

## EXECUTIVE COMMITTEE MINUTES

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

**Absent:** Konecky

**Date:** Tuesday, January 26, 2016

**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.

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### 1.0 Call to Order

Bender called the meeting to order at 2:31 p.m.

### 2.0 Chancellor Perlman/VC/Interim SVCAA Green

#### 2.1 Status of Guidelines for Extension Educators Serving on Outside Boards

VC Green reported that he has not heard anything from Dean Hibberd regarding the proposed written guidelines and it is his understanding that, if asked, administrators would advise Extension Educators that they should follow existing University policies. Chancellor Perlman pointed out that the normal conflict of interest rules would apply for any faculty member serving on outside boards and organizations.

Purcell pointed out that the last time the Executive Committee met with the Chancellor to discuss the proposed Guidelines he indicated that he would speak to General Counsel Pederson regarding his stance that the Guidelines were interpreting the Regents Bylaws and that the document would not be acceptable. She asked if the Chancellor had the opportunity to speak to General Counsel Pederson. Chancellor Perlman responded that he did not speak to General Counsel. Lee stated that it was his impression that the Chancellor had agreed with the General Counsel's opinion on the Guidelines. Chancellor Perlman noted that in some respect we interpret the Bylaws every day and the campuses could adopt rules but General Counsel might say that they are not accurate. He pointed out that Extension Educators are different from other faculty members in the factual context in that part of their responsibilities is to provide extension services to the State of Nebraska, and they cannot receive payment in the state for doing consulting work that would be considered part of their duties. He stated that Extension Educators should not be put into a situation where they have to make a choice between their work for the University and being on an outside board and they need to follow the Regents Bylaws and Policies.

## **2.2 Will the full set of recommendations from the Chancellor's Commission on the Status of People of Color (CCSPC) be made available to the Executive Committee?**

Reisbig noted that the Executive Committee met with Professor Gwendolyn Combs, Chair of the CCSPC, who indicated that the Commission gave the Chancellor a set of recommendations for improving diversity and inclusiveness on campus and she asked if the recommendations will be shared. She pointed out that the Senate is working on establishing a committee on diversity and inclusiveness and that the list would be helpful in determining the committee's charge. Chancellor Perlman stated that when he reformulated the Commission he changed it to be an advisory committee to the Chancellor. He stated that the recommendations were freely given, but he is concerned that if they were made public the recommendations would not be made so freely.

Lee asked if there is follow-up after the Black Lives Matter event. Chancellor Perlman reported that he will be meeting with the leaders of the event tomorrow. He noted that he has responded to them in writing, but schedules would not allow them to meet earlier. He pointed out that the dialogue to date has been very positive and constructive.

Nickerson reported that Professor Combs had stated in the meeting with the Executive Committee that search committees are required to have a person of color and asked if this was accurate. Chancellor Perlman stated that search committees have such a requirement, but he believes this needs serious consideration because the few faculty members of color are asked to serve repeatedly on many different committees and he is concerned that these faculty members are being overwhelmed. He noted that all search committees must have approval from the Office of Institutional Equity and Compliance. He noted that the rule that the search committee must include race/ethnicity representation can be waived if no one can be found to serve on the committee, but VC Green pointed out that there needs to be justification why it is not possible to have race/ethnicity representation. Chancellor Perlman stated that the Office of Institutional Equity and Compliance has intensified its rules on search committees and is asking hard questions if no minorities are in the pool of candidates. He pointed out that there are no easy answers to the issue.

Nickerson asked what the University is doing to get more faculty of color, particularly in the sciences. Chancellor Perlman reported that the administration has had serious conversations with the deans to see how more faculty of color can be hired. VC Green pointed out that there has been slow and gradual progress in the hiring of faculty of color that can be measured. He said that over the last several years IANR has shown an increase in faculty gender and ethnic diversity and progress is slowly being made because of the attention being paid to diversifying the faculty.

