of not performing your duties would need to be defined. Franti noted that the only duty that can really be defined is teaching. He pointed out that research can take time and service is not tied into a schedule. He stated that the policy might just refer to teaching. Lindquist stated that the policy could spell out that the other duties need to be dealt with in an annual review.

Lindquist stated that he wants to begin working on the issue at the May 19th meeting.

4.3 Student Enhancements

Lindquist stated that the Chancellor has asked the Committee for ideas on how to use some of the capital campaign funds. He noted that previous suggestions were: scholarships for students majoring in multi cultural issues, increasing job placement services, and improving the Center for Great Plains Studies Collection.

The Committee suggested as other student enhancements: learning communities, support for a teaching/learning center, and public art for Innovation Campus.

5.0 New Business

5.1 Proposed Building Emergency, Emergency Preparedness, and Emergency Response Plan

Lindquist reported that this issue was raised at the IANR senator's luncheon. He stated that Fred Gardy, Director of Planning & Development for University Police, is seeking to get Senate approval of these plans. He noted these plans relate to what people would do in an emergency situation. He stated that Gardy would like to have some statement relating to emergency action plans included in all syllabi. Lindquist suggested that the Committee might want to meet with Gardy for further discussion.

5.2 Health Benefits Issues Raised at the Senate Meeting

Lindquist noted that retiree's health care and preventative health care were both discussed at the Senate meeting. He asked the Committee if these issues should be tackled separately or added to the domestic partner benefits.

McCollough noted that the state employees have a better health care program than the university does. She noted that there is no preventative health care component to our plan. She wondered how much it would cost to include retiree's into the health care pool.

Lindquist stated that Past President Fech had copied him on an email about the agenda of a recent University-wide Benefits Committee meeting. He asked if our representative to the committee, Professor Hope, should be invited to a meeting. The Committee agreed to invite her to the Committee.

Konecky pointed out that the University is self-insured and that Blue Cross/Blue Shield just manages our health care plan. The Committee wondered how we might obtain information comparing our health care plan to our peer institution's plans.

The Committee suggested having Greg Clayton, Director, Benefits & Risk Management, come and speak to us about the health care program.

The meeting was adjourned at 4:48 p.m. The next meeting of the Executive Committee will be on Wednesday, May 5, 2010 at 3:00 pm. The meeting will be held in 201 Canfield Administration. The minutes are respectfully submitted by Karen Griffin, Coordinator and Patrick Shea, Secretary.