

EXECUTIVE COMMITTEE MINUTES

Present: Billesbach, Buan, Dam, Dawes, Eklund, Gay, Hanrahan, Kolbe, Krehbiel, Minter, Weissling, Woodman

Absent: Franco Cruz

Date: Tuesday, June 30, 2020

Location: Zoom meeting

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 (*Buan*)

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

2.0 Chancellor Green/EVC Spiller/VC Boehm

2.1 How are Extension Educators adapting their programming across the state to adjust to COVID-19?

VC Boehm explained the different Extension positions across the NU network, and noted that these professionals have stepped up to the plate to deal with the challenges created by COVID-19. He stated that they have been following CDC guidance and have been working remotely as much as possible, and were able to assist farmers and ranchers during the planting and calving season.

VC Boehm noted that Extension oversees Nebraska 4-H and many Extension personnel have been very busy dealing with the county fair season which occurs usually in the first week of July. He reported that the decision to have county fairs was made by county boards, although some input was provided by Extension Educators. He stated that some counties with little or no reported cases of COVID-19 will try to have a fair like previous years, other counties have completely cancelled public access, and others are restricting the fair only to be a showcase for the youth. He pointed out that county fairs are very important to rural Nebraska and those counties that have no reported cases have a different perspective from counties with cases. He noted that Extension is grappling with 93 different versions of what is occurring because of the virus, and this is heavily impacting Extension personnel.

VC Boehm reported that, while most Extension offices are in county buildings, Extension personnel are still considered University employees and they are expected to adhere to university policies. Dawes asked if Extension personnel have expressed concerns about the Governor's decision about not requiring people to wear masks in county buildings. VC Boehm noted that non-tenure track faculty members responded to the Faculty Senate's recent survey, and he has heard the whole range of diverse opinions about how things should be handled in light of the pandemic. He reported that what is different for Extension Educators is that they have already re-engaged their work places and believes

some lessons could be learned from these colleagues' experiences that might be useful as we look forward to fall semester. He noted that the sense of risk is an individual dynamic that needs to be considered and managed by each person.

2.2 What is the economic outlook for the state and how might this affect NU budget deliberations?

Chancellor Green reported that the Board of Regents approved the 2020-21 university system operating budget recently. He noted that on July 1 we will be in the second year of the current state of Nebraska biennium budget and he has been told often by members of the State Legislature and the Governor that our previously approved state appropriations budget for FY21 is expected to remain intact. He reported that the Legislature will meet for a short session starting in late July, and it might still be possible that some of the things that the University has requested funding for might be considered.

Chancellor Green stated that a report came out recently on agricultural receipts, and while there will be considerable downward revenues, the projections are more positive than many other states. He noted that while our unemployment rate is at 5.2%, it is the lowest in the country. He stated that the projected losses in agricultural receipts is \$4 billion due to the pandemic, but this is before any government stimulus dollars which will help offset part of the loss to producers. He stated that the Better Business Bureau in the College of Business came out with a report yesterday which showed that for the past month the economic numbers improved considerably in May.

Chancellor Green reported that the University budget was set based on guidance that was provided by the state. He noted that the budget request is for a 2% annual increase, and this is based on the University holding tuition flat for the next biennium. He pointed out that while there are no salary increases for the non-unionized campuses this year, that difference will be resolved in FY 22 and 23 and that in addition President Carter plans to continue to address lagging to peer salaries for UNL and UNMC by augmenting salaries above what will be in the budget during the next two fiscal years.

2.3 Can employees who are granted an accommodation enact to either end or suspend the accommodation at any time, and can they be allowed to come back to campus?

EVC Spiller stated that an employee can later make a decision to end the accommodation and return to campus. She noted that a reverse process of the accommodation request would need to be made indicating that an employee no longer needs the accommodation. She stated that for a faculty member who has been teaching remotely, this could mean they would return to the classroom to teach. However, if the class was totally online the faculty member could continue to teach that way, but if they have other responsibilities they could return to campus.

Woodman asked if faculty members could still go into their office, even if they requested an accommodation for teaching. EVC Spiller stated that every faculty member who requests an accommodation can write out a plan of when they would like to be on campus. For instance, the faculty member might want to go to their office after 5:00.

