

EXECUTIVE COMMITTEE MINUTES

Present: Belli, Dawes, Fech, Konecky, Lee, Leiter, Peterson, Purcell, Rudy

Absent: Adenwalla, Hanrahan, Vakilzadian, Woodman

Date: Tuesday, July 11, 2017

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 (*Purcell*)

Purcell called the meeting to order at 2:30 p.m.

2.0 Tami Strickman, Assistant to the Chancellor, Office of Institutional Equity and Compliance

2.1 Update on Title IX Issues

Strickman reported that last year was very busy for the Office of Institutional Equity and Compliance, but the Office is now fully staffed and has three investigators. She stated that the Office has been working primarily on Title IX investigations, but racial issues are also being dealt with. She noted that one of the new hires is an Affirmative Action Specialist and has been working on an Affirmative Action plan.

Strickman stated that she is working on an annual report for the past academic year. She noted that the number of Title IX complaints has decreased. She reported that there were four cases last year where the accused person was a faculty member. Two of the complaints involved gender discrimination and two were sexual harassment. However, none of the cases were found to violate university policy. She reported that there were ten cases involving graduate assistants or graduate teaching assistants. There was a finding in one of these cases, one is still pending, and there were no findings in the other cases.

Purcell asked who will receive the annual report. Strickman stated that she plans to publish the report on the Office of Institutional Equity and Compliance's website. She noted that the university is also purchasing a computer grievance management program that will be system-wide which will be able to generate statistics immediately.

Rudy asked if there are certain categories of police incidents that automatically get referred to the Office of Institutional Equity and Compliance. Strickman stated that cases of sexual misconduct, including rape and domestic violence (VAWA) are reported to her. She noted that there has been a change in Nebraska law recently that says that any written information falls under the public records domain. As a result, she receives a verbal summary from the campus police. When she receives the information she reaches out to the parties involved. Rudy asked if there are any federal reporting requirements that her

office must adhere to. Strickman stated that the only reports that must be made is if an audit is being conducted. She pointed out that we are currently under audit. Rudy asked if an investigation is still conducted if a person withdraws a complaint made to the police. Strickman stated that an investigation may still be conducted, but she tries to abide by the wishes of the complainant. She stated that if the complainant should say that they contacted the police out of panic, but do not want to move forward, than she will not follow up with the incident if there is no safety concern. However, if the person accused is showing a pattern of behavior she will stress to the complainant that an investigation will need to be conducted.

Lee asked how many student cases occurred last year. Strickman reported that 96 students reported concerns, but not all of these were formal complaints. She reported that 47 of the cases were sexual harassment and 15 were dating-domestic assault.

Belli asked if a criminal investigation and a police investigation can be going on when she is notified. Strickman stated that this happens quite often and her office works hand in hand with the UNL Police not the Lincoln Police department, although they are not required to communicate with her office.

Strickman reported that she works closely with Academic Affairs in situations where there is a pattern of sexual harassment behavior or inappropriate behavior by an employee. She stated that she usually recommends training and noted that Human Resources has many different corrective action plans that can help with the training. She stated that Academic Affairs will work with the department/college to figure out how to handle the situation in the best way possible.

Rudy asked how many Title IX cases are reported through responsible employees. Strickman stated that many reports do come in from responsible employees which is helpful to some extent, but more times than not the case is from an inadvertent response that was made. She noted that the responsible employee category was a requirement of the Office of Civil Rights, not a UNL requirement.

Purcell asked if there are any investigations when a UNL student commits suicide. Strickman stated that the Student Affairs Office will try to determine what was happening with the student when the suicide occurred. She reported that recently a group has been put together to check in on students who were closest to the person. She noted that many schools do not have the resources needed to provide help to everyone who needs it. She reported that she sits on the Threat Assessment Team and in the past the Team looked at students who could pose a threat to others, but recently the Team is talking a lot about self-harm issues. She stated that there has been a significant increase in mental health issues for students. Lee noted that CAPS probably hears a lot about Title IX issues but cannot report them because of confidentiality. Strickman stated that this is correct, unless there is a requested modification such as: housing situation that needs to be changed because someone is being harassed by a person living in the same dorm, then CAPS can contact her office. She pointed out that the counselors in CAPS do encourage students to report Title IX incidents.

Lee asked if the Office of Institutional Equity and Compliance is funded by the federal government. Strickman said no. She noted that she was recently at a conference in Washington, D.C. and the speakers, Candice Jackson, Acting Assistant Secretary for the Office of Civil Rights, and Thomas Wheeler, Acting Assistant Attorney General, U.S. Department of Justice, stated that the changes in the Office for Civil Rights may be to no longer treat informal guidance from the OCR as formal regulations. Strickman noted that both Jackson and Wheeler stated that they are getting input from advocacy groups and universities and the changes that will be made are not as controversial as some people feared. She pointed out that Title IX is not going away, it is law. She stated that Jackson and Wheeler reported that they are very committed to protection issues.

