
Absent: Guo, Williams,

Excused: Harder, Mahoney, Tiller, Winter

Guests: From Student Government: Student President/Regent Devin Bertelsen, Executive Treasurer Asha Adhikari, and Public Relations Officer Stephanie Montgomery.

I. The Meeting was Called to Order at 2:15 p.m. after introductions of members of UNO Student Government.

II. The Minutes of August 15, 2012, were approved as written.

III. Officers’ Reports

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

1. Senate President’s Meeting with Chancellor was held August 22, 2012.
   a. Reviewed Faculty Senate Retreat. Discussed continued interest and variety of opinions related to the background check policy. Chancellor Christensen stated that this is something on which we must move forward. He stressed that this is important not only for campus security, but also for public perception. The Chancellor agrees that parking can be inconvenient but not as problematic when compared to other metropolitan universities. The change from 2.5 to 2.0 for part time faculty needs further clarification. B. J. Reed will be asked to clarify this initiative to the Senate.
   b. Enrollment management continues to be an area of focus for the entire University. A critical component includes gathering data to aid in the planning for both recruitment and retention. Dr. Christensen stressed that student enrollment must be addressed to keep up with increased emphasis on human resources and facility growth and improvement.
   c. Chancellor Christensen will have B.J. Reed get information to the Senate related to the renegotiations related to Exceptional Performance increases that were all used to cover promotion increases.
   d. Chancellor Christensen also discussed a possible pilot program allowing full time employment to include summer and one other semester. This will be completely voluntary. Information about this opportunity will be made
available in the State of the University address September 19. Follow-up forums will also be held to get input and ideas related to this initiative.


   Associate Vice Chancellor Pelema Morrice and Associate Vice Chancellor Daniel Shipp gave updates on the Strategic Enrollment Management Plan and Welcome Week activities. Dr. Morrice discussed initial short-term needs related to recruiting and retention including upcoming campus-wide and smaller breakout forums to be held in October and January. He discussed organizational changes impacting enrollment, marketing, business intelligence, and the enrollment Management website. Dr. Shipp discussed the welcome week activities including lunches at the Student Center, Block Party, Business Fair, Campus Carnival, Freshman Convocation, Housing, Counseling Services, and Veterans’ Student Lounge.

   Vice Chancellor for Business & Finance Bill Conley presented an update on the Community Engagement Center. He presented design outcomes, site information, amount of space to be included in the facility, and construction and non-construction budget of $23.6 million, which is coming from private donations. A Community Engagement website will be launched before the official groundbreaking October 24.

   The Roundtable discussion included information from Chancellor Christensen about the quality of new hires for this academic year. Information was provided about October being Cyber-Security month, pending STEM grants ($12 million), graduate enrollment, human resources (20,000 applications for just over 500 openings), implementation of background check policy, increase in the number of international students, graduate school applications and enrollments, Alumni Association activities, UNO campus development campaign, art displays opening in the Weber Fine Arts Gallery, and the retirement of Tim Fitzgerald.

3. **Executive Committee & Administration**: No Meeting in August.


5. **Written Acknowledgements for Resolutions**: On August 30, 2012, Nancy Castilow, Asst. to the Chancellor, wrote of the addition to Res. 4042:

   *The Chancellor accepts the resolution.*

On September 6, 2012, Nancy Castilow wrote the following for Res. 4054:

*The chancellor acknowledges receipt of the resolution and has provided the legal opinion requested.*

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**Legal Opinion**:

*From: John C. Hewitt [mailto:jhewitt@clinewilliams.com]*  
*Sent: Tuesday, July 17, 2012 9:11 PM*  
*To: Ed Wimes*  
*Subject: Background Checks*

*Ed,*

*In a response to my email of July 14, you have indicated that at this time you anticipate that the “background check” at the University of Nebraska at Omaha will consist of the University reviewing public records (i.e., sex offender registry, criminal convictions, etc.) for applicants for employment. Based on the foregoing you have inquired whether such an approach would constitute a mandatory subject of bargaining.*
The simple answer is that the University could, in my opinion, proceed to implement such an approach for applicants without any discussions. The obligation to bargain in good faith concerning mandatory subjects is generally limited to the current employees of an employer. There is generally no obligation to negotiate concerning prospective employees. *Star Tribune*, 295 NLRB 543 (1989).

