

UNL FACULTY SENATE MEETING MINUTES
East Campus Union,
April 28, 2009
Presidents Kathy Prochaska Cue, John Fech, and Steve Bradford, Presiding

1.0 Call to Order

President Prochaska-Cue called the meeting to order at 2:32 p.m.

2.0 Announcements

2.1 Changes in Blackboard (Heath Tuttle, Information Services)

Tuttle stated that he was here to discuss some of the changes that were coming to Blackboard in January. He noted that Blackboard will be upgraded to version 9 and the changes will be significant. He stated that there will be a big push during the fall semester to market the new version and to make people aware of training sessions for the new version. He stated that he and other members of Information Services will be available to meet for informational sessions with departments.

Tuttle reported that the reason for the upgrade is to enhance security and performance. He noted that use of the Blackboard is increasing and there are a lot of empty courses still listed on Blackboard that should be removed.

Tuttle announced that the improvements to the system will help create a more inviting teaching environment. He noted that UNO and UNMC will be moving to version 9 of Blackboard this summer.

Tuttle reported that the test demonstration site of the new changes is not up yet but Information Services hopes it will be soon. He stated that anyone interested in seeing the test demonstration site earlier should contact him. He stated that he would appreciate it if the Senators could help him get into department meetings so he can inform faculty members of the upcoming changes to Blackboard.

Professor Anson, Educational Psychology, asked if the transition to version 9 will be smooth. Tuttle stated that so far it seems smooth, but Information Services will know more by the end of June when UNO and UNMC have transferred to the new version.

Professor Anson asked if the transition will be seamless in terms of the courses. Tuttle stated that it is mostly the look of the courses that will be different. He pointed out that there could be bigger issues for the campus to deal with when the new Student Information System goes online.

Tuttle stated that information on the transition will appear in the Scarlet.

3.0 Faculty Senate Elections

3.1 President-Elect

Professor John Lindquist, Agronomy & Horticulture, was elected as President-Elect.

3.2 Secretary

Professor David Rapkin, Political Science, was elected as Secretary.

3.3 Executive Committee Members

Professor Pat Shea, School of Natural Resources; Professor John Flowers, Psychology; Professor Mary Bolin, Libraries; and Professor Robert Stock, English were elected to the Executive Committee.

Outgoing President Prochaska-Cue thanked the Senate for their input and assistance during her time as President. She wanted to offer the suggestion of moving the election of officers of the Senate up by a month so that the elections are conducted in March. She also wanted to encourage the Senior Administrative Team to meet with the Senate and Executive Committee. She pointed out that the Senior Administrative Team was scheduled to meet with both groups well in advance but there were numerous cancellations and several Senate meetings where no administrator was available to speak to the Senate. She noted that it is important for the administration and faculty to have interaction and discussions on various campus topics.

Outgoing President Prochaska-Cue noted that in the Daily Nebraskan an editorial was written pointing out that

anti-intellectualism must be brought into account. She encouraged the faculty to read the piece and urged the administration to sponsor an international symposium on intellectualism and its discontents. She stated that this might be something that the Senate would be interested in co-sponsoring.

4.0 Welcome New Senators

Fech welcomed new senators:

5.0 Approval of 4/7/09 Minutes

Professor Harbison, Chemistry, moved approval of the minutes. The motion was seconded by Professor Flowers, Psychology. The motion was approved.

6.0 Vice Chancellor Owens

VC Owens reported that the Chancellor was traveling on behalf of the university. He pointed out that yesterday was a big day in the legislature for the university, but unfortunately he did not have the best of news about it. He stated that the Appropriations committee added another 1% to the university's budget, but after the Forecasting Board's report, a ½ percent was removed from the university's budget. He noted that the legislature must deliver the final budget tomorrow. The final budget will probably result in a \$2 million cut for the university. He pointed out that this much of a budget cut makes it almost impossible for the campus to adhere to the appropriated budget without itself making some budget cuts.

VC Owens noted that other universities around the country have a much bleaker outlook. He stated that we will not know for certain what the budget will be until after the Board of Regents' June 12th meeting. At this meeting the Board will finalize the budget and set tuition rates. He stated that it is unlikely that the Board is going to suggest a double digit increase in tuition. He stated that an increase will more than likely be 5% or less.

VC Owens reported that the Academic Planning Committee is already considering how it will handle the budget cuts, although the current plan is to not announce the proposed budget cuts until the beginning of the fall semester. He stated that we might be allowed by the legislature to carry over any unspent money from this fiscal year which might provide a little cushion.

