Wednesday, July 11, 2012, 2 p.m., ASH 196

Present: M. Bacon, Maring, Melanson, Rech, Smith, Winter

Excused: Kelly, Kriz, Petrow

Presentation:

1. Molly Anderson, HR Director (Policy related to background checks): There were many questions and much discussion. There is a resolution regarding this subject, under Old Business

I. The meeting was called to order at 2:50 p.m., after the presentation.

II. The Minutes of June 6, 2012, were approved as written.

III. Officers’ Reports

A. President’s Report: Senator P. Smith reported

1. Board of Regents met June 8, 2012.

   The Board of Regents of the University of Nebraska met at Varner Hall in Lincoln, Friday June 8, 2012

   There was considerable discussion related to the tuition increases as well as the “Employee Plus One” benefit. Also, a presentation outlining the security breach and subsequent action was made by Walter Weir, Chief Information Officer, Joshua Mauk, Information Security Officer.

   Several action items were approved by the Board of Regents:

   ACADEMIC AFFAIRS

   Recommendations relating to academic program reviews required by the NCCPE and forwarding of the program review reports to the NCCPE were approved.

   Merge the Ph.D. in Horticulture into the Ph.D. in Agronomy at UNL, resulting in a single Ph.D. in Agronomy and Horticulture, by concurrently eliminating the Ph.D. in Horticulture and renaming the Ph.D. in Agronomy as the Ph.D. in Agronomy and Horticulture. This was approved.

   Creation of a Bachelor of Science degree in Emergency Management at the University of Nebraska at Omaha was approved.

   BUSINESS AFFAIRS

   FY 2012-13 University of Nebraska Operating Budget tuition rate increases.

   A 3.75% general tuition rate increase that applies to both resident and nonresident undergraduate and graduate programs was approved for the 2012-13 academic year.

   FY 2012-13 Nebraska College of Technical Agriculture Operating Budget tuition rate increase. A 3.75% tuition rate increase that applies to both resident
Biennial operating budgets for University of Nebraska and Nebraska College of Technical Agriculture were approved.

The Board of Regents approved the University of Nebraska Construction Budget Request for the 2011-2013 Biennium, which consists of the following projects: UNMC College of Nursing Building, Lincoln Division; UNCA Renovation of the USPFO/CFMO Nebraska National Guard Building. Amendments to the University of Nebraska medical/dental/vision health insurance plan to authorize the President or the President’s designee to execute, without further authorization of the Board, amendments to the Plan as follows:

1. to implement “Employee Plus One” and “Employee Plus One and Family” coverage options in addition to “Employee Only”; “Employee and Spouse”; “Employee and Child(ren)”; and “Employee and Family”; enrollment categories; and
2. to adopt changes recommended by counsel to comply with applicable law; to continue the Plan’s status under the Internal Revenue Code; and to facilitate administration.

Expenditure of Other Endowment Funds for funding of University of Nebraska Technology Development Corporation was approved.

University of Nebraska Lincoln

The Board of Regents approved the Program Statement and Budget for the 18th and R Parking Garage at the University of Nebraska-Lincoln. The Board of Regents approved the attached Resolution (1) adopting the Eleventh Supplemental Resolution to Second Series Resolution authorizing (a) the issuance of not to exceed $8,700,000 principal amount of Revenue Bonds, Series 2013 (University of Nebraska-Lincoln Parking Project) and (b) the expenditure of up to $5,392,000 from the Second Series Surplus Fund, (2) authorizing the execution and delivery of a Supplemental Master Indenture and the related Master Note, (3) authorizing the negotiated sale of such Revenue Bonds, approving the Bond Purchase Agreement, and the Preliminary Official Statement and authorizing the Vice President for Business and Finance to determine interest rates (to provide a true interest cost not to exceed 4.50 percent), principal amounts, principal maturities and redemption provisions of such Revenue Bonds, and (4) approving the preparation and use of a Final Official Statement.

