

Minutes of the Meeting of the Academic Council  
Thursday, October 18, 2018

**Don Taylor (Chair, Academic Council / Sanford School of Public Policy):** Hello, everyone. Thank you for coming. It's a beautiful day today – a Chamber of Commerce day. We have an interesting meeting today and an important meeting. At the end, we're going to go into a brief executive session and we will not come back out of executive session. (laughter) Announcing the purgatory executive session. (laughter) I meant that we will end the meeting in the executive session so our colleagues from the media who will have to leave for the executive session can be released. Thank you for the correction.

I just want to take a moment to note the passing of our dear colleague, Dr. Brenda Armstrong. The timing of her memorial service has been announced and it will be Tuesday, October 23, that's next Tuesday, at 3:00pm. Dr. Armstrong was a super interesting, unusual person. She's from Rocky Mount and I'm from Goldsboro which is not very far apart. We grew up in similar places but the more I talked with her about her life and I thought about my life, I realized how often I got the benefit of the doubt and how often she did not. The things that she achieved – I was sort of going down a hill and she was going up a hill. It just makes who she was and what she did all the more special. I just wanted us to take a moment to note that. You might notice, if you're from eastern North

Carolina and I get a chance, I will call you out in a positive way. (laughter)

A quick announcement: Gráinne Fitzsimons is the Chair of the Ad Hoc Committee that is considering the History Department's proposal to rename the Carr Building for Professor Ray Gavins. We are linking up a Qualtrics survey on the Academic Council website under the "Council Corner" tab and that survey will allow you to provide feedback to this committee. The committee is going to provide Vince [Price, President] with a recommendation about what to do with respect to that proposal from the History Department by November 15. If you would like to be heard on that matter, Gráinne and the committee would like to hear from you.

***APPROVAL OF THE SEPTEMBER 20  
ACADEMIC COUNCIL MEETING MINUTES***

**Taylor:** The next item is the approval of the minutes from the September 20 Academic Council meeting. The minutes were posted with the agenda. Does anyone have a correction or see a mistake, or have additions?

*[Minutes approved by voice vote without dissent]*

***VOTE ON THE SCHOOL OF NURSING PROPOSAL REGARDING CHANGES TO THEIR AP&T CRITERIA***

**Taylor:** Next is a vote on the proposal from the School of Nursing regarding revisions of their appointment, promotion and tenure criteria. They presented at the last meeting and the materials were posted last time and this time. I believe Professors Oermann and Lipkus are here if anyone has any questions for them. We didn't receive any questions in writing, but if there are questions or comments about the proposal, those would be in order now.

Hearing no questions, may I have a motion to approve their proposal?

*[Proposal approved by voice vote without dissent]*

Congratulations. [applause]

***PRESENTATION OF THE REPORT OF THE ACADEMIC COUNCIL'S AD HOC COMMITTEE ON FACULTY RANK DISTRIBUTION***

**Taylor:** Next we will hear from the other Fitzsimons on the Duke faculty, Gavan Fitzsimons, who is going to present the Academic Council's Ad Hoc Committee on Faculty Rank Distribution report. On March 23, 2017, Nan Jokerst, the Academic Council Chair, and ECAC, brought forward a proposal that said we really needed to study how rank distributions had changed at Duke over the last decade or so and the Council approved that. This report was going to be presented last May, but the agenda was too crowded, so it's been held over until now. Gavan couldn't come in September because he had to teach,

which is always a good excuse to not go to a meeting at a university. He's going to present the report now, and we'll have some time to discuss it. By way of context, as we're thinking about it and talking about it, the Provost has been having discussions about potential changes of the tenure process. That's been talked about in the Academic Programs Committee and it's still moving along. At some point, she will be bringing some proposal, potentially, to the Council. So, this rank distribution change and that – we're really talking about what the faculty are going to look like in the future. Gavan, thank you.

**Gavan Fitzsimons (Fuqua School of Business / Chair, Academic Council's Ad Hoc Committee on Faculty Rank Distribution):** Thanks, Don. Before I get going, thanks to the committee that helped me with this report. We spent a lot of hours talking to a lot of people to get a sense of what was really going on and the general domain of rank distribution. The charge that we received was three-fold: first, has the mix of faculty changed in the last 10 or 15 years? Second, what led to this shift and what is the impact? And then third, what recommendations, if any, might we suggest? I'm going to go through this relatively quickly and leave lots of time for dialogue and questions. If anybody has any questions as I'm going through, feel free to interrupt.

First, has the faculty mix changed? Yes. This is pretty unambiguous. [refers to slide] I should thank David Jamieson-Drake [Assistant Vice Provost and Director, Institutional Research] and his team for helping us pull and analyze all of this data. Essentially, if you include the entire university, the three categories that we looked at and that David's office tracks

are tenure / tenure track faculty, other regular rank faculty, so this, typically in most schools, would be professors of the practice and some research faculty. And then non-regular rank faculty, depending on the school, called adjunct faculty, et cetera. What you can see pretty clearly, this is including the Clinical Schools, Medicine and Nursing, total numbers of tenure track faculty have decreased slightly. Total numbers of regular rank, non-tenure track faculty have gone up, POPs, if you like. And adjunct faculty have gone up pretty dramatically as well. If you exclude Medicine and Nursing, the data basically are essentially the same. Slightly dampened in terms of the magnitude of the shift, but still a dramatic increase in these two categories versus tenure track faculty. Is Duke unique? No. This is a slightly different set of data from a slightly different year.

**Speaker:** Can we have a minute to look at the data?

**Fitzsimons:** Yeah. It is in the report [that's posted], so you can pore over this, we can give you all sorts of details about your own individual schools...

**Speaker:** For example, what do the colors mean?

**Fitzsimons:** These are David's colors. The red is bad. [laughter]

**Sara Beale (School of Law):** Well, it could be. It's high.

**Fitzsimons:** Well, red is high. One might interpret it as bad. This came straight from David's assessment. But in general, there are some shifts here and there, some that are slightly different, but basically, there is very little growth over

here, outside of Nursing. There is pretty much universal growth here and pretty much universal growth here, on average across the schools.

**Lisa Keister (Member of ECAC / Sociology):** Do you plan to mention any of the particularly extreme cases, like Law? Or do you know why they're extreme?

**Fitzsimons:** There are some slight outliers here, Law...

**Beale:** I can tell you. We needed more clinics. We have clinics now. We have clinics on immigration, et cetera, and it's a very good development. It's not a problem. And you'll see that the rest of our faculty grew 17% too. So we added things that we wanted to add. We went out and raised money for it. Students love it, we're happy, we're matching other universities.

