

EXECUTIVE COMMITTEE MINUTES

Present: Baesu, Bearnese, Billesbach, Buan, Gay, Herstein, Kolbe, Minter, Weissling, Woodman, Zuckerman

Absent: Eklund, Krehbiel

Date: Tuesday, September 21, 2021

Location: City Campus Union, Chimney Rock Room

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 (*Kolbe*)

Kolbe called the meeting to order at 2:51 pm (after a delay due to malfunction of microphones).

2.0 Approval of September 14, 2021 Minutes

Gay moved for approval of the minutes as revised. Buan seconded the motion which the Executive Committee then approved.

4.0 Unfinished Business

4.1 Endorsement Language for Campus-wide Collaborative on Sexual Misconduct Statement

Kolbe reported that he met with the co-collaborators of the statement, and they agreed with the idea of them first sending the statement to the Chancellor and then having the Executive Committee endorse the statement and distribute to the Faculty Senate. The Executive Committee then reviewed the proposed endorsement language. Minter stated that she would revise the language based on suggestions made at the meeting. The Committee agreed to review the final language and vote on it by email.

4.2 Incentives for Faculty Senate Service (Gay)

Gay reported that his findings from our Big Ten peers indicated that none of the Faculty Senates provided any financial incentive or course release for Senators. He stated that incentives for the Senate officers and occasionally members of the equivalent of our Executive Committee ranged broadly from some Presidents receiving an additional \$45,000 to getting a course release. He noted that at UNL the Senate President's department receives \$15,000 to provide a course release for the faculty member serving as President. He stated that UNL is on the low end of incentives but not at the bottom. He stated that he thinks that the Senate would benefit if some form of compensation would be provided to those who serve on the Executive Committee. He suggested that each member of the Executive Committee should get the equivalent of a course buyout, or something comparable for those Committee members who do not teach.

Gay suggested that if there was a cash incentive for Senators it could make elections to the Senate more competitive. Woodman stated that he is concerned that people might run for election for the wrong reason. The Executive Committee agreed to discuss the issue further.

5.0 Center for Advocacy, Response & Education (CARE) Lani Stutz and AVC King

Stutz reported that the CARE office, located in 345 Nebraska Union, provides free support for faculty, staff, and students who have experienced sexual assault, dating/domestic violence, stalking, and/or harassment. She noted that she and Melissa Wilkerson are two CARE Advocates, and the office is currently in the process of hiring a student worker and additional Advocates. She pointed out that conversations with CARE Advocates are confidential and will not be reported to Title IX or law enforcement unless a legal exception applies. She noted that a report can be filed but only if the individual seeking help wishes to do so.

Stutz stated that the CARE office seeks to build a safe space for those seeking assistance and will put together a safety plan to keep the individual as safe as possible. She reported that CARE works closely with Housing, and they can offer two free weeks of housing and parking if these measures are needed to ensure the safety of the individual. She stated that Advocates inform the person what it means to report incidents to the Title IX office, or law enforcement, and describes what the processes are like so people can decide what is the best route for them to take. She noted that Advocates can arrange meetings and attend them if the person wishes, and some people will have the Advocate heavily involved while others handle things on their own.

Stutz reported that if an incident occurs over a weekend the CARE office can work closely with the Office of Institutional Equity and Compliance (IEC) to help people with requested measures such as extending deadlines and working with faculty members to see if the student could be provided with some flexibility with a course. She stated that CARE can also help facilitate moving to a different residency and even help an individual get an emotional support animal if needed.

Minter asked how CARE sees its role in advocating for a victim, even though it may be an unpopular stance on campus. Stutz reported that CARE has monthly meetings with the University Police Department to see what the Police are doing, what their interview techniques are and suggest what could be done differently. She stated that the office also meets with IEC. King pointed out that there are also monthly meetings with entities outside of the University such as with Voices of Hope. She stated that the goal is to do what is best for the individual and sometimes we need to use resources outside of the University.

