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EXECUTIVE COMMITTEE MINUTES

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Present: **Anaya, Guevara, Nickerson, Reisbig, Rinkevich, Ruchala, Schubert, Woodman, Wysocki, Zoubek**

Absent: **Bender, LaCost**

Date: **Wednesday, March 13, 2013**

Location: **Faculty Senate Office**

Note: These are not verbatim minutes. They are a summary of the discussions at the Executive Committee meeting as corrected by those participating.

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1.0 Call to Order
Schubert called the meeting to order at 3:05 p.m.

2.0 Announcements
    2.1 No Meeting March 20
Griffin reminded the Executive Committee that there will not be a meeting during the week of spring break.

    2.2 Bylaws for Engineering College
Schubert reported that the College of Engineering received a response from the General Counsel's Office stating that all faculty members have voting rights. As a result the approval of the proposed bylaws for the Engineering College will be up for a vote. Wysocki noted that the old bylaws date back to the 1990's and the College has not had them in effect for 10 or 15 years. Woodman asked if research assistant professors have voting rights. Schubert stated that according to the General Counsel's Office they would have voting rights.

Woodman asked if the bylaws are as explicit as Schubert would have liked them to be. Schubert stated that they are. He noted that his concern was not with the content of the bylaws, but the fact that the original email message that went to engineering faculty members said that only tenured and tenure track faculty members could vote. He reported that he questioned this because of the way the Regents Bylaws was written. He noted that you violate the principle of democracy when you exclude a group based on their small population. He pointed out that he might vote against approving the Engineering bylaws if they do not include the statement that all faculty members have the right to participate in voting,

Guevara pointed out that his department revised its bylaws just a few years ago and professors of practice can vote on department issues, but non-tenure track people are excluded from voting on promotion and tenure.

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Schubert reported that he has not heard back from General Counsel on the letter he sent asking for clarification of faculty members and their voting rights but he expects that the response will be about the same that the Engineering College received.

Guevara asked if the response was actually made by SVCAA Weissinger. Schubert stated that one of his colleagues stated that it did but he received word from Professor Choobineh who was involved in the writing of the college's bylaws that the response originally came from General Counsel.

Woodman noted that the response indicated that the bylaws will not be reviewed by the Board of Regents. He asked what this implies. Schubert stated that clarification will need to be obtained from SVCAA Weissinger, but to him this makes sense because the bylaws state that faculty members make decisions on faculty matters in a college. Reisbig questioned who would check to make sure that the college bylaws are consistent with UNL and the Regents Bylaws. Schubert stated that this would need to be clarified. He noted that the Regents Bylaws do state that all other bylaws must comply with the Regents Bylaws.

Nickerson noted that the exchange between the Engineering College and the SVCAA and General Counsel makes the response we get back from General Counsel more significant. Schubert agreed and stated that the issue could get passed back to us to define who would be considered a faculty member. Nickerson pointed out that his department has tried to uphold the rights of professors of practice, but looking into the issue in more detail might result in post doc fellows being invited into faculty meetings. Guevara stated that in discussing the issue with his Dean's office they said it depends on how your department functions. He pointed out that TA's are students and are not considered faculty members but people who have been hired as lecturers are different employees making it a more complicated matter.

3.0   Approval of March 6, 2013 Minutes
Rinkevich moved for approval of the revised minutes. The motion was seconded by Zoubek. The motion was approved.

4.0   Unfinished Business
4.1   Report on Dell Presentation about KACE (Woodman)
Woodman reported that three or four representatives from Dell, including one person who was an adjunct faculty member at another university previously while working for Dell, showed the benefits of KACE for Dell. He noted that the benefit for the university was that it inventoried the licensed software programs on people's computers. He noted that the Dell reps stated that only two or three people would have access to the information that is gathered by using KACE. He reported that he asked if scripts could be written onto the computers and was told they could but that KACE would not be used that way at UNL. He pointed out that basically the presentation was a sales pitch for KACE.

