

EXECUTIVE COMMITTEE MINUTES

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

Absent: Franco Cruz

Date: Tuesday, January 26, 2021

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 2:34 p.m.

2.0 Chancellor Green/EVC Spiller/VC Boehm

2.1 Any changes or discussions regarding lessons learned from the fall 2021 semester?

Chancellor Green stated that the mode of instruction of courses and prioritizing to allow for more in-person courses are the primary lessons learned from our experiences this past fall. He stated that next would be our COVID testing protocols which have evolved and are helping to further mitigate our risk of infection on campus. EVC Spiller stated that one of the biggest changes from the fall semester is the simplification of the delivery mode of courses and the decision to move the very large classes to online which ensured that those who want to teach in-person mid to small size classes would have the ability to do so.

Chancellor Green reported that it was evident that the compressed fall semester was a grind for everyone, and there has been discussion on how to accommodate more flexibility for wellness days and reading days. He noted that there will be no spring break this semester to restrict travel and exposure to the COVID-19 virus.

Buan stated that the winterim classes were very successful and asked if there are any discussions about adjusting our regular academic calendar to accommodate future winterim courses. Chancellor Green reported that the Chief Academic Officers (CAOs) of each campus have been discussing it but there are some issues that are some concerns that need to be dealt with before it could happen. He reminded the Executive Committee that the UNO engineering students were on a different calendar than the UNL students this past fall. EVC Spiller stated that President Carter brought a proposal forward for a modified calendar for next year which would allow for a more fully piloted intersession: that proposal is under review to ensure that any complexities can be addressed. She noted that we have been very happy at both the faculty and student level with the results from our two winterim intersessions, and new courses were offered which speaks to the desire from faculty and students to have really innovative courses across a variety of

categories. She pointed out that the CAOs were deeply committed to the necessity of having a spring break, and they have been thinking hard of how any changes to the spring semester calendar would need to align with the timeframe of the fall semester and impact summer sessions. She noted that discussions are continuing on the subject. Eklund asked how many students UNL shares with UNO and UNK and how many students would be impacted if we changed our schedule. Chancellor Green reported that we have approximately 800 students with UNO and not very many with UNK. He noted that we have a 2+2 program with UNK in engineering but involves a limited number of students.

Woodman asked if there was discussion regarding instructor burnout with the compressed semester. EVC Spiller stated that this is a concern that has arisen when instructors teach a lot of classes in the summer and noted that teaching in the winterim would be similar to teaching in the summer in that it would be supplemental teaching and an individual instructor would have to indicate interest in teaching. She noted that there is also concern of students having burnout from taking too many courses.

Weissling asked where the FTE comes to teach the winterim courses. She stated that she does not believe these new courses went through a college curriculum committee or the University Undergraduate Curriculum Committee. She questioned whether the winterim courses would be permanent. EVC Spiller stated that the courses would not be permanent and if there was interest in making them permanent the appropriate approval process must be conducted.

Woodman reported that he recently was asked by a student whether we would go back to in-person classes this spring semester. EVC Spiller pointed out that there are two things to be considered. First, we are having a significant number of in-person classes, with more than 75% of our students having one or more in-person classes. She noted that midsemester changes would be unlikely unless there was a significant change in the larger health situation.

2.2 Will summer campus be allowed this year?

Chancellor Green reported that it is too early to know whether summer camps will be allowed, and this will need to be assessed in mid-spring.

2.3 Salary increases for the near future? Are salary increases included in the proposed University biennium budget?

Chancellor Green reported that the University biennium budget request, which included a 2% annual increase in our base budget and included an allowance for a 1.5% salary increase in the first year and a 3% increase in the second year for UNL and UNMC salaries, went to the Legislature and the Governor included this in his budget request to the Legislature. He noted that UNK and UNO received salary increases this year, but UNL and UNMC did not, which is why they will receive a lower salary increase in the next biennium. He stated that at the system level, the budget plan is to hold back \$10 million per year of the biennium for strategic initiatives and President Carter has said that his leading priority will be to address lagging salaries at UNL and UNMC in comparison to our peers.

Buan asked if the increases will be only for tenure-track and tenured faculty members. Chancellor Green stated that the proposed budget is for across-the-board salary increases, but the targeted funds identified by President Carter still needs to be determined.

