

## UNL FACULTY SENATE MEETING MINUTES

East Campus Union,

November 4, 2008

Presidents Kathy Prochaska Cue, John Fech, and Steve Bradford, Presiding

### 1.0 Call to Order

President Prochaska-Cue called the meeting to order at 2:35 p.m.

### 2.0 Announcements

#### 2.1 Recommendations for Committees

President Prochaska-Cue reported that there are several committees that need faculty members. Recruit NE and Promote NE committees are associated with the NSF's Advance Program which seeks to increase women in the STEM fields (biological sciences, computer and information science, engineering, geosciences, and mathematical and physical sciences). People are needed to serve on these two committees. She asked that anyone with suggestions for people who might be interested in recruiting more women in these fields should contact her.

President Prochaska-Cue stated that the Research Council needs a member from the Arts & Humanities disciplines. She asked that anyone with suggestions please contact her so the Research Council can be fully staffed.

### 3.0 Chancellor Perlman

Chancellor Perlman reported that the administration is preparing to move forward to replace Kent Hendrickson and provide leadership in information services. He noted that the Computational Services and Facilities Committee recommended that the administration look at the position seriously and he wants to do two things that would be different from the position that was held by Dr. Hendrickson. He noted that he has not had a chance to interact with the Senate Executive Committee about these changes.

Chancellor Perlman stated that first he wants to change the title and job description of the position in order to make it a true campus officer. He stated that he also wants the position to report directly to him as recommended by the Computational Services and Facilities Committee. Previously the person in this position reported to at least two and sometimes three different Vice Chancellors. He noted that he will probably not make this a Vice Chancellor position. He reported that a job description has been written and he plans to move forward with a search.

Chancellor Perlman stated that the Chancellor's Commission on Environmental Sustainability has been formed and Professor Todd and Dean Drummond are co-chairs of the Commission. He reported that the Commission is composed of faculty, staff, and student members. He stated that the Commission is engaged in formulating their agenda and will ultimately make recommendations to him. He reported that the Commission has been meeting and will eventually have a webpage. He noted that the Commission is looking for comments from the campus.

Chancellor Perlman wanted to provide an update on the 2015 projects. He noted that the City Council approved the development plans for the Art & Humanities block in the West Haymarket area. This will include an extension of the Sheldon Art Museum in association with the hotel that will be going into the area.

Chancellor Perlman reported that the arena project for the Haymarket area continues to move forward. He noted that the plans are in the difficult stage of trying to calculate the cost of moving the existing railroad tracks. He stated that in January and February the plans should be put together and hopefully they will be approved by the City Council. He noted that there are very tentative design plans at this time.

Chancellor Perlman announced that the Antelope Valley Project is rapidly moving towards O Street. Soon the park associated with the project will be developed.

Chancellor Perlman reported that we are currently waiting to acquire the land for the Innovation Campus and at this time all of the parties involved have done what is needed to assure that the state fair moves to Grand Island. He pointed out that work is now being done to create a master plan to develop Innovation Campus.

Chancellor Perlman stated that the project to develop a large equine facility at 84<sup>th</sup> and Havelock which would include UNL's equine program and a racing track is moving forward. He noted that there are many partners in this project and everyone is doing their share of the work but a lot of things must be done before it can be accomplished. He pointed out that the project is the most tentative of those he mentioned today.

Chancellor Perlman noted that the Nebraska Civil Rights Initiative will be determined in today's elections. He pointed out that if the initiative fails we will have to work hard to continue to diversify the campus but if it is approved we will have to look carefully at how we can accomplish this goal. He noted that the initiative would not go into effect until December or January.

Past President Bradford asked the Chancellor to comment briefly on the child care facility. Chancellor Perlman stated that the child care facility is part of the Whittier project; other projects include the nanotechnology project and the renovation of the Animal Science building. He pointed out that currently the credit markets are not good for bonding facilities and although this could change tomorrow there are some serious issues that we are trying to confront with respect to moving forward with these projects. He stated that the Whittier project is the top priority because of the research space it would offer and the child care facility. He stated that he will keep the Senate posted on the developments of this project. He reported that bids were opened and a low bid was accepted but we have only until November 11<sup>th</sup> to sign the agreement or we will have to re-bid it. He stated that for him the child care facility is a personal priority.