**Keister:** Fantastic, thank you.

**Beale:** We're not a problem. [laughter] That's why, when you said red is bad, I said, not necessarily. I feel very comfortable with where we are. That's what everybody else has to figure out. Are you comfortable with where you are?

**Speaker:** And the same for the School of Nursing. We have doubled in faculty and doubled in students in the last ten years.

**Fitzsimons:** Each individual school will have different rationales and justifications. I'll explain some of the reasoning that went into the growth at some of the different schools. But of course, there are going to be examples of idiosyncratic differences.

**Speaker:** When you say we are not the problem, what exactly do you mean by that? If you hire non-regular rank faculty, why not hire them as regular rank faculty?

**Beale:** Because they're "Clinical Faculty."

**Fitzsimons:** We can descend very quickly into a nice, healthy debate about this, but let me get through some of the data and the rationale before we start fighting, is that good? [laughter]

Duke is not unique in this space. [refers to slide] Most of our peer institutions have also grown their non-tenure track faculty faster than their tenure track faculty. Again, there are a couple of outliers. It's not clear whether this is a data collection thing that was difficult for David to work this out, but basically, most of our peer institutions are growing – again, the data don't line up exactly with what I just showed you, these are different years. This particular database does not have a separate category for non-tenure track, regular rank faculty. It's just the two here. But basically, the gist of this is Duke is not alone. This is a trend that is occurring nationwide.

What caused the shift? We spoke with all the leadership teams at all the schools [at Duke]. We spoke with our faculty union colleagues, we spoke with faculty representatives of this body. I'm trying to think of who else we spoke with.

**Alex Rosenberg (Philosophy / Member of the Ad Hoc Committee on Faculty Rank Distribution):** We spoke to the Deans of all the schools. We spoke to both the union professional representatives and the elected leaders of the faculty unions.

**Fitzsimons:** So, there was a lot of dialogue. We spoke to a lot of folks to try to get our head around why had this shift occurred and what were the underlying drivers of it? I should say we spoke with the folks that run finances at all of those schools at the university as well. Basically, one of the big drivers was that the 2008 financial crisis put budgetary pressure on all of the schools. Prior to that, the Deans of each of the schools felt less pressure to present a balanced budget to the Provost and the President than they currently do now. When one needs to balance a budget, one way to balance one's budget is to do what? Is to reduce the cost of each class that one teaches and it turns out that non-regular rank faculty are much less expensive than tenure track faculty with regular rank, non-tenure track being in the middle.

**Vince Price (President):** So, the times you showed us are from 2008 forward. For this to have made a difference, it would have to alter the trajectory of growth post-2008. Did you look at the established potential trajectory?

**Fitzsimons:** The trouble was the data that David had access to prior to the crisis were not reliable. The trend looks as one would expect that it was going, and then it got more aggressive close to 2008. David felt uncomfortable including that data in the report because he didn't feel that it was reliable.

**Joseph Izatt (Biomedical Engineering):** So, the first bullet is unsubstantiated, is what you're saying?

**Fitzsimons:** Well, it's substantiated by all of the Deans telling us that this is exactly what happened. When they needed to pay more attention to balancing budgets,

which, as a Business School person, seems totally reasonable to me, they focused more on the cost of instruction, which led to a shift.

The second reason: Master's programs grew, obviously connected to the first. So, if we're under budget pressure, we need new sources of revenue, where are those going to come from? Those Master's programs seem like an attractive and appealing place to do so. And in many cases, not all, Master's programs are predominantly staffed by non-tenure track faculty or regular rank non-tenure track faculty as well, sometimes.

The third one: as the proportion of tenure track decreases, and the scale of the university increases, there is more administration to be done. And there are not as many tenure track people to do it. Thus, it requires some non-tenure track folks to fill in, both on the administrative and on the teaching side. That exacerbates the problem. As everyone knows, we've had great success with the Medical School growing and being bigger and bigger. With that comes growth and with that comes the need for more people. Some explicit acknowledgements in the Medical School, for example, that we're including faculty on the books that never teach and do no research. They are purely clinical faculty and yet they are honorific titles.

Impact: in some cases, what were initially proposed as short term, non-regular rank positions have essentially become permanent. And in our committee's view, the faculty union, as a formation, is a partial response to this. That non-regular rank positions which weren't ever intended to be permanent, essentially became permanent and our non-regular

rank colleagues felt that they weren't being treated equitably and fairly and as a result, the union came out of this.

Obviously, a shift toward non-regular rank faculty and away from research faculty will shift Duke away from our research mission. If less of our total resources are dedicated to generating new ideas on the research front, this is pretty much unambiguously going to be an outcome.

**Sally Kornbluth (Provost):** I want to walk through one other hypothesis and I wonder if you looked at this at all: there are schools that have differentiated more and more into sort of a more teaching core and a more research core. I'm wondering if there's a variability in this. I didn't look at the list of policies, buyout policies, things like that, where, if you have a successful research enterprise and people can buy out courses, then you've got to backfill with other teaching and you end up with a differentiated workforce. That's another hypothesis for the backfill.

**Fitzsimons:** That's a piece of what's happening for sure. Unambiguously. Different schools have different policies on this.

**Kornbluth:** Exactly. And I'm wondering if that impacts what we're seeing.

**Fitzsimons:** It's definitely a driver in some of the schools of this trend. Research rank faculty are buying out of classes. Those classes have to be taught by someone, and so we hire inexpensive labor to teach those classes so that the research rank faculty don't have to teach them. Yes, absolutely.

One of the surprising / concerning issues that we identified was that there was a diversity impact of this shift towards non-regular rank faculty. It was twofold. In the professional schools, the non-regular rank faculty are largely non-diverse faculty that are basically teaching for fun or to give back to the community. In Trinity, on the other hand, the non-regular rank faculty are more diverse than Duke in general but are often doing so as their primary source of making a living. This was distressing for our committee for obvious reasons. It's worth noting in the professional schools, I'm not saying that there's not a place for non-regular rank faculty at all. In fact, in the report, we give an example of, if you're looking for someone to teach Nursing in the NICU, who better to teach that than a nurse who is in the NICU on a regular basis? So it might make sense for some positions to not be full time, research positions. On the other hand, in Trinity, I think I speak for the committee in saying that there is not that justification that those positions shouldn't be more of a regular rank-type position.