If there remains any discussion about expanding such an approach to current employees, then the answer becomes more complicated. Nevertheless, I do not believe that the University would be required to bargain over the decision to review public records at its own cost and expense. As I indicated previously, this decision would likely be within the employer’s managerial discretion. However, I also believe that the University would be required to bargain over the “effects” of such a decision; such as (a) whether any information in a person’s criminal record would remain confidential; (b) whether certain employees would be exempted based upon length of exemplary work records; (c) the appeal rights of employees who claim that they have been incorrectly identified of having been convicted of a particular crime or who believe there are extenuating circumstances that would exclude their disqualification; and (d) the categories of offenses that would result in automatically exclusion from employment.

If you would like to discuss further, please do not hesitate to call.

John C. Hewitt  
jhewitt@clinewilliams.com

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**2012-2013 Resolution Action Table**  
(*Action Pending and Current Resolutions*)

<table>
<thead>
<tr>
<th>Res. #</th>
<th>Date Senate Passed</th>
<th>Title</th>
<th>Admin Accept</th>
<th>Sent for Senate Action</th>
<th>Denied</th>
<th>Deferred</th>
<th>In Progress</th>
<th>Final Action/Resolved</th>
</tr>
</thead>
<tbody>
<tr>
<td>4042</td>
<td>5/9/12 &amp; 8/15/2012</td>
<td>Campus Committees</td>
<td>5/22/12 &amp; 8/30/12</td>
<td>(One more name to add)</td>
<td></td>
<td></td>
<td></td>
<td>Chancellor Accepts. Chancellor Accepts.</td>
</tr>
<tr>
<td>4054</td>
<td>7/11/12</td>
<td>Determine Contractual Implications of Background Check Policy</td>
<td>9/6/12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Chancellor acknowledges receipt of resolution and has provided the legal opinion requested.</td>
</tr>
<tr>
<td>3079</td>
<td>3/9/11</td>
<td>Shared Governance</td>
<td>4/15/11</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>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...</td>
</tr>
</tbody>
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*Faculty Senate Minutes – 9/12/12*

*Faculty Senate Agenda – 10/10/12 - Page 3*
<table>
<thead>
<tr>
<th>Number</th>
<th>Date</th>
<th>Item Description</th>
<th>Date</th>
<th>Notes</th>
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<tbody>
<tr>
<td>3073</td>
<td>1/12/11</td>
<td>Employee Plus One Benefits</td>
<td>1/25/11</td>
<td>Senate sent to Pres Milliken, D. Burns, and Board of Regents</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1/24/11</td>
<td>This is a university issue, not a campus issue. The senate can choose to forward to Varner Hall for further action or consideration.</td>
</tr>
<tr>
<td>2944</td>
<td>1/4/09</td>
<td>UCRCA Funding</td>
<td>X*</td>
<td></td>
</tr>
</tbody>
</table>

*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.”)

**B. Treasurer’s Report:** Senator M. Bacon gave the August 2012 Budget Report.

**IV. Executive Committee Report:** Senator Winter moved the following resolution for the Executive Committee. It passed unanimously.

**A. Resolution 4055, 9/12/2012: CPACS Senator Temporary Replacement**

BE IT RESOLVED, that, as CPACS Senator Barbara Hewins-Maroney is on Periodic Professional Leave this semester (Fall 2012), Kerry Beldin has been appointed as her temporary replacement on the UNO Faculty Senate.

**V. Standing Committee Reports**

**A. Committee on Academic and Curricular Affairs:** Senator Petrow reported the committee met August 29, 2012. The goals for the coming year:

We will study the rules surrounding departments' use of dual enrollment funds. We are interested in exploring whether those rules should be relaxed, and if they should, how this might happen.

Other topics to study include:
Satellite testing centers for on-line students. Does the university have such a list of locations, and if not, how can one be created?

On-line instructor training. We would like to explore whether regular on-campus workshops can be held in which attendees receive real-world, hands-on experience with designing elements of on-line courses.

Thompson Learning Center funding. We are interested in tracking where the TLC money goes, and how it is spent.

B. Committee on Educational Resources and Services: Senator Maring reported that the winner of the 2012-2013 Paul Beck Scholarship/Fulltime Graduate Student was unable to take a full course load, so that scholarship was transferred to the 1st runner up, Jacquelyn M. Davis.

