

UNL FACULTY SENATE MEETING MINUTES
May 6, 2025
Presidents Pete Eklund, John Shrader, and Kelli Kopocis, Presiding

1.0 Call to Order

President Eklund called the meeting to order at 2:30 p.m. (Actual start of the meeting was delayed due to problems with technology).

2.0 Executive Committee Elections

2.1 President-Elect

President Eklund noted that Professor Leiter, College of Law was running for election to become the President-Elect. President Eklund asked if there were any nominations coming from the floor. Hearing none, he asked for approval by acclamation. The Faculty Senate approved election Professor Leiter as President-Elect.

2.2 Secretary

President Eklund noted that Professor Tschetter, History, was running for election to become the Secretary. President Eklund asked if there were any nominations coming from the floor. Hearing none, he asked for approval by acclamation. The Faculty Senate approved election Professor Tschetter as Secretary.

2.3 Executive Committee Members

President Eklund noted that Professor Gruverman, Physics and Astronomy, Professor Pierobon, School of Computing, Professor Gorman, Classics and Religious Studies, and Professor Lewis, Teaching, Learning and Teacher Education were running for election to become Executive Committee Members. President Eklund asked if there were any nominations coming from the floor. Hearing none, he asked for approval by acclamation. The Faculty Senate approved the election of Professor Gruverman, Professor Pierobon, Professor Gorman, and Professor Lewis as members of the Executive Committee.

3.0 Chancellor Bennett

Chancellor Bennett reported that he will be yielding his time to President Gold, but he wanted to point out that the commencement ceremony for graduate students will be held on May 16th and the undergraduate ceremony will be held on May 17th. He stated that he has been working hard with the deans to find faculty members to serve as Marshals at the graduation ceremonies.

Chancellor Bennett stated that he has been working hard with the Central Administration Office on the university's strategic plan. He noted that faculty members should be working within your college and departments to think how their unit can meet the strategic pillars identified by President Gold.

Chancellor Bennett pointed out that a team from the Higher Learning Commission will be coming to the university to meet with groups from UNL and UNMC to discuss the application for joint accreditation.

4.0 President Gold

President Gold reported that strategic planning efforts for the university are moving along, pointing out that there are five foundational pillars that have been established with each having identified strategies. He stated that he hoped by July 1 that each of the campuses will have determined what their strategic initiatives are for the next year and how they are connected to the metrics in the many different areas of academic excellence, education, research, discovery and creative activity, partnerships, campus environments, and of course, stewardship, effectiveness and efficiencies. He noted that in the next several weeks there will be a strategic planning session with the Chancellors

and Vice Presidents and during this time the list of metrics will be finalized and the aspirational one and three-year goals for the metrics will be created.

President Gold stated that he wanted to comment on where the university is with both the state budget and some of the federal changes that are actively ongoing. He pointed out that hardly a day goes by that the university is not made aware of changes that are occurring with the state and federal funding and how they would affect the university. He stated that the federal policy predominantly impacts the indirect cost recovery for our research and sponsored programs and when he recently checked, \$44 million dollars of research programs have been cancelled. He stated that the university system estimates that there is about \$22 million dollars of tariff related activities that will hit our budgets going forward. He pointed out that if the NIH indirect cost recovery changes are made, they could cost us about \$27 million dollars and funding from NSF, Department of Energy, the State Department, and the Department of Agriculture grants could cost us another \$27 million dollars a year. He pointed out that currently there are temporary restraining orders and injunctions currently blocking the federal mandates, but at most they will protect our historically funded research grants and contracts but will not shield us from any grants or contracts moving forward. In addition, he said that the federal agencies that review and provide these grants have lost numerous employees which has slowed the grant process down considerably. He reported that we have been able to work very closely with our federal delegation to get decisions reversed or partially reversed for a period of time from some agencies or federal departments.