## **2.3 Opinions on LB 1109**

Bender stated that the proposed bill in the Legislature, LB 1109, would restrict information on candidates for the positions of President and Chancellor and that most faculty members would be opposed to such a bill. Chancellor Perlman stated that he is not opposed to the idea behind the bill because an open search process diminishes the

opportunity to get good candidates because they could potentially be at risk of losing their current position. However, at the same time the University is a public institution that needs to provide opportunities for people, particularly the faculty, to participate with the candidates. He noted that he thinks the current policy of making the four final candidates known to the public is rather large and that it would be better to have a shorter list.

Rudy asked if it is possible for the final four candidates to apply for a position without it becoming public knowledge. Chancellor Perlman noted that the current search committee for the Chancellor's position has been very quiet and to his knowledge no information about the candidates has leaked out. He stated that he thinks our current process is detrimental to getting really good candidates. Nickerson asked if it would be better if the public was notified of only two or three final candidates. Chancellor Perlman stated that it would be better.

Bender pointed out that to some extent publicizing the final candidates can provide an indication of how the President makes the selection to hire someone. He stated that it is more difficult to make evaluations when you don't know who the other candidates are. Chancellor Perlman stated that this is true, but only one candidate is needed for the faculty to evaluate the President's hiring decision. He pointed out that the broader the search process, the less likely people are to apply. VC Green noted that people can apply for a position in the first stage of our search process without the public being made aware of the candidates providing the search committee maintains confidentiality and some people would be comfortable with this, but he knows of cases where upper administrators have been warned from their current employer if they become a finalist on another campus and do not end up being selected, that they would need to go elsewhere.

#### **2.4 Update on Biennial Program Reviews**

Sollars reported that the biennial program reviews are still underway and there is an effort to match the reviews with the ACE Five-Year review and report. Rudy asked when they will be due. VC Green stated that they are done every two years and the next one will occur in 2017.

#### **2.5 Update on Hazing Investigations**

Chancellor Perlman stated that he has not received any updates on the investigations recently and all the facts on the incidents have not yet been received. VC Green pointed out that no complaints were lodged, but videos were circulated of the incidents. Chancellor Perlman noted that one question is whether there was consent and whether joining an organization is in respect a forced consent. He stated that there could be criminal implications with what occurred, but he does not think the incidents are hazing. He stated that all of the parties consented and neither case involved a condition on becoming a member of a fraternity. He reported that there will be a relevant meeting to talk about what hazing means and how we are going to enforce rules against it. He noted that one of the videos is two years old and one of the students has already left the university, and stated that he will not interfere with the police investigations.

Woodman noted that there is a University office that regulates Greek activities and asked if the University would be at risk if someone said they did not give consent and reported a hazing incident. Chancellor Perlman stated that we would not be at risk if we did not know that the hazing would occur. He pointed out that fraternities and sororities own their houses and the land on which the houses sit. The only authority the University has is to say that they are not appropriate housing which means freshmen cannot live in them because the University's policy states that freshmen must live in approved housing.

## **2.6 Candidates for Chancellor's Position – When Will Campus Visits Be Held?**

Bender reported that the on campus visits of the final four candidates will occur sometime in mid-to late February and early March.

## **2.7 Updates on the Initial Diversity Audit Mentioned this Fall**

Chancellor Perlman reported that the firm we want to use to conduct the audit is well regarded and has conducted audits at universities similar to ours, but they are currently very busy with other customers. As a result a partial bench marking audit will be conducted next year followed by a full audit the following year. VC Green stated that the preliminary audit will start late this spring with a pilot study and the complete audit will be finished in the spring of 2017.

## **2.8 Impacts on the University if Proposed Legislative Bills Restricting Research on Fetal Stem Cells are Passed**

Bender reported that he has heard that several legislative bills may come up restricting research on fetal stem cells. He noted that if any of these pass UNMC would have the greatest impact, but asked how they would affect collaboration at UNL. Chancellor Perlman stated that the campus is aware of one of the bills and has worked with the Senator sponsoring it and he is fairly confident that it will not impact research at UNL. He reported that one of the possible impacts will be that we need to change the source of the cells that we acquire. He stated that the IRB processes for any research using stem cells will be changed due to a NIH requirement. He noted that VC Paul has developed a new set of rules and policies on it and these will be distributed.

