

UNL FACULTY SENATE MEETING MINUTES
East Campus Union,
March 3, 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 2:34 p.m.

2.0 Announcements

2.1 Replacement on Executive Committee

President Prochaska-Cue reported that Professor Ledder, Mathematics, has resigned from the Executive Committee. She noted that Professor Ledder's term was to expire in April. She reported that she has replaced Professor Ledder with Professor Eccarius from Special Education and Communication Disorders.

3.0 Chancellor Perlman

Chancellor Perlman reported that the search for a Chief Information Officer is continuing and a search firm has been hired to help with this search. He stated that resumes are currently being accepted and the hope is to have someone in place by this summer or fall at the latest.

Chancellor Perlman reported that the searches for the Dean of the Law College and Dean of the College of Business Administration are proceeding relatively well.

Chancellor Perlman stated that he has initiated the process of budget reductions and reallocations because of the economic environment. He reported that within a short period of time he will be publishing the first document of the process, the general budget framework. He pointed out that the framework does not really provide any specifics.

Chancellor Perlman noted that President Milliken sent an email message out to the university with respect to the budget circumstances and the President will be at a hearing today at the legislature regarding the budget. He stated that this is an awkward period of time for all of us. He stated that with the forecasting board's report and the uncertainty of the stimulus package, we do not know what the impacts will be to the university budget. He reported that the Appropriations Committee of the legislature will present its budget in April but the Board of Regents will not look at the budget and possibly set tuition rates until June.

Chancellor Perlman stated that there are a lot of decisions that we and others could make that could increase or decrease the deficit, but we do know that we will have to deal with some budget issues. He reported that he has started the budget reduction process and has met and talked with the Academic Planning Committee. He stated that he has tried to deal with the budget by looking at the Board's original budget request which was developed before the economy went bad. He noted that the official Board of Regents budget called for a 2.5% and 2.9% salary increase in the next biennium and these amounts were given with the direction of the Governor, however this does not mean that the university will provide these increases. He pointed out that the Board's budget does not include any tuition increase but the Board usually doesn't set tuition increases until June. He noted that the Board's priorities are student financial aid and Programs of Excellence. He stated that there are some obligations that must be covered such as the opening of new buildings and utilities. He stated that the total increase that would be needed for the entire university system would be approximately \$34.5 million.

Chancellor Perlman stated that the Governor's recommendation for the university's budget is 1% which would be about a \$5 million increase. This would produce a deficit of about \$30 million system wide although this does not include any tuition increase. He noted that every percent of tuition increase generates approximately \$2 million system wide.

Chancellor Perlman stated that traditionally UNL receives about half of any deficit which would mean that UNL would have about a \$15 million deficit. He stated that some of this could be taken care of by a tuition increase but he does not think there will be any double digit increases in tuition.

Chancellor Perlman pointed out that currently there is a \$5 million deficit left over from last year that is being spread throughout departments and is being handled by deans and directors.

Chancellor Perlman reported that UNK's bargaining unit accepted a special master's decision for a 2.5 and 2.9% increase in salaries during the biennium but the special master has written a letter to Central Administration stating that UNO should receive a 3.8% salary increase. He stated that he does not know whether Central Administration plans on appealing the special master's decision. He noted that salary increases will need to be considered as we move through the year. Past President Bradford asked if the budget included salary increases for UNL. Chancellor Perlman stated that salary increases of 2.5 and 2.9% were included in the budget for UNL which amounts to about \$6 million.

Chancellor Perlman stated that the link to the procedures for budget reductions and reallocations can be found on his website (<http://www.unl.edu/ucomm/chancellor/>). He noted that there is also a set of principles that are to be used in making these reductions which can also be found on his website.