King reported that the Chancellor is adding more Advocates and noted that the job description for these positions will be advertised soon. She noted that with these new roles CARE will collaborate with Voices of Hope and ASUN to develop the opportunities for support. She pointed out that she has just been appointed to the Chancellor's Collaborative on Sexual Misconduct.

Woodman asked what the difference is between [Student Advocacy and Support](#) and CARE. King stated that Student Advocacy and Support, which is also with the Office of Student Affairs, collaborates with campus and community partners to support the safety, health, and well-being of students experiencing personal hardships and/or health-related concerns or emergencies. Woodman asked if there is overlap between CARE and Student Advocacy and Support. King stated that both offices are housed under Student Affairs, but CARE's responsibility is with sexual assault, domestic/dating violence, stalking, and sexual harassment whereas Student Advocacy and Support deal with other hardships or health-related issues.

Gay asked if there is any information on how many clients the CARE office sees every year. Stutz pointed out that the CARE office is fairly new and not much data was collected when it first opened and then the pandemic hit, but the office is now working on getting data on the number of individuals they receive. She stated that during 2019-2020 they did see about a 26% increase in the number of individuals they met with. King noted that usually there are multiple meetings with an individual which needs to be included in the data.

Weissling asked if there is a brochure available that includes all of the resources that would be available. King noted that a brochure, called the Big Red Folder, was recently printed and is now available at the University Health Center. She stated that they are working on how to get the material delivered around the campus. Weissling stated that when the Director of CAPS came to a department meeting it was very informative and helpful and suggested that CARE may want to do the same thing. Kolbe asked if residence hall assistants are informed of the services. King stated that part of the training for residence hall assistants includes information on CARE and other resources.

Weissling noted that there is a history at the University that when an incident occurs there is a lot of activity to make changes to correct things but over time the efforts wane. She asked if CARE sees itself as championing for an issue that may not be popular. King stated that she cannot speak to what has happened in the past, but CARE moves forward to address what an individual needs and what will be most effective to help the person and if that means speaking to the powers that be to get the help and support they need she does it. Weissling asked if the CARE operations are more focused on an individual rather than making institutional change. King said she believes that institutions always have to change and move towards to what is right and what is necessary, but we need to be aware of the parameters we operate in. She pointed out that there are certain federal regulations that the university must adhere to.

Minter stated that these questions are being asked because the Faculty Senate is trying to understand the structures that are in place to ensure that there is a group that can continue to watch the data and that can hold the whole campus accountable when misconducts occur. She asked how we keep UNL accountable for the health and wellbeing of its students. Buan noted that it can be hard to maintain the data, but we need to understand the metrics to know where to put the resources. For instance, how would the CARE

office justify that they need more Advocates and staff. Baesu suggested having the CARE office provide an update to the Senate each year. King pointed out that some of these things are not in her jurisdiction, but there needs to be consensus on what issues need to be addressed.

Griffin suggested that it would be good to have King and Stutz speak to the Senate because it would help make faculty more aware of the services, and Buan suggested that the Big Red Folder could be shared at the same time. King noted that the [Big Red Folder](#) can be found online and it is a helpful resource for faculty, staff, and students. Kolbe stated that if the Executive Committee can help advocate for CARE to please let us know.

6.0 Title IX – director Meagan Counley and Interim AVC Marc Pearce

Kolbe asked if an update could be provided on where things are heading with Title IX federal regulations and how things are going on campus with the start of the semester. Counley stated that it is difficult to say what the anticipated changes will be with the new administration, but it is expected that there will be a swing of the pendulum in terms of the federal regulations, but it will be a couple of years before we know for sure what the changes will be. She stated that we have been looking at the courts' decision to eliminate the exclusionary rule which stated that if a person doesn't appear at a hearing, no testimony or evidence from the person can be used in a case. She noted that the courts felt that this was not a good rule, and the University is adjusting its policies to follow the courts' decision.

Weissling asked if there is any data pre-pandemic and during the pandemic on the number of Title IX incidents reported. Pearce stated that in 2019 there was a substantial increase in the number of sexual assault allegations. Minter pointed out that the increase could be due in part to people feeling more comfortable in coming forward to make reports.