A project to rehabilitate the Elliot Building at Panhandle Research and Extension Center, Scottsbluff was approved.

The lease agreement between NEBCO, Inc. and the University of Nebraska-Lincoln was approved.

A five-year agreement with the City of Lincoln to provide StarTran bus service on routes connecting University of Nebraska-Lincoln City and East Campuses was approved.

The Facilities Space Lease between University of Nebraska-Lincoln and Verizon Wireless for placement and operation of wireless communication equipment within Memorial Stadium was approved.

A consulting contract with Sasaki to develop a comprehensive update to the University of Nebraska-Lincoln campus master plan and to develop a landscape master plan was approved.

An increase in the project budget for the Ken Morrison Life Sciences Research Center Addition at the University of Nebraska-Lincoln was approved.

University of Nebraska at Kearney

The Program Statement and Budget for the University of Nebraska at Kearney and nonresident undergraduate and graduate programs was approved for the 2012-13 academic year.
Wellness Center was approved.

An agreement between Runza Restaurants and the University of Nebraska at Kearney, granting license to manage and operate event concession operations on the UNK campus was approved.

**University of Nebraska Medical Center**

A resolution authorizing the University to proceed with actions necessary to complete the purchase of real property at 3921 Mason Street for the planned construction of University parking and related improvements, including examining and inspecting the property, conducting related professional appraisals, and the initiation of eminent domain proceedings to purchase such property, if necessary was approved.

A resolution authorizing the University to proceed with actions necessary to complete the purchase of real property at 911 South 40th Street for the planned construction of University parking and related improvements, including examining and inspecting the property, conducting related professional appraisals, and the initiation of eminent domain proceedings to purchase such property, if necessary, was approved.

In concert with The Nebraska Medical Center, the creation of the C3 Development Corporation for the planning, development and construction of the Comprehensive Cancer Center at the University of Nebraska Medical Center and authorization of the Executive Committee of the Board of Regents to approve the Articles of Incorporation, Bylaws, and related instruments to form the same was approved.

The complete agenda for the Board of Regents meeting may be viewed at: [http://www.nebraska.edu/docs/board/agendas/Agenda-6-12.pdf](http://www.nebraska.edu/docs/board/agendas/Agenda-6-12.pdf)

The agenda with Board action results may be viewed at: [http://www.nebraska.edu/docs/board/agendas/Agenda-6-12-results.pdf](http://www.nebraska.edu/docs/board/agendas/Agenda-6-12-results.pdf)

**2. Senate President’s Meeting with Chancellor**

- Reviewed Senate discussion concerning enrollment projections. The Chancellor discussed the need for continued growth or face possible decline. He stressed that the tuition funds related to enrollment growth will be used to enhance program and human resources needs. Half of the increase in tuition will go to the University System.
- The policy related to background checks was discussed. Christensen discussed how important it is for UNO to have an up to date policy. Molly Anderson from Human Resources will attend the next Executive Committee meeting on July 11 to review the policy and answer questions about its implementation.
- The Chancellor also wants to update the Faculty Senate on the technology security breach. John Fiene will present an update at the EC&C meeting.

