

EXECUTIVE COMMITTEE MINUTES

Present: Bender, Joeckel, Konecky, Lee, Nickerson, Purcell, Reisbig, Rudy, Sollars, Steffen, Vakilzadian, Woodman

Absent: Dawes

Date: Wednesday, August 26, 2015

Location: 203 Alexander

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

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

2.0 Director Susan Foster, Institutional Equity and Compliance

2.1 UNL Policy on Consensual and Domestic Relationships

Foster stated that she wanted to talk to the Executive Committee regarding UNL's current policy on consensual relationships between a faculty member and student providing there is no supervisory connection between the parties involved. She pointed out that the current policy is creating some difficulties on campus and the policy needs to be changed. She stated that her office received several complaints this summer about these kinds of relationships. She stated that she is not asking for a ban, but prohibiting relationships within certain defined categories, such as a student in your class, a student in the department, or anyone that you supervise. She suggested that consensual relationships outside of the defined categories be disclosed to either the department chair or the dean. She noted that there are times when there is a lack of understanding between the individuals involved which could later have an impact on a student's career. She pointed out that while a faculty member might think communicating with a student is just being friendly, what matters is how the student perceives the situation.

Lee reported that he, Reisbig, and Rudy have drafted a revision to the Senate's Professional Ethics Statement and there is a section about consensual relationships (a copy of the draft document was provided to Foster). Steffen noted that while the current policy states that a faculty member needs to get someone else to grade a student if the instructor is involved with a student, in actuality it is often difficult to get someone else to do the grading.

Lee asked if it would be a different situation if a faculty member met a student outside of the university. Foster stated that the difficulty with these relationships is when the individuals are in the same department. She stated that any complaint that comes into her department must be investigated. Lee asked if other relationships are prohibited. For instance, if a couple is already married and one of the spouse's decides to take courses in the department that the other spouse is employed in. Foster stated that there cannot be

any kind of professional connection, such as taking classes or conducting research together between the spouses as long as one of them is a student or under the other spouse's supervision. She pointed out that the bottom line is that faculty members should not get involved in any romantic relationship with a student.

Rudy asked about relationships between graduate students and undergraduate students. Foster once again noted that if the graduate student is teaching a class, they should not have a romantic relationship with a student in the class, even if it is consensual. Foster stated that she wants to have some guidelines available to help people understand what is acceptable and what is not.

Steffen stated that reporting a consensual relationship to the head of a unit could be very effective or ineffective. The question is, once it is reported what happens with it? Foster pointed out that this can be presented as a way of protecting faculty members from complaints that could occur. She noted that some complaints have merit while others are a misinterpretation of the situation. Woodman asked what business is it of the chair if two adults decide to have a consensual relationship and there is no supervisory capacity involved. Lee pointed out that the reason why it should be a department chair is because the chair makes assignments in the department. Foster noted that if a complaint comes to her she will speak to the dean or chair to obtain information about a situation. Woodman suggested that the Employee Assistance Program could be used for people to disclose their consensual relationship and there would be a record of it. He noted that the chair deals with professional issues. Konecky pointed out that the relationship interacts with a person's work and Foster stated that it is therefore professional. Joeckel stated that he would not want to see people being put into a situation where they have to report to two different offices. Foster reported that in all of the cases she has dealt with the dean was aware of the relationship and each dean has been very professional. She noted that the deans' biggest concern is protecting the faculty. She stated that it is important for faculty members to be treated with respect, whether you agree or disagree with what they are doing.

Woodman asked if someone can be fired if they are involved in a consensual relationship with one of their students. Foster stated that they could be, but each case must be fact specific for grounds of termination. She said that it should be well known that having a sexual relationship with a current student is not acceptable. She pointed out that one issue is how sexual relationship is defined: actual physical conduct, sexual banter, texting sexual messages?