President Gold noted that the university requested a 3.5% increase in our core budget for each year of the biennium pointing out that the request was unanimously approved by the Coordinating Commission for Post Secondary Education in September 2024. He noted that the requested 3.5% increase was held until January when the projected State budget was released and the Governor proposed a 2.07% reduction in the university's core budget. He reported that there was \$11 million cut from the Healthcare Cash Fund in biomedical research, and \$1.5 million a year that was requested for the Presidential Scholars and the \$1.5 million for Nebraska Research Initiatives to enhance our research productivity were both denied. In addition, some of the facilities planning funds were denied. He stated that the university worked very closely with the Appropriations Committee, he met numerous times with people both inside and outside the Capitol and dozens of people testified before the Appropriations Committee on behalf of the university. He noted that in the end, the university was given a .625 increase in the first year of the biennium and .625 in the second year of the biennium and the \$11 million from the Healthcare Cash Fund was restored. He noted that the Unicameral was debating the entire state budget as of this morning and pointed out that this is a good time for everyone to reach out to the Legislators to tell them how important their university is and that we should stress that the more difficult the financial situation is, the more important it is to invest in a certain return on that investment. He stated that the return on investments to the University results in workforce development, research discovery, and creative activity in terms of health care, and in terms of pure economic return in investment.

Professor Leiter stated that there are proposed revisions to the Board of Regents Bylaws which state that the President has the authority to make changes to academic programs and there is a phrase in the proposed language that says "in consultation" with the leaders of the various campuses. He questioned what consultation means and whether it would include the campus Chancellors, and in the case of UNL, the Academic Planning Committee, which is charged in the UNL Bylaws of having the responsibility to recommend approval, changes or eliminations of academic programs. President Gold stated that any decision would have to involve input from faculty, staff, students, leadership, and the community and the final decision would rest with the Board of Regents. He pointed out that there is nothing on the table at present, but over time we are going to have to do some very serious thinking about how we are going to balance the budget, and what if any changes that might entail. He stated that there will be total transparency if any actions are to be taken in the future.

Professor PeekMeese asked if the President could give an update on the Mutual Defense Compact

of the Big Ten universities. President Gold noted that there are two pieces to the compact, one was the quote from Rutgers University calling for a mutual defense fund, and the other is a Big Ten related document. He stated that there has been very careful discussion with our Board of Regents about our Faculty Senate resolution, and other Faculty Senates within the Big Ten, that have affirmatively responded to the document. He stated that the Presidents of the Big Ten that he has spoken with have chosen not to respond to the call for creating a Mutual Defense Compact. He pointed out that we are obviously going to do everything we can to protect academic freedom and freedom of expression, and of course, freedom of assembly, and the other constitutional foundations of what make higher education what it is. He noted that from a philosophical perspective, there is no question of a willingness to join a broader effort, but he stated that we are not there yet.

Professor PeekMease noted that it would be helpful to the faculty to know which terms were problematic for you specifically and for the other Big Ten presidents. President Gold stated that he thinks a lot of it relates to the concept of creating a mutual defense fund to protect the actions and omissions of other universities of which we have no control.

President Shrader asked if President Gold operationalizes the five pillars and 16 strategies in his Odyssey to Excellence strategic plan that he shares the plan with the faculty and get some reasonable professional input before the plan to reimagine or restructure the university are made. President Gold stated absolutely but pointed out that there are no plans for a major structure or reorganization of the university. He stated that if anything like that was to occur, broad stakeholder input would be needed.

President Shrader asked how the merger of the UNL campus and UNMC would work operationally. President Gold pointed out that it is simply an accreditation change, and it would change how we report to IPEDS and how we report federal financial aid. He noted that we have been very clear in all of the application materials that there is no structure change being contemplated at this time.

5.0 Announcements

5.1 Welcome New Senate Members

President Shrader introduced the new Faculty Senate members: Scott Gardner, School of Biological Sciences; Katie Marya, English; Adam Houston, Earth & Atmospheric Sciences; Iker Gonzalez-Allende, Modern Languages and Literature; Beth Lewis, Teaching, Learning & Teacher Education; Vishnu Reddi, Durham School of Architectural Engineering & Construction; Leslie Delserone, University Libraries; Traci Robinson, University Libraries.

President Shrader congratulated the following faculty members on being re-elected to the Faculty Senate: Pascha Stevenson, English; Xavier Perez Gimenez, Mathematics; Aaron PeekMease, Sociology; Elina Ibrayeva, Management; Sunil Singh, marketing; Megan Paul, Center for Children, Families and the Law; Joe Dauer, School of Natural Resources; Ed Harris, Biochemistry; David Lott, Nebraska Extension Zone 3.