Chancellor Perlman reported that about a month ago he asked the Vice Chancellors to engage in an exercise in which they should propose at least a 5% budget reduction for each unit, although this is not an exact amount for some units. He stated that there are some things that cannot be cut because the university cannot run without them or because the Board has deemed they are a priority. He pointed out that the Board has stated that the Programs of Excellence cannot be cut and utilities must be paid. He noted that utilities can be cut by the campus working hard to conserve, particularly with electricity. He reported that he is still receiving some complaints that the hallways seem dim. He stated that in the Canfield Administration building \$1000 has been saved so far by turning off lights, computers and other equipment when not in use. While this may not seem like much it is real dollars and it all can add up. He urged everyone on campus to be good citizens and reduce costs wherever possible.

Chancellor Perlman reported that he has been receiving suggestions on how to deal with the budget and he will be working with the Vice Chancellors to review these suggestions. He reported that the non academic side of the university has looked at ways to reduce spending, although everything is tied to academics in some way. He stated that in some areas of the university business may be conducted in very different ways although nothing definite is being changed. He stated that he is interested in having a good, rational dialogue on how we address the budget cuts.

Chancellor Perlman stated that the faculty could make an impact immediately by helping with recruiting. He reported that the enrollment for the fall semester is soft. He pointed out that this enrollment is critical for us. He stated that anything faculty members can do within their departments to encourage students to stay, and for faculty members to work hard with admissions to help attract students to the university will be critically important to us. He noted that every tuition dollar we get here we keep at UNL. He stated that he is going to be sending a memo to encourage all faculty members, deans, and chairs to work on recruiting students. He pointed out that a warm voice on the phone and an inviting gesture could make a big difference in helping a student to decide to come here.

Chancellor Perlman reported that there has been a lot of conversation about salary increases and whether we will receive them. He stated that he does not know what the thinking is on this and probably won't know anything until we are further into the year. He stated that he does not know what the faculty is thinking about this issue and suggested that no one jump to hasty decisions until we know what the actual budget will be.

Professor Starace, Physics and Astronomy, asked how much additional funding is needed to meet each 1% of the money needed for salary increases. Chancellor Perlman stated that 1% of salary increase, including benefits, amounts to about \$5 million system wide.

Professor Starace noted that the Chancellor's recent trips to China and India have been very positive for the university but he wondered how the institutions in these countries were selected. Chancellor Perlman reported that in the past he would be asked to sign documents to establish agreements with institutions in other countries but he questioned what came out of these agreements. He noted that there did not seem to be a focus on this kind of international connection, so he had a committee develop a policy. He pointed out that we needed to focus our attention and activity with institutions that would offer the greatest benefits to us. He reported that the institutions in both China and India were selected because several faculty members here have had relationships with these institutions. He noted that the institute in India invited UNL to come there because of an interest in Food Science and Technology and crop production. He stated that China and India are two critically important countries for the U.S. to be involved with and that there is a lot of energy and talent in these countries.

President Prochaska-Cue noted that there has been a review of the life sciences in IANR and a review team will be on campus later in the month. She stated that faculty members have received an invitation to meet with the review team. She asked how the faculty can get access to the documents that have been sent to the review team. Chancellor Perlman stated that the documents are not confidential. He noted that the documents are largely data driven. He pointed out that he requested the review because he felt that we have fallen behind in the molecular sciences. He stated that we need an external review team to come in to see what our strengths and weaknesses are with the life sciences. He noted that funds to do this were used before we had a budget crunch. He stated that a faculty committee has been created and he wants this committee to discuss and comment on the report and the review. He stated that recommendations made by the review committee will be discussed with the faculty leadership in IANR. He apologized if the process was not made transparent enough. He stated that he feels that this is a non-threatening opportunity for the life sciences to move forward. President Prochaska-Cue asked if faculty can get access to the documents from his office. Chancellor Perlman stated that the documents will be made available through his office or IANR.

Professor McCollough, Anthropology, noted that there has been talk about reduction of salary increases. She asked if this includes administrative salaries. Chancellor Perlman stated that history has shown that he hasn't done anything negatively to the faculty that he hasn't done to administrators. He pointed out that he is inclined not to treat any class of employee differently.

