Minutes

Wednesday, November 12, 2008, 2 p.m., MBSC Chancellors Room

Members: Anderson, M. Bacon, N. Bacon, Bartle, Bernstein, Boucher, Boyer, Chundi, D'Souza, Dwyer, Elder, Erickson, Haworth, Holley, Holloway, Kercher, Lamsam, Laquer, Marx, Mei, Miller, Mitchell, Mitenko, Noble, O’Connell, Paterson, Sollars, Tisko, Tixier Y Vigil, White

Excused: Huq, Gershovich, Proulx,

Absent: Johanningsmeier, Ritzman, Sires, Stanton

Presentation Before the Meeting:
1. Kent J. Lavene, newly elected president of the Staff Advisory Council (SAC) was introduced.
2. Patty Adams, Director of External Relations in the Department of Gerontology, spoke on the Life-Long Learning program.

III. The meeting was called to order at 2:14 p.m.

IV. The October 8, 2008, minutes were approved as submitted.

V. Committee on Educational Resources and Services: Without objection the Senate approved the move of this committee report to the first part of the meeting in order to accommodate Bret Blackman, Director, Administrative Information Services, and Dan Kenny, Senior Web Architect, Administrative Information Services, who were invited to answer any questions Senators might have about the resolution the committee drafted for this meeting. Senator Boyer reported the committee met on October 29th. Members present: Boucher, Boyer, Kercher, Laquer, Ritzman. Members absent: Stanton. The Committee reviewed the latest drafts of policies developed by ITS concerning privacy and data security and Senator Boyer moved the following Resolution for the committee:

1. Resolution 2929, 11/12/08: Supporting the Proposed Restricted Data Security Policy and the University of Nebraska Privacy Policy (From ER&S Comm.) (Passed unanimously)

WHEREAS, the University of Nebraska at Omaha is responsible for protecting faculty, staff, and student personal and confidential information, and

WHEREAS, identity theft is a growing problem and electronic information is a primary source of data used for identity theft, and
WHEREAS, Information Technology Services has identified classes of information that should be secured and has developed methodology to protect that data, and

WHEREAS, Information Technology Services has written two policies, “Restricted Data Security Policy” and the “University of Nebraska at Omaha Privacy Policy”, to address these issues and has sought comment from various campus constituencies and incorporated feedback into those policies,

THEREFORE, BE IT RESOLVED that the Faculty Senate of the University of Nebraska at Omaha supports the “Restricted Data Security Policy” and the “University of Nebraska at Omaha Privacy Policy” and recommends the adoption of the policies.

2. The committee also reviewed the final report and recommendations from the Faculty Task Force to Design a Common Course Evaluation. A member of the task force will be invited to the next committee meeting to assist in developing the next steps for this project.

3. Senator Kercher provided an update concerning software licenses that are available to students and expressed concern about licenses that are not available. Locating the information is often difficult. The Committee will meet with ITS and see if there might be ways to make the information easier to find and determine if additional licenses might be made available.

4. Senator Ritzman provided information about inappropriate use of technology in the classroom and inquired as to whether the Senate should adopt a policy concerning such use as has been done at other universities. The committee felt that each faculty member should determine what they will allow in their classrooms.

5. The committee discussed the Paul Beck Scholarship and whether donations should be solicited. Senator Boyer will contact Financial Aid and find out exactly how much was distributed last year and try to get an estimate of income for this year. No determination was made on the idea to ask for donations.

6. Senator Laquer will contact the Testing Center and inquire as to whether they might be able to provide test proctoring for students needing extra time or other assistance outside their normal work hours.