What do we recommend? One of the things that we discovered in speaking to Sally [Kornbluth, Provost] was that we currently aren't having long-term plans from the Deans to the Provost's Office in terms of faculty mix. We kind of backed into this situation without a long-term strategy to get here. One of the things we think should happen is that the Deans should submit a five-year plan, both to the Provost as well as to their faculty, so that things are fully transparent and everybody knows exactly what is going on. If there is going to be substantial numbers of non-regular rank hires – for example, let's say that we start a new Master's program and we're uncertain as

to the demand in that program, the sensible business approach would be to hire short-term faculty to teach those positions to ensure that there's actually demand for the program. With that should be a plan for conversion of those lines to a more permanent role if the program is successful. As opposed to, we launch the program, hire short-term faculty, ten years later we've still got all these short-term faculty that don't have benefits, that don't have any guaranteed employment, et cetera, here at Duke.

Changes to the curriculum: when we change the curriculum, we change the requirements in terms of who is teaching what and we have to acknowledge that there is a large impact on the faculty mix when curriculum changes occur, and we need to explicitly deal with it. In terms of our faculty union colleagues, we feel that the Academic Council should get a report at least annually, from the leadership of both the faculty union and the university leadership responsible for that relationship, which I think falls to Kyle Cavanaugh [Vice President, Administration] currently, or one of you guys, I don't know [refers to senior leadership in attendance]. [laughter] Well, somebody important.

The diversity issue was, as I said, distressing. It should be a goal at all levels of faculty hiring, not just at inexpensive levels of faculty hiring. We really feel strongly that diversity shouldn't be concentrated in lower-compensated faculty positions.

Obviously, it goes without saying, that everybody should be committed to teaching in addition to their other roles and that helps with the backfill issue that Sally raised. A very strong majority of our

faculty should be hired and evaluated on research grounds.

We currently have 60 faculty titles, 60 different types of faculty labels. It was virtually impossible to wade through and work out who is what and if you're an associate professor in one spot or a clinical professor or a this or a that, how does that contrast or compare to other schools in the university? The answer is, it doesn't compare. I'm speaking now personally, not from part of the committee, but it seems completely random the way the title of professor is used around the university. It was beyond the scope of our committee to try to wade through this and work it out. But I think it's something that this body might consider as something that we want to explore in the future.

**Taylor:** Next year! [laughter]

**Fitzsimons:** Next year, exactly!

**Roxanne Springer (Physics):** The Diversity Task Force, whose report you read, had a subcommittee chaired by Emily Klein. The issue that women and people of color were dramatically over-represented in these non-regular rank or non-tenure roles is in that data.

**Emily Klein (Nicholas School of the Environment):** And we had the data with respect to gender in the report.

**Springer:** But in addition to that, there's the overall impact of compensation. Merlise Clyde did a study of regular rank faculty salary equity, did she also do a study of non-regular rank faculty?"

**Taylor:** Every other year we do a tenure / tenure track equity study. Last year they

attempted to do a non-regular rank. They had a lot of data problems. They did a limited report on professors of the practice only and they were not confident in the data, so it's not been distributed. Craig Henriquez [BME & former chair of the Academic Council] is the new chair of the Faculty Compensation Committee and one of the first things they're going to discuss is when should the reports be done, should they be done together and what the timing should be. It's harder than you might think to count ourselves.

**Springer:** First, I find that not reasonable. Not that it's not true, but I find it to be an inadequate state of affairs. So much about the inequity that you point out here is revealed and reflected in that. We're talking about impact. That means that you wander around campus and you run into a man versus a woman, person of color versus not, and you already have statistical information about how much money they make. This is unacceptable.

**Fitzsimons:** I agree.

**Ayana Arce (Physics):** You have a lot of interesting information about diversity and equity in the report. Were these previous studies the source of that information or did your committee actually look specifically at that information?

**Fitzsimons:** To the best of our ability, we looked at it. We didn't report it in this report because it wasn't the specific focus of this report. That said, we did look at the prior Diversity Task Force data and some other data. To Don's point, we wanted information on diversity-related issues and compensation amongst non-regular rank faculty and non-tenure track faculty. We couldn't. I agree. I don't see why we

couldn't get the data, but David is a friend and a very good person and a good person with data, but he can't get it. It doesn't exist currently. I agree. I'm agreeing with the look on your face. [laughter]

**Springer:** I just also want to say that I'm distressed that you and your committee were surprised. Because this is a known problem.

**Fitzsimons:** Not, surprised, I suppose. Maybe that's a mis-characteristic. Disappointed.

**Kornbluth:** I think more to the point is thinking about moving the needle on this, is we talked about this a lot at the time of unionization and here's the complexity here: from an administrative viewpoint, I would rather have much more faculty in regular rank positions than in non-regular rank positions anyway. There was this thought that we were trying to curtail tenure or whatever, it's just not true. The issue is, if you have a cohort of faculty teaching, let's say, language courses, where Spanish 101, whatever, I would rather see fewer faculty in POP positions teaching more classes, better paid positions, than a larger cohort of adjunct faculty. But the consequence of that is obviously some cohort of those faculty leaving their jobs altogether. This obviously became a point of understandable tension in our discussions and I don't know what the answer to that is. I think, as a community, you want people to have job stability. You want to have stable coverage of classes and it would mean, just based on the economics and the amount of teaching needed, fewer people. We appreciate the complexity.

**Lee Baker (Cultural Anthropology):** I don't know if you know this, but maybe someone does. When US News and World Report counts faculty-student ratio, do they count non-regular rank? And then the other thing, what we do know is that they also take faculty compensation as one of the metrics, and do they count non-regular rank? So each one of those, if they do, it might be good, but if they look at compensation, it might be poor.

**Fitzsimons:** I don't know the answer to that, does anybody?

**Kornbluth:** I'm almost certain they do count non-regular rank, only because I remember when I was in the Medical School, we talked about how you narrow the faculty numbers by really defining the people who are really faculty as opposed to doing only clinical work. That total faculty number included a large number, as you said.

**Speaker:** Can you repeat the question?

**Kornbluth:** Yeah, whether the US News Report, faculty counts include non-regular rank as well.

**Mike Schoenfeld (Vice President, Public Affairs and Government Relations):** I don't think so. It's a more complicated formula, but it's not just regular rank versus non-regular rank.

**Cam Harvey (Fuqua School of Business):** It is clear, and I totally agree that Duke is not alone in the trend, and I know this wasn't your charge, but, did you consider the level and the cross-sectional distribution at the level – what I mean is the proportion of non-tenure to tenure? That ratio? Looking at maybe not all the schools, but the schools that we



aspire to? It is a bit striking that Duke is 61% but Harvard is less than 40%, and Stanford is 5%. MIT is 1%. The only school that kind of looks like us is Yale. Was there any discussion that yeah, the trend is similar, but what is the best next to us?

