

Minutes of the Meeting of the Academic Council
Thursday, December 5, 2019

Kerry Haynie (Academic Council Chair / Political Science and African and African American Studies): Let me call the meeting to order, please. Good afternoon and welcome, everyone, to the last meeting of the Academic Council for this fall semester. I hope all of you had a festive, fun, and restful Thanksgiving and can see the light at the end of the tunnel for the end of the semester, and are ready for exams and grading and then some rest.

A few announcements before we begin with the formal agenda. In case you missed this announcement before Thanksgiving, a Duke University senior, Gabriella Deich, was among the 32 recipients selected for a Rhodes Scholarship and is the 50th student in Duke's history to receive this award. Gabriella is also the recipient of a four-year, merit-based Angier B. Duke Scholarship and designed her own major at Duke -- Biological and Artificial Intelligence. She hopes to pursue degrees in Computer Science and Global Governance at Oxford, and her long-term plans include working in the field of biosecurity and broader global catastrophic risk reduction.

Also, just this week, five Duke students and alumni have been named Schwarzman Scholars, a program that

funds one year of study in Beijing, China. Seniors Charles Berman from Durham and Max Labaton from Washington, D.C., 2019 graduates Yunjie Lai of China, and Kevin Zheng of Maryland, and a 2017 graduate Steven Soto of Arizona. These five are among 145 scholars chosen from more than 4,700 applicants worldwide. On behalf of the Duke faculty, congratulations to all of our students and alumni for these fine achievements. [applause]

Let me also acknowledge the work of our colleagues in the Office of Undergraduate Students and Fellows. They work very hard in preparing our students for the interview process for these awards. So thanks to OUSF for all of their work as well.

NON - APPROVAL OF THE NOVEMBER 21 MEETING MINUTES

Haynie: Next, the non-approval of our minutes. The Thanksgiving holidays did not allow sufficient time for the November 21 minutes to be transcribed. We will approve those, and today's meeting minutes, at our January 16 meeting.

A CONVERSATION WITH KIMBERLY HEWITT, DUKE'S NEW VICE PRESIDENT FOR THE OFFICE OF INSTITUTIONAL EQUITY

Haynie: The next item on our agenda is to welcome to her first Academic Council meeting Duke's new Vice President for the Office of Institutional Equity, Kimberly Hewitt. Kim came to Duke in August and was previously the Vice Provost for Institutional Equity at Johns Hopkins University. Before joining Johns Hopkins in 2017, she spent ten years as director of the Office for Equal Opportunity and Affirmative Action at the University of Minnesota, and during 2014-2017, she served concurrently as the deputy chief of staff for the Office for Equity and Diversity. She is a graduate of Stanford University and earned her J.D. from the University of Minnesota Law School. Welcome, Kim. [applause]

Kimberly Hewitt (Vice President for the Office of Institutional Equity):

Thank you. I'm happy to be here. Just when I think, earlier today I was feeling so proud of myself for getting everywhere I needed to be without any problems, and then you found a room that was even harder to locate. [laughter] But I'm glad to know that it's here.

So I'm happy to have a little time to talk with you about what's happening in our office and have some feedback from you about anything that's on your mind. I'm going to give you an overview of the role of the Office of Institutional Equity, just for some level-setting, and a big part of my goal is to clarify what we do and how we're doing it. And then some policy highlights, because that's one of the big projects that's on my mind right now. So to think about the policies we're

responsible for and how we should move forward with those. Priorities in the office, and then some strategies for addressing problematic behavior in general, which is also something I heard a lot about when I was interviewing for the position. And, since I've been here, how can our office be more supportive in trying to address problematic behavior in general? Not just those things that would violate the university's policy, but other kinds of problematic behavior that we naturally learn about in our investigations and in the conversations that we're having around campus.

What does OIE do? I'm focused right now, principally, on the investigation, the complaint handling aspects of OIE, but we also have people in the office who are dedicated to doing education and outreach around equity and diversity, and then there's also a group that is focused on compliance in terms of the Affirmative Action program for the university, helping to support search committees, looking at reductions in force and other HR-related issues from an equity and diversity lens. In terms of the investigation and problem solving, we respond to concerns about harassment, discrimination, and sexual misconduct. In May of this year, the policy was revised to specifically define those things in the context of protected-category-only discrimination and harassment. Only harassment and discrimination issues that are related to your race or your gender, sexual orientation, religion, national origin. Anything that would just be general harassment or bullying are obviously things we would learn about, but we are working closely with the Office of Faculty Advancement to make sure things that are not protected-category-based are addressed or that our other partners at

the university address those kinds of concerns. Then we also investigate complaints of sexual misconduct against undergraduate, graduate and professional students that are reported to the Office of Student Conduct. So I'm going to talk a little bit more about how we have a bifurcated process in that context. So we work closely with Student Conduct. Any concern in the sexual misconduct area against a student is initially reported there and then technically referred to Institutional Equity for an investigation. And then we perform informal resolutions, conduct investigations, and in the process we prepare a written report that goes to the leadership, so a Dean or a Chair, and then also to the relevant parties, so the people who are involved, the person who is raising the issues and the person against whom the concerns are raised. Then supporting departments to address conduct, even if it doesn't violate university policy. So we're thinking a lot about how we do that. One way is providing some more specific recommendations that are based on the information that we learn, providing that to a Dean or the relevant leader. This is one area where I think historically, offices like ours haven't been as much engaged in, but over time, it really seems like that's becoming a part of our role and it's an important role to play to think about how we can come back and say, hey, we made these recommendations 30 days ago, can you let us know what you've done to address them? And we're doing some tracking of that information so we can identify important trends and think about how we create more effective checks and balances, if our systems aren't working in that way.

There are two policies that we're principally responsible for. There's this

Policy on Prohibited Discrimination and Harassment and Related Misconduct, [refers to slide] which I mentioned was refined in 2019. Some pretty major changes were made to it, including removing anything that wasn't protected-class-based discrimination out of the context of OIE. And then there's a separate Student Sexual Misconduct Policy. We've been working closely with the Counsel's Office and with Student Affairs to think about how we could merge these two policies into one policy and some separate procedures for students and staff and faculty to help make the process clearer for anyone who might raise a complaint or be part of an investigation process. And really to make it easier for someone who is reporting a concern, a student in particular, so they're not having an experience of going back and forth to different offices, instead, having it be one, singular policy. Our goal is to talk to groups like yours and others and get feedback, have a place where the revised policy that would merge these could be available for public comment with a goal of working through this so that we have a new policy in the fall. I've talked to some groups already and would be happy to have feedback from people as we work through this process.

In addition to trying to clarify the process and make it uniform, one of the questions that has come up as we've looked at the process is, who is required to report harassment and discrimination and sexual misconduct that they learn about? [refers to slide] Based on the two separate policies that we have, so under the – I'm going to call it the PPDHRM [Policy on Prohibited Discrimination, Harassment and Related Misconduct] because it's just too many words to keep saying over and over again – but the big

policy, supervisors and managers are required to report, according to the policy, if they become aware of conduct potentially covered by the policy. So that language, supervisors and managers, I think we want to work with a little bit, because it doesn't particularly resonate in an academic context. And what does supervisor mean? It could be someone overseeing a lab, it could be a TA who is responsible for other TAs, it's obviously a Chair or a Dean or a DGS, but we really want to think about how we help people understand if they're in that category, and who is in that category. So that will be an important part of this process of developing a new policy. And then, according to the Student Sexual Misconduct Policy, all employees are expected to notify the Office of Student Conduct if they become aware of conduct that might fall under the policy. This is what we're working with now, so we're trying to do the best we can to make it clear for folks, but when you look at these two definitions, there are some implicit challenges there between who falls in these categories and what's different between required and expected. So what we would hope is that when we get to a real point of clarity, we would send some communication to anybody who falls in that category and have some kind of follow-up education or range of things to be available to help people understand how you do this, if you're a person that's required to report, and also making people understand that there are places where you can go, confidentially at Duke, and talk about a concern that you have. I think that's one of the good things. There are a lot of confidential resources here. I know at my prior institution, the feeling was that there weren't a lot of places. So it's good that we have that and we want to help people be clear about when they're

required to report and how to do it. I know it can be an awkward thing and it can be a challenging thing. We want people to understand what happens. Really, as we're looking at other institutions and what their language is, we want to help people to understand that we really want you to consult with us, and not necessarily that it opens the floodgates to a formal investigation, but just that you're not alone with this information and that you have someone you can talk to about what an appropriate next step is.

In terms of our priorities, this review of the policy, feedback, and education are major priorities right now. We've also been working to develop some materials specifically about what a person can expect if they engage in the OIE process. That's something else I've just heard so much about that is not clear. In particular, when will we hear from you? Who gets what information? Will there be a written report and who sees that? So we want to try to create some materials that we can give to people to help make that really clear as they're engaging in the process and for us to reinforce it in the process. To make sure we're doing that in a consistent way, we are implementing a new database that we expect will help support some of these case management strategies and eventually we'll be able to have some good metrics so we can produce an annual report on our work that will be specific. It will tell you how long it takes, how many complaints of a particular nature you receive on an annual basis and where they are coming from. We've also done some reorganization of the positions in the office and right now we're in the process of hiring two additional investigators and a new position that we've created that's a

case manager intake specialist. I'm really hoping that that position will be key to help respond to questions. So if you just want to be able to get ahold of someone quickly and say, I learned about this, is this something I need to report, or do you have some ideas about how we can be appropriately responsive? And also, I think, to open up the capacity for others who are working on investigations to be doing less of that work so that it's focused in a position. And also someone to help with the communication management and the case management, who can go back to the investigator and say, you need to send an email to this person because they might be wondering what's happening. Just being a face of the office that can help manage some of these questions.

The President has asked me to form a council. [refers to slide] We've met twice. This is a council of leaders, Gary Bennett [Vice Provost for Undergraduate Education] is on the council, Kyle Cavanaugh [Vice President for Administration], Rhonda Brandon [Chief Human Resources Officer and Senior Vice President for DUHS], Mary Pat McMahon [Vice Provost / Vice President for Student Affairs], Leigh Goller [Chief Audit, Risk and Compliance Officer], Abbas Benmamoun [Vice Provost for Faculty Advancement], and Ann Brown [Vice Dean for Faculty, Duke School of Medicine]. We're doing some work together to think about how we can better align this work and create more clarity in general, because I think there are pockets of people working on equity issues and we want to make sure we have a more general understanding about how we respond to them and how we address them from a university-wide perspective. We are finding lots of great

complementary work with Abbas' office, the Office for Faculty Advancement. I've done three or four workshops with them. I know they're thinking about some of their climate work, thinking about how to address staff and faculty issues that we have the opportunity to work together on. I see Claudia [Gunsch, Associate Vice Provost for Faculty Advancement] over there in the audience. That's been a partnership that I'm really excited about and I think will also help us address the question of, what do we do when we are engaged in an investigation and we learn about information that isn't a violation of university policy, in that grey area, but things that are not helpful to making a positive and supportive environment? That is an overview of our priorities.

And then I want to highlight for a minute strategies that we're thinking about to address problematic behavior that's below the line of violating policy. As I mentioned before, one of the steps that we're taking is to provide some really specific written recommendations to leadership at the end of an investigation. Whether we think it's a violation of policy or not, here are some recommendations to address what we've learned about. Collaboration with Faculty Advancement, and then a longer term objective is to think about internal OIE collaboration to support where we find problems. People in our office who are doing education around equity and diversity who might be able to come in and support a department or unit at the conclusion of an investigation or some kind of conflict management that we've engaged in to help address fallout as a result of having an investigation or things that were already existing in the environment that were problematic before. And then, again, using the database and other methods to

track the implementation of these recommendations so we can look back and see what has worked, what hasn't worked, where there are areas that we need to be engaged in more closely and that sort of thing. I'll open it up for questions or thoughts.

Trina Jones (Law School): Thank you so much for that presentation. I have two short questions. The first is, I think the formation of a council to coordinate across campus is really useful and helpful. The one entity that you did not mention is the Faculty Ombuds. Could you explain to us how OIE and the Ombuds will cooperate or coordinate efforts? The second question relates to the compliance role of OIE. My understanding is that OIE had to compile information about discrimination claims and share that information with certain governmental entities. How do you balance the compliance function, which one would hope decreases discrimination over time, with the goal of promoting equity, which would require a robust investigation of discrimination claims on campus? So, compliance, if you want Duke to look great to the external world, would minimize discrimination, whereas promoting equity would require robust investigation of any concerns on campus. I have a final related question. Why did you limit the sexual harassment policy to protected classifications, as opposed to a broader policy, prohibiting conduct that would include bullying and other inappropriate behaviors? Is that because of a compliance function of OIE, or was there some other thinking behind that decision?

Hewitt: That decision was before me, but I will say, I think Duke is a bit of an outlier in the sense that, in both of the offices

that I've worked in before, our jurisdiction was clearly defined around protected-category-based discrimination and harassment. Other kinds of generalized bullying were addressed through Human Resources or some other function. I don't know what the thinking was here at Duke when they went through that process. I know as we've looked at our peers and we've been looking a lot at the policies of our peers, most other offices like ours are limited just to protected-category-based discrimination and harassment. I don't know exactly what the thinking was at Duke, and I think it, in part, may have been a capacity issue, but I think it was largely based on looking across other institutions and how these offices function. Your question before, I think that's a question we get a lot. In terms of formal reporting, it's limited. We have an Affirmative Action plan, there are some grant-driven requests for numbers of complaints and that kind of thing, but apart from that, we really think of our work as advocating for the policy and trying to address issues and thinking about how we advance a climate where everybody can work and learn to the best of their abilities without being impeded by limits that are based on discrimination or harassment. As we think about our work, we do think about it in that broader way, or I'm hoping that's how we grow into the office as we move forward, and less about a compliance responsibility to report elsewhere. And then in terms of the Faculty Ombuds, we deal with the Faculty Ombuds on individual cases, but we don't have a formal or routine engagement. They're not part of the council. But that is definitely in our individual cases, we often work with the Faculty Ombuds. I'm happy to hear your

feedback on how you think that could be built out a little bit more.

Nan Jokerst (Electrical and Computer Engineering): There has been an ongoing discussion in this Council regarding the statement of Duke's harassment policy. Our policy talks about sufficiently severe, persistent, or pervasive harassment, such that it significantly interferes with an individual's work, education, living conditions, et cetera. Some of our other peer institutions have a hostile environment standard. I remember Howie [Kalleem, Director of Title IX Compliance] was here talking to us a year or so ago and saying that that discussion had kind of gone into limbo. I was hoping to retrieve that discussion from limbo because I think that there is, perhaps, a perception, whether it is the case or not, legally, that Duke has a slightly higher standard than our peer institutions regarding the severity that the harassment must exhibit before it is constituted harassment. Can you comment on that?

Hewitt: Sure. And actually, in our meetings with the Counsel's Office, we have talked about that. We have talked about, should we consider a looser standard or a lower standard for sexual harassment? We've been looking at other institutions, I think I've had this conversation with Abbas too, that have had a broader standard for what is included in that. That's definitely on our radar as we work through developing what this revised policy will look like. I should mention, the Department of Education is going to be releasing some regulations around Title IX and so we're also anticipating what those will say, which will actually be, I think, even narrower. So we're really going to think

about how we can be in compliance with those regulations but maintain our values and think about how we address behavior that is definitely outside of what they think requires response, including what our existing definition is around sexual harassment.

Jokerst: Thank you. I really encourage you to look at the hostile environment standard, especially the one that is used at Stanford, because I think that's a very reasonable standard.

Anne West (Neurobiology): I had a suggestion for you regarding these below-the-threshold cases. These are the majority of the problems that I wind up interacting with. The things that we all hear about but we never wind up actually being able to talk about them. For example, as someone who works with students in a graduate training program, when we hear about bad behavior among our colleagues, frankly, we want to be able to talk to our students about that, but we aren't exactly sure of the language to do that. Frequently when it's reactive, you guys can't get involved. We've gotten into these cases where you can't come talk to us because of legal concerns, and we aren't allowed to hear the details of the cases that didn't rise to the level of harassment. I was going to suggest that it's a real good proactive conversation to have, to go out there and start talking to people about how to talk within your own communities when you hear that your colleagues have been charged with, but perhaps not found accountable for, bad behavior that didn't quite rise to these levels. How to deal with that in our communities. We need to learn how to do that before it happens, so that when it happens, we can have those conversations.

Hewitt: Right, I think we also need to be more creative about what we tell people when we don't find a violation of policy. What we can talk about that we're doing that's responsive, even if you're not crossing that line of violating policy. Thank you.

Sue Jinks-Robertson (School of Medicine): As a director of a graduate program, I've had one interaction with OIE, through a student who was harassed by a faculty member. There was an investigation and OIE was completely dismissive and sent her a letter that was absolutely devastating to her. It subsequently was handled by the School of Medicine. I'm glad to see you've been more proactive in having a council. I hope things like this won't happen in the future, especially with graduate students.

Hewitt: When we're thinking about how we work together with departments, one thing that I found, and I don't think it's unique to Duke, is thinking about how we communicate, in particular with the person who raised it forward. Not just from OIE, but also internally. Because sometimes we hear from people who say, I haven't heard anything from my department, but I think we can do a better job of supporting that communication as well.

Josh Socolar (Physics): Piggybacking on some of these other comments, I wonder if you could address directly the issue of OIE's role in protecting the university from legal jeopardy. I say this because, in the past, people have gone to OIE with complaints and have come away with a palpable sense that OIE's primary concern was to make sure that Duke didn't wind up with a lawsuit. You spoke about priorities that are quite valuable and

much appreciated, but you didn't speak, directly, explicitly, to the role of OIE in the university. What is its mission? Could you say a few words about, particularly, the interface with the Legal Counsel?

Hewitt: We work with Legal Counsel, but I see our mission and our role as being very distinct. Sometimes we have a result that is positive for Duke, if I'm defending Duke as a lawyer, and sometimes it's not. When we think about our work, we have lawyers in our office, I'm a lawyer, but we're not representing Duke. It's not our job to create a situation that's going to be most defensible for Duke. Sometimes there is a little tension there, so I think it's part of our internal work to keep reinforcing that our mission is focused on advocating for the policy. If there are problematic people who have a lot of influence at Duke, we have to try to stay focused on our mission. I think there are cases where the outcome was that Duke made a mistake. That will happen again.

Steffen Bass (Physics): I would like to stress the importance of your bullet point about the recommendations for bad behavior, because I think most of the tragedies that have happened in the context of OIE investigations are if some bad behavior occurred that didn't rise to the level of a Title IX or a Title VII violation, and then the OIE report came back saying there was no violation, presumably vindicating the perpetrator, which created a huge amount of damage in the departments that had to deal with the fallout. Including those recommendations for bad behavior would make very clear that, while there was no Title IX violation, there was inappropriate behavior that has to be dealt with. That's a very different message from what we used to receive from OIE after the

outcome of investigations that did not find a Title IX violation.

Hewitt: I appreciate that. In my work before coming to Duke, sometimes you try to write a letter to a person who hasn't been found in violation, but who is a bad actor, and we've made specific recommendations and they still only see the line that says that "they are not in violation". We understand the challenges there and thinking about how to do that more effectively so that people don't feel that they're exonerated, or even to say specifically, you're not exonerated and we don't want you to go out and communicate that message to your colleagues. I think there can be accountability, even if it doesn't violate our policy.

Haynie: Time for one more question.

Sara Haravifard (Physics): I do have a question for you. If there are cases where there is a systematic bad behavior, but below the threshold, are you thinking about maybe looking at this collectively? Although each individual is below the threshold, but if you look at them collectively, then it shows that they always go to the threshold. Can you think about a way to address these situations? Or how to assure faculty that, look, maybe some of these people are really smart on how to get by, but we are looking at this, at the pattern, at the systematic behavior and we're going to do something about it, even though it didn't fit the threshold. In scientific proposals, we call it aging, so, after time, it ages, even though it doesn't fit the threshold, but because it was the second or third time it happened it is punishable.

Hewitt: That could be pervasive behavior. It's multiple incidents of not egregious behavior, but all in the category of, let's say, sexual harassment, could violate our policy. And, even if it doesn't, absolutely. That's what I would consider below-the-line behavior that should be addressed. In addition to providing in writing some bullets, one thing we want to do is sit down with Deans after we've done a report, after we've done an investigation, and talk it through with them a little bit more. We've done that in a couple of cases and we've learned things from them that we didn't know that contributes to a picture that justifies a more serious response. [applause]

Haynie: Thank you, Kim. Again, welcome to Duke. As you can see, Kim and her office have been very busy. I've been a part of some of these conversations. Some of this is still in flux, this bad behavior issue. The Provost and the President convened the council that Kim referenced that is working on this. A discussion as to how we counter some of these things that rise above the level that would get OIE directly involved but are bad behavior. We'll continue to think about these and work with the various bodies: Abbas' shop, Kim's shop, here at Council, with ECAC, and other bodies on campus to continue to have this discussion.

TWO ANONYMOUS QUESTIONS SUBMITTED TO THE ADMINISTRATION

Haynie: As you know, the Council has a tradition of receiving anonymous questions from Council members and faculty as they are addressed to administration. We received two questions this week. They were circulated with the agenda. The first question is certainly one that comes up annually, it

seems, about parking, specifically, parking on game days. We received a question as to what the policy is with regards to parking. Are faculty and staff required to relinquish the lots for which they have paid for Iron Dukes and others who come to campus to attend sporting events? Vice President Kyle Cavanaugh, to whom Parking reports, submitted a response and you have that response. I'll just summarize what Kyle's response is. In the first line, the highest priority related to parking is ensuring that faculty have access to carry out their work. Kyle's response is that we should not be denied access to our parking spaces, although we know that happens. It happened to me, or, at least, they attempted to deny me at a football game a couple weeks ago. [laughter] The parking attendants are contract employees and sometimes there may be a communication issue where the message is not getting to the workers on game day as to what the policy is. As I understand it from Kyle, and Executive Vice President Trask is here and he can correct me if I'm wrong, but the policy is that we're not denied access to our spaces that we pay for at any time. There may be occasions, per Kyle's message, that with some lots, given the location, that you may be denied access because of traffic concerns with people coming in and out of the venue. That is supposedly because of the concerns with high volume of traffic. What I said to Kyle is that I would solicit suggestions, ask for some suggestions of what might be done differently to help with this problem from the Council. I will start the list. Here's a suggestion that I have. Faculty and staff who lose access to their lot because of a sporting event should be given prorated credit for the next renewal of their parking pass. The cost should revert to the Iron Dukes or the Athletic

Department. Because you pay for the space, and then we need the space during an athletic event, and we're denied access to the space for which we've paid. Then we should at least recoup some of the cost that's being paid for parking. That's one idea that I will pass along. That we recoup a credit that will be awarded the next time you renew your parking pass and that the cost be passed along to whomever caused us to lose access to the space. I don't know how that will be received, but I will pass that along. [laughter] Any other suggestions for parking?

Mark Anthony Neal (African and African American Studies / Member of ECAC): I just have a revision to the first paragraph, really, the first sentence of Kyle's note. The highest priority related to parking is to assure that faculty *on West Campus* have access to carry out their work, et cetera. I fundamentally have never found how it makes any sense that if I pay for parking on East Campus, and I have to drive to West Campus, where it seems all of the administrative meetings are held, that I have to pay for parking in one of the lots in order to do the work of the university.

Haynie: Any other suggestions? I have another one, Tallman. Why not take advantage of some satellite parking for Iron Dukes and then shuttle people to and from the game in those very nice coaches I see making the circuit. The new, big parking structure, the largest structure on campus, I think, down by Cameron, use those lots and not the ones closer by faculty offices. I know we had a question about the lot close to Chemistry and Physics. Use those satellite lots and shuttle guests right to the arena. Any other suggestions for parking? We'll

continue to follow this, because I'm sure it will come up again, as it always does.

The second question we received has to do with the plan to build graduate student housing on campus. This has been discussed for a number of years. We've asked Executive Vice President Tallman Trask to come and address this question. Before Tallman takes the floor, let me say that Tallman spoke with ECAC about this earlier this semester and he has had similar conversations with other campus committees on which faculty serve. ECAC is satisfied that due diligence was conducted with regards to the need for graduate housing on campus and also that there will be minimal harm to the environment with the particular site. I would also add that Dean Paula McClain of the Graduate School has prepared a quite extensive document that chronicles the history of this question about graduate housing. It gives a chronology of this question about having graduate housing on campus. I was quite surprised to see how long this has been discussed without much concrete action in that regard. Finally, I received a letter, just before coming to the Council meeting, from Tom Metzloff, a member of our Council, a faculty member in the Law School, and Tom wrote in strong support of the proposal to build graduate housing. He made an argument that it would be beneficial to graduate students who come to the Law School and Fuqua and Public Policy to have housing in close proximity to where they would do most of their work. With that, I'll ask EVP Trask to come up.

Tallman Trask (Executive Vice President): The need for this has been under discussion for the better part of 20 years. As you may recall, Central Campus,

when it was built, was graduate student housing. Over the years, the graduate students were pushed out. In those days, there were plenty of places that weren't terribly expensive around Duke to live. Those places have become more and more expensive. For example, talking about, why don't you shuttle people into games? One of the primary reasons is, all the lots we used to rent to shuttle people from are now occupied by apartment buildings, which has been the change of the Durham scene. I get approached probably three times a year by a developer who wants to build housing on Duke's campus, which is a popular model, especially from the public who don't have any capital. The conversation always comes down to, well, I have cheaper capital than you do, I have land and you don't, I don't understand how it is you can build a cheaper building for me unless I let you build a cheap building. As Duke learned from Central Campus, in the long run, cheap buildings are a bad idea. In this case, we had conversations with a European developer who has done this model in England, Ireland, and Australia. There are two under discussion, one in Boston and one in Berkeley. Another one at Duke. The attractiveness here was, they were willing to live to our construction standards. This was going to be not wood framed but concrete framed. They would live to our exterior standards and they would pay for it and we would have rent control. So it seemed like a pretty good idea. So we've been looking around campus, trying to find a location. We looked at about six locations. The real driver here was trying to find a location that is nearby where graduate students and professional students, especially those who are here for relatively short periods of time, want to live and could walk to where they go. This did not

include parking. The assumption was people could walk down Circuit Drive toward the Medical School and the Sciences, and it's right in the middle of the professional schools. So that was the origin. We actually had an earlier site we moved it away from because we thought the environmental issues were problematic. This site has been under discussion for a number of years for alternative uses. This seemed like a really good one. I understand the issue about removing trees. That's always a balancing act. The same month this came up, you may have seen, we spent \$2.5 million to buy 27 acres in Orange County, which was an important site for research. It's always a tradeoff. Central Campus, in my view, now that it's vacant, is a much too valuable asset for Duke in the long run to start adding things ad hoc onto it just because it's painful to put them somewhere else. I'm happy to answer any questions.

Haynie: Any questions?

Sara Beale (Law School): Tallman, how many student beds are you talking about, and are you talking about dorm rooms or apartments? What are we talking about here?

Trask: What's actually interesting is, these are studio apartments for one person. They are relatively small, which is why they are affordable. But it's been a very successful model, especially in Europe. We've talked to the graduate students, as has Paula [McClain], and they find them very attractive. We're probably talking about 700 or so to start. My view is, if, in fact, developers are willing to build to our standards affordable housing for Duke graduate students, something

that is disappearing in the community, we need to keep having that conversation.

Beale: Just as a suggestion, you might look into, both NYU and Georgetown have student housing on the Law School campus that's part of the building. So it must be built up to their standards, because it's actually literally in buildings that have other things. My guess is it probably is mostly these singles and that sort of thing, but there are also, I think, some dining facilities that are closely aligned to it. I think one of the big questions was where the students can eat.

Trask: This has a big common space as well.

Stefan Zauscher (Mechanical Engineering): Two questions. First question is, can you give us an idea of where that location is which you are discussing? The second question is, will you consider having suites also for grad students with families, potentially?

Trask: The site is west of Towerview, between the entrance to Fuqua and Erwin Road, across from the pond, back in the woods. This model doesn't work for families, just given the size of the units. There is an ongoing discussion with the Graduate School as to whether some of these units ought to be doubles. I happen to think not, but that's not really resolved yet. I should say, just so we don't get too far ahead of ourselves, the proposed developer has recently added a wrinkle to the contract that we won't accept. So this whole thing may become moot.

Guy-Uriel Charles (Law School): I was going to ask the question about families as well.

Prasad Kasibhatla (Nicholas School of the Environment): I'm a little puzzled by your last statement that Central Campus is too valuable to do something ad hoc. But it sounds like you're doing something ad hoc here on campus. I just wonder why it's okay to do it here but not there. I assume that land here is also valuable for other things and there's an opportunity cost associated with that as well.

Trask: It's a tradeoff you always make. When you've got 7,000 acres, all land is valuable. Some land is more valuable than others. I think the issue around Central was, that land is now worth a lot of money. It wasn't when Central was built. Growth of downtown Durham and the fact that downtown Durham is now essentially full, makes that the last main development site approximate to downtown Durham. It will take a lot of capacity if we choose to put it there. Will it ever become a major research park? I have no idea. But I'd rather have that than a bunch of housing. That's really the driver of it. Admittedly, at some point, everything is ad hoc. But we were trying to preserve Central for a big comprehensive idea. We studied it for a year, a committee of the trustees [which included some faculty]. They finally came back and said, don't do anything there until you really know what you want to do. And in my view, one of the great advantages of not having housing on Central any longer is I don't have to spend \$1 million a year sending diesel buses over to pick people up.

Betsy Albright (Nicholas School of the Environment): In light of our carbon neutrality goal of 2024, in terms of this decision or other decisions of where to build, is there a transparent and explicit process in which you're documenting the

effects on climate, including deforestation, as well as transportation savings? How does that figure in to the decision?

Trask: We do on a project-by-project basis. Obviously, cutting down trees has an impact. Obviously, driving diesel buses to pick people up on Central has an impact. I'd like a little credit for buying 27 acres in Orange County, which really mattered. [laughter] It's always a tradeoff. The other site we looked at seriously was across Towerview, overlooking the pond. We just came to the view that the environmental consequence of taking that stand of trees down was too great. Whereas, in this location, trees come down, but the entire project is still surrounded by trees.

Ryke Longest (Law School): A number of us on the Campus Sustainability Committee, a few years back, actually worked on a tool to help some of this decision making process. Has that tool continued to be useful in these planning processes? Or has it been one of those things where we spent a lot of time on and it's sitting on a shelf somewhere?

Trask: It's useful. This one is different because you actually had someone come and say, if you can figure out where to put this, I will build this for free for you, which is not an offer we've ever had before. A lot of things in the equation are not in the equation. [applause]

EXECUTIVE SESSION: DUKE KUNSHAN UNIVERSITY UPDATE

Haynie: Our next item on the agenda is a discussion of DKU and this will be in executive session. I'd like to ask all attendees who are not members of the

faculty to please excuse yourself for this portion of the meeting. This will be our last agenda item, so you don't have to wait around to be called back in. Let me say to members of the press that I will be available for a discussion of this item afterwards, if you have any questions for me once we're done.

[Remainder of the meeting conducted in executive session for the purposes of discussing Duke Kunshan University]