

EXECUTIVE COMMITTEE MINUTES

Present: Anaya, Anderson, Irmak, LaCost, Lindquist, Rinkevich, Schubert, Shea, Struthers

Absent: Nickerson, Purdum, Varner, Wysocki

Date: Wednesday, June 15, 2011

Location: Faculty Senate Office

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

LaCost called the meeting to order at 3:07 p.m.

2.0 Announcements

2.1 Meeting with Associate to the Chancellor Nunez on Information Provided to the AAU

LaCost reported that she met with Associate to the Chancellor Nunez and received from him a packet of information that included a copy of the data that was provided to the AAU when UNL's membership was being considered. She noted that Associate to the Chancellor Nunez's final statement is that future membership is highly unlikely as there are universities not in AAU that rank higher than current AAU schools.

Shea asked if the university received a report on the AAU's decision, and whether it was a formal report or communications. LaCost stated that she was told that there were some conversations between the Chancellor and the AAU review committee. She noted that she asked Associate to the Chancellor Nunez if an analysis was run removing faculty researchers that receive revenue from the government agricultural division. She reported that the Associate to the Chancellor ran all of the figures and 245 faculty members were removed from the data because their research funding would not be included by the AAU. She stated that all of this information was then provided to the AAU. She pointed out that one of the big factors that impacted us is that we do not have a medical center associated with our campus. She noted that Associate to the Chancellor Nunez stated that he would meet with the Executive Committee to discuss the issue if the Committee wishes.

3.0 Approval of 5/18/11 and 6/1/11 Minutes

Shea moved to approve the 5/18/11 minutes after removing the paragraph he indicated in his revisions in Section 4.1. He noted that the paragraph was not relevant to the discussion. Anderson seconded the motion. The motion to approve the minutes of 5/18/11 with revisions was approved.

Lindquist moved to approve the 6/1/11 minutes as revised. Rinkevich seconded the motion. The motion was approved.

4.0 Unfinished Business

4.1 Suspension of Pay Policy

LaCost stated that the Executive Committee needed to move forward on whether to create a suspension of pay policy as suggested by the Chancellor. Shea suggested that the Committee first discuss the points raised by the Academic Rights & Responsibilities Committee and Attorney Hansen. He noted that there might be issues where there is a difference of opinion.

Shea stated that the document from Professor Peterson, Chair of the ARRC, summarized a number of the issues raised by the ARRC. He noted that the first point is that the Chancellor intends to suspend pay for faculty members who refuse to perform duties. He stated that the ARRC correctly identified that faculty evaluations and other mechanisms are already in place to deal with a derelict faculty member who does not perform his/her duties. The question then becomes why we would need a specific policy.

Shea pointed out that Peterson addresses situations where the Chancellor would be justified in suspending the pay of a faculty member. If no objections were made by the faculty member regarding apportionment of duties, and the faculty member refuses to perform these duties, the Chancellor might be able to take action. He asked if there is a likelihood that this might occur and whether a policy is needed to deal with these instances.

Shea stated that a remaining issue is clarification on what is meant by not performing assigned duties. He pointed out that research and service work are not as clearly defined as teaching. He stated that if there were a policy, it would be limited to teaching because it is the only situation where there is a clearly defined responsibility. LaCost asked if the ARRC suggested creating a policy that specifically pertained to teaching responsibilities. Shea stated that the policy would be related to teaching and only enacted if there is no other process that could be used.

Shea noted that Attorney Hansen responded to the same issues raised by the ARRC. He pointed out that in Attorney Hansen's response it was noted that the preferred remedy in dealing with these situations is to use the annual evaluation process. Attorney Hansen's review questioned whether it would be wise to put an additional policy together. The review pointed out that it would be difficult to create a policy what would not jeopardize a faculty member's rights.

LaCost noted that the ARRC recommended that the faculty not move forward with a suspension of pay policy. Struthers asked if there was any incident that prompted the idea of creating a policy. Shea reported that there was an Academic Freedom & Tenure special hearing case the precipitated this action.

Struthers asked if everyone gets an annual evaluation. She stated that she has heard that some faculty members only get reviewed every three or four years. Members of the Executive Committee pointed out that everyone is supposed to have an annual evaluation.

Struthers noted that she has had discussions with former Associate Vice Chancellor Jacobson on apportionment and Jacobson stated that apportionment can be very confusing. LaCost stated that there can be varying applications of the apportionment process, some are very structured and others are not. She noted that faculty members in her department can initiate discussion with a chair about changing apportionment, but usually there is no annual conversation on apportionment of duties with each faculty member.