C. Committee on Faculty Personnel and Welfare: Senator Melanson reported this year we plan to investigate:
   1) The proposal to reduce adjunct appointments from .25 FTE to .20 FTE. As part of this investigation, we hope to meet with B.J. Reed, Senior Vice Chancellor.
   2) The status of campus safety and emergency preparedness. As part of this investigation, we hope to meet with Paul Kosel, Manager of Campus Security.
   3) Whether it would be possible for new full-time hires to receive first paychecks prior to the end of September of their first year of employment. As part of this investigation, we hope to meet with a representative of human resources and John Erickson, the faculty representative on the University-Wide Committee on Fringe Benefits.
   4) What pre-emptive financial alternatives might be available for faculty who want to ensure that they will have sufficient means to pay for COBRA coverage of covered family members should they have to go on long-term disability. As part of this investigation, we hope to meet with a representative of human resources and John Erickson, the faculty representative on the University-Wide Committee on Fringe Benefits.
   5) The availability of short-term drop-off parking near buildings (particularly the library) and the increasing costs of parking. As part of this investigation, we hope to meet with Jim Ecker, Manager of Parking.

The committee met August 29, 2012, to draw up lists of specific questions for eventual invited speakers and to determine what other information needed to be gathered to undertake our tasked investigations.

Present: Senators Melanson, Prisbell, Roland, Sherer, Williams, Wilemen,

D. Committee on Goals and Directions: Senator Kelly reported the Goals and Directions (G&D) Committee met August 29. The following action steps were taken:
   1. Russ Smith, the Director of the UNO Office of Institutional Effectiveness has been invited to speak at the next G&D Committee meeting (Wednesday September 26, 2PM in ASH 196). At this meeting, Dr. Smith will discuss student performance outcome measures available on the PING system, particularly:
      a. UNO performance by transfer students from specific area community colleges
      b. UNO performance by first-year students from specific area high schools
   2. The G&D Committee will prepare a report based on this data to present to the full Faculty Senate at a later date.
   3. This 2012-13 AY, the G&D Committee will also discuss and make recommendations on UNO’s current & future efforts in image-making and marketing. Individual UNO Colleges and Departments that currently market
themselves as programs of distinction (e.g., the College of Business Administration) serve as potential models for other UNO programs to follow.

E. **Committee on Professional Development:** Senator Kriz reported the meeting was held August 29, 2012.

**Old Business:**
1. Debrief of Faculty Senate Retreat
2. Planning for 2012-13
   a. Issues discussed included:
   i. The use of social media in online courses
      1. Need to bring faculty up to speed and discover potential
      2. Inviting in Jeremy Lipschultz and Angela Eikenberry to Sept. meeting
   ii. Development of a set of modules for common courses that could be used interchangeably
      1. Need someone to explain potential technologies
      2. Could grow into one-credit hour module for faculty on distance course development
      3. Bring in someone from IS – possibly in November
   iii. The way that the distance model fits in with Enrollment Management/20/20/etc. efforts
      1. Bring in someone from EMEC – possibly in October
   iv. Development of a set of faculty advocates in each college
      1. Bring in someone from IS – tie-in with (ii)
   v. Development of a flow chart to document processes
      1. Bring in someone from Political Science regarding development of distance degree program – possibly in November
   vi. Bringing in visionary to inspire the faculty
      1. Somebody who is nationally known and good speaker
         a. Possibly in January

F. **Committee on Rules:** Senator Rech reported
1. Completion of the following Resolution (**from volunteers at the 2012 Retreat**)

**RESOLUTION 4042, 5/9/2012:** Campus Committees (a-i):

BE IT RESOLVED, that the following be appointed to Campus Committees as designated:

a. **Academic Planning Council (APC)**

BE IT RESOLVED, that the following names go forward as the Faculty Senate's representatives to the Academic Planning Council from the Committee on Academic and Curricular Affairs and the committee on Goals and Directions each for a one-year term from 05/9/12, through 05/8/13:

*Christine Beard*, from Committee on Academic and Curricular Affairs
Tom Bragg, from Committee on Goals & Directions.

2. **RESOLUTION 4056, 9/12/2012:** Alumni Association Board of Directors Replacement
BE IT RESOLVED, that the senate president appoints the following UNO alum as the senate representative for one year, 05/9/12, through 05/8/13, to the Alumni Association, Board of Directors, to replace Lyn Holley, who had a scheduling conflict:

Janice Rech.

3. **RESOLUTION 4057, 9/12/2012: Graduate Council Liaison**

BE IT RESOLVED, that the senate president appoints the following member of the Graduate Council to be the liaison between the 2012-2013 Faculty Senate and the Graduate Council for a one-year term from 05/09/12, through 05/08/13:

Jeanne Surface, to replace William Mahoney.