Chancellor Perlman wanted to speak about the cancellation of Dr. Ayers visit. He stated that this case presented a number of difficult issues. He pointed out that the invitation to Dr. Ayers was proper but the cancellation of his visit based on security reasons was also proper. He noted that there has been some concern with the faculty and the interplay of events with regards to academic freedom. He noted that some people felt that the security and safety issues were a cover up for the pressure that the university received from donors and the Governor.

Chancellor Perlman stated that it was unfortunate that he was in China and had to make a difficult decision when he was 13 time zones away but in some ways it was easier because he did not have the political pressure he would have had if he was here. He stated that his decision was made with Dean Kostelnik and SVCAA Couture and the issue was presented to the faculty who extended the invitation to Dr. Ayers although these faculty members took no vote in the decision to cancel the visit. He reported that he made the decision on Thursday evening.

Chancellor Perlman stated that the university received numerous email messages, blog traffic, and phone calls about Dr. Ayers visit and the threats received were reviewed by the Threat Assessment Team. The Team determined that there was a level of threat that could jeopardize the safety of the campus and he acted accordingly.

Chancellor Perlman noted that a resolution will be made to the Senate calling for an investigation into the event. He stated that he will be happy to cooperate with any group that the Senate wants to look into the matter. He pointed out that whoever does the investigation can have access to all of his email messages concerning the matter since it has all appeared in the local newspapers.

Chancellor Perlman noted that part of the resolution calls for looking into policies and practices for the future. He stated that he would be leery and most likely opposed to any policy or procedure that would attempt to deal with a decision in this kind of context. He pointed out that he is ultimately responsible for the safety of this campus and it is a responsibility that he takes seriously. He stated that he is not going to defer this responsibility to a faculty committee or to a set of procedures that could potentially bind his hands. He noted that in the proper set of circumstances he would have sought the advice of some faculty members but in this instance it did not seem possible due to his being in China.

Chancellor Perlman pointed out that this case is interesting as to whether it even involves academic freedom or free speech. He noted that not one of the critics cared at all about what Dr. Ayers was going to say; it was based on the content of his character. He stated that he thought it was appropriate to invite Dr. Ayers since 40 years have passed since Dr. Ayers' actions but there are people who feel that he is unrepentant for what he did. Chancellor Perlman noted that everyone feels that Dr. Ayers' actions were reprehensible.

Past President Bradford stated that the Senate would not be seeking procedures that would take the decision making away from the Chancellor but would require some consultation with faculty members. Chancellor

Perlman pointed out that in some situations he might be able to consult with faculty members but in other situations he might not be able to consult with them.

Professor Sarroub, Teaching, Learning, and Teacher Education, reported that Dean Kostelnik invited the faculty to give opinions and discuss the situation with Dr. Ayers. She noted that she was invited to one meeting Friday morning and attended a college-wide meeting Friday afternoon during which faculty were expected to give opinions only to learn afterwards that the decision to cancel Dr. Ayers' visit had been made the night before. She pointed out that President Milliken's comments questioning faculty judgments showed that there was no faculty input in the decision to cancel the visit. She stated that faculty members' time is important and she is wondering why they spent all day meeting to discuss the possibility of cancellation when the decision had already been made without faculty input.

Chancellor Perlman noted that Professor Sarroub's viewpoint is a fair description of what happened and he can understand how people thought the decision was less than credible. He stated that if there had been serious objections from the faculty he is not sure what he would have done but certainly would have considered their views. He felt that he needed to bend over backwards for the safety of the campus.

Professor McShane, Emeriti Association, asked if there are any written policies on what to do to rescind an invitation to a guest speaker. Chancellor Perlman stated that to his knowledge there are no university policies that deal with this kind of situation. Professor McShane pointed out that central to the mission of the College of Education and Human Sciences is how to advance the education of students in small and rural schools which is what Dr. Ayers was going to speak about. He noted that AAUP regards the cancellation of a guest speaker's visit as a denial of academic freedom. He stated that he does not want to argue about the judgment that the Chancellor made but he is interested in knowing if the Chancellor accepts the AAUP's judgment that this is a potential violation of academic freedom. He noted that there are rules to deny access to someone who could be a danger to students but we do not have similar rules for the same kind of protection in the case of an invited speaker. He suggested that there should be some rules to protect guest speakers if needed.