7.0 Unfinished Business

7.1 Motion on Draft UNL Policy and Procedures for Responding to Allegations of Research Misconduct

President-Elect Lindquist stated that the motion is coming from the Executive Committee. He noted that there has been good discussion and debate within the ad hoc committee on the policy.

Professor Starace, Physics & Astronomy, suggested some change in the language under section three. He stated that the faculty members in his department feel that one might get the impression that the policy only applies to federally funded research.

The question was asked if a faculty member at UNL becomes aware of misconduct at another institution can they go to the Research office to report them. President-Elect Lindquist pointed out that this particular issue is not in the document, however if a professor is part of the research team, it would be appropriate to do so.

Professor Starace asked if all institutions have this type of policy. President-Elect Lindquist stated that presumably if the institution is receiving federal funds they would be required to have a policy addressing research misconduct.

President-Elect Lindquist reported that he has received some emails about the proposed policy. He stated that the bigger issue of concern is one of due process. He noted that the person being accused of research misconduct does not have the opportunity to respond or know what the evidence is until they see the final report. He pointed out that the committee felt that this was implicit in the process but this turned out not to be the case. He noted that Emeritus Professor McShane raised a number of issues about the draft policy.

Emeritus Professor McShane stated that he believes the proposed new procedure is a paradigm shift away from professionalism. He pointed out that a major characteristic of a professional body is that professionals assess their peers when they are accused of professional wrongdoing. He stated that the proposed policy would take that power away from the faculty and its elected representatives (where currently the Regents Bylaws and the UNL bylaws place it). In turn, all of the professional misconduct assessment would be in the hands of the Vice Chancellor for Research or his appointees. He pointed out that, as written in the draft policy, there is no

requirement that the majority of the members of the inquiry team or the investigation panel be UNL faculty members. He noted that the Vice Chancellor and his designees are not subject to the university's rules pertaining to conflict of interest.

Emeritus Professor McShane stated that the new policy would be for all research misconduct and would result in the removal of the Professional Conduct A procedures of the Academic Rights & Responsibilities Committee (ARRC). He stated that currently after an inquiry and investigation is completed a faculty member can apply to the ARRC to file a grievance. He stated that what the proposed policy would do is give the Vice Chancellor for Research the opportunity to initiate, formulate, appoint a committee, and get the committee to write the report. He pointed that the faculty member does not have the chance to prove whether he or she is not guilty.

Emeritus Professor McShane urged the Senate to think whether the document is written clearly so that anyone can read and understand it. He pointed out that there are a number of questions that should be asked: is the process outlined in the document fair and does the person being charged have the opportunity to know what the evidence is against him/her; does the person being accused have the opportunity to cross examine the person making the accusations; will the person being accused know what they are being charged with; is the process transparent?

Emeritus Professor McShane noted that the Vice Chancellor for Research could change the rules of the proceedings and does not have to notify the person being charged of these changes. He asked where the accountability is in the process. He pointed out that under the current process an observer can be put into the process to ascertain whether the process is fair.

Emeritus Professor McShane stated that the Senate should consider whether it is satisfied in reading the document and whether those who are making the judgments have the confidence and are answerable to the faculty. He pointed out that he has confidence in the people who wrote the policy, but questioned what happens when there is a new Vice Chancellor for Research who was not here when the document was being written. He pointed out that this person could make their own interpretations which could be foreign to what the authors intended. He noted that this refers back to the question of the document's clarity.

Professor Starace noted that the document clearly states that the Research Integrity Officer (RIO) must consult with the ARRC during the inquiry and investigative stages. He pointed out that only one person on the investigative committee need not be a faculty member, the majority of the committee members are faculty and are appointed by the ARRC chair. Emeritus Professor McShane stated that the document does not state that the faculty members must be UNL faculty members, the outside person could come from a different institution and could be a Vice Chancellor for Research. Professor Starace agreed that specifying that the faculty members must be from UNL would be an improvement.

President-Elect Lindquist stated that the intention of the committee is to withdraw the motion if significant concerns are raised. He stated that he believes there are some areas where there could be improvements and the committee wanted some direction from the Senate as to where these corrections should be made.

President-Elect Lindquist stated that on behalf of the committee he is withdrawing the motion until the fall. He stated that the intent is to build a document that functions properly. He noted that the committee will review and revise the document.

President Fech declared the motion withdrawn.

