

UNL FACULTY SENATE MEETING MINUTES
November 3, 2020
Presidents Nicole Buan, Steve Kolbe and Kevin Hanrahan, Presiding
Zoom Meeting

1.0 Call to Order

President Buan called the meeting to order at 2:31 p.m.

2.0 Announcements

2.1 Roll Call Voting

President Buan noted that there were a number of items on today's agenda that required a vote and to ensure that only Senators voted she will be using a roll call vote at today's meeting and at future meetings.

2.2 Spring Senate Meetings

President Buan reported that she anticipates that the spring Faculty Senate meetings will be conducted via Zoom. She stated that an updated Zoom link for the meetings will be provided to the Senate.

3.0 Chancellor Green

Chancellor Green noted that the semester continues to go well during these challenging times as we approach the end of the semester. He reported that even as the number of positive cases of COVID-19 in the State continue to climb, the campus currently has a 6.5% positivity rate which is lower than we had earlier in the semester, although we are seeing some slight increase which the administration is carefully observing. He stated that randomized testing has been occurring and we now have a base number with a 2.5% positivity rate. He stated that there have been no hospitalizations or serious illness in the UNL community.

Chancellor Green reported that EVC Spiller has informed him that present enrollment numbers for the spring semester are up as compared to this time last year and early enrollment trends are positive. He noted that the campus is working hard to prepare operations for the spring semester which begins on January 25 and the course offerings have been finalized in terms of structure. He stated that the administration is still having constant communication with the Lincoln/Lancaster County Health Department regarding testing protocols for the spring semester.

Chancellor Green reported that the Academic Planning Committee continues to work on the proposed budget cuts and recently held public hearings. He stated that the Committee is in the finalization stage of the process and he is looking forward to hearing the Committee's decision in a couple of weeks.

Chancellor Green noted that this is Research Week and there are numerous events taking place such as Women in Science and the Nebraska Lecture Series with Professor Joy Castro. He stated that Research Week celebrates the impact of our research and the creative activity being conducted by members of the campus and pointed out that in spite of the pandemic, we have had a very good year and our research expenditures continue to be high.

Chancellor Green stated that later in the week an announcement will be made regarding the Grand Challenges which were developed by faculty, staff, and students who collaborated this summer to identify the university's grand challenges which are major societal issues that can be solved only through interdisciplinary collaboration. He noted that the next step is to begin taking actions on the identified Grand Challenges. He pointed out that identifying the Grand Challenges and working on them is a goal of the N2025 strategic plan.

Chancellor Green noted that the Senate will consider the proposed changes to the Regents Bylaws and the Academic Rights and Responsibilities Procedures at today's meeting and several administrators and members from the General Counsel's office will also be in attendance to provide any clarification on the proposed changes. He pointed out that these changes will clarify and improve the Bylaws that will help the University address any future issues that may arise. He noted that included with the proposed Bylaws changes, is language regarding the notice of termination for Extension Educators which was first approved by the Senate in 2015. He stated that he hopes that the proposed changes will be approved by the Senate so they can be moved forward in the process.

President-Elect Kolbe asked if an incentive for students to register early for the spring semester could be to allow them to keep their same dorm room, in which they could leave their possessions, and have the same roommate. Chancellor Green stated that it is too early yet to know what our retention numbers are, but as he mentioned at the October 6 Faculty Senate meeting, retention is being heavily focused on particularly for the first-year students. He reported that he does not have information regarding housing at this time.

Professor Herstein, Durham School of Architectural Engineering and Construction, pointed out that some departments in the Engineering College span the UNL and the UNO campuses and the faculty members in these departments are currently teaching on two different semester calendars. She stated that there is concern that these faculty members are not getting any breaks at all. Chancellor Green stated that he knows this has been a particularly challenging semester for these faculty members because the semesters are not aligned this year due to UNL having a compressed semester. EVC Spiller reported that Dean Perez of the Engineering College was very concerned about this issue, but given that UNL has a higher number of out-of-state students the paramount concern was to minimize the risk of the virus spreading and the recommendation to compress UNL's semester was approved by the Faculty Senate Executive Committee, the Academic Planning Committee, and the Forward to Fall Committee. She noted that UNO's philosophy is quite different because their student body is more regionally located, and it was a very hard decision for both groups. Dean Perez is trying to mitigate the situation for both the faculty and students involved. She pointed out that UNO will have a spring break, but we will not. Chancellor Green pointed out that the primary issue was safety and having students who leave campus to travel elsewhere during the spring break poses real health risks.