Gay asked if the Chancellor has any thoughts about how salary increases might be correlated with the grand challenges that we are developing. Chancellor Green stated that this has not been discussed but targeting new hires rather than making salary adjustments might be more of a focus for meeting the grand challenges.

2.4 Are there any updates regarding improvements for non-tenure track faculty members?

EVC Spiller reported that there were no updates available at this time.

2.5 Do you have concerns with the uptick in the number of Academic Rights & Responsibilities Special Hearing cases? What actions, if any, to address the increase?

Chancellor Green stated that he is unsure whether there has been systematic increase in the number of cases for the year, but Professor Peterson, Chair of the ARRC, has indicated concern for the workload for the special hearing committees. He noted that an increase in the number of cases could be related to the pandemic.

EVC Spiller noted that several of these cases have involved questions concerning annual evaluations. She reported that AVC Walker has convened a working group to develop more clearly articulated best practices for department chairs, directors, and unit heads in a number of areas, including annual evaluations. Chancellor Green pointed out that it is required that all units follows the evaluation process. Minter stated that having a better regulated evaluation process would be helpful in creating better non-tenure track faculty positions. She noted that having best practices about how to talk to non-tenure track faculty members about their contract and how to do their evaluations would be helpful. Buan pointed out that having clearer guidance on how to evaluate contract faculty members would be helpful for those positions that do not exactly match the job titles that currently exist.

2.6 Do faculty members have the option of not including their teaching evaluations for this year's annual evaluation process? Are faculty members being evaluating in multi-factorial ways rather than just using teaching evaluations? Has there been discussion about uniformity across the colleges with annual evaluations?

EVC Spiller stated that teaching evaluations are expected to be included in this year's evaluations, but guidance has been provided to the departments to be very conscientious and thoughtful in remembering the challenges that people faced this year. She stated that her office strongly wants people to have the ability for faculty members to create impact statements of the impact that the COVID pandemic has had on their work. She noted that the peer evaluation of teaching taskforce hoped to have their work completed by December, but they are four months behind due to the pandemic. She noted that they are

expecting to have things completed in May. Woodman asked if there will be an analysis of the peer teaching evaluation taskforce's findings. EVC Spiller that this has not be discussed yet but AVC Walker will look at it.

Eklund pointed out that there seems to be some confusion concerning when there is autonomy within the colleges with regards to evaluations and when there are uniformed directives in the college. Chancellor Green noted that there is a University requirement that states that all faculty members will be evaluated annually, and all department executives, chairs, directors, and heads are all charged to do this. He pointed out that he must annually certify that evaluations have been completed. He stated that the evaluation process is decentralized to the colleges and departments and they are done in a variety of ways which is a belief that has been upheld for a long time on campus. EVC Spiller noted that local decisions are valuable in enabling us to capture and reflect disciplinary differences, cultural differences, and variation across units. Central decisions are important in ensuring equity, stewardship of university resources, safety and security of the campus, and the wellbeing of our students.

2.7 How did IANR pay for the salary adjustments they made in the last few years to address inequities? Were all IANR faculty salaries reviewed for inequities or was it only for Extension Educators? How are joint appointment for Extension Specialist salaries compared?

VC Boehm noted that the responses to the first two questions were captured in the minutes of the September 27, 2019 Faculty Compensation Advisory Committee meeting. He went on to say that he shared a copy of these minutes via email with Griffin, Buan, and Hanrahan prior to this meeting. He also noted that Sarah Purcell provided these details in the FCAC report she provided in the pre-read package in advance of the November 5, 2019 Faculty Senate meeting. Regarding Extension Specialists, he noted that Extension Specialists are tenure-track faculty members that have a formal Extension apportionment. He shared that approximately one-third of IANR's tenure track faculty hold this designation. He also explained that these faculty members undergo the same review processes as tenure-track faculty without Extension apportionments. Regarding faculty with "joint" appointments, he indicated that approximately 33 CEHS faculty members are jointly funded by CEHS and IANR and that there is a well-established – and documented – process by which these faculty are reviewed.