Professor McCollough asked if there are any reviews of the Programs of Excellence (POE) to determine whether they should remain as POEs, and whether other programs can become a POE. Chancellor Perlman responded absolutely. He stated that awards for POEs have been made for five years and after that there is a substantial review. He pointed out that if the program has not met the proposal goal or is not moving in the right direction then funds will be reallocated to other POEs. He noted that periodically the POE's have been opened up to include other areas.

Professor McCollough noted that the Chancellor had mentioned that enrollment figures for fall are soft this year. She suggested that more money be put into distance education which could help push up enrollment. She stated that departments could use some help in getting distance education courses up and running. Chancellor Perlman reported that a lot of attention has been given to distance education in the last year and a half. He stated that the President believes that, if the distance education program of the four campuses were brought together it would create synergy that would make the program better than most programs currently available. He stated that two consultants reviewed this idea and they came to the conclusion that we could significantly advance the distance education program if we linked the campuses together. He noted that the consultant developed a business plan and felt that the university could make revenue with the distance education program, but additional resources would be needed. The Chancellor stated that given the economic environment, he does not know where the university stands on the issue.

Professor Harbison, Chemistry, noted that a lot of concern has been expressed outside of the university in regards to LB 674 because the bill interferes with the freedom of information act. He noted that President Milliken has said that he would be amenable to looking at the language of the bill to narrow down exactly what would be restricted information. Chancellor Perlman stated that he did not know what the President's plans are and whether any proposal might surface with respect to the bill. He noted that this is a difficult issue. We want to have effective internal audit procedures and the administration sees an internal audit as a tool for teaching. He pointed out that we do not have many incidents of people tampering with the books but there are varying levels of expertise with doing accounting on campus and occasionally mistakes are encountered. He stated that the more confidentiality that you give people the more willing they will be to come forward and be open and honest about things.

4.0 Approval of 2/3/09 Minutes

Professor Starace, Physics and Astronomy, moved and Professor Peterson, Agricultural Economics seconded, approval of the minutes. Motion approved.

5.0 Committee Reports

5.1 Graduate Council (Dean Weissinger)

Dean Weissinger stated that the Graduate Council appreciates the opportunity to report to the Senate. She noted that the Graduate Council approves all graduate policies and has been busy this past year. She reported that three new majors have been approved, two masters and one Ph.D. program and a new graduate certificate was approved.

Dean Weissinger stated that additionally this year a double major involving agricultural economics and animal science at the master's level was approved. She stated that the Graduate Council realized that the program needed to be streamlined so that students could get more out of each department.

Dean Weissinger stated that emeriti professors are by university and Graduate Council bylaws allowed to retain graduate faculty status. She noted that some departments have been rescinding graduate faculty status to emeriti faculty members. She stated that the Graduate Council clarified that emeritus status can be retained with graduate faculty status.

Dean Weissinger stated that the Graduate Council clarified the admission policy for applicants coming from schools that did not have regional accreditation. She noted that the policy now requires that graduate students must have a bachelor's degree from an accredited university.

Dean Weissinger reported that the Graduate Council worked with the Commencement and Honorary Degrees Committee to create a graduate commencement. She noted that the first one occurred in December and was a success.

Dean Weissinger stated that the Graduate Council is looking at a parental leave policy for graduate students. She pointed out that the newest generation of graduate students is functioning under different norms and increasingly these norms include being parents. She noted that there is no existing policy on campus that helps chairs and faculty members know what the best practices are on how to handle parental leave for graduate students. She pointed out that the Family Medical Leave Act specifically requires that graduate students have a certain FTE requirement but university policy states that graduate students cannot work this many hours. She stated that the Graduate Council is pondering how to offer guidance in the form of a policy. She stated that the Graduate Council's idea is to guarantee graduate students a certain amount of time off, but it is not recommending a paid guaranteed leave.