Chancellor Perlman stated that he is willing to concede that the AAUP is the rule that we follow but it does not speak to this situation. He pointed out that the threats made were not about what Dr. Ayers was going to say, the comments were made in respect to his character. He stated that initially he thought the invitation was okay. He pointed out that if we were to hire someone and found out in a background check that the person had two convictions we would not hire him/her. He noted that he recently refused to appoint someone because of this very problem. Professor McShane pointed out that when we deny a job offer before it is accepted another set of rules prevail. Chancellor Perlman asked if it would be considered a violation of academic freedom if we cancelled a job offer to someone because we found out after the person agreed to come here that they are a felon.

Chancellor Perlman noted that people may not like his judgment but he asked if it was really a case of violating academic freedom. Professor McShane stated that we need to make sure that procedures are in place to deal with this kind of situation in the future. Chancellor Perlman stated that he is uncertain whether this case would be considered a normal case of academic freedom by the AAUP.

Professor Franti, Biological Systems Engineering, asked why the decision had to be made so quickly given that the speech wasn't for another 30 days and knowing that the faculty members of the college were going to meet the next day. Chancellor Perlman stated that those reading the emails and documents believed that pressure was mounting rapidly and that if a decision was going to be made that it needed to be done quickly.

Professor Wunder, History, stated that he agreed with what the Chancellor stated. He noted that it is the responsibility of the faculty and as Chancellor to regard the safety of our students as essential. He stated that he does not believe there is unlimited academic freedom at universities. He stated that it would help a lot of people if the Chancellor could give an update on what is happening with law enforcement pursuing criminal charges against the verbal and written threats that were made. He pointed out that these threats are a very serious matter. He asked what kind of advice the Chancellor would give to faculty and chairs of search committees as to the inquiries that will come, especially in major research areas, in regards to the incident.

Chancellor Perlman stated that the investigation into the email messages and blogs is ongoing. He noted that he continues to get some emails but not as many. He pointed out that it is a very difficult job to identify who made some of the threats that were received and the court allows a very narrow definition of the kinds of threats that can be prosecuted.

Chancellor Perlman stated that he would advise that this was and is a very unusual circumstance because it is not a true case of academic freedom. The threats came in because of Ayers' previous actions. He pointed out that the liability that could confront the university could be enormous if anything happened during Dr. Ayers' visit. He stated that there are times when academic freedom has to step aside for the safety of the campus.

Chancellor Perlman stated that he wanted to emphasize that he does not think this is an example of Nebraskans being less accepting of controversial issues than other states or that they are willing to create security risks for the university. He pointed out that safety is determined by the fringe not the core. He noted that Dr. Ayers has provoked controversy at other places he has visited but the situation has been even more difficult due to the upcoming elections.

Professor Sarroub thanked the Chancellor for taking questions and the implied criticisms. She stated that she had sent him an email message asking what we should do in the future if something like this should come up again. She noted that at other universities where she has worked there was a central call center where people handled calls for the university in times of crisis. She stated that she heard from colleagues across campus who answered many phone calls without knowing how to respond and she wondered if there is a way to figure out how to deal with these kinds of calls so there is a pragmatic and consistent approach from the university.

Professor Sarroub stated that she was part of the Qualitative Research Interest group invited Dr. Ayers to speak but she and her colleagues had not based their judgments on the speaker's character, and they should not be expected to do so. They had focused on his scholarship in education and on his expertise in narrative inquiry. She pointed out that Nelson Mandela endorsed revolutionary violence but he is now revered by many worldwide even though Margaret Thatcher and Ronald Reagan continued to call him a "terrorist" throughout the 1980's. She stated that having a considered discussion with a pragmatic approach to security would have been a more productive way of dealing with the situation.

Chancellor Perlman stated that he takes to heart what Professor Sarroub has suggested and has already started working on her suggestion. He noted that the explosive reactions to Dr. Ayers' visit were very intense and came very quickly and those who analyzed the messages felt that they were legitimate threats to the well being of the campus. He stated that he thinks we should all try to learn from this circumstance. He stated that he does not know if it would be possible to get talking points out to the campus in order to deal with situations such as this one.

