

EXECUTIVE COMMITTEE MINUTES

Present: Adenwalla, Belli, Buan, Franco Cruz, Dawes, Fech, Hanrahan, Leiter, Peterson, Renaud, Rudy, Vakilzadian

Absent: Purcell

Date: Tuesday, September 18, 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 (*Rudy*)

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

2.0 Motion to Change Agenda

Vakilzadian moved to revise the agenda so that discussion on agenda items is completed by 3:00 to allow the Executive Committee to go into closed session without Rudy. Belli seconded the motion.

Rudy pointed out that the agenda is his prerogative as President and he rejected the motion. He stated that if the Executive Committee finishes the agenda as initially created, the Committee could then go into close session. Hanrahan pointed out that the Faculty Senate Rules state “the rules contained in the current edition of Robert’s Rules of Order shall govern the conduct of Faculty Senate meetings except insofar they are superseded by the Bylaws of the Board of Regents, the Bylaws of the University of Nebraska-Lincoln.” He noted the Robert’s Rules of Order stated that the President can be overruled by a 2/3 vote.

Rudy stated that he did not want to suspend item 5.1 Ad Hoc Committee to Review Policies and Procedures in Place and Executed Following the Suspension of Courtney Lawton, because the Executive Committee requested an update.

Hanrahan proposed to amend the motion to postpone agenda items 3.0 Announcements and 4.0 Approval of the September 11, 2018 minutes, so that when discussion on the Student Code of Conduct with Professor Lenich is completed agenda item 5.1 can be discussed and completed by 3:00. Peterson seconded the motion. Fech called the question. Vote to amend the original motion was 9 in favor, and 2 abstentions.

3.0 Further Revisions to Student Code of Conduct - Professor John Lenich

Lenich noted that at a previous meeting he reported that he was asked to assist with revising the Student Code of Conduct which currently is difficult to read, particularly for students, and some of the procedures are cumbersome. He reported that he worked with a group of students from ASUN over the summer to continue work on revising the Code.

He noted that ASUN has tentatively scheduled voting on the revised Code on October 3, and if approved by the Faculty Senate, the revisions would go to the Board of Regents.

Lenich stated that revisions to Appendix A, regarding sexual misconduct policies may need further revisions, depending on new policies that may emerge from the federal government. He noted that, if needed, these changes could be made at a later date.

Lenich stated that he feels there are two issues of concern for faculty members. He reported that the provision on academic sanctions in the Code does not protect a faculty members' right to impose sanctions on a student for academic dishonesty. He stated that he thinks that academic and disciplinary policies should be separate from the Code. He noted that he wanted to make it clear in the Code that faculty members have control over the academic disciplinary actions. He stated that he also has concerns on the broad provision that the Code allows in regards to academic behavior of a student.

Lenich reported that one change of interest to faculty members is that if a student is suspended it will now appear on the student's transcript. He pointed out that this could be removed if the student comes back to UNL and successfully completes their degree. He noted that previously UNL did not put a suspension on the transcript which was not fair reporting to other universities.

Buan asked if graduate students are covered by the Student Code of Conduct, in the policy, particularly those graduate students who receive a paycheck from the university. Lenich stated that he met with Dean Carr, Graduate Studies, who said that graduate students are treated as students, not employees. Belli pointed out that this is not consistent with the Board of Regents Bylaws which states that if a person has a contract with the university, they are considered a faculty member. Peterson stated that he did not think a person on a graduate assistantship is considered a special appointment which is a faculty classification. Belli stated that any instructor who assigns a grade is considered to have a teaching appointment. Renaud and Adenwalla point out that this needs to be clarified.

Hanrahan stated that he has difficulty understanding how the fraternities fit into the Code. Lenich stated that fraternities and sororities are considered recognized student organizations. Adenwalla asked if the fraternities are considered on campus or private property. Lenich stated that the houses are governed in the Code under Housing. He noted that for the fraternities, students under 19 years of age must be housed through University housing. He noted that the Greek houses are not considered university facilities, but the Code does apply to the houses. Rudy recalled that there was an incident at an off-campus fraternity house and the victim sued the fraternity, but not the university because the house was off-campus. Lenich pointed out that even if a house loses its recognition as a recognized student organization, they must still abide by the Code.

Buan asked if there is an expectation that any kind of violation of the Code will be reported. Lenich stated that records of any disciplinary action are kept, and the Clery Act

requires us to keep records and provide information about violations. Peterson stated that the new Office of Academic Integrity will oversee some of these issues.

Rudy noted that it was 3:00 and moved to suspend the motion to cease discussion to allow the discussion with Lenich to continue. Hanrahan pointed out that the chair is the facilitator of the meetings and cannot make a motion. Rudy stated that Hanrahan was invoking Robert's Rules of Order when it doesn't apply. Hanrahan stated that this was incorrect, Robert's Rules do apply. Lenich stated that he would be happy to meet with the Executive Committee again next week to continue the discussion because he understands that the Committee has pressing matters to discuss.