## **2.9 Issues on the Horizon**

Chancellor Perlman stated that the University has a major capital construction project before the legislature and if approved, it will make substantial changes to buildings on the campuses. He noted that the timing is right for construction and renovation projects because interest rates are still low. He said that initially there was strong support, but the Forecasting Board's predictions have made some State Senators more guarded, but many people realize the need to renovate buildings on campus. If funds are made available the main projects at UNL would be an addition to Nebraska Hall and the Walter Scott Engineering building, renovating Mabel Lee Hall, renovating two or three floors of Hamilton Hall that are in dire need of updating, bringing the former Food Industry Complex first floor back to classroom and student orientation space, and some renovations to the existing CBA building. Vakilzadian asked what the addition would be to the Walter Scott building. Chancellor Perlman stated that it would be an addition to

the link that would improve the flow of traffic between Scott and Nebraska Hall. VC Green noted that renovations would be made to Nebraska Hall.

Vakilzadian noted that some classrooms have been renovated and they look great, but there are some engineering classrooms that need help. VC Green pointed out that everything in Engineering, up to the Othmer Building, will be renovated. Vakilzadian asked if there are any plans for the engineering facilities at UNO. VC Green stated that President Bounds is working on possibly acquiring a facility in Omaha.

Bender asked about the revolving fund legislation for Nebraska Innovation Campus. Chancellor Perlman reported that the University has backed away from this legislation because of concerns that it could impact the capital construction project, but some State Senators believe that it is still important. VC Green noted that the next building on Innovation Campus is in the architectural planning stages.

VC Green reported that searches are underway for the Dean of Architecture and the Associate Vice Chancellor of Academic Affairs and International Affairs Officer. He stated that he hopes that candidates for the Dean of Architecture will come to campus in April.

Lee asked if there has been a dramatic drop in enrollment in the College of Architecture. VC Green reported that previously there has been a decrease in enrollment, but this year the enrollment has been good. He stated that, although it is still early, comparisons to last year's enrollment figures at this time shows that UNL may have 400-500 more students next year, but final figures will not be known for some time. He pointed out that if we have this much of an increase the concern will be with the instructional budget and how all of these students will impact teaching on campus, particularly in the freshmen courses. He stated that housing should not be a problem this coming academic year.

Chancellor Perlman stated housing in the long term will need to be considered. He stated that the next housing project being looked at is Neihardt, which is an antiquated building. He pointed out that renovating Neihardt and removing the Cather Pound dorms will be a complex problem which will probably require the closing of 17<sup>th</sup> street. He noted that the construction company that renovates Neihardt will need to have access from 17<sup>th</sup> street. Purcell pointed out that the rooms in Neihardt are very small. Chancellor Perlman stated that one option might be to gut the building and turn it into office space and construct a real housing complex around Neihardt.

### **3.0 Announcements**

#### **3.1 Chancellor's Search**

Bender reported that the final candidates for the Chancellor's position should be on campus in late February or early March and there will be substantial opportunities for the faculty to speak, hear, and evaluate the candidates. He stated that he believes the faculty will have a genuine voice in who the next Chancellor will be and encouraged faculty members to attend the presentations.

### **3.2 Department Bylaws for the School of Veterinary & Biomedical Sciences**

Sollars reported that the situation involving the Bylaws for the School of Veterinary & Biomedical Sciences has been resolved. She noted that she and Steffen will co-chair a committee to update the Bylaws for the School.

### **3.3 Pilot Study of Canvas**

Woodman reported that he is using Canvas in his large lecture class and it is going well. He noted that Canvas is very user friendly and easy and the quizzes from Blackboard transferred perfectly. He believes that the transfer from Blackboard to Canvas will be quite painless. He noted that the mechanics of Canvas are simple and it will definitely be easier for new users because it is more intuitive. He noted that the only problem that he has experienced is with the clicker use. Bender reported that he has used Canvas in a small class and has not had any problems yet.