Minter noted that some institutions have annual reports of aggregated data coming from the Title IX office. She asked if UNL does more than report the Clery Act information which is provided by the UNL Police. Counley stated that the last year that aggregated data was available from the Title IX office was in 2016 and the data was based on 2015 figures. She stated that she does not know the reason why further reports were not made available.

Woodman stated that the Chancellor has said that the Title IX office is a non-advocacy group, but the student perspective is that the Title IX office is not supportive. He asked what can be done to make the distinction clearer as to what the role is of the Title IX office. Pearce stated that because the Title IX office has an obligation due to federal regulations to protect all parties involved in a case, students, faculty, and staff can get the impression that the Title IX office is not supportive. He pointed out that the Title IX office cannot issue any corrections or advisements about things people might read on social media because of the need to protect the parties involved. He stated that there may be the perception that cases are reported to the office, and nothing happens, but the office is held accountable, and he meets with the Chancellor frequently to provide updates on

the work of the office. He pointed out that Title IX cannot achieve its mission of resolving incidents if they are not brought to the attention of the Title IX office. He stated that the new federal policies may help adjust the goals and timelines for processing cases, but exceptions may occur to provide fairness to the parties involved. He reported that cases are being dealt with, but the information must be confidential. He stated that there are a set of rules that the office must follow to treat each case fairly and equitably.

Pearce noted that mandatory sexual misconduct training was done last spring and he thinks the faculty have done well in completing the training. He stated that it is important to make sure that everybody participates, and faculty members are needed to serve as hearing officers on the Student Conduct Board. Counley reported that the Student Conduct Board hears cases and is managed by AVC King and Director of Conduct and Community Standards Barefield. She noted that members of the Board are trained, and the IEC office wants people to hear the Title IX cases. She stated that the Title IX office, after investigating a case, may recommend that a case be heard by the Conduct Board which can then decide on whether disciplinary action should be taken. She pointed out that a Title IX case involving a faculty member would likely get outsourced and the Academic Rights & Responsibilities Committee would probably need to review the case.

Woodman reported that in a previous Executive Committee meeting he asked the Chancellor about the 48 cases of sexual assault that were reported over a period of years with only one conviction. He stated that he then asked the Chancellor whether the UNL Police should be investigating these cases the Chancellor reported that many of the complainants withdrew their complaint or didn't proceed further. He asked what kind of pressure these young people are under to make the decision to not go forward with a complaint. Counley stated that this is a hard question to answer because it varies by individuals, and it depends on how much information they have shared with others.

Woodman asked if the Title IX office offers support to students about how to make a complaint and what will occur if a complaint is filed. Counley stated that the Title IX website (<https://www.unl.edu/equity/title-ix>) provides information on reporting an incident, finding support and resources, provides questions and answers, and how people can get involved to be a part of the solution. She stated that the office can help with academic modifications, adjusting housing arrangements, can issue a mutual no contact order, inform complainants on how they can file a complaint with law enforcement, and if there is something that is not in the office's jurisdiction, they provide resource information on CARE, CAPS, the Women's Center and other entities on campus. She noted that the office regularly connects people with the campus services that are available.

Baesu asked if supervisors and heads of departments receive Title IX training. Minter pointed out that the campus needs to provide training for people who supervise others so they know what to do should a Title IX violation occur with one of the people they supervise. Counley pointed out that the mandatory training is a systemwide training module which needs to fit a wide variety of people. Minter suggested that there should

be several different training options available to target specific groups of people such as supervisors.

Minter asked if the Title IX office's work will be impacted with the new guidelines that Varner Hall is initiating around non-consensual relationships. Pearce stated that the office will become more actively involved in cases where the relationship is non-consensual. He pointed out that the Title IX office has a great, talented, professional, tough team that is committed to their work and the campus should encourage and support the team. He noted that working in the Title IX office may never be an easy job, but other employees can help by asking their colleagues whether they have done the mandatory training and to help people understand the Title IX process.