Dean Weissinger reported that the Graduate Student Association won a national award this year and secured a national conference which they will host later this year. She stated that a post doctoral student office is being started in Graduate Studies and this will provide additional support for post docs.

5.2 Parking Advisory Committee (Professor Wolfe)

Professor Wolfe reported that the recommendations made by the Parking Advisory Committee this year are mandatory registering for use of parking service, amendments to the Committee's bylaws, and an increase in parking fees by \$2.50 a month for 2009-10. There was also discussion regarding having a member from the emeriti faculty on the Committee.

Professor Chouinard, Mathematics, noted that he was appointed to the Parking Appeals Committee this year, and there was a situation where a person had access to two different parking permits, one was personal and the other was departmental. This person had mistakenly hung the wrong permit when parking in one of the lots. He noted that if the person had no permit the ticket would have been reduced to \$5 but since he/she had the wrong permit the Appeals Committee would not reduce the ticket. He asked what the logic was behind this thinking. Professor Wolfe stated that each lot is identified as a specific lot and it is a question of whether the Appeals Committee would give this person the benefit of doubt in this case. Professor Chouinard suggested that the Parking Advisory Committee consider a policy to deal with these kinds of cases.

Professor Shea, School of Natural Resources, asked if the Parking Advisory Committee has, in any recent times, reviewed the parking fee structure with the consideration of salaries. Dan Carpenter, Director of Parking and Transit Services, stated that in the fall of 2007 the Committee received a request to look at fees based on salary. Information was gathered from Human Resources and several models were run based on salary figures. He stated that the Committee looked at how much revenue would be raised if people earning under \$40,000 paid less for parking fees. He stated that what would have happened is that those employees with reserved parking would have had their rates raised by 240% which would probably result in a loss of about 40% of these parking permits. He stated that charging parking fees based on a sliding scale would not generate the needed revenue.

Professor Shea stated that he appreciated the information. He asked if the custodial staff members who work during the days pay the same as faculty members for parking. Carpenter stated that they do.

Professor McCollough asked if all of the parking is sold out on campus, even in the reserved lots. Carpenter stated that not all parking is sold out. Professor McCollough asked if any parking is given away as a perk. Carpenter stated that parking has about 13,000 spaces for permits, including reserved parking. He noted that there are about 1200 spaces that are held by departments and don't produce revenue. He pointed out that if the demand for faculty/staff reserved parking goes down in certain lots, student reserved parking spaces will be placed there. He noted that overall the demand for reserved parking has gone down. He stated that Parking Services is trying to get to the point where everyone, including departments, must pay for a space.

Professor Konecky, Libraries, asked if lots are being over sold and if so, by how much. Carpenter reported that non reserved lots are over sold by 5%. He stated that student and commuter lots are oversold by 34 – 40% because the spaces turn over frequently during the day. He stated that the garages are variable.

Professor Starace noted that the new physical science building is being constructed and he wondered what planning there is for parking for the people who will be using this building. Carpenter reported that north of Nebraska Hall is a parking lot where 143 spaces were recently added and half of these are for faculty/staff use.

Professor Carlson, Veterinary and Biomedical Sciences, noted that a number of years ago we were losing parking due to construction of buildings but no compensation was made for the loss of these parking lots. He asked if permit holders are receiving any kind of recompense for these losses. Carpenter stated that under Chancellor Moeser there was no compensation but that has been changed. He reported that the current administration has been very positive about replacing lost parking spaces with funds.

6.0 Unfinished Business

6.1 Academic Planning Committee, Academic Rights & Responsibilities Committee, and Academic Rights & Responsibilities Panel Ballot

President Prochaska-Cue noted that a new ballot has been prepared and that a substitution needs to be made to replace the ballot presented at the February meeting. Professor Fuller, Art & Art History, moved and Professor Harbison, seconded approval of the substitute ballot. Motion to accept the substitute ballot was approved.