Hanrahan asked about a faculty member returning from an accommodation but then having to ask for one again. EVC Spiller stated that for legal protection, if a person ends their accommodation request, but then wants to renew it, they would probably need to resubmit a request to get an accommodation again. She stated that if a faculty member felt comfortable having a conversation with their supervisor or chair that could be done with a straightforward agreement, but she noted she would like to get some clarity about this issue. Weissling asked if a person has to go through the ADA office if they have an agreement with their chair. EVC Spiller stated that they would not need to go through the ADA office. She pointed out that the University is very mindful about HIPPA laws and noted that some people might not feel comfortable with disclosing health information to their supervisor, and instead they can go through ADA. She stated that the University wants to provide flexibility for employees requesting an accommodation, and she noted that a letter was sent to Deans and Chairs to provide guidance about accommodations and it was stressed that they be flexible with employees' schedule.

2.3 What measures are being taken to make sure that political expressions by students are not being suppressed directly or indirectly, publicly or in private?

Chancellor Green pointed out that a policy protecting freedom of expression already exists for NU. Woodman noted that student athletes took the knee at a football game in 2016 and afterwards the football players were kept inside when the national anthem was sung which could be interpreted to be a suppression of their political expression. Chancellor Green clarified that the football players took the knee at an away game, and it has been the practice of Athletics for many years that players are in the locker room for pre-game preparations during the national anthem.

Chancellor Green stated that students are absolutely free to express themselves, and noted that over the past month he has met with students, a number of them who have been involved in the recent BLM protests, who wanted to make sure they had the right to express themselves and to see if they could get some legal services if they would need it. He noted that he has been very open with the students to tell them they are free to express themselves.

Krehbiel asked what would happen if a student expressed on social media messages of hate or not being supportive of building a community. Chancellor Green stated that it will be interesting to see what Kansas State University does regarding the group of student athletes that are stating that they will not play in games or participate in any donor or recruiting events until the university makes changes that address racism on campus. He noted that there is a lot of conversation nationally about whether an incoming student could be barred from entering a university or expelled because of hateful speech, but if the speech inspires violence that is a different matter. He stated that in public institutions the first amendment is sacrosanct and we are diligent in not restricting first amendment rights.

Gay asked at what point does a professor disagreeing with the view of student wind up being accused of suppressing the view of the student, and to what extent do we protect

the professor's academic freedom. Chancellor Green stated that the University is a place for the exchange of ideas and information. He noted that if a faculty member was making statements that pertain to the subject matter of the course, the faculty member is protected by academic freedom. If the faculty member chooses to use their classroom as a political platform and the comments were clearly outside the course that would be a different matter. He stated that he believes campuses across the country will continue to have very robust conversations about freedom of expression. Minter pointed out that she has taught and oversees graduate assistants teaching rhetoric, and instructors have always been supported by the administration when concerns were raised about classroom practice. Eklund suggested that topics of discussion be raised in a graceful and friendly manner and instructors need to promote to our classes that we don't have to agree on everything, but we can be kind and friendly.

Hanrahan noted that wearing a mask has been politicized and he can envision someone saying that it is their first amendment right not to wear one. Chancellor Green pointed out that the face covering policy and implementation of it is a very different thing because it is a policy in place for the protection and safety of the campus community. He stated that if a student wants to protest the wearing of a mask that is their right, but the university is going to enforce the policy because safety is the primary issue, and they will not be allowed to participate physically in the classroom as a rule of operations.

EVC Spiller reported that the Forward to Fall Committee developed a very clear face covering policy in consultation with the Lancaster County Health department, UNMC, and the CDC. She noted that if a person has a limited set of circumstances they can apply for an exemption to the policy, otherwise the policy covers everybody indoors, and outdoors in situations where social distancing is not possible.

EVC Spiller stated that the F2F Committee and Academic Planning Task Force are working on what can be done if a student decides not to wear a mask. She pointed out that she has asked deans not to develop their own protocols because we need to give clear and consistent guidelines to all of the faculty. She stated that the goal is to also provide chairs and faculty members with a clear understanding of what the process is if a student doesn't follow the campus safety guidelines. She pointed out that there are four components under our Student Code of Conduct that a student would be in violation of if they refuse to wear a mask.

Weissling asked if there will be a policy to keep people six feet apart in outdoor spaces. EVC Spiller stated that this issue is being discussed by the F2F committee and buildings are being identified with ingress and egress and there is consideration of putting visual reminders on the sidewalks to let people know of the six foot distance. Associate to the Chancellor Zeleny confirmed that signage on campus is likely to be installed.

Woodman asked what will happen if someone in a classroom or lab tests positive for COVID-19. Associate to the Chancellor Zeleny stated that contact tracing would occur and close contacts of the person would be notified. Minter asked if Housing is thinking about helping students to think about their behavior out in public spaces. EVC Spiller

stated that Student Affairs is seriously thinking about this not only because students can bring the virus to campus, but because people in that age group are more likely to be asymptomatic. She pointed out that educating the students of the risk is most important, and students need to understand that they are part of the community. She noted that all of the students will have to sign the Husker Commitment which states that they will adhere to social distancing rules, wear masks, and wash their hands frequently. She stated that these rules also apply to the dorms until someone is actually in their own room. She reported that the Greek houses are also following the same policies, and the leaders of student organizations are being asked to commit publicly to the Husker Commitment.