Professor Nicholas, Textiles, Merchandising and Fashion Design, asked what the administration's strategy will be with the threat of the federal government withholding funds if the University continues diversity training. Chancellor Green stated that the University is very aware of the pending regulatory rule from the federal government. He stated that at this time we do not have plans to make changes to our current policies and we will need to see what happens with the Presidential election. He noted that the University is planning to sign on to the amicus brief against the regulatory change with other higher education institutions.

Professor Baesu, Mechanical and Materials Engineering, asked if there will be any changes to the testing protocol for the campus for the spring semester. Chancellor Green reported that we are working closely with the Lincoln/Lancaster County Health department to what our protocols will be for the spring semester. He noted that we will have an unusually long break between the semesters when most students will be gone and there is a concern with health risks associated with the winter season. He stated that there will be an increased level of testing and there are discussions about what our testing protocol will be.

4.0 Approval of October 6, 2020 Minutes

President Buan asked if there were any revisions to the October 6 minutes. Professor Nicholas asked for a correction to be made in the Open Mic section that Textiles, Merchandising, and Fashion Design has four graduate degree specializations. The minutes were then approved by the Faculty Senate.

5.0 Committees

5.1 Research Council (Professor May)

Professor May, Chair of the Research Council, noted that the full report was included in the Senate packet. She reported that the Research Council has three primary tasks: to advise the VC of Research and Economic Development, to select the speakers for the Chancellor's Distinguished Lecture Series, and to award internal grants for research. She stated that there are 12 committee members representing 12 different departments and the Administrative Coordinator Mari Greer provides invaluable assistance. She noted that the Lecture series speaker, Professor Thomas from History, had to be rescheduled for the fall semester due to the pandemic. She stated that this Friday Professor Joy Castro from English was presenting her lecture for the series.

Professor May stated that the Research Council does not have any recommendations for the Faculty Senate. She noted that the budget summary for the Council, including the Foundation funds that were used for research on campus, were provided in the report. She stated that this fall the Council received proposals for seed grants and grants-in-aid and the Council has a subcommittee which reviews the applications and determines the awards for the grants.

5.2 University Commencement and Recognitions Committee (Professor Gorman)

Professor Gorman, member of the UCRC, reported that the Committee sped up its approval process to allow students to wear special regalia if they have been awarded honors by an honor society that is recognized by the Association of College Honor Societies. He noted that the Committee receives requests from non-academic groups and the Committee, in cooperation with the Senate Executive Committee, gave approval to allow students to wear a pin on their stole from any approved RSO.

Professor Gorman stated that the UCRC worked to develop the virtual commencement ceremony in May which was streamed. He reported that 3500 Go Big Red boxes were sent out to each graduate and these boxes included keepsake items including tassels, mortar boards or tams with appropriate tassel, and other items. He stated that 1200 graduates participated in Storytelling of May 2020 where they talked about their Husker experiences, what graduating from Nebraska means to them, gave faculty shoutouts, and spoke about their transformational moments from their college careers. He stated that over 5,000 people streamed the event, but everyone on the Committee felt that all graduates should have the opportunity to participate in any in-person graduation ceremony in the future if they wish to do so.

Professor Nicholas asked if students could wear regalia, particularly the stole, that is somewhat non-traditional. Professor Gorman stated that they would need to make a request to the UCRC, but it is possible that they could providing it does not bother other graduates.

6.0 Unfinished Business

6.1 Motion to Approve the Proposed Revisions to Regents Bylaws

President Buan wanted to thank everyone who worked on the proposed revisions to the Regents Bylaws. She recognized the administrators and members of the General Counsel who were in attendance at today's meeting: Chancellor Green, EVC Spiller, AVC Walker, VC Boehm, Interim Dean Varner, General Counsel Pottorff, Senior Associate General Counsel Hoefler, ADA/504 Compliance Officer Huryta.

President Buan reported that Professor Zuckerman, Educational Administration, moved to amend Section 4.13.1 Applicability of Leave by adding "one's self or". Past President Hanrahan seconded the amendment. President Buan conducted a roll call vote. The amendment was approved unanimously.

Professor Zuckerman stated that she had concerns with Section 4.13.1.1 Leave Based on Mental Health Concerns, because administrators do not have the professional experience necessary to diagnose a mental health problem. She proposed an amendment to replace the previously proposed language with the following: "Mental health leave will be handled through the same processes that

physical health leave is addressed if a faculty member is unable to perform their assigned work duties with reasonable accommodations. For faculty who do not yet have accommodations in place, the administration will work to assure that faculty have reasonable accommodations in place to support their ability to perform assigned work duties if and only if the faculty wishes to disclose their condition, a right that is protected under federal law.” Professor Wilkins, Biological Systems Engineering, seconded the motion. Professor Golick, Entomology, noted that the amended language protects people’s privacy which are very important. He asked what the next steps in the process will be. President Buan stated that whatever the Senate approves will go forward to the Chancellor and then it will need to be reviewed by the Faculty Senates at our sister campuses, then reviewed by the Academic Officers of each campus, then to the system level Academic Affairs Committee, then to President Carter and his Council before being placed on the Regents agenda. She stated that if all parties approve the documents, they would be put on the Board of Regents agenda, hopefully for the December meeting for the first reading or the February meeting.

Past President Hanrahan asked the Chancellor or Executive Vice Chancellor whether they would like to voice support or non-support on whether they think the proposed revisions will be moved successfully through the system. Chancellor Green stated that the administration had concerns about the mental health clause. EVC Spiller stated that her office had some concerns along the same lines as Professor Zuckerman, but she thinks Professor Zuckerman has suggested changes that reflect the corrections that were needed. President Buan then conducted a roll call vote. The amendment was approved unanimously.

Professor Zuckerman moved to amend Section 4.13.2 by adding “If the threat assessment and faculty committee believe it to be warranted that threats to self or others is due to a mental health crisis they may recommend a faculty member be evaluated by a mental healthcare provider of their choice within a specified timeframe. This timeframe will be extended if the individual cannot be evaluated within that timeframe despite the best efforts of the individual to schedule a timely appointment. If the individual is unable or unwilling to schedule an appointment with a mental healthcare provider of that individual’s choice within a reasonable period of time, the faculty and threat assessment team may require that the individual be evaluated instead by a mental healthcare provider selected by the University before proceeding with evaluating the need for a leave and will be handled in the same way medical leaves are handled. The faculty will retain the right not to share results with the faculty committee or threat assessment team. Any records the faculty member chooses to share from the healthcare provider will be deemed a confidential medical information.” And deleting “In the case of the threat assessment committee, the recommendation should focus on whether the conduct attributed to the individual presents a significant risk of harm to that individual, to others within the workplace or to University property or facilities.” The motion to amend the language was seconded by Professor Wonch Hill, Centers-At-Large.

Professor Nicholas, noted that the amendment mentions a timeframe and asked if this is referred to in other sections of the Bylaws or can this be left vague. ADA Compliance Officer Huryta stated that this would more than likely be on a case-by-case basis. Past President Hanrahan questioned the wording, if the Committee has requested the review, but they do not get the results of the review, how does the process move forward. Professor Zuckerman asked under what circumstances would someone have to disclose medical information. ADA Compliance Officer Huryta stated that if someone is unable to perform their functions because of a medical condition, an employer can request documents to confirm the medical condition. Professor Weissling, Special Education and Communication Disorders, asked if someone would have to disclose their medical health if they wanted to attain accommodations for working. ADA Compliance Officer Huryta stated that the accommodation process asks the medical provider for input on what the individual person is capable of performing and what are their limitations. She noted that her office retains this information confidentially. She stated that there are discussions with the employee and their supervisor and collectively they come up with a plan to accommodate the employee. Professor Weissling asked if the committee is getting the information rather than the ADA. ADA Compliance Office Huryta stated that the committee would only be provided limited information.

She pointed out that her office could be very helpful to the committee in dealing with these kinds of situations. Professor Zuckerman stated that she sees no problem with sharing information with the ADA office, but she does have concerns with sharing information with the committee. Past President Hanrahan stated that he was concerned from a policy standpoint that the proposed language is not clear on what needs to be done. Professor Zukerman stated that clarification was needed that if a person is a threat to themselves that the first step would be to get the person help. Professor Lindquist, Agronomy & Horticulture, proposed an amendment to remove the last two sentences: “The faculty will retain the right not to share results with the faculty committee or threat assessment team. Any records the faculty member chooses to share from the healthcare provider will be deemed as confidential medical information.” Noting that the elimination might help address the concerns raised by Past President Hanrahan. Past President Hanrahan noted that the point of the threat assessment is to see if there is the chance for harm, and if so, if it is due to mental health reasons, that the recommendation is to follow the leave for mental health policy. There was no second for Professor Lindquist’s motion.

Professor Herstein asked who is on the threat assessment team. Chancellor Green stated that it is a standing team of professional experts from across the campus and includes the UNL Police and is led by Professor Scalora, Psychology. Associate to the Chancellor Zeleny noted that there are representatives from the faculty, Graduate Studies, Judicial Affairs, and the Office of Student Affairs on the team.

Past President Hanrahan moved to amend the proposed amendment to “...health crisis they may recommend the University pursue a Leave for Mental Health as outlined in Section 4.13.1.1 above.” Professor Peterson, Agricultural Economics seconded the motion. President Buan called for a roll call vote and the motion to approve the additional amendment was approved.

President Buan then asked for approval of the complete amendment to section 4.13.2. She conducted a roll call vote and the motion was approved.

President Hanrahan moved that Section 4.13.4.2 Expiration of Appointment While on Leave be approved. Professor Wilkins seconded the motion. President Buan conducted a roll call vote. The motion passed unanimously.

President Buan then called the question on the motion to approve the proposed changes to the Bylaws. She then conducted a roll call vote. The motion was approved unanimously.

6.2 Motion to Approve the Proposed Revisions to UNL Bylaws

President Buan reported that the proposed revisions were presented at the October 6 Senate meeting and there has only been a slight amendment to change the wording.

Professor Fech, Metro District, moved to address agenda item 7.1 now in the meeting. Motion seconded by Professor Stoner, Eastern NE Research & Extension Center. President Buan asked if there were any objections to the reordering of the agenda, hearing none the motion was approved.

6.3 Motion to Approve the Proposed Revisions to the Academic Rights and Responsibilities Procedures

President Buan noted that the proposed changes to each of the Academic Rights and Responsibilities Committee procedures were presented to the Senate at the October 6 meeting and asked if there was any further discussion. Hearing none she called the question. She then conducted a roll call vote and the motion passed unanimously.

7.0 New Business

7.1 Emergency Motion to Approve the Proposed Changes to Regents Bylaws Section 4.4.5 County Employees of the Cooperative Extension Service of the University Nebraska-Lincoln

President Buan noted that the motion to revise Regents Bylaws Section 4.4.5 comes from the Executive Committee.

Professor Fech stated that Section 4.4.5 pertains to Nebraska Extension and the interlocal agreement between the University and the counties where Extension offices are located. He stated that the agreement is for the county to provide operating funds and support staff funding for the Extension offices, but this section of the Bylaws is 20 years out-of-date. Currently the Douglas/Sarpy unit has discontinued hiring support staff because the county will not provide the funding until the interlocal agreement is updated. He stated that the proposed language is more accurate and up to date with current practices. President Buan conducted a roll call vote. The motion passes unanimously.

7.2 Open Mic

Professor Stevenson, English, asked if there was an update from the Executive Committee regarding improvements for Lecturers, particularly those in the College of Arts and Sciences. President Buan noted that the Executive Committee has raised the issue with the administrators as reported in the Executive Committee minutes. She pointed out that the Executive Committee is always championing improvements for non-tenure track faculty members and it will be an agenda item again when the Committee next meets with the administrators. Professor Stevenson noted that there seems to be some movement on instituting some university-wide changes rather than just making improvements in CAS. She pointed out that Lecturers are working very hard and it is very urgent to them that there be some improvements. President Buan stated that efforts are being put forward from the other campuses as well. Weissling stated that these issues are continually being raised by the Executive Committee and it continues to give as much pressure as possible to the administrators to move things forward.

Professor Buan thanked all of the Senators who stayed for the full length of the meeting and who helped the Senate get through all of the proposed changes that needed to be voted upon today.

The meeting was adjourned at 4:38 p.m. The next meeting of the Faculty Senate will be held on Tuesday, December 1, 2020, at 2:30 p.m. via Zoom. The minutes are respectfully submitted by Karen Griffin, Coordinator, and Lorna Dawes, Secretary.