

EXECUTIVE COMMITTEE MINUTES

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

Absent:

Date: Tuesday, September 15, 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 3:01 p.m.

2.0 Title IX Collaborative Recommendations interfacing with University Title IX Policy – Professors Swearer, Stenberg, Kort-Butler; Director Boehm, Big Red Resilience & Well Being; Associate Director Brant, Center for Advocacy, Response, and Education; AVC Johnson; Education and Outreach Coordinator Fette

2.1 Title IX Collaborative Recommendations and How They Will Interface with University’s Revised Title IX Policy

Swearer reported that the Collaborative was structured with 75 members consisting of faculty, staff and students. To ensure that student voices would be heard Swearer stated that three parallel committees were formed with each one providing a report upon completion of their work. She noted that each committee then had subcommittees. Reports from all of the committees were due by the end of June and she incorporated the findings of these reports into one document, and after input and consultation with all of the subcommittees it was determined that there should be an executive summary with recommendations, a 25-page report, appendices providing links to resources, and the individual six subcommittee reports. The final version will be submitted to the Chancellor.

Stenberg stated that she is a member of the Intervention subcommittee which has concerns with the new federal Title IX regulations because of the ramifications it has for the survivors. She reported that only about 5% of sexual misconduct cases get reported at most institutions. She pointed out that having a live hearing and cross-examinations changes the process, and an additional concern is the narrowing of the definition of sexual misconduct. She noted that we will need to think about policies to deal with misconduct that falls outside of the narrow definition written in the federal regulations.

Dawes stated that she and Kort-Butler are on the Policies, Procedures and Practices subcommittee and reported that there was a broad range of participation including representation from the University Police Department and ASUN President Miller, and

having these different voices was very helpful. Kort-Butler pointed out that the new federal guidelines creates challenges of connecting the Regents policy to the campus policies. She stated that having climate surveys and keeping up-to-date data from the Title IX office will help us to move forward.

Boehm stated that she was the co-chair of the Prevention and Education subcommittee and the committee focused on education and reviewing what other universities are doing to provide education and good communication to the campus community about sexual misconduct because there needs to be campus-wide education. She noted that a website will be developed that will provide clear information and resources. She pointed out that students have been very involved with the subcommittee work.

Brant noted that the subcommittees agreed on many areas of concern and were all in favor of UNL participating regularly in climate surveys regarding sexual misconduct. She reported that an area that is still unclear is the removal of having individuals designated as a mandatory reporter, or responsible employee. She stated that the new regulations are calling for officials of authority to report cases of sexual misconduct, but UNL needs to determine what language will be presented to the broader campus so people know whether they are required to report incidents.

Minter asked how the work of the Collaborative will be carried forward by the Chancellor's office and to the system-wide process. Swearer pointed out that the Collaborative is separate from the Central Administration group that worked on developing the system-wide university policy. She stated that the system-wide policy is less about the procedures and the Collaborative will have specific recommendations around things such as training and campus procedures dealing with sexual misconduct. She stated that one of the recommendations calls for the Chancellor to establish a commission to look at sexual misconduct.

Minter noted that the revisions to the Regents policy identifies a much smaller number of individuals who have the responsibility to report cases of sexual misconduct. She asked how students will get their concerns elevated. Swearer pointed out that this goes back to the training and transparency of having a very clear process. She stated that there needs to be very clear guidelines about training and reporting, and there will be a recommendation to include a statement on each course syllabus regarding reporting sexual misconduct.

Billesbach noted that there could be major changes in the Department of Education and Title IX guidelines could change again. He asked how nimble the recommendations are being made by the Collaborative. Swearer stated that she believes they are nimble and noted that they have been based on research, also numerous faculty members with expertise in specific areas associated with sexual misconduct were members of the Collaborative.

Buan asked if the Collaborative feels that we are barred from taking the best practices that are used at other institutions because of the federal guidelines. Swearer stated that she did not think we were barred, but we do need to be careful.

Buan asked about the proposed syllabus statement. Fette reported that he was asked by a faculty member, who was a responsible employee, to help write language that could be included in his course syllabus concerning Title IX procedures and reporting. He gave the language to AVC Walker who suggested that it be included in the Faculty Senate syllabus policy. Buan asked if the statement was given to the Collaborative to review. Fette stated that it was initially only given to AVC Walker for her to review. Swearer stated that a suggestion to have a statement that would provide clear information for students and faculty about Title IX violations and reporting is being made by the Collaborative. Buan asked if it should be required language and Swearer stated that it should.

Hanrahan stated that the length of the statement is too long and if faculty members are going to include it in their syllabi it needs to just be a paragraph. Woodman pointed out that with all of the information that is now being required in course syllabi, the Title IX information might not be noticeable, and suggested that there needs to be a clearly identifiable link to a website that would provide information to students on what action they can take.

Billesbach asked if cases are reported if they do not have a full investigation. Fette stated that if an incident is reported it must be recorded in the Clery statistics, but no detailed information is provided. Billesbach asked if this includes cases that do not go beyond first contact with a university employee. Fette stated that they would still be recorded. Stenberg pointed out that the Clery keeps track of crimes. Fette noted that the University Police could provide more information about the Clery statistics. He pointed out that any buildings being used by a recognized student organization now fall under the Title IX guidelines. He noted that this distinction was not defined previously.

Woodman stated that faculty have had serious conversations about what constitutes sexual misconduct and whether a faculty member having sex with a graduate student would be considered sexual misconduct. Johnson pointed out that many departments and colleges have their own policy regarding consensual sex, but the University does not have a specific policy about consensual relations. Woodman asked if the College of Arts & Sciences has a policy prohibiting sexual relations, would another faculty member having this knowledge be required to report it to the Title IX office. Johnson stated that the Executive Memo 2.1.8 and policy of the Board of Regents does not define consensual sex as misconduct, although he acknowledged that power dynamics could be a problem which should be covered in a separate policy. He noted that our policies comply with the federal governments' regulations.

Minter asked for clarification on what it means to be an expected reporter. Johnson pointed out that anyone can make a report on a Title IX violation, but the University policies define individuals who are legally required to report violations. He stated that

Central Administration felt that those individuals who have authority to institute correctives measures should be more narrowly defined.

Minter asked where someone would go to privately speak about an incident if they do not want it reported. Johnson stated that CAP, the Victim Advocacy Center, health care provider, and clergy all are protected from having to disclose information and individuals can communicate confidentiality to these entities. Kolbe pointed out that students will occasionally speak to him about confidential issues because they feel they have a trusting relationship with him and he does not want to violate their confidentiality if they do not wish it to be reported. Stenberg stated that this was a concern in her subcommittee as well and noted that there needs to be clarification on what is expected versus what is mandatory reporting. She pointed out that survivors want to make the decision as to whether to report a sexual misconduct. She stated that if we are expecting people to report incidents, they need to receive training. Fette reported that there is a new online training module which is much better than the old version, and the Victim Advocacy Center is working with victims, residence hall assistants are being trained, but we need to figure out the best way to provide training for the faculty. Brant suggested that a module be created about how a person should respond in a certain situation. Buan stated that this would be a good idea that fits into our N2025 Strategic Plan. Swearer suggested that a faculty development workshop could be created that could be delivered at departmental meetings or college retreats and noted that she would be happy to collaborate on developing the workshop.

Gay asked for clarification on the statistics of sexual assault on campus. Brant stated that nationally one in four female students are assaulted, one in six men are assaulted on campus. Gay noted that the reporting rate is only one in twenty. Stenberg stated that only 5% are reported to the Title IX office. Brant stated that the national statistics are compiled by the RAINN organization, but smaller studies find similar statistics.

Buan stated that if the Collaborative can share its final report, the Executive Committee would like to receive it. She thanked everyone for their attendance and participation.

3.0 Associate to the Chancellor Jake Johnson and Education and Outreach Coordinator Ryan Fette (3:00)

3.1 Maintenance of Title IX Records Involving Faculty

Johnson reported that Title IX case records involving faculty members are currently kept separately from student records which are maintained in a program called Maxient which allows the office to compile data. He noted that Maxient files are protected and asked if the faculty case files can be put into the Maxient database. He stated that the ability to query data in a more efficient manner by using Maxient would help the Title IX office to manage their case load better and pointed out that the other NU campuses are using it.

Minter asked what information is stored on faculty members. Johnson stated that only information that goes through an investigation is kept. Buan asked if files are kept on both parties involved in a case. Johnson stated that this can be done with the case management software and it allows the office to handle case files more efficiently. Buan

asked if faculty would be allowed to evaluate what information is being submitted on their behalf in an investigation. Johnson reported that once the investigation process is opened it requires notification of who is involved, and information must be turned over to the parties and their advisors.

Buan asked if a complaint is filed against a faculty member or other employee, could the database be checked by an administrator to see if previous complaints were filed to see if there is a pattern of behavior. Johnson stated that only a limited number of administrators can look at existing data, and a formal request would have to be made. Woodman asked how long the records are kept. Johnson stated that records need to comply with the University's record keeping policy.

Buan thanked Johnson and Fette for meeting with the Executive Committee.

Billesbach suggested that it would be good to have a proposal written for the Senate Executive Committee that would outline when records would be purged, who has access to the database and what criteria is required to gain access. Buan stated that she would contact Johnson to provide more information.

4.0 Announcements

4.1 Meeting with EVC Spiller

Buan reported that she met with EVC Spiller to clarify the additional changes recommended by the Executive Committee to the Board of Regents Bylaws. She noted that she has worked with the Ad Hoc Committee to Remove the AAUP Censure and the proposed changes should go to the academic officers at the other campuses next week.

Hanrahan asked if the Chancellor agrees with the changes and asked if EVC Spiller was empowered to speak for the Chancellor when she agreed to the additional changes. Buan stated that EVC Spiller is empowered to bring this final version to the other academic officers and the Chancellor has given her this authority. She noted that the Chancellor strongly supports resolving the issue and agrees that we want to move it forward, but we want assurances that the Chancellor also supports the revisions.

4.2 COVID-19 Testing Questions

Buan reported that she contacted AVC Goodburn and VC Wilhelm about additional questions the Executive Committee had regarding testing for COVID-19 and they said the COVID-19 website will be updated and there will be more emphatic messaging to encourage students to get tested.

4.3 Data on Three-Week Session

Buan stated that she has contacted AVC Goodburn to inquire about what data will be collected on the three-week session in December. She reported that AVC Goodburn said they were planning to look at the typical statistics and she appreciated the suggestions about finding out if the session is helping students for graduating and how popular the courses are.

4.4 Workload for Engineering Professors Who are at UNO

Buan stated that she received an email message from Engineering Senators raising concerns that those who teach at UNO are working on both the UNL modified semester and UNO's regular semester. She noted that this was raised with AVC Walker when the modified calendar was first suggested, and it is being addressed with administration to make sure these professors are not being overly subscribed.

4.5 Update from Information Technologies and Services Committee

Woodman reported that there has been a lot of delays in getting equipment, but an additional 100 classrooms are now online. He noted that Box will no longer be available by next next year and we will be using One Drive instead. He pointed out that the cost difference between Box and One Drive is substantial.

Woodman reported that the migration to Duo Authentication is being done alphabetically and people will be receiving notices that they will be moved to it starting the first week of October. He noted that 90% of the compromises to our computing system emerges with people not having two-factor authentication.

Woodman stated that there will be no future changes with the Digital Learning Center in the near future, although they are increasing the available times for using the DLC during finals week. He noted that the proctoring program Respondus is increasing its cost from \$10,000 to \$90,000 a year.

5.0 Approval of September 8, 2020 Minutes

5.1 Clarification from VC Nunez on Salary Increases

Buan reported that VC Nunez provided clarification to the September 1 Executive Committee minutes regarding salary increases. She read:

The proposed budget for the FY22 & FY23 biennium indeed includes recognition of a salary program for UNL and UNMC of 1.5% in FY22 and 3% in FY23 for both faculty and staff. This is based on several assumptions including enrollment and state appropriation increases. In addition, the proposed budget contains "President and Chancellor Strategic Priorities" of \$10M in each year in the biennium (\$20M total) for all of NU for what is articulated as "anticipated investments in strategic planning initiatives such as student success, faculty compensation and facility renewal and repairs."

Griffin noted that she has not received the Chancellor's edits to the September 8th minutes. The Executive Committee agreed to postpone approval of the minutes until September 22nd.

5.0 Unfinished Business

5.1 Update on budget expenditures for outside consultants

Buan reported that the information requested on the expenditures for outside consultants has still not been received.

5.2 Goals for 2020-2021

The Executive Committee reviewed and revised the Committee's goals for 2020-2021.

6.0 New Business

6.1 Faculty Members for the University-wide Departmental Teaching Award Committee and the Outstanding Research and Creative Activity Award Committee

Buan reported that she received a request from AVC Walker to identify faculty members to serve on the University-wide Departmental Teach Award Committee and the Outstanding Research and Creative Activity Award Committee. The Executive Committee recommended several faculty members for each committee.

6.2 Discussion with VC Bellow and/or AVC McDowell, ASUN President Miller, and or Director Thiedeman Concerning Theft of Black Lives Matter Sign

Buan noted that she has received several complaints from faculty members regarding the fraternity members who stole Black Lives Matter signs from people's lawns. She asked what action the Executive Committee should take. Dam noted that this is an issue that the Interfraternity Council needs to address. Hanrahan suggested writing a letter to the Interfraternity Council, copying it to the Chancellor, EVC Spiller, VC Bellows, and VC Barker, asking what actions are being taken against the students involved in the incident. Woodman suggested also writing the Co-Chairs of the UNL Journey to see what action they think would be appropriate.

6.3 AAUP poll and circulated petition

Woodman reported that the AAUP initiated its own poll to gain insight into the faculty's views on UNL's plan for in-person instruction this Fall Semester. He noted that the poll was conducted through the Bureau of Sociological Research. Eklund pointed out that the Senate needs to be transparent about the work we are doing because there are faculty members who thought that the AAUP poll came from the Senate.

Dawes asked who initiated the petition that is going around campus to have all courses be taught remotely. Minter stated that it came from the Humanities. She pointed out that anyone can sign the petition, it is not just for faculty.

The meeting was adjourned at 5:35 p.m. The next meeting of the Executive Committee will be on Tuesday, September 22, 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.