Buan asked if the salaries for those holding joint appointments differ substantially from others in a department. VC Boehm responded by sharing that there are very few faculty members in IANR with bona fide joint appointments – i.e. faculty with appointments that cross two different academic units. He went on to say that IANR's assessment of salaries is done in a unit-centric manner that allows for differences in compensation to be assessed unit by unit, by rank, by gender, by length of service, and performance. This approach provides unit- and IANR administrators to make observations about salaries and then address inequities and compression issues in a proactive manner.

2.8 Progress Update on the Proposed Board of Regents Bylaw Changes

Chancellor Green noted that after the Faculty Senate approved the changes at its November 3, 2020 meeting, there was discussion about the proposed changes at the other campuses. He reported that UNO and UNMC wrote letters to President Carter expressing some concerns and questions they had. He stated that the President's Council met two weeks ago to discuss the proposed revisions and the major topic of discussion was on the mental health section. He noted that UNMC had concerns with the amended language and wanted some changes. He pointed out that there was agreement with the intent of the language, but President Carter wanted to look further at the language in the section and do a statutory review. After conducting the review President Carter had some changes to the language, some of which was refining and streamlining language/removing redundancies. He reported that the substantive changes were in the mental health clause in imposing administrative leave and concerning if the leave was imposed through the end of a contract. He pointed out that the Bylaws need to apply to each of the University campuses. He stated that he believes that the language protects administrative leave and the due process for it and protects the rights of the academic faculty. He stated that the proposed Bylaws changes, including the language to the Extension Educators section was put forward by the Council and will go to the Board of Regents for its first reading on February 12th. He stated that the proposed changes would be on the February 12 agenda under information and noted that there must be two consecutive meetings for the Board to review Bylaw changes before action can be taken. He pointed out that the Bylaws are implemented by the University Administration and the Board of Regents and the President has the ability to make decisions about specific language.

Buan stated that the recent version of the proposed revisions to the Bylaws that has come from Central Administration is changed substantially from what the Faculty Senate approved on November 3 which causes a great deal of concern. Hanrahan pointed out that it was explained to President Carter that some of the specific language needed to be in there to remove UNL from AAUP censure and with the revisions that have been made by Central Administration, it is doubtful that this will happen. Chancellor Green stated that President Carter is very aware of the concern with AAUP censure issue, but these Bylaw changes are for the University of Nebraska, not the AAUP. He pointed out that the revised language is what is right for our faculty and there are multiple steps within the document that provide a clear process that can be followed.

Woodman asked if comments will be allowed at the Board of Regents meeting. Chancellor Green stated that comments are always allowed at the Board meetings. He noted that crafting these proposed changes has been a very detailed process that required a tremendous amount of work including difficult and at times challenging conversations and in the end, the proposed changes are a major sweeping addition to the University Bylaws, designed to protect academic faculty members and the University.

3.0 Academic Rights and Responsibilities Committee (Professor Peterson)

Peterson reported that the Regents Bylaws specifies that each campus is to have a grievance committee, an academic freedom and tenure committee, and a professional conduct committee. He noted that at UNL the Academic Rights and Responsibilities

Committee (ARRC) oversees the process for these committees. He stated that when someone contacts the ARRC the first efforts are to try to deal with the situation informally and faculty members are referred to one of the campus ombudspersons. He pointed out that oftentimes these steps result in resolving the problem out, however if it does not, the person would then need to write a formal letter of complaint which is received by the ARRC. The ARRC determines whether the complaint warrants an investigation and if it does a special hearing committee is convened to investigate the case.

Peterson stated that it is difficult to discern a trend with the cases because each one has its own characteristics, although there does seem to be a recurrence of problems due to annual evaluations not being conducted by a unit. He reported that since August 12 he has been contacted by 12 people: 6 of the situations were resolved informally, but 6 have resulted in formal written complaints. Three of the formal written complaints have been referred to special hearing committees while the other three were judged to lack merit and so were not referred to special committees. He noted that 2 cases were referred to special committees were first raised last year, there has been one AFT-B case, 1 AFT-A case, and one grievance case.