IV Officers’ Reports

A. President’s Report: Senator Sollars reported

1. The Executive Committee and Administration met October 15, 2008. Chancellor Christensen said he would bring up Senate Resolution 2928, 10/08/08, concerning seeking alternatives to Lotus Notes, with the President’s Council. John Fiene is aware of the problems and supports the direction suggested in the resolution. Also presented was the 2000 Faculty Senate Resolution 2487, 8/16/00, suggesting a Faculty Senate presence at the Dean’s Forum. Vice Chancellor Hynes responded that representation did not guarantee better communication. The deans raise issues in the Forum brought to them by department and program chairs and by faculty, so the deans represent faculty concerns already. Senator Sollars asked if the Forum minutes could be put on-line. Vice Chancellor Hynes will bring the issue raised to the attention of the Deans Forum. President Sollars mentioned the problem of
finding a means to ensure proper follow-up from Administration to Faculty Senate regarding Faculty Senate Resolutions. One example was Resolution 2897, 3/12/08, on civil duty leave allowances for students. Associate Vice Chancellor Robinson asserted that such arrangements, on a case by case basis, are faculty decisions. Senator Sollars said that we needed Administration feedback on all the Senate’s resolutions. Senator Noble suggested that resolutions to which the Administration has not responded remain on the meeting’s agenda until such responses are given. We will, from next month's meeting on into perpetuity, list an ‘old business' and 'new business' section of the EC&Admin agenda. In "old business," we will list all the resolutions (and other matters) that needed administration action and from which we haven't heard the follow-up. Vice Chancellor Hynes said that the procedure for identifying “investment opportunities,” which replace old “programs of excellence,” is still being defined. Senator Sollars asked Vice Chancellor Hynes for more documentation on the latter’s assertion that students were not being challenged enough. All Vice Chancellor Hynes currently has to support her contention are a handful (7) of exit interviews and her discussions with students. There were about 37 exit interviews citing a “Good Job” being done at UNO. Advising remains the most frequently cited complaint during these interviews. Senator Boucher raised the question of who should view “Shots Fired” and if the video in and of itself was enough. She and Senator Sollars recommended an educational component should the video be widely used. In response to a question from Senator Meredith Bacon, Vice Chancellor Bill Conley foresaw negative consequences on many aspects of university life from the current financial crisis. Foundation gifts are partially shielded from profound trauma because they use a rolling average of assets for required proportional gifts. He will look into the impact of potentially higher interest rates on student loans. He also said that an examination of the food service has been undertaken. Purchase of University Village is being considered. SIS transition is moving ahead. More information on the NU portal for distance education will be forthcoming. In closing, Chancellor Christensen gave an enthusiastic report on the beginning of the centennial celebrations, highlighting the donation of the Hagel papers to the Library.

2. The Faculty Senate Presidents’ meeting with President Milliken took place on October 16, 2008. President Milliken opened the luncheon by asking for the Senate Presidents’ thoughts on the Ayers’ lecture as the news of Ayers’ visit was to be published in the Lincoln Journal Star that afternoon. Also discussed were the various health initiatives on each of the campuses. President Sollars mentioned faculty concern about the new HPER fees creating a disincentive to partake of campus opportunities to engage in exercise. She questioned whether there might be a way to provide a monetary supplementation for faculty who participate at HPER to offset the higher HPER fees. President Milliken was very receptive to the possibility. Faculty salaries were discussed in relation to the increased salaries for upper Administration. Senator Sollars inquired whether NU Foundation money could be used in a manner similar to its use for the Administrators salaries. President Milliken guessed that the amount needed from the Foundation would likely be $10 million. The main problem was one of sustaining the increase, thus requiring that much money each year for upwards of twenty years. President Sollars inquired whether Foundation money could be used to raise the salaries and then
“reset” the budget amount requested from the State rather than having to take the salary change from the Foundation each year. President Milliken suggested this was not possible. Distance Education concerns were expressed on the part of the Kearney campus Faculty Senate President. Milliken stated that the details of the centralized oversight of Distance Education were still being considered. He said that it is possible some courses will be “weeded out” on the basis of duplicate offerings of the same course on more than one campus. He expressed a fair amount of certainty that the centralization of services would bring more money to Departments engaged in Distance Education. President Sollars asked about the problem of each campus’ library system being available by remote access only to members of that particular campus. More importantly, license fees are duplicated at each campus. If license fees could be centralized, there would be a significant cost savings. Additionally, not all campuses have equal access to needed resources. An example at UNO is Science Direct, since such resources are not within the range of UNO’s library budget. President Milliken expressed interest in examining this issue further.