6.2 Motion on Procedures for Significant Budget Reallocation and Reduction

Professor Peterson, Agricultural Economics, noted that Professor Wunder could not attend today's meeting but sent a statement regarding his motion. In the statement Professor Wunder pointed out that he loves the university and his job and he is concerned with the university during this economic crisis. He stated that he believes that in order to solve our economic crisis we need all the best information and minds from throughout the university community to help reach the fundamental decisions that must be made with the budget.

The statement points out that during the economic crisis of the early 1990's it became clear that the Budget Reduction Review Committee (BRRRC) procedures did not work well. As a result former Chancellor Spanier constructed new procedures that fundamentally changed the way the budget cuts would be handled. The consequence was that the faculty had less input than with the previous procedures, students had very little input, and the staff was completely left out of the process.

In Professor Wunder's statement he noted that both he and Professor Peterson felt that it was important to get all of the information that is necessary to make the very important decisions on budget cuts. He noted that it is the reason for putting the motion before the Senate. Some question whether the Senate has the power to do this. It was noted in the statement that the UNL Bylaws requires that the procedures have approval of the Faculty Senate and the ASUN, therefore the Senate has the power to remove its approval.

Pointed out in the statement is what would happen if the resolution passed. Professor Wunder wrote that the Academic Planning Committee would then need to decide what to propose. One proposal could be to revert back to the 1987 procedures. These procedures have been used in the past and worked well, or the APC could revise the current procedures to make the process more open, or write new procedures. He wrote that it is important to include members of the university in the budget cutting procedures and to get a consensus on how to handle major budgetary concerns. Doing so would require the administration to provide reasons for the specific cuts.

Professor Wunder wrote that during the 2003 cuts most people sitting in this room thought they could not be cut because the cuts would probably be made to someone who wasn't very good at their job. It was pointed out that members of the Senate only need to ask the faculty members of Health and Human Performance, Engineering Technology, or the Museums, all of whom had Senate representatives, how shocked they were when their programs were cut. This is why consensus is so important.

Professor Wunder wrote that he believes that we need to preserve the fundamentals and strengths of the university and evaluate parts of it, but he is opposed to making vertical cuts without there being discussions of where savings could be found. He wrote that he believes the current procedures are out of sync with achieving university consensus. He stated that the Senate needs to go ahead and try to find a means so that everyone has a stake in the procedures.

Professor Zorn, Finance, pointed out that he headed the BRRC and served on the committee that revised those procedures. He reported that he was in the minority of the faculty members on the committee that felt the procedures did not provide enough protection for the faculty. He stated that he thinks the notion of having representation of the university community in the process is fine, but the primary responsibility of the Senate is to protect academics. He stated that he think other groups on campus should protect themselves. He stated that the essential thing is for the Executive Committee to lobby for the protection of tenure and that it should be the number one priority of the Senate.

Professor Carlson, Veterinary and Biomedical Sciences, stated that the resolution points out some problems with the current procedures but does not present a way to solve the problems. He stated that he agrees that the current procedures are not the best, but he is concerned with the timing of the motion. He pointed out that the current procedures have already been invoked and this is the last meeting of the Senate until September and the same is true for ASUN. He questioned whether we have time in the middle of the process to think about revising the procedures. He stated that he does not believe the Senate has the power to do anything in terms of withdrawing our support. He pointed out that the resolution does not say what will happen should the Senate and ASUN withdraw its support. He asked if the Senate has met with the APC to discuss this motion. He noted that the Bylaws are silent about what will happen if any party withdraws its support. He suggested that the APC could try to deal with the problem over the summer.

Professor Carlson disagreed that students don't have some say in the process. He noted that during the 2003 budgets the Veterinary program with Kansas State was cut. He stated that students who were interested in this program were afforded an opportunity to speak about the cuts.

Professor Carlson stated that he would support a change in the resolution that will communicate that the Senate is not satisfied with the current procedures but would like to revise them when there is sufficient time.

Professor Winters, Classics and Religious Studies, stated that he would vote for the resolution. He noted that in 1990 his department was slated to be cut but faculty members were given the chance to speak up and the department was saved.

Professor Zorn stated that he essentially agreed with the notion that this late in the game it is hard to alter the current procedures and be left with none. He pointed out that the Executive Committee will be meeting over the summer and ought to represent the faculty's interest on tenure. He stated that the thought of revising the procedures should have been done earlier.

Professor Flowers stated that there was an effort to revise the procedures after the 2003 cuts. He reported that he distributed the current resolution to his colleagues to get feedback; most felt that it was too late in the process to try and make changes to the procedures, although it was recognized that there are things in the current procedures that need to be fixed.

