

## UNL FACULTY SENATE MEETING MINUTES

City Campus Union,

March 2, 2010

Presidents John Fech, John Lindquist, and Kathy Prochaska-Cue, Presiding

### 1.0 Call to Order

President Fech called the meeting to order at 2:35 p.m.

### 2.0 Announcements

#### 2.1 Senate Elections

President Fech stated that slots need to be filled for Senate elections. He reported that nominations will be accepted from any college and he encourages nominations to the Executive Committee. He noted that elections will be held at the April 27<sup>th</sup> meeting.

#### 2.2 Toastmasters

President Fech reported that the Toastmasters group will now be meeting on city campus regularly. He pointed out that attending the meetings is a good way to improve public speaking skills and meetings are open to the public. Members include international faculty and students and the UNL chapter belongs to both the national and international organizations. He stated that anyone wanting more information should contact Diane Sullivan at [dsullivan1@unl.edu](mailto:dsullivan1@unl.edu).

#### 2.3 Change in Reporting Relationship for Dean of Graduate Studies

President Fech stated that the reporting relationship of the Dean of Graduate Studies is being changed from the Vice Chancellor of Research to the Senior Vice Chancellor for Academic Affairs. He noted that the Senate Executive Committee and ASUN support the change.

#### 2.4 Water for Food Conference

President Fech reported that the Water for Food conference is set for May 2-5. He noted that this is an international conference being sponsored by the Robert B. Daugherty Charitable Foundation and will “promote dialogue among experts to identify key issues in the use of water for agriculture.”

#### 2.5 UNL Research Fair

President Fech announced that the UNL Research Fair will be held April 6-8.

#### 2.6 Ethics Brown Bag Luncheon Series

President Fech reported that the next brown bag luncheon will be held on March 25<sup>th</sup> and will be on plagiarism.

#### 2.7 Academic Freedom Award

President Fech noted that nomination materials for the James A. Lake Academic Freedom Award are due March 5<sup>th</sup> and need to be sent to Professor Ball at [dball1@unl.edu](mailto:dball1@unl.edu).

### 3.0 Approval of 2/2/10 Minutes

Professor Peterson, Agricultural Economics, moved to approve the minutes. The motion was seconded by Professor Flowers, Psychology. Professor Chouinard, Mathematics, stated that the minutes did not accurately reflect what he stated about the new student information system interfacing with the math placement exam. He noted that his statement in the minutes should be revised to reflect that the proposed systems that have been developed proved to be unworkable and that UNK and UNO requested a delay in the implementation of the new student information system but have been turned down. President Fech stated that Vice Chancellor Franco should be contacted if people want more information on the new system.

The minutes of February 2<sup>nd</sup> were approved.

### 4.0 Committee Reports

#### 4.1 Graduate Council (Interim Dean Espy)

Interim Dean Espy noted that the senators had received a copy of the report. She pointed out that she just took over the position on January 1<sup>st</sup> but would be happy to entertain any questions.

#### **4.2 Parking Advisory Committee (Dan Carpenter, Director of Parking and Transit Services)**

Dan Carpenter reported that the bidding climate for the next parking garage was great and came in almost \$2 million less than planned, although the campus will still be in debt for building the garage.

UAAD Representative Myers asked when the Vine Street parking garage will be complete. Dan Carpenter stated that the scheduled date for the opening is August 30<sup>th</sup> but he is hoping that the university can take over the facility by August 15<sup>th</sup> although some things might not be fully completed by the 15<sup>th</sup>.

Coordinator Griffin asked if any parking spaces will be returned once the Robert Knoll Residence Dorm is completed. Dan Carpenter stated that 200 parking spaces will be returned once the construction on the dorm is completed. He noted that students residing in the dorm will have the spaces right next to the building because it will be too difficult to keep them out of it, but the 1820 R street lot will remain a faculty/staff lot.

Professor Woodman, School of Biological Sciences, pointed out that parking on campus seemed particularly difficult lately. He asked if there were any special events taking place that is causing pressure on parking. Dan Carpenter stated that he is not aware of anything in particular that would cause the problem.