Rinkevich asked if there is a grievance procedure that faculty should follow in cases of disagreement in apportionment or in cases of not performing duties. Shea stated that there are other avenues that can be pursued to deal with these situations as noted by the ARRC.

Shea reported that Attorney Hansen raised a number of specific concerns. He stated that the policy currently being considered raises the potential of arbitrary pay suspension without due process for a faculty member. He noted that ensuring due process for a faculty member could be written into a policy if one was created, but this could be difficult to cover. LaCost pointed out that Attorney Hansen noted that it could be difficult to try to enforce a suspension of pay policy because of the wide variance in job responsibilities. She stated that the university also needs to be careful in complying with state laws on this issue.

Shea reported that Attorney Hansen sought to find a similar policy at a number of other top universities but was unable to locate any institution that has such a policy. He stated that this is important because it implies that other institutions have similar processes in place as ours and that they may have similar concerns as ours in having a suspension of pay policy. He asked why a policy doesn't exist at other universities if it is truly needed.

LaCost asked the Committee what it wants to do. Schubert stated that the message is pretty clear from both the ARRC and Attorney Hansen not to develop a policy. He pointed out that if the Executive Committee agrees with the ARRC and Attorney Hansen, it needs to respond to the Chancellor. Shea pointed out that there are adequate procedures and processes already in place to address any situations that may arise and an additional policy does not appear necessary. Lindquist suggested that the Executive Committee point out to the Chancellor that it would be very difficult to create a policy that would not conflict with other procedures and policies that are currently in place, but if the Chancellor wants to create a policy, the Executive Committee would be happy be involved in the process.

Scubert moved that the Executive Committee follow the ARRC's recommendation to not pursue development of a suspension of pay policy. The Executive Committee charges

the President of the Faculty Senate to inform and explain to the Chancellor the Committee's decision. Anaya seconded the motion. The motion was approved.

4.2 Amendments to Proposed Cancellation of Faculty Senate Meetings Policy

Shea reported that at the April 5 Faculty Senate meeting a proposed amendment to the Senate's Rules of Order was presented. He stated that the amendment was to include a policy for cancelling Faculty Senate meetings. He noted that the amendment was created because of a Senate meeting that was cancelled in January due to bad weather. He pointed out that the motion was to make changes to the Rules of Order but comments from some Senators stated that changes should also be made to the UNL Bylaws and the amendment should cover other emergency situations. He stated that he took the suggestions into consideration when he revised the proposed policy.

Shea asked if the Bylaws need to be modified or whether the Senate Rules of Order just need to be changed. Schubert pointed out that modifying the UNL Bylaws will require approval from the Chancellor, ASUN, and the Board of Regents. LaCost noted that the Bylaws do address meetings of the Senate and it would make sense to change them.

Anaya asked if there should be a designee just in case the Senate President will not be available to make a decision to cancel a Senate meeting. Shea pointed out that a designee will not be making a policy, just making a communication to the Senate. Rinkevich suggested putting the language in third person. Lindquist stated that he prefers the language to be specific and that it should state that the President makes the decision.

Schubert asked why a specific person has the right to postpone a meeting. He pointed out that a special meeting of the Senate can be called with seven days notice by the President of the Faculty Senate, the Chancellor, any ten elected members of the Senate, or any fifty members of the Assembly. He stated that the language in the Rules of Order should be similar to what is currently in the UNL Bylaws. He stated that neither the Chancellor nor other groups have the right to call off a meeting once it is called. Irmak asked why the same people need to have the right to cancel a meeting as those who can call it. LaCost pointed out that the reason to call a special meeting is very different from the need to cancel a meeting. Griffin noted that only three Senate meetings have been cancelled in the nearly 14 years she has been coordinator.

Lindquist noted that the Rules of Order says that the President should preside at all meetings, but this does not always happen. He pointed out that there are other places within the Rules of Order where the responsibilities of the President are delegated to other individuals and the more language that gets included in the proposed amendment, the more problematic it can become. He stated that he thinks Shea's suggestions should be kept in the proposed policy. Anderson pointed out that there does not seem to be any problems with the chain of command in the proposed amendment.

