

Minutes of the Regular Meeting Of the Academic Council

Thursday, November 20, 2003, 3:48-4:55 PM 139
Social Sciences

After calling the meeting to order Council Chair Nancy Allen (CliSci) asked for any comments or corrections concerning the minutes of October 16, circulated in advance. There was a motion, seconded, to approve the minutes, which was passed by voice vote, without dissent

ANNOUNCEMENTS

Dean Mary Champagne of the School of Nursing having announced late last spring that she is stepping down from that position effective June 30, 2004, a search committee has been formed to seek her successor. The search committee includes Haywood Brown (OB-GYN) as Chair, Anne Bavier, Assistant Dean for Planning and External Relations at Emory, Rich Burton (Fuqua); Elizabeth Clipp (NUR); Tracy Gaudet, Director for the Center of Integrated Medicine; L. Gregory Jones, (Dean of DIV); Eleanor McConnell (NUR), Jan Richardson, Director of Physical and Occupational Therapy; Elizabeth Stewart, Chief Nursing Officer; Barbara Turner (NUR), Director of Nursing Research Center, and Queen Utley-Smith (NUR).

Next is a collection of very happy announcements. Within the past 24 hours, President Keohane has been honored as one of seven recipients of the first-ever Marshall Medal, presented on the occasion of the fiftieth anniversary of Marshall Scholarships. These prestigious academic awards, named for General George C. Marshall, provide opportunities for talented young Americans to live and study in the United Kingdom. As we know, President Keohane was awarded a Marshall Scholarship to Oxford University following her graduation from Wellesley. She is receiving the Marshall Medal from his Royal Highness, Prince Charles, during a week busy also with President George W. Bush and others. The other recipients of the medal include Secretary of State Colin Powell, US Supreme Court Justice Stephen Breyer, former Senate Majority Leader and subsequent goodwill ambassador to Ireland, George Mitchell, who helped facilitate a peace agreement, New York Times Columnist Thomas Friedman, a recent visitor here, Engineer and Inventor Ray Dolby, and Christopher Makins, President of the Atlantic Council of the United States. This award recognizes leaders who embody the ideals of General Marshall, father of the Marshall Plan after World War n, for their outstanding achievements and creative energy in public life, in international relations, and in fostering Anglo-American understanding. Allen commented that we need some of that this week [in connection with protests of Pres. Bush's state visit to Great Britain]. "So, we congratulate President Keohane, on behalf of the faculty today."

Also, we congratulate Chancellor of Health Affairs Ralph Snyderman, who last week was awarded the Bravewell Award, in recognition of his and Duke University Medical Center's contributions to the advancement of integrated medicine. Our Duke leaders are recognized on the national and international forefront this week.

FACULTY DIVERSITY PLAN IMPLEMENTATION

Next on the agenda was discussion and vote on a Resolution of the Faculty Diversity Plan Implementation. This matter has been considered now in four meetings. In May the Council heard the reports from the two task forces on diversity and women's faculty development. In September, Provost Peter Lange presented his response to those two task force reports, with a ten-point plan, included materials pre-circulated for today. In October Deans Sandy Williams (SOM) and Mary Champagne (SON) met with the Council and discussed their support for the plan as well. As promised, the Council now has their eleven-point plan to connect with Provost Lange's ten-point plan. And again, the reason for the eleventh point on the Deans' plan was that gender diversity within the School of Nursing is improved by the appointment of male, rather than female, faculty and leaders and learners. The Council, having these plans now in hand, as well as a resolution prepared by the Executive Committee of Academic Council (ECAC), should be ready for final discussion and, hopefully, conclusion at this meeting. No one asked that the resolution be read, but the Chair directed its inclusion in the minutes, as follows:

Be it resolved that the Academic Council endorses the measures announced by Provost Peter Lange on September 25, 2003 and by the Deans of the Schools of Medicine (Sandy Williams) and Nursing (Mary Champagne) on October 16, 2003 as responses to the reports presented on May 8, 2003 by the Provost's Faculty Diversity Task Force (chair, Rex Adams) and by the Women's Faculty Development Task Force (chair, Susan Roth). We applaud the Provost and the Deans for the development of a consistent plan to implement the university-wide faculty diversity initiative. This is a significant step that promises to respond effectively to the challenges of enhancing faculty diversity and of recruiting, retaining, and promoting women and minorities.

Be it further resolved that the Academic Council requests that the chair of the Standing Committee on Faculty Diversity and the Provost present an annual report to the Academic Council on measures taken and progress made towards implementing the university faculty diversity plan, including measures taken by each of the schools in the university. The annual reports are expected to begin in the fall of 2004.

Nancy Allen commented that what we are trying to do is say that we would like to have University-wide policies indeed be University-wide and include all schools within the University. She thought we had been able to do that, and expressed her appreciation of the help of all of those who were involved in the task forces, and also in our discussions. There being no further discussion the resolution, both parts together, were approved by voice vote, without dissent.

