

**UNL FACULTY SENATE MEETING MINUTES**  
**City Campus Union, Auditorium**  
**November 3, 2015**  
**Presidents Bender, Woodman, and Nickerson Presiding**

**1.0 Call to Order**

President Bender called the meeting to order at 2:35 p.m.

**2.0 Chancellor Perlman**

Chancellor Perlman noted that East Campus is undergoing a major initiative to re-energize the campus, particularly in regards to student life. He reported that the east campus mall has been renovated, the East Campus Recreation Center has been renovated, and new dorms are being built. He pointed out that the new dorms will have consequences for the East Campus Union because half of the dorms will be traditional style meaning that food services will need to be provided. He stated that a new food service area of East Campus Union will need to be created for the students and staff. He reported that fundraising for renovating the CY Thompson Library is taking place and the plans are to make it more of an academic core, similar to the changes that have been made to Love Library on City Campus. He stated that some of the space, previously occupied by the Food, Science, and Technology department, will hopefully become a classroom complex providing more teaching space on East Campus.

Chancellor Perlman reported that the University will be presenting a package to the Legislature seeking funding for the renovation of a number of buildings at the University. He stated that several UNL buildings in particular clearly need renovation and renewal. High on the priority list are Nebraska Hall and the Walter Scott Engineering building. He stated that Mable Lee Hall is also on the list because it has numerous problems due to the swimming pool housed in the building. He noted that the College of Education and Human Sciences is growing rapidly and needs space.

Chancellor Perlman stated that the current College of Business Administration building's location makes it a primary spot for the core academic enterprise of the campus. He stated that there is a committee looking at how the building should be used, but at this time it is unknown whether it will be used as a home for a department or remnants for many different things. He pointed out that the committee does recognize the need for larger classrooms on campus and this is being considered for the building.

Chancellor Perlman reported that another building that needs renovation is Hamilton Hall. He noted that the first year teaching labs were renovated, but the upper level teaching labs are the same way they were in the 1970s when the building was first constructed. He stated that renovating the remaining portions of Hamilton Hall is a high priority.

Professor Archer, School of Natural Resources, pointed out that in rooms with audio visual equipment all of the lights are controlled by one switch which can cause real problems when teaching. He suggested that more sophisticated lighting controls be included in renovations for classroom space. Chancellor Perlman stated that he will pass this information on to those involved with the renovation of buildings. He noted that there has been some progress with general purpose classrooms to get them standardized with equipment and other amenities.

President Elect Woodman asked if all of the renovations on East Campus foreshadow a plan to move some classes from City Campus to East Campus. He pointed out that the majority of students are on City Campus. Chancellor Perlman stated that there are no plans for moving departments out to East Campus. He noted that while CASNR's student population is not as large as City Campus, enrollment is growing out there and he suspects that the promise for continued enrollment growth on East Campus is substantial. He pointed out that the pressing questions for the world on food, water, and environmental sustainability are before us and East Campus is teaching and conducting research in these areas which will only continue to grow. He stated that the administration does not think overbuilding is occurring on East Campus.

Past President Nickerson asked what the plans are for the former Nebraska Bookstore. Chancellor Perlman reported that there will be a major announcement about the use of part of the building sometime soon. He noted that the part of the building on the Q street side will become a retail store for Nike. He pointed out that it will not be a Niketown, rather a new concept called the college store which will have regular merchandise

and would run a number of programs, such as holding 5k races for college students and also for K-12 students.

### **3.0 Announcements**

#### **3.1 Pre-Senate Luncheon for City Campus Faculty Members**

President Bender announced that the first pre-Senate luncheon for City Campus Senators will take place on December 1 in Colonial Rooms A and B in the City Campus Union. He stated that notices will be sent out about the luncheons which will be from noon until 1:30. He reported that the second luncheon is scheduled for March 1, 2016.

### **4.0 Approval of October 6, 2015 Minutes**

Professor Leiter, College of Law, moved for approval of the minutes. Professor Vakilzadian, Electrical and Computing Engineering seconded the motion. The motion was approved with two abstentions.