4. **RESOLUTION 4058, 9/12/2012: Academic Freedom & Tenure Committee**

(ballsots will be sent to all full time faculty)

BE IT RESOLVED, that in accordance with Article 6.5.2 of the Faculty Senate Bylaws the following nominees for the Academic Freedom and Tenure Committee are brought forward by the Rules Committee for senate nomination. The ballot will be presented to the UNO Faculty.

One tenured faculty member will be elected from the following two nominees to serve three-year terms from October 16, 2012, through October 15, 2015, to replace Christina Dando, whose term will expire:

Birud Sindhav,
Vincent Woolf.

And one Non-Tenured Faculty member will be elected from the following two nominees to serve three-year terms from October 16, 2012, through October 15, 2015, to replace Cher McAllister whose term will expire:

Arturo Miranda,
Mark Pauley.

5. **RESOLUTION 4059, 9/12/2012: Faculty Grievance Committee**

BE IT RESOLVED, that in accordance with the Faculty Senate of the University of Nebraska at Omaha Bylaws, Article VI.5.1, Faculty Grievance Committee, the following faculty members are brought forward by the Rules Committee for ballot election by the senate.

One full Professor will be elected from the following two nominees to replace Robert Woody, whose term has expired, for three-year terms from September 16, 2012, through September 15, 2015:

Robert Nash
David Carter *(elected)*
And one Assistant Professor will be elected from the following two nominees to replace Zebulon Miletsky, whose term has expired, for three-year terms from September 16, 2012, through September 15, 2015:

Gwyneth Cliver
Chin-Chung Chao *(elected)*

And one member of the Faculty Senate Faculty Personnel and Welfare committee will be elected from the following two nominees to replace Marshall Prisbell, whose term has expired, as the Faculty Personnel and Welfare Committee representative for a one-year term from September 16, 2012, through September 15, 2013:

Marshall Prisbell *(elected)*
P. Paul Williams.

6. RESOLUTION 4060, 9/12/2012: UNO Professional Conduct Committee

BE IT RESOLVED, that in accordance with the Faculty Senate of the University of Nebraska at Omaha Bylaws, Article VI.5.3, Professional Conduct Committee, the following faculty members are brought forward by the Rules Committee for ballot election by the senate.

BE IT RESOLVED, that two representatives must be elected by ballot vote to serve three-year terms from September 16, 2012, through September 15, 2015, to replace outgoing members, Kerry Beldin and Scott Harrington, whose terms have expired. In accordance with Section 1.1 of the University of Nebraska at Omaha Professional Conduct Committee's Rules and Procedures, the following four nominees (all tenured faculty ranked assistant professor or above) are brought forward by the Committee on Rules for ballot election by the full senate as follows:

John Erickson *(elected)*
Art Diamond *(elected)*
Brigette Ryalls
Franklin Thompson.

The newly elected representatives will also serve as alternates for three-years from September 16, 2015, through September 15, 2018.

Kerry Beldin and Scott Harrington will continue serving as alternates (replacing Juliet Parnell and Jack Heidel) for three-years, from September 16, 2012, through September 15, 2015, per Resolutions 2844 & 3000.

7. RESOLUTION 4058, 9/12/2012: Replacement on Honors and Awards Committee

BE IT RESOLVED, that, as Srikant Ballabhajosula has left UNO, the following name go forward to complete that term (08/01/11 through 07/31/14) to the University Committee on Honors and Awards:

Michael Matthews.
VI. Non-Senate Committee Reports:

A. Facilities Planning Committee: Senator Surface reported that a meeting was held this morning, September 12, 2012. There is a lot of interest in Parking at UNO. There needs to be insightful thinking about the UNO campus. V.C. Conley would like to be invited to a Faculty Senate meeting. *(He was later invited to the November 14, 2012, Faculty Senate meeting.)*

VII. There being neither Old Business nor New Business, the meeting **Adjourned** at 2:59 p.m. with Announcements:

A. **EC&A Mtg.** Wednesday, September 19, 2012, 2 p.m., EAB 200, Chancellor’s Conference Room
B. **EC&C Mtg:** Wednesday, October 3, 2012, 2 p.m., ASH 196
C. **Faculty Senate Mtg:** Wednesday, October 10, 2012, 2:15 p.m., MBSC Chancellors Room