6.0 Approval of April 1, 2025 Minutes

President Shrader asked if there were any revisions to the April 1, 2025, minutes. Hearing none, he asked for a motion to approve the minutes. Professor Reimer, Glenn Korff School of Music, moved to approve the minutes. Motion was seconded by Professor Vakilzadian, Computer and Electrical Engineering. The Faculty Senate approved the minutes.

7.0 Committee Reports

7.1 Convocations Committee (Professor Bingham)

Professor Bingham, Chair of the Convocations Committee, reported that during the 2024-2025 academic year, 22 applications for Convocations funding were received. Of these, 20 were funded resulting in \$16,100 being awarded to support the visit of guest speakers. She noted that the committee report was in the Senator's packet and asked if there were any questions.

7.2 Intercollegiate Athletics Committee

Professor Blankley, Chair of the IAC, noted that she is a professor of sports law in the College of Law. She stated that the IAC has several subcommittees that assess academic support services and review all athletics schedules to make sure the teams are following the Missed Class Days Policy. She reported that there has been a push to get student athletes to graduate early and some of them stay on to become graduate students. She noted that the IAC also updated the conflict-of-interest policy for instructors who teach student-athletes.

Professor Blankley stated that the IAC has been monitoring the House v. NCAA litigation which would allow, but not require, universities to begin direct revenue-sharing with student athletes beginning in Fall 2025 and institute roster limits for each sport. She reported that final approval of the litigation has not occurred yet and another round of documents will be submitted.

President Shrader asked what the Title IX implications are with the House v. NCAA litigation. Professor Blankley noted that a judge in California stated that Title IX was not part of the settlement, but there will more than likely be more litigation about this. She noted that the litigation will be tricky pointing out that the Biden administration provided guidance that all school sponsored NIL must be done in equity, but the current administration has eliminated this guidance.

Professor PeeksMease asked how many student athletes are graduating quickly. Professor Blankley stated she does not have that information. She noted that the progress rates are reported in 20% increments, and she does know that there is a sizable minority of student athletes that are in graduate school.

President Shrader stated that President Gold has said that we will use the revenue model that gets adopted by the Big Ten. Professor Blankley reported that the participating conferences would be able to provide direct revenue sharing of \$20.5 million, and all scholarship caps will be eliminated. She noted that in pro sports, collective bargaining agreements divide the funds into a 50/50 split with 50 percent going to management and 50 percent going to the pro athletes. For the college model, she noted that revenue sharing, plus education benefits, plus room and board are estimated to provide roughly 50% of the revenue to student-athletes. Currently, there is no method for student-athletes to unionize. She stated how the money is distributed will be dealt with on a team-by-team basis. She pointed out that the direct payment is not for each game played and stated that the NIL compensates student-athletes for their intellectual property, not their athletic performance. She reported that when the revenue is distributed, there will be some athletes who get nothing while others receive a significant amount, but as of now, the litigation is not settled.

7.3 Executive Committee Report (Past President Eklund)

Past President Eklund noted that due to the late start, he would not go into any detail of the Executive Committee report, pointing out that the report was included in the Senator's packet and that all the minutes from the Executive Committee meetings were available on the Senate website.

8.0 Unfinished Business

8.1 Motion to Approve the Resolution on Defending Institutional Autonomy, Academic Freedom, and the Rule of Law in Response to the Department of Education's February 14, 2025 "Dear Colleague Letter"

President Shrader reported that the motion was presented at the April 1st meeting and asked if there was any further discussion. Hearing none, he called for the Senate to vote on the motion. The motion was approved with 35 in favor, 7 against, and 1 abstention.

8.2 Motion to Revise the Faculty Senate Class Attendance Policy

President Shrader noted that the motion to update the Faculty Senate Class Attendance policy in was presented at the April 1st Faculty Senate meeting. He asked if there was any further discussion on the motion. Hearing none he asked the Senate to vote. The motion was approved with 28 in

favor, 6 against, and 8 abstentions.