FINAL REPORT ON DUKE'S STRATEGIC PLAN FOR BLACK FACULTY DEVELOPMENT

Next on the agenda was a final report from Duke's Strategic Plan for Black Faculty Development (Black Faculty Strategic Initiative, or BFSI). Provost Peter Lange was to present the report, but in his place today, we are pleased to have Vice Provost Judith Ruderman here to present the report.

Judith Ruderman was sorry that the Provost could not be with the Council this afternoon, but a death in his family has kept him away from campus for several days. He sends his regrets and promises to respond to any follow up questions about the BFSI at the December meeting, should there be any. It was her honor and pleasure to stand in for him today and summarize the gratifying results of the Black Faculty Strategic Initiative. The details are provided in the written copy provided [and pre-circulated] for the Council's review. When Provost Lange reported to the Council last year that we had reached our overall target a year ahead of schedule, he pointed out that the original plan called for "at least" a doubling of Black faculty in a decade's time. As shown in Appendix B of the final report, we have fulfilled the spirit of that plan by reaching a total of 99 Black faculty as of the fall of 2003, an increase of 125% over the 1993 number of 44.

For retention rates over this same period, Appendix E shows that the overall retention rate is 75% both for Black and for non-Black faculty hired since 1993. The rates vary by school. In Arts & Sciences, with the largest numbers of faculty, the retention rates are equal at 79%. Faculty leave Duke for many different reasons, but we do wish to ensure that every member of our faculty finds a welcoming and supportive environment at Duke. Recent focus groups with Black faculty, conducted as part of the task force on faculty diversity last spring, and our participation in a national survey of junior faculty, suggest that we are improving in this regard. Provost Lange will be instituting University-wide exit interviews and, most probably, a climate study to take a further pulse of our community on this particular issue.

The related matter of tenure is also of interest. Junior Black faculty hired between 1983 and 2000 left Duke at a higher rate than non-Black junior faculty, 43.8 % vs. 23.3 %, significantly higher, but those who stayed through the APT process achieved tenure at a slightly higher rate than others, 72.2% versus 71.3%. Again, we hope that through exit interviews we will gain a better understanding of why each member of our faculty who does leave, does so - why they do go elsewhere.

We have seen great gains in the ranks of the tenure-track or tenured [Black] faculty - a rise of 89% over the decade - and an increase of 140% in tenured [Black] full professors. This is shown in Appendix G in the full report, which includes too many numbers to try to show by overhead projection. The greatest gains, however, have been in the category of "other regular rank," from 8 in 1993 to 31 today. This disproportionate rise has narrowed the ratio between those Black regular rank faculty who are tenured or tenure-track and those who are not. The ratio has changed from 4.5 to 1 in 1993 to 2.2 to 1 today. The same is true of non-Black faculty as well. Although the non-tenure track regular rank position has advantages for both the institution and the faculty, and although - as recent actions by the Academic Council indicate - we are better integrating our non-tenure track, regular-rank faculty into Duke life, still we would not want to diminish the importance of the tenure system. So the ratio between these two categories of regular rank at least needs to be watched.

Overall, 4% of Duke's regular rank faculty are Black. We see that figure on the far right column of the year 2003 table in Appendix H, at the bottom line, of totals. That's 4% overall for 2003 vs 2.2% for 1993. In addition to that overall 4% of regular rank Black faculty a further factoid that is not in the report is of interest. In the most recent year that COFHE has

gathered faculty demographics, 2001-2002, Duke had the highest percentage of Black faculty among the 18 COFHE private elite universities.

Among the various schools, still on Appendix H, Arts & Sciences has better than 6% Black faculty (6.5%) and a national reputation for success in this area. Likewise, Medicine has more than doubled its regular rank Black faculty in ten years and has recently made some very key appointments. The gains in the smaller schools are detailed in the report: Divinity, Fuqua, Law, Nicholas, Nursing, and Pratt have made concerted efforts, sometimes with small pools to recruit from, and in many instances have achieved notable successes in increasing their numbers. As with retention, recruitment hinges in great part on the leadership within the school and department, as proactive deans and chairs make the diversification of the faculty, and the climate that supports them, high priorities for attention.

Next, a word about our progress with building those recruitment pools. The BFSI from the start has been interested in support of Black post-docs as well as faculty. In addition, preparing Black future faculty is taken very seriously by the Graduate School. From 1995 to the present, the School matriculated 127 African-American Ph.D. students and has graduated 80 in a total of 22 disciplines. The rate of completion has increased significantly over that period and stacks up favorably against the comparable rate for U.S. institutions as a whole. Moreover, although we have historically done best in attracting graduate students in the Humanities and the Social Sciences, outreach programs to recruit students in the Natural Sciences and in Engineering are paying off. This fall we have doctoral students in 15 different Natural Science and Engineering programs, and some of those programs are developing a "critical mass" of African-American students.