### **5.0 Committee Reports**

#### **5.1 Research Council (Professor Powers)**

Professor Powers stated that the Research Council's year was relatively standard. He noted that the Council hosted the Nebraska Lecture Series. The spring speaker was Professor Claes from Physics and Astronomy, and the fall speaker was Professor Farritor from Mechanical and Materials Engineering. He reported that the Council received 69 applications for funding, 46 of which received funding. This utilized about 50% of the available funds. He noted that there was no budgeted amount for visiting scholar awards this year. He stated that applications for funding come from the various disciplines and the Council seeks to maintain this diversity. He pointed out that evaluations on the applications are done by the faculty who represent a variety of different disciplines.

Professor Vakilzadian asked why no funds were showing in the budget for visiting scholars. Professor Powers reported that the visiting scholar's category is not normally part of the funded categories, but if a request is submitted for funding a visiting scholar, it is usually approved. Professor Vakilzadian pointed out that in previous years there was a budget item for visiting scholars. Professor Powers noted that the Research Council has decided to provide some flexibility with its budget by not putting a fixed amount into the budget for visiting scholars, yet still providing funding if requested.

#### **5.2 Grading & Examinations Committee (Professor Lee)**

Professor Lee was unable to attend the meeting. If anyone has questions regarding the Grading & Examinations Committee report they should contact Professor Lee (dlee1@unl.edu).

#### **5.3 Chancellor's Commission on the Status of Women (Professor Rudasill)**

Professor Rudasill reported that three councils comprise the Chancellor's Commission on the Status of Women (CCSW): Council of Faculty, Council of Staff, and Council of Students. She noted that every Council is short members, two faculty members are needed on both the faculty and staff councils and the student council only has half of its membership. She reported that the councils meet once a month and there is a retreat each August.

Professor Rudasill stated that one of the major accomplishments of the CCSW was to get Facilities Management to provide tampons, free of charge, in the Women's restrooms on the first floor of each building. She noted that previously all the machines on campus had stickers on them saying they were not in use. She pointed out that many people on campus are glad about this decision, but one of the things that was discerned from this incident was that the original decision was never brought to the CCSW for feedback. She pointed out that when decisions are being considered that affect 50% of the people on campus, the CCSW should be consulted for feedback.

Professor Rudasill reported that the CCSW wants to continue pursuing dual career policies and practices which help with recruitment and retention of faculty members with the new Chancellor. She stated that the CCSW was able to get a faculty member on the Chancellor's search committee.

Professor Rudasill stated that the CCSW is working on trying to get better preventive health care coverages. She noted that the Commission receives complaints about non coverage of breast pumps. She stated that the current status is that many items affecting women are not covered in order to keep costs low; because of the Affordable Care Act, eligible items are covered which requires that they must all be covered. She noted that President Bounds has indicated that breast pumps will be covered by the University health care.

Professor Rudasill stated that the Faculty Council of the CCSW remains interested in mentoring professional development and the Student Council is interested in establishing maternity leave for student-parents. She noted that there is a lot of confusion among students who are parents regarding parental leave and there are many questions regarding services available to women.

Professor Peterson, Agricultural Economics, asked how members get on the CCSW. Professor Rudasill reported that there is an application process and those interested can obtain the application from the CCSW webpage <http://www.unl.edu/ccsw/membership.shtml>. She stated that the Commission will review and make a decision on the application, but the Chancellor needs to make the final appointment. She pointed out that men are welcome to serve on the Commission.

Professor Grange asked if the CCSW has ever thought about requesting special parking lots for women. He noted that in Germany there are special lots which are strategically located to provide greater safety and which have more lights. He noted that students have mentioned concerns with safety, particularly at night when leaving campus, but all women are concerned with safety. Professor Rudasill stated that she liked this idea and it is relevant given the fact that the blue emergency lights with phones on campus have been removed due to the fact that most people now have cell phones. Professor Adams, Plant Pathology, pointed out that safety for women has long been a historic problem at campuses across the country. He stated that he can't believe that the problem hasn't been resolved yet with good lighting. Professor Grange noted that the problem of enough safety will probably never be solved, but he believes the designated parking should be looked into.