Dan Carpenter reported that business should be as normal during the Special Olympics this summer. He stated that public parking for this event will be in the north half of the Avery Street garage.

Professor King, Agricultural Leadership, Education & Communication, asked how traffic around the campus will be affected if the new arena is built. Associate to the Chancellor Poser stated that she believes there will be a road on the west side of the facility. A clear explanation of this can be found in a recent Lincoln Journal Star article.

### **5.0 Unfinished Business**

#### **5.1 Motion on Research Misconduct Policy**

President Elect Lindquist noted that two motions were passed on the Senate floor last month. One called for changing the language in the document. He noted that Emeriti Professor McShane presented a document with suggested changes to the policy. He reported that the ad hoc committee reviewed these suggestions.

President Elect Lindquist pointed out that the research misconduct policy needs to deal with federal government requirements. He reported that the ad hoc committee has met twice and has addressed all of the issues raised at the February Senate meeting.

President Elect Lindquist stated that he is presenting a motion to postpone voting on the policy because the ad hoc committee just met and there has not been enough time to make the changes to the policy and get it to the Senators for their review. He stated that hopefully a vote on the policy will be able to take place at the April 6<sup>th</sup> meeting. Past President Prochaska-Cue seconded the motion. President Elect Lindquist stated that a motion will probably be made at the April meeting calling for some slight changes in Professor Chouinard's motion made during the February meeting. He pointed out that the changes suggested by Professor Chouinard are not possible due to federal regulations.

Professor Chouinard requested that he be included in discussions about changing the motion he made at the February meeting. President Elect Lindquist stated that the problem with Professor Chouinard's motion is that the language calls for the respondent to be able to rebut witness testimony immediately following its presentation to the Investigation Committee. He pointed out that according to the original draft policy, the respondent would receive a draft copy of the Investigative Committee's report and can make a rebuttal at that time.

Professor Chouinard asked how it is fair to the respondent to not know what the evidence is against them before the determination is made. How is it appropriate that you could not know what you have to rebut and consider this a fair process? President Elect Lindquist stated that at the inquiry phase there would be a notice to the respondent about what the actual allegation is and on what basis that allegation is being made. What this inquiry stage does is to see if there is sufficient evidence to see if an investigation is warranted. If so, the respondent would then receive all of the information that was presented to the inquiry committee.

Professor Chouinard stated that he had had plenty of experience with ARRC and in particular with a case that was affected with the old policy and it was affected by precisely this point where an individual did not know what he was to rebut and that is a real problem if we want to have a process that is fair. He stated that he saw in the Executive Committee minutes the argument that allowing a respondent to rebut the evidence could

create a back and forth which wouldn't fit the time limit, but he does not think this a viable argument. He thinks that giving the respondent the opportunity to rebut evidence against them, and giving them a chance to provide evidence to rebut the allegations is a reasonable thing. If this in fact is a process to acquire information, and not an adversarial procedure, which is what he believes the federal government is trying to allege, although he doesn't think that is what happens in practice, if that is what the federal government is trying to allege, you don't need to have a back and forth because the prosecution doesn't need to have another shot at it because there isn't a prosecution. He stated that the argument stressed in the Executive Committee minutes seems to be inadequate. He stated that he has not read the details of the federal document and does not wish to jeopardize our funding, but on the other hand we should take every inch that we can within the guidelines to provide as fair a process as possible and not one that is identical to the guidelines.

President Elect Lindquist agreed with the latter part of Professor Chouinard's statement and noted that it has been his intent these past two years to provide a fair process. He pointed out that the respondent does have the opportunity to make a rebuttal when the respondent receives the draft copy of the Investigative Committee. He noted that the respondent then has 30 days to provide feedback. He stated that the intent is not to make the process a court of law where an accuser can be questioned.

