

## EXECUTIVE COMMITTEE MINUTES

**Present:** Anaya, Bender, Guevara, Nickerson, Reisbig, Rinkevich, Ruchala, Schubert, Woodman, Wysocki, Zoubek

**Absent:** LaCost, Purdum

**Date:** Wednesday, February 27, 2013

**Location:** 201 Administration

**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

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

### 2.0 Announcements

#### 2.1 Honors Convocations and Commencement Committee Email

Schubert reported that he sent Professor Bolin, chair of the Honors Convocations and Commencement Committee (HCCC), a message asking the Committee to take a vote on whether or not to add the Executive Director of the Alumni Association as a non-voting member. He noted that Diane Mendhall, Executive Director of the Alumni Association, made the request at the end of last April and the Executive Committee forwarded it to the HCCC to act on, but this was not done. He noted that the HCCC will meet on Friday and he has asked that they let him know what the Committee decided.

#### 2.2 Dell Representative to Make a Presentation on KACE

Schubert reported that a representative from Dell Computers will be making a presentation regarding KACE and the Executive Committee has been invited to the presentation. Anaya and Woodman stated that they can attend the presentation and will report back to the Executive Committee on it.

### 3.0 Approval of 2/20/13 Minutes

Rinkevich moved for approval of the minutes as revised. Motion seconded by Ruchala. Griffin reported that she has not received changes yet from SVCAA Weissinger. The Executive Committee decided to postpone approval of the minutes until the SVCAA has submitted her edits.

### 4.0 Chancellor Perlman

#### 4.1 Draft Institutional Control Document

Schubert stated that the Executive Committee reviewed the document and is pretty much in agreement with it except for the language "ultimate authority." He wondered if this terminology was used for legal reasons or is a requirement to the document. Chancellor Perlman stated that he is not committed to the term and the effort with the document is to create transparent rules in regards to who has authority on campus over athletics. He

noted that at many institutions there are organizational bodies that think they have authority over athletics, but they do not, or in some cases boosters may think they have authority. He pointed out that at UNL, the Regents Bylaws state that the Chancellor has authority over the campus. He noted that the effort is not to try to make every institution look alike in how they operate their athletic programs, but it is suggesting that there be transparent rules so it is clear who has authority over athletics. He stated that the controversy may be getting the governing boards at some of the universities to accept the document.

Schubert stated that there was nothing else that the Executive Committee found controversial in the document and he appreciates the work and effort the Chancellor made in formulating it. He noted that the Executive Committee understands the background for the document and trusts the Chancellor's input on it.

Chancellor Perlman pointed out that there are five areas that really have impacts in regards to student athletes. The document seeks to make sure there are checks in place to make sure coaches, athletics, or others cannot put pressure on Admissions, Registration & Records, faculty members, and other university offices in order to accommodate a student athlete.

#### **4.2 KACE Issue**

Chancellor Perlman stated that he thinks this issue has largely been overblown and pointed out that he has stated in three successive meetings with the Executive Committee how the KACE program was introduced poorly and it caught everyone by surprise and created alarm. He stated that the idea behind KACE is to protect computers from the enormous amount of threats that are attempted every day to university computers, but if faculty members do not care about security or saving university resources by updating software than that is up to the faculty. He pointed out that we have some site licenses for software programs but we have no knowledge of how many people are using these programs, and if someone wanted to know these numbers we would have to manually count them. He stated that not having the program could jeopardize some of our licenses.

Chancellor Perlman stated that at some level faculty members have to have a degree of trust that administrators will not abuse the program, but he thinks we need to have policies that protect the privacy of the faculty. He stated that he thinks there should be protocols on what the program can and cannot do or what IS employees can do. He pointed out that he thinks the administration is sensitive to privacy issues, although university computers are really not regarded as private. He stated that other programs are being considered to possibly replace KACE. He stated that he believes the administration is demonstrating willingness to try and respond to the legitimate questions that have been raised.

