EXECUTIVE COMMITTEE MINUTES

Present: Adenwalla, Belli, Fech, Hanrahan, Latta Konecky, Lee, Peterson, Purcell, Rudy, Vakilzadian, Woodman

Absent: Dawes, Leiter

Date: Tuesday, January 16, 2018

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 Chancellor Green
   2.1 Update on AAUP Investigation
Purcell asked if anyone has been allowed to see the security video from the August 25 incident and asked if the Executive Committee can view it. Chancellor Green noted that he was conducting university business out of town when the AAUP investigative team came to campus and he is not aware of who the team met with, although he understands they had a full range of people that they were meeting with, including faculty members, the chair of the English department Professor Abel, Dean Francisco, and EVC Plowman. He noted that EVC Plowman represented him at the meeting. He reported that legal counsel was with EVC Plowman when she met with the team. He stated that EVC Plowman fully reported to him on the meeting and he is aware that the questioning revolved heavily around the issue of due process, which seemed to be the primary concern of the team. He pointed out that what complicates the issue is that Ms. Lawton is both a graduate student and a lecturer. He noted that as an employee Ms. Lawton can make a grievance through our normal process, but as of today, she has not done this. He stated that he has offered to meet with the team separately and he is currently in the process of setting up a time for a video meeting.

Chancellor Green stated that the AAUP sees the actions that the university has taken as a dismissal, but the university does not agree because Ms. Lawton is still on contract for this academic year. Adenwalla asked if the actions taken were tantamount to dismissal. Chancellor Green stated that in the AAUP cases involving issues of free speech, the employee was actually released from their university. He stated that the AAUP team is arguing that Ms. Lawton has been removed from her duties and they are viewing this as a dismissal. Hanrahan asked if the English department was free to hire Ms. Lawton in the fall. If not, being unable to renew her contract and not allowing her to be rehired is tantamount to being fired. Purcell pointed out that Ms. Lawton is scheduled to graduate at the end of this semester and her contract was only for this academic year.
Chancellor Green noted that the situation is unique because of Ms. Lawton’s dual status with the university. He pointed out that the action taken was associated with her appointment as a lecturer, but information had to remain confidential both as a personnel matter and as a student, Ms. Lawton is covered under FERPA, which is a federal law that governs the access of a student’s records. Ms. Lawton is protected from him talking to the AAUP, but she gave full written permission in a notarized letter for him to discuss her employment with the AAUP. He pointed out that the university is fully cooperating with the investigation and is being as transparent as possible.

Adenwalla asked if the AAUP team was more concerned with the process or the event. Chancellor Green stated that it is not entirely clear to him yet, but his sense is that they are more concerned with the due process. He stated that he does not doubt that they are concerned with academic freedom, but all of the conversations thus far have been about due process.

Rudy reported that in his meeting with the AAUP team he was informed that the team viewed the security video. Chancellor Green stated that to his knowledge the university has not released the security video to anyone, but he will make an inquiry about this. He stated that up to this point the decision has been not to show the security video to anyone but the individuals involved. Belli asked if the decision to not allow access to the video was from General Counsel. Chancellor Green stated that General Counsel has been consulted. He pointed out that security videos are only released when there is a criminal investigation or a security concern, but it was appropriate for the involved individuals to view it. He pointed out that there have been numerous requests by others to view the video, including from elected officials.

2.2 Chancellor’s Letter in Response to December 8, 2017 FIRE Letter
Chancellor Green reported that he has not responded to the FIRE letter yet, although he did meet with legal counsel this morning to discuss it. He noted that there is only one request in the FIRE letter, to allow Ms. Lawton to teach, which the university is not going to do. He stated that at this point, there is benefit in a reply, and FIRE has no jurisdiction other than their own rating system of universities.

2.3 NU Freedom of Expression Policy - When will faculty see the final draft?
Purcell reported that she asked Corporation Secretary to the Board of Regents Carmen Maurer for a copy of the final draft university freedom of expression policy last week, and received it recently from Interim Vice Chancellor Nunez. She would like the faculty to see it before it goes to the press. Chancellor Green stated that the Board of Regents’ Committees have reviewed and provided input on the document and some minor editing changes have been made.

Lee asked if people from the Law College with expertise in the first amendment have been involved with the drafting of the policy. Chancellor Green stated that they have been involved. He noted that our campus started drafting an internal document following the August 25th incident and the draft policy was based on the University of Chicago’s policy and Kansas State’s policy. He reported that Central Administration decided they wanted to have a university-wide policy that was broader and included a policy regarding use of university facilities. He stated that a committee was established with representation from each campus to formulate the policy. He noted that Interim VC of Student Affairs Laurie Bellows and Interim VC of Business and
Finance Bill Nunez served as our representatives. He pointed out that a draft was shared with each of the campuses Faculty Senate Presidents as well as the student governments and academic deans also provided input.

Purcell stated that she believes that the faculty should see the document before the press receives it. Chancellor Green asked that the document not be released to the faculty until the Board of Regents agenda for the January 25 meeting is sent out.