Chancellor Green thanked the Executive Committee for conducting the faculty survey and stated that the feedback provided has been very helpful and useful. He noted that many of the concerns raised are being addressed, but how the information is presented is important. As a result there will be joint Town Hall meetings for faculty and staff which will allow us to have deeper conversations to address these issues, and he can address some of the budget implications of COVID-19 for the next three-year budget period.

Chancellor Green reported that 60 of our faculty are retiring by taking the VSIP. He noted that, due to COVID-19, he has not been able to appropriately thank them for their many years of service. He pointed out that collectively, the 60 faculty members had over 1,000 years of service to the University. He stated that he is going to try to bring these faculty members back to campus in September for the Service Awards, if the conditions allow it.

2.4 Is one standard of proof required for all issues related to conduct? If so, what is the standard: preponderance of evidence, or clear and convincing?

Chancellor Green reported that preponderance of evidence will be used in both Title IX and Student Code of Conduct cases. He noted that the new Title IX guidelines came out recently and will be implemented by August 14. He stated that the new guidelines are being studied at the system level to implement standard practices across the campuses.

2.5 The new Title IX regulations allow for a single decider or a panel. Who do they think should be the decider, and if it is a panel, what should the panel look like? Do you see a role for the Academic Rights & Responsibilities Committee in this process?

Chancellor Green stated that under the new Title IX regulations either a single decider or panel would make a decision on Title IX cases. He reported that Central Administration seems to be heading toward a single decider, who would be either from outside the university or someone at the system level, and more than likely the person would be a lawyer. He noted that panels are used by the Student Conduct Board to deal with violations of the Student Code of Conduct and by the Academic Rights and Responsibilities Committee cases and the role of these two committees would remain.

2.6 Will there be any retraining of UNL Police to ensure that they are appropriately trained to do the least harm to an individual they are trying to subdue?

Chancellor Green reported that there has been a lot of conversation nationally, and in higher education, and is being looked at by all of the Big Ten campuses. He pointed out that UNL's Police just had a four-month external review conducted last summer and guidance was given to use on how to continue to evolve our police department to have a community policing model approach. He noted that we are in the final process of naming our permanent Chief of Police.

Weissling noted that we all have biases that we may not be aware of and suggested that the campus needs to consider this as we grapple with the issue. Chancellor Green stated that we are still looking at this issue, and we are being asked about our internal practices and profiling. He noted that we are also being asked about our relationships to the Lincoln Police Department, the State Patrol, and the County Sheriff's Offices. He pointed out that we do have a Police Advisory Board, but is requiring it have broader representation from across our campuses and community.

2.7 University Liability with COVID-19

Dam stated that a faculty member asked if an employee contracts COVID-19 as a result of doing their job, is the University liable. Chancellor Green stated that this is a workplace an employment law issue. He stated that this is being carefully looked at to ensure that we are legally correct and we are looking carefully at protecting our employees. He stated that the big question is whether universities are liable if a student contracts the virus while attending college. He stated that this is also being discussed as a national policy issue.

Woodman noted that five student athletes have tested positive for the virus and asked if student athletes are being tested when they come back for conditioning. Chancellor Green noted that there have been five student athletes since March that have tested positive and student-athletes are being heavily tested. He noted that two of the student athletes acquired the virus after they came back and both were asymptomatic. He pointed out that Athletics has been diligent to make sure that the testing has been done completely and transparently.

Buan asked if there are any reasons to suspect that the transmission of the virus occurred between student-athletes. Chancellor Green reported that any student-athlete who tests positive is placed in quarantine and there has been no known spread of the virus from these students. Billesbach asked if testing will be available for students coming from areas in the country where the number of infections have exploded. Chancellor Green stated that he believes we will have the available tests when needed, and any students who test positive will be placed in quarantine. He pointed out that he does not think it is possible for universities to be able to test everyone that comes to campus.