Konecky and Rudy asked how faculty members can protect themselves from perceived relationships. Foster stated that faculty members should not go out with a student by themselves, should meet students during office hours, avoid using their own personal phone to communicate with the student, and avoid any sexual banter. Konecky pointed out that newer faculty members and TA's can sometimes be just a few years older than students and asked if they would be included in the policy. She stated that these TA's need to be informed of the policy when they first become a TA. Foster stated that when the policy is finalized the next question will be how to educate the campus. She noted

that with Title IX all university employees will receive an email message rather than just directing them to a website because it is uncertain if employees will check the Title IX website on their own.

Rudy stated that the subcommittee that worked on the Professional Ethics Statement discussed what power of enforcement or punishment the document has. Foster pointed out that the power would be in the policy. Vakilzadian noted that at some institutions faculty members must sign a statement saying they have read and understood a policy. He speculated whether new faculty members here will be required to sign the Ethics Statement.

Woodman stated that he has about 50 TAs and asked how liable he would be if he is supervising these people and they violate the consensual relationship policy. Foster pointed out that he would need to communicate the expectations of the policy when the TAs begin their appointment. She stated that if he learns of a relationship that occurs after he has informed the TA's, he needs to take action. Woodman pointed out that he cannot simply change the TA's teaching schedule should there be a violation of the policy. Steffen pointed out that if a TA did something criminal they would need to be replaced. Foster stated that one of the parties involved would need to change their schedule so the supervisory relationship no longer exists.

Foster stated that the first step will be to get the policy rewritten and approved. She noted that it is important that the policy does not conflict with Title IX. She stated that one part of the process is determining what would happen if a person violated the policy. Reisbig stated that it will be important for faculty members to have the guidelines. Foster agreed and said that knowing what type of relationships are appropriate is important.

Lee asked if Foster's office would investigate if a complaint was made by a staff person against a faculty member or vice versa. She stated that her office would conduct an investigation.

3.0 Announcements

3.1 Discussion with Chancellor Perlman on Disassociating Former Employees with the University

Bender reported that he spoke with the Chancellor who is planning on bringing up an issue to the Senate regarding disassociating some former faculty and staff members from the university. He noted that there are some situations where a former employee continues to use university email and other facilities which may be a violation of the Board of Regents Bylaws. He stated that the Chancellor plans on starting a conversation on how this situation should be handled.

Purcell asked if emeritus faculty members will still have access to the university facilities. Bender stated that he does not think this will apply to emeritus faculty members. He noted that it may be directed towards former employees who have departed under bad circumstances. Joeckel asked if this decision is based on a recent event. Bender stated that he believes it is a result of a recent incident.

3.2 Email Discussion with VC Green Regarding the Idea of Giving Fully Promoted Extension Educators Tenure

Bender reported that he has had exchanges with VC Green regarding the idea of giving fully promoted Extension Educators tenure, or at least to include them in the proposed changes to the Board of Regents Bylaws 4.3 which will provide Practice Faculty and Research Faculty some protection from being fired before their contract expires. He noted that VC Green said one issue was that Extension Educators were accountable to county extension boards as well as to UNL. Although counties no longer contribute to the salaries paid to Extension Educators, they do contribute support in the form of office space and other amenities. VC Green indicated that there is concern that tenure could impact the way Extension Educators perform their duties. VC Green did not want them to be diverted from their extension work by focusing on doing what most faculty have to do to get tenure. He stated that VC Green is having Dean Hibberd of Extension provide a report to him on how many Extension Educators have been separated from the University for any other reason than retirement or taking a job elsewhere. He noted that VC Green suggested that Dean Hibberd meet with the Executive Committee to discuss the issue further. Griffin noted that Dean Hibberd is scheduled to meet with the Committee on September 23.

Steffen pointed out that the criteria for Extension Educators would not need to be changed, but they could be given a lengthy contract. Lee noted that multi-year contracts really protect the faculty member and it does not allow administrators to cut senior people in order to hire someone at a lower salary.

3.3 Fall Forum for Non-tenure Track Faculty Members

Bender reported that the date for the non-tenure track faculty members will be held on Friday, November 13 from 2:30 p.m. – 5:30 p.m. in the Love Library Auditorium. He noted that an agenda needs to be developed with topics provided to Associate Vice Chancellor Perez, Dean Francisco, and Professor Castro who will be speaking at the forum. It was suggested that Dean Hibberd also be asked to speak at the forum. He asked that Woodman, Purcell, and Rudy work on creating the agenda.

4.0 Approval of August 19, 2015 Minutes

Vakilzadian moved for approval of the minutes as revised. Motion seconded by Nickerson and approved by the Executive Committee.

5.0 Unfinished Business

5.1 Executive Committee Goals

The Executive Committee made final revisions to the Executive Committee goals for the 2015-2016 academic year. The goals will be presented to the Senate at the September 1 meeting. Steffen moved to approve the goals as amended. Motion seconded by Purcell and approved by the Committee.

6.0 New Business

6.1 Senate Meeting

Griffin noted that there is a motion on the floor of the Senate to increase the membership of the Academic Planning Committee by adding a non-tenure track faculty member. She pointed out that there have been some changes in administration that will impact the composition of the APC and suggested that the motion be postponed so all of the changes can be made at one time since approval is also needed from ASUN, the Chancellor, and the Board of Regents because the APC is part of the UNL Bylaws. Joeckel moved for the Executive Committee to postpone the motion on the APC membership. Motion seconded by Vakilzadian. The motion was approved.

6.2 Agenda Items for President Bounds

The Executive Committee identified agenda items for President Bounds when he addresses the Faculty Senate:

- 1) Plans for centralizing university services, such as Information Technologies, and what role will the Coordinating Commission of Higher Education play in this decision.
- 2) Clarification of differential tuition rates for the campuses.
- 3) What does President Bounds see as the role of each of the campuses?
- 4) Interpretation of the University's new plurality tagline.
- 5) Update on Chancellor's search.
- 6) Strategies for increasing overall University-wide enrollment.

6.3 Agenda Items for VC Green

The Executive Committee identified agenda items for VC Green when he meets with the Committee on September 9:

- 1) Tenure and promotion numbers from the past year.
- 2) Problem with having two existing similar programs in two different departments within the Engineering College.
- 3) Update on Guidelines for Extension Educators sitting on outside boards.
- 4) Efforts to replace former Dean Cerveny's position.
- 5) Update on building facilities on East and West campus.

6.4 Qualifications for Chancellor

Bender noted that the Executive Committee will be meeting with the search consultants on September 9th to discuss what qualifications the Committee feels is needed in the new Chancellor. The Committee suggested the following qualifications:

- 1) Must have a terminal degree and being an academician who would qualify for a faculty appointment.
- 2) Must be a defender of academic freedom.
- 3) Supports tenure.
- 4) Prefers someone with an administrative background with a land grant institution.
- 5) Supports shared governance.

He stated that anyone with other recommended qualifications should contact Griffin.

6.5 Invitation from FIRE

Bender reported that FIRE (Foundation for Individual Rights in Education) would like the Executive Committee to endorse a letter supporting their stance against assaults on academic freedom that is occurring at some universities. Lee stated that the letter may be a backlash against creating a diverse university and he thinks the incidents sound highly decontextualized. Rudy pointed out that FIRE is actually asking us to do more than endorse the letter. Woodman stated that he thinks there are some elements of the letter that are pertinent that could help strengthen teachers in the classroom. Bender asked the Committee to read the statement and to be prepared to discuss it in more detail at the next meeting.

6.6 Three Faculty members needed for Course & Fees Committee

Griffin noted that three faculty members will be needed this semester for the Course & Fees Committee. Woodman volunteered to serve. The Executive Committee will discuss the issue again at its next meeting.

The meeting was adjourned at 5:01 p.m. The next meeting of the Executive Committee will be on Wednesday, September 9 at 3:00 pm. The meeting will be held in the City Campus Union, Georgia A. The minutes are respectfully submitted by Karen Griffin, Coordinator and Allison Reisbig, Secretary.