

EXECUTIVE COMMITTEE MINUTES

Present: Baesu, Bearnese, Boudreau, Dawes, Eklund, Kopocis, Lott, Minter, Shrader, Tschetter, Vakilzadian, Zuckerman

Absent:

Date: Tuesday, November 28, 2023

Location: 201 Canfield Administration Building

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 (*Kopocis*)

Kopocis called the meeting to order at 2:33 p.m.

2.0 Chancellor Bennett/VC Boehm

Chancellor Bennett reported that he is working with some colleagues at UNL to determine the best format for following up with the suggestion at the November 7th Faculty Senate meeting for providing more information about what the benefits are for us being readmitted to the AAU. He stated that there will probably be multiple speakers involved and he will work with Kopocis and Griffin to determine when during the spring semester it would be best to give this presentation.

Chancellor Bennett stated that discussions about the budget have been ongoing, and he has been working with the Academic Planning Committee to provide the information the Committee has been requesting. He pointed out that the APC asked for a significant amount of data and for there to be flexibility for making reductions within the identified categories. He noted that Professor Vuran is an excellent chair of the APC, and he has been working well with him. He pointed out that while no one wants to deal with the budget reductions, we must fix our \$12 million structural deficit which has been growing over the year. He reported that we have had to dip into our cash reserves because of the deficit and we need to correct this in order for us to sustain our future. He stated that he is hopeful that the APC will send him its final recommendations on December 8th. He noted that once he receives the recommendations, he will review the APC's decision and then make a final decision. He stated that he will probably make a public announcement about the cuts in early January noting that he does not want to make an announcement before the winter closedown and then not being available for discussions. Kopocis noted that the faculty on 9-month appointments are not scheduled to return until January 16th and suggested that it might be better to make the public announcement at that time.

Vakilzadian asked if departments will be able to keep faculty lines that become open whether due to retirement or a vacancy. Chief of Staff Davis stated that budget reductions made at the local level will go towards the college's portion of the structural deficit. He stated that if additional lines become open within a college the dean would

determine where those lines would be used. Chancellor Bennett pointed out that the deans were given a percentage of how much of their college's budget needed to be reduced, but it is up to the deans to determine where the reductions will be made.

Vakilzadian asked if Central Administration requires additional budget reductions in the spring semester, would these be vertical cuts or horizontal cuts. Chancellor Bennett reported that we still have no information from Central Administration about what will happen in Phase 2 of the budget reductions, but he will provide information to the campus once we are informed. He noted that he has been speaking with Central Administration and others about the need to allow sufficient time for the campus to make decisions about the reductions.

Kopocis asked if there has been any discussion about the voluntary separation incentive program being enacted again. Chancellor Bennett reported that he has raised this, but Central Administration said that it could not be done to cover our current structural deficit. He noted that he does not know if Central Administration will think differently in the spring semester. VC Boehm pointed out that when a VSIP occurs a lump sum is offered to the person taking the VSIP and last time it was 80% of their salary. He noted that the remaining 20% of the salary and benefits for the year would go towards the budget reduction. He stated that it is the following year after a VSIP occurs that the full 100% of the salary and benefits returns to the college. He stated that in IANR the open lines would revert to the administration and then strategically deployed within IANR. Shrader asked if a professor retires whether the line would go back to the department. VC Bohm stated that decision is made within the college. Eklund stated that in his college, 15-20% of an open line goes to the EVC office. VC Boehm pointed out that while this is true for colleges that fall under Academic Affairs, it is not true for IANR units.

Chancellor Bennett stated that he intends to launch a search for the Vice Chancellor for Research and Economic Development in the spring.

Chancellor Bennett noted that he recently hired two people to fill vacant positions on his staff, but pointed out that both of these people are being paid with alternative funds and not state-appropriated funds. He stated that he is aware of the optics in doing this during a period of budget reductions, but these two individuals are needed for us to continue our work as an R1 institution.

2.1 Are you aware of any incidents on campus of people being targeted due to the Israel-Gaza conflict?

Chancellor Bennett stated that he is not aware of any issues and thinks this is because of the good work of VC Barker and the appropriate conversations he has had on campus. He noted that we have not had any of the uprisings that have been occurring at other universities around the country.