#### **5.4 Academic Standards Committee (Director Kerr)**

Director Kerr reported that the Academic Standards Committee reviews appeals from undergraduate students who are requesting to be reinstated to the University because they have been academically dismissed. She noted that there were 23 meetings of the Committee during the academic year. Three faculty members are selected from the panel of Academic Standards Committee members periodically during the year to review the applications.

Director Kerr reported that the Committee approved about 45% of the appeals and denied approximately 55%. She noted that some of the students made an appeal to Associate Vice Chancellor Goodburn to overrule the Committee's decision, but only two had the Committee's decision reversed. She stated that the reversals are usually based on additional information that is presented. She reported that when decisions are made there is input from the college and occasionally the Committee will overturn a college's decision. President Elect Woodman asked what sort of additional information is considered. Director Kerr stated that if a student has been placed on probation they must meet an advisor and devise a plan of action to improve their academic standing. Professor Steffen, Veterinary & Biomedical Sciences, pointed out that sometimes the college weakly approves the reinstatement of a student.

#### **6.0 Unfinished Business**

No unfinished business was discussed.

#### **7.0 New Business**

##### **7.1 Emergency Motion – Special Academic Planning Committee Election**

President Bender reported that there is an opening on the Academic Planning Committee that needs to be filled. He asked for a motion to declare it as an emergency motion. Professor Hanrahan, School of Music, moved to treat the motion as an emergency motion. Seconded by Professor Vakilzadian. Motion was approved.

President Bender asked for a motion to approve the ballot. Professor Hanrahan moved for approval of the ballot. The motion was seconded by Professor Shirer, Modern Languages and Literature, and approved by the Senate with one abstention.

##### **7.2 Susan Foster, Director of Institutional Equity and Compliance – Title IX**

Director Foster reported that she has met several times with the Executive Committee to discuss Title IX and appreciated being asked to speak to the Senate. She noted that many faculty members have seen the multiple emails from the Chancellor and her office regarding the responsibilities that everyone at the University is taking on with the Title IX regulations. She wanted to thank those that have already taken the training, and encouraged everyone else to take the online training course which can be accessed through Firefly. She pointed out that one of the important things about the training is that it helps people to understand behavior that is prohibited under Title IX.

Director Foster stated that it is important for people to understand what we are doing on campus with Title IX. She reported that employees are classified into three categories under Title IX: Responsible Employee, Confidential Resources, and Other Employees. She stated that Responsible Employees (RE) are required to report any incidents of Title IX violations that the employee becomes aware of. She stated that each institution can designate who should be an RE. Some universities have opted to have all employees designated as an RE. At these institutions anything that is told to an employee must be reported. As a result, students may be reluctant to talk to anyone on campus because they may want to think about their options and choices. She noted that the University of Nebraska has opted to have only some people designated as an RE based on their position. She pointed out that most faculty and staff here are not an RE. If anyone is unsure of their status, they should talk to their Dean or supervisor and a list of RE's is available on the Institutional Equity and Compliance website <http://www.unl.edu/equity/unl-title-ix-responsible-employees>. She stated that while most faculty members are not an RE, those that are chairs or participate in a study abroad program may be an RE. She stated that those people who are an RE have an obligation to report an incident.

Director Foster noted that Confidential Resources (CR) are people who have a legal position that could raise the privilege that there would be privacy between the student and the CR (such as a licensed counselor). She noted that there are certain resources on campus: Counseling and Psychological Services (CAPS), Women's Center, Student Legal Services, campus counseling centers that people can go to and speak confidentially, although if the incident is of a violent nature disclosure of the incident may have to be reported to the police.

Director Foster stated that Other Employees (OE) also have a responsibility. While they are not required to report an incident, they are encouraged to report it if the situation calls for it, such as in cases of sexual assault or safety concerns. She stated that OEs can help an individual understand their choices, whether it is to go to the police, to speak to a confidential resource, or to go to her office. She stated that if an OE is going to report an incident they need to let the student know.

Professor Subbiah, Food, Science, and Technology, asked if a faculty member who serves as an advisor to a recognized student organization is identified as an RE. Director Foster stated that she believes that they are an RE, but the faculty member should verify this with their college.

