

EXECUTIVE COMMITTEE MINUTES

Present: Dawes, Konecky, Lee, Nickerson, Purcell, Rudy, Sollars, Vakilzadian

Absent: Bender, Joeckel, Reisbig, Steffen, Woodman

Date: Wednesday, September 23, 2015

Location: 203 Alexander 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

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

2.0 Dean Hibberd, Nebraska Extension

2.1 Extended Contracts for Extension Educators

Nickerson stated that the Executive Committee wanted to discuss the idea of Extension Educators getting an extended contract, similar to Professors of Practice and Professors of Research. He noted that this idea began with the Board of Regents proposed revisions to the Bylaws which gives protection to Professors of Practice and Research Professors by ensuring that they cannot be terminated before their contract expires for budget purposes. He stated that the Committee felt that the same protection should be given to Extension Educators.

Rudy asked how many different colleges have Extension Educators. Dean Hibberd reported that the bulk of Extension Educators are in IANR, although there are some programs in other departments that have some Extension Educators. He stated that Extension Educators work in a variety of areas although typically they are involved with 4-H youth development, beef systems, crops and water, learning child, community vitality, food, nutrition, health, community environment. Nickerson asked what the total number of Extension Educators is. Dean Hibberd stated that there are 150 across Nebraska and 12 on campus.

Purcell pointed out that all Extension Educators have at least a master's degree and the majority of them are located in county offices, although not every county has an Extension office. Dean Hibberd stated that their job is to bring the University to the residents of Nebraska and to bring research based information to Nebraskans. He stated that they do a lot of direct teaching, but do not teach in a typical classroom setting and the courses are non-credit. He stated that the goal with Extension is to ultimately help people make improvements for themselves through changes in behavior practice that would be constructive to them.

Dean Hibberd stated that Extension Educators are full-time employees and are considered special appointment faculty members. He pointed out that the current Regents Bylaws

list Extension Educators as being paid in part by the counties, but this is no longer true as they are paid in full by the University. He stated that the language of the Bylaws should be changed to be more accurate with current practices.

Lee asked Dean Hibberd to define special appointments. Dean Hibberd stated that special appointments are appointments not for a specific term, that are not health professionals, and they are not on a continuous appointment. He noted that Extension Specialists are on tenured lines and typically have a two-way appointment. Nickerson asked if Extension Educators are typically on a one-year appointment. Dean Hibberd stated that currently Extension Educators are given a 12-month special appointment, but employment automatically continues each year unless a person is terminated, retires, or resigns. He pointed out that the current IANR position description for Extension Educators does not state that they can be given a 90-day notice of termination, but Regents Bylaw 4.4.1 states that special appointments where “no time is stated in the appointment to the position or in the written contract, the appointment may be terminated by either party giving the other at least 90 day notice of the date of termination.” Lee asked if fully promoted Extension Educators are working on the same contract as a newly hired person. Dean Hibberd stated that this is correct. He distributed a copy of a typical Extension Educator position description which includes a list of values sought in applicants such as professionalism, engagement, innovation, ability to deliver programs, work as a team members, and partnering with research faculty members.

Dean Hibberd reported that the old model of Extension is that the office resided in the county courthouse but now the office is frequently in a separate building in a setting where the signage designates that the office is a part of the University of Nebraska. He noted that Extension is a three-way partnership receiving funding from the USDA, the state through the University, and funding from the counties to support the Extension office. He stated that the counties used to pay a portion of the Extension Educators salaries but this is no longer true. He reported that the counties provide \$9 million to support the offices and the University contributes \$11 million in faculty salaries. He stated that total investment into the county-based component of Nebraska Extension is approximately \$23 million. He reported that the federal government contributed approximately \$4 million. Purcell pointed out that the funds from the county support the two full-time office staff members in her county office and provide program support.