Shea suggested that the Executive Committee act on the proposed amendment but review the current UNL Bylaws and Rules of Order pertaining to the Senate to see if there are other things that need to be changed. LaCost called for volunteers to review the UNL

Bylaws and Rules of Order. Schubert and Shea volunteered. Griffin stated that she will assist Schubert and Shea with their review.

LaCost entertained a motion to accept the proposed amendment to the UNL Bylaws and Rules of Order as revised by Shea. The following language would be included in the UNL Bylaws, section 3.3.3 Meetings, “The President of the Faculty Senate may postpone or cancel a meeting due to weather or other emergency.”

The following language would be included in the Faculty Senate Rules of Order:

11. Faculty Senate Meeting Postponement or Cancellation

Postponement or cancellation of a meeting can occur only if one of the following is met:

- A. Regularly scheduled classes are cancelled on the day of the meeting by the appropriate UNL authority.
- B. The President of the Senate gives notice of cancellation. Such notice shall be given 24 hours in advance of the scheduled meeting when feasible and shall include justification for the cancellation.
- C. Declaration of a campus emergency by the appropriate UNL authority.

Lindquist moved to do so. Anaya seconded the motion. The Executive Committee approved the addition of a policy on cancelling meetings to the Faculty Senate Rules of Order and the UNL Bylaws. The proposed amendments will be presented to the Senate at the September meeting.

5.0 New Business

5.1 Attendance at Faculty Senate and Executive Committee Meetings

Shea noted that the Executive Committee discussed at a previous meeting possibly creating an attendance policy for Executive Committee meetings. This discussion was held because of an Executive Committee member’s numerous absences from meetings this past year. He stated that he agreed at the time to work on developing a policy and pointed out that the Executive Committee needs to discuss this issue again to decide whether any action should be taken.

Shea stated that there is a Senate policy that states that a Senator missing more than three meetings can be removed from the Senate, although to his knowledge this has not been done. He stated that he understands that there are times when there are exceptional circumstances and people need to miss a meeting, but if a person cannot attend meetings regularly, they should not be serving on the Senate. He pointed out that there are nine Senate meetings during the year and missing three meetings is equivalent to missing a third of the meetings. This issue is addressed in section 3.3.4 of the Bylaws: **3.3.4 Attendance.** Elected members of the Senate who miss more than three meetings in a Senate year may be removed from membership of the Senate by action of the Secretary with the approval of the President. Shea noted that if a Senator missed three meetings a letter is sent notifying him/her of the absences. Griffin pointed out that the letter is usually effective in getting Senators to attend the meetings. Shea believes that a Senator

should be removed from the Senate if a Senator misses more than three meetings, as stipulated in the Bylaws, unless there is some exceptional reason for the absence.

Shea reported that the Executive Committee meets approximately 36 times a year. If a person misses 12 of these meetings, the person will miss a third of the scheduled meetings. He suggested allowing an Executive Committee member to miss up to six meetings in a six-month period. The person would be contacted after missing six meetings. He suggested that if the Executive Committee member does not provide an explanation for the absences that is acceptable to the Committee, he/she will be removed from the Executive Committee.

Anaya asked how big of a problem this is. Shea stated that some people miss a lot of Executive Committee meetings and this suggests that it could be an issue. LaCost wondered if there was any provision allowing people to notify the Senate Coordinator ahead of time if they are going to miss a meeting. Griffin stated that there is not a policy but most members of the Executive Committee, and some Senators, already notify her when they will not be able to attend a meeting.

Shea stated that he has a concern with participation in committees in general. He stated that there are some people who are on committees but who never participate, yet they annually submit in their annual activity report/evaluation that they are a member of a committee(s). He stated that he believes the most important university service assignment for a faculty member is participation in the Senate. He pointed out that there is already a strong attendance policy in place for the Senate (Bylaw 3.3.4) and the Executive Committee should take steps to remind people of the seriousness of participating in the Senate.

LaCost asked the Executive Committee to think about these issues and be prepared to discuss them in a couple of weeks. Anaya stated that the issue is worthy of discussion. She pointed out that Senators may think they won't be noticed for not attending a meeting. Shea stated that the Executive Committee values the input the faculty provides and wants people to participate in the Senate and Executive Committee meetings.

The meeting was adjourned at 4:33 p.m. The next meeting of the Executive Committee will be on Wednesday, June 29, 2011 at 3:00 pm. The meeting will be held in the Faculty Senate Office. The minutes are respectfully submitted by Karen Griffin, Coordinator and Pat Shea, Secretary.