3. Chancellor’s Council was held on October 23, 2008. The Chancellor said he spoke with President Milliken about the Faculty Senate Resolution 2928, 10/8/08 on Lotus Notes. President Milliken has heard other complaints about Lotus Notes at UNL. He agreed with the resolution that consideration should be given to alternatives to Lotus Notes. However, he asked for faculty patience at this time since the SIS system was just starting to be implemented and it was an inopportune time to consider establishing another large, central software system. Lanyce Keel reported that they have begun to examine changing the student e-mail system away from Lotus Notes as students are not under the Central mandate to use Lotus. They will complete their analysis by February. Mollie Anderson was introduced as the new Human Resources Director. Ms. Anderson discussed the 100-day Review that will be conducted and reported to Vice Chancellor Conley. From V.C. Conley’s memorandum of introduction, “To insure Mollie begins her new role with a solid understanding of the current challenges and opportunities, Mollie will be conducting focus groups with all major stakeholders and customers of the department. She wants to learn your level of satisfaction with services provided by HR; to understand current strengths weaknesses, and opportunities for improvement; and to discuss with you her goals and direction for the department. You will be asked to identify priorities for development of short/long term goals.” Assoc. V.C. John Fiene will be heading up the analysis of campus’ needs for the SIS system. The discussion of hardware for the system began late October. Software training started late October and will continue through January. The first focus will be “academic structure.” V.C. Hynes said that many universities around the country are talking about capacity building. She said there will be discussion at the Dean’s Forum about thinking creatively to determine ways to build summer classes. She mentioned the ongoing discussion about redistribution of F&A. She said F&A will be distributed based on a different formula, but that this change will not alter the fundamentals. V.C. Conley talked about meeting consultants to examine food service on campus. He stated that the service was good, but costly and the hope is that there might be a better way to “do better.” They are working on an automated “calling tree” to make decisions and get information out when there is a weather emergency. He reported that the workplace version of “Shots
4. President Sollars also reported the Senate presence at the daylong student sessions of “Shots Fired.” And that V.C. Terry Hynes’ met with current and the past five years Faculty Senate presidents in order to find a way to better communication between the Faculty Senate and Administration.


V Executive Committee Report: Senator Boucher moved the following 3 resolutions for the Executive Committee.

A. Resolution 2930, 11/12/08: Park-and-Ride/Park-and-Bike System of Transportation or Other Transportation Alternatives (Passed unanimously)

WHEREAS parking on the University of Nebraska Omaha campus has been and continues to be problematic and is a legitimate concern for faculty, students and staff by impacting work productivity and participation in University activities,

WHEREAS parking on the University of Nebraska Omaha campus will likely worsen as a result of the increase in population and building capital, extensive finances would be required to build more parking garages on campus to help alleviate the parking problem, and the cost of shuttle buses and current off-campus parking alternatives are expensive,

WHEREAS single-use motorized vehicular transport has a detrimental effect on the environment and a negative impact on finances via the cost of fuel,

WHEREAS the University of Nebraska Omaha is an established source of information for Omaha citizenry regarding the impact of sustainable measures on the environment and is an established source of information for Omaha citizenry regarding economic sustainability,

WHEREAS cities across the United States have well established forms of public transportation using Park-and-Ride and Park-and-Bike systems that allow ease of transportation and parking, flexibility in commuter locations, extended times of transportation availability throughout the day and into the late evenings, provisions for economic incentives to their citizenry to encourage use of the Park-and-Ride/Park-and-Bike system and special operational provisions for College/University campuses,

WHEREAS limited Park-and-Ride locations and times are currently available in the Omaha area,

THEREFORE, BE IT RESOLVED that the University of Nebraska Omaha become the leader in the Omaha metropolitan area in proposing alternative, economically and environmentally sustainable forms of transportation,
FURTHERMORE, BE IT RESOLVED that the University of Nebraska Omaha become a beacon of educational information regarding safe, effective and sustainable transportation alternatives for the University of Nebraska Omaha campus and the Omaha metropolitan area,

FURTHERMORE, BE IT RESOLVED that the University of Nebraska establish a consortium of individuals from the University of Nebraska Omaha, Omaha Metro Area Transit and other interested parties from College campuses and businesses across the Omaha area to examine the issue of establishing a Park-and-Ride/Park-and-Bike system of transportation or other transportation alternatives serving the entire Omaha metro area