**Fitzsimons:** It came up more in individual dialogues at the different school levels where the Deans of the different schools have different comparison sets than the university might in general. It's difficult to generalize across all of those schools and all of the situations, but different people have different explanations for why the mix is greater there and lesser here and so I find it difficult to average across all of those. But I agree anecdotally with your observation that our peers, we're a little more aggressive in this direction.

**Josh Sosin (Classical Studies):** Can I follow up on that? When you talked to the leadership teams – also, Chicago is on that list – what did they describe that looked different from what the others described? That sort of chain of unwitting, cascading effects that you laid out? Why were their stories different?

**Fitzsimons:** Across the schools?

**Sosin:** No, across those five or six outliers that show negative growth in non-tenure track?

**Fitzsimons:** We did not speak to those schools. Sorry, when I said schools, I meant schools within Duke, not external, we did not speak to other universities.

**Sosin:** That would be really nice to know, because that looks like the result of a

decision, rather than just an artifact of change.

**Fitzsimons:** Agreed, and we did not do that.

**Ruth Day (Psychology and Neuroscience):** All universities have different components, whether they have a law school or not, and so on and so forth, but they all have an Arts and Sciences, so is there a nice clear display of Arts and Sciences across universities for us to look at?

**Fitzsimons:** We would need David to answer that question. I'm not 100% sure.

**Day:** But that's the core of many universities so the data is potentially available to look at trends across universities as you're wondering.

**Fitzsimons:** I believe that that data that compares us to other institutions is very highly aggregated, purposefully. That's my understanding. I'm not sure that we have access to all the individual schools within those universities.

**Day:** We maybe don't need it. If we just have Arts and Sciences then we don't have any confound with other things, right?

**Fitzsimons:** Agreed. Again, I'm not sure that, again, without David being here, I'm not sure that we have access to that level of data.

**Beale:** I think she's asking you to try to get it.

**Fitzsimons:** Oh, okay. Don, write that down. [laughter] Vince, you don't mind calling the President of MIT, do you?

**Price:** The question is, the cross-institutional data collections are principally iPads and COFHE [Consortium on Financing Higher Education] collects data; they do tend to be highly aggregated. Even what looked like straightforward school-to-school comparisons are in fact confounded with other things. Which departments are in and out of Arts and Sciences. Sometimes they include fine arts, for example. Oftentimes there's a separate school of fine arts or design. So none of these comparisons are perfect. But David would know what level of disaggregation is possible. That would be different than an exercise of trying to wrap up those data, which I just don't think is possible.

**Fitzsimons:** From our perspective, we were using that data to see if we were truly outliers or if other schools were experiencing similar shifts and our take was, that other schools are experiencing similar shifts, in general, noting that there are data limitations.

**Sayan Mukherjee (Statistical Science):** There are public universities that have publicly-accessible data. Some of them we might consider peers. Have we tried to go out and get the data from those universities? That should be doable.

**Fitzsimons:** Theoretically, I agree.

**Mukherjee:** No, not theoretically, that should be doable. Someone in this room could probably write a script to do that.

**Fitzsimons:** I'm using theoretically the way you're using "should." Yes, there's a non-zero probability that that data could be collected, perhaps by someone in the room.

**Day:** And also, just the number of professional schools that are in the aggregate. Anybody could look that up on the web.

**Fitzsimons:** To this point, the data in the aggregate is not clear. I'm not defending this data set, but I believe that the schools don't report what exactly is in and not in, in part because this is relatively confidential data that the schools don't necessarily want to be out.

**Day:** But we can see how many professional schools they have. We have a Law School, a Medical School, Divinity School, and so on, and then, in some way, take that into account.

**Fitzsimons:** I know David will love to hear this as a charge, but he needs to go and count not just how many schools, but how many students, how many faculty, all of these things. It would be nice to have even more clear data. Whenever I work with students I say, what would you rather have, this, or nothing? And this is way better than nothing. And the trend is unambiguous, from my perspective. You might not all share that interpretation.

**Chris Shreve (Biology):** I want to go back to something you said about how this trend toward non-regular rank will obviously, of course, shift the university away from its research focus. In the data set, the much-maligned and lauded data set, I noticed that tenured and tenure track faculty have also increased. So, since the non-regular rank and the regular rank, non-tenure track are being hired to do more teaching, I wonder if the obvious conclusion is, in fact, that the university's focus is shifting away from research when the tenure track is also increasing. The research faculty are also increasing.

**Fitzsimons:** If you exclude the Medical School and the School of Nursing, it's actually slightly decreasing, the tenure track numbers.

**Shreve:** I'm looking at the changes in non-medical faculty rank distribution.

**Fitzsimons:** In my head I have that it's a 3% decrease.

**Shreve:** On the last chart it says "university total, excluding Medical and Nursing is at 3% increase." And on this page it's a 12% increase.

**Fitzsimons:** Fair enough. Then I could re-couch that statement as not a shift in the absolute amount of research generated, but a shift in the relative amount of research generated, relative to the total faculty. That would be a more accurate statement.

**Shreve:** Okay, it seemed rather alarmist.

**Fitzsimons:** Well, I can say that, within the committee, I think people were alarmed at the shift and the relative shift in weight or the new size of the university that the absolute amount of research had stayed the same.

**Steffen Bass (Physics):** I appreciate my colleagues' requests for more and detailed data, but I'm way more interested in figuring out what we are going to do about this situation that has already been identified on the basis of the data that we have as not satisfactory. The two things that come to my mind are: if we want to do a shift into more regular rank faculty, it's going to be painful, as Sally says, because you will have to reduce the number of non-regular rank faculty. For the benefit of creating more

positions in the regular ranks that might be worth it, but I think this is a discussion we should be having. Also, I personally, and I will make a lot of enemies here in this room, I find it atrocious that somebody has a faculty title who doesn't do research and doesn't do teaching. That shouldn't be.

**Fitzsimons:** I will say, having spoken to the Deans at the Medical School, the reason for that is a market-based one.

**Bass:** And that has nothing to do with academics.

**Fitzsimons:** I completely agree with that. However, if we need hematologists in Wake Forest, and the clinic there is being recruited by the UNC medical system and the Duke medical system, and the UNC system says, we'll call you all professors, and we say we won't...

**Bass:** Pay them more money, they're going to come. [laughter]

**Fitzsimons:** That's another solution. I agree. That's the driver.

**Victoria Szabo (Member of ECAC / Art, Art History and Visual Studies):** Quick question about the impact of the union and whether we've seen more full time, non-regular rank people relative to what we had before? So, have we already started to make this correction that we've been talking about, in terms of this number, the 77%, how many of that is part time people, for example?