Lee asked what the economic implications will be for moving to Canvas. Woodman pointed out that Canvas is cheaper, but the biggest benefit might emerge from the Unison aspect. Nickerson noted that the University had to pay \$1 million to access Unison. Woodman stated that this is true, but it provides a structure for use with mobile devices.

### **3.4 Faculty Senate Presidents on Board of Regents Committees**

Bender reported that President Bounds is working with the Regents to have faculty representation on the Board's committees. He noted that two of the Senate Presidents would serve on each committee. Nickerson suggested that having the Past President serve on a committee might be better because of the workload for current Senate Presidents. Joeckel asked how it would be determined as to who sits on the different committees. Bender stated that it would probably be on a rotational basis. He pointed out that it will be important for the Faculty Senate Presidents to share information on what is happening on the committees so they can be kept apprised of what is being done.

## **4.0 Approval of January 12, 2016 Minutes**

Steffen moved for approval of the revised minutes. Motion seconded by Joeckel and approved by the Executive Committee.

## **5.0 Unfinished Business**

### **5.1 Distribution of Professional Ethics Statement to the Faculty**

Griffin asked the Executive Committee if it wants to have the Professional Ethics Statement sent to all academic faculty. She noted that the Statement is on the Senate website at <http://www.unl.edu/facultysenate/Ethics%20Statement%20%281-5-2016%29%20Final%20Version.pdf>. The Committee agreed and Bender stated that he will write a cover letter. Woodman suggested that it be sent to all new faculty members when they come to campus.

### **5.2 Update on Revising UNL Bylaws**

Woodman reported that he met with Professor Shea from the Academic Planning Committee to discuss the efforts to revise the UNL Bylaws. He noted that Associate to the Chancellor Nunez had proposed removing most of the APC related materials and

instead incorporate them into the Committee's Operating Procedures in order to make it easier to facilitate changes to the Committee. He pointed out that there is a benefit to keeping the information in the Bylaws because it provides a level of protection for faculty governance. Griffin reported that at the January 13<sup>th</sup> APC meeting the faculty of the APC rejected the idea to remove information on the APC and Nunez accepted their decision.

Woodman asked the Executive Committee if the existing Bylaws should remain the same except for updating relevant information. He suggested that some revisions could be made to the Bylaws to make them more manageable. Nickerson asked if there are some things that should be added to the Bylaws. It was suggested that there be language in the Bylaws that states that the Executive Committee needs to meet with all candidates for the Chancellor and/or President. Woodman stated that the Executive Committee's subcommittee will work on revising the UNL Bylaws.

## **6.0 New Business**

### **6.1 Draft Extension Educators Resolution**

Rudy asked if the proposed resolution regarding elimination of Chapter 4.4.5 in the Regents Bylaws on Extension Educators is being presented because it no longer reflects current terms of employment. He asked if this is a formal recommendation based on what the Extension Educators want. Purcell stated that there was widespread support from the Extension Educators on the updating of the Bylaws to reflect current operating procedures.

Bender asked if the proposed resolution should go to the Senate at the February 2 meeting. The Executive Committee agreed. Purcell moved that the proposal, as revised, be adopted by the Committee and presented to the Faculty Senate. Nickerson seconded the motion. The motion was approved unanimously.

### **6.2 LB 1109**

Bender asked the Executive Committee if the Senate should take a stand on LB 1109. Nickerson asked if the news service in Nebraska opposes the bill. Bender stated that the news service will lobby hard against the bill and probably Common Cause will do so as well. He stated that he does not believe the bill is in the best interest of the university or the faculty and believes the faculty should voice its opposition. He stated that serving on the current Chancellor's search committee makes him a little sympathetic to the view behind the proposed legislation, but he believes the need for some transparency outweighs the confidentiality issue. The Executive Committee agreed that the Senate should make a statement on the proposed bill. Bender stated that he will draft a resolution and send it to the Executive Committee for approval.

The meeting was adjourned at 4:21 p.m. The next meeting of the Executive Committee will be on Tuesday, February 2, 2016 immediately following the Faculty Senate meeting. The meeting will be in the East Campus Union, Arbor Suite. The minutes are respectfully submitted by Karen Griffin, Coordinator and Allison Reisbig, Secretary.