Lee noted that the Office of Civil Rights' budget is being cut. Strickman stated that the investigators are being cut which means that universities will not be under such tight scrutiny. Previously the OCR looked at every complaint that was made, not just the complaint that was reported to the OCR. Konecky asked how the changes will affect our status given that we are currently under audit by the OCR. Strickman stated that the OCR is moving quickly to finalize many institutions' investigations, but this has not happened for UNL yet. She stated that her feeling is that Nebraska is very committed and she does not see us rolling back our efforts on Title IX issues. She stated that the University would like to have more training and education, especially for freshmen on Title IX issues. She stated that many universities will not roll back their efforts and pointed out that anyone can still go to a courthouse and file a lawsuit if they believe they are a victim. Peterson stated that it is important to keep robust efforts in place. He noted that the University of Missouri had a 35% decrease in enrollment after the racial problems it experienced.

2.2 What assistance can the Faculty Senate provide in regards to Title IX issues?

Strickman stated that if the Senate hears of any issues they should contact the Office of Institutional Equity and Compliance directly. She pointed out that she wants people to feel comfortable with the procedures and she wants the office to be transparent so they know what is going on in the Office and she is willing to provide assistance.

Dawes asked if Strickman has had any feedback from faculty members who have been under investigation about their experience. Strickman pointed out that for some faculty members there have been some department issues involved as well. She noted that several faculty members have said that they appreciate the transparency of the process and the fact that they can email her with questions or concerns. She reported that the Office is fact finding and she understands the difficulties of these situations. She stated that she still handles most of the faculty matters and she is clear about the process and what the allegation is.

Purcell asked if Strickman speaks to new faculty members. Strickman stated that she will be speaking at the New Faculty Orientation in August for the first time.

Leiter noted that at some universities faculty members told they were under a Title IX investigation but were not informed of what the allegations were. Strickman stated that she informs a complainant that any information that she is told by the complainant will be told to the faculty member if a complaint is filed. She stated that she informs verbatim what the faculty members will be told and she is very clear with the faculty member what the allegations are. She noted that the majority of the time faculty members are very quick to respond and sometimes provide additional information. Fech asked if faculty members are allowed to seek legal counsel. Strickman stated that a faculty member can seek any advisor of their choosing, but an attorney cannot speak on their behalf.

Lee stated that last year graduate students in his department went through search committee training and they were underwhelmed with the information provided. He asked if improvements have been made. Strickman stated that search committee training is still being conducted by her office and Deanna Schuldeis, Equal Employment Opportunity/Affirmative Action Specialist is conducting most of the training. She noted that the Office has received a lot of feedback on the training sessions.

Strickman thanked the Executive Committee for the opportunity to speak with them and encouraged anyone to contact her if they have any questions/issues.

3.0 Announcements

3.1 Executive Committee Retreat

Purcell noted that the Executive Committee needs to hold its annual retreat to establish the goals for the Senate for the academic year. She stated that Griffin will contact the Committee about possible dates for the retreat.

4.0 Approval of June 13, 2017 and June 27, 2017 Minutes

Peterson moved for approval of the June 13 minutes as revised. Dawes seconded the motion. Motion approved.

Peterson moved for approval of the June 27 minutes. Motion seconded by Konecky and approved by the Executive Committee.

5.0 Unfinished Business

5.1 Health Savings Accounts (HSA)

Purcell reported that she received information from Assistant Director of Benefits Brian Schlichting explaining why the University's health plan currently does not qualify for a health savings account. The two main reasons are: 1) our current plans have the prescription coverage separate and it does not count towards the medical plan deductibles and for an HSA the out-of-pocket limits for the medical and prescription plan needs to be combined; 2) there is an embedded deductible in all of our health plans which means that faculty members may combine their covered expenses to satisfy the required family deductible and out-of-pocket amounts, but to qualify for an HSA a plan cannot have this embedded option. However, Purcell said she has spoken with Director of Benefits & Risk Management Gayle Schanou, about the HSAs who reported that there is some

movement towards getting HSAs for the University. She noted that Schanou would like an email message from the Senate indicating support of having HSAs.

Rudy reported that the money with HSAs rolls over from year to year while the Flexible Spending Account money has to be spent within a year or the funds will be lost. Purcell pointed out that the HSA can be made as a savings account and Nebraska state employees already are able to get them.

The Executive Committee agreed to invite Schanou to a meeting to discuss the issue further.

5.2 Comments Regarding Proposed Changes to Final Exam Week Schedule

Purcell reported that she compiled the comments made by Executive Committee members regarding proposed changes to the final exam week schedule and she will send them out to the Committee for review.

Rudy stated that the Commencement and Honors Convocations Committee is committed to continuing to hand out diplomas at graduation, if it is still feasible. Konecky noted that the graduation ceremony should be celebratory and special and if it is no longer possible to hand out diplomas something else should be done to enhance graduation.