B. Resolution 2931, 11/12/08: “Shots Fired – When Lightning Strikes” Video (as amended) (Passed unanimously)

WHEREAS the “Shots Fired – When Lightning Strikes” video, although it is a potentially useful tool for training of students, faculty and staff regarding strategies in an “active shooter” scenario on campus. However, it is only one component of adequate training, which, in itself, raises many questions about security preparedness on the University of Nebraska at Omaha campus, and its irresponsible use has potential to cause alarmed concern among faculty, students and staff about safety on the University of Nebraska at Omaha campus,

WHEREAS faculty are the frontline of preceptorial guidance to students, faculty need fundamental and foundational training in all aspects of emergency preparedness to be empowered to act as an authoritative voice in the case of an “active shooter” or any other emergency scenario, and the “Shots Fired – When Lightning Strikes” video does not address basic fundamentals of faculty training needs,

THEREFORE, BE IT RESOLVED that the Faculty Senate at the University of Nebraska at Omaha strongly urge a multi-step program of training for faculty, primary prior to the further showing of “Shots Fired – When Lightning Strikes” video to students.

FURTHER, BE IT RESOLVED that we strongly recommend further showings of the “Shots Fired – When Lightning Strikes” video be accompanied by an educational component provided by trained faculty and other personnel, provide adequate training materials to accompany the video, and that prior to any further showings, action steps are first implemented to place emergency preparedness guidelines within each classroom, residence hall and other campus facilities, and that safety components addressed in the video (the ability to lock each classroom door; establishment of a Violence Prevention Program) are initiated.

C. Resolution 2932, 11/12/08: Time Capsule for UNO Centennial: (Passed unanimously)

WHEREAS the University of Nebraska Omaha, established with a proud tradition of forward-looking initiative, endeavor and success is celebrating its Centennial year,
WHEREAS the University of Nebraska Omaha’s successes from its inception to the present have been based upon the unwavering strength of faculty, students, staff, administration, alumni and community,

THEREFORE, the Faculty Senate at the University of Nebraska Omaha supports the creation of a time capsule commemorating the University’s dynamic history and enterprising future, with participation from each constituent group (faculty, students, alumni, staff, administration, alumni and community), to be placed at Mammel Hall during the closing ceremonies of Centennial events in Autumn 2009.

VI. Standing Committee Reports

A. Committee on Academic and Curricular Affairs: Senator Bartle reported the committee met on October 29. Present: John Bartle, Moshe Gershovich, Carson Holloway, Charles Johanningsmeier, Carol Mitchell. The Committee discussed and approved the following two resolutions. Senator Bartle moved two resolutions for the committee.

1. Resolution 2933, 11/12/08: Endorsing Proposed BS in IT Innovation at the College of Information Science and Technology (Passed unanimously)

WHEREAS, the Faculty have a preeminent responsibility for academic and curricular validity at the University of Nebraska at Omaha; and,

WHEREAS, the formation of innovative new degree programs adds to the success of the University of Nebraska at Omaha’s missions of being student-focused, providing research opportunities across disciplinary boundaries, and deepening links with the community; and,

WHEREAS, the College of Information Science and Technology has initiated the creation of a new Bachelor of Science degree in Information Technology (IT) Innovation, which is designed to recruit new students seeking greater flexibility within the field of IT, and

WHEREAS, the proposed degree would not duplicate any currently available program in the University of Nebraska system and would be unique among degree programs in the nation,

THEREFORE BE IT RESOLVED that the Faculty Senate of the University of Nebraska at Omaha strongly endorses the creation of the proposed BS in IT Innovation at the College of Information Science and Technology.

2. The Committee also discussed the apparent absence of clear guidelines regarding the process by which decisions are made regarding the establishment of centers, institutes, and similar initiatives. A proposal for the Faculty Senate to establish a joint ad-hoc committee with the Office of Academic Affairs to review the possibility of establishing such guidelines was raised by the chair and discussed. Opinions varied about the desirability of such a step with some members preferring
a continuation of the current policy whereby the Faculty Senate is not involved directly in the approval process of such initiative. Other members expressed concerns regarding the absence of a university-wide review process to regularly examine the academic performance of these centers. The Committee concluded its discussion with a request of the EC&C to raise the matter with the Office of Academic Affairs in order to clarify the extent of future involvement of the Faculty Senate in that process.

3. Resolution 2934, 11/12/08: **Endorsing Center for Israel and Judaic Studies, and Institute for Collaboration Science** (Passed unanimously)

   **WHEREAS**, the University of Nebraska at Omaha is initiating the establishment of a Center for Israel and Judaic Studies, and

   **WHEREAS**, the University of Nebraska at Omaha is initiating the establishment of an Institute for Collaboration Science, and

   **WHEREAS**, the University of Nebraska at Omaha is requesting the University of Nebraska’s Board of Regents to approve the establishment of these new initiatives, and

   **WHEREAS**, the Faculty Senate of the University of Nebraska at Omaha approves in principle of any initiative which helps promoting academic research, teaching, and professional opportunities;

   **THEREFORE, BE IT RESOLVED**, that the Faculty Senate of the University of Nebraska at Omaha endorses the establishment of these two initiatives.

B. Committee on Faculty Personnel and Welfare: Senator Elder reported the committee met October 29, 2008. John Erickson, Meredith Bacon, Karen Dwyer, Griff Elder, Patrice Proulx, Jay White, and Suzanne Sollars attended. Invited guests were John Amend (Director of Facilities Management and Planning) and Paul Kosel (Campus Security). This meeting provided John Amend the opportunity to talk about parking at UNO as well as other transportation issues. Some points that may be of broader interest to the faculty senate include:

1. The contract with Crossroads mall is year to year. If, for some reason, the contract is not renewed, there are plans to expand parking on south campus,
near Scott Village. But at this time, as John Amend explained, UNO has a good
deal with Crossroads and there are no plans to phase out Crossroads parking.

2. The two big construction projects, HPER renovation and Mammel Hall, should
be completed by August 2010. They effect parking now. The move of the
business college to Mammel Hall will, of course, shift a lot of parking from the
north campus to the south campus in 2010/11.

3. UNO now has 3 campuses, including the old Chili Greens site. How these sites
are connected (with shuttles or people movers -- automated people movers
[APMs]) was discussed. This included a discussion about how to best access
the old Chili Greens site.

4. In addition, there were some interesting possibilities mentioned: For instance,
the development of a bus transfer station near PKI, and Park-and-Ride with
MAT. These were discussed within the context of the Greening of Campus and
of UNO better serving of all the populations, including under represented
populations, of Omaha.

C. Committee on Goals and Directions: Senator Paterson reported the committee met
October 29, 2008. In attendance: Senators Anderson, D’Souza, Huq, Marx,
O’Connell, and Paterson (Chair). The Committee reviewed the previous agendas and
began to consider focus areas, including drafts of resolutions. Senator Paterson
reported that there was some concern on campus about a form that MBSC/Security
wants people to fill out if they are doing anything from a parade to distributing material
on campus. The initial impression is that no one needs permission to distribute
material on campus and that the matter needs some examination. Senator Marx
reported that there was no need as yet for any research or action on various proposals
for community living spaces and synergy projects. Discussions are occurring and he
will report if and when some consideration by the committee might be useful.
Extensive discussion occurred regarding the cancellation of the November presentation
by Dr. William Ayers at UNL in the last week. The committee discussed submitting a
variation on the “teaching circle” petition circulating in various places on campus.
Doug Paterson was charged with finding the petition and drawing up a possible
resolution. Members were interested in casting critical attention on the matter of
increased and uninterrupted conversion of the university campus, both here and
nationwide, into a form of corporate management. Language particularly has become
noticeably corporatized with Distance Education referred to in some locations as an
“enterprise” and priorities as “investments.” Concern was expressed about the
“visibility” of the faculty to the administration and that perhaps some concerted action
needed to be taken to insure continuous visibility. A special concern was voiced that,
since the faculty has been, for the last 8 – 10 years, always referred as “faculty and
staff,” and that any all-faculty events have disappeared, perhaps it would be useful to
dialogue with the administration about this development. It was suggested the
committee look at both the Mission of the University and the Strategic Plan to see if
there is any possible “demotion” of the faculty presence. Related to this was a
question about the increase or decrease of use of contingent or adjunct faculty. The
committee is still concerned about the process that led to funding of the HPER
renovation and is considering further research into this topic. While other Senate
committees and other agencies on campus are advocating for green solutions on
campus, several of the G&D committee would like to see this kind of focus made a
permanent, and not a trendy, part of UNO’s planning. Subjects for possible discussion: retrofitting on campus and peak oil vs sustainability. On the matter of Diversity on Campus, Senator Paterson moved the following for the committee:

**Resolution 2935, 11/12/08: Senate Membership on the Chancellors Committee on Inclusion and Diversity** (Passed unanimously)

WHEREAS, UNO has changed its official committee structure to address diversity on campus from the Chancellors Multicultural Committee to the Chancellors Commission on Inclusion and Diversity; and,

WHEREAS, the UNO Faculty Senate has a vested interest in dialogues concerning the improvement of diversity and inclusion at UNO; therefore,

BE IT RESOLVED, that the Chancellor include in the standing membership of the Chancellor’s Commission on Inclusion and Diversity a member from the UNO Faculty Senate.

There was some discussion of the upcoming and so-called Civil Rights initiative. It is expected to pass (in fact, had passed on November 4, 2008) and that the university and other state and private agencies will have to live with it.

1. Research Climate Survey from 07-08
   a. The committee has obtained this data from Linda Mannering in Institutional Research.
      i. Data analysis is ongoing and the results will be discussed at a future meeting (probably November).
2. UCRCA Resolution for Budget Line
   a. Based on the meeting last month with Dana Richter-Egger, current chair of the University Committee on Research and Creative Activity, the committee decided to develop a resolution requesting a permanent budget line supporting the efforts of UCRCA. A rough draft of the resolution was created and work will continue to fine tune this via e-mail. There will be a draft for the next meeting of the Faculty Senate Executive Committee. From there, the committee hopes to present the resolution to the full Senate at their November meeting.
3. Update on myMAPP/Digital Measures Transition
   a. In an effort to maintain Faculty Senate involvement in this transition process, Steve Bullock requested to attend our meeting to give an update. The following is a summary of his report:
      i. Accounts are currently being “populated” (e.g., names, departments, classes taught, etc.)
      ii. Speculation is that the system will be available this calendar year (hopefully ready for this year’s annual review process for those who want to use it)
      iii. Academic and Student Affairs will likely not require the system to be used
iv. Working on transporting myMAPP data
(1) Virtually no data should be lost; with few exceptions (biographical information)
(2) Attachments will probably not be included in the transition (e.g., pdf of an article, or pdf of student evaluations)
(3) All faculty will have the opportunity to save information and attachments before the myMAPP system disappears
(4) Some entries will be classified down to the bottom level and some only for the top two
   (a) Research _ Publications _ Journal article
   (b) Service _ Service to the community _ ?

v. Looking at better strategies for getting information into the system on a regular basis without faculty having to input information:
(1) Grants
(2) Service-learning courses
(3) Teaching Circles and Research Triangles

4. Responsible Conduct of Research (RCR) Proposal for the ethical conduct of research
   a. Our committee was asked to act as the faculty contact for determining which “modules” of the training might be the most appropriate for UNO personnel involved in research. There has been some difficulty obtaining descriptions of the modules so this discussion can happen. Information was also received that the UNO administration is trying to determine exactly how UNL is going to handle this issue. We are waiting for more information and if they want us to review the modules they will have to provide us with hard copies descriptions of the modules for review.

E. Committee on Rules: Senator Miller reported the committee met October 29, 2008.
   Present: Bacon, Bernstein, Holley, Mitenko and Miller. Excused: Chundi. The meeting started with a discussion about the value and appropriateness of our Committee Chairperson contacts. We reviewed the decision from our September 2008 meeting that Rules members would contact the chairperson of 15 designated university committees this fall to (1) Verify that they are the chair and thank them for their service. (2) Ask if they have a current membership list for their committee or explain how to find that list. (3) Encourage them to contact their committee members and schedule regular meetings. The chairpersons of additional committees will be contacted during spring 2009. Senator Bernstein shared an update on his contacts and all Rules committee members who have made contacts were asked to submit a brief written report of this process. Nominees are needed for the Faculty Grievance Committee and the Student Publication Committee/Board. The spring 2008 faculty survey was used to identify faculty interested in these areas and Rules Committee members volunteered to contact designated individuals.