Nickerson pointed out that an issue beyond KACE is how the decision was made to purchase the program and how the Information Technologies and Services Committee (ITSC) can exert some influence in the decision so that there are no surprises like KACE in the future. Chancellor Perlman stated that he believes CIO Askren has engaged the

ITSC in any new processes. He noted that when he first saw the message about KACE he informed CIO Askren that it was going to be problematic. He reported that it was Purchasing that bought the program and noted that they may not be aware of the concerns of the faculty and the sensitivity of the issue.

Schubert stated that the faculty wants to find the same solution and think everyone understands it. He stated that he has continued to gather information from people in the UNL system that would be affected and he has asked the Institutional Review Board, NUTech, the Office of Research and Economic Development, and those concerned with academic rights and responsibilities issues for their feedback on KACE. He reported that they all felt that there were issues of concern that needed to be addressed. One of these concerns is whether the provider of the program would be liable should there be any breaches of information because of the program. He stated that he was informed by Jeanne Wicks, Director of Sponsored Programs, that there are some contracts that handle confidential information and there would be concern that this confidential information could be in jeopardy. He noted that those contracts involved with STRATCOM may not even be allowed to use computers that have access to the internet. He reported that he is continuing to collect the information and will give this to the ITSC. He suggested that KACE might be good to use on classroom and lab computers.

Chancellor Perlman stated that he is supportive in making sure that using a program like KACE is done correctly, and faculty members should please let administrators know if it is not done correctly. He pointed out that faculty will be involved in the process and should press for protocols of what the program can do. He noted that other universities have been using the program.

#### **4.3 Student Bereavement Policy**

Schubert stated that he shared the conversation between the Chancellor and himself with the Executive Committee regarding the Chancellor's concern with the process of the policy. He stated that after checking the history behind the policy he realized that he omitted informing the Chancellor that ASUN, who requested the policy, had worked with Vice Chancellor Franco's office when creating the policy. Chancellor Perlman noted that the administration is not being critical, but is concerned with how policies emerge and whether they can be enforced. He stated that it is unclear whether the Senate has the authority to create these kinds of policies. Schubert stated that he was concerned whether this would apply to all faculty policies that have been developed. Chancellor Perlman stated that he is just trying to see if there was something missed in the process. He stated that the UNL Bylaws need to be reviewed and revised and he hopes to do this in the future.

Nickerson reported that he served on a Faculty Senate committee that was created to look into revising the former dead week policy and out of this committee the 15<sup>th</sup> week policy was created. He stated that he did not know whether the policy had the Chancellor's approval, but the policy has been included in the schedule of classes since approved by the Senate.

Chancellor Perlman stated that he is not worried about the conversations but he is perplexed on how policies get the force of law. He stated that he thinks the campus is vulnerable with some policies. He noted that he is not sure whether the promotion and tenure policy can be enforced or not. He stated that it is done by agreement and resembles a bylaw but the Board has not approved it. Another example is the budget reduction process. He stated that the current process UNL uses was approved by ASUN, the Senate, and the Chancellor, but he is unclear if an answer could be provided if the Board was to ask by what authority the budget process exists. He pointed out that the inquiry about the student bereavement policy was just to find out what the Executive Committee's thinking was on the process.

Woodman asked if, under this thinking, if instructors would have the authority to include something in their syllabus. Chancellor Perlman stated that it is not really clear. He noted that 80% of what is in the UNL Bylaws is in the Regents Bylaws. He stated that if a policy is wanted that can be enforced against a tenured faculty member the authority on this needs to be quite clear.

#### **4.4 Update on Tuition Freeze Contract**

Chancellor Perlman reported that the State Appropriations Committee is currently looking at the contract but there seems to be some legislators who are not supportive of it. He stated that we will have to wait to see what the Appropriations Committee recommends to the Legislature.

#### **4.5 Upcoming Issues**

Chancellor Perlman stated that he does not have any real news to report on the Student Health Center. He noted that some Regents are concerned with the proposal and a student vote is coming up on it. He stated he believes we have a good proposal from Bryan, but at a recent forum about the health center the limited number of students who attended spoke passionately against the idea.