Hanrahan moved that the Executive Committee move forward with the agenda. Renaud seconded the motion. Motion approved.

4.0 Announcements

4.1 Faculty Member Needed for Police Advisory Board

Rudy reported that Chief Yardley is trying to reconstitute the Police Advisory Board and is seeking a faculty member to serve on the Board. He stated that if anyone is interested they should contact him.

5.0 Approval of September 11, 2018 Minutes

Rudy stated that he regrets using the word "mole" and he does not think there was any intent of malice by the person who leaked the information. Adenwalla pointed out that the minutes should not be changed to not reflect what happened during the meeting. The Executive Committee discussed some further revisions. Peterson moved for approval of the minutes as revised. Motion seconded by Hanrahan and approved by the Committee. There was one abstention.

6.0 Unfinished Business

6.1 Ad Hoc Committee to Review Policies and Procedures in Place and Executed Following the Suspension of Courtney Lawton

Rudy reported that he put an updated version of the syllabus for the Ad Hoc Committee into the Executive Committee Box folder. He noted that the syllabus now includes the names of the members, but he asked the Executive Committee to keep the names confidential because he wants to protect the Ad Hoc Committee members from external influences. He noted that there was a question whether one of the Ad Hoc members was a member of the AAUP and he stated that he believes one person is a member of AAUP. He reported that the Ad Hoc Committee has asked to see the Academic Rights & Responsibilities Committee's Procedures on Academic Freedom and Tenure - A, and Procedures on Academic Freedom and Tenure - B, and the Regents Bylaws. He stated that the Ad Hoc Committee has also received the AAUP report and the FIRE document. He noted that the Ad Hoc Committee could meet with the Executive Committee.

Belli stated that he is curious why the members of the Ad Hoc Committee cannot be publically known. Rudy stated that he believes that the members needed to be shielded from the administration, and since this is not a report of the AAUP he does not want any

of the members to be influenced by AAUP. He noted that he has not been able to arrange the outside observer and he would like to get the Faculty Senate President from the University of Iowa to serve since that University just came off AAUP censure.

Adenwalla stated that she has been receiving a lot of questions from faculty members regarding why the Ad Hoc Committee is being kept confidential. She stated that they are uncomfortable with the whole way the Committee has been handled. Belli asked if Rudy has asked the Committee members whether they agree to have their names made public. Rudy noted that he is aware that one of them has already listed the Committee on their annual evaluation form. Dawes reported that one of the members told her that the Committee members do not have any problem with making the names public and that the sense of secrecy was not necessary. Rudy stated that he wished to protect the Committee members.

Rudy pointed out that the charge for the Ad Hoc Committee has not changed since the Executive Committee's retreat on August 15th. Buan pointed out that the exact phrasing of the questions that the Ad Hoc Committee is to answer with its findings was never voted on by the Executive Committee. Hanrahan stated that technically the President or Chair only has to have consultation from the Executive Committee, not approval.

Renaud stated that we need to make efforts to move forward by addressing how we can get off AAUP censure. Belli stated that what is needed to get off censure is to have conversations with AAUP to see what they would accept as reason for removal. Peterson noted that the AAUP has already stated that our procedures are adequate, but they were not followed. Hanrahan asked what the penalties would be if the parties involved with the AAUP censure did not follow the rules. Leiter stated that the only thing the University could do at this point is to admit they made a mistake, and that is unlikely given the University's stance. Belli stated that they could reinstate Lawton since it appears that currently Lawton will be refused to teach at UNL for the foreseeable future, even if a department would like for her to teach.

Rudy stated that he would like to keep the information on the Ad Hoc Committee within the Executive Committee. Hanrahan asked if the Exec members were allowed to at least say what the charge is for the Committee and the questions the Executive Committee want the Ad Hoc Committee to address, but not the names of the Ad Hoc Committee members. Belli stated that if the Ad Hoc Committee members are willing to release their names they should do so, and if not the reason should be known.

Renaud asked if the names of the Ad Hoc Committee members will be on the report when it is made to the Senate. Rudy stated that he is leaving it up to the Ad Hoc Committee to decide whether just the co-chairs will have their name on the report, or whether all the members will be listed.

Buan asked if the Ad Hoc Committee will be allowed to interview whoever they want. Peterson pointed out that the Chancellor stated that he is willing to work with this Committee.

7.0 New Business

7.1 Professional Conduct Committee

Rudy stated that Associate VC Walker has sent out a draft seeking approval for two ombudspersons. He noted that Walker is also sending out a draft policy on employee sexual misconduct which is similar to the one generated by the College of Arts & Sciences. He stated that a further draft will be provided later on.

This portion of the meeting was adjourned at 3:32 p.m. Rudy was asked to leave the meeting. The Executive Committee then went into closed session.

The next meeting of the Executive Committee will be on Tuesday, September 25, 2018 at 2:30 pm. The meeting will be held in 201 Canfield Administration. The minutes are respectfully submitted by Karen Griffin, Coordinator and Lorna Dawes, Secretary.