3.0 Director Nick Monk, Center for Transformative Teaching and Learning (<https://teaching.unl.edu/>)

Buan welcomed Monk and asked if he could provide a brief recap of what the CTT is currently doing. Monk reported that the Center has once again offered the Summer Institute for Online Teaching to help instructors tackle the challenges of online teaching,

offer strategies to increase instructor-student connection, suggest alternative assessments for students, accessibility, and inclusion in online classrooms. He noted that over 700 people have already participated in the summer workshops (<https://teaching.unl.edu/july-2020-workshops/>) and Summer Institutes for Online Teaching (SIOT) (<https://teaching.unl.edu/summer-institute-online-teaching/>). Due to the high demand, two weeks of new workshops are being offered in July as well as a self guided version of the SIOT later in the month. Hanrahan noted that he participated in some of the workshops and found the one on academic integrity to be very helpful and would recommend it for faculty who particularly have concerns about academic dishonesty. Monk pointed out that instructors can also contact the Instructional Designers in their colleges to get support. Buan asked if workshops will be available for those teaching in the spring semester. Monk stated that the Center is already looking at the demand and would be happy to run the workshops again if they are needed. He pointed out that the online resources for the workshops are being kept up to date.

Woodman noted that the workload for the CTT staff must have increased dramatically due to COVID-19 and the campus moving to remote instruction. He asked if Monk is satisfied with the funding for the Center. Monk stated that more funding is always helpful, but he is satisfied with the resources being made available, and noted that he has been able to increase the number of his staff.

Woodman asked if there was some in-house way of assessing whether cheating has occurred in an online course. Monk pointed out that the CTT does not believe the resources to purchase new proctoring software are available at present. He pointed out that the staff of the Center could assist instructors by connecting assessment with course goals to produce authentic practice, but noted that there is a real challenge in courses where there are many students to assess, but proctoring exams is difficult.

Minter stated that one of the challenges for students is that the courses they originally signed up for are now being taught in a very different format than they expected, and she is hoping that there is some research-based approach for students to think about what they need in order to be successful in a course. She stated that another concern is for students with disabilities because she does not think Canvas is quite as accessible for some of these students. She pointed out that changing the accessibility software for students with disabilities would be a substantial change, and it is important that we try to keep our online classrooms as inclusive as possible to accommodate all of the students. Monk reported that a learning guide for students has been published and he hopes it will help students to understand the new teaching model. He stated that accessibility issues are included in all of the workshops the CTT offers, and any of the Instructional Designers can help provide resources on this subject. Monk also recommended instructors contact Services for Students with Disabilities with which the CTT works closely.

Woodman reported that he received a message, as he was speaking, from Heath Tuttle stating that the distance learning center will be operating at one-third capacity this fall and asked if there are other locations that can be changed to accommodate testing facilities. Monk noted that Tuttle, along with senior representatives from the EVC's

office and others are meeting regularly to discuss and tackle the issue about academic dishonesty and suggested that the Executive Committee might want to contact Tuttle about this issue for further updates in a few weeks' time.

Hanrahan noted that incoming graduate teaching assistants will be arriving in August and asked if there are plans to implement the online workshops for them. Monk stated that he has been working with Graduate Studies to discuss how the workshops can be adapted for the graduate teaching assistants.

Monk stated that he hopes the Executive Committee and their faculty colleagues will stay in touch and continue to take the courses and workshops offered by the CTT. He stated that he has received good feedback on the courses, but if things arise that need to be addressed, please let either him or the Center staff know so they can work to provide assistance.

Buan wondered if it would be helpful to provide information about the Center through Nebraska Today, including testimony from people in the colleges to get the word out that the Center is available to assist all instructors. Monk stated that this would be very helpful. Hanrahan asked if it would be possible to have presentations about the Center to the faculty. Monk stated that he visited with some of the Deans and Chairs prior to the impacts of COVID-19 and he is very willing to speak with people.

4.0 Announcements

4.1 Faculty Senate Diversity and Inclusion Committee

Buan reported that the members for the committee have been appointed and she plans on meeting with the committee soon.

4.2 Town Hall Meeting

Buan stated that she attended the Town Hall meeting last week and the Chancellor discussed the budget and where we could possibly recoup some funds. She noted that the Chancellor did mention the university's plan to allow furloughs for auxiliary units and for staff members to voluntarily reduce their FTE over the summer, but would still be allowed to maintain their full benefits.

4.3 Faculty Senate Presidents' Meeting with President Carter

Buan reported that the Presidents from the Faculty Senate of the four campuses recently met with President Carter to discuss the budget situation. She noted that there was some discussion about the FTE reduction program and reported that only a few people have signed up for it. Woodman stated that it was reported that the FTE reduction program could be made permanent by a supervisor. Buan stated that it is currently a voluntary program which has to be requested by a staff member, and if a staff member was to do it for three years, it could be made permanent.