Peterson reported that he has spoken to other faculty members about holding exams on Saturday before exams week and they were opposed to the idea. Belli wondered how much additional time is needed to avoid the time conflicts with exams. Peterson stated that University Registrar Morrell said that having Friday afternoon open for exams would alleviate the problem. Konecky suggested possibly starting exams on Friday of the 15th week.

5.3 Ad Hoc Committee on Non-Tenure Track Best Practices Report (Rudy and Belli)

Belli reported that there were a number of issues that were involved for non-tenure track faculty members. One of their main concerns is that lecturers and other non-tenure track faculty members do not feel they are getting the recognition they deserve. He noted that the focus by the Committee was primarily on lecturers, but professors of practice had some issues as well.

Belli stated that some of the main issues for non-tenure track faculty members are having clear responsibilities and apportionment of duties. He noted that many lecturers on annual contracts have some uncertainty about whether their contracts will be renewed and the Committee wondered if it would be possible to provide longer term contracts, particularly for lecturers who have taught continuously over a period of years. Another concern is with lecturers being provided a salary that is commensurate with their experience.

Belli reported that there is also concern about academic freedom issues for non-tenure track faculty members. He noted that the Regents Bylaws list different types of faculty

members with different types of appointments. Lecturers are considered special appointments and they can be terminated on 90 days' notice. Purcell pointed out that this is true for Extension Educators as well and the Executive Committee has tried to get this changed, but the suggestion has not gone forward from the administration. Belli stated that tenure track faculty members have specific term contracts and are considered probationary, but these contracts can be revoked. Peterson pointed out that if a tenure track faculty member is to be terminated within a year, the Academic Rights & Responsibilities Committee must review the case. Belli noted that faculty members on contracts can be terminated for one of four reasons: adequate cause, retirement for age or disability, bona fide discontinuance of a program or department, or extraordinary circumstances because of financial exigency. He stated that as long as a faculty member has a contract they have the same academic freedom protection as tenured faculty members, but once the contract has expired anything can happen with a termination. He stated that the Ad Hoc Committee is recommending language to the procedures that those making the reappointment not infringe on the rights of the faculty.

Rudy stated that one of the issues for some non-tenure track faculty members is that their contract is continually renewed yet they are not given any perks. He noted that lecturers often do not receive any pay increase. Lee pointed out that many lecturers are paid by soft money and oftentimes departments do not know what their temporary budget instruction will be until right before the semester begins. Rudy suggested that lecturers who are continually re-hired should be put on a more permanent funding line. He also suggested that there be an exempted search if a long-standing lecturer is being considered for a professor of practice position. Lee noted that professors of practice are paid by hard money.

Rudy stated that another concern is non-tenure track faculty members not having voting rights in faculty meetings. He pointed out that lecturers are asked to deliver the curriculum yet they often have no input into the curriculum. Belli noted that voting rights for non-tenure track faculty members varies from department to department.

Rudy reported that non-tenure track faculty members would also like consistent yearly evaluations. He pointed out that this protects all parties involved with the evaluation and also allows the non-tenure track faculty member to build a professional portfolio. Peterson noted that the Regents Bylaws require annual evaluations for tenure track and tenured faculty members and the same should happen for non-tenure track faculty members.

Rudy stated that some inconsistencies in documentation across the campus in regards to professors of practice still exist. He noted that voting rights and responsibilities should be included in the college and department bylaws. He stated that professors of practice should have voting rights on all matters except in tenure decisions and evaluation of tenured faculty members. He noted that it would be helpful if there was some benchmark for professor of practice salaries compared to tenure leading faculty. Peterson pointed out that this would be difficult because the market is so different from department to department.

Peterson asked if the Ad Hoc Committee is generating a report and asked who will get it. Rudy stated that a report was sent out in June to the Executive Committee and a report will be given to the Faculty Senate this fall. He noted that the Ad Hoc Committee would like to conduct another non-tenure track faculty survey in the fall.

Belli reported that the AAUP has guidelines with faculty appointments and only advocates probationary and tenure appointments. He pointed out that our faculty appointments are not in agreement with the AAUP. Peterson noted that the AAUP does not have a significant role at UNL.

6.0 New Business

6.1 Agenda Items for VC Boehm

The Executive Committee identified the following agenda items for its meeting with the VC on July 25:

- Result of investigation into Extension Educator salary discrepancies
- IANR Budget Response
- What is coming online at Innovation Campus?
- Strategy for identifying a candidate to fill the unique role of Dean of the College of Education and Human Sciences
- CYT Library Update and Update on East Campus Facilities
- Concerns of class absences for extra- and co-curricular activities

The meeting was adjourned at 4:28 p.m. The next meeting of the Executive Committee will be on Tuesday, July 25, 2017 at 2:30 pm. The meeting will be held in 203 Alexander Building. The minutes are respectfully submitted by Karen Griffin, Coordinator and Joan Konecky, Secretary.