President Elect Woodman noted that the Safe Campus Act has support from many campus student groups and asked if it would impact Title IX if it were to be passed. Director Foster stated that it would definitely impact us because it will hold us more accountable and the fines would be more significant if there were violations. She noted that the Act requires a lot of investigation into incidents and the Act will bring a lot more awareness. She noted that there is a huge amount of bi-partisan support for the Act. President Elect Woodman asked if the Act would prevent her office from investigating a crime. Director Foster stated that she believes that there will be a lot of unknowns if the Act is passed because it would conflict with Title IX which is already federal regulation. She stated that she has mixed opinions on the Act. While the police have far better investigative tools than she does, and it would be helpful to have them involved in some cases, the preponderance of doubt can have an impact and she is wondering how much we could hold someone accountable for someone else's behavior.

President Bender asked if there are some victims that are more uncomfortable to report an incident to the police. Director Foster stated that it can be either way. Some people want to report an incident, but not to the police because they do not want a lengthy process. She noted that we are required to investigate a case within 60 days while criminal cases can go on for years. She pointed out that our first concern is to provide support and her office can do some things that the police cannot such as making academic and housing modifications, and providing counseling services.

Professor Soundarajan, Biochemistry, asked how many cases have been reported this year. Director Foster stated that the number this year already surpasses the number of cases from all of last year. She believes that awareness has made the difference in the number of cases being reported and students knowing who is an RE can make a difference. She pointed out that REs should have a symbol on their door indicating that they are an RE and deans should be aware that these signs will be showing up within the college. She stated that it is critical that students understand who the REs are that they can speak to. She encouraged all REs to look at the Title IX website <http://www.unl.edu/equity/title-ix> because it provides really good resources that can be given to the student.

Professor Farrell, Agricultural Leadership and Education, asked if the information provided in the brochure is available online. Director Foster stated that the brochure is basically what is on the web plus a little more information which will eventually be put online. Professor Hanrahan stated that he found it difficult to locate

the Title IX webpage when entering from the UNL Today page. Director Foster stated that she is working with the Chancellor's office to correct this and make it easier for people to access the Title IX webpage.

Professor Adams, Plant Pathology, asked what will be done to make sure the reporter of an incident does not become a victim for making a report. He noted that he had an incident where he had to fire a student worker for harassing another student and shortly thereafter he had damage done to his vehicle. He asked how REs, or any employee who reports an incident could be protected financially from retaliation. Director Foster pointed out that the University does have a very strong retaliation policy on campus and this is explained to anyone who is brought into her office when an incident is being investigated. She stated that the policy does not necessarily ensure that retaliation won't happen, but if something does happen her office will conduct an investigation. Professor Adams noted that situations like the one he raised are common, but he did not know what the appropriate action would be if it occurred between two co-workers. Director Foster stated that these kinds of relationship situations should be dealt with by her office. She noted that unless a supervisor is trained to handle these kinds of situations, a well-intentioned person might not actually be helping the matter. She pointed out that if there is a threat of any kind a threat assessment team will be assembled to monitor the situation.

Professor Farrell asked if the students know about the services of the Office of Institutional Equity and Compliance. Director Foster stated that her office has distributed a lot of information around the campus and graduate students and freshmen students were required to take the online training course. She reported that she has also been conducting informational sessions and training across the campus and introducing herself to the campus. Professor Farrell noted that students today get most of their information online and there may be some who don't want to speak to someone on campus but would rather get the information electronically. He suggested that the title of her office does not seem to match Title IX. Director Foster stated that there is a web page and she believes people will become accustomed to referring to Title IX when searching for information.

Professor Grange, Theater Arts, stated that he read the brochure and thinks it is full of dire warnings and threats, particularly against male faculty members who somehow don't comply. He asked, on the basis of what has been said, how the federal government has the right to interfere in academic affairs by threatening to pull federal research dollars from any institution that does not comply with Title IX. He pointed out that the constitution of the State of Nebraska has declared that preferential actions cannot be given to any particular group of people, whether it is an ethnic group or a particular sex, but the affirmative action office said this is not true when federal dollars are at stake. He stated that the Office of Institutional Equity and Compliance is stating that Title IX has to apply to all, yet many faculty members do not have any connections to the federal government at all and receive no research dollars. He said her office is acting as an advocacy group seeking victims but asked Director Foster to correct him if he is wrong on this matter. Director Foster stated that he is wrong. She noted that she cannot be an advocate because it is contradictory to her position which requires her to investigate cases, not advocate for victims. She pointed out that the brochure does not contain language that is gender specific, that it is gender neutral and in fact, her office has investigated incidents for both female and male victims. She noted that Title IX requires her office to investigate complaints regardless of whether it is a male or female.