Nickerson stated that the Executive Committee would like to provide more stability and security to Extension Educators, and it appears that numerous people are in favor of doing this. He questioned whether there would be any desire for Extension Educators to be given tenure. He wondered if the next step would be for the Extension Educators to make a proposal to suggest these changes or whether the proposal should come from the Faculty Senate with strong input from Extension Educators. He asked if we should try to get the two groups together to present a proposal to Dean Hibberd and VC Green. Dean Hibberd noted that President Bender will be speaking at the fall Extension Educators’ conference November 11-13 and this will provide President Bender the opportunity to interact with Extension Educators to see if they are supportive of the idea. Purcell suggested that the Extension Educators be presented with several different options of

what could occur. She noted that currently standards for tenure vary from college to college and she is not sure what the options could be for Extension Educators. She pointed out that ultimately approval would be needed from the Chancellor and the Board of Regents. Rudy stated that there is a difference in tenure procedures between IANR and the College of Education and Human Sciences, and establishing tenure procedures and standards for Extension Educators could be challenging. Dean Hibberd noted that all Extension Educators come through the same promotion system and there are promotion committees within each district and a state level promotion committee for the campus-based Educators. He suggested that the same committee could be used for tenure decision making. Lee asked if Extension Educators have a time frame for promotion. Dean Hibberd stated that there is no time frame. Purcell pointed out that all Extension Educators are encouraged to apply for promotion. Dean Hibberd noted that being promoted from Assistant Extension Educator to Associate is not that difficult, but the requirements for achieving full Extension Educator status is much higher.

Nickerson stated that President Bender suggested the idea of having a proposal come from the Extension Educators but asked if Dean Hibberd has a sense of whether they would be supportive of the idea to provide tenure or have a specified contract. Dean Hibberd stated that the Extension Educators would need to think about the options and he suggested that this not be rushed through. He stated that the Extension Educators need time to learn about the idea and to weigh the options. He suggested that they be given a recommendation that they can consider as a full body.

Lee noted that while Extension Educators are evaluated each year, they are not peer reviewed and can go many years without being peer reviewed. He pointed out that tenured faculty members are peer reviewed each year as part of their evaluation. He asked if this would be difficult to do with Extension Educators. Dean Hibberd noted that the tradition is for district directors to conduct an annual evaluation and noted that there are faculty members other than Extension Educators that are not peer reviewed.

Nickerson stated that an idea is to have an Extension Educator in the system for a number of years before they would be given a contract. Dean Hibberd stated that his preference would be to not give Extension Educators a contract, but to give them a one-year notice of termination. He pointed out that, although rare, there are times when an Extension Educator is asked to be removed by county officials. He noted that Nebraska Extension serves in the counties at the discretion of the county government and because of their investment in our program we are interested in the local community being satisfied. Lee suggested that an Extension Educator not be given a contract until they have served for a period of time, for instance five years. He asked if during that time the Extension Educator could be assessed. Dean Hibberd stated that typically if someone is not working out well in a county it is detected in their first year of employment or occasionally in the last five years. He pointed out that Extension Educators must have the ability to interact well with people otherwise they will not be successful. He noted that allowing some flexibility with the contract, to terminate it if needed, is important. He stated that Nebraska Extension is still in the situation where the county provides resources for the program and counties have the ability to pull out of Nebraska Extension

at any time so we don't have 100% control over our own destinies. If there is a long contract with an Extension Educator it could put the program into a difficult position if there are problems with an Educator. Griffin asked if it would be possible to have a clause in the contract that would give Nebraska Extension the ability to terminate someone for just cause. Dean Hibberd noted that having an option, something based on a post-tenure review system, could be a possibility. Nickerson suggested that an Extension Educator could be reassigned. Dean Hibberd stated that this rarely happens because the Educator is invested in the area and would typically leave the program before relocating.

Dean Hibberd stated that he was asked to provide information regarding separation of Extension Educators from Nebraska Extension. He provided the following information on the reasons for separation during the period of January 1, 2005 through September 1, 2015: appointment/funding expired - 13; deceased - 2; disability retirement - 1; position eliminated - 2; resignation - 40; retirement - 39; termination - 1.

Lee stated that, from an academic freedom perspective, he has concerns with giving Extension Educators only a one-year contract. He noted that Extension Educators are considered faculty members and have representation on the Faculty Senate, yet they might be forced to compromise their integrity to keep their economic livelihood should they ever encounter a situation where a company is doing something that is detrimental in a county and should be reported. With tenure, the Extension Educator could notify authorities of the company's action, but without it they are vulnerable. Dean Hibberd stated that he understands the argument but he has never seen this happen. He noted that it could be difficult to stand up because of ramifications from a local company, but if the data is looked at it shows that in ten years only one person was terminated, all others resigned or retired. He stated that Nebraska Extension encourages Extension Educators to take more risks and be outspoken and the University values Extension's interaction with the community. He pointed out that the practice shows that the 90-day termination notice is really not a problem.

