

EXECUTIVE COMMITTEE MINUTES

Present: Belli, Dawes, Hanrahan, Konecky, Lee, Leiter, Purcell, Vakilzadian, Woodman

Absent: Adenwalla, Fech, Peterson, Rudy

Date: Tuesday, June 27, 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 2:34 p.m.

2.0 Professor Eric Berger – Law College – Academic Freedom and Faculty (2:30 p.m.)

Berger thanked the Executive Committee for the invitation and noted that he teaches constitutional law. He stated that he understood that the Committee was interested in campus speech codes, and how colleges can try to prevent the harassment of students while still upholding freedom of speech. He pointed out that there are competing interests in this area of law. In general, university campuses want to broaden student perceptions of the world, encourage discussion of difficult issues, and promote the free exchange of ideas in a respectful manner. However, campus officials also need to build a community where students do not feel threatened or harassed.

Berger noted because the University of Nebraska is a public university, the First Amendment clearly applies to it. However, the Supreme Court has not answered many of the interesting legal questions that arise in the context of university campus speech. As a result, the law in this area often remains uncertain. In general, First Amendment protection of free speech is high. However, certain categories of speech are unprotected or less protected, including, among others, true threats, fighting words, incitements to violence, and child pornography. He emphasized that regulations that target speech for particular content or viewpoint is especially disfavored. As a result, campus free speech policies should not target particular speech content. Courts, it is worth noting, do apply a somewhat more relaxed form of scrutiny for time/place/manner regulations of speech. Consequently, campuses may have some more leeway when they try to regulate where and when free speech may occur on campus.

Berger also explained that campus speech codes are often invalidated when they are too vague or overbroad. Vague codes lack precise definitions and therefore make it difficult for the reader to know what speech is protected and what is not. Overbroad codes punish some unprotected speech but also punish some protected speech.

Woodman asked if faculty could be fired for racist speech. Berger noted that First Amendment protections are less robust in the employment setting than otherwise. However, it is not clear whether this employment framework applies to universities. There certainly are good reasons to think that this body of First Amendment workplace law should not apply to universities, but the U.S. Supreme Court has not resolved that question.

Lee asked if the concept of a “captive audience” makes a difference. Berger responded that the idea of a “captive audience” does make a difference. However, it is not clear whether college students could be deemed a “captive audience” in the same way as, for instance, middle school students in some contexts. College students often have more choices to leave or avoid certain courses, and more freedom to criticize uncomfortable or offensive speech.

Lee asked if a faculty member who is not following the “scholarly norm” and is not in conformance with professional standards could be fired on the grounds of poor job performance. Berger responded that it depends on the context and whether the faculty member is non-tenure track, pre-tenure, or tenured. He noted that this is more of an academic freedom issue, which is related to, but distinct from First Amendment issues.

Woodman asked how faculty members can function with the ideas of “trigger warnings,” “safe spaces,” and “brave spaces” creating a climate of caution, in some sense creating a “no free speech zone.” Berger responded that trigger warnings and other course content cautions are separate from free speech issues (unless the state or university mandates the inclusion of such warnings in a college class). He acknowledged that different professors might approach these questions in different ways, depending on the particular course and students, as well as the professor’s pedagogical goals. One possible approach might be to provide cautionary information in the syllabus, describing the course content, noting that some of it may be offensive or distressing to some students, and encouraging respectful free exchange of ideas among the students. He noted that students then have the information to decide whether or not they can handle the information and whether to continue to take the class. Lee pointed out that offensiveness becomes a subjective definition.

3.0 Mark Askren – University of Nebraska Vice President for Information Technology and the UNL Vice Chancellor for Information Technology and Chief Information Officer (3:15 p.m.)

3.1 How much money will be saved from the reorganization of computing services and the consolidations between Central and UNL?

Askren thanked the Executive Committee for the opportunity to talk with them. He noted that the creation of OneIT is intended to find near-term savings as well as common purpose efficiencies. He emphasized that the purpose of centralized OneIT is not related to departmental level computer support. He added that OneIT is restructuring and consolidating later this summer to drive down costs while still

maintaining service levels, improving security and making necessary IT reinvestments. Askren reported that to date there has been over \$1 million saved, in part through staff reduction by attrition, with no personnel layoffs, and that they expect to save an additional \$1 million through the decommissioning of the mainframe. He noted that the separate UNMC/Nebraska Medicine IT is working in partnership with OneIT in three primary areas: managing security risk, teaching & learning through the migration to Canvas, and aggregated purchasing.

Vakilzadian asked where the savings were coming from. Askren responded that a portion came from salary and benefits savings while another part came from IT optimization - sharing technologies and equipment and aggregating IT purchasing. He commented that he would like to see a move to 80/20 decision making, where 80% are consolidated decisions serving the common needs of UNK, UNO, UNL and Central Administration with 20% unique decisions based on campus specific needs. Askren pointed out that President Bound's budget response teams have submitted further cost saving recommendations which have not been made public yet, and Marjorie Kostelnik in her new role at Central Administration will be responsible for review and implementation of that overall process.

Askren said that the biggest challenge facing OneIT is improving communications among the distributed OneIT staff at different locations in Lincoln, Omaha, and Kearney. He emphasized that the goal with OneIT is to place the best technologies in the hands of the faculty, staff, and students at the University of Nebraska.

Leiter noted that our incoming students expect a high level of technology and support and that investment in technology is significant for the campus.