Professor Chouinard pointed out that he is not specifying that there be the right to cross examination in the motion that he made. He noted that the evidence is not always testimony evidence, although in some cases testimony might in fact be able to be rebutted by other witnesses if you knew what the testimony was that you were trying to rebut. He stated that the problem is that the document is produced after all hearings have been made so there is no opportunity to call other witnesses. He stated that there is no real opportunity to rebut and that is a problem. He pointed out that there also can be issues where there can be things like computer analysis that may or may not need to be rebutted and until you know what the evidence is against you in a case of plagiarism, which is what we are primarily concerned with here, you cannot adequately defend yourself and he is reluctant to expose his fellow faculty to situations where their reputation is at stake and they don't have adequate opportunity to protect their reputation, and that seems to be me is what is going on. He noted that if the investigation committee produced a document that just said this is the evidence that was provided and circulated this to both parties, then the parties could rebut the evidence. He stated that if this was done he wouldn't have a problem, but what he has a problem with is in drawing a preliminary conclusion because he believes it is human nature, that once a preliminary conclusion has been made, it is harder to change a person's mind to reach a fair conclusion than when you have all of the evidence in front of you.

Professor Zorn, Finance, asked how an investigation of misconduct by a faculty member can be done without the accused person knowing about the process. President Elect Lindquist stated that the person for whom the allegations has been made would be named to the committee. He pointed out that this is part of the charge. Professor Zorn asked if someone makes an allegation against a faculty member, would that faculty member know that he/she is being investigated. President Elect Lindquist stated that the faculty member is notified when the investigation committee is being formed.

Interim Secretary Shea stated that he is a member of the ad hoc committee and reported that the committee met twice since the last Senate meeting and have had very lengthy discussions about the issues raised at the February meeting. He noted that some changes have been made in the document to address the concerns. He pointed out that an updated document will be provided to the Senate along with additional explanatory supporting documents. He stated that it makes sense to have the Senate review the document before discussing specifics. He stated that the agreement was that the Executive Committee would discuss the document after the ad hoc committee did its work and the Executive Committee has not had a chance to look at it yet. He reported that after the Executive Committee reviews the document, the newly revised document will be sent to Senators.

President Elect Lindquist suggested that the Senate read the existing 2005 policy and then read the proposed revised document. He noted that a motion was on the floor to postpone voting on the document. The motion passed.

## **5.2 Approval of Ballot for Academic Planning Committee, Academic Rights & Responsibilities Committee, and Academic Rights & Responsibilities Panel**

President Fech reminded the Senate that the motion on the ballot comes from the Committee on Committees and needs to be approved by the Senate before it can be sent out to the entire faculty body. The motion was approved.

## 6.0 New Business

### 6.1 Digital Commons Institutional Repository (Professor Royster)

Professor Royster, Coordinator, University Libraries, reported that the Digital Commons Institutional Repository belongs to the faculty and is used to illustrate and distribute faculty work. He stated that a repository is an online place for collecting and preserving the intellectual output of a university. He stated that some of the reasons for having a repository are to create global visibility for the work being done by the faculty, to preserve and store this work, and to collect the work for convenient and comprehensive access.

Professor Royster stated that digital repositories have only been around for the past 5 – 8 years and there are only about 900 worldwide. He reported that over 150 are in the U.S. The University of Michigan has the largest repository in the country and UNL has the second largest. We have 39,000 documents and the University of Michigan has 48,000 but we are quickly narrowing the gap. He reported that over 500 people from the university community have their work in the UNL Repository.

Professor Royster stated that the work is usually gathered when a faculty member sends a list of their publications to his office along with their approval that the documents can be put into the Repository. He noted that some departments want all of the work of the faculty in their department to be included in the Repository.

Professor Royster stated that it is possible that some people are not aware that an article is on the Repository because it could have been submitted by a co-author. He reported that Professor Klopfenstein from Animal Science has the most articles, followed by Professor Sellmyer, Physics & Astronomy. He stated that Emeritus Professor Robert Katz has had the greatest number of downloads and has over 200 articles in the Repository. He noted that Professor Katz reported that he feels that his scholarly career has been resurrected because of the Repository.

Professor Royster reported that the amount of downloads have been measured and noted that on average 5,000 downloads a day are done and the average article is downloaded about five times a month. He stated that 25% of the usage is international and goes to approximately 150 countries. He reported that faculty members can be notified of the number of download requests that have been made for their articles if they provide their email address.