4.4 Board of Regents Meeting

Buan stated that she attended the June Board of Regents meeting where the Board approved the proposed budget for the University. She noted that there would be zero

merit increases this year for UNL and UNMC, but increases for promotion and tenure would be provided. She stated that the plan is to provide the non-unionized campuses with a 1.5% increase next year, and then a 3.5% increase the following year. She reported that \$20 million in the next two years will be earmarked for compensation for UNL and UNMC to bring them to the mid-point of their peer institutions, and for other strategic investments.

Buan reported that there was testimony from three UNL graduate students regarding objections to the proposed Student Code of Conduct. The students pointed out that the Graduate Student Assembly did not approve the proposed revisions and they wanted more clarification on the rules regarding graduate students and teaching. Minter asked if the students wanted clarification on when they are considered employees. Buan noted that the Code only mentions graduate students twice and it is not clear when the Code applies to them as students. She reported that consideration of the Student Code of Conduct has been postponed until there is further input from the GSA.

4.5 New Faculty Orientation

Buan stated that she and Kolbe will be staffing the Faculty Senate information table at the new faculty orientation on August 19. She stated that she understands that there will be sessions for the new faculty to keep the density population low.

5.0 Approval of June 16, 2020 Minutes and June 11, 2020 Emergency Meeting Minutes

Buan asked for approval of the June 16, 2020 Executive Committee minutes. Woodman moved for approval, seconded by Eklund, and approved by the Executive Committee.

Buan asked for approval of the June 11, 2020 Executive Committee Emergency Meeting minutes. Billesbach moved, seconded by Woodman, and approved by the Executive Committee.

6.0 Unfinished Business

6.1 Faculty Senate Survey of the Faculty

Buan reported that she distributed the survey results with the Executive Committee and administrators, and noted that the results from the survey underscore the concerns the Executive has been raising to the administrators. She pointed out that she communicated to the administrators that there are still questions regarding who has the responsibility of making decisions about teaching and in-person classes. Billesbach suggested sending the poll to the other campuses to see if they would like to conduct a similar survey.

Weissling noted that there was some discussion about possibly testing everyone that comes to campus and asked if this was still being considered. Buan pointed out that the technology and accuracy of things like antibody testing are not very accurate. Krehbiel reported that AVC Goodburn and VC Wilhelm has been meeting with the Interim Director of the Lancaster County Health Department and the Health Department has discouraged mass testing. She noted that an issue with testing is point of time; someone may test negative and then just a few days later may be positive with the virus.

7.0 New Business

7.1 NU Faculty Senate Presidents' Statement against Racism, Privilege and Inequity

Buan reported that the Faculty Senate Presidents developed a statement against racism, privilege, and inequity with plans to present it to President Carter. She called the question asking the Executive Committee to vote on approving the statement. The Executive Committee approved.

7.2 Spring 2021 Academic Calendar Modification Recommendation

Buan reported that the spring 2021 academic calendar modification comes from the Academic Planning Task Force which is asking the Executive Committee for approval of the schedule. She noted that the spring semester would start two weeks later, spring break would be eliminated, and the 15th week and finals week would be shortened. She noted that there is a plan to have a 3-week online mini session prior to the start of the spring semester.

Hanrahan stated that two faculty members in his department supported it, two had some concerns, but there is overall frustration about the compressed fall schedule because of trying to onboard graduate students and teaching assistants. He pointed out that this puts a great deal of stress on units. Minter noted that in English the graduate teaching assistants teach two courses and they are also taking three courses. She pointed out that a compressed semester increases the workload for these students, and most work around to complete their own course work is done during the break. She stated that it would be helpful if graduate students had an extended deadline for submitting coursework, but Registration is being difficult about providing a different grade deadline for graduate students. Buan stated that she will pass along these concerns.

Hanrahan asked who would be teaching the 3-week mini courses. Buan stated that these would be instructors who volunteer and it could be faculty members who would have a supplementary contract. She noted that instructors can put proposals in for doing an online course.

7.3 Resignation Letter (Please keep confidential - this letter is not for distribution)

The Executive Committee went into closed session to discuss the resignation of a faculty member from a committee.

7.4 Recommendations of faculty for the Academic Planning Task Force

Buan reported that the Academic Planning Task Force has asked for additional faculty members to serve on the Task Force. The Executive Committee suggested names of potential members.

7.5 Recommendations of Faculty for the NU Ad Hoc Travel Advisory Committee

Buan asked the Executive Committee for names of possible members for the NU Ad Hoc Travel Advisory Committee.

The meeting was adjourned at 5:54 p.m. The next meeting of the Executive Committee will be on Tuesday, July 14, 2020 at 2:30 pm. The meeting will be conducted via Zoom. The minutes are respectfully submitted by Karen Griffin, Coordinator and Lorna Dawes, Secretary.