Professor Sollars, Veterinary & Biomedical Sciences, asked if everyone who is an RE has been trained and whether training for departments/units is still available so the general population knows how to respond should anyone tell them about a Title IX violation. Director Foster stated that training has been made available to many groups on campus and she is happy to provide training to colleges/departments/units. She noted that an internal Title IX curriculum has been created that is usable for all. She pointed out that she has also spoken to classes on the issue and would gladly do so again if requested by an instructor. Professor Sollars asked if anyone could ask their department chairs to have Director Foster come provide training. Director Foster stated that anyone is welcome to make the request.

Professor Regassa, Agronomy & Horticulture, asked Director Foster if she believes in the relevance of the Title IX policy and whether she feels it is a necessary policy. Director Foster stated that she believes that parts of the policy are absolutely necessary to ensure gender equality and to make our campus safe. She pointed out that she would not be in her position if she did not believe in the policy.

Professor Hanrahan wanted to thank Director Foster for all of the work she is doing. He noted that when she started at the University it was a difficult time because the campus was dealing with several alleged sexual assault incidents. He wanted to express his thanks and gratitude for helping the campus.

### **7.3 Proposed Professional Ethics Statement**

President Bender reported that last year the Chancellor had suggested the consideration of a ban on faculty/student relationships, similar to the one created by Harvard. The Executive Committee discussed the idea and realized that the Faculty Senate had passed a Professional Ethics Statement addressing the issue in 1990. He noted that the Executive Committee felt that the existing Statement addressed the issue but needed to be reconsidered and brought up to date. He reported that a subcommittee was formed to rewrite the document to make it clearer and more concise. He noted that the Executive Committee was presenting the document to the Senate for consideration but it would not be voted on until the December meeting.

Professor Schleck, English, suggested under the research and creative activity section that information regarding public/private partnership and the role that private partners can play in suppressing research be included in the document. She stated that language should be included that would protect faculty rights. Professor Lee, Communication Studies, a member of the subcommittee that revised the document, stated that this was a point worth discussing and that he will bring the idea back to the Executive Committee to discuss it. Professor Archer pointed out that some of data used by faculty members cannot be made public. Professor Steffen suggested that faculty would respect confidentiality and proprietary rights but through negotiation with a private company they might be able to publish a portion of their findings.

Professor Woldt, Biochemistry, suggested that the document should have some reference to Extension Educators, particularly under the teaching section. Professor Lee pointed out that there is a definition of faculty members in the document and it does include Extension Educators.

Professor Peterson noted that in the teaching section the third bullet may not be consistent with the Title IX policy because confidentiality cannot be promised in some Title IX instances. Professor Lee stated that confidentiality could not be maintained if sexual violence or assault occurs. He said the document was addressing grading, recommendations, and advising issues. He suggested that a statement could be added to address the issue.

Professor Schleck suggested that consideration be given in the Statement about online comments made by faculty members. She stated that faculty members should make it clear that they are not speaking on behalf of the University and are acting as private citizens when making online statements. She suggested that everyone needs to be reminded that their online statements also fall under the categories identified in the Professional Ethics Statement and suggested that some guidance be provided on how faculty members should approach situations when they have made personal online statements. Professor Hanrahan noted that faculty members in the School of Music had to be careful what they said to the media when asked to clarify a situation. He pointed out that faculty members should clearly delineate when they are speaking privately or when they are speaking for the University. Professor Steffen stated that both sides of the issue can be addressed in the document whether the person is speaking person-to-person or online by making it clear whether they are representing themselves as a private individual or as a representative of the University.

Professor Lee noted that the Statement is not a policy or set of rules developed by the University, but a statement on ethical obligations which is one of the reasons why the document does not have a lot of fine points.