Professor Carlson asked who the group of advisors was that made the assessment that the threats were legitimate. Chancellor Perlman stated that it was the Threat Assessment Team. He noted that Professor Scalaro from Psychology is one of the members of the Team and he is a nationally recognized expert on threat assessments and has been involved in many cases and worked with the FBI and other agencies. He stated that UNL Police Chief Owen Yardley is also on the Team.

Professor Carlson asked what triggered the assessments. Chancellor Perlman stated that when phone calls are received that are reactive beyond the normal complaints it is shipped over to the Assessment Team for their consideration. He pointed out that the Team is not over sensitive to threats and reminded the Senate that we live in a time when we need to be more careful than not.

Professor Cochran, Industrial & Management Systems Engineering, stated that there are some who feel that the decision that was made was not done on safety considerations but rather for economic considerations. He asked the Chancellor to counter this argument.

Chancellor Perlman stated that he was not aware of the Governor or the donors' displeasure about Dr. Ayers' visit when he made the decision to cancel the event. He pointed out that he believes that donors give money because they want a great university but he does not think we can have a great university based on what the donors' passions of the moment are.

Professor Harbison, Chemistry, pointed out that people need to consider how the cancellation of Dr. Ayers' visit looks to the rest of the state and the country. He stated that Bill Ayers was a terrorist who never did jail time for the crimes he committed. Professor Harbison stated that people need to realize that those who thought it was wrong to invite Dr. Ayers have as much a right to protest as those who were in favor of the invitation.

Chancellor Perlman pointed out that concerns need to be directed at him since it was his decision. He stated that we need to educate people about why it is important to hear different voices.

#### 4.0 Resolution from the Emeriti Association

Professor McShane pointed out that the Senate rules give the Emeriti Association floor rights to speak and he is grateful for the opportunity. He noted that the Emeriti Association passed a resolution unanimously at the last meeting. It states:

- “The Emeriti Association resolves to ask the Faculty Senate to seek through an investigation to determine
- A. The extent to which the invitation to Professor William Ayers was legitimately suspended;
  - B. The adequacy of the policies and procedures that are in place for the issuance of such disinvitations; and,
  - C. What policy changes might be appropriate to assure that UNL is better prepared to meet such assaults in the future.”

Professor Kranz, Northeast Research & Extension Center, asked why this needs to be an AAUP issue rather than dealing with the matter internally. Professor McShane stated that the Emeriti Association is worried that the decision was made without process and was made by people who serve at the pleasure of the Chancellor. He noted that in the Academic Rights & Responsibilities Procedures there is a provision to remove an instructor from a classroom if it is deemed that the instructor could be a threat to the welfare of the students. However, the Chancellor must consult with the Academic Rights & Responsibilities Committee in order to enforce this rule. Professor McShane pointed out that procedures do not give the ARRC to over rule the Chancellor but the Chancellor must consult with the Committee because of the issue of academic freedom.

Professor McShane stated that he agreed with the Chancellor when he stated that academic freedom is not the perk of the faculty but rather it is the principle of the university. Professor McShane noted that in order to protect academic freedom faculty are given tenure so they feel free to say and conduct their research on things that might be considered controversial. He pointed out that tenure does not provide absolute protection but it says that faculty members do not serve at the pleasure of the administration. He noted that the Emeriti Association does not contest the right or obligation of the Chancellor to disinvite a guest speaker.

Professor McShane stated that what was troubling is that in the face of threats, whether they were political, financial or violent they proved successful and the visit was cancelled. He pointed out that there are people who now believe that they know how to stop people they do not like from coming to campus to speak and this is unsettling for him and his colleagues in the Emeriti Association.

President Prochaska-Cue noted that the Senate Executive Committee met with Professor McShane last Wednesday to discuss the Emeriti Association’s resolution. She stated that three options were considered for conducting an investigation. The first was to have an Academic Rights & Responsibilities Academic Freedom & Tenure Committee conduct the investigation, the second was to have an ad hoc committee appointed by the President of the Senate to do an investigation, and the third option was to have the AAUP conduct the investigation. She noted that the Committee had very serious consideration of what option to take and it settled on the one that was being presented by the Executive Committee.