Past President Bradford asked if there will be one or two vacancies on the Academic Rights & Responsibilities Committee. Griffin stated that she believed there will be two vacancies and stated that she will confirm this. Professor Fuller accepted the amendment to correct the ballot to reflect the two vacancies. Professor Harbison, seconded the amendment.

Professor Chouinard pointed out that it is undesirable to elect people by default. He suggested that the Executive Committee might want to reconsider how the ballot is constructed so that we can run pools of candidates thereby electing those people who receive the most votes.

The Senate approved the ballot.

7.0 New Business

7.1 LB 674

Professor Harbison reported that the Government, Military and Veterans Affairs Committee of the state legislature will be hearing bill LB 674. He noted that the bill basically provides the university with an internal auditing process. He stated that the problem is that the bill is broadly written and there are portions that are objectionable. He pointed out that some working papers, as indicated in the bill, would be excluded from the freedom of information act. He noted that a lot of things, not just financial records, could be restricted. He stated that he would like to see the Senate ask for a much narrower writing of the section in the bill that refers to the restricted records.

Professor Harbison presented the following motion:

“Whereas, this Senate believes, as a general principle, that open government is good government.

Whereas, Nebraska Law contains a robust set of open governance statutes which apply to public institutions of higher education, to the great benefit of the State.

Whereas, the Senate recognizes that freedom of information cannot be absolute, and must allow for the protection of student, faculty and employee privacy, proprietary information, and perhaps other considerations.

Whereas LB 674, currently before the legislature, while it laudably creates a system for internal university audits, also introduces worrisome new restrictions on freedom of information, by removing the applicability of Nebraska freedom of information statutes to the internal materials and operations of such audits.

Whereas LB 674 also creates criminal liability for university employees and others working for the audit committee should they release such materials, even if such release might be in the public's best interests.

Therefore, the Faculty Senate of the University of Nebraska at Lincoln urges the Legislature to reject LB 674 in its present form, and encourages the University of Nebraska and Senator Nantkes, LB 674's sponsor, to resubmit a bill which restricts freedom of information as little as possible, consistent with federal and other state statutes, and the protection of whistleblowers and proprietary information. "

Professor Harbison asked that this be declared as an emergency motion. President Prochaska-Cue declared the motion as an emergency motion. Professor McCollough seconded the motion.

Professor McCollough asked if the bill would cover issues of reviewing reasons for stopping the clock on tenure. Professor Harbison stated that the bill would cover what the internal auditor has access to. Professor McCollough stated that it sounds like the auditor can look at personnel records. Professor Harbison pointed out that unless prohibited by federal laws the internal auditor could look at any records.

Professor Leiter noted that just because the auditor has access to records does not mean that the auditor can remove the files from the freedom of information act. Past President Bradford stated that there might be two potential public records of concern here. He noted that anything the audit committee does is not a public record. He stated that he does not think that just because the auditor has looked at records it means that the record will be cleansed. He stated that the bill just refers to the material that the auditor is generating and this may be problematical.

Professor Starace stated that he wondered why the bill was written the way it was. Perhaps because someone who might want to blow the whistle on mismanagement could be fearful? He asked what the motivation was for this bill.

Professor Kranz, Northeast Research & Extension Center, stated that it is curious that the bill states that reports that are generated by the auditor are not public record. He asked if the auditor found something that was wrong how someone would be in the position to answer to the record as to what really happened.

Professor Harbison stated that he believes President Milliken is open to narrowing the interpretation of the bill. He stated that the bill has been written too broadly and it would have been better to have discussions with the faculty before it was put before the legislature.

Secretary Rapkin asked what the intent of the bill is and what problem it solves. He stated that unless a case was made that it was really needed he would oppose the bill.

Professor Harbison's motion calling for the bill to be rewritten passed with two abstentions.

The meeting was adjourned at 4:00 p.m. The next meeting of the Faculty Senate will be held on Tuesday, April 7th, 2:30 p.m. in the City Campus Union, Auditorium. The minutes are respectfully submitted by Karen Griffin, Coordinator, and David Rapkin, Secretary.