Chancellor Perlman stated that there is concern with the expressions recently being made by the Omaha engineering community about wanting to create a separate college of engineering in Omaha. He noted that this same issue was raised a number of years ago and created division and controversy.

Chancellor Perlman reported that nothing is currently occurring in the Legislature that is impactful on the university. He stated that the sequester could have impacts with student aid and some funding, and we will be in the same boat as other universities.

Chancellor Perlman stated that research efforts need to be increased in order to reach the goals set forth in his State of the University address. He noted that there are some restraints in Washington that could affect research, but we need to re-energize our research efforts.

Chancellor Perlman reported that the capital campaign is going well and we still have 18 months to go with it. He noted that we are trying to complete some big projects that will

either make the campaign a success or not. He stated that constructing a new CBA building is critical and it initiates the campus master plan and will change the way we look at the campus. He stated that a little behind the CBA building is the expansion of Manter Hall and a new life sciences teaching facility. He pointed out that a lead donor needs to be identified for these projects.

Chancellor Perlman reported that a consultant has been hired to look at renovating the city campus student union. He pointed out that the student union is the front door to the campus and in its current state it is not attractive for recruiting purposes. He stated that an RFP was done and an architect firm has been selected. He noted that the architect firm has worked on some of the Big Ten student unions and the firm is optimistic about the infrastructure and thinks there are some things in place that would make it a very attractive building. He stated some more specific planning will be done.

Chancellor Perlman reported that the Explore Center is getting closer to being moved along with other student services to Love Library. He stated that efforts are underway to take a serious look at the roles of the Libraries for the university. He noted that the creation of a student success area will be done in piecemeal due to the costs.

Chancellor Perlman stated that we will be under increasing pressure politically to create incentives for academic units to meet certain objectives. He noted that around the country there are states where universities are supported through formula funding and a lot of discussion has been taking place about this issue. He stated that the question of how many students you graduate each year is now frequently being asked and we will probably need to get ahead of this issue by creating internal incentives. He pointed out that the objectives are clear: improved graduation rates, enrollment rates, and increased research. He noted that there will be further discussions about this issue.

Ruchala asked if a business advantage plan is being discussed at all in the Legislature in regards to tuition differential rates for out-of-state students. She noted that having out-of-state students remain in Nebraska after they graduate will help the State in the future. Chancellor Perlman stated that Nebraska currently has a program for physicians who agree to practice in rural Nebraska. He stated that he has mixed views and wonder if there are ways we could offer something similar with minimal impact. He pointed out that giving tax credits to those students that remain would take money out of the revenue stream, although some states have been reasonably successful with these kinds of plan.

Wysocki asked if the administration is going to protect UNL engineering faculty from being moved to UNO if the engineering in Omaha issue progresses. Chancellor Perlman said absolutely, that we will protect our interests. He stated that he does not think that trying to create a separate engineering college is a good idea.

Nickerson asked if the current search to hire a director of NETV has been halted and then reopened, as reported in the Lincoln Journal Star. Chancellor Perlman noted that the search is being conducted by SVCAA Weissinger's office. Nickerson asked why the

search has to be reopened if only one of the two finalists withdrew. Chancellor Perlman pointed out that the search is continuing and has not been closed.

## **5.0 Unfinished Business**

### **5.1 KACE Issue**

Woodman questioned whether the Executive Committee was overblowing the KACE issue. Reisbig noted that the Chancellor recognized the legitimate concerns of the faculty members but seemed to feel that we would be giving up some things if we don't have KACE. Schubert pointed out that every computer has threats and KACE does not make them safer. He noted that the Chancellor stated that the faculty can create the policies and the protocols of KACE. He reported that there have been a number of units on campus, including some college computer technicians, who will not have it installed on their computers. He stated that he does not think the Chancellor will make the ultimate decision but will listen to the ITSC. He pointed out that KACE is costing a fortune because no one wants to use it. He stated that people can tell you whatever they want you to know about the program but the bottom line is that the program installs script on your computer and can look at everything that is on your computer.