3.2 Would there be a savings if landlines were eliminated?

Askren reported that the University has over 7,000 landlines and that we are in a contract with Windstream for a minimum of 5,000 landlines until December 2018. He noted that there is a debate about public safety and the need to maintain some percentage of landlines in light of disasters and possible overload of the cellular systems. He commented that they are looking at the possible use of personal cell phones, Skype, and VOIP (voice-over-internet) phones. They are also looking at how our peers are addressing this same issue. Askren noted that VOIP handsets are typically expensive so he does not see it as necessarily a cost savings option.

Askren pointed out that the landline phone charges incorporate part of the funding for the campus network - \$8.00 per phone per month. He noted that there is a need to separate out and retain the network funding before moving forward.

Konecky pointed out that maintaining a campus directory of numbers is important and asked if there was a way to use a published university number, but have the call routed to the phone solution of choice, whether it was a cell phone or a VOIP

phone. Askren responded that the technology is available and the question is how quickly we can move while addressing issues such as university posted numbers, university-maintained voicemail, and support for separation of work and personal life.

3.3 What plans do you have for the teaching part of IT going beyond just upgrading equipment?

Askren said that he is very interested in e-readers, OER (Open Educational Resources), and textbook platforms. He noted that UNIZIN is providing benefits in this area. He also stated that Heath Tuttle, Director of Academic Technologies - Strategies, Support, and Services, is working with campus colleagues on developing communities of practice, where faculty members can share educational philosophies, educational objects, course practice and pedagogy.

3.4 Since you are part of Central computing, what plans do you see on the horizon which will affect faculty effort? Include information on purchasing of computers, use of personal printers, and the enforcement of policies which seek to provide oversight over faculty purchases.

Askren said that OneIT is responsible for support of the core campus technologies, such as more wireless network density, furthering the migration to Canvas, and utilizing UNIZIN resources. He pointed out that the UNIZIN Consortium is developing resources for, Canvas engagement analytics, non-proprietary digital repositories for learning materials, and strategic use of data.

Askren added that OneIT also provides support for a number of, teaching and learning technologies, and that he will lead a system-wide team responsible for implementing the budget response recommendations that relate to IT. He commented that he does not believe in a disruptive interference approach from OneIT.

3.5 How has the transition to Canvas gone?

Askren reported that the UNL transition to Canvas has gone well, and all course shells are being created on the Canvas platform for the next academic year. He noted that there have been only 45 course requests to continue using the Blackboard platform and that those are being accommodated for this one remaining year of our Blackboard contract.

Lee commented that the Canvas support people were excellent and he has always gotten quick answers to his questions. He said that the transition to Canvas was relatively easy. Woodman noted that the students love the mobile access to Canvas courses. Askren pointed out that UNL is paying for the "white-glove" high-level Canvas support, which appears to have been a wise decision. He added that the other three campuses, UNO, UNK, and UNMC, are migrating to Canvas with only a one-year transition timeframe and will benefit from the UNL experience with

migration and Canvas.

3.6 The need for additional tele-video rooms to offer programs to Omaha

Askren said they are aware of the need for additional tele-video rooms between the Lincoln College of Engineering and the Omaha Peter Kiewit Institute (PKI). He noted that they are seeking some expertise from the Cisco Digital Video expert residing on the Omaha campus. He added that they are working with Lance Perez, Interim Dean in the College of Engineering, on his requests for service enhancements including identifying a dedicated fiber line between PKI and the College of Engineering. Konecky pointed out that UNMC uses a campus-wide software solution of Echo360 for lecture capture and live streaming in addition to video conferencing hardware. She noted, as an example, that this is how the College of Nursing faculty lecture simultaneously to students at the Omaha, Lincoln, Kearney, Scottsbluff, and Norfolk locations.

3.7 Report of IT security efforts

Askren reported that security is the #1 IT priority. He said that the intrusion detection and prevention software at UNL currently handles over 10 million attacks per day, which sometimes include ransomware issues. He also noted that the University is sharing threat information in real-time with Duke University and Michigan University which significantly improves our security information. Askren reported that he is requesting Board of Regents approval to join the Big Ten OmniSOC coalition of universities working together to enhance our security resources further. He indicated that he is developing security policies and other strategies to ensure that campus computers are updated and patched against security issues in a timely fashion. Askren pointed out that Proofpoint has significantly reduced the number of spam and phishing attacks and that access to Firefly and other sources of sensitive information will be moved to two-factor authentication in the year ahead.

3.8 State of the UNL IT systems in comparison to other Big Ten schools

Askren reported that although UNL is the least funded IT unit (per FTE) among the Big Ten universities we are generally able to provide strong services given the resource constraints. In his view UNL IT is at least in the middle of the Big Ten pack in many areas of IT including networking, Learning Management Systems and ERP solutions. An exception is our collective use and capabilities around the coordinated use of strategic data where he believes the university is currently in the lower quartile. Askren mentioned the importance of IT working with other areas to improve our services in this area. He also noted that it has been a great advantage overall to join the Big Ten Academic Alliance in terms of the value of collaborating on IT with our peers.

4.0 Announcements

Purcell announced that EVC Plowman responded to Purcell's email on June 26 regarding the scheduling of final exams. However, Plowman said she did not recall the need for a Faculty Senate vote. The committee asked Purcell to ask EVC Plowman if the problem of overlapping of finals exists because of "Unit Exams" - where all sections of a course take the exam at the same time, regardless of when their particular class section was held. If this is true, perhaps the "Unit Exams" could be scheduled on separate day/days.

5.0 Approval of June 13, 2017 Minutes (if available)

The June 13 2017 minutes were not available for approval.

6.0 Unfinished Business

No unfinished business was discussed.

The meeting was adjourned at 4:47 p.m. The next meeting of the Executive Committee will be on Tuesday, July 11, 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 Latta Konecky, Secretary.