**3. Executive Committee & Administration**

- Met June 20, 2012.
  - Members present: Christensen, Reed, Conley, Morrice, Fiene, Castilow, Winter, Bacon, Smith, Rech
  - Senate President’s items:
    - Resolutions passed at the May meeting were presented.
      - These included: Resolution 4033, Effective UNO Staffing; Resolution 4034, Faculty Senate Members; Resolution 4035, Appreciation for Outgoing Senators; Resolution 4036, Appreciation for Chairs of Standing Committees; Resolution 4037, Appreciation for Vice President Karen Hayes; Resolution 4038, Appreciation for Secretary-Treasurer Peter Smith; Resolution 4039,
Appreciation for Faculty Senate Liaisons; Resolution 4040, Appreciation for President Janice Rech; Resolution 4041, Membership of 2012-2013 Faculty Senate Standing Committees; Resolution 4042, Campus Committees; Resolution 4043, University Committees; Resolution 4044, Support Efforts in the Area of Evaluating Teaching Effectiveness; Resolution 4045, 2011-2012 Standing Committees Caucus and Elect Chairs for 2012-2013; Resolution 4046, Chair of Committee on Rules; Resolution 4047, Appointment of Parliamentarian; Resolution 4048, Election of Vice President for the 2012-2013 Senate; Resolution 4049, Secretary-Treasurer of the 2012-2013 Faculty Senate; Resolution 4050, Appointment of Cahir of the Cabinet; Resolution 4051, 2012-2013 Standing Committees Caucus and Elect Vice Chairs; Resolution 4052, Faculty Senate Presidential Appointments; Resolution 4053, Replacement of Arts and Science Senator. These resolutions were accepted without discussion.

- Enrollment Management.
  Campus management initiatives were discussed. Dr. Christiansen stated that 50% (first year only) of the increased enrollment tuition will be returned to the UNO campus to support instructional support and to address student affairs needs. Dr. Christiansen reviewed the increase in faculty this year. The 20,000 by 2020 was arrived at based on benchmarks outlined by the Board of Regents and may be a “stretch goal.” Dr. Reed also stressed the need to consider strategic planning in using resources. Dr. Morrice also outlined changes in enrollment management efforts including retention, marketing, updating signage and website, and the successful use of projection tools. Dr. Rech stressed the need to connect with the Omaha Public Schools.

- Background Checks.
  Dr. Christiansen reminded us that UNO is the outlier in this capacity. Discussion included concerns about annual checks, the cost of this initiative, and whether this related to the condition of employment and perhaps an AAUP concern. Mollie Anderson, Director of Human Resources will attend the EC&C meeting July 11.

- Security Breach.
  John Fiene reviewed the security breach and steps taken. UNO was not directly involved. He discussed the current and future needs of resources related to information security. All information and findings are being reviewed and will be made more available once the criminal investigation is concluded.

**Chancellor’s items:**

- Capital Campaign. Chancellor John Christensen gave an update of the capital campaign which has exceed the interim goal ($158 million) and continues to progress.
- Dr. Christensen reviewed upcoming events. The University of Nebraska at Omaha (UNO) will host the annual conference of the Coalition of Urban and Metropolitan Universities (CUMU) in 2015, UNO’s hosting duties will follow those of Syracuse University in 2014.
- Bill Conley gave an update of campus construction and renovations. He discussed changes in Caniglia Field, The Community Engagement facility and the Biomechanics Lab.
- Dr. Reed gave an update on the Superintendent’s Leadership Academy, Faculty Follows, and the appointment of Paul Barnes as the Associate Vice Chancellor of Academic Affairs.
• Mr. Conley gave a brief update on campus construction/renovation projects including the Community Engagement Center, Biomechanics Lab, and an upcoming meeting to discuss the implications these improvements will have on parking.

• Dr. Morrice then gave a brief overview of enrollment management leadership positions in admissions, marketing, and business management.

Round table:
• Dr. Rech discussed initiatives this summer designed to get k-12 students on campus for programs. Girls Inc. and Aim of the Stars were highlighted.

• Dr. Christiansen stressed the importance of keeping the lines of communication open and that this is a critical time for faculty and administration to work together. His hope is to see an increase in the involvement of all members of the University Community.


Charlotte Russell, Assistant to the Chancellor for Equity, Access and Diversity, gave an overview of the Standardization of EEO Policies across NU. She stressed that non-discrimination language needs to be standardized. Title IX language should be revised to be more student friendly, and a web site with information is being revised. Also ADA accommodation procedures have been revised making it easier to provide services. Dr. Reed added that there have been questions from parents about services needed for their sons and daughters. He stressed the importance of a needed balance between parent concerns and student independence.