Ruchala suggested that if we continue to just focus on KACE the issues would be overblown, but if the question becomes larger as to what policies we should have in regards to computer use and privacy this would be very useful and would allow us to prevent issues like the KACE problem facing us again. She stated that the broader issues regarding academic freedom need to be addressed. She wondered how many different policies we have in regards to computers. She suggested that the Senate or a taskforce could be created to work on developing these policies and this could be a very good thing that comes out of the issue. Woodman noted that most of the policies that are currently in place are towards the computer user, but Executive Memorandum #16 talks about the role of instructional technologists. He stated that a policy should be written that the ITSC should be consulted before UNL enters into any computer contract.

Ruchala stated that she did not realize that Purchasing bought KACE, not CIO Askren. She asked how Purchasing can make the decision to buy a program like this that would affect faculty member's computers and work.

Zoubek stated that the program was to make sure we don't have pirated software on our computers. Woodman stated that the program is intended as an audit and to make sure we are in compliance with our licenses. He pointed out that some information technologists are stating that KACE is a problem.

Schubert asked how the Executive Committee could get KACE off the table. He suggested that the faculty needs to steer the policy on these kinds of programs. Woodman pointed out that there should be a strict ability for faculty members to opt out of using such a program.

Schubert reported that currently Information Services can log into your IP action to see what you have been looking at on the internet, but IS does not have the capability of

looking into what you have on your computer, however KACE would change this and technically it would allow anyone to see right now what someone is working on. He stated that the issue of trust is not really necessary right now because KACE is not installed, but one key click and administrators can see what a faculty member is working on with their computers.

## **5.2 Suggested Revisions to ACE Governing Document Four**

Woodman stated that his suggestions require the department to certify that ACE courses still continue to meet their stated ACE goals and requires the department to conduct its own internal assessment of the ACE courses. He noted that the UCC will still have some ability to review a small proportion of the ACE assessment. Guevara pointed out that the Executive Committee needs to make sure that Director Mitchell gets a copy of the proposed revisions.

Schubert stated that the revisions do not address the complaint made by a Senator about having to upload so many samples for multi-section courses. He stated that the language “at least three” samples is still in the document. Ruchala moved that the language “at least three” be removed from the document, leaving the wording as “a reasonable sample”. Nickerson made the friendly amendment that “each semester” also removed. The motion was seconded by Woodman. The committee approved the amended motion.

Reisbig asked if the Executive Committee was going to ask the UCC to approve the changes first and then make sure it is included in the document where needed. Ruchala moved that the document be submitted to the UCC for their review and recommendation to the Faculty Senate for final approval. Woodman seconded the motion. The motion was approved. It was suggested that the document be sent to Director Mitchell and SVCAA Weissinger for their information.

Nickerson moved that the UCC be requested to respond to the Executive Committee by a certain date so it can be resolved this semester. Bender seconded the motion. The motion was approved.

## **6.0 New Business**

### **6.1 Survey Request from Bureau of Sociological Research**

Schubert reported that he received a survey that came from the Bureau of Sociological Research and is requesting information that he finds puzzling and that he considers private. He stated that he spoke to the faculty member who is the principal investigator about his concerns. Ruchala, Nickerson, and Reisbig reported that they also received the survey. Wysocki stated that he received it at his home address and it concerns him that someone at the university released his personal address. Ruchala pointed out that the survey was probably sent to people’s homes to make them feel more protected since the survey does pertain to the workplace.

Schubert stated that he felt that the survey was totally inappropriate because it asks to gather data on colleagues, including providing names and who faculty members are

collaborating with. He noted that the same survey was conducted last year. Wysocki agreed with Schubert's concerns and stated that he felt that it was an invasion of privacy.

Woodman asked if there was an IRB number on the survey. He suggested that the IRB can be addressed on what criteria they approved this kind of survey. Reisbig pointed out that faculty members have the option of not participating in the survey if they are not comfortable with it.

