

EXECUTIVE COMMITTEE MINUTES

Present: Buan, Fech, Franco Cruz, Gay, Hanrahan, Kolbe (with his doggie), Latta Konecky, Peterson, Purcell, Vakilzadian, Woodman

Absent: Adenwalla, Minter

Date: Tuesday, April 14, 2020

Location: Zoom

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 (*Hanrahan*)

Hanrahan called the meeting to order at 2:37 p.m.

2.0 Student Code of Conduct (AVC Johnson)

AVC Johnson noted that Central Administration made some changes to the proposed Student Code of Conduct. He reported that ASUN will attempt to vote on the changes on April 29th and he is planning to be a part of their Town Hall meeting on April 22 to go through the document and answer any questions they may have. He pointed out that the Student Code of Conduct would apply to all four of the campuses.

Hanrahan asked if the Code no longer applies to conduct that occurs off campus, as long as they are not acting in an official capacity for the University. AVC Johnson stated that the Code applies to conduct on campus, but it does list the instances off-campus where it would apply. Hanrahan asked if a student is pulled over for a DUI, off campus, if the Code would apply. AVC Johnson stated that it would not because the Regents Bylaws state we cannot replicate state and federal laws. However, if the student was caught by University Police driving on campus under the influence, the Code would apply.

Woodman asked what would happen in the case of a rape that was committed off campus by a student. AVC Johnson stated that it would be pursued under the current policy we now have. He pointed out again that we are constrained by the Regents Bylaws, and we cannot replicate what the courts are doing with punishing someone for a crime. He stated that the University has to be careful that it does not overreach its authority. He noted that if a student is in violation of the Code, the Conduct officer has to tell the student why we are going to apply the Code.

Woodman questioned whether the Faculty Code of Conduct being developed could create problems for faculty members who are involved in political activities off campus. Hanrahan pointed out that the Regents Bylaws states that faculty can be involved in political activities as long as they are not representing the University when they do so. He noted that conducting professional activity outside of the University needs to be reported to the University.

Buan stated that student athletes' lives are prescriptive and pointed out that there are very few places that they could go where they would not be representing the university. She urged caution with the Code of Conduct because it could impede on personal liberty issues. AVC Johnson stated that the Code reserves the institution some discretion with cases, but the proposed changes constrains the University more. He noted that there are some clear examples where off-campus activity by students could impact the University.

Buan asked if the findings of the Student Conduct Board on cases of student misconduct are even reported. AVC Johnson noted that whatever is put into a student's conduct record has to remain confidential. He pointed out that if students want to share information about themselves, they can do so.

Hanrahan noted that we are a state-funded institution, and there are people in the State that believe employees of the University can be disciplined for what they do in their private life, yet this infringes on a person's first amendment's right. AVC Johnson stated that if someone's behavior is expressive, and not criminal, the University is very limited in what actions it can take against an employee, but people do not have the right to engage in speech that is criminal, such as civil or sexual harassment. Gay pointed to the student who was a white supremacist and made statements online, and noted that many people, including faculty members, felt the student needed to be punished. AVC Johnson stated that the student's speech was not punishable by the Student Code of Conduct.

Buan stated that some infractions may not be criminal and disciplinary action, and outcomes could be interpreted as applying differently to different populations of students. AVC Johnson stated that he recognizes that this is an issue of discretion, and noted that the students have struggled with it. He suggested that there could be an advisory board that reviews actions of discretion. He stated that he wants to make sure that violations of the Code are dealt with consistently and fairly, and does not apply discriminately to any population of students. He noted that faculty could be involved and he welcomes monitoring if the Senate feels this should occur.

Hanrahan stated that he would invite ASUN's Past President Emily Johnson and current President Roni Miller to the April 21 Executive Committee meeting to discuss what ASUN thinks about the proposed revisions to the Code. He stated that the plan, at this time, is to present the proposed changes, to the Faculty Senate as an emergency motion at the April 28th meeting.

3.0 Announcements

3.1 Questions about Refunds on Parking

Hanrahan noted that he has received some questions from faculty members regarding a refund on parking since faculty/staff are working from home and not parking on campus. He stated that VC Nunez has put a statement on the campus COVID-19 website <https://covid19.unl.edu/employees#parking-access> and it states that faculty/staff returns on parking permits are not allowed during the COVID-19 outbreak.

Buan wondered if faculty/staff could count their parking permit fee as a donation for tax purposes since the reason for not offering any refunds is to keep the Parking & Transit Services personnel employed. Latta Konecky stated that this is unlikely. Hanrahan noted that the more money that we keep moving, the healthier the economy will be.

3.2 Suspension on Hiring

Gay reported that President Carter has issued an email stating that hiring was to be suspended due to budget concerns. He pointed out that his department hires temporary Lecturers to teach during the summer session, and without them courses won't be taught. He asked if the enforcement would be for all hires. Hanrahan stated that the last he heard was that active searches could continue, but searches to fill positions vacated because of VSIP would not move forward. Gay asked if Lecturers on one-year contracts can be renewed. Hanrahan stated that he did not know if the suspension would apply to these positions.