Finally, enrollments of Black students in the professional schools have largely held steady or risen over the last several years and in many cases are above national norms. As with the Graduate School, pipeline programs and targeted financial aid have helped to prepare talented minority students for post-baccalaureate study and recruit them to Duke. All the relevant charts are attached to your copy of the BFSI final report, as Appendices I-L.

She hoped that in presenting the highlights of the full report sent to the Council earlier that she had provided some sense of Duke's achievement in fulfilling the BFSI's goals over the past decade. The conclusion to the Provost's report provides some good reasons for our successes: this initiative was focused, it was approved by the faculty and spearheaded by articulate and dedicated leaders within the schools and departments, and, it had strong commitments from two Provosts - John Strohbehn and then Peter Lange - including the allocation of financial resources in the so-called "walk-down" model [as explained by the Provost at the October meeting].

Now we are entering the next phase of our ongoing diversity initiative, one that builds on the BFSI. The same conditions will apply as we proceed with the Faculty Diversity Initiative that the Provost has already presented for Council approval and that was resoundingly endorsed, just a moment ago. She knew that Provost Lange can count on the Council's support as we work together on enhancing our stimulating community of scholars over the coming years. With her thanks for the opportunity before the Council, and pointing out that Jim Roberts

(EVProv), Dean William Chafe (A&S), and Dean Lew Siegel (GS) were present, all closely involved with the BFSI over the years, Ruderman invited questions and comments.

DISCUSSION OF THE BFSI FINAL REPORT

Prof. James Rolleston (GER) asked what has been so difficult for the Nicholas School - the phrase in the report is "pool issues." They must have tried very hard. Ruderman agreed, adding that they still are, and probably will have some success very soon. She asked if anyone present from the NSEES wished to comment about these efforts. Someone [possibly Prof Dean Urban (NSEES)] said that he knew there have been attempts. They had been in touch with at least one person late in the spring semester, and had tried to recruit her, but were unsuccessful. And it is indeed a very small pool, at least in his division. Ruderman said that that in some cases that really is the answer.

The Chair asked that those speaking please identify themselves, and Teresa Berger (DIV), identifying herself asked if anybody has looked at gender as a factor in retention. Are we losing higher numbers of women or men? Ruderman said that she did not have detailed information with her, but that the national survey of junior faculty to which she had referred actually speaks fairly well for Duke on the gender issue. She thought it showed statistics for race, as well as for gender, although perhaps not together. On both scores, in this recent Harvard survey, in some aspects we do a lot better at Duke than the other schools surveyed. These results are to be released piece by piece. They are in the full BFSI Report for minority, where she had referred to them, but there are results in terms of gender too. She did recall that in some ways, such as handling the numbers of courses they have to teach, Duke women faculty feel better about their campus than do women at other universities. But in other ways, including as she recalled, feeling support from their departmental chairs, they don't fare as well. She hoped that this perhaps overlong answer had addressed the question, which may have been more about the intersection of race and gender. Berger said that's precisely what it was [about, the intersection of race and gender],

Chair Nancy Allen asked Deans Siegel and Chafe, or any others, if they had any comments at this point. There being nothing added she thanked Judith Ruderman for filling in on short notice, and doing an excellent job. "We do commend the Provost and all those who worked on the report. Seeing and hearing these reports each year for the past ten years we've been able to track the progress, and I think that's one of the benefits of having a Council like this, where we can have a forum to both comment on initial policies, and see successes and at times failures, when they come along." With these thanks she said that the Council accepts the report, with much appreciation.

UNIVERSITY PRIORITIES COMMITTEE OVERVIEW FOR 2⁰³-2004

The Chair called on Prof James Cox, from the Law School, who is Chair of our newly minted University Priorities Committee (UPC) to give an update on what that committee is doing for the year.

Prof. James Cox (LAW) provided a "quick tutorial." The Academic Council created the UPC last year, as a consolidation, rearrangement, or restructuring of two committees, if you please,