2.2 What advice do you have so that we can have a great working relationship?

Chancellor Bennett stated that he thinks he has a good working relationship with the Executive Committee. He noted that he does not have an agenda other than to elevate the university and the state of Nebraska and reported that he enjoys speaking with the Executive Committee and hopes that the members see him as a person you can ask questions of and have a conversation with. He pointed out that he does not mind being asked tough questions. He noted that he is responsible for many things and needs to behave responsibly and he wants to make sure we are thinking through things carefully.

Eklund pointed out that the message needs to be sent out clearly that Athletics has its own funding and is not supported by state-aided funds. He stated that the optics currently occurring of how the university is in a budget deficit, yet Athletics is seeking to make a \$450 million renovation on the stadium and how Vice Chancellor Alberts is getting a large salary increase, is confusing and frustrating for many. Chancellor Bennett agreed that the timing is not good and stated that he has serious concerns about the disruptions that the renovation of the stadium will have on the campus.

2.3 Do you have any idea of how structurally we will connect with UNMC to help us get back into the AAU?

Chancellor Bennett reported that he will be meeting with UNMC and the President's group to discuss how the Board of Regents would align us with UNMC which could help us get back into the AAU. He stated that he is hopeful that once the Interim President is on board, and if the campus is still interested in joining the AAU, that we will have the support of the Board. He pointed out that if we are to gain reentry into the AAU it will take investments to the campus, not reductions.

Zuckerman stated that if investments are going to be made into UNL to get us back into the AAU there should not be a continuation of the inequities that are occurring on campus. Chancellor Bennett noted that there are certain requirements that we must meet to gain reentrance and the ongoing budget reduction does not help us. He stated that he will have more information on these requirements for his next meeting with the Executive Committee.

Eklund noted that he recently attended the Big Ten Academic Alliance Faculty Leadership Conference where many of our Big Ten peers are structurally similar to ours and it was brought up that we are not members of the AAU. He asked if there has been discussion about consolidating the University's campuses. Chancellor Bennett stated that he has not been involved in any discussions on this topic.

2.4 Is Trev Alberts still a Vice Chancellor of UNL since he now reports to the President of the NU system? Will the Director of Athletics continue to report to the President of NU rather than to the Chancellor of UNL?

Chancellor Bennett stated that VC Alberts's job description has been changed and now states that he reports to the President, but he is unsure whether Alberts would still be considered a Vice Chancellor of UNL and noted that he is now being addressed as Director of Athletics.

Chancellor Bennett reported that Interim VC Jones has been pointing out to him how much impact the renovation of the stadium will have on the campus, and he plans on making sure that the Athletics department is aware and on board with all of the displacement that will occur and that the cost of the disruption needs to be built into the renovation expenses. He pointed out that we need input from the campus community about the impacts the renovations will have on them.

2.5 General Counsel input was being sought to see if Nebraska Extension can provide green card sponsorship. Has General Counsel responded to this inquiry?

VC Boehm reported that he received a lengthy response from General Counsel on the subject of whether Nebraska Extension can provide green card sponsorship to a foreign individual seeking an Extension Educators position and he also contacted Human Resources at UNL to obtain the requested information.

VC Boehm stated that there are three different ways colleagues from around the world can get a visa for employment at UNL. He stated that the first is the EB-1 visa which is the preferred option and is a 6-year visa. It is available to noncitizens of extraordinary ability, who are an outstanding professor or researcher, or a multinational manager or executive. To qualify as an outstanding professor or researcher, the individual must be able to demonstrate international recognition for outstanding achievements in a particular academic field, have at least three years of experience in teaching or research in that academic area, and must be entering the United States to pursue a tenure or tenure track teaching or a comparable research position at an institution of higher education or private employer. VC Boehm pointed out that General Counsel stated that a noncitizen pursuing a non-tenure track Extension Educator position will likely be unable to meet the qualifications needed for the employer to sponsor an EB-1 visa.