**Fitzsimons:** My sense is that we aren't yet shifting or correcting or moving, other than the trend that we've identified here. I think that Sally mentioned one point of pain, which is that, if we currently have

six people get one class each, then we want to turn that into a permanent one, that means five people don't get one class. Now, you additionally layer on top of it, that we have a union that was formed to represent the interests of those faculty and we can't just get rid of five of them. So it's even more complicated. Because the faculty needed to organize to represent themselves. The recommendations we have here are, you can't simply just overnight do this, to Sally's point, both because of pain and now institutional restrictions that will prevent us from doing so.

**Nan Jokerst (Electrical and Computer Engineering):** First of all, Gavan, thank you and thank your committee because I know these are a lot of work. So, thank you very much. When the Diversity Task Force looked at the data that is available, behind the Duke NetID, we did a department-by-department comparison to AAUDE data. You can choose any subset of universities that you want to compare to. They have tenure track, all levels of tenure track, and other regular rank, but they do not have non-regular rank data. So if there is an interest in pursuing this further, it's very easy to disaggregate Engineering and Arts and Sciences. Go into the AAMC for all the division data. We went to the Nursing organization for Nursing, and I can't remember what we did for Fuqua and Law but we did do a comparison. So the data is there, at least for Trinity and for Engineering, on a department-by-department basis.

**Fitzsimons:** Great.

**Sina Farsiu (Biomedical Engineering):** I just want to make a clarification. Not all those clinicians that you mentioned that

they are not doing teaching, although it is not in their job description – I know many of them. I was in the clinical faculty. Many of them do teach in the Medical School significantly, and many of them do research. They wouldn't get as much salary, but they are doing research.

**Bass:** That's not the people I'm talking about. I'm talking about the ones that Gavan mentioned that just get the title as a hiring incentive.

**Farsiu:** But there are lots of them that are categorized as, you don't need to do teaching officially, but they are doing teaching and they are doing research.

**Fitzsimons:** I would go so far as to say, the majority of the faculty in the Medical School are involved in some way in teaching or research.

**Farsiu:** And one other category of the people who are not tenure track, they are actually 100% research, non-tenure track faculty, especially in the School of Medicine, who contribute a lot to research. They are not actually teaching, though, 100% research non-tenure track faculty.

**Fitzsimons:** So they fall into that middle bucket in this.

**Luke Bretherton (Divinity School):** I do wonder whether, trying to think about this cross-university level seems problematic and I just would be interested in your take on this. It seems to me that Arts and Sciences is one particular kind of problem and that seems to be where there is a concentration of equity issues, as with the example of Law, there's a different kind of set of issues there. I guess it would be to your

judgement as to whether it makes sense to think about this across the university level, or focus really where the actual real equity issues are that present themselves.

**Fitzsimons:** There's no question that the equity issues are much greater in Trinity than they are in the professional schools. I would add to that statement that we have diversity issues in the professional schools. So something that might annoy some people for me to use this term, but I call it the rolodex effect, which is that the Deans in the professional schools, when they need to hire someone, pull out their rolodex of their buddies, who tend to be white guys like me, and they call them and they hire them. When I push people on this, they agreed. The Deans. They said, well, I guess we're doing that. So while it's not an equity issue, because those folks are happy to come in and give back to the university community and be involved, it's a diversity issue. We have two problems here, equity and diversity. And they're different problems at Trinity than they are at the professional schools, unambiguously.

**Taylor:** Thank you. [applause]

***OPEN CONVERSATION: WHAT ROLE SHOULD FACULTY PLAY IN ADJUDICATING CLAIMS OF HARASSMENT?***

**Taylor:** We're going to talk very narrowly now about a simple question whose answer actually turns out to be a little complicated, [laughter] which is, what should the role of the faculty be in adjudicating claims of harassment? Before we dig in on that question, I just want to frame this a bit to give everyone an idea of what ECAC has been thinking about. I wrote a letter to the Council that

really, across the last 15 months, we've talked more about sexual relationships between faculty and students, sexual harassment, Title IX, these are things that a year ago, honestly I had never read very much and hadn't thought very much about. Last year, as the #metoo movement took flight, ECAC decided, we have to figure out what this means for us. And we could either say, look at all the bad people everywhere else, but we decided what we needed to do was try to make our corner of the world a little better. Last year, the most practical thing we felt like we could do was the Appendix Z revision which banned sexual relationships between faculty and undergrads and tightened the rules and especially the reporting rules for faculty and graduate students. We weren't really sure exactly what might come next, but over the summer and this year, each year you have four new people come on ECAC, I think we became convinced that we really still have a lot of work that needs to be done here. Part of that was really generated by changes. The Office of Institutional Equity, last spring semester, started talking about revisions to some of their processes, and they were asking ECAC about it. So, we had many discussions with Ben Reese and Cynthia Clinton and Howie Kallum and all sorts of people. We talked with Sally and Vince. We tried to give space to ourselves as ECAC to talk about it in an unhurried manner because we weren't sure what we should do. This past summer I had the experience of being able to try to represent the faculty on a cross-university committee that was trying to talk about how to communicate Duke's values in a better way. And then how Duke's values, we have statements of values, how they map onto a variety of statements of ethics and rules and

regulations that we maintain for a variety of employment reasons. I really became bothered and disturbed by how clearly the sense was communicated to me that many staff and administrators feel like the faculty act like no rules apply to us. It really bothered me, and it does bother me. It bothered all of ECAC and we kept talking about it and we really think, especially because the university is undertaking changes in its OIE policies, and because we have, both in Student Affairs – Larry Moneta [Vice President, Student Affairs] is with us – Ben [Reese, Vice President, Institutional Equity] couldn't be here, and Ben retiring next year, it's a time when a lot of the processes could very reasonably be reconsidered and thought about and figured out how we can move ahead. One thing that ECAC decided is that there is a lot more harm below the level of legal harassment and most of the cases that end up in some kind of legal adjudication turn out to be judged not being a legal definition of harassment. But it's super bad behavior. We decided that we, the faculty, have to do something about that. It happens at such a micro level that there is no way that there will ever be some centralized effort to deal with it. We need to figure out what centralized efforts can help us deal with it, but we're going to have to own it.

