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Minutes of the Regular Meeting of the Academic Council



Thursday, May 10, 2012

Susan Lozier (Chair of Academic Council/NSOE) Welcome, everyone – if I can have your attention and the Provost will take his seat, we'll start our meeting (laughter). Welcome to the last Council meeting for the academic year. I would like to start off the meeting by extending my gratitude to all of you for your attendance, interest and participation in the proceedings before the Council this past year. It's been a most gratifying year for me in large part due to the contributions of those of you in the room.

Your contributions have been immensely important because I believe the primary responsibility of the chair of the Academic Council is to be the voice of the faculty. This past year I

have grown somewhat fond of that succinct description of this position ... the voice of the faculty. However, just the other day when thinking about my remarks to you today, I recalled that last summer as I assumed this position and started working with the Provost, he explained his relationship with the faculty with this joke: Do you know what a cemetery worker and a Provost have in common? They both have a lot of people under them, but nobody's listening (laughter). I found this also very funny until I realized the flip side of the joke, and the flip side of that joke dawned on me. You see, apparently the faculty voice is shouting through six feet of dirt to a Provost who thinks we're dead (laughter and applause).

Okay, actually not true, but I couldn't resist the joke (laughter). In fact, I would like to extend my thanks to the administration for their extraordinary openness with information this past year. The communication channels have been clear and effective and not necessarily clogged with dirt, and importantly for all of us, those channels have been productive as well.

I have a few announcements before we settle into the business of the day. First, I would like to extend my warm congratulations to Professor Paula McClain on her recent selection as the Dean of the Graduate School and Vice Provost for Graduate Education (applause). Paula will assume this position on July 1 of this year. This Council should take particular pride in this appointment since Paula was a former chair of this Council. So, I am sure she owes her success to this Council (laughter). Congratulations, Paula. And let me also take this moment to thank Professor David Bell, who is here today, for stepping in and serving as interim dean of the Graduate School this past year (applause).

In the category of welcomes and farewells, I have a few other individuals to recognize. As you know, at our meeting last month, four new members were elected to ECAC. While we welcome these additions, it means that we must reluctantly say good-bye to some current ECAC members. Today, I would like to thank those members for their outstanding service but also, on a personal note, for their counsel and support they have given me over this past year: Peter Burian (Professor of Classical Studies and Theater Studies), Warren Grill (Professor of Biomedical Engineering) and Larry Zelenak (Professor of Law) (applause).

I would like to note that while Larry and Warren are returning to the happy confines of an unencumbered faculty life, Peter, will serve for one-year as interim dean of the Humanities...and we wish you well in that role. ECAC is also saying good-bye to John Staddon, professor emeritus of Psychology & Neurosci-

ence. John has served for ten years as the Faculty Secretary of this Council. On behalf of this Council and all previous nine Councils, I would like to thank John for his extraordinary commitment and service to the faculty of this University – your insights, your wit and your voice will be much missed. Thank you, John (applause).

Peter Lange (Provost): May I say one thing? We, in the Provost's Office, went through all our records, and what we've discovered is that John is the first employee of the entire university who has ever been put out of a job by technology (laughter).

Lozier: Somehow I doubt that... (laughter).

John Staddon: Thank you, Peter (laughter).

Lozier: Next, we're going to work on a robotized Provost (laughter). Oh my gosh, that was not in the script! (laughter) Our first item of business this afternoon is to approve the April 19th meeting minutes. Are there any corrections?

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[approved by voice vote with no dissent]

Candidates for Earned Degrees.

Our next item on the agenda is the approval of candidates for earned degrees.

In accordance with the University Bylaws, I will call on representatives from the various schools and Trinity College for recommendations of approved candidates for various degrees. These lists will be forwarded by the Provost for approval by the Board of Trustees at their meeting tomorrow.

Diplomas dated May 13, 2012
Summary by Schools and College
Graduate School

<i>Interim-Dean David F. Bell</i>	
Doctor of Philosophy	159
Master of Science	109
Master of Arts	121
School of Medicine	
<i>Dean Nancy C. Andrews</i>	
Doctor of Medicine	91
Doctor of Physical Therapy	69
Master of Health Sciences	81
Master of Health Sciences in Clinical Research	7
School of Law	
<i>Dean David F. Levi</i>	
Juris Doctor	218
Master of Laws	120
Master of Laws in Law and Entrepreneurship	17
Divinity School	
<i>Dean Richard Hays</i>	
Doctor of Theology	5
Master of Theology	6
Master of Divinity	122
Master of Theological Studies	18
Master of Arts in Christian Studies	11
School of Nursing	
<i>Dean Catherine L. Gilliss</i>	
Doctor of Nursing Practice	31
Master of Science in Nursing	59
Bachelor of Science in Nursing	83
Fuqua School of Business	
<i>Dean William Boulding</i>	
Master of Business Administration	441
Master of Management Studies	105
Nicholas School of the Environment	
<i>Dean William L. Chameides</i>	
Master of Forestry	6
Master of Environmental Management	171
Sanford School of Public Policy	
<i>Dean Bruce Kuniholm</i>	
Master of International Development Policy	27
Master of Public Policy	61
Pratt School of Engineering	
<i>Dean Tom Katsouleas</i>	
Master of Engineering Management	58
Master of Engineering	6
Bachelor of Science in Engineering	268
Trinity College of Arts and Sciences	
<i>Dean Laurie Patton</i>	
Bachelor of Science	529
Bachelor of Arts	720

TOTAL 3719

Lozier: Thank you and congratulations to these graduates. Apparently, I am sliding into summer early because my working philosophy for this meeting is that perfect must be the enemy of good enough...(laughter). Anyway, congratulations to all these graduates. I know that, like me, many of you will be participating in many of the Commencement events across the campus this weekend. I hope you enjoy the celebrations. Though the day belongs to our students, we all have reason to celebrate their success.

