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Minutes of the Regular Meeting of the Academic Council

Thursday, December 5, 2013

Joshua Socolar (Physics/Academic Council Chair): Welcome to the fourth meeting of the year for the Academic Council. Thanks for coming out for this December meeting. Having completed two sessions devoted to the establishment of new master's and PhD programs, today we have a chance to catch up on some issues for which this Council can contribute at an earlier stage in the development of policy and programs. We're going to hear first about online education issues and then about progress toward the opening of DKU, both topics where I imagine there are lots of questions to be asked and issues to discuss. Before we get to those though, we do need to complete the processes initiated at our November meeting. Our first order of business, as always, is to approve the minutes from the November 21 Council meeting.

(approved by voice vote with no dissent)

I remind you that attendance sheets are being circulated. Please initial, and return them to Sandra. And when you ask a question or have a comment, please do identify yourself for the benefit of everyone in the room. As you saw with the agenda, we'll first vote on proposals for three new degree programs and then on the proposal to change the name of the Department of Religion to the Department of Religious Studies. So let's begin with the proposed master's degree in Economics and Computation. I think I saw Professor Charlie Becker here to answer any questions

you might have. Are there any questions about that program?

(motion summoned and seconded; degree approved with two abstentions and no opposition)

Sandra assures me that we have a quorum today, and so that master's in Economics and Computation is approved. Congratulations, Charlie.

The next item is the proposed master's degree in Statistical Science. Merlise Clyde and Mike West are here. Are there any questions for Merlise or Mike?

(motion summoned and seconded; degree approved with one abstention and one opposition)

Okay, the master's in Statistical Science is approved.

And the last degree proposal to consider today is the PhD in Biostatistics. I think Liz Delong and Andrew Allen are here. Are there any questions for them?

(motion summoned and seconded; degree approved unanimously)

Great. The PhD in Biostatistics is on its way.

And the last vote for today is on the proposal to change the name of the Department of Religion to the Department of Religious Studies. Professor Ebrahim Moosa is on hand today to answer any questions in Chair David Morgan's absence. Are there any questions for Professor Moosa?

(motion summoned and seconded; name change approved unanimously)

It's unanimous; we have a new Department of Religious Studies.

Provost Peter Lange: Not yet, it still has to go to the Board (laughter).

Socolar: Excuse me.

Sara Beale (Law School/ECAC): Josh, can we congratulate all of these folks on all of these very well worked out proposals? It was a lot of hard work, so please join me in thanking them (applause).

Socolar: The next item on our agenda is a presentation from Professor Hadley Cocks, from Pratt's Mechanical Engineering and Materials Science department. Hadley serves as chair of Duke's Intellectual Property Board. Late last spring, Hadley and his committee members developed an interpretation of the Duke faculty intellectual property policy as applied to online education materials. His report, and the original section of the Faculty Handbook that describes the policy, were posted with your agenda. And I would like to turn the floor over to Hadley so that he can explain to you the new interpretation.

Hadley Cocks (Mechanical Engineering and Materials Science/chair of the Intellectual Property Board): Okay, welcome everybody. As you just heard, I'm Hadley Cocks. You may be wondering who I am and what I'm doing. For the last nine years I've

had the honor of chairing the Provost's Intellectual Property Review Board, which is now becoming increasingly known as the Intellectual Property Committee. And before that for about twenty years I chaired the Patent Committee, so I have some experience with this business.

This topic here is specifically directed to the internet. Technology keeps changing and our policies somehow have to apply to them, so this is what we're trying to do. This big picture thing--you may wonder what this is all about and whether we just make these things up or how we operate--this is a little bit grandiose to compare these two things (power point shows a comparison of the United States and Duke University), but basically you may not realize just how similar in governance we are. The Duke Indenture is basically our constitution. The trustees are the ones who operate under the indenture, and congress is the one who operates under the constitution. Congress develops the United States' code; Duke policies are enacted by the trustees. Now, how does all this work? In the government of course, it's implemented by agencies and departments using an interpretation of those regulations called the code of federal regulations. At Duke the implementation is via offices and committees that do the interpretation, like the departments of government. That's the big picture. So, I'll explain what's going on here. The big thing is that over the years Duke has come up with policies that are really very favorable to the faculty, I think. And in particular, Duke's policies on intellectual property grant a lot of rights to faculty. Other university policies don't. Stanford takes the position--this is in print, I'm not making it up--that they own everything. We do not come from that position at all. Be aware that what we have starts out from a different principle completely than Stanford. Alright, the conflict of interest policy is also relevant to this. You'll see why that

is in a minute. And what this comes out to, to jump the gun a little bit, is before engaging in online Duke education activities, you have to inform your dean about this. Basically you've got to get it through that office because the feeling of the committee was we've got to know what's going on around here a little bit, particularly in online education, which is after all our business--education that is, not necessarily online. And this is not something we made up, it's actually as per the year 2000 IP property clause 4; it actually says what I've just said we've interpreted. We didn't make up something new; that's been in there for the last thirteen years. Alright now, the historical context is prior to 1980 there really wasn't any policy anywhere on campus about any of this stuff. And the Bayh-Dole act of 1980 caused the trustees to enact the Duke patent policy. That original patent policy--I didn't put it on the slide--but it turns out that that was Liggett-Myers' patent policy with Liggett-Myers crossed out and Duke written in (laughter). I'm not making that up. I won't explain how I know that. But that's terrible, and I was one of the ones who felt it was terrible. There was a big fuss over that, and in the end the trustees changed it to the one we've got now. And that one is administered by the Patent Committee and the Office of Science and Technology. They oversee it. People may not realize, but there was a copyright policy around 1990. But that was completely inappropriate with what has happened with the internet. So it was altered in 2000 by the faculty and trustees together. This Academic Council voted this policy in; it came to the Council twice then went up to the trustees. Now technology keeps changing, and we're trying to interpret it in our role as an oversight committee to see how it applies. It took a long while last spring, many meetings and lots of consultation. So these interpretations were not something that's been casually made up. Every single one of them has been thought out, and they're directed

specifically to online education, which seems to be the current wave of events happening in the educational community. These are the members of the committee (referring to power point). You can see they come from many schools and there's a cross-section of the University, really, on it. So just organizing this group together was kind of an effort to get everybody to show up at the same time. Anyway, there they all are, and I thank them all because everybody participated in this. It was really an effort that extended for months last spring. Alright, there are many different parts of it. Some of them are pro forma, like a definition of online activities, which turns out legally to be about a hundred words. Nevertheless, it's pretty obvious I think. These are the important parts. Revenue from this will be subject to cost recovery. You know the University, which is somehow paying for this, they've got to get their money back if this thing actually sells and makes money. I'm not sure anything has actually been sold yet, but nevertheless if that happy event does happen there is some division of this between the creator of the course and the University. It would be a split between the two. But the first thing is to have the University recover its cost. This operates very much in analogy with the patent policy where Duke bears the cost of the patent policy, and should we have the happy event that we sell it, the first thing that comes back is the cost of that patent, which is not insignificant by the way with lawyers' rates these days. And so it's a similar thing here, direct upfront costs. Attribution rights will be expected, I'll come back a little bit to what that means in another slide. The conflict of interest policy applies, and if a course is created there and somehow it gets used, not by the creator but by somebody else, they can't change it without his or her permission. They can't have your name on a paper that's been changed by other people and so keep your name on it without agreeing to it. That seems to make sense to the committee. Okay,

possible questions: here's one that might be of interest. After creating an online course may a faculty member sell it? According to the Duke policy, yes; according to Stanford policy, no. But ours says yes. However, you've got to let your dean know what is happening here. We just have to keep track of the events that are going on, so it has to be clear. And the conflict of interest policy applies-- basically you shouldn't compete with the University. If we're selling your same course, you can't also sell the same course (laughter). There's an agreement, we can't both be selling this. We'd get into a cheapest bidding war where whoever is buying it would get into a thing like that. Policy clause 1A, affirms Duke's commitment to personal ownership of intellectual property rights and works of the intellect. May his or her course be used if they leave and go to a new institution? Yes, but you've got to attribute it to Duke if you use it the way it was when you took it earlier. If you write a new one, then you write a new one. But if you just take the one you did here, especially if we paid for it, you have to somehow acknowledge that. And on the other side, may Duke continue to use the course? And the answer is yes as traditionally offered to Duke students. Duke can't then go out and sell it, but we can use it here on campus just the way we always have used it. That was a decision that seemed to us a reasonable way to settle on this thing. So yeah, if you leave, you can use it and we can also use it. But not in competition with you from some other place. Okay, that's it. I've been asked to keep it short, so I've tried to keep it short.

Socolar: Are there questions?

Jesse (Pate) Skene (Neurobiology): Over on the previous slide I think you talked about selling courses requiring the dean's clearance. Could you say a little bit about what that means? Is that just certifying that it, you know, meets the conflict of interest policy

and so forth, or is there discretion to approve or not?

Cocks: Clause 4 has about three hundred words on clearance. There are different categories of what you go through, what the dean has got to do, and how fast he has to respond on this. So that's clause 4 of the original IP policy, the one from 2000, that's not our interpretation. We're not making up clearance; clearance is written in to the 2000 policy that this Council voted on and agreed to. And it's not short and simple. Basically it means, hey, I'm going to go out and do this thing independent, you know, this is what I'm going to do. Then the dean goes through and says, gee, I thought you would write to me, and then they hassle back and forth. If you don't like his agreement--it was anticipated that that might happen-- there is a whole appeal procedure up to and including arbitration. If it gets to that--which I hope it wouldn't--the dean doesn't have the last word on it. You can appeal it on up and up, and then finally if there's no agreement anywhere then you can demand arbitration.

Socolar: I think the main point here, if I'm not mistaken, is that the same policy that applied to all the things that we produced before applies in the same way to online activities.

Cocks: Oh yeah, that's right. We're not just making this up, this is the way it was back in the year 2000. And we're just saying, hey it still applies to this stuff too. There haven't been any problems with this up till now. I hope there aren't any problems. But the appeals procedure isn't just: yes, he approves it or no, he doesn't. He has to look at all these different procedures and they're all in clause 4B of the original IP policy, which is online somewhere.

Jane Richardson (Biochemistry): I'm just curious what constitutes revision enough to trigger this kind of policy? Because any course I've ever been involved with, you can't teach a lesson one or two years without re-vising it at some level.

Cocks: The creator can revise it any way they want. But if they leave and we've got it, we can't revise it and stick it out under a new name.

Richardson: So you can't even, say, change an example to be a current one, you can't do anything at all to it then?

Cocks: Not and use the person's name. You basically say, okay, I'll do my own. I won't want to use yours. I'll just make one up and do whatever I want.

Richardson: But then you'd have to start from scratch, and that doesn't seem right either.

Cocks: Yeah, but it's just like writing a paper or referring to a paper. You can't start to re-write the guy's paper and leave his name on it. Now if it comes up that you say, well it's fair usage. I want to use your stuff, so how much can I use? Fair usage has been debated back and forth with respect to copyright law for a hundred years, and we'd have to take it case by case.

Richardson: So you're saying that every single word and figure and interaction between the professors and the students counts as part of the course?

Cocks: No, no, no. These online things are fixed, right? It's a document on a computer, and they use it and stuff like that. They leave, we're reusing it here...

Richardson: Is it all complete and specific at that level. Anyway, what you're saying is...

Cocks: We're only talking about the stuff that's on the computers....

Richardson: ...you're saying that there really is a very hard definition?

Cocks: ...if you're here talking, you're teaching a course, and you can teach it anyway you want. But if you want to use that document that's sitting out on the computer and it's going to have the name of the person who created it on it, you've got to leave it alone. If you want to change it and do something else completely, then it's back to fair usage. I want to use this piece and that piece, and how much can I use?

Richardson: So you could have a package and then you could add to it rather than fix it?

Cocks: Yeah, oh yeah. You can add whatever you want. Sure.

Kevin Smith (Director, Copyright & Scholarly Communication): Can I just clarify touching the legal situation that you're on? I just wanted to clarify by giving an example. With the Coursera courses one of the things instructors are asked about are translations of their courses or closed caption of their courses. And that's the kind of thing that was in our minds that it's important to make sure the instructors approve of having a translation made or doing the closed captioning or whatever those revisions are. That's really what we had in mind. But the faculty on the committee was very adamant that they wanted approval over revisions, for the reasons Hadley is saying. You know, you don't want the course put out under your name and not be comfortable with the content.

Walter Sinnott-Armstrong (Philosophy):

I'd like to get clear about when I need to get clearance from the dean. If I go give a talk, and they say we're going to record this and maybe use it in a Coursera course or in our master's program or something like that, do we have your permission? Do I have to say I need clearance from my dean?

Cocks: No, no. If you read the policy, there it interpreted this and said on a recurrent and continued usage basis. Not a one-shot, no one's talking about one-shot lectures or anything like that. We're talking about a course that they're using over and over again.

Sinnott-Armstrong: No, this would be something they're using over and over again, but I just give the lecture once. They record it and use it over and over again on a whim.

Cocks: That didn't specifically come up. The committee's going to meet again next spring if you want to send an email about that (laughter).

Lange: Now that's not what the policy covers. The policy covers a course that you develop.

Cocks: Yeah, we're not talking about individual lectures here. No one has cared about individual lectures and stuff like that, no.

Bruce Caldwell (Economics): You mentioned profit sharing. Are there percentages attached to that?

Cocks: So far there aren't. We've only, I believe, the question's come up in agreements for this. So far everything that has been potentially for sale has included a written agreement, in which case both parties signed and created the written agreement. And that's what governs profit sharing. In those cases it's been cost-recovery and then a fifty-fifty split. However the Advisory Committee

on Online Education can change that if they wish to with the provost's approval. This is an on-going thing since no one's actually earned a dollar yet.

Lange: Yeah, I can fully clarify this. So, the current policy approved by the advisory committee last year was that the instructor will be given a ten thousand dollar research fund, which he or she can convert into compensation if they wish--although then it becomes taxable which means it's dramatically reduced obviously. There's fifteen thousand dollars of direct costs associated with creating a course, which is actually rather low. So that is twenty-five thousand dollars that needs to be recovered. If we exceed the twenty-five thousand dollars recovered, then there's a split of fifty-fifty between the University and the instructor of any money above twenty-five thousand dollars. And the University's money will go back to help recover the indirect costs that are associated with running the entire program.

Caldwell: And would that continue if a faculty member leaves?

Lange: If the faculty member leaves and we continue to offer the course or...

Caldwell: If the faculty member continues to offer it, will you still...

Lange: No, if the faculty member's in another institution and meets the other conditions of the policy, no. Of course, the other institution will probably charge twice as much as we do (laughter).

Socolar: Okay, thanks very much. And thanks to the entire Intellectual Property Board for figuring all this out and getting us on the right road here. ACOE has already been mentioned; I'm not sure if anybody said the whole name. It's the Advisory Committee for Online

Education. The course of events last year concerning Duke's participation in the Semester Online consortium made it clear that broader faculty input at earlier stages in the process would have been helpful. Given that a new charge has been developed for the Advisory Committee for Online Education, ECAC thought it would be a good idea for the Council to take a moment to discuss what topics should have priority on the ACOE agenda this spring and beyond. Scott Huettel, professor of Psychology and Neuroscience and co-chair of ACOE is here to tell us a little about the history of ACOE and its new charge, but mostly to gather ideas about what faculty see as the most important questions for ACOE to address. So I'm going to let Scott present that history briefly and then we have some time for discussion.

Scott Huettel (Psychology & Neuroscience/co-chair of ACOE): Okay, can you hear me okay? I'm used to teaching like this, not like that, so I'll talk from here. So my name is Scott Huettel, I'm co-chair of the ACOE committee this year with Peter Lange. And I want to just spend a few minutes and give you a little bit of the history and leave most of the time for your questions and feedback. And I only have one slide. The charge for ACOE is available fully on the Academic Council website. And I won't read that to you, but I do want to emphasize three things. First that ACOE is an advisory committee. It is a committee that's intended to give guidance to Peter Lange, to other administrators, to other bodies on campus if they so solicit it. Second, ACOE is one of many places on campus that consider online education. If you think about how deeply online education pervades our campus now, and how long it has pervaded our campus activities in the professional schools, there are lots of places on campus that consider it in some form. And so ACOE has to be something that communicates with other places on campus, such as global priori-

ties, academic priorities, intellectual property, and so forth. And third, ACOE doesn't issue formal resolutions. It doesn't have the same status as a representative body like this. It can issue advisory reports, summaries of discussion, or even things that have conflicting guidance within it based on the diverse opinions of its membership. Now we're very fortunate to have a great group of faculty members. It's a diverse group, it has faculty members from six schools, color coded in a way you could guess maybe (referring to power point slide). Those faculty members come up--it's not really color coded in an interesting way--they come from six different schools, they come from schools that have long traditions of online education, including Nursing and Fuqua, as well as ones like Arts & Sciences that are more recently considering this in depth. Now it's co-chaired by Peter, as I mentioned, and we have ex officio participation from Josh, from Keith Whitfield, from Lynne O'Brien, and from other administrators. I want to give you a little bit of the history because it actually grew out of deliberations from this body. In May of last year, there was a meeting between ECAC and Peter Lange recognizing the speed at which online education was developing here at Duke and elsewhere. It's sort of amazing when you look at the timeline how quickly things move. So the meeting was in early May, and by the end of May they had solicited names from deans and recommended names from ECAC to form a committee of twelve faculty. And that committee met over the summer to discuss issues related to those online initiatives that we all remember from last year: Coursera, Semester Online, now 2U (formerly 2tor), and so forth. At the end of the summer, online education did not go away, so we had a discussion over the following year of moving from these ad hoc meetings to a regular monthly meeting schedule. And so the sort of topics we consider were again things like Coursera and other online partnerships, as well as re-

peated discussions of intellectual property rights for faculty creating online courses and broader issues related to engagement with online education and how online education feeds back to our campus. Now this past summer, it was again recognized that online education hadn't gone away and we were going to have a standing committee of some sort. And so finally a year after the committee is established we have a charge for ACOE and faculty members participating on it have rotating terms and so forth. And now we have the trappings of all the other committees at this level at Duke. And the sorts of things that we've been discussing this year include an update on online activities considering the broad landscape of how online education is touching different parts of campus, things like the current call for proposals for innovative online education, and in the coming months we'll be having discussions about things like assessment, connections to the three campus vision and global priorities and so forth. So that's just a brief history. I'm happy to take any questions or get any feedback, and the hope is, as Josh mentioned, that y'all can provide some sense--both as faculty members and as Academic Council members--of what are some priorities that we should be considering, how should we be thinking about online education, and specifically what could a cross-campus committee do to help guide this? I'm happy to open it up.

Richardson: So this may not be the kind of thing that you're thinking about, but what comes to mind for me is setting up some kind of informal expertise sharing among the people who are trying to do this. Because it's a new enough thing that a lot of us don't know how we should really be doing it, what all the alternatives are, and what other people's experience is.

Huettel: I think Arts & Sciences does that a little bit. And one of the things that's really

striking as we see the proposals coming in is that CIT is working very heavily with people as they develop their proposals. But people may not know about that support or know how to solicit it and so forth. I think that's a great suggestion, and we can pass it on to Lynne O'Brien.

Craig Henriquez (Biomedical Engineering): So what about online courses for graduate students? Does this require some process with the Graduate School? Is there any sort of representation of the Graduate School on this committee?

Huettel: We have lots of members of the graduate faculty, but we don't have a representative from the Graduate School per se. I think that one thing to emphasize is even though the bulk of the, say the heat, over the last couple years has been on undergraduate courses, our history at Duke is much more in graduate online courses or professional online courses. So both would be within the purview of the committee, and one would hope that we would learn with, let's say Nursing or the Medical School or Fuqua's doing a lot of graduate education, and that would shape how we think about the undergraduate education.

Mary (Tolly) Boatwright (Classical Studies): I'm just thinking back to the spring when there was a lot of controversy, and I remember one of the items that my colleagues were worried about in different departments was online education as developed by Duke professors versus online education that Duke students could take that might supplant or supplement whatever courses that would be here. So that's an issue, I think, that at least some faculty here are concerned about.

Huettel: I think this is particularly important. One of the things we often say in the commit-

tee is that there's not one thing that's online education. You want to sort of parse it in different ways depending upon the goals of the particular group. So for-credit online education for undergrads is different than for-credit online education for grad students is different from Duke faculty using online material to help their on-campus courses. I think people are very aware of that. One of the things that is hopefully reassuring that comes out continually in the discussion this year is that we think of online education as a means for an end rather than an end in itself. And specifically can we use it to improve pedagogy for our students on campus as one of several goals? But that is a particularly important point.

Boatwright: I'll add another thing because I'm head of the Global Education Committee for undergraduates. We've been discussing the possible roles of online education for students who are not at Duke, Duke students who are abroad or are off campus, shall we say, in the New York program or something. And I know that having your committee think about that would also be very good because there is a question of immersing students in a different culture, which is why they're away, not to be online.

Huettel: Right, so I think maybe to generalize, any examples people have that are a little bit different from the traditional replace a course with this other model are going to be very helpful. There are things on campus like skill-based courses that we don't offer regularly because we don't have somebody to teach it. You can image a Duke faculty member teaching that course once online and then regularly offering it or it might be helpful in developing our graduate students' skills. So we find examples like that or the one you mentioned and show people some uses of online education, I think it will change the

debate from distinctly talking about them in this replacement mode.

Brenda Nevidjon (School of Nursing/ECAC): We do have a majority of our student base in some degree of online education, either completely or enhanced. Is there a value in having student representation on this committee? I don't know, you've mentioned a little bit about the committee formation and the deans nominated faculty. A student would also bring a different perspective on these issues, and I don't know if you talked about how to capture their perspective as well.

Huettel: I think it's a great suggestion. The only challenge I see is that we already have six schools with different perspectives and you can imagine again, you put a Nursing student in there, a Fuqua student in there, an Arts & Sciences student in there, a graduate student in there. That those would all be different types among the students on top of the faculty.

Nevidjon: So maybe there's a way with your representation to have that individual understand part of their responsibility, one is to talk to their faculty colleagues, and two is to perhaps survey the student population when you go looking for ideas as well.

Huettel: This is great. I mean, I think that we could broaden it as well. Lynne O'Brien has seemed very receptive to getting new information about how to use online education to help our student better. And so if you have suggestions about the particular types of surveys or information that would be helpful for Nursing students, that would be wonderful.

Nevidjon: I think there's a lot to learn from one of our students' experience, so there are probably things that Marilyn could bring to

the committee; I don't know whether she does or not.

Socolar: Scott, maybe you could just describe a little more about the larger context that ACOE fits into with respect to online education efforts. There's Lynne O'Brien's office; are there efforts that the committee is connected to?

Huettel: Yeah, I'll give my sense of it. Peter may want to jump in in a minute on this. So since Lynne has moved pretty heavily into online education, she's been working very closely with the committee. And so many of you have probably seen a recent announcement for online educational activities and that was developed by Lynne's office, but the ACOE membership shaped the call for proposals based on what they thought was pretty important. For example, putting in text that emphasizes that online educational initiatives should have a focus on learning about pedagogy that's applied to Duke students. So that's a case where the goals of CIT get filtered through the faculty and change what comes out on the call. And this is happening basically through anything that Lynne is developing that she is helping to use our committee as a sounding board. I should also say that there are other places on campus that are considering these issues, so I see Jeff's in the room, and we've had discussions about possibly having a joint meeting of the Global Priorities Committee and ACOE in the spring because one of the campuses mentioned in the Global Priorities vision statement is a digital campus. And so there's a natural synergy between thinking about online education in traditional ways and the sort of forward looking ways that Global Priorities is doing.

Socolar: Any further questions for Scott?

Boatwright: The other thing I was just, again, thinking about the very deep concerns that

people had last spring--and this tags on to the question about students--is thinking about the roles of graduate students in helping with assessment. So that's another issue that generated a lot of concern for people.

Huettel: I should mention something about that debate. So we had a recent meeting. Tom Robisheaux and Laurie Patton came to the meeting, and Tom talked about how they're generally thinking about encouraging discussions in Arts & Sciences. And the response to ACOE is not to tell Tom what to do, but actually to provide sort of a list of the diverse perspectives of people we're meeting, how they reacted to what he was doing. And so I think one role that's been helpful is that as people are struggling with something on campus with online education in their sphere, say it's how graduate students should get involved, then you have the committee here that's been thinking about these issues from a cross-campus perspective and they can provide feedback on that in some way.

Boatwright: Thank you.

Socolar: Okay, thanks very much, Scott. I think Scott will agree that everybody is welcome to send him further comments or contact the committee through him I imagine just by sending an email. So, we now are going to move to an update regarding the university's progress toward the opening of DKU, Duke-Kunshan University. And I've asked Professor Haiyan Gao, my colleague in the Physics Department and chair of the China Faculty Council to tell us about the recent work of that committee. And then Provost Lange will tell us about how the DKU campus, administrative structures, and programs are shaping up. And we'll have time for questions after both presentations. Haiyan?

Haiyan Gao (Physics/ chair of the China Faculty Council): I would like to thank Josh for inviting me to come here to speak to you about what the China Faculty Council has been doing. And as some of you know, this is a relatively new committee appointed by Provost Peter Lange, and the committee actually started its work the first year in the academic year 2011-2012 chaired by Paul Haagen from the Law School. And I became the chair in academic year 2012-2013. So the committee consists of faculty from across the entire University with expertise in China or significant interest in developing programs in China or nearby countries. It is actually a very nice committee to be on. I got to meet a lot of people who otherwise I would probably not have the opportunity to meet. And it's very interesting for me to meet with people whose native language is not Chinese but can speak Mandarin better than I can (laughter). Okay so, in the last couple years or since the approval of the preparation application, the committee has been focusing on both degree and non-degree related programs through the ERIC program. Now ERIC stands for Education and Research Innovations in China. So the program provides pilot funding to help faculty develop innovative education and research programs at the DKU campus and in China in general. The committee reviews ERIC proposals and gives valuable feedback to those not funded initially and some of them actually did come back. And the proposals we've seen in the last couple years cover a wide range of interests for both education and research programs. It is wonderful to see that a good number of the funded ERIC proposals are becoming part of the DKU degree programs and semester program. For example, you have heard the medical physics graduate program, and the Thompson writing program, and the interdisciplinary education programs--evolutionary anthropology, neuroeconomics in China. It is also great to see enormous faculty interest from different

schools at Duke in DKU, in research and education collaborations, and other opportunities in China. Now in more recent months, the committee's focus has been more on research opportunities because I think that it is important for DKU to be a world class university. So at the end of the spring a subcommittee on research was formed and chaired by Professor Xiao-Fan Wang from the Medical School. The committee composition includes members from the China Faculty Council as well as non-China Faculty Council members. So the initial success of the Global Health Research Center at DKU really provides a very good model for other research areas to learn from. So the committee is actually in the process of preparing a report with recommendations, and we hope that the report will be ready in the spring or in the beginning of the new year to submit to CFC. And then we hope that we at the CFC will look at the report's recommendation and then make some recommendations to the provost. Closer connections and collaborations with prominent universities in China, particularly those near DKU, will be very important for the success of DKU. Also getting to know Chinese students will be very beneficial to us in terms of designing both the non-degree programs and the future undergraduate program at DKU. So in the last two years or so we actually have established visiting student programs in natural sciences with the honors college at Shandong University, Wuhan University, and more recently Nanjing University. For those of you who may not be familiar with the geography of China, Nanjing University is located in Nanjing, which is the capitol of Jiangsu province, and Kunshan is located in Jiangsu province. So we also have--and by the way, Nanjing University is one of the top five universities in the country in China--we have also established a transfer student program with Shanghai Jiao Tong University in physics, and Shanghai Jiao Tong University is another university among the top five in China.

And of course many of you have heard, there is of course the important global health partnership with Fudan University. And there are many other great examples. So those kinds of very close connections and collaborations with prominent universities, particularly with those near DKU is actually very important. And a number of China Faculty Council members also served on the search committee for the vice chancellor of DKU, which we were very happy to be able to contribute to the recruitment effort of Mary Bullock, and many of you have met her already. A number of China Faculty Council members also serve on the Liberal Arts in China, LACC, committee, which has been chaired by Dean Laurie Patton and also Nora Bynum. And that committee's work has been focusing on the non-degree undergraduate program as well as the future undergraduate degree program. So for this year the call for ERIC proposals went out in early November and the deadline is the end of January. And we very much look forward to new exciting ideas. If you would like to write an ERIC proposal and may have some questions, I would be happy to answer your questions. I hope this has given you a flavor of some of the activities the CFC committee has been working on, and I'll be happy to take questions, maybe after Peter's status update. Thank you.

Socolar: Thanks. Peter, do you have your slides queued up?

Lange: I think so. Okay, thank you all. As Josh said, we'll leave time for discussion, so I'm going to go through these fairly quickly but hopefully not so you can't follow what we're saying. There's nothing dramatic to recount really. We're making deliberate forward progress toward our August 2014 opening, but I'll give you an update on the various areas. These are the topics that I'm going to cover in the course of this update, and as you'll see, I think deliberate forward progress is an ap-

propriate characterization. Okay, so first of all just a couple of reminder slides. This slide reflects what DKU is; this is a slide we've shown here before. I don't claim any originality to this slide, but it is important to remember that DKU is a separate legal entity and it is not a branch campus of Duke nor is it a Chinese university--it is a joint venture. That is why we had to go through that entire special establishment process. There are three phases; I'll come to that in a minute. It has a board of trustees, which is actually a board of trustees, which would not be the case if it were a regular Chinese university. We hold three seats, Wuhan and Kunshan each hold two, but it takes five votes to pass a positive resolution. The target audience you can see. We had establishment approval by China's Ministry of Education in September--that was announced earlier to the Council--and we have begun to recruit students. From a construction point of view, the drawing--and it is a drawing--on the left reflects what the building on the right is supposed to look like, although I hope you recognize that the angle is not the same (laughter). And the building on the right, if you look carefully you'll see that under the canopy you see a scaffold. That is the only remaining scaffold on an exterior wall in the five buildings that are being constructed. This is a very large glass curtain wall, and the scaffolding will come down from there. So the process is really to move from the exterior of the buildings to the interiors. There is a lot of work to do on the interiors, but the designs are all prepared and they're putting a lot of manpower into the process. And just to remind you, there are five buildings that we're anticipating to be ready in August: the service building, which provides services; the dorm for undergraduates, which will be able to house up to two hundred undergraduates; the faculty residence, which has space for twenty families; the conference center; and the academic building. There are three advisory commit-

tees at work: China Faculty Council, which Haiyan has just discussed with you; the Liberal Arts Committee for China, which is called the LACC for lack of a better word (laughter) and which Laurie Patton heads and which has been very heavily at work on the undergraduate curriculum; and the Global Priorities Committee, which has general oversight for our global programs. All of these committees are highly active as you heard from Haiyan. We have had growing undergraduate involvement, both here on campus--bullet four there you see KSAC, but we also had students in Kunshan and at Fudan this summer as part of the preparation. The Kunshan thing was particularly interesting; we had seven companies in Kunshan that took students as interns, you know like summer internships, working in those companies. So those students got actually a sense, not just of what would be true on campus because they got to see it, but also in terms of their experience working in China. And that program actually went really, really well. We had, as I said, there's a three phase approach. Phase one is the focus on Duke degree-granting graduate programs, and non-degree undergraduate programs. So the degree-granting graduate programs will grant Duke degrees, and the non-degree undergraduate programs are essentially study abroad programs for students not from China and study away from their home campus programs for students from China. And I'll come back to that in a minute. Phase two, which is to arrive in about five years, will establish undergraduate degree programs that will gradually grow and new graduate level research programs. And we're anticipating that over the five year period we'll be adding two or three master's programs to the ones that are already scheduled, which includes the global health master's, the master's in management sciences, and the medical physics program, which you all approved at your last meeting. And phase three is obviously out there. This reflects the un-

dergraduate learning semesters for the first two semesters of the program. The color codes represent different kinds of courses. So, on your right hand side you see the humanities courses, which are indicated with faculty who have agreed to teach them. The light blue are the physical and natural sciences courses, again we don't have labs, so we have to teach physical and natural science courses which do not require labs at the onset. We have social science courses, and you can see the global health courses. It's a pretty rounded curriculum, and there's been very good faculty participation. I can tell you that we also have a substantial number of faculty committed for the second year of the undergraduate programs. Just to quickly remind you, there is a program review and approval process. I sometimes refer to this as the gauntlet (laughter) for reasons that I think you can understand. There is a lot of work to go through all of these committees. And I just want to stress that you don't just go through the committees in the middle, you also have to go through the committees on the side. So it's a lot of work to get a degree up and running, and in that sense I thank Sara for her commendation of the programs earlier because at least the medical physics program went all the way through this. And we should actually, if I may, attach on to that the Academic Programs Committee and ECAC did a phenomenal job this fall--this is sort of a parenthesis--in ensuring that we could get those degree programs approved in time, and that was not an easy thing. For the undergraduate courses--obviously here we're only reviewing courses, not programs--this is the process. It's not much slimmer for courses than it is for degree programs, and it ensures that there is a substantial amount of faculty input. Here are some plans for student life at DKU. We're hoping to create this very special international environment for the students. About half of the students are expected to be Chinese, the other half a combination of US

students--a good number from Duke and a good number from other US universities--plus other international students, likely mostly from East Asia. It will be an on-campus living experience, and we are now putting into place--with a lot of help from Larry Moneta and his staff working closely with Executive Vice Chancellor Bullock--to put in place student life, student affairs kind of programing that you would expect. And you can see some of the issues that are being attended to there. I should also mention that there will be language training in both directions for all students available, and for those students who already know Chinese there will be advanced Chinese courses available. With regard to recruitment and admissions, we are currently doing activities as you see here. What we have with regard to the degree programs is we have early returns from the degree programs that are encouraging, but they reflect a degree of caution until the final tuition costs--which I'll come to in a minute--are established. So we have students who are sort of walking up to the edge but waiting to hear what the tuition is actually going to finally be. And I'll come back to that in a minute. We also have reached several agreements with Chinese universities to send cohorts of students. So there isn't really individual representation for the semester, so to speak, semester away programs. Rather what we're doing is Mary Bullock and her team are going to different universities in China and reaching agreements for them to send, let's say, five or six or four students in each of the two semesters. We have several of those agreements in place and a number of active discussions with other programs. We are hiring faculty members for DKU beyond the faculty members that are being hired by the professional programs. Edna Andrews, as you can see, is chairing this. This is called a nominating committee because the formal process is Duke nominates these DKU faculty members to the Faculty Hiring Committee at DKU,

which then makes recommendations to the Executive Vice Chancellor who then has final decision making power with respect to the hiring. You can see the subject matters for the first five hires, and the ads are in preparation right now going out. As you saw earlier, we don't need these appointments in order to mount the first year of programs, although we're hoping to make a couple of them. These will be DKU not Duke faculty members, but we do hope that some of them will be attractive to departments here for secondary appointments or even joint appointments when they're identified. As it says, master's programs select their own faculty through the normal processes for those programs. Just to remind you, with regard to academic freedom, there are these fundamental principles of academic quality, which have been shared with the Council at several times and with a number of the other governing bodies at Duke. They have now gone through--as we anticipated they would need to--through the Jiangsu provincial government, through the Ministry of Education. They are part of the documents that established DKU, and they have now been approved by the DKU board, which met in November. We could not approve them by the board obviously until the rest of the process had been put in place and the University established. But the board held its first meeting in November. I'm the chair of that board, and at that time these principles were again affirmed, strongly affirmed. I should also read something, which I think is kind of interesting, which is in what is effectively the press release from Wuhan University discussing the formal establishment of DKU under the government. Wuhan wrote, "DKU will bring innovative and internationally successful techniques of teaching, such as unique management structure and strong promotion of academic freedom." So that was a public statement by the Chinese partner asserting the commitment of Wuhan to DKU and how it foresees DKU. And I would say

more generally that our Chinese partners are anticipating DKU to be in a sense a leader with respect to this kind of issue within China. In collaboration with the Council, we've established procedures for an annual report by the executive vice chancellor to me and to the Academic Council on sort of the record of academic freedom for the year. Should any significant issues arise, the executive vice chancellor would raise those with the provost of the university and he or she would then bring those in to discussion with ECAC and Duke's leadership. Now just to remind you--and this is something I stated earlier--DKU is a joint venture. So it reports to its board and does not report directly to the Ministry of Education, and the board itself has established a set of what are called Fundamental Operating Principles in the Chinese lingo, but that's basically bylaws. And those bylaws were actually drafted by our university counsel in collaboration with DKU's counsel in China to ensure that they were consistent with Chinese law. And those bylaws again affirm the fundamental principles of academic quality. Now with respect to the finances, as we had told the Council earlier, construction costs and master planning costs have risen as the start-up has lengthened. These costs will not be paid from funds supporting academic programs through SIP or school sources or any other sources for academic programs. They come out of a reserve fund, which is dedicated to meeting construction overruns. So you could consider this construction overrun, and that's where the funds come from. They're not available for other uses. We're in the midst of registering DKU as a legal entity. Okay, so once you're established, you then have to be able to actually write checks, okay? To do that you need to register, and that's what we're doing right now. We hope to have that done within the next month to six weeks. As this says, we submitted a formal tuition proposal to the Jiangsu pricing bureau, which is the formal

site at which our prices--so to speak, that is our tuition--has to be approved. The model that is emerging is what you might call, like what we have in the United States, an in-state, out-of-state tuition model. The real issue is that the Jiangsu pricing bureau basically sees itself as--I think it would be fair to say--as a consumer protection agency, that its job is to protect the Chinese student consumer. So they don't want to publish as tuition the full tuition even if we know that that tuition is going to be dramatically reduced for Chinese students. So we're negotiating what published tuition there will be, not what the real tuition will be, but what the published tuition will be. The entire negotiation about tuition does not affect the bottom line revenue expectations because it's not about what price we expect to be able to charge, nor about what price therefore was in the budgets, but it is about what price will be published. And that's what we've been negotiating. In fact, basically the subsidy is tracking well against our budget projections, which have also been shared earlier. So, we've got eight months to go, a lot of marketing and recruiting to do, got to deliver the programs, got to finish the infrastructure, got to make the hires, got to continue the undergraduate development, got to continue to make deliberate forward progress. So that's my report. I'm happy to take any questions, and I know Haiyan is as well.

Socolar: Thanks very much. Provost Lange and Professor Gao are here to respond.

Larry Zelenak (Law School): Peter, I didn't understand what is behind the difference between the published price and the actual price.

Lange: Okay, so as we have said from the beginning, our original goal was to have one price and then to deeply discount for Chinese students, okay? That price would have been

the Duke price, and it is still going to be the international price, okay?

Jim Roberts (Executive Vice Provost for Finance and Administration): Scholarships would provide the difference.

Lange: Essentially yeah, it would be scholarships that would provide the difference, okay? The pricing bureau balked at that model because it means that the published price would be--even though that wouldn't be the price Chinese students would pay because there would be scholarships for all the Chinese students--they balked at the publication of a price for Chinese students which was so much in excess of what a Chinese university charges. So the negotiation now is well, the in-state tuition will be much closer to what the real price is that the Chinese student will pay. Does that answer your question, Larry? Alright, let me give you an example. I'll make up numbers, okay? Because I don't have all the numbers in my head. Imagine you were going to charge, the original budget had forty for all students but students would then receive scholarships, which would take their real price to fifteen, and that's what you built into the budget. But you're going to have a single price: forty. Alright? Then the bureau says, wait a moment! We don't want to have a price of forty for Chinese students. That's too high even if it's going to have all that discount, we're going to look like we're not protecting our students. It puts us in a politically vulnerable position, so we want you to move to an in-state, out-of-state model where you publish a price of forty for your international students about whom we don't care (laughter) and you publish a price of fifteen for the Chinese students about whom we do care and where we have some political vulnerability. Our pushback about that--now that we're getting into the details, since you've asked I'll give them to you--our pushback about that is if you have a

fixed discounted price, then you can't vary your scholarship price, right? Because then you've got to offer the same price. So now what we're talking about is that we would have a fixed average for Chinese students, which would then enable us to offer differential levels of scholarship. And that's what the negotiation is, deliberate forward progress (laughter). That is the whole story. The bottom line remains the same.

Kerry Haynie (Political Science): I have a question about the separate legal entity and what that means. Because when you went through the, I think the first sentences up there, and then you went through your presentation, and your gauntlet looked like it was the Duke entity that we know as Duke in Durham, the approval process for programs--you had the gauntlet, what you called the gauntlet--and there would be Duke degrees. So why is it a separate entity if there are Duke degrees that go through some form of the Duke gauntlet? What doesn't go through the Duke gauntlet? When does faculty have oversight? When does Duke in Durham faculty have oversight?

Lange: I want to stress the word in the slide is separate *legal* entity.

Haynie: Right, formally, yes.

Lange: We have a close, collaborative relationship in which--as we've stated in the Council many times--the goal of DKU and the goal of the Chinese partners, and the goal of, more generally, of the Chinese officials with whom we've--is for Duke to bring its standards of quality to the growth, to the development of programs and faculty. And that's what that collaborative structure entails. But think of the nominating committee. We have a nominating committee, but we don't have a hiring committee for DKU faculty because DKU is a separate entity. So they say, can you

recommend some faculty to us? We have a committee that does that, and then they do the hiring.

Haynie: So we'll have non-Duke faculty giving Duke degrees?

Lange: We will not have--well, formally yes (laughter). Formally, yes. That's been always true.

Haynie: I haven't understood that. I mean, I've voted on programs...

Lange: But many--let me just hold that off. There will be some, but actually I could even go further--no, let me back this up. Okay? At the outset the only degrees being offered are by the professional programs, and they are all hiring their own faculty.

Haynie: Right. But then the...

Lange: Down the road. We haven't worked out the relationship fully for what will happen in six years when we're offering an undergraduate. And there will eventually be DKU degrees.

Haynie: Okay. So Josh, what I see for this Council then is that we should not approve any more courses until that is worked out. I mean, I understand what the oversight is...

Lange: Why--wait, whoa, whoa, whoa. Why would you not--all you're approving is courses that we...

Haynie: Degrees. Duke degrees, undergraduate degrees.

Lange: No undergraduate degrees! We're not approving any undergraduate degrees.

Haynie: You said down the line.

Lange: Five, six years from now.

Haynie: Right, but I'm saying whenever it is that this happens then this Council should not be...

Lange: Then we will obviously have....

Haynie: ...that this Council should not be in the business of approving degrees that a non-Duke faculty will offer.

Lange: If the undergraduate degrees are Duke degrees then your observation would--then we would have to ensure that those Duke degrees are being offered by faculty that we at Duke approve. If those degrees are DKU degrees taught by DKU faculty with effectively visiting faculty from Duke, then that would not apply. The exact degree structure six years from now is not yet fully established.

Haynie: Right, so I still stand by what I said. This Council should, in advance, know what that structure is...

Lange: Oh absolutely! Oh no question!

Haynie: ...before we move forward with an approval.

Lange: No question.

Haynie: Okay, thanks.

Dan Gauthier (Physics): Where will tenure reside for the faculty, through DKU I'm assuming?

Lange: DKU will not have tenure.

Gauthier: So, what's protecting those faculty then?

Lange: Contracts.

Gauthier: So, they're not tenure-track lines?

Lange: There are tracks, but they're not tenure-tracks. They will be more similar to our research or POP faculty then to, well, to our tenure-track.

Peter Feaver (Political Science): Without betraying confidentiality can you talk to us about how the board has been operating? Whether the three and four results in always seven votes or whether there are interesting splits across those?

Lange: Yeah. Now that's an interesting question (laughter). What did you say your field was (laughter)?

Feaver: Political Science!

Lange: Unanimous every time.

Paul Baker (Nicholas School of the Environment): I remember when the medical physics degree was being reviewed they talked about, you know, parents working their asses off...

Lange: I don't remember them saying that (laughter).

Baker: ...and paying whatever it took to--I think it is twenty-four thousand dollar tuition. So the Chinese student tuition for their graduate programs is going to be like a full tuition, is that right?

Lange: Half.

Baker: A half tuition? Half of a Duke tuition? But it's probably much higher than what the undergraduate Chinese students would be paying?

Lange: Yes. They're getting a professional degree, not paying for a one semester course. And we don't have a price yet for the final undergraduate degree. We haven't fully identified all that yet.

Socolar: Any further questions for Provost Lange or Professor Gao?

Lange: Thank you.

Socolar: Then we'll wrap it up early. Thanks everybody. This concludes today's meeting, and I hope everyone has a great holiday break...after you grade your exams (laughter).