Professor Schleck stated that the preamble to section five overlaps with dual career negotiations. Professor Lee pointed out that any faculty member must not initiate or participate in decisions involving a direct benefit to a spouse/partner and this includes hiring. He noted that they would have to recuse themselves from the process. Professor Schleck noted that a faculty member could be in a position to speak in favor of hiring a spouse/partner in leveraging situations, such as an outside offer being made. Professor Lee pointed out that if a faculty member was already hired and their partner was being considered for a position the faculty member could not participate in the hiring process. Also, in leveraging situations they could not participate in any of the hiring process because they are not part of the search committee. He stated that faculty members cannot participate in decision making on issues involving a partner/spouse, even if the faculty member was the chair of a department. Decisions would need to be made by the dean. Professor Steffen noted that the language used is mostly from the Board of Regents bylaws.

Professor Leiter, Law, pointed out that people need to keep in mind that the document provides guidelines and is comprised of principles that faculty should comply with, but it won't cover every situation. He stated that he did not read the document as a code of conduct. He believed that the document was difficult to write and he thought the subcommittee did a good job with identifying the principles. Professor Woodman suggested that the word "initiate" be removed from the first paragraph in section five so the language reads "faculty members

must not participate in decisions involving a spouse/partner.”

President Bender stated that Senators should take the opportunity to discuss the document with their colleagues. He noted that while the document is intended as a set of guidelines, it does address how the faculty should behave as professionals and the document should be considered seriously.

#### **7.4 Resolution Concerning Guns on Campus**

President Bender reported that the resolution concerning guns on campus originated due to a recent Lincoln Journal Star article about Senator Garrett planning to introduce a bill to eliminate gun free zones in Nebraska. This would include colleges and university campuses and the Executive Committee thought this was a bad idea that deserved a response. He pointed out that if Senator Garrett introduces the bill with the start of the legislative session there could possibly be a hearing in January. He stated that if this should happen he would testify at the hearing and the Executive Committee felt it would be more effective if there was a statement from the Senate supporting his position which is why the Committee decided to bring the resolution forward.

President Bender stated that there are two suggested resolutions. The first is a motion from the Executive Committee which does not need a second. The second resolution is from Professor Steffen which makes friendly amendments to the original motion. He stated that he would entertain a motion to second Professor Steffen’s version. Professor Shirer, Modern Languages & Literature, seconded the motion. President Bender noted that both resolutions will be voted on at the December meeting but the floor is open for discussion.

Professor Hanrahan suggested that the sentence regarding there being no evidence to support that mass killings target victims in gun-free zones be removed. He pointed out that it speculates causality and could be misinterpreted and Senator Garrett justified his proposal based on this idea. He stated that it would be better to stay away from this argument.

Professor Adams pointed out that the original intent of the Second Amendment of the Constitution was that "a well-regulated Militia, being necessary to the security of a free-State, the right of the people to keep and bear Arms, shall not be infringed." He suggested that there be an alternative to the proposed resolutions in that each department office could have a locked cabinet that contained weapons that authorized people could have access to in order to defend students and employees should a shooting incident occur. He stated that this proposal would address concern over safety.

Professor Schleck suggested that the argument be reframed based on whether the University can decide what is best for the safety of its students, staff, and faculty. She pointed out that the idea that people could be carrying guns could have an effect on the freedom to learn and the ability of faculty to teach freely. She noted that the resolution should engage the issue politically, and noted there is little research to support the idea that gun free zones perpetuate mass killings. She stated that she supports Professor Hanrahan’s idea to remove the language from the resolution.

Professor Steffen stated that he does not want to get into the gun debate battle, but he can see legitimate reasons where someone’s life is in danger and they may need to carry a concealed weapon, which is why he suggested the friendly amendments. He pointed out that the campus community should have the freedom to decide what is best for the campus.

President Bender reported that the resolutions will be voted on at the December 1 meeting.

The meeting was adjourned at 4:20 p.m. The next meeting of the Faculty Senate will be held on Tuesday, December 1, 2015, at 2:30 p.m. in the East Campus Union, Arbor Suite. The minutes are respectfully submitted by Karen Griffin, Coordinator, and Allison Reisbig, Secretary.