Just to be clear, we're trying to be clear with ourselves, why are we getting ready to lean up into this? Because this is going to be messy and difficult. The three main reasons why we think we need to undertake what we're going to call an attempt to stimulate and grow a culture change in the faculty is, first, human beings are being harmed in our midst. When we hear people talk about what's happening, the faculty are

disproportionate producers of the harm. We're harming each other, and we're harming, often, people who are staff, and sometimes students. The second reason to do something about this is the pain and the energy put into dealing with it, and the side effects of this, serve as a tax on teaching, research and service. So, in my economic training, anything you tax, you get less of it. So not dealing with this is not just a human concern, but it's harming Duke. It's harming what we do. It's harming what we stand for. Finally, as we sort of scan our culture, I think people are super skeptical about us. I don't mean about Duke. I mean the university. And people wonder if we're worth it. When they see all the stuff we have, they're like, are you guys putting that to the best use you might be? And some of the criticisms from outside are misguided and unreasonable. But what we need to do is try to listen for the ones that aren't misguided and unreasonable. I think what ECAC really wants to do, starting on November 15, we're going to have a session where our colleague Ann Brown, from the Medical School [Vice Dean, Faculty], is going to describe to us culture change efforts that I think most people in the Medical School faculty would say have been successful. And Valerie Ashby [Dean, Trinity School of Arts and Sciences] is going to talk about her notions of what it would mean to adapt, not copy what the School of Medicine has done, but adapt it into Arts and Sciences. And [Professor] Mark Anthony Neal is going to moderate that. We're going to add perhaps a couple of other people to the panel. The point of the panel is to seed a conversation. We're going to give most of the November 15 AC meeting to saying, how can we generate grassroots level culture change led by the faculty? I think ECAC feels like it's time to do this. We have the power to do it. It

can't be done centrally so we're going to have to basically lean up into this. We want this to be a very thoughtful process. It's going to take a while. We anticipate, probably, any kind of solution like this is probably going to be school level or maybe even lower. It might even have to be divisions. But we're going to give time and space here in the Council to reason together about what we're going to do to make Duke the place we want it to be.

Today, though, we're going to talk about a more narrow question. I sort of set it up by saying, it's a simple question, but it turns out to be kind of complicated. In fact, the letter that I sent everyone on Monday actually missed two ways which faculty are involved in adjudicating claims of harassment. This is my attempt to look at all sorts of information and make one slide where I show all the ways that faculty today are involved in some way in adjudicating some type of claim of harassment. [refers to slide] So in the Student Conduct space, there's the Undergraduate Conduct Board. Faculty members can be empaneled there, along with staff and students. This is a Student Affairs committee, meaning Student Affairs puts together these committees. All undergraduate claims of harm or violation of rules are heard by the Undergraduate Conduct Board. All claims of sexual misconduct, whether undergrad, grad, professional school, or anything that might be construed to be a hate crime of sorts are heard by the Undergraduate Conduct Board. In Duke's Community Standard, we talk about other communities. Pratt and Trinity are one community, all the undergrads. That's the UCB approach. Other communities, like Divinity, Law, Sanford, School of Medicine, Nursing, they each have their own judicial approaches within the school

and faculty are involved there as well. That's a second way that faculty are now involved currently in adjudicating claims of harm of some type. There is a University Judicial Board. This is a Presidential committee. What a Presidential committee means is, ECAC consults with the President to name some faculty members to this committee. The University Judicial Board is something that meets only rarely. Larry [Moneta] and I were talking, maybe a couple times in 15-20 years. It only meets when there are cross-community claims of harassment like a Law School student and a Divinity School student, for example. Because the University Conduct Board now hears all the sexual misconduct claims, it's probably not going to have a lot of work to do. So that's the third way faculty are involved. The fourth way is in adjudication of workplace harassment. There is something called the Harassment Grievance Board. This is also a Presidential committee. The Office of Institutional Equity, when they are looking into a claim of sexual harassment – it doesn't have to be sexual harassment, it could be any kind of harassment, gender, age, could be for a variety of things – in the process, either the complainant or the respondent could request that the Harassment Grievance Board essentially be brought together as a jury to decide a case. Historically, these have also been fairly rare. Last year, there was an uptick in these cases. One of the issues that's being discussed is that some of the faculty who were serving on this board had some worries about process. They thought the process rules weren't clear enough. That needs to be worked out. Finally, the fifth way that faculty are involved in adjudicating claims of harm is the Faculty Hearing Committee, which is an Academic Council committee. That

means we populate it ourselves. ECAC does it. The Academic Council elects it each September. Basically, the Faculty Hearing Committee has a fairly narrow jurisdiction. When there is an adverse employment decision, like if someone is rejected for tenure or if a termed appointment is not renewed, the faculty member can grieve to this committee under three general claims: one is that the faculty member claims it was really a case of harassment; two, the faculty member claims that their process rights as defined in the Faculty Handbook weren't followed, or they claim that the adverse employment decision was really a case of academic freedom impinging. This is how we now do it. Or these are the ways in which faculty are currently involved in adjudicating claims of harm. I wanted to show one final thing and then we can open the floor. For the Undergraduate Conduct Board, these are the faculty that are serving and have served recently in them. [refers to slide] What you will see, related to the conversation we just had, you'll see that tenured faculty aren't involved in this. I know Larry [Moneta], this past spring, sent a message to the Deans asking for tenured faculty to be nominated and he would approach them and he got some names and I think there are a few faculty that are tenured faculty who are in the process of being trained to serve in this, but I think, historically, it has been hard to get tenured faculty involved in the Undergraduate Conduct Board cases, generally, and particularly for sexual misconduct. I guess I've said a lot. I didn't mean to say quite as much as I did. I think the question is: how should we be involved? And it doesn't have to be the same answer for all these types of topics. And if we should be involved, we need to decide how to make sure we

embrace the responsibility. Comments or questions?

**Darrell Miller (Law School):** I just want to make sure I understand what we're talking about. You prefaced your comments by saying there is an issue about culture. There's the issue about things that do not raise to the level of harassment that need to be attended to and then somewhere in the middle of your comments you said you want to ask a narrow question. So, when we are framing out our discussion about these points you've made here, are we talking about the big culture issue or are we talking about issues about faculty participation in issues pertaining to harassment?

**Taylor:** I think they're probably related, but right now, because they're very active discussions about changing, or at least thinking of changing many of these rules – there are just discussions of that – it's a good time for us to weigh in on what role we think the faculty should play. For example, for workplace harassment, is the idea of a faculty jury a good idea to decide if a faculty member is responsible for sexual harassment from a workplace perspective? The culture change issue, we think is a bigger issue and is more of an issue that is going to be for us to take care of, but this is the faculty deciding how involved we're going to be in Duke's approaches for both student conduct and workplace.

**Miller:** Can I ask a follow up question, which is: I know Title VII and I know Title IX a little bit; are we talking about a fairly clear definition of harassment when we're talking about this entry point into a process? Or are we not? Because that's going to police the line between the



extent to which this discussion is about some big culture issue as opposed to proceeding to adjudicate whether someone has committed a harm that violates something that you said that is initially at a harassment level.