9.0 New Business

9.1 Title II Regulations – New Federal Guidelines Requiring Electronic Course Materials Meeting Accessibility Standards (Deborah Huryta, Compliance Officer and Ash Mitchell, Instructional Designer)

Compliance Officer Huryta reported that she is a member of the ADA Title II for Digital Accessibility, Education, and Outreach Subcommittee. She noted that Title II requires state and local governments that offer programs and activities online and through mobile apps, to have course materials that comply with web content accessibility guidelines. She stated that the final rule on Title II states that the final date for compliance is April 24, 2026. She noted that the rule provides guidance for providing accessible digital materials and does not change other expectations. For instance, printed material for a course would need to be provided in an accessible format. She stated that complying with the rule is not dependent upon whether there is a student enrolled in a course who has a disability. She pointed out that instructors may still receive academic accommodation plans provided through Services for Students with Disabilities.

Compliance Officer Huryta stated that the handout that was provided to the Senators today provides several resources for training and there will soon be the program Ally through Canvas that will help instructors make their course materials compliant with Title II. She noted that the training and resources will continue to develop as we move through the process and the Center for Transformative Teaching has a website that provides information ([Title II & Digital Accessibility Programming | Center for Transformative Teaching | Nebraska](#)).

Professor Harris, School of Veterinary and Biomedical Sciences reported that in talking with some of his colleagues, the requirements for all courses that are required across the university system and listed with the CTT would require hundreds of thousands of hours of work to comply with Title II digital accessibility programming. He noted that the listed requirements are very broad and appear to be going beyond what other universities are doing and how the requirements are being interpreted. He pointed out that he examined the Department of Justice rule that came out on April 24, 2024, and compared it to the policy that came from the CTT, and there appears to be some discrepancies. For example, the rule on page one states that Department of Justice “establishes technical standards for web content and mobile app accessibility to give public entities greater clarity in exactly how to meet their ADA obligations.” He pointed out that it does not state that all digital content must meet the standard noting that there is a difference between content transmitted via CD, USB, or via email and what is provided through the web. Yet, the CTT website states that the rule applies to all digital content. He noted that this makes a huge difference for some faculty members.

Professor Harris reported that another conflict is with content that is posted by a third party. He stated that the Department of Justice rules states “content posted by a third party, unless the third party is posting due to contractual, licensing, or other arrangement with the public entity” is considered exempt from the rule. Furthermore, the rule states “where a public entity links the third-party content, but the third-party content is truly unaffiliated with the public entity and not provided on behalf of the public entity due to contractual licensing or other arrangements, the linked content falls outside of the scope of the rule. He pointed out that what is listed in the handout is incorrect.

Professor Harris stated that the rule states “nothing in this subpart prevents the use of designs, methods, or techniques as alternatives to those prescribed, provided that the alternative designs, methods, or techniques result in substantially equivalent or greater accessibility and usability of the web content or mobile app.” He noted that for instance, he records his lectures and puts it on YuJa because what he teaches is very complex, and having a recorded content actually exceeds what is needed for ADA compliance for those that are visually impaired. He asked if there is a way to get clarification on how CTT came up with the rules they have listed and why they seem to not necessarily fall within what the Department of Justice is saying.

Compliance Officer Huryta stated that the presentation today was intended to give the Faculty Senate a brief overview of the training and resources that are available to assist faculty members. She then asked Deputy ADA Compliance Officer Sydik to speak about the third-party exception if there is no contractual connection. Deputy ADA Compliance Officer Sydik stated that the third-party exception applies if there is no contractual connection, but if you are employed by the university, you have a contractual connection. Professor Harris noted that CTT says that if he was to link a website like a YouTube video in his course, the instructor would have to make sure that all the content is accessible. However, he stated that this is not what the exception says. Deputy ADA Compliance Officer Sydik pointed out that once an instructor embeds the link for the course it becomes part of the course content so the video would need to be accessible. Professor Harris asked if an attorney has looked at this carefully to which Deputy ADA Compliance Officer Sydik responded that our attorneys have looked at this several times.