PACOR (The President's Advisory Committee on Resources), and the former APC (Academic Priorities Committee). The idea was to marry consideration of budgetary resources to priority discussions as well. That combination is now housed in the UPC, a fairly large committee as can be seen from the overall structure and by overhead projection of some of the names associated with this committee. "Those are the suspects that have the future of Duke University in its hands." We all know who the senior officers are that are also involved in this process: the President, the Provost, the Executive Vice-President, and the Chancellor for Health Affairs, too. [The display indicated three deans, ten faculty in addition to the Chair of the Academic Council, and two students as the UPC membership.] So it needs a big room. Some of the early agenda were next shown: a) ethical investing policy for Duke's Endowment, b) Central Campus - early concepts, and c) taking interdisciplinary research and teaching to the next level. The first meeting was on the 13th of October, "a lucky day no doubt," with three meetings since, covering those three agenda items. The UPC doesn't deal with individual school based items, but rather with items that cut across schools. So for example, one of the items up for a brief discussion next time around is a new schedule of class times for Arts & Sciences that will have some impact on the Pratt School of Engineering as well. But looking then at the items 1-6 [on the screen], that's where the UPC will be spending some time in the spring term, "maybe to eternity, I'm not quite sure." [The six items were 1) cost allocation of community infrastructure, e.g., Marine lab, Library, Primate Center, and Art Museum, 2) post Campaign development funding, 3) lessons learned from the Capital Campaign of the intersection of academic planning and fund raising, 4) internationalization: goals, strategies, and resources, 5) programming building construction, and 6) parking and transportation.]

But he also wanted to say that, although they weren't totally based on a mailbag approach for determining their agendas, most of the agenda items indicated were determined by his going around last summer and talking to various people, the senior officers of the University, and those who were involved in the restructuring of the committees to get this committee created, to get their ideas of what they thought was on the radar screen, or should be. The UPC also solicits suggestions from the Council, which is real simple to do. "Don't give it to me now because I'll dutifully write it down, and promptly lose it, but send me an email, at cox@law.duke.edu . You go in the hopper and it'll be sorted through with my committee colleagues and we'll take care of it."

Taking a moment to talk about some of these items that may not be totally obvious, it's just not that we're zeroing in on the Marine Lab or the Primate Center, but there's a lot of different items around here on which there are ongoing discussions or debates about how this gets passed through the system. Looking at this process, and evaluating it, creates a good feeling, one of fairness in the process, and perhaps even some improvement in the process along the way.

We're now at the end of a capital campaign. The question is, you have all these resources that have sort of been geared up, and that are serving us well, and very successfully and efficiently - what happens next? Do we just fold up the tent? The idea would be to make some evaluation of that experience. Under item 3), what have we learned about the fund raising process, and of the marriage between planning for academic programs and fund raising? That's something worth discussing. Item 5) is related to this consideration; it is interesting to hear both [EVP] Tallman Trask and [Provost] Peter Lange talk in our meetings about how sort

of episodic building and construction are at Duke. Things go along, not just for years, but a few decades, and then all of a sudden we're building science buildings, and then all of a sudden do we fall asleep again, or did we fall asleep before? And so some questions arise about how to think about programmatic issues in a sort of structural way, and construction at Duke. Item 4) is about internationalization, one of the strategic initiatives of Duke, with some questions there about how we're doing compared to the schools that we like to compare ourselves to in terms of goals, strategies, and resources. The UPC will be discussing that. And then, no discussion of resources would be complete without talking about parking, [item 6)]. He was sure this list would grow. "We may not get to all these items, thanks to your suggestions that will be coming into me." We welcome those suggestions. With that, Cox invited questions.

DISCUSSION OF UPC OVERVIEW

Prof. James Rolleston (GER): asked if the new committee still, as he inferred, includes academic priorities? Cox replied that it does include discussion of academic priorities, which used to be in the Academic Priorities APC version. That committee is no longer, just as PACOR is no longer. The other new committee that was created in this process is the Academic Programs Committee [also APC]. As may be recalled, a good amount of the energies of the former APC was spent on program reviews. And then, he remembered from his own earlier leadership involvement with PACOR, he'd be thinking let's not just look at the numbers here, but think about what we're trading off to be able to carry out these programs. But this is a more formalized approach to thinking that discussions of priorities and resources are combined. "Does that answer your question?"

Someone, most likely Prof. Peter Feaver (PS), asked about the discussion of ethical investing, and what UPC may have decided. Cox said the UPC had made some comments on ethical investing, which is being handled out of the President's office. She had wanted to have some input from the University. He expected that ethical investing will at some time be brought up before the Academic Council. It's important information to have, and it should come to the Academic Council. But let's make sure what we're talking about. Duke has [limited] discretion over a considerable fund of money that it manages, and that's the 401(k) plan for the employees. We're bound by legal strictures found in ERISA not to have some sort of social policies guiding this investment, but we can do so over our endowment moneys. And then there's articulation of such policy considerations, which we do not touch the substance of, about when there would be dis- investment, and criteria for that action. UPC has made some comments about that. We also thought that the procedures first being articulated for the Trustees to go through, before they ever reached a dis-investment, didn't make a lot of sense. If Duke becomes aware of someone who is engaged in conduct that breaches the level of antisocial behavior, then we ought not to have steps and procedures that are as burdensome, as lengthy and protracted, as those in our original policy. He didn't know where that [earlier] policy stands at this point. He did know that it has been discussed with the Executive Committee and the Board of Trustees, and he expected that at an appropriate time it will become public knowledge. The Trustees will be providing some input on that [matter of procedures].

Prof. Earl Dowell (EGR) said that from time to time there has been conversation about [predecessors of] the UPC taking a more substantial role in recommending by broad outline the

major annual budget decisions, including tuition and salary increases. Has there been any discussion of doing that, now that we have a new, reinvigorated [committee that deals with budget]? Cox said it was his guess that that would be an appropriate item matter for the UPC to consider. We haven't totally fleshed out the UPC organization yet. There's supposed to be a subcommittee created -- and Nancy [Allen] can speak more directly of this -- that continues a subcommittee of PACOR, dealing with budgetary issues. He had thought that those budgetary issues would be the old matters, the [gritty] business of funds, questions about bricks, or compensation. And so, he thought that [those budgetary concerns] would be something more than appropriate [to talk about]. That was certainly his recollection from earlier days when he was on the Faculty Compensation Committee, which [ironically] rarely ever dealt with compensation issues. In the eighties, we did deal with those [other budgetary matters], misnomer or not.

Prof. Peter Burian (CS) said that it seemed to him that when we started talking about this change of committees it was prompted partly by a sense that the faculty is dealing with budgetary priorities [with insufficient understanding], hence some feelings bordering on outrage. Part of our faculty responsibility in this regard might well be entering the conversation earlier, and having more say about priority directions that those budgets explicitly or implicitly suggest. He hoped that through this subcommittee of the UPC, in some way, that goal could be achieved. Cox agreed, earlier, rather than later. He thought he could speak for the committee that is not a good use of any individual's time or the committee's time, if we're just asked to come up and bless something. The real focus of this [subcommittee is to be a strategic, consultive group. If we can't perform that task, there's not a very good reason for having it. But given the group that's on the [subcommittee, it can provide highly valuable input, but the input is valuable only if it comes significantly early in the process, exactly your point. Thank you.

Nancy Allen thanked Prof. Cox for the report, and the others for their questions and comments. We do have a Budget and Finance subcommittee of the UPC. Those individuals have been named. "I believe Tim, you're one of them." Cox said yes. Nancy said that certainly it was one of the intents to have that subgroup of individuals meet with [EVP] Tallman Trask and go over those matters at an earlier stage, or as early as you have that information. Would he (Trask, who was present) care to comment?

Tallman Trask, to answer briefly, had just today dealt with one of the first draft outlines of the next budget. They would be talking very soon, but we have many issues to deal with before we can have a lot of conversation. One is that we have a huge bubble increase in our workers' compensation claims, a \$15M displacement, which we'll have to figure out how to handle. We're very early in the process. The budget doesn't have to be approved until May. So, we're just starting. "It's breakfast then," Cox remarked. "Not brunch," Allen added. Further, to Cox, she remarked that the discussions on parking and transportation will spare the whole Council a lot [of time with these] issues, and also for internationalization. EC AC has met with Prof. Gil Merx, Vice-Provost for International Affairs, who will give a presentation at our next Council meeting. In terms also of Ethical Investing Policy, that is going to the Board in December, and we can give the Council an update at our December 4 meeting as well, just as it's going to the Board.

COALITION ON INTERCOUEGIATE ATHWTICS REPORT

The next item on the agenda concerned COIA, the Coalition on Intercollegiate Athletics. Allen noted that Prof. Kathleen Smith (BIO) is the chair of our Athletic Council. Although she is on leave this fall she is also serving on the Steering Committee for the COIA, and was helpful in drafting some of the initial documents that were shared with the Council in previous months. Last month, we were fortunate to have Prof Paul Haagen, Council Vice Chair and member of the Law Faculty attend a meeting [in Indianapolis] of the COIA, which met jointly with the NCAA and AAUP (Association of American University Professors). He can now give an update from that meeting.

Prof. Paul Haagen (LAW) began by noting that COIA was formed initially in the Big Ten by a Chinese scholar named Bob Eno who was particularly distressed about the effect that the firing of [Mens' Basketball Coach] Bobby Knight had had on the community in Indiana, prompting him to see if there were common interests across the Big Ten. They discovered that there were, involving various people from university senates in the Pac-10, and had then explored ways for faculties to attempt to ensure that athletics were conducted in ways that were consistent with the academic mission of higher education in their particular institutions. The Coalition then reached out to other institutions that operate at the highest levels of intercollegiate athletics, particularly the BCS, the (Football) Bowl Championship Series, which includes the ACC, in an effort to see if they could identify some common interests. The Coalition is a self-consciously moderate organization. Its goal is to work within existing structures and cultural assumptions of big time intercollegiate athletics to achieve implementable reforms, very much not a radical group. The NCAA, under the leadership of Miles Brand, has expressed strong support for these efforts and is actively exploring the possibility of enacting parts of the COIA framework into NCAA legislation. NCAA has also been assisting COIA to coordinate its efforts with the AGB, the Association of Governing Boards.

Now at the meetings in Indianapolis, one significant part - and he thought it a little flavored by some of what the NCAA may be about to try to do - was that Miles Brand presented some of the major empirical studies that they've commissioned on the economics of intercollegiate athletics. The NCAA is quite concerned about what they see as spiraling costs in intercollegiate athletics, and they presented those studies at the conference. Although these studies are still in fairly preliminary form, they appear to demonstrate that intercollegiate athletics are not a significant generator of net revenues, either direct or indirect, for institutions of higher education, and that increased spending on athletics does not translate into any measurable way into greater athletic success or higher institutional revenues. That was a very strong theme of the NCAA at these meetings. The principal activity was to try to see where beyond the steering committee there was common ground and where there might be areas in which at least the BCS or Division-I schools could move forward together. The good news from the conference is that, as President Keohane said two meetings ago, now appears to be a time when there is real support - real and broad-based - for reform in intercollegiate athletics. A number of groups are coming together who are interested in doing something.

A second thing that came out very strongly, is that people at the meeting regard Duke as a model, and this Council's resolution [at the September meeting] was treated as a model by a substantial number of institutions there, who were participating in the conference. But the bad

news also, he supposed, is that Duke is regarded as a model. We can't be looking to others to ratchet ourselves up. We're going to have to deal with the fact that most institutions are on an even less positive track than the one we're on. Another element of bad news is that the range of institutional arrangements and interests is so great that it's difficult to reach a common consensus on any way forward. A significant percentage of institutional representatives at the conference were convinced that their own institutions were models of probity, and that the main problem facing intercollegiate athletics were related to the failure of other institutions to act like theirs. He had been shocked to hear this come from institutions that have regularly found themselves on probation, have had murders on their campus, and various things like that. At this point he couldn't resist quoting from Bill Bowen and Sarah Levin's new book, *We're Claiming the Game*, in which they cite the comment of the President of one of the NESCAC, or New England Small College Athletic Conference, colleges. Confronted with data on athlete admissions and academic performance at all of the schools in that conference, the quote was "there are no outliers here, only liars." On many of the issues that COIA is looking at there actually are some outliers. But there almost certainly are more liars. It also came out in the meeting that many of the faculty who are most knowledgeable about issues surrounding intercollegiate athletics have developed serious blind spots about the degree to which they have allowed their own independence and judgment to be clouded by the perks that they receive from the athletic department.

So, while there is general support for reform, there is a lot of reason to be uncertain how faculty involvement is going to be translated into action. What are likely to be the directions of the reform initiatives coming out of COIA? As may be known, having been trained as a historian and as a litigator and thereby almost uniquely bad at reading the future - better at telling what has happened than what will happen - he would say, with that caveat, that he expected there to be attempts to place greater alliance on bodies like this Academic Council to monitor athletic programs and try to ensure that they are conducted in ways that are, from the viewpoint of the faculty, consistent with broader institutional goals. There have been such attempts in the past, meeting with only very limited success. That said, there does now appear to be renewed interest in this type of initiative. And the current level of faculty supervision over athletic programs at most of the BCS schools is so low that even very modest initiatives will constitute significant change. A second thing that is likely to happen is that we're going to see NCAA legislation requiring closer monitoring of performance and success of athletes outside of their athletic endeavors, in the classroom. Along with that monitoring will be a package of incentives and disincentives to ensure that athletics programs are conducted in a manner consistent with broader institutional goals. Brand was very strong in saying he expects this to happen. He was much clearer on the disincentives than the incentives, but he is committed to doing something. On behalf of Duke, and on behalf of ECAC, we can be pleased that Kathleen Smith has agreed to take a lead role in COIA and supports our [views on all these matters],

DISCUSSION *Of* COIA

Prof. Peter Burian (CS), uncertain just how to frame his question, asked just how bad are things at Duke? He'd love to have an answer to that, but farther, what is the possibility that a group such as this Academic Council would take on such a responsibility? We might or might not be fans of one or another of our teams, but most of us really have very little idea about how things are, with our program. How would we go about getting such information? Haagen said

that if the NCAA reforms that are now being proposed are adopted, there would have to be reporting, as comprehensive as possible, and within the strictures of federal legislation, of entry scores of athletes, of semester by semester performance of athletes, of departments where athletes are majoring, of unusual concentrations of athletes in particular courses, things like that. One issue that a number of institutions have become concerned about is that most athletes in the high-revenue, high-profile sports, are now year-round students. Vanderbilt has just seen a huge increase in their athletic scholarships demands, because the students are going to both terms of the summer session. There will be reporting on the fact that athletes have stopped going to semester abroad programs because they're expected to be on campus [for practice], things like that. If the reforms go through, in anything like their current form, that type information would be available. Some of that is actually a little awkward for us, in the sense that it involves levels of scrutiny of people and the decisions they're making that we don't do to anyone else. There's considerable possibility for mischief, but that's the direction [we're going].