Peterson stated that what is unusual this year is the number of contacts that were made so early in the academic year and the number of special hearing committees that were needed. He noted that while the current numbers are typical for an entire academic year, he is concerned that there could be more complaints yet to come. He noted that each special hearing committee consists of six faculty members from the Academic Rights & Responsibilities Panel which consists of a total of 36 elected tenured faculty members and pointed out that efforts are made to limit the number of cases that Panel members need to serve on due to the workload of the cases.

Peterson reported that the special hearing committees make recommendations based on its findings of the investigation and these recommendations go to the Chancellor, or if the Chancellor is involved in a case, the recommendations go to the University President. He noted that an attorney, Mary Kay Hanson, provides legal counseling to the special hearing committees by checking to see if any procedural mistakes have been made.

Buan asked if having the ombudsperson office is making people more aware that they can file a complaint. Peterson stated that it could be that the ombudspersons are providing faculty members they counsel with the [Faculty Senate's Faculty Rights](#) document which may possibly be making people more aware of the opportunities they have.

Billesbach asked if there is an issue with the ARRC charter and asked when there are numerous cases if the Panel can be expanded temporarily. Peterson pointed out that the members of the Panel are elected by the faculty across the campus. He suggested that the special committees could be reduced to 5 members rather than 6, although he cautioned about making changes because this year could just be an aberration possibly due to the pandemic. He suggested that the situation be monitored in the future.

Woodman asked if there is a recourse for a faculty member who files a complaint but the ARRC does not feel that the case warrants convening a special hearing committee. Peterson noted that people do have the recourse of going outside the University to file a lawsuit. He pointed out that the ARRC consists of five elected faculty members and involves no administrators and the committee does have the faculty interest at heart.

4.0 Announcements

4.1 Meeting with EVC Spiller Regarding Faculty Compensation Advisory Committee (Hanrahan)

Hanrahan reported that he met with EVC Spiller to discuss the Faculty Compensation Advisory Committee's (FCAC) request to have each college conduct an equity review similar to what was conducted by IANR. He stated that EVC Spiller believes that there needs to be a campus solution and her office is working on developing a set of practices for the deans to help them conduct an equity review which they would then report to the EVC. He pointed out that the EVC office has not decided whether the reviews should be conducted yearly or every three years and the FCAC would be included in receiving the reports. He reported that the EVC office will provide the FCAC a draft report with sample graphics in March.

Buan asked if the report will have college-level breakouts. Hanrahan stated that the report will include data from each of the colleges but the FCAC can request a breakdown. He noted that there was also discussion about having equitable evaluations conducted in each unit and he is inviting members of the Faculty Senate Diversity & Inclusion Committee to attend the meeting when this issue is discussed.

5.0 Approval of January 19, 2021 Minutes

Buan asked if there were any further revisions to the minutes. Gay moved to approve the minutes and Billesbach seconded the motion. The minutes were approved.

6.0 Unfinished Business

5.1 Bad Weather Days and Continuity of Teaching Issues

Buan noted that the Executive Committee had a discussion in December about whether classes should still be conducted when the University is closed for snow or ice, but the Committee did not take a vote on what should occur. She asked if the Executive Committee wanted to formalize an instructional continuity policy. Hanrahan believes it would be a good idea but pointed out that such a policy would require the Deans Council approval. He suggested that it might be more efficient to have Academic Affairs draft a policy that the Senate could comment on. He noted that the faculty were told by Academic Affairs that there would be no snow days, but it was up to the individual instructor to decide whether to teach classes remotely. Gay stated that he received a message that instructors could still conduct classes remotely, but attendance could not be required. He stated that he would rather see the Senate create a policy than the administration. Billesbach questioned whether a Senate policy would have any weight. Griffin pointed out that the reality is that typically we do not have very many snow days, and in fact there are years where there are no snow days at all. She said that when most students, faculty, and staff receive the UNL Alert notice it is brief and simply states that

UNL is closed and most people will leave it at that. Having a policy where some instructors might hold class while others aren't can cause confusion for both the students and the faculty.

The meeting was adjourned at 5:00 p.m. The next meeting of the Executive Committee will be on Tuesday, February 2, 2021 at 2:30 pm. The meeting will be conducted via Zoom. The minutes are respectfully submitted by Karen Griffin, Coordinator and Lorna Dawes, Secretary.