Professor Royster stated that over 60% of people find articles by conducting an online search, mostly through Google, but referrals from other sites such as Wikipedia also lead people to the Repository.

Professor Royster stated that there are some questions about copyrights and permissions. He pointed out that inclusion in the Repository does not alter the copyright status of an article and only articles that have permission from the publishers can be put into the Repository. He noted that about 80% of journals allow articles to be used in the author's home university repository. He pointed out that most commercial publishers will only allow use of an author's version in a repository. He reported that there is a group of publishers who are very difficult to work with.

Professor Royster stated that faculty members just need to email him your vita or publication list to get their work included in the Repository. He stated that he and his staff do the rest of the work. He noted that faculty members can upload articles themselves.

Professor Royster stated that most publishers will provide open access to documents but at a cost to the author and these articles will not be exposed to many search engines. He stated that professors should not pay this fee unless it is covered by a grant. He pointed out that authors can self archive their articles for free and this provides open access to articles.

Professor Royster reported that his staff will also upload original publications. He noted that some professors have produced books or papers that they were not able to get published commercially but now have in the Repository and these have been very popular.

Professor Harbison, Chemistry, noted that he has published with one of the more difficult publishers indicated by Professor Royster. He asked what can be done to circumvent publishing with the organization. Professor Royster stated that authors should choose their publishers carefully and should be aware of the publisher's policies. He stated that he would be happy to assist professors in looking for other publishers in their field.

Professor Starace, Physics & Astronomy, asked if there is a difference between departments saying to publish

all articles and individuals sending in their vitas. Professor Royster stated that there is no difference in what you see in the Repository. He noted that it is much better to collect all articles when working with an individual faculty member. He stated that it is difficult to do a thorough a job if the complete publication list is not provided.

Professor Weeks, Biochemistry, asked how the list of articles is kept up to date. Professor Royster stated that his office tries to focus on the most recent articles. He noted that some publishers require a one year embargo on published articles resulting in some recent work not being available for the Repository. He reported that his staff tries to periodically check with some of the major publishers to see if articles can be put into the Repository, but if they are made aware of particular articles they can check to see if they are available.

Professor Royster stated that any faculty member wishing to have their work put into the Repository should contact him at [proyster2@unl.edu](mailto:proyster2@unl.edu).

Professor Wright, Entomology, asked that Professor Royster's PowerPoint presentation be provided to the Senate so they can share it with their colleagues. Professor Royster stated that he would be happy to do so.

## **6.2 Endorsement of Research Council's Resolution on the Repository**

President Fech reported that the Executive Committee was introducing a motion to endorse the Digital Commons Institutional Repository as requested by the Research Council. He stated that the motion will be voted on at the April 6<sup>th</sup> Senate meeting.

## **6.3 Faculty Attendance at Graduation**

President Fech stated that the effort to get more faculty members to attend graduation began when the chair of the Commencement and Honors Convocations Committee asked for help in getting more faculty members to attend the ceremony. He reported that he met with all of the eight Deans to talk about the issue and every single one of them said they would love to have more faculty members involved with graduation and promised to have greater discussion about the issue at the college level. He stated that it is his understanding that two of the colleges have voted on the subject. He pointed out that attending graduation is not a difficult task. He noted that there are only three ceremonies a year and if each department has one person attend a ceremony, people would need to do it only every few years or possibly even longer given the size of the department. He encouraged the senators to discuss this issue at a departmental meeting. He stated that the average number of faculty members attending the undergraduate ceremony is only eight people. He noted that the Chancellor is very supportive of the idea and discussed ways to highlight the faculty at the ceremony.

Professor Carlson, Veterinary & Biomedical Sciences, noted that graduation is for the undergraduates and if the faculty wants them to feel good about graduating, than the faculty needs to support the students at graduation. He pointed out that what is lacking is the opportunity for faculty members to interact with the students and the parents at the ceremony. He stated that the focus should be on how we get the faculty in front of the graduates. He pointed out that it is difficult to find students to congratulate them because there is no common area to meet their family. President Fech stated that he will share this information with Professor Isernhagen, chair of the Commencement and Honors Convocations Ceremony.