Woodman asked if there has been any further consideration of postponing VSIP. Hanrahan pointed out that the Chancellor has been consistent that the process has been moving forward and there are no plans to suspend the VSIP retirements. He noted that the VSIP would benefit the University's budget because the VSIP faculty will only receive 80% of their salary.

4.0 Approval of March 31, 2020 and April 7, 2020 Minutes

Hanrahan asked if there were any further revisions to the minutes. Purcell moved that both sets of minutes be approved. Vakilzadian seconded the motion. The minutes were approved with two abstentions.

5.0 Unfinished Business

5.1 Update on Grade Appeals Process

Hanrahan noted that he forwarded the Executive Committee emails from AVC Walker regarding the proposed temporary changes to the grading appeals process. He asked if there were any issues.

Woodman pointed out that the change is asking faculty members to volunteer their time at the end of the semester to process grade appeals quickly. He noted that the move to online instruction has affected the students' ability to do well in a course, and he is concerned there will be a large number of students appealing their grade. He asked if the administration is considering providing guidelines to students about what constitutes a legitimate reason for appealing a grade.

Buan noted that many of the faculty members are on 9-month appointments, and she is concerned with the administration's written request for faculty members to volunteer to work on the grade appeals during the summer. She suggested that there needs to be a timeline on the grade appeal process, and that the process should be expedited since we are anticipating that there could be a high number of appeals. Woodman asked if her unit had an appeal process in place that requires a limited number of faculty members. Buan stated that she thinks there is one, although she does not know how often it is activated. Woodman stated that his unit has an undergraduate student on the appeals committee and

three faculty members. He suggested that if colleges had a panel of faculty members who would be willing to serve on a grade appeals committee they could be rotated to review grade appeals.

Hanrahan suggested that the communication about grade appeals be sent to students after the end of the semester. Latta Konecky stated that there should be flexibility for the units with how they expedite the process. Woodman stated that the administration should provide guidance as to what is considered a viable excuse for a grade appeal. He pointed out that most of the appeals will probably be due to the courses being moved to an online format. Buan stated that just because a course is now online should not be an excuse. Kolbe pointed out that some students do not have internet access, and for these students the remote access instruction is a real problem. Latta Konecky stated that guidance would be helpful, but there should not be a restrictive list. She suggested that the units might consider writing their own guidance. Kolbe noted that we do not want the change to the courses to delay the students' progress in their academic program. Woodman pointed out that we do not want a unit's grade appeal process to be in contradiction to the college level process, and there should be some uniformity with the process. Buan suggested that the Deans and Chairs could be provided with a list of acceptable reasons for a grade appeal.

Hanrahan stated that he would contact AVC Walker to tell her the Executive Committee feels that students should be informed of the expedited grade appeal process after the end of the semester, that there needs to be a coordinated effort across the units and in the colleges, and there needs to be a guideline on acceptable reasons for a grade appeal.

Kolbe questioned whether the situation could be mitigated if the Deans and Chairs reiterated that the faculty need to practice far more leniency with their grading this semester. He noted that this could help reduce the number of grade appeals. Woodman pointed out that he plans on adjusting his grading scale which he hopes will help deal with the serious situation the students are facing. Kolbe stated that this was a good idea that should be conveyed to faculty members for consideration.

6.0 New Business

6.1 Senate Meeting Review

Griffin pointed out that there were a number of Senators who could not get into the meeting. The Executive Committee discussed the problems and suggested that Senators be reminded to use their UNL email address when trying to access the meeting.

6.2 AAUP Bylaw Changes

Hanrahan reported that he met with AVC Walker, and Professors Schleck and Falci, to go over the revisions put forward by General Counsel. He stated that the three faculty members had strong objections to the revisions being proposed.

Woodman pointed out that the other members of the ad hoc committee that worked on developing the AAUP revisions to the Bylaws were excluded from any further discussion

once the revisions were forwarded to Central Administration for consideration, and he has real objections about this.

6.3 Follett Bookstore Problems

Woodman stated that he wanted to change the textbook for a summer course he is teaching now that the class will be taught by remote access. However, when he tried to make this change he was unable to contact anyone from Follett, either by email or phone, and later learned that they laid off the employee who handles the textbooks. He noted that when he spoke with McGraw-Hill publishers he learned that they have also been having difficulties with Follett. He pointed out that the faculty are not getting service at the time when the needs are probably the greatest. Hanrahan stated that he would contact VC Nunez to inform him of the problem.

The meeting was adjourned at 4:40 p.m. The next meeting of the Executive Committee will be on Tuesday, April 21, 2020 at 2:30 pm. The meeting will be conducted via Zoom. The minutes are respectfully submitted by Karen Griffin, Coordinator and Joan Latta Konecky, Secretary.