

EXECUTIVE COMMITTEE MINUTES

Present: Adenwalla, Belli, Buan, Leiter, Peterson, Purcell, Renaud, Rudy, Vakilzadian

Absent: Franco Cruz, Fech, Hanrahan

Date: Tuesday, May 29, 2018

Location: 201 Canfield Administration 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 (*Rudy*)

Rudy called the meeting to order at 2:32 p.m.

2.0 Chancellor Green

2.1 AAUP Report - Next Developments and Potential Response

Rudy reported that the Executive committee has read the AAUP report and it is understood that an AAUP Committee will review the report and decide whether to censure UNL. Chancellor Green stated that he was very disappointed with the report because it contained considerable factual errors. He pointed out that the University provided the AAUP with a multipage response, including information that an offer was made to Ms. Lawton for a process to review the decision to reassign her responsibilities, but Ms. Lawton chose not to accept the offer and the AAUP did not include this as well as other information in the report. He pointed out that he actually met with the AAUP team in Washington, D.C. and reiterated the same concerns about the full response. He reported that the university's legal counsel has corresponded with the AAUP legal counsel to state how the report has been misrepresented and to stress that the AAUP's actions are beyond their bounds. He noted that no legal action is being taken.

Rudy reported that he was copied on a letter to AAUP's Joerg Tiede, Senior Program Officer, which stated that the university offered to have an Academic Rights & Responsibilities Special Hearing Committee review the decision to remove Ms. Lawton from her teaching responsibilities. Chancellor Green stated that this is correct, and that it was explained that the administration would bear the burden of proof, rather than the complainant which is the standard procedure for Academic Rights & Responsibilities investigations. He noted that Ms. Lawton was copied on the letter, but chose not to pursue the ARRC process. He stated that the conflict with the AAUP is that they claim that Ms. Lawton was dismissed, but the university contends that she was still under contract and paid by the university and that she had a reapportionment of her duties.

Adenwalla pointed out that if Ms. Lawton was treated like a student, the case would have been a student talking to another student, but Ms. Lawton was treated as a faculty member in the incident. She stated that censure is a serious matter and she is worried

about the reputation of the university and how this will impact future faculty hires. Chancellor Green stated that he understands the concerns about the censure, but the university's principle view is that AAUP has overstepped its bounds in this case. He noted that the AAUP has never had a case like this before where one of the involved parties was a graduate student employee.

Renaud asked how AAUP responded to the university's letter about the report. Chancellor Green stated that the AAUP was surprised that the university responded and he is currently waiting to hear back from the AAUP regarding the university's response. He pointed out that he and EVC Plowman are being censured, not the university.

Chancellor Green stated that one thing pointed out by the AAUP report is that some of our policies and procedures could be better defined. He noted that the University of Illinois at Urbana Champaign was censured and was just taken off the list a year ago after they improved their processes. He stated that we should consider tightening our policies. Adenwalla asked if the administration is willing to do this. Chancellor Green stated that the administration is willing to make some improvements to our policies and processes.

Belli asked if it was possible for Ms. Lawton to be rehired if she sought employment at the university. Chancellor Green noted that the university has suffered considerable harm from this incident in many ways, and it is doubtful that Ms. Lawton would be rehired.

2.2 Change of Health Insurance Carriers and Lack of Faculty Input in the Decision Process

Rudy noted that the change in health insurance carriers caught many faculty members by surprise and he asked why the process was put forward through the BRT. Chancellor Green stated that he does not think that the process was intended for the BRT process. He pointed out that the process of reviewing our health care carriers is done every five years and noted that faculty members did serve on the committee, including UNL Professor Gwen Combs, Management. He reported that there was a clear choice among the committee members to switch to a different health care carrier which could save the university \$6 million a year.

Chancellor Green stated that the committee reviewed the proposed policy to make sure there were no real shifts in the coverage and rates. He noted that there is a 96% overlap in network providers and that there should be minimal impact across the university system for employees. He stated that there are projections that premium rates could go down by 2%, but this is not expected in the upcoming year.

Adenwalla stated that she has heard that United Health Care (UHC) is harder to work with and asked if customer satisfaction was checked out. Chancellor Green reported that the committee vetted these kinds of questions. He noted that the biggest negative impact is not to the university or the employees, but to Blue Cross/Blue Shield which is a Nebraska based entity, but the decision was based on what was in the best interest of the employees and the university.

Vakilzadian asked where the savings are coming from with the UHC plan. Associate to the Chancellor Zeleny pointed out that the university is self-insured and we have a financial administrative contract with a health care carrier to provide administrative services and it is these administrative services that would cost less.

Belli stated that he has heard concerns that the mental health coverage is not as good with UHC. Chancellor Green stated that he did not know all of the details, but it is his understanding that the coverage provided by UHC will be the same.