Zuckerman reported that she did the mandatory online training and noted that it is inaccessible for people with vision or hearing problems. She also thought it was difficult to sit through the training, mostly because the joking manner about sexual harassment was problematic. Counley stated that the company who developed the training believes that humor can help in the training process. Zuckerman said that she understands the value of humor, but it should not be used in the training about sexual harassment, and she believes the training needs to be re-examined. She noted that some colleagues did not want to finish the training because they felt that the humor aspect of it was totally inappropriate. Buan pointed out that the faculty who didn't do the training may be sensitive because of their own personal experiences. Counley noted that people can opt out of the required training by contacting the Title IX office.

Pearce stated that it is important to hear this kind of feedback and it is not the first time the office has heard these concerns. He totally agreed with the issues that Zuckerman raised and stated that we need to continue to assess and collect the input so we can share the concerns with administration and to help us move forward so we can provide different training. He stated that a staff member in the Title IX office would want to work to correct the inaccessibility problem.

Weissling pointed out that decisions are often made at the university without data and noted that the training needs to be evaluated to see how many participated, if it did or didn't work, and why it didn't work. Pearce agreed that if we are going to take preventive and educational measures our metrics need to be considered. He noted that there are some metrics that are elusive, and the university is undertaking climate surveys to see whether perceptions are shifting so we can see if initiatives, such as the mandatory training, have had an impact.

Pearce stated that the Title IX office's immediate focus is on how it can do a better job of communicating. He stated that the idea is to have focus groups, testing, and different formats to help the community learn more about the Title IX office and the work that it does. Buan asked if the Title IX office is going to survey the complainants on how they felt and perceived the handling of their complaint by the office. She suggested that one of the questions might be if the complainant felt that the office helped them to understand the process. Pearce stated he does not know if this has ever been done. Counley pointed

out that feedback is provided through CARE Advocates and the Police. She noted that people coming to the Title IX office are experiencing a difficult time in their lives which may reflect in their feedback of the process. Pearce suggested that an exit survey given by a CARE Advocate might provide more accurate data. He reminded the Executive Committee that the Title IX process is dictated by federal law and the university, but the Title IX office tries to do the best it can to help those who file a complaint.

Woodman asked what the possible outcomes are from a Title IX hearing. Counley stated that a person is either found responsible or not, although they could be found responsible for some charges and not others. She stated that if a student is found responsible then the case would go to the Student Conduct Board which would have to decide what disciplinary actions would need to be taken. She stated that if it's a faculty member the case would go to the decision makers such as the Chancellor, but the Academic Rights and Responsibilities Committee would probably need to review the case. She noted that the Title IX office is working to clarify the process but there are some regulations that make things a little more confusing.

Weissling and Herstein both agreed that they believe there are faculty members who want to help and to make the campus a safer place. Pearce stated that he is excited to hear that faculty want to help and hopes that the Title IX office and the faculty can work together to grapple with this difficult problem. He stated that he looks forward to figuring out what the next steps should be such as reassessing the training, making sure the training is accessible to all, to think about what the office's goals should be, and what metrics we need to achieve. He pointed out that faculty need to be supported and stated that former AVC Johnson had an idea for a compliance college which would provide a whole set of resources for training supervisors and directors. He noted that the office is under resourced and strained so it will be difficult to get everything done quickly but he wants to keep receiving

feedback. Buan suggested that there may be grants available to help obtain funds and the Bureau of Sociological Research might be able to help with surveys. Counley noted that advisors for the students are needed, and the Title IX office would help train the faculty members and staff to serve in the role as an advisor.

Pearce stated that he appreciated the Executive Committee's willingness to share so openly.

The meeting was adjourned at 5:13 p.m. The next meeting of the Executive Committee will be on Tuesday, September 28, 2021, at 2:30 pm. The meeting will be held in the City Campus Union, Chimney Rock Room. The minutes are respectfully submitted by Karen Griffin, Coordinator and Kelli Herstein, Secretary.