Faculty Ombudsman

Our next agenda item is the appointment of a Faculty Ombudsman. As I am sure many, if not all of you, know from reading Appendix N of the Faculty Handbook, the role of the Faculty Ombudsman is to facilitate prompt and equitable resolution of allegations by faculty members and instructional staff if there has been a violation of either:

1. the university's policy concerning academic freedom and academic tenure; or
2. the university's policy of equal treatment in employment.

The ombudsman is appointed for a term of two years by the Academic Council from the active or recently retired members of the faculty. With your agendas, you received brief information on ECAC's nominee for the Faculty Ombudsman position: Professor **Jeffrey Dawson**. Jeff is a Professor Emeritus from the Department of Immunology. You may know him through his service on various committees such as the Basic Sciences Faculty Steering Committee and the Executive Committee of the Graduate School. He also served multiple terms on the Academic Council, including a term on ECAC. You may also know him in his role as the current Faculty Ombudsman. Professor Dawson has served admirably in this role since 2008 and ECAC is recommending that he be reappointed

to another two-year term. Jeff, if you could stand?

As such, ECAC now moves that the Academic Council endorse Professor Jeffrey Dawson for a two-year term as Faculty Ombudsman, starting July 1, 2012.

[approved by voice vote with no dissent]

Lozier: Congratulations, Jeff and we wish you a very uneventful next two years.

School of Nursing: Modified Titles

Next, we will vote on the School of Nursing's proposed modifications to their faculty titles. The supporting material was posted with your agenda.

As a result of a recent review of their APT criteria, the School of Nursing brought to this Council last month proposed modifications to their faculty titles. As we learned last month, these proposed changes are intended to align School of Nursing faculty titles with those in the Medical School, and to more fully clarify the expectations for each faculty position. All changes to faculty titles across the University must be approved by this Council and by the Board of Trustees. In accordance with our two-meeting rule, where a proposal is brought to the Council at one meeting and then voted on at the next, we will vote today on these proposed changes. Before the vote, Dean Catherine Gilliss and former Dean Mary Champagne are here if there are any questions beyond those asked at our April meeting.

Are there any questions or comments before we move to our vote?

[approved by voice vote with no dissent]

Thank you, and congratulations on the good work you presented to ECAC and also to the Council.

Masters of Science in Global Health at Duke Kunshan

Next, we will move to the proposal for a Masters of Science degree in Global Health at Duke Kunshan University. This proposal was also brought to the Council last month and, as such, we will vote on the proposal today. Background material was posted with your agenda, and Randy Kramer and Mike Merson are here again to answer any questions. Recall that the proposal that we are considering is set in the context of the resolution that this Council passed two months ago. For the benefit of new members, I ask the patience of continuing members while I quickly read that resolution:

"Duke Kunshan University (DKU) is a major academic initiative of Duke University. As part of that initiative, the Academic Council is prepared to consider graduate program proposals at DKU that lead to Duke degrees or Duke credit, and that are designed to be reviewed within a two or three-year window with metrics of success approved by the Academic Programs Committee.

The Academic Council's endorsement of academic programs comes with the expectation that University expenditures on DKU will be within the bounds communicated to the Council in February of 2012, that meaningful changes to Duke's financial commitment and/or risk be clearly communicated to the Executive Committee of the Academic Council and to the University Priorities Committee, and that academic freedom for all members of the DKU community will be diligently protected, monitored and reviewed with the appropriate faculty bodies."

It is important to note three things about this resolution:

1. The Council is currently approving Duke degrees, not DKU degrees.
2. The Council has a firm expectation on DKU expenditures and on academic freedom.

and,

3. A strong faculty role in the development and review of DKU academic programs and finances is expected.

Now, let's proceed to the particular matter on hand: the proposed Masters of Science degree in Global Health at Duke Kunshan University.

Are there any questions beyond those that we had at our April meeting? If there are no questions, we will proceed to the vote. As with previous votes on our global initiatives, this vote will be taken with a written ballot at the request of an ECAC member and with the approval of the other ECAC members. As a reminder, only elected members of the Council are eligible to vote – if you are here in the role as an alternate for your school or division, our bylaws do not permit you to vote.

Please raise your hand and Nan Jokerst and Peter Burian will distribute the ballots. Once you vote, send your ballot to the aisle and they will be collected in about ten minutes. Once we have the results tallied, I will inform the Council of the result.