Prof. Stephen Nowicki (BIO) could appreciate the importance of COIA taking an overtly moderate stand if it wants to get anything done, but he felt concern, maybe cynically, about the NCAA's eagerness to become involved in this, because they could clearly coopt the discussion. It would be a little bit like having the wolf help redesign the chicken pen. Maybe a few less chickens will be lost, but it's still the wolf. "Can you comment on your view about the NCAA's position here?" Haagen could offer at least a personal judgment, that COIA is only a marginally effective group. It consists of a lot of people who may develop some sophistication, who are very well-meaning, who are trying to think through this, but who are not politically very effective players. What Miles Brand sees is a variety of things that he wants to do. By claiming that he's getting pressure from faculties he's using the existence of the COIA to put through reforms that he's interested in. Some of those are designed to make intercollegiate athletics more stable financially, which is in all of our interests of course, but particularly in the interests of the NCAA. It can lead to a cleaned up version of what we have now. That's what's likely to happen, not radical reform. It's not basically thinking about the place of intercollegiate athletics and [achieving how best to fulfill that place]. That was his read, just trying to read the temper of the room and the enthusiasm with which all this is being raised. But beyond that he couldn't say.

Nancy Allen thanked Prof. Haagen, both for going to the meeting and for presenting this report today. She also thanked President Keohane for sponsoring his attendance at that meeting, and was sure we will be hearing more about this. We do have an Athletic Council, with some five or six faculty representatives, chaired as said by Prof. Kathleen Smith. When she is back from her leave this semester, the faculty and Dean components of that Council will be meeting, and EC AC will then meet with her, find out what's going on, and bring back further information to this Council. Perhaps Prof. Burian's question could then be answered in more detail. As she was calling for further business Haagen had two further thoughts to add. COIA has a website (www.indiana.edu/~bfc/COIA/COIA.html). It has most of the reform discussion issues that are currently circulating, along with proposed NCAA legislation, if any might be are interested in looking at it. And Kathleen Smith is one of the two ACC reps on the COIA Steering Committee, privy to more information than anybody else [at Duke].

THE POSSIBILITY OF COUNCIL CHAIR TERM EXTENSION

After an opportunity for new business Nancy Allen engaged one such matter, turning the chair over to Vice Chair Paul Haagen and absenting herself to the corridor. As a handout was distributed Haagen explained that EC AC would like to get the collective wisdom of the Council about the problem of simultaneous turnover in leadership of the University and of the Council chair. On July 1st of 2004, Duke will have a new President, a new Chancellor of Health Affairs, a new Dean of Arts & Sciences, and we can now add a new Dean of Nursing. As far as EC AC has been able to determine, this is the most extensive turnover of leadership at Duke in its history. At the same time, the term of the current Chair of Academic Council will also expire. It's the view of the members of EC AC that from the point of view of faculty governance this is not an optimal situation. It would be the first time since the creation of Academic Council that there has been a changeover in President and Council Chair at the same time, unless we do something about it. Nancy Allen, as our current chair, is willing to serve for an additional year, to take us through the transitional phase in University leadership, if that's the desire of the Council. EC AC would like to learn, first, whether the Council agrees it would be desirable to avoid replacing the Chair at the same time there's a turnover in the senior offices of the University. And second, if it does agree, how it wishes to approach the problem. We have identified two possible ways, assuming that the Council agrees that it is a problem and that it's a problem that the Council wants solved. The first would be for this body to postpone the election for its new Chair for one year and to request Prof Allen to remain in office for the first year of the new President's term. She has agreed to serve for that year, and were this body so to proceed, there would then be an election for a two-year term for the new Council Chair in or before February 2005. And the new Chair would assume office in July 1, 2005.

Should any be thinking that this might be a coup by ECAC to self-perpetuate, the procedure would not affect the terms of any other member of ECAC. Profs. Michele Longino and Barry Myers, and he (Haagen) as well, all complete their terms on ECAC on June 30th, and are not eligible to be reelected as members of ECAC. We could only be reelected as the Chair. In a humorous vein he could report with a bit of personal distress that when he had talked to people about all this, how reassured they were that that was the case.

The second possibility would be to hold a regular election for ECAC chair in February of 2004. Such an election would be for a full two-year term, and for the continuation by Prof. Allen would require the, nominating committee to agree to get her to stand for a second two-year term. She may be talked into agreeing, but it is currently reluctant to do so. It would also require the nominating committee to identify someone who would run against her, if she did agree to the two-year term. It would be her present intention to resign at the end of one year, and were she in feet to do that, we would need to hold a special election to fill out the remainder of her term. The new ECAC chair would then either serve for just one year, or would be reelected in 2006, and end up serving for three years. Now, the operation of the bylaws currently provide for biennial elections for the Chair of Academic Council, and ECAC is charged with appointing a five-person committee to nominate two persons for that office, so that the election could be held no later than February. The bylaws further provide that any Chair so elected, would be elected to a two-year term. Were such a person unable or unwilling to serve out the term, the bylaws further provide for a special election to fill the remainder of

the term. There is no provision in our bylaws for a one-year term. The bylaws further provide that Academic Council can amend any of its bylaws, excepting those affecting the composition of the Council.

If the Council should want to have Nancy serve that additional year, and if it wanted to proceed, not by having a regular election, but by the procedure of requesting that she stay on, there is a proposed amendment set up. That is basically how we would accomplish this, if this were the will and the wish of the Council. Before opening up this matter for discussion, he directed attention to the footnotes [of the handout]. Every other time we've had a leadership transition [of the President], the Council Chair has served in both the last year of the old administration and the first year of the new administration. He had discussed this with some of the persons who have filled that bridge year. Prof. Rich Burton thought that he had had greater impact, and that there was more interest in his input, in the first year of the new administration than at any other time in his term as Chair. He had had varying views from the Chairs on how long it took them to ramp up and be comfortable with operating as the new Chair. Nancy thought it took her about six months to catch on, learn the players, get used to it. Bob Mosteller, who had previously served for two years as a member of EC AC before he was elected chair, thought he had needed somewhat less than six months, but he didn't think that six months was unreasonable. There would be both a loss of credibility if you were both new to the job and didn't, in fact, know well enough what you were doing. With that, he invited discussion.

DISCUSSION OF COUNCIL CHAIR TERM EXTENSION

Prof. Earl Dowell (EGR) reflected on the possibility that an inside candidate might become President, in which case [an overlap by the Council Chair] probably doesn't matter that much. If it's an outside candidate then we might really want someone in there who is learning in that first year along with the new President so then in the second year, when things happen, there wouldn't be [a change in leadership of the Academic Council]. If Nancy has only been there for the one additional year, and then steps down, then there's a new Chair and the new President by that time. He didn't fully understand the logic of the proposition, but he did think it's great if Nancy is willing to serve another year. Haagen explained that the logic is in the historical experience from having a person serving the bridge by serving for one additional year. Individuals whom he had talked with thought that was appropriate.

Prof. Peter Burian (CS) pointed out that the further transition in Chancellor for Health Affairs related well to an extension by Prof. Allen, because she is a member of the Clinical Sciences Faculty, our first as Council Chair. In a lighter vein, one could argue in favor of having Presidents resign on the proper schedules. More seriously, this current sort of transition, particularly if the new President comes from outside, [the Council Chair] should be a person who can strongly represent and clearly state and emphasize a particular kind of interaction that faculty expect with the President. We have had an extremely positive and helpful relation with President Keohane, regularly. She brings issues forward to ECAC in a way that he would regard as exactly what we would wish. A person as Council Chair who is used to that and knows what that is like, and can make clear to the new President that that's what we expect, seemed to him the person [we want to] represent the faculty. He was awestruck that Nancy would go on. That she is willing to do so tells us something about her commitment to this

process [of the faculty role in governance], and particular so in that she can also develop a special kind of relationship through her own eventual new Chancellor for Health Affairs. He didn't think he was saying anything untoward or out of school to suggest that it is more difficult for the faculty of the University as a whole to establish a strong working relationship with the Chancellor for Health Affairs, [than with] the President. Haagen agreed that one of the major issues in the transition is going to be the relationship between the University and the new Chancellor.

Prof. James Roueston (GER) declared himself thoroughly persuaded by the wisdom of this move and asked whether the amendment [in the handout] needed a sponsor. Haagen explained that this matter should carry over to the next meeting. ECAC thought it a sufficiently significant and serious move that it required two meetings.

Prof. John Aldrich (PS) thought it a little unusual to have an amendment that is for a particular individual rather than a [more general] case, essentially saying if this were to arise again in the future, at least with the President and Chair of the Council, then we'd have to start all over again. Why do it on an individual case basis? Haagen explained that the idea was to be as non-disruptive of the rules as possible. We don't know what the next kind of situation might be, and whether it's likely that we would have this many senior officers turning over at the same time. This would be in effect a self-destroying amendment. Once it has operated we would be back on the established election cycle and can carry on as if nothing had happened. [At the time of the Nixon Library issue in 1981 we had gotten off the established two-year election cycle, and then in 1991 had had another one-term Council chairmanship that got us back on.] What is proposed seems enough for the day. He then asked not for any show of hands, but some sense of the Council's thinking, and from nods of heads and murmurs of assent could gauge a considerable sentiment in favor of the one-year term extension proposed.

And with that the Council adjourned, at 4:55 p.m., and Prof. Haagen could enlighten Prof. Allen, in the corridor.

Presented for consideration by the Academic Council,

Donald J. Fluke, Faculty Secretary