VII Non-Senate Committee Reports

A. Academic Freedom Coalition of Nebraska (AFCON): Senator Paterson reported the meeting was held Saturday, October 11, 2008, at Eisley Library, Lincoln, NE.
AFCON individual memberships are steady, and reminders go out to members with lapsed/questioned payment. The bank balance is good. Professor Frank Edler of MCC has been researching the censoring and/or firing of fifteen UNL faculty and one staff member in 1919 due to their lack of sufficient patriotism during and after WWI. The Nebraska BOR has declined to apologize for or rescind that action, citing other previous actions as compensatory. Neither Edler nor the AFCON board seemed satisfied. Several other AFCON organizations, including the UNO Faculty Senate, will be asked to address and perhaps act on Edler's basic motion before the BOR. A copy of Edler’s letter* is attached to this report and will serve as the basis for a resolution discussion in the UNO Faculty Senate. This resolution should focus more on rescinding the 1919 BOR decision and less on the matter of “apology.” Under membership report, it was said that a t-shirt controversy at Millard West went from manageable to very divisive when the administration suspended a student who wore a t-shirt to school honoring his friend who had been shot and killed. As a result, many students wore the t-shirt and the situation resulted in less than dialogue. An organization called the Nebraska Association of Scholars, which supports the upcoming “Civil Rights Initiative” on the November ballot, continues to contest an apparent decision by the UNL administration to suspend its organizational status. Since the last meeting, the issue has apparently dissipated due to challenges and questions directed to the UNL administration to which there was no response. The NAS now has its meeting on campus with no difficulties. Doug Paterson reported that the video of “Shots Fired” shown at UNO to help faculty and students prepare for shooters on campus received a mixed reception in the Faculty Senate Executive Committee and Cabinet. Concerns were expressed including that the video was unduly alarmist and included no representatives of educational institutions, all of which tended to make a campus climate perhaps less conducive to academic freedom.

*Dr. Jim McClurg

Board of Regents
University of Nebraska – Lincoln
3835 Holdrege Street
Lincoln, NE 68583

Dear Regent McClurg:

After careful examination of the 1918 loyalty trial of fifteen professors and one staff member conducted by the Board of Regents of the State University of Nebraska in response to the pressure exerted by the Nebraska State Council of Defense from May 28 to June 12, 1918, I respectfully request that you declare the Board’s judgment on June 19, 1918, to be null and void. In addition, I would hope that the injustice of the trial would be recognized and put to rest by a public apology for the dismissal of Professors George W. A. Luckey, Clark E. Persinger, and Erwin P. Hopt. This May 28 will mark the 90th anniversary of the trial that concluded on June 12, 1918.

There are many reasons for the current Board to take immediate action:

1. It is in the University’s best interest to recognize and correct past injustices relating to its own history, not just for the sake of healing old wounds but also for the sake of upholding truth and justice as basic principles of the University itself.

2. More importantly, the rescinding of the 1918 Board’s decision would affirm the University’s commitment to free speech and academic freedom, a tradition that was essentially eliminated during World War I and the Red Scare.

3. The trial was forced upon the University by the persistent threats of the Nebraska
State Council of Defense. Without this pressure and the ideology of one hundred percent American patriotism, there would not, in all likelihood, ever have been a trial.

4. The only professor dismissed for disloyalty, that is, for behavior that was “negative, halting, or hesitating in support of the government” was Erwin P. Hopt, an avowed pacifist. Hopt, of course, was patriotic in his own way since he did contribute to the Red Cross and the Salvation Army. His pacifist principles simply did not allow him to contribute directly to the war effort. More importantly, he did not try to restrain his son from enlisting; indeed, he understood why his son enlisted and condoned it. To dismiss this professor after long service to the University simply because he expressed his patriotism in a different way is reprehensible.