Professor Kolbe, Johnny Carson School of Theatre and Film, stated that when footage is being provided to students to learn editing or color correction, that footage is for them to actually learn their trade, and the footage cannot be changed. Deputy ADA Compliance Officer Sydik stated that there are issues about technical and feasibility that would probably be part of the discussion for an exception. Professor Kolbe pointed out that content accessibility exceptions are not clearly defined in the CTT information which is part of the reason faculty are so upset. Deputy ADA Compliance Officer Sydik noted that these exceptions are very narrow. Professor Kolbe stated that the exceptions still need to be spelled out for faculty members because not all faculty members need to comply because of the nature of the data that they are handing out digitally to students. Deputy ADA Compliance Officer Sydik reported that a document was sent out last week to the faculty about Title II compliance and it describes the entire issue of the undue alternation or the fundamental alteration and undue burden.

Professor Rumann, Educational Administration, stated that the CTT has been very helpful and supportive and he believes they are trying to protect the faculty. He suggested that faculty members reach out to them. He noted that in the long run, making these adjustments will be good for the students. Compliance Officer Huryta stated that there is support on campus and noted that we will probably not have everything figured out by next April 24th, but CTT and her office are going to do their best to get the faculty the support they need.

Professor James, Agronomy and Horticulture, noted that she has an Extension appointment and pointed out that she does not use Canvas, rather she uses Google classroom and Top Hat. She asked who was going to help her with making her course content compliant with Title II. Compliance Officer Huryta pointed out that she is not aware that we have come up with a tool for helping those who do not go through Canvas noting that the mechanisms to help make course content compliant are under construction. She asked Professor James to contact her to discuss the problems further.

Professor VanderPlas, Statistics, pointed out that there do not seem to be any tools for those faculty members who use Latex and who publish equations, and she believes that Latex files cannot be accessible in a PDF. She noted that the university has been aware of the Title II compliance regulations a year ago but certain tools to assist with this are just being made available. She asked where the resources from the university are to assist faculty members to make their course content compliant because for her courses, and for others, they use other programs for their work. Compliance Officer Huryta noted that each of the colleges may be providing some internal resources. She stated that we had a two-year window, and it was first started with communication and the purchase of some tools to help faculty members.

Professor Kopocis, Durham School of Architectural and Construction Engineering, asked if there would be a sample Canvas course that would be in compliance that faculty could use. Amy Berry, Academic Technologies reported that this has not been discussed, but she thinks this is a great idea.

She stated that she is open to other feedback and is happy to meet with anyone.

President Shrader stated that he is concerned about the Title II regulations and meeting them when we don't even mandate the use of technology or Canvas. He noted that it can put us in a difficult situation.

President Shrader thanked Compliance Officer Huryta and Deputy ADA Compliance Officer Sydik those from CTT and the committee working on these compliances for attending the meeting.

9.2 Louise Pound-George Howard Distinguished Career Award Ballot

President Shrader stated that the Honorary Degrees Committee has forwarded a nomination for the Louise Pound-George Howard Distinguished Career Award to the Faculty Senate for approval. He stated that the nomination ballot on the proposed nominee would be sent tomorrow morning and voting would begin electronically.

9.3 Open Mic

Professor Powers asked if there was any follow-up about us not renewing our Adobe content and he asked if we could strongly oppose this idea. He pointed out that Adobe Acrobat is essential for us to meet the Title II regulations. President Shrader stated that he spoke with his college IT person who said that we are fine with the contract. Professor Kolbe noted that the students he spoke with about this decision were incensed and noted that they had no idea that the previous ASUN administration had taken the vote to not renew the contract.

Professor PeekMease stated that President Gold's response to the question about the Mutual Defense Contract was very disappointing and stated that the President ignored the resolution that was put forth by the Faculty Senate. He pointed out that the Chancellors' response to the Daily Nebraskan about the elimination of the DEI office does not support the N2025 strategic plan that says that every person matters. He stated that marginalized students want a sign of support from the administration and noted that this does not include reallocation of funds, but rather transparency on what processes and procedures will be in place to help these students.

Professor Gorman, Classics and Religious Studies and Head Marshal stated that volunteers are needed to help with Commencement. He reported that people can come over around noon and there will be free food but the need for volunteers is especially needed at 3:00. Tschetter pointed out that graduation is the happiest day of the year on campus!

The meeting was adjourned at 4:46 p.m. The next meeting of the Faculty Senate will be held on Tuesday, September 2, 2025, at 2:30 p.m. in the East Campus Union, Great Plains Room B-C. The minutes are respectfully submitted by Karen Griffin, Coordinator, and Ann Tschetter, Secretary.