Woodman noted that at Harvard University there was recently a situation where administration searched the emails of 15 resident deans to try to identify a leak of information. He pointed out that using KACE could probably make it easier for administrations of universities to do these kinds of searches.

Woodman reported that he asked about the liability issue and the response was simply a shrug. He was told that if a corporation sells a defective system they could be held legally responsible but there is nothing in UNL's contract with Dell about liability.

Schubert asked where the Information Technologies and Services Committee (ITSC) stands in regards to the use of KACE. Woodman reported that the ITSC met the following day of the presentation and is working on developing a policy, but he is concerned that the policy only addresses KACE and that it should include broader language on programs that are KACE-like that have the capabilities to look at the work that is being done on people's computers.

Woodman was asked if the university has completely purchased KACE or purchasing the next state of it. Woodman reported that KACE has been purchased and it is being used on computers in CBA, the Libraries, and in some departments in Arts & Sciences, but the program is coming up for renewal. Schubert asked if the ITSC is promoting or suggesting renewal of the program. Woodman stated that the ITSC is promoting a policy that would have an opt-in feature, although the details have not been worked out. He noted that a document is needed that explicitly and completely explains what KACE can potentially do. Schubert noted that it is scary how the program has the capability of seeing everything that is on someone's computer. Nickerson pointed out that Dell claimed that only two people on campus would have access to this capability. Wysocki questioned who would authorize and supervise these two people.

Ruchala stated that another avenue for addressing the issue of privacy might be addressed because of the Harvard scandal. Guevara pointed out that emails can be accessed now through the state's public records statute. Woodman noted that KACE can even go into a person's personal gmail account if the person accesses it with their work computer.

Reisbig noted that if people are alarmed with the Harvard email scandal they should be really alarmed with KACE, although it is difficult to assess what the exact implications are with the program because we do not know for sure what the administration is going to do with the program.

Guevara pointed out that some faculty members are viewing KACE from the negative point of view and he believes the Chancellor has had enough discussions about it with the Executive Committee. Schubert stated that the Senate is trying to watch out for the faculty. He pointed out that even the Dell reps agreed that there are potential risks with the program. He stated that if the faculty does not want the program than it should be terminated.

Schubert noted that CIO Askren will be speaking to the Senate at the April 2 meeting and Professor Hartke, chair of the ITSC, will be giving the committee's report to the Senate on the same day. He suggested that this issue needs to be brought to the broader population of the Senate and the faculty. Woodman suggested that a motion could be made at the Senate meeting about KACE. Schubert stated that the Senate could ask administration to suspend use of KACE until concerns are fully addressed. Woodman pointed out that there should be a clear statement about who makes the decision to put KACE on a faculty member's computer: deans, chairs, faculty member? Nickerson stated that he trusts the ITSC to make some of these policies. Guevara pointed out that non-individually assigned computers, such as computers in labs and classrooms, can have KACE on it, but there are problems with individually assigned computers. Reisbig noted that there should be alternative security measures for those who opt out of having KACE installed on their computer. Zoubek stated that KACE can be helpful to those people who don't update their computer regularly. He noted that another option is for people to purchase and use their own computer.

Schubert asked if a survey that is approved by the IRB could only be done on computers that are not controlled by KACE. Reisbig stated that this could be a concern because people are told that the information they provide on surveys is confidential but if someone else can view what is on a person's computer, the information provided would not be considered confidential.

Woodman noted that KACE would be a locally installed product and no information will go back to Dell. He pointed out that every three hours a scan will be run on your computer. He stated that the explanation for doing this is to conduct an audit should some software company, like Adobe or IBM, request information.

Schubert predicted that most faculty members will be using their own computers if this corporation process of putting KACE on all computers occurs. Woodman noted that most computers will probably go to 3g or 4g because it is wireless.

Schubert suggested that the Executive Committee move to engage the broader faculty into a discussion about the pros and cons of KACE. Woodman suggested charging the ITSC to develop a policy which protects faculty rights and creates guidelines that should be followed. Nickerson noted that the administration has been sensitized over the concerns.

The Executive Committee agreed to discuss a possible motion at the next meeting.

4.2   Executive Committee Elections

Griffin reported that the Senate Office has not received any nominations for election to the Executive Committee. Schubert noted that three Executive Committee members, the Secretary, and the President-Elect will need to be elected. The Executive Committee discussed possible candidates for the election.

5.0   New Business

5.1   Offer from Associate to the Chancellor Nunez to Provide Additional Information on Number of Faculty Members

Reisbig noted that this is in reference to the numbers SVCAA Weissinger provided to the Executive Committee when they met with her recently. Schubert pointed out that this information might be particularly useful if discussions start occurring about non-tenure track faculty members voting rights. He stated that it would be interesting to see what the trend is with hiring tenure track faculty members versus non-tenure track faculty. He suggested having Associate to the Chancellor Nunez present this information to the Senate at some point. Wysocki stated that it would be interesting to see if information on hiring trends can be provided at the other Big Ten schools. Schubert suggested that the Executive Committee wait until General Counsel has reported back on the clarification of faculty and voting rights.

5.2   Offer from Professor Giesecke to Provide Information on Assessment Criteria for Accreditation Processes

Guevara noted that Professor Giesecke has offered to meet with the Executive Committee after she has attended a training session with the Higher Learning Commission which will address assessment criteria that will be required for accreditation.

Nickerson stated that faculty members seem to be very much in favor of getting rid of the reaccreditation aspect of the ACE program, but assessments will need to be done and the information kept for accreditation purposes. Woodman stated that he would like to see a comparison with the other Big Ten schools to see if their general education programs go through some kind of assessment or reaccreditation process.

Anaya stated that the important thing is to know that the ACE program and reaccreditation is a meaningful assessment. She pointed out that reaccreditation can be obtained but does this mean that an ACE class is good. Guevara stated that he did not think providing three samples of work from a course prove that a course is good. Woodman noted that faculty members felt that all of the work for reaccreditation of the ACE courses was being done for no real reason.

Schubert asked the Executive Committee if Professor Giesecke should be invited to speak to the Executive Committee after her training with the Higher Learning Commission. The Executive Committee agreed to invite her to an upcoming meeting. Woodman suggested asking Professor Giesecke if she has a perspective on the other Big Ten schools' general education program and whether they have as rigorous a program as we currently have. Anaya stated that it would be good to know, for accreditation purposes, what is a meaningful evaluation of undergraduate courses. She asked if ACE is modeled on other programs at other universities, or if there are other models that provide meaningful results and information that aren't as cumbersome as our ACE program. Woodman noted that a few years ago departments had to come up with a way to assess how well seniors did in their major and his department used ETS to make this assessment which has worked well. However, he does not think there is a parallel general education

assessment program that could be used. Guevara stated that departments can do a better job of conducting assessments than just providing three samples of the work in a course.

5.3   Policies and the Process of Enforcing Them
Nickerson reported that he was approached by some colleagues regarding the discussion the Executive Committee had with the Chancellor regarding campus policies and how they get the force of law. He noted that the Chancellor thinks that the campus might be vulnerable with some policies such as the promotion and tenure policy. Anaya stated that the context of the discussion was about who has the authority to create policies and who has the power to enforce them. She noted that each college has its own promotion and tenure committee. Nickerson pointed out that the Chancellor was discussing how the campus bylaws need to be revised.

Schubert suggested that the discussion be deferred to the Chancellor when he speaks to the Senate in April.

The meeting was adjourned at 4:58 p.m. The next meeting of the Executive Committee will be on Wednesday, March 27 at 3:00 pm. The meeting will be held in the Faculty Senate Office. The minutes are respectfully submitted by Karen Griffin, Coordinator and David Woodman, Secretary.