Professor Peterson stated that Professor Wunder understood the situation and pointed out that we are barely into phase one of the procedures. He noted that one of the main problems is the predominance of secrecy in the process. He pointed out that the faculty does not know what has been done, planned, or proposed with the budget cuts. He reminded the Senate that the Chancellor has said that he cannot begin to make plans until the Board and Legislature decide what to do so we are really not that far along in the process. In fact, this is a good time to let everyone know that we are concerned with these procedures and to give the APC notice that it should look at the procedures. He noted that the current procedures state that they are to remain in effect until changes have been confirmed by the Faculty Senate and the ASUN. He pointed out that if the motion is approved, work could begin after the Board and Legislature have made their decision.

Professor Fuller, Art & Art History, reported that she is a member of the APC and noted that the Committee is planning to meet during the summer and could possibly look over the procedures.

Professor Shea, School of Natural Resources, stated by putting this resolution on the table and considering it we have made a point that we have concerns over the current procedures. He suggested that the APC should review the procedures and propose changes to them. He stated that he has some concerns with the wording of the resolution. He suggested we might want to indicate that we have concerns with the current procedures that we would like to see addressed.

Professor Shea pointed out that he was on the committee that worked on revising the procedures in 2003 along with Professors Beck, Scholz, and Rosson. He noted that a draft of the revised procedures was presented to the Chancellor but he was not happy with it. He reported that the Executive Committee had discussed it at the time but there was a lot of uncertainty. The budget crisis had passed and there was not a sense of emergency to get the procedures changed. He stated that we need to build a consensus and get support for changing the procedures, although this is not an easy thing to do. He pointed out that the committee felt that if we did not get better, more inclusive procedures the faculty could be in the same situation as in 2003.

Professor Fuller stated that she served on the Executive Committee, including as secretary, during the 2003 budget cuts and is currently on APC. She noted that the procedures have been invoked but she is not at liberty even to tell what phase of the budget cutting process we are in because it is considered confidential. She reported that the APC goes into a closed session whenever there is discussion on the budget cuts. She stated that when the cuts are made public they are already a done deal and too late to really do anything.

Professor Fuller reported that she has been on a long range planning subcommittee of the APC. They were given a charge to look at the current procedures to see what could be done. She stated that the subcommittee was aware that budget problems were coming. She noted that the subcommittee has been trying to get a statement of principles for the APC to use on budget cuts but it keeps on getting sent back to the subcommittee for more revisions. She stated that if the faculty does not take the power to do something, the APC will be holding hearings for academic programs that will be cut. She thinks she has heard that there are no designated classes of employees who are going to be cut which means academic programs could be at jeopardy. She pointed out that basically tenure means nothing if academic programs can just be cut.

Secretary Rapkin stated that there has been concern with issues of transparency in the budget cuts. He stated that one of the big questions in the procedures is how we operationally define consultation. He pointed out that this is not specific in the procedures. He stated that he does not think the procedures will be solved quickly and changes require deliberation. He stated that while the concerns raised in the resolution warrant serious consideration, they should not be dealt with in the crisis stage of the budget cut process.

Professor Carlson asked if four or five months in the fall will be a realistic time to make changes. Professor Fuller noted that any changes to the procedures will require approval by the Senate and ASUN.

Professor Starace reported that in the 1970's and 1980's there were across the board budget cuts and everyone suffered making it hard to achieve excellence. He stated that if sizable cuts are required the only option will be to make vertical cuts, which allows some departments to move forward, but unfortunately at the expense of other departments. He pointed out that there is a need for secrecy if vertical cuts are going to be made;

imagine speaking about tentative cuts to departments and what it would do to the faculty, staff, and students in these departments if it became known that it might be cut. He stated that he has great confidence in our leadership and thinks we have the best leadership that we ever have had since he has been here. He stated that his personal inclination is that he prefers vertical cuts, but these can only be done with a high level of secrecy and with private deliberations. He stated that he thinks we have to trust our leadership.

A vote was taken on the resolution. The resolution failed by a vote of 18 in favor, 25 against, with 2 abstentions.

The meeting was adjourned at 4:33 p.m. The next meeting of the Faculty Senate will be held on Tuesday, September 1, 2:30 p.m. in the City Campus Union, Auditorium. The minutes are respectfully submitted by Karen Griffin, Coordinator, and David Rapkin, Secretary.