The Roundtable discussion included information from Dr. Reed about new Faculty Fellows and the appointment of Paul Barnes as Associate Vice Chancellor for Academic Affairs. Updates on undergraduate admissions and enrollment management position appointments were provided by John Fiene, Assoc. V.C. A.A. – Technology Information Services, and Polema Morrice, Asst. V.C of Enrollment, Student Affairs. Other information included support for graduate studies and enrollment. A new brochure from Graduate Studies was distributed. Dr. Smith-Howell, Dean, Graduate Studies, reminded us that these brochures are available for distribution. UNO will have an important presence at the Cox Classic Golf Tournament. Dr. Christiansen will be the honorary chair for the tournament.


6. Written Acknowledgements for Resolutions:
On June 7, 2012, Nancy Castilow, Assistant to the Chancellor, wrote in an e-mail:
Chancellor accepts the res for the purpose of information.

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<th>Res.#</th>
<th>Date Senate Passed</th>
<th>Title</th>
<th>Admin Accept</th>
<th>Sent for Senate Action</th>
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<td>6/6/12</td>
<td>Replacement of A&amp;S Senator</td>
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CARRIED FORWARD

| 3079  | 3/9/11             | Shared Governance                  |              | 4/15/11               |        |          |            | Not supported.                                |
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IV. Non-Senate Committee Reports

A. Academic Freedom Coalition of Nebraska (AFCON): Professor Parker sent the following report:

HIGHLIGHTS FROM MARCH-JUNE 2012 AFCON BOARD MEETINGS:

Chancellor’s Comment: “While I continue to be an advocate for shared governance, I will not support 3079, as I am unable to support any resolution which defines the role and responsibilities of the University’s governing board, the office of the chancellor, or other administrator, which is outside the purview of the Faculty Senate.”

*3079* (From Chancellor Christensen via Nancy Castilow in an e-mail sent on 4/15/11: Not supported. Chancellor’s Comment: “While I continue to be an advocate for shared governance, I will not support 3079, as I am unable to support any resolution which defines the role and responsibilities of the University’s governing board, the office of the chancellor, or other administrator, which is outside the purview of the Faculty Senate.”)

*3073* (From Chancellor Christensen via Nancy Castilow in an e-mail sent on 1/24/11: This is a university issue, not a campus issue. The senate can choose to forward to Varner Hall for further action or consideration.)

*3033* (From Chancellor Christensen via Nancy Castilow in an e-mail sent on 5/27/10: “While he is supportive of Res. 3033, he acknowledges that the subject matter is primarily an Academic Affairs issue and has asked Vice Chancellor Hynes to respond as appropriate.”) *3013* (From Chancellor Christensen via Nancy Castilow in an e-mail sent on 3/11/10) “The chancellor said the first resolution” (3013) “needs to be considered by Terry” (Hynes) . . . (From Chancellor Christensen via Nancy Castilow in an e-mail sent on 4/21/10: Relative to the minor language changes on 3013 (Plagiarism), the chancellor indicates that he would like Academic Affairs to share the policy with the academic deans at an upcoming meeting.)

*3013* (From Chancellor Christensen via Nancy Castilow in an e-mail sent on 3/11/10) “The chancellor said the first resolution” (3013) “needs to be considered by Terry” (Hynes) . . . (From Chancellor Christensen via Nancy Castilow in an e-mail sent on 4/21/10: Relative to the minor language changes on 3013 (Plagiarism), the chancellor indicates that he would like Academic Affairs to share the policy with the academic deans at an upcoming meeting.)

*2944* (From the EC & Admin Mtg 1/21/09: The Chancellor supports the concept in Resolution 2944 on funding an UCRCA budget line but opined we wouldn’t get it during the years of budgetary problems.) 6/10/09 Nancy Castilow wrote for Chanc. Christensen: “One clarification related to Res. 2944, dealing with ongoing support of the UCRCA budget. I said that I was open to the concept and supportive of continued funding of the UCRCA budget, albeit we would need to review its funding during times of budget constraints, as we do with other such programs. The decision to fund and how much to fund remains the purview of the Office of Academic Affairs. I did not opine that the UCRCA budget line would automatically see no funding during years of budgetary problems.”