2.4 Legislative Update
Chancellor Green stated that the biggest issue is the budget. He noted that President Bounds just recently sent an email regarding the gravity of the situation. He reported that the Governor wants to reopen the budget to the Appropriations Committee to make further budget reductions for this fiscal year. He stated that the Governor is proposing a 2% additional cut to the university, which would amount to $11 million in the current fiscal year. When apportioned out to the campuses it would amount to $5.2 million for UNL. He stated that the more disconcerting is the issue for the next fiscal year beginning on July 1 is that the university is being asked to reduce the budget by $23 million or 4% of the university budget. He pointed out that this year he asked the APC to consider $8.5 million in cuts, but with the new proposed figures, we would be looking at a more sizable reduction than what we originally planned.

Chancellor Green noted that early in the fall semester when he invoked the procedures for the budget cuts he asked the APC to consider a total of $8.5M million in budget cuts, which he thought would enable us to withstand any additional cuts this fiscal year. However, he stated that the Chancellors and Chief Financial Officers from the campuses met with President Bounds to discuss the budget situation and they have been asked to come up with the financial numbers to address possible further severe cuts. He stated that preparations are being made for the February 14 budgetary hearing in front of the Appropriations Committee. He pointed out that if we have to get to $11.5 million in budget cuts it will be painful.

Chancellor Green reported that each campus has been given the flexibility to consider multiple things when trying to reduce its budget. He noted that we cannot make horizontal cuts because we already have done some of this and anymore just hurts every program. He stated that we could consider some things with the salary increases, but he does not think it is in the best interest in the long term to give up salary increases, even if those increases are small. He stated that he will propose that administrators do not take salary increases. He pointed out that combined salary increases total to about $6.2 million and removing administrative salary increases would save about $500,000. He stated that the idea of having a tiered salary increase was considered, but there is really no clean way to do this.

Woodman asked if there was consideration of having another hiring freeze. Chancellor Green pointed out that the hiring freeze is still in place for the staff and any that go through need to have President Bounds’ approval. He noted that faculty hiring has been relegated to the campuses. Hanrahan asked if current searches that have been approved and exempted from the freeze will be in jeopardy of being shut down. Chancellor Green stated that this will not happen.
Adenwalla asked when the additional budget cuts will be released to the campus. Chancellor Green stated that he has not spoken to the chair of the APC, Professor Bloom, to alert him to the new set of budgets cuts that might be needed. He pointed out that we will not know exact numbers until the Legislature acts on the budget, which may not take place until mid-April.

Chancellor Green reported that President Bounds wants to see the list of proposed academic program cuts to prepare him for the February 14 hearing before the Appropriations Committee. He noted that UNK and UNO will also have to deal with the budget cuts and they will not have as much flexibility with their budgets because they have bargaining units and have to adhere to the agreed upon salary increases. He pointed out that the proposed budget cuts to academic programs will not be made public until after the APC has first been notified.

Lee asked if the argument being presented by the President will be persuasive in light of Regent Hawks’ recent op ed piece. Chancellor Green stated that he does not think the Governor will change his budget recommendations. He noted that there are two sides of the budget issue; part of it is the agricultural economy, but the larger part of it is the property tax relief effort. He noted that previously our supporters have pushed for holding our budget, but even some of our supporters are sitting on different sides of the table this time. He stated that he believes the Board is overwhelmingly in favor of Regent Hawks’ statement.

Purcell asked about further tuition increases to offset further budget reductions. Chancellor Green stated that an increase in tuition combined with not giving administrators a salary increase could amount to $4-5 million of the gap. He stated that a tuition increase of 3.2% across for all students was tentatively approved by the Board of Regents for the coming fiscal year, but this will likely need to be increased if the proposed budget cuts are approved by the legislature. Rudy asked how much 1% more in tuition would bring in. Chancellor Green stated that every percentage of increase amounts to approximately $1.8 million.

Hanrahan questioned whether the Legislature is aware of the $30 million identified through the BRT efficiencies. Chancellor Green stated that the information being provided to the Legislators regarding the BRT savings may be too generic and they are not seeing some of the real impacts of these cuts. Woodman noted that the APC has asked Interim VC Nunez to find out what the impacts are of the proposed cuts. He pointed out that the university keeps absorbing the cuts and we need to start saying how these cuts are going to affect students, enrollment, and graduation rates.

Adenwalla asked how we present in a granular fashion to the State and Legislature what the university does. She stated that she does not think we do a good job of conveying this message. Purcell stated that she thinks this is in part up to the faculty. She noted that Extension Educators of the southeast six Nebraska counties annually host a luncheon and invite their two State Senators to attend. The Educators share information about the impact of their work in the communities with the Senators. Adenwalla asked if departments and colleges should consider doing this. Purcell stated that they should. Chancellor Green pointed out that we are dealing with 18 new Senators this year and there will be 18 new ones next January. He pointed out that some of them may not have a clear understanding of the university and we need to better help
them gain an understanding of the University’s central mission to the economic health and future of the state.