Schubert stated that when you read the information on the survey it becomes clear that 85% of the department needs to respond otherwise the results of the survey are not considered valid. He noted that he does not want to make a colleague's research work useless by not participating, but filling out the survey requires some time and he does not receive any benefits in doing it. He pointed out that he asked how long the survey will take and was told that it would take 30 minutes to an hour to complete. He stated that if you involve the entire department this could be viewed as an additional workload on the faculty. Nickerson noted that there are now many things impinging on the faculty's time such as tracking down inventory from 20 years ago and dealing with eShop.

Ruchala reported that she attended the presentations last year about the research and stated that it was being done to see what kind of social and research networks people have in academic departments and whether this could be tied to satisfaction levels and productivity. She noted that the survey is totally separate from the university and the chairs and or deans do not get any identifying information from the survey. Reisbig pointed out that there is no way to offer anonymity because the survey is asking for colleagues' names and this information could be used to identify responders.

Guevara asked if Schubert felt that he is being forced to participate in the survey. Schubert stated that he feels somewhat obligated as Senate president to respond, but he is feeling negatively about the way the survey was presented. Woodman suggested approaching IRB about the problems associated with the survey. Schubert stated that he will not do this. Guevara suggested that IRB may not have asked how much of a burden the survey was going to be. Reisbig stated that this is required information and researchers must be overt with this information. She stated that individual faculty members have a choice to not participate, but she questioned if department were made aware that 85% of the faculty members need to participate.

Nickerson stated that he thinks this is valuable research to see if faculty members feel satisfaction, particularly those who do collaborative research. He noted that even 15-20 years ago he was sensitive to retiring faculty members who were embittered with the university when they left. He did not think this was right, but he still does not want to spend an hour to participate in the same survey he completed last year.

Schubert noted that the survey is a NSF grant but he does not think that people were asked if they would participate in this kind of survey and he would have expected that faculty members would have been asked before submitting a proposal. Reisbig noted that

the survey creates a conflict of interest because you might want to participate but do not feel comfortable providing some of the information that is being requested.

Wysocki stated that he is still concerned when, and for whom, home addresses are released by the university. The Executive Committee agreed to question VC Paul about this issue.

### **6.2 April 15 Resolution Regarding Graduate Assistants and Fellows**

Guevara noted that there is a resolution that students are not obligated to respond to offers of financial support prior to April 15, and this poses a problem because a department cannot offer the TA to another student until after April 15. He pointed out that departments could lose out recruiting good graduate students because of this ruling. Ruchala noted that the resolution is looking to protect students who may receive numerous offers. Reisbig pointed out that the ruling only applies to the funding that the students could receive, not whether they are admitted. Guevara stated that for international students this can cause difficulties because they have to show they have funding in order to get a visa to enter the country. Ruchala stated that her department asks students to let them know if they decide to attend school somewhere else. Guevara stated that this policy seems to be out-of-date and should be revised.

### **6.3 Review of VC Paul**

Schubert noted that each of the Executive Committee members can do an individual review of VC Paul but asked if the Executive Committee wanted to send a review in as a group. Guevara pointed out that each faculty member may have had different interactions with the VC and each of the members represents a group of faculty members. He stated that he does not feel that the Executive Committee should speak for their constituents. He suggested that each faculty member should conduct an individual review. The Committee agreed. Zoubek suggested that Schubert encourage all faculty members to respond to the review.

### **6.4 March 20 Executive Committee Meeting**

Griffin reported that both Chancellor Perlman and VC Green are now unable to attend the March 20 Executive Committee as scheduled because they will be out of town. She asked the Committee if they wanted to cancel the meeting. The Committee agreed to cancel it since it is during spring break.

The meeting was adjourned at 4:58 p.m. The next meeting of the Executive Committee will be on Wednesday, March 6 at 3:00 pm. The meeting will be held in the Faculty Senate Office. The minutes are respectfully submitted by Karen Griffin, Coordinator and David Woodman, Secretary.