VC Boehm reported that the EB-2 visa is the second preference and the application for such visas typically must be accompanied by a labor certificate submitted through the Program Electronic Management Review System. He noted that those applying for a position would need to have an advanced degree and have at least 5-years of post-baccalaureate, progressive work experience in the field and can show exceptional ability in the sciences, arts, or business. He stated that General Counsel feels that a noncitizen pursuing a non-tenure track Extension Educators position may be able to demonstrate the necessary qualifications, however, the labor certification form must assess whether the recruitment and hiring of the noncitizen would be detrimental to the working conditions or wages of U.S. works employed in a similar field. Furthermore, to make the assessment, the United States Department of Labor requires employers seeking to hire a non-United States citizen to undergo an extended, deliberative process. In recruiting for the position, the employer must adhere to the Department of Labor's regulations, which are designed primarily to establish that no able, willing, and qualified U.S. workers are seeking the position.

VC Boehm pointed out that the University does not support the EB-3 visa which is for professional workers. The application for this visa also requires the submission of a labor

certification form and evidence that there are not qualified workers available in the United States who applied for the position.

VC Boehm reported that Human Resources has a specialist who has a great deal of experience with these visas and the individual compared our practices to other Big Ten universities and found our approach is in line with our peers in the Big Ten.

VC Boehm stated that he asked Extension to look at all Extension Educator hires from 2019-22 and in all pools, we had U.S. citizens that applied and met the requirements which would not allow us to pursue a green card for a non-U.S. citizen. He noted that while it is true there are a few non-residents Extension Educators, he understands why the question was asked. He pointed out that the hire has to be very intentional, and the candidate would have to meet the U.S. Department of Labor standards noting that the process is not easily done.

Lott expressed his appreciation for the answer VC Boehm provided and the research that was done for getting the information. He noted that he has been serving on Extension search committees and a lot of international people are applying for these positions. He stated that knowing the requirements of proof that must be provided is helpful. VC Boehm pointed out that if there is a candidate who is exceptionally good, there are people at the university who could be helpful with the process of obtaining an EB-2 visa.

Bearnes asked if the information VC Boehm provided in a handout could be made available to other faculty members across the system. VC Boehm stated that the information can be shared with others, and he would be willing to talk to the Extension Zone Coordinators further if needed.

Chief of Staff Davis noted that immigration law has many complexities and those who are hired on a 6-year visa do not have a clear path to residency. He reported that the visa is not renewable after 6 years. Kopocis asked if a targeted search could be conducted to hire a person after 6 years. VC Boehm stated that the rules and the spirit of the law is whether there is a qualified U.S. citizen that can apply for the job, and we must do our due diligence to make a broad effort to hire a U.S. citizen first. He noted that we do not want to set a precedent for which Extension Educator position we would do a national search for versus a local search.

3.0 Announcements

No announcements were made.

4.0 Approval of November 14, 2023 Minutes

Kopocis asked if there were any further revisions to the minutes. Hearing none she asked for a motion to approve the minutes. Tschetter moved and Vakilzadian seconded approving the minutes. Motion approved by the Executive Committee.

5.0 Unfinished Business

5.1 Faculty Code of Conduct

Minter noted that during the November 14th Executive Committee meeting she reported that General Counsel had concerns about two mutually exclusive statements in the Code that are competing with each other, and this has since been corrected. She noted that this is the only change that has been made since the Executive Committee reviewed the draft earlier in the semester. She pointed out that having a Faculty Code of Conduct offers more protection for faculty members because without some clear language, actionable offenses could be defined by administrators.

Minter moved that the Executive Committee approve bringing the Code to the Faculty Senate for approval. Motion seconded by Eklund and approved by the Executive Committee.

6.0 New Business

6.1 Faculty Member Needed to Serve

Kopocis reported that AVC Walker has received a request from the University of Nebraska System for a faculty member from UNL to serve on an International Compliance Advisory Taskforce to develop policies and procedures relating to international compliance for faculty members working abroad. Executive Committee members recommended a couple of faculty members and suggested that an announcement be made at the December 5th Senate meeting to see if anyone is interested in serving on the taskforce.

6.2 December 5 Faculty Senate Meeting

The Executive Committee reviewed the agenda for the upcoming December 5th Faculty Senate meeting.

The meeting was adjourned at 5:01 p.m. The next meeting of the Executive Committee will be on Tuesday, December 5, 2023, immediately following the Faculty Senate meeting. The meeting will be held in the Nebraska Union. The minutes are respectfully submitted by Karen Griffin, Coordinator and Signe Boudreau, Secretary.