Rudy asked if there was information on whether people resigned at their own discretion or were forced to resign. Dean Hibberd stated that about 12 of those who resigned or retired over the ten years received unsatisfactory evaluations. He noted that some of those that have received unsatisfactory evaluations are senior Extension Educators who have not kept up with the science, but in most cases if someone shows improvement after the evaluation they are given the opportunity to remain in their position.

Rudy asked if Nebraska Extension has a peer group. Dean Hibberd reported that there are 74 extension programs across the country, 50 of which are 1862 land grant institutions similar to UNL. He stated that at approximately 30 of these institutions Extension Educators are not considered faculty, instead they are considered managerial/professional staff members. Rudy asked if the number of separations are fairly consistent across the extension programs. Dean Hibberd stated that he did not have this information. He reported that of the three most recent Extension directors, have worked very hard to take care of our faculty. He noted that we are a performance based organization and if someone is not performing well they need to be worked with. He

stated that there are other kinds of settings where employees have a rolling one-year contract and only if there is a problem would a performance development process need to be taken.

Rudy asked how volatile county funding is. Dean Hibberd reported that funding is pretty consistent. He pointed out that Nebraska Extension would never walk out of a county voluntarily. Purcell noted that her position description is 20% unit leader and she works hard to keep the relationship with county commissioners and county clerk going strong. She pointed out that most Extension Educators are not aware of when their contract rolls over because it occurs seamlessly. She stated that the 2003 budget cuts was a very stressful time and some Extension Educators across the state were given a 90 day notice of termination. Purcell stated that some feel that a 90 day notice is too short. Dean Hibberd stated that he thinks a year's notice, similar to other faculty members, would be more appropriate.

Sollars suggested that it might be easier to get peer reviews on Extension Educators now that an issues-based approach is used rather than a geographical approach. She stated that it might work better if peer reviews were done by people involved in the same issue as the Extension Educator being reviewed. She noted that this would be a cultural change, but it might be a more effective means to conduct peer reviews. Dean Hibberd stated that it would take some time for a cultural shift to occur. He noted that the Extension Educators have always worked effectively in teams. He stated that Nebraska Extension is interested in teams that are more interdisciplinary and that can create more opportunities for external parties. He stated that it is important for Extension Educators to know that they can take on a tough issue, like climate change, in a team environment. He noted that there has been some discussions with some of the Extension Educators and they said they are willing to be accountable to the teams.

Lee noted that Dean Hibberd stated that he would be open to a one-year notice and asked if he would be open to a three-year contract for Extension Educators who have been in place for approximately 5-7 years. Dean Hibberd stated that he would consider it based on promotions. He pointed out that he needs a way to encourage Extension Educators to understand that their performance is so critical to the position. Lee pointed out that for tenure track faculty members if they are denied tenure they have the opportunity to continue working for a year before they are terminated from the University. He stated that if there was a financial crisis an administrator could not just go into departments and pick out tenured faculty members to fire, an entire department would have to be eliminated, but currently Extension can go in and do this. Dean Hibberd pointed out that Nebraska is a right-to-work state which means that an employer can terminate someone without justifying a reason for the termination. Lee stated that this does not mean that the University cannot create its own standards. Dean Hibberd stated that if there were financial constraints that resulted in the need to terminate Extension Educators he would use a more strategic approach and look at the counties to see where the cuts would make the least damage.

Lee asked whether Dean Hibberd thinks Extension Educators consider themselves as full faculty members or whether they consider themselves different. Purcell stated that some Extension Educators think they are faculty in name only and some think they are faculty but have a different relationship to the University than the faculty on campus. She thinks that the longer an Extension Educator has been in his/her position, the more likely they feel connected. Rudy noted that in the survey conducted by the Senate 50% of Extension Educators stated that they did not feel like they were faculty members. Dean Hibberd stated that he thinks newly hired Extension Educators may not feel like they are faculty members. Some of them come from a different background and they are not sure what being a faculty member entails. He pointed out that he has always viewed Extension Educators in Nebraska as having the best of both worlds. In reality they have faculty status and it's a huge statement that an Extension Educator sits on the Senate Executive Committee. He stated that he is willing to think more about providing them with more job security but he thinks they are in a pretty good place now.