Professor Peterson stated that when he was President of the Senate he discussed the issue with then Graduat Dean Weissinger and they talked about requiring each department to send a representative to graduation. He pointed out that there should be some kind of incentive with this. He noted that one thing that might help is to have more comfortable seating for the faculty. President Fech reported that the Chancellor is thinking of something similar to this with having a procession of the faculty entering the arena and seating them up above the stage.

Professor Chouinard stated that from his perspective he thinks setting up a rotation of attendance within a department is a chore and suggested that attending be associated as an honor instead. He suggested having undergraduates in a department vote to request the presence of a faculty member at graduation which would make it more of an honor to attend. President Fech thought this was a good idea and will discuss this with the deans.

Emeriti Professor McShane stated that he spent many years on the Commencement Committee and learned that the happiest place on campus is at graduation. He stated that if faculty members want to see all of their students happy and smiling they should go to the ceremony. He noted that faculty members can visit with students when they line up before the ceremony.

President Fech stated that there are many intangible rewards to attending the ceremony and is a great opportunity to meet many people.

#### **6.4 Proposed Revisions to the Procedures to be Invoked for Significant Budget Reallocation/Reductions**

President Fech reported that an ad hoc committee was formed this past fall to review and recommend revisions to the Procedures. The ad committee consisted of representatives from APC, ASUN, UNOPA, UAAD, and the Executive Committee. He stated that he and Professor Bender, Chair of APC, wrote a charge for the committee. Since then the document has gone through a number of iterations. He reported that when the document came to the Executive Committee some additional changes were made. He stated that the Executive Committee is presenting the motion to the Senate to approve the revised document. He encouraged the Senators to read the document thoroughly.

Professor Chouinard asked that page numbers be included in the document before it is sent out for the April meeting.

#### **7.0 Chancellor Perlman**

Chancellor Perlman wanted to call the Senate's attention to the \$20 million gift that was recently bestowed on UNL. He pointed out that this is the largest donation ever made to IANR and it will be used to develop an agribusiness entrepreneurship program. He noted that hopefully this donation will help contribute to the economy of Nebraska. He stated that this gift signals that the capital campaign is exceeding according to plan. He reported that what impresses him most about the campaign is how engaged and enthusiastic the volunteer organizations are for each of the colleges.

Chancellor Perlman noted that the campus has recently been successful in hiring three deans. He pointed out that the pool of candidates for all three of the positions was very good and that this reflects well on the university. He noted that Interim SVCAA Weissinger devoted an extraordinary amount of energy to make these searches successful. He reported that all of the candidates felt they were fairly grilled and passionately recruited by the university and those who did not get the job stated that they felt very warmly welcomed to the campus. He stated that he appreciates the hard work of the Faculty Senate Executive Committee in interviewing all of the candidates.

Chancellor Perlman reported that the search committee for Vice Chancellor of IANR continues to move forward. He stated that the search is proceeding well and there are many good candidates. He noted that the search committee is working on getting the list of candidates down to a smaller pool.

Chancellor Perlman reported that a search committee for the SVCAA needs to be appointed by April 1<sup>st</sup>. He stated that a consultant has been hired and a preliminary list of search committee members has been created. He stated that the position announcement might be made public this spring but interviews would not be conducted until the fall. He pointed out that this schedule might actually put us ahead of other universities conducting similar searches and he believes the process will work well. He encouraged faculty members to identify potential candidates.

Chancellor Perlman reported that a lot of work is progressing with Innovation Campus (IC). He noted that there is an RFP out inviting people to save the historical structures located on the property. He stated that there seems to be a lot of interest from those willing to take and preserve the buildings. He reported that there are also RFP's out for people to purchase and disassemble for use elsewhere, a number of metal structures on the property. He stated that later there will be an RFP out for demolishing the remaining buildings that need to be removed. He noted that for the Industrial Arts building the Board will have to give authority to demolish, but he would not propose to actually demolish it before July 1 in order to give others an opportunity to find a developer to renovate the building. He stated that the university has no money available to use for the renovation of the Industrial Arts building.