5. Professors Luckey and Persinger were not dismissed for disloyalty but for making “indiscreet” utterances of such a nature “as to destroy their usefulness to the institution.” In other words, they were dismissed for reasons that had nothing to do with the charge of disloyalty. They were sacrificed by the Board of Regents for the sake of a public war hysteria that demanded dismissals.

6. Professor of Law Henry H. Wilson, who was floor manager of the trial on behalf of the Board of Regents, violated the very principles he himself laid down for the conduct of the trial. He stated in his “Principles and Procedures,” published in the “Lincoln Daily Star,” that the manager was not “in any sense a prosecutor of the charges before us,” and that “the manager will seek neither a conviction nor an acquittal.” In his summation, however, Wilson violated both principles in that he turned into a prosecutor by demanding the dismissal of Professors Luckey, Persinger, and Hopt not just for halting loyalty but also for sedition with which they had not been charged.

7. Although convictions for disloyal speech under the Espionage Act were upheld at that time by the Supreme Court in Schenck v. United States, Frohwerk v. United States, Debs v. United States, and Abrams v. United States, the Supreme Court since then has effectively overruled these cases in Brandenburg v. Ohio where the Court in a unanimous decision held that “the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe even express advocacy of ‘law violation except where such advocacy’ is likely to incite ‘imminent lawless action.’” In other words, since Wilson’s “bad tendency” construction of the Espionage Act has been overruled by the Supreme Court, it is time to admit that Wilson’s call for the dismissal of all three professors was unjust. A trial under the same conditions today would be considered a travesty of justice.

Enclosed is a copy of my paper on the trial that I hope will explain the reasons for my request in greater detail and a copy of an article entitled “Pardon the Delay” by Charles S. Johnson relating to Montana Governor Brian Schweitzer’s pardons for seventy-eight persons convicted in Montana under the extremely harsh Sedition Act of 1918 during World War I.

As a scholar who deeply loves the University of Nebraska, I trust the Board will take this action immediately, reaffirming the value of constitutional free speech in our democratic society as well as the value of academic freedom as the foundation of higher education. Many thanks for your consideration.

Sincerely,

Frank H. W. Edler, Ph. D.
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B. Academic Planning Council: Senator D’Souza reported the Council met 13 October
2008. Assoc. V.C. Deb Smith-Howell noted that the advent of a new student information system in the next year or so gives us a great opportunity to create a comprehensive “architecture” of all the degrees, majors, concentrations, and specializations currently available at UNO. The current system is apparently very incomplete because of the decentralized process used to create such programs. The APC will thus be creating lists of:

1. Programs that students can be admitted to;
2. Programs that students can graduate from;
3. Minors;
4. Certificates;
5. Centers; and
6. Institutes.

We also talked at length about how certain terms used in curriculum design are defined at UNO, such as “Degree,” “Major,” “Concentrations / Specializations,” “Minors,” and “Certificates.” The Committee has subsequently formulated a glossary of these terms for use in the future. Finally, we discussed the “Program Review Policies” handout, which is a template of expectations for each unit’s self-study.

C. Strategic Planning Steering Committee: Senator M. Bacon reported the Chancellor and others recapped the great kick-off to UNO’s centennial celebrations. Large numbers of alumni and potential students attended events.

Goal 3 Joint Task Force: the task force has three objectives in the next two months.

1. Define Community Engagement using the Carnegie specifications.
2. A temporary redivision of the joint task force with Neal Topp’s group developing a set of readings on community engagement and Bill Swanson’s group compiling what evidence of community engagement we have from the University’s units.
3. Preparation of a report on community engagement for the spring strategic planning event. In such a report we need to have the University look at the community for opportunities and the community to look at the University for Possible Linkages.

Chancellor Christensen reported that Bob Caret is enthused about coming to the spring event. He is chancellor at Towson State. The next CUMU meeting will be at Wagner in Philadelphia and we should have a strong delegation at the event. Former UNO Dean Karen White is the current CUMU President. Meredith Bacon’s suggestion that UNO bid for the 2012 CUMU meeting was met with approval.

VIII The meeting adjourned with announcements at 3:40 p.m.