Past President Bradford stated that the motion was being offered by the Faculty Senate Executive Committee and is requesting that the American Association of University Professors investigate the decision to cancel Dr. Ayers’ visit.

President Prochaska-Cue stated that she was going to declare the motion as an emergency motion. Professor Carlson asked what the rationale is for having the AAUP conduct the investigation.

Past President Bradford stated that while he has no personal knowledge about Dr. Ayers he has no admiration for him and could not be further away from Dr. Ayers politically but the university should be a place for open and honest debate. He stated that he opposed the cancellation because doing so allows the violent people to think they have won. He stated that we as an institution should uphold someone who is invited to come here and speak.

Past President Bradford stated that there is doubt in some peoples’ minds about what really happened and some of these doubts have arisen because people think the decision was made because of financial pressure. He stated that the academic standing of UNL has been negatively affected by the press which is very unfortunate. He stated that the uncertainties need to be cleared up and people need to know why the decision was made thus the call for the investigation. He pointed out that the Chancellor has no objection to an inquiry. He stated that he thinks the review needs to be conducted by an independent outside panel because he does not think an internal committee’s conclusion would carry much weight given the political pressure that is involved.

Past President Bradford stated that when he drafted the motion he decided on the AAUP because their primary principle is with academic freedom and they have a long history of dealing with cases of violation of academic freedom. He noted that he did not hear the Chancellor disagree about reviewing the policies around the cancellation of a guest speakers' visit and the Chancellor could always object to the findings of the AAUP.

President Prochaska-Cue wanted to emphasize that the vote was unanimous by the Executive Committee to present this resolution.

Professor Wunder recalled that it was not that long ago when he stood before the Senate to fight to protect the 27 faculty members that were targeted for elimination during the financial crisis we had in 2003. He stated that he was pleased that we could find some measure of solace for 26 of these people. He noted that the Senate turned to the AAUP for help but they did absolutely nothing. He stated that while he would like to support the resolution being presented today he does not think the AAUP is a worthy organization and they have done a great disservice to us in the past. He stated that if the Executive Committee could come up with another outside group or ad hoc group to conduct the investigation he would be more supportive.

Secretary Rapkin stated that he believes it is really important that we emerge with some forward resolution to the problem. He stated that no resolution leaves the faculty members with a sense of violation and we in our academic freedom are vulnerable to further violations. He stated currently there is the message that a person can drive by and trash university procedures with impunity and there is nothing in place to stop this from happening again. He questioned whether this will have a chilling effect on the faculty leading them to shy away from inviting guest speakers who might be too controversial. He stated that some sort of action, coupled with institutional reform to ensure some form of faculty participation is needed. He pointed out that some kind of solution is necessary to restore the faculty's sense of agency and to diminish its sense of vulnerability.

Professor Carlson stated that he does not know the other side of the story as to why the AAUP failed to act in 2003. He asked if the Executive Committee has asked the AAUP whether they are willing to conduct an investigation on the current issue. He asked what would happen if the AAUP refused to conduct the investigation. Past President Bradford stated that the resolution could be changed to simply allow the President to negotiate how the investigation is going to be structured. Professor Wunder pointed out that the AAUP didn't do anything and it was in regards to tenure. Professor Peterson reported that towards the end of the financial crisis in 2003 the AAUP elected a new president and he came to campus and stated that he thought his predecessor had made a mistake by not doing anything for us.

Professor Sarroub stated that she is particularly concerned with policies and procedures with regard to this incident. She noted that a college research group recommended inviting Dr. Ayers because of his scholarly expertise and because several people in the college are interested in his work with public schools. She pointed out that no one in the research group had been aware of Dr. Ayers' past history and most people in the college thought it had been a sound decision to invite him to campus for the CEHS Student Research Conference.

Professor Sarroub stated that she did not know much about AAUP or what they do with regard to such incidents but she is concerned with the procedures that took place with the cancellation of Dr. Ayers' visit. She pointed out, for example, that faculty members who serve on the CEHS Advisory Committee were never called to discuss the issue even though some faculty members are on the Deans advisory committee. She noted that Dean Kostelnik deserves credit for trying to deal with the situation but steps should have been taken to ensure faculty input into the matter before any decision was made. She stated that she is concerned with an investigation and questioned if it would be at the college, department, or campus-wide level and whether there would be any consequences as a result of the findings of the investigation.