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HIGHLIGHTS FROM MARCH-JUNE 2012 AFCON BOARD MEETINGS:

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AFCON is developing a new website on www.weebly.com. The site should be available in August.

AFCON’s goals are the following

1. Reintroduction of a student expression bill.
2. Develop a new website.
3. Plan the annual AFCON conference.
4. Increase AFCON membership base.
5. Focus upon participatory civics education as a way to engage more people in academic freedom.

AAUP has a new Academic Freedom online journal.

(N.B. From the AAUP web site: The new AAUP Journal of Academic Freedom publishes scholarship on academic freedom and on its relation to shared governance, tenure, and collective bargaining. Scholarship on academic freedom is typically scattered across a wide range of disciplines; the Journal provides a central place to track the developing international discussion about academic freedom and its collateral issues.

The Journal is published online. Electronic publishing gives us many advantages, the first being the ability to offer the content for free to everyone interested. Online publication also gives us the freedom to publish quite substantial scholarly essays, something that would be much more costly in print.

Essays range from historical studies to analyses of contemporary conflicts, from accounts of individual faculty experiences to institutional histories.

Nebraska State Board of Education will require all Nebraska public schools teaching through 8th grade to say the pledge each morning. Individual children may remain silent and sit or stand while their classmates (not clear if the teacher is required to) stand and repeat the pledge. Frank Edler, AFCON President-elect, testified against the requirement.

As ACLU representative, Dwayne Ball reported a disappointing result in the Kuhr v. Millard Public Schools case. A federal jury ruled for the disciplinary actions imposed by Millard on students Dan and Nick Kuhr for wearing “RIP Julius” t-shirts in honor of their friend who was murdered. Their sister, who wore a bracelet with that message, and was also disciplined, provoked a split jury with no decision on the Millard action disciplining her.

V. Old Business

A. The following resolution was moved by Senator M. Bacon, seconded by Senator Winter, and approved unanimously.

RESOLUTION 4054, 7/11/12: Determine Contractual Implications of Background Check Policy

WHEREAS the Administration of the University of Nebraska at Omaha has announced its intention to implement a program of employee background checks in keeping with the practice of many educational and business institutions, and

WHEREAS the Faculty Senate of the University of Nebraska at Omaha believes such checks, however desirable or necessary, fall under the contractual agreement between the faculty bargaining unit and the Board of Regents of the University of Nebraska,

THEREFORE BE IT RESOLVED, that the Faculty Senate of the University of
Nebraska at Omaha strongly recommends that a legal opinion be formulated with the participation of the bargaining unit and the University of Nebraska Central Administration to determine the contractual implications of the policy as it affects members of the bargaining unit.

VI. New Business

A. **UNO Parking** (New Rules for Permits, Loading Zones, etc.)
   After looking through some of the current parking regulations, fees, shuttle schedule, etc., the EC&C directed the coordinator, Sue Bishop, to contact the Parking Office to see if a representative is available for the August 8, 2012, EC&C meeting.

B. **“Reconstituted” Athletic Committee**
   President Smith told by SVC BJ Reed that the Athletic Committee is being “reconstituted.” The current Athletic Committee will be dissolved, and a new committee appointed. SVC Reed asked for names of faculty who really do care about athletics. He will choose from that list.
   The Rules Committee will handle this, after the Senate coordinator contacts SVC Reed to see if the current faculty members on the committee would work out, or if he wants an entire new list.

C. **Faculty Senate Retreat** will be held August 15, 2012. The following was discussed:
   1. Speakers & Topics
   2. Thoughts/Goals/Themes for 2012-13
   3. Schedule of Retreat
   4. List of items to distribute at Retreat (Standing Committee end of year reports: last year as hard copy, four years before that to be sent e-mail.)

VII. The meeting adjourned at 4:15 p.m. with announcements.