**Taylor:** I think I don't know the answer to that. For example, if you're on the Harassment Grievance Board for a couple years, they didn't have any cases and then last spring, all of a sudden, they were asked to create juries. And then when the faculty came, some of them had concerns. So, I'm not sure. I realize that's not a great answer.

**Kornbluth:** Can I just make one more comment just for clarity? The Undergraduate Conduct Board, all undergraduate issues, is it the same composition for academic misconduct and sexual misconduct? Because this is lumped together here and I'm concerned about thinking about service on these committees when it comes to academic plagiarism, cheating, et cetera, as opposed to sexual misconduct.

**Taylor:** I'll answer, and Larry, tell me if I get it right. I'm trying to see if anybody can figure all this out. There have been six cases of sexual misconduct adjudicated at Duke since we really changed our rules at some point in the past. And there is one faculty member who has sat on all six boards. So I don't know who the faculty member was, but the other folks that you saw there have been on other kinds of boards like cheating, plagiarism...

**Kornbluth:** But the composition is the same, yes?

**Larry Moneta (Vice President, Student Affairs):** No, sexual misconduct boards

are distinctive. There are only three members and they require unanimous agreement on the outcome. For all other conduct, whether it's behavioral or academic violations, there is a five-person panel where the majority have to agree on the outcome.

**Taylor:** For the sexual misconduct, isn't it the same faculty member who does it each time?

**Moneta:** No, it need not be. I haven't looked at who has, but we have a few faculty members who have been trained. The challenge is, to participate in a hearing for sexual misconduct violation, requires a minimum of eight hours of training. It's an extensive training process to be prepared to serve. That's one of the hurdles for faculty participation is willingness to put in that time, as well as the time for the panel itself. We've had hearings that go all day. These are very complicated situations, as anyone who follows any of the news on campus adjudication of sexual misconduct knows. I should add: at most, we'll get 15 cases in a year. We wish there were more [claims that turned into official sexual misconduct cases]. There are hundreds who come forward, some of whom are from the Women's Center, but we barely get 15 or 16.

**Taylor:** You're saying 15 cases of sexual misconduct?

*[Moneta nods]*

**Emily Klein (Nicholas School of the Environment):** I just did the training on a Saturday actually. But just to clarify, there are a number, many people, who have gone through the training, and there has to be a three-person panel, and therefore,

I might not be called for the whole year, I might be on one. You follow what I'm saying?

**Taylor:** I do. I either misunderstood what Stephen [Bryan, Associate Dean, Students] told me, which is very possible, but he told me, I thought, that we've had six cases, fully adjudicated all the way with the UCB and there was one faculty member that had sat on all six of them. The real question for us is, if we're going to be involved in this, we need more faculty participation if we're going to decide that this is going to be a key thing for us to be doing.

**Ann Brown (Vice Dean for Faculty, School of Medicine):** Thinking about the faculty process. Where there is a faculty misadventure that needs to be peer-reviewed, one of the issues that has come up is the difference between an investigation that has to happen to understand the facts, and if it's sexual misconduct or scientific misconduct, to understand whether a boundary has been crossed. That is one element of the process. The other element is a peer-review of, if it didn't cross a boundary, a rule, a clear rule violation, was it unprofessional? Was it outside of the scope of what we would want faculty to behave like here? The difficult part is, it's not difficult to get people together who are very good at understanding the complexity of the case. What is harder is getting that investigation done so that the facts are uncovered and it's clear whether there has been a violation according to some rule or not. Faculty are really good at the gray zones.

**Taylor:** Assembling the facts.

**Brown:** Assembling the facts and really understanding. That, I think, needs to be done by somebody who does this all the time. So I would wonder whether training faculty to evaluate sexual misconduct is – I don't know what the training is, and it might be perfect, but it makes me a little bit nervous because this doesn't happen very often, not very many people get trained, it's a very long process, so the expertise level is not going to be possible to maintain unless you have people who do this all the time.

**Klein:** If I may, I certainly shared your view before I got trained. The way it was presented to us is that there would be a report from the investigator, in other words, the university has – and Larry can comment on this – a certain number of investigators who will do an investigation and will have a written report ahead of time. That doesn't mean it's going to all be clear, but, nevertheless, we're not doing the investigating.

**Moneta:** Again, just to clarify, when a case comes forward to the Office of Student Conduct, there is an initial consultation with students who may be involved and then it is referred to the Office of Institutional Equity, deliberately to provide airspace between the conduct process and the investigation process. OIE has three full-time, trained investigators. That's all they do. So the investigation process is done professionally, separate from and outside of the student conduct process, to assure fairness and separation from the adjudication process. Once the investigators have completed their process, the report is provided. If that then warrants a hearing, that is all made available to the hearing panel. So the faculty do not need to conduct investigations. All of that is done with

professional staff and then it really is the judgement. The value of the faculty presence is the wisdom in interpreting the findings, participating in the hearing process with the students, hearing the narratives, trying to weigh the face to face, the personal presentations from the students and other witnesses with the fact-finding that's taking place by the investigators and determining what the reasonable outcome may be. So we try very hard to have the faculty role be about listening and absorbing the information in helping reach a reasonable judgement as to what did or did not occur.

**Jokerst:** I think, Don, one of the questions that, when we looked at this a couple of years ago is, what is the relationship - and this is changing nationally very fast - between what universities decide and what the legal system decides? What is the university's role in this entire process? My understanding is that some of the cases that have involved, I don't know what the right word is, punishment of students, have later been overturned in the courts. So I think that part of the conversation that I would suggest to the Academic Council leadership is to perhaps have University Counsel Pam Bernard come in and talk about the evolving and changing role of university conduct processes within the greater legal system of the United States. Because I think there's a lot of movement here and it would be good for Duke to understand that, for us to understand that, and maybe think about leapfrogging our processes to where we think this is going in the United States.

**Kate Whetten (Sanford School of Public Policy):** I spent a lot of time with staff leaders of different affinity groups around

campus the last couple months and I'm really appreciating all of the education and what they do to get in those roles and just the expertise. It has just become even more apparent to me that we as faculty think we run the university. But the staff are conflicting with us saying we know the university, we know campus life, we know all this, so we think that because we are faculty we can play all roles. I wonder if, not only if we should be stepping in this, but if this is the best place for faculty. I'll just throw that out there as a provocative question.

**Taylor:** I consider that a real question. I think there's always going to be a Faculty Hearing Committee. Other than that, I think it's a real question.

**Sue Schneider (School of Nursing):** I think one thing we may be missing here is what happens - and this goes with some of your culture discussion - what happens when faculty may be harassing graduate students? We were talking about bad behavior. Maybe it's encouraging a student to participate in something that may be questionable scientific misconduct. Or I've heard of graduate students walking faculty people's dogs and that sort of thing. It just seems a little strange to me. Where is that in this list of things?

**Taylor:** I think of that as more of a culture change. The only way, if I know one of my colleagues is making their graduate student walk their dog, then I should say, you shouldn't do that. I was realizing as we were talking about this, I can think of some faculty over the years that maybe I've had difficulty with and the last thing I want to do, honestly, is hang out with them more, some of them. [laughter] But this means you're saying I'm getting ready

to commit to giving some of my life to this colleague and say, what you're doing is inappropriate. You may not think it is, but it is, and this is why. So that's why I think it's got to be fairly micro-level. I would never know that about somebody in your department.

**Schneider:** But, we have graduate students who are hesitant, then, to say anything to anybody. And what's their plan of recourse or where do they go to talk or grieve this. I've had, just in the past year, I've had to recommend somebody go to the Graduate School Associate Dean and talk about that and report their case. But it's only because I had a social contact with this person from a different school and I gave them the proper channels to go to. But there's no real way for them to know how to proceed.

**Taylor:** I think Leigh Goller, who is Duke's Audit, Risk and Compliance Officer...

**Leigh Goller (Executive Director, Office of Audit, Risk and Compliance):** It sounds scarier than it is. One of the things we've been doing over the summer, with the culture and the value statement is trying to think through, what is our speak out culture? Where do those questions go? And then how do we understand the implications, the consequences and the accountability for having answered them? You're asking exactly the same question we've been asking. I think the answer is to have one place where any kind of question can come to and it can be asked anonymously. It can be asked confidentially. It can be asked with full disclosure. But there is an assurance that the process will give them an answer. Largely, in the situation that you're describing, it's a matter of understanding

what's the power imbalance and how do we make a course correction for that?

**Taylor:** And I think probably the main consistent thing that ECAC has said in our discussions with OIE colleagues, which have been ongoing, was, we now have like seven or eight different phone numbers that you might be able to call, depending on your circumstances, that can be actually confusing. One way to deal with being able to call seven different numbers is actually to call none of them. So a one-stop number that is in a triage, I think seems to be an idea that's gaining some momentum.

**Mukherjee:** In this process, do we have like, these are 10 or 15 typical examples of harms that have happened, or paths towards harm, and this is right now, if it goes through the system, this is how it falls apart? Or this is where it falls into cracks? And as we fix it, this is how we think we should fix it by going through some of these, maybe typical, maybe some breadth of concrete examples? Are we working this through?

**Taylor:** ECAC hasn't done that yet, but it's a good idea. OIE may be doing some of that, but you're saying test the system and see where we hit the dead end and say, that's another problem we'll have to figure that out. It's a good point.

**Peter Feaver (Political Science):** I'd be curious for Larry's answer to Kate's question. Because I think one of the areas where clearly the faculty are less involved is in the adjudication of student to student complaints. I've had a little bit of experience with that. I realized how much I appreciated Student Affairs being available. In fact, so much so that I promised Larry I would defend Student

Affairs the next time a faculty member complained about the growth in Student Affairs. Because they get very complicated very quickly and require the expertise and the time that I, as a faculty member couldn't give to it. Kate's question was, is that a good thing? Or should we actually just accept that that's the new normal and that's why we have Student Affairs staff or is there still, in your mind, a role for faculty at some level and what is the appropriate level?

**Moneta:** In my nearly 50 years of doing this, it has never worked well when it has belonged exclusively to the staff. If we don't have a partnership and are speaking with one voice in terms of what institutional expectations are, institutional consequences, then we fail. From my perspective, having faculty partner with us both in policy development, which we haven't talked about that end, but also in the enforcement, ensures, I think, a more favorable outcome. Our hearings, I can say categorically, hearings where we've had faculty on the panels, have gone smoother than when we don't. Because you ask the right questions. I think we would be impoverished if we didn't have those faculty voices in the roles and asking all the right questions when these complicated circumstances arise.

**Miller:** This is in response - and I'm sorry I didn't know - regarding the comment about somebody thinking that a graduate student is walking the dog or something like that. At least in thinking through this, and obviously we're not going to resolve anything now, I think we have to be a little bit attentive to the fact that predictions about incoming and whether it makes sense to have like the one place to take everything from a serious claim of

sexual harassment to, I've just got a jerk as a superior. Because I can imagine that actually clouding and maybe even deterring the willingness of somebody who had a really serious claim if it's all being thrown in with a bunch of other stuff that may come up that is just somebody being a jerk, but not necessarily at the level serious enough to be concerned about. The other thing, in terms of the process is, if this is an empirical matter, if you predict that you will have wider capacity to make claims for a wide variety of things that you think are wrong in what you might think of is a problematic culture, it's going to put a lot more pressure on the staff and certainly at some point to do some kind of sorting. Because at some point, somebody's got to make a decision about, are we going to deploy faculty, staff, resources, to hold hearings for every single claim that comes, or is there, as in the legal arena, some kind of gatekeeping process by which the investigators say, this does not raise to the level of something that deserves a hearing or not. I don't know if that process already occurs, but the more intake that we have, the more pressure there's going to be on somebody to be the gatekeeper to the hearing process.

**Taylor:** That kind of process does exist in the UCB panels, but with the faculty to faculty, that's where it lacks. We have these things that almost never take place. I'm not saying it's necessarily wrong, but it's just my observation.

**Abbas Benmamoun (Vice Provost, Faculty Advancement):** I just want to mention that, with regard to faculty and issues that don't rise to where you have to go to OIE, we are looking at ways to work with units. And the key people in the units: Directors of Graduate Studies,

Directors of Undergraduate Studies, Chairs, and others, so that they are attentive to these issues within the units. That's one way to go if there are issues. And also, where to go at the university levels. We have been trying to introduce people to resources. Something we did, for example, we did some workshops and we asked people, the participants, do you know that there is a Student Ombuds? Many people, Directors of Undergraduate Studies, didn't know that we have a Student Ombuds. So these are some of the issues that we have to work through: education, information, working with key stakeholders, to be attentive to these issues and to be proactive.

**Taylor:** I think we'll give Abbas the last word. This is going to be a continuing conversation. If you know of some university that does something in this arena really well, send it to us and we will keep talking about this. The November 15 Academic Council meeting will be a good next step discussion focused on the culture. But maybe these things are inextricably combined, so maybe I had issued a false dichotomy.

***EXECUTIVE SESSION FOR THE PURPOSE OF HONORARY DEGREES 2019***

**Taylor:** We're going to go now into executive session. It's going to be very brief, measured in seconds, not minutes.

*[Executive session for the purpose of hearing an update on Honorary Degrees 2019]*

*[Meeting adjourned after executive session]*