Chancellor Green stated that the budget bill will go to the Appropriations Committee first. He noted that the next revenue forecasting board report will come in at the end of February and by the first of March we should have a clearer picture of where we are in regards to further the budget reductions.

2.5 Replacement for Mike Zeleny in the Office of Research and Economic Development
Chancellor Green reported that Becky Zavala is Interim Assistant Vice Chancellor for Research for now. He noted that we will be finishing the interviews of the four candidates for the Vice Chancellor for Research and Economic Development next week and he believes we will hire from this pool and we want to have that person in place so that he can make the decision on who we hire to permanently fill the Assistant Vice Chancellor position.

2.6 Update on Graduate Student Enrollment
Chancellor Green reported that early in the enrollment process in November the undergraduate numbers were not looking good for resident students, but the December numbers are starting to trend upwards and we are up 9% for undergraduate students from last year at this time in deposits. However, we are down in international enrollment, but this is not surprising and is occurring nationwide.

3.0 Professor Sollars, Director of Undergraduate Education and Justine Clark, Director of Undergraduate Research

3.1 Proposal to Establish Specific Criteria for Research-Intensive Courses
Clark reported that she oversees undergraduate research and UCARE and reports to Associate VC Goodburn. She stated that evidence shows that there are many undergraduate students doing research work outside of UCARE, including research work being done through coursework. She stated that a question is how these research intensive efforts can be tracked. She stated that the proposal calls for undergraduate research designated courses where undergraduate students actively engage in the process of original and/or applied research and inquiry under the guidance of an instructor or faculty mentor. Sollars pointed out that these courses would be designated on a student’s transcript as research.

Adenwalla stated that many departments already have this kind of course. Lee pointed out that some departments might list this as an independent study course. Sollars stated that the idea is to get a committee to review the proposal to look into the possibility of having these courses. Lee asked if research methodology classes would qualify. Sollars stated that they would not have to be given the research designation. Hanrahan pointed out that independent study or special topic courses are not the same in each department or college.

Sollars asked if we want to proceed with having the designation so it would appear on a student’s transcript. She noted that an advisory board would review these designated courses every three to five years to determine how well students are developing skills related to undergraduate research.
Woodman pointed out that every department has a limit on how many credit hours undergraduates can take in research hours. Vakilzadian reported that the limit is six hours in Engineering. Woodman stated that the proposal seems redundant to what already exists, using BIOS 399H, Honors Research, as an example. Sollars pointed out that the 399 course has not been identified as a research course. Woodman stated that the 399 is not a structured course, it is an independent course. Hanrahan stated that the proposal seems to be a combination of UCARE and ACE courses. Clark stated that UCARE will still exist.

Purcell stated that the Executive Committee will review the documentation provided and will contact Sollars and Clark for another meeting to discuss the proposal further.

4.0 Announcements
   4.1 Meeting with AAUP Investigative Team
Purcell reported that she and Woodman were unable to attend the meeting due to inclement weather, although they did provide their phone numbers to the investigating group to be able to converse by phone, however the team did not call them. Woodman noted that one of the investigative team members later contacted him and said she would like to set up a video conference in the near future with Purcell and himself. She stated that Rudy was able to attend the meeting (see 7.1 below for his report).

5.0 Approval of January 9, 2018 Minutes
Woodman moved for approval of the minutes. Motion seconded by Vakilzadian and approved with two abstentions.

6.0 Unfinished Business
No unfinished business was discussed.

7.0 New Business
   7.1 Report on Meeting with AAUP Investigative Team
Rudy reported that he met with the AAUP team for over an hour. He stated that the line of questioning was about free speech on campus. He noted that the team wanted to know what evidence the Senate was given regarding the incident and whether the Executive Committee was privy to any disciplinary meetings. Lee asked if the focus was in regards to Ms. Lawton. Rudy stated that it was and it was also on free speech. He stated that the questions were very different than he was expecting and the team pressed whether the Executive Committee had seen the security video. He pointed out that the team was advocating for the Committee to view the security video.

Rudy reported that he informed the team that the evidence the Executive Committee received was mostly hearsay, although the Committee did see the letter from FIRE and AAUP. He pointed out that the team said they had viewed the security video and they believed that the video exonerates Ms. Lawton. He stated that he thought it was inappropriate for the team, supposedly a fact finding team, to be advising what actions should be taken on the case.
Rudy asked why the Executive Committee may not the video. Purcell stated that she did not think the Executive Committee formally asked to view the video. Hanrahan noted that he got the impression that the Committee was not allowed to see it.

Rudy wondered whether there were credible active threats to Ms. Lawton. He noted that when the Executive Committee met with Chief Owens he assured the Committee that there were credible active threats to Ms. Lawton.

Rudy stated that the AAUP team pressed very hard about whether the case was presented to the Executive Committee as a free speech issue. He noted that he informed the team that it was presented as a behavioral issue.

The meeting was adjourned at 3:50 p.m. to allow Executive Committee members to attend the BRT Travel Policy Forum at 4:00. The next meeting of the Executive Committee will be on Tuesday, January 23, 2018 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.