Renaud suggested that the message about changing health care carriers needs to first point out to the employees that they are being provided with the same coverage, and then state that the change will save the university money.

2.3 AFCON's Statement to Board of Regents Regarding Freedom of Expression Policy and Use of Facilities Policy

Belli asked if there has been any response to AFCON's statement regarding concerns about the Board's Freedom of Expression policy and the Use of Facilities policy. Chancellor Green reported that the campuses are turning in their use of facilities policy, and Central Administration will review the policies and work to combine them into a university-wide policy. He stated that there has been no response yet on the AFCON statement.

Belli asked what freedom faculty members have in developing their courses. He pointed out that the Freedom of Expression policy from the Board seems to discourage raising controversial topics in a classroom, which in essence is a requirement to being a good educator. Chancellor Green said that he did not see it written in the policy that faculty cannot raise controversial subjects in class if it pertains to the subject of the course. Adenwalla pointed out that in some disciplines it is difficult to contain controversial topics to the subject of the course because discussions naturally evolve to include other topics.

Peterson noted that some events might fall through the cracks of the proposed facilities use policy. He stated that one of his colleagues was aggressively approached by someone wanting his colleague to sign a petition in an area not designated as a public or limited public forum. He asked what faculty, staff, or students should do in this kind of situation. Chancellor Green stated that in cases such as this the campus police should be called to address the situation.

Peterson reported that another incident involved a student creating a chalk drawing as a class project. He noted that the artwork was not permanent, but it did depict the police in an unfavorable way, which the police were upset about. Chancellor Green stated that one thing that is unclear with the Policy on Use of University Facilities and Grounds is in regards to chalking of the sidewalks, although there has been significant discussion about the issue. He pointed out that several years ago there were some incidents regarding chalking of the sidewalks because of things that were written which some people found disturbing.

Adenwalla stated that she questions the use of the word civility in the freedom of expression policy. She noted that civility is hard to define because people have different standards of what is considered civil. Leiter pointed out that writing policies regarding free speech creates more complexity because free speech and academic freedom are very subjective. He stated that the first amendment in the constitution sufficiently addresses free speech and institutions should veer away from creating policies.

Chancellor Green noted that higher education institutions around the country are struggling with the issues of freedom of speech and academic freedom. He stated that people are trying to define when an individual crosses the line between personal activism and academic freedom. He noted that if a person is a subject expert in a discipline that involves controversial matters it is appropriate to have discussions pertaining to that subject, even if they are controversial. However, when someone's personal activism is brought into the classroom it creates a conflict.

Buan stated that faculty members are concerned with academic freedom at UNL, in part because of a number of actions that the Board of Regents has taken that singly wouldn't cause significant concern, but collectively make the faculty question the Board's commitment to academic freedom.

2.4 What is the place of humanities and social sciences at UNL? Is it appropriate for faculty and students at UNL to explore issues associated with social justice?

Chancellor Green stated that the humanities and social sciences are every bit as central to the university as any other subject. Belli stated that he would like to see an active dialogue about what is considered social justice. He noted that a university setting is one area of society that is potentially encouraged to pursue social justice. Chancellor Green agreed, but noted that the university was formed as a land grant university which is central to the core of the university.

2.5 Status of the Gallup Climate Survey

Chancellor Green stated that the Gallup Climate Survey is in the stages of completion and the President's Council will review the report in July, with the idea of rolling it out to the campus in September. He reported that data is being compiled, although he does not know what the response rate has been.

2.6 Faculty Salary Increases

Purcell asked if the Chancellor has made a decision regarding the recommendations made by the Faculty Compensation Advisory Committee. Chancellor Green reported that a 1.75% faculty salary increase will be put into place July 1. He noted that Central Administration recently asked the Chancellors what they would put forward as their highest priority and he said that his priority is to increase faculty salaries at UNL. He noted that approximately \$9 million is needed to get UNL faculty salaries closer to our peer average.

Leiter asked that the staff not be left out of consideration. He pointed out that staff salaries are woefully low and Human Resources pointed out to the Law Library that their staff salaries was much lower than the average salary for those employed by the city of Lincoln.

3.0 Announcements

No announcements were made.

4.0 Approval of May 15, 2018 Minutes

Peterson moved for approval of the minutes. Motion seconded by Purcell and approved by the Executive Committee.

5.0 Unfinished Business

5.1 Report on Conversation with Professor Schleck

Rudy reported that he spoke with Professor Schleck who informed him that the report on the findings from the AAUP investigative team that came to UNL will go to a panel at AAUP and a vote will need to be taken. He stated that Schleck had hoped that UNL could offer some remedy to Ms. Lawton, but since her contract has now expired the University an Academic Rights & Responsibilities Committee special hearing cannot be conducted. He noted that Schleck has recommended that there be an internal review of the policies and procedures of the university and she suggested that there needs to be a frank discussion whether the policies have been followed. He noted that Schleck stated that there are very few recommendations that could be made to improve our existing policies because they are already strong. He suggested that the Executive Committee might want to push ahead with creating an ad hoc committee to look into the incident and to review our policies to see if improvements could be made.