Chancellor Perlman stated that one of the challenges of IC is to find money to build the needed infrastructure of roads and sewer systems, but there is still enthusiasm for the project and there is a lot of national interest in it. He noted that all of the new deans were interested in the Campus and how their college can fit into and contribute to the enterprise. He stated that initial work is being done and once this is completed the faculty will be engaged with the project.

Chancellor Perlman noted that the campus still has to deal with a \$5.2 million budget reduction. He reported that some announcements regarding the budget cuts will be made soon. He stated that the Deans have reported their budget reduction plans to the senior administrative team.

Professor Zorn reported that there is concern in the College of Business Administration, particularly with the Graduate Committee, about Online Worldwide. He asked what the Chancellor's views are on it. Chancellor Perlman stated that he is a strong supporter of the initiative because it has the potential for expanding distance education and creating revenue. He noted that there are some risks with it. He pointed out that all of the campuses have distance education courses, although UNL has fewer than some of the other campuses. He stated that if we can bring together distance education, money can be saved and benefits gained from coordinating efforts.

Chancellor Perlman stated that he understands the concerns that have arisen with the creation of Online Worldwide and with the progression of it. He noted that some of the details are painfully being worked out but they are in fact being worked out. He reported that he went online to check out the program and discovered that there is a Political Science program of the University of Nebraska which he was unaware of.

Chancellor Perlman stated that distribution of money needs to be worked out and President Milliken has insisted that there has to be incentives for the faculty to develop and deliver these courses. He stated that if enrollments are increased, the campus should get the benefits. He noted that previously the money generated by distance education courses were in a revolving account. Next year the revenue will all be part of the state budget. He reported that a model is being worked on at UNL to make sure that the tuition from distance education courses flows back to the departments that generated the courses. He stated that this model will be in place by July 1, when we go off the revolving account system.

Professor Zorn stated that another concern is the reputation of some programs. He pointed out that the MBA program in the Business College is ranked fourth by Business Week. He stated that there is concern in the College Graduate Committee that if all of the university's distance education courses are combined that the reputation of some programs will be watered down. Chancellor Perlman stated that as long as the programs are identified by campus, this problem should be avoided. He pointed out that another issue is the tuition differential between the campuses for the same programs. He stated that as long as UNL is identified with a program we should not worry about our reputation. He noted that Online Worldwide is a platform that will allow us to expand.

Professor Starace asked the Chancellor to comment on the benefits the Haymarket Arena will have on the university if it is constructed. He noted that his neighbors asked him how the university feels about the proposed arena. Chancellor Perlman pointed out that he is legally under restraint in being able to abdicate whether people should or should not vote on the arena. He stated that he can provide educational information on it. He noted that the Board of Regents' official position is to support the arena and encourage people to vote for it.

Chancellor Perlman stated that the arena means a lot more to the university than just a place for basketball games. He noted that there are a pattern of plans in place that will greatly affect Lincoln and the environment of Lincoln is critically important to the university. He stated that he believes the arena will help Lincoln grow and attract more young people. He stated that he thinks the arena will help the basketball program, in part due to its ability to recruit players, and would make a night of going to a game more interesting because people could have dinner in the Haymarket first and then go over to a game. He pointed out that the commercial development plans for around the arena are quite extraordinary. He stated that the arena means a lot in terms of quality of life, it can help moderate future increases in property taxes, and helps the university recruit students and faculty members. He encouraged the Senate to learn more about the arena and to vote on it.

President Fech reported that the Executive Committee met with Dr. Arnold Bateman, Director Online Worldwide, and asked a lot of questions about the program. He stated that while the faculty are supportive and want the program to work, the details of how it is done is crucial. He stated that there was very good discussion and the Executive Committee is staying on top of the issue.

Chancellor Perlman stated that faculty members should not keep their concerns with the program to themselves and they should contact him if they have any concerns. He pointed out that the program is a growing organism that can be adjusted if he knows of people's concerns.

The meeting was adjourned at 4:09 p.m. The next meeting of the Faculty Senate will be held on Tuesday, April 6, 2:30 p.m. in the East Campus Union, Great Plains Room. The minutes are respectfully submitted by Karen Griffin, Coordinator, and Interim Secretary Pat Shea.