Past President Bradford stated that the investigation would focus on the cancellation of Dr. Ayers' visit, not on the initial decision to invite him. He pointed out that we would not know what the policies and procedures would be until after we have acted on them.

Professor Kranz stated that it was curious that we are critical of the Chancellor for making a decision in haste and yet here we are making a quick decision on the resolution calling for an investigation. He suggested that we take a little more time in deciding the matter.

President Prochaska-Cue pointed out that she already declared the resolution as an emergency motion and someone could have challenged it before debate began. She stated that the motion could be tabled. Professor Chouinard, Mathematics, stated that the resolution could be postponed. Past President Bradford moved to

postpone the resolution. Professor Carlson seconded the motion. The motion to postpone voting on the resolution passed.

#### **5.0 Election to the Executive Committee**

Professor Wunder moved that Professor Konecky, University Libraries, be elected to the Executive Committee by acclamation. Motion seconded by Professor Peterson. Motion approved.

#### **6.0 Approval of 10/7/08 Minutes**

Professor Meyer, Biological Systems Engineering, moved to approve the minutes. Motion seconded by Professor Flowers, Psychology. Motion approved.

#### **7.0 Committee Reports**

##### **7.1 Research Council (Professor Walker)**

Professor Walker noted that the Senators had the report in their packet. He pointed out that members are still needed for the Research Council and asked that people nominate someone to fill the remaining spots.

#### **8.0 Honorary Degrees Ballots**

Associate to the Chancellor Poser reported that the Honorary Degrees Committee met last week and selected the nominees listed on the ballot. She noted that if approved these nominees would go to the Chancellor for his approval and then their names would be added to the pool of candidates eligible for an Honorary Degree. She reported that the Board of Regents will make the final determination if an Honorary Degree should be given. She stated that nominations last for three years. She asked that everyone keep the names of the individuals nominated confidential because these people are not aware that they have been nominated.

#### **9.0 Unfinished Business**

No unfinished business was discussed.

#### **10.0 New Business**

##### **10.1 Changes to Blackboard (Heath Tuttle, Information Services)**

Mr. Tuttle reported that the campus will be moving to version eight of Blackboard over the holiday break. He stated that the biggest change will be with the Grade Book portion of Blackboard. He stated that there will be significant changes and the plan is to have a great deal of training available before the changes occur. He stated that hour and a half training sessions will be held until the Thanksgiving break and there will be on-line training available as well.

Professor Carlson asked if it will be necessary for people to pre register for the training sessions and if so, where should they go to do this. Mr. Tuttle stated that people should register by going to <http://training.unl.edu>.

Mr. Tuttle stated that for now a test server will be up and running so instructors can practice and get used to the new version without impacting their live courses. However if a person builds on the test server they will need to import the file onto the real server in the spring.

Mr. Tuttle stated that the new grade book will be called the Grade Center and it works similarly to Excel. He noted that an instructor will be able to go into a student's assignment and exempt a grade or set up instructions to drop the lowest grade automatically.

Mr. Tuttle stated that Information Services wants to get the information out about the training sessions to encourage faculty members to attend the training. He noted that from the students' perspective there will be very little changes.

Mr. Tuttle stated that Information Services will have someone come out to do specialized training for departments if needed. He pointed out that if people currently use Grade Book they will definitely want to come to one of the training classes. He stated there will be some more power class training the week before classes begin for the spring semester.

##### **10.2 Changes to Commencement and Honors Convocations Committee Syllabus**

President Prochaska-Cue stated that the proposed changes to the Honors Convocations Committee Syllabus were presented by the Committee on Committees and therefore did not need a second. She stated that the changes will be voted on at the December 2<sup>nd</sup> meeting.

The meeting was adjourned at 4:26 p.m. The next meeting of the Faculty Senate will be held on Tuesday, December 2, 2008, 2:30 p.m. in the City Campus Union, Auditorium. The minutes are respectfully submitted by Karen Griffin, Coordinator, and David Rapkin, Secretary.