5.2 Report on Conversation with Director of Benefits & Risk Management Schanou

Rudy reported that he spoke with Schanou who informed him that a side-by-side comparison of the coverage from Blue Cross/Blue Shield and United Health Care was conducted and the RFP required that the coverage had to be the same if the university changed the health care carrier.

5.3 Proposed Changes to ARRC Procedures

Peterson noted that he presented proposed revisions to the Academic Rights & Responsibilities Procedures which included making some updates to some things that are out of date and to reflect actual practices of the ARRC. He pointed out that the current procedures have a requirement to establish preassigned special hearing committees from the panel, but the members of these preassigned committees often change because of unavailability or conflict of interest. He noted that some additions include providing clearer definitions and clarifying the duties of an observer and academic advisor.

Peterson reported that the ARRC members reviewed the proposed changes as well as Attorney Mary Kay Hansen who is the outside attorney for the ARRC. He noted that he is waiting to hear back from Hansen on further comments about the proposed changes.

Peterson stated that a proposed change includes adding non-tenure track faculty members to the panel. He noted that there are currently 36 members on the Academic Rights & Responsibilities Panel, 4 of whom are Extension Educators and adding 4 non-tenure track faculty members would raise the total to 40 which is an inconvenient number because each year a third of the panel needs to be replaced due to term expirations. It was suggested that the number of Extension Educators and non-tenure track faculty members be included to 5 each. Griffin pointed out that each year there are not enough faculty members who volunteer to serve on the Panel and it is becoming more difficult to find people who are willing to serve resulting in some years' people running for election unopposed. She is concerned that increasing the number of panel members would create even more difficulties in getting a complete ballot.

Griffin stated that a concern that needs to be addressed deals with the fact that faculty members are elected to the Panel for a three-year term, but non-tenure track faculty members' contracts can be anywhere from 1-5 years (Lecturers, 1-2 years; Assistant Professors of Practice 1-3 years; Associate Professors of Practice, 1-4 years; and Professors of Practice, 1-5 years). She noted that because the Panel members are elected by the faculty at-large, verification would be needed to ensure that a non-tenure track faculty member has a contract for at least three years from the election.

Peterson stated that he will report back to the Executive Committee when he hears back from Attorney Hansen, but the Committee should work on the proposed revisions over the summer so the revisions can be presented to the Faculty Senate in the fall semester.

6.0 New Business

6.1 Agenda Items for EVC Plowman and VC Boehm

The Committee identified the following agenda items for EVC Plowman and VC Boehm:

- Who decides what is considered civility in the classroom and how is this decision made?
- What is your plan to raise UNL's reputation and how would you improve our academic strengths? What are your visions for academics and research?
- Report of meeting with Regent Bob Schafer
- Update on Computer Science & Engineering Department

6.2 Ad Hoc Committee to Investigate Policies and Procedures in Place & Executed Following August 25, 2017 Incident

Rudy distributed a draft syllabus for an ad hoc committee to investigate the policies and practices relating to the August 25, 2017 incident. He stated that the Executive Committee will work on developing the syllabus at the next meeting.

6.3 Elimination of Errata from Class Attendance Policy

Purcell noted that a motion proposing changes to the Class Attendance Policy was presented to the Faculty Senate at the March 6, 2018 meeting, and at this meeting she stated that Senators should discuss the policy with their constituents and any further

amendments should be sent to her by March 13th so they can be presented to the Senate at the April 3, 2018 meeting. She stated that at the April 3, 2018 Faculty Senate meeting the Senate voted to approve the revisions to the policy. She stated that she received a request for seven edits additional amendments on Saturday, March 31, most of which were minor but some did reflect a change in wording, and after consulting with Hanrahan, who was serving as Parliamentarian, they decided to include five of the suggested changes into the policy and sent Griffin these changes to include in the policy on April 18. She pointed out that Hanrahan stated that according to Roberts Rules of Order the changes did not need to go to the Senate for approval.

Griffin stated that in the 21 years she has served as Coordinator of the Senate, the only language that has been changed in a motion after it was approved by the Senate has been to reflect the change of a title or unit. She suggested that to keep a clean record of changes to the motion the proposed changes should be presented to the Senate at the September meeting so the Senate can review the changes and vote on them.

The Executive Committee agreed to discuss the issue further at one of its upcoming meetings.

The meeting was adjourned at 4:47 p.m. The next meeting of the Executive Committee will be on Tuesday, June 12, 2018 at 2:30 pm. The meeting will be held in 203 Alexander. The minutes are respectfully submitted by Karen Griffin, Coordinator and Lorna Dawes, Secretary.