2.2 Update on Guideline Document for Extension Educators Serving on Outside Boards

Nickerson noted that the document was drafted in the beginning of the year, but the General Counsel has resisted accepting the document. However, the Executive Committee sees the document as a real benefit to Extension Educators, and to the faculty in general, to assist them in knowing when a faculty member can serve on an outside board. Dean Hibberd noted that the main purpose of Extension Educators is to serve in the communities and because they are well educated and community-minded they are frequently asked to serve on various organizational boards. What he would like Extension Educators to do is to stop and consider whether serving on a board is appropriate for their role as an Extension Educator, whether it creates a conflict of interest, and whether the service would be conducted on their personal time or the University's time. He wants Extension Educators to consider this advice and to discuss it with their supervisor before they accept a position on a board.

Nickerson asked who wrote the document. Dean Hibberd stated that he drafted the document but it was vetted by the Senate Executive Committee and others in Extension. However, the feedback he received from General Counsel Pederson is that the document is interpreting Regents Bylaws. Nickerson pointed out that anyone on campus has to interpret the Regents Bylaws at various times. Purcell asked why the document went to General Counsel rather than to administration. Dean Hibberd stated that it went to General Counsel because it cites the Regents Bylaws.

Purcell noted that VC Green suggested that the Faculty Senate might want to make a motion calling for the guidance document. Nickerson pointed out that this would provide greater support. He wondered if changing the Regents Bylaws to correct the section on Extension Educators should also come from the Senate. Dean Hibberd stated that it is obvious that the section in the Regents Bylaw on Extension Educators needs to be corrected because it is no longer accurate that the county pays for Educators' salaries. He suggested that there could also be an agreement in principle to provide a year's notice.

Purcell questioned whether Extension Educators would be included in section 4.4.1 of the Regents Bylaws when the Bylaws are updated. Dean Hibberd stated that he thinks Extension Educators would best be served in the special appointment category. Nickerson pointed out that the Bylaw should specify that Extension Educators can go to the Academic Rights and Responsibilities Committee if they want to file a formal complaint. Purcell stated that Extension Educators need to know that they have this right. Vakilzadian asked what the harm would be in categorizing the Extension Educators with Practice Professors and Research Professors. He noted that the benefits would be similar. Lee noted that Practice Professors have a particular work definition, they do less research than tenure track faculty members but Extension Educators have a big service obligation. He stated that the question is whether the definition really matters or could the same language be used in the revised Bylaw. Purcell pointed out that using the title Professor with Extension Educators might make them feel more like Professors as in Professors of Extension. Nickerson stated that we should be able to attach the term Professor internally without having to go to the Board of Regents. Dean Hibberd stated that he liked the idea because it communicates that Extension Educators are faculty members.

3.0 Announcements

3.1 Title IX Training

Sollars announced that a Title IX training video is now available through Firefly and she encouraged all employees to view it. She stated that the video takes approximately 45 minutes to watch.

3.2 Update on ACE Five-Year Review

Sollars reported that the ACE five-year review kickoff recently occurred and over 50 people from across the campus attended. The only college that did not have a participant was Engineering, but that is due to the fact that they teach very few ACE courses. She noted that all disciplines were represented and all of the participants instruct ACE courses.

4.0 Approval of September 16, 2013 Minutes

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

5.0 Unfinished Business

No unfinished business was discussed.

6.0 New Business

6.1 Agenda Items for Chancellor Perlman

The Executive Committee identified the following agenda items for its meeting with Chancellor Perlman next week:

1. Chancellor's opinion on Extension Educators have a one-year contract.
2. Status of our compliance with the Office of Civil Rights and update on Title IX training efforts.
3. What would he like to accomplish during the remainder of his term as

Chancellor?

4. What advice would we give for the next Chancellor?
5. What is his legal opinion on the Guidance Document for Extension Educators Serving on Outside Boards?
6. Clarification on whether an offer was made and accepted by the stadium announcer John Schutts.
7. What is the state of our deferred maintenance? How much deferred maintenance is needed, how much will the 5% assessment help with it, and has any of the 5% assessment actually been spent on deferred maintenance?

The meeting was adjourned at 5:04 p.m. The next meeting of the Executive Committee will be on Wednesday, September 30, 2015 at 3:00 pm. The meeting will be held in 201 Administration Building. The minutes are respectfully submitted by Karen Griffin, Coordinator and Allison Reisbig, Secretary.