So, as you surmised from last month's meeting, at the end of the academic year this Council hears a number of reports from the chairs of university committees that are considered by ECAC to conduct business that's closely aligned with the business of this Council. Last month, we heard from Jeff Vincent, chair of the Global Priorities Committee and this month we have a few more star attractions lined up.

Academic Programs Committee: Annual Report

Leading off, I now call on Professor John York, Professor of Pharmacology & Cancer Biology, who has been chair of the Academic Programs Committee this past year to give a report on the work of his committee.

John York (Pharmacology & Cancer Biology): Thank you, Susan. Let me begin by saying a little bit about what the Academic Programs Committee does and who we are. We're a group of at least fifteen different faculty; the attendance at the meetings which is held twice monthly is typically greater than 80%; and it is what I would like to think of as a "think-tank" for the university. It is a faculty governance committee that allows faculty to express a voice in the same room as the administration. For that, it is a terrific committee and I really wish to begin by saying thank you to the administration, and Provost Lange, who allows the faculty to have such a strong voice to present to the administration as they consider ideas.



What Susan asked for was not a laundry list of things we have accomplished and done, but some highlights. So, I thought I would try to quickly go through some of those.

There are a number of things we have considered, including programs such as the MMS of UAE, that was perhaps one of the most interesting...for the most part we've handled global programs and that is one of the issues that will continue to come before this Council for many years to come. We started in the UAE and we finished in Kunshan.

There was a lot of discussion on these topics and the programs about academic freedom – issues that have come up at this Academic Council, many of the questions that have been

raised here. We spent many hours preparing and learning about how the faculty will actually be involved in what's actually being executed. I think that's one of the most important things and accomplishments that we have had.

I give you my word as chair of the APC over the last year, that we find in almost all of the language of our resolutions put in place something to say about how faculty and administration will be taking into account the success metrics and the failures of those programs.

We reviewed a number of external reviews for a number of programs and departments; the Biomedical Engineering department, the Neurobiology department, and we've even learned about the strategic plans of the Lemur Center for the next five to ten years. And so, what you see is that there is a tremendous breadth of information that comes the way of the Academic Programs Committee. There's a synthesis of that information, and at the end of the day what we are asked to do is write a resolution that then provides some feedback for the administration to consider as they go forward. And many of these resolutions you get to vote on, in fact you voted on one a few minutes ago.

So, what are some of the biggest challenges? I think that as we face a lot of different programs that are abroad, perhaps the most important challenge that we've discussed is the ability to maintain academic freedom and the Duke brand on these topics, and I think that's something going forward that will continue to be an important component. I think that as the Academic Programs Committee went through a lot of these processes, we were very thoughtful and mindful of how faculty as a group play a very important role in expressing opinions through the institution. I think as I mentioned Peter (Lange) has been terrific and the whole administration, there are a number of deans in the room, who have been terrific at actually listening to that voice. For

that, I think that it's been an uplifting experience to be a part of a group where the faculty are so bright, there are ten different schools from the university that are represented on this committee, and to have that wealth of information synthesized in one room, alongside the administration, is a fantastic opportunity. I think the university is a better place because of the APC. With that, I will close. Are there any questions?

Questions

Dan Gauthier (Physics): Did APC consider on-line courses during this past academic year? A lot of press has come out, especially in the last month.

York: Yes, and in fact we are going to continue that discussion tonight at one of the dinners and so there's been a tremendous amount of interest in that. I think one of the important ideas that will be coming forth from the faculty on that will synthesize through APC. Whether you're in the Humanities, or the Sciences, or the School of Business, all of those voices are going to be heard through APC.

Lozier: Any other questions? Thank you, John. I would like to take this opportunity to wish John well in the new position he will assume at Vanderbilt University later this summer. John will take on the chairmanship of the Vanderbilt Department of Biochemistry, where he will serve as the Natalie Overall Warren Professor of Biochemistry. John's service to Duke has been nothing short of exemplary. Though I have known John only this past year, when our academic lives overlapped in our respective roles as chair of APC and chair of the Academic Council, I have come to fully appreciate his value as a faculty member and a faculty leader. John has led APC masterfully this past year, with good humor and good results. Clearly, Vanderbilt's gain is our loss, and we wish you quite well. (applause)

University Priorities Committee

I now call on one of my colleagues from ECAC, who also served as chair of the University Priorities Committee this year, Professor John Payne, from the Fuqua School of Business, to deliver the report on UPC.

John Payne (Fuqua School of Business/Chair of UPC): Thank you, Susan. What I'd like to do is break this presentation down into three parts. One, a little discussion of who we are and what our charge is; brief highlights of what some of the major activities from this year, and share with you one or two of what I personally think are key challenges we're facing going forward.

The University Priorities Committee is a President's advisory committee. What that effectively means is we don't vote – what we do is consult with the administration on particular issues that they see as defining university and academic priorities and to think about those issues, to learn about them, and comment on as they reflect both the university's annual and long-term budget outlook.

The UPC is a large committee, normally when we meet there's over twenty people in the room. The membership is made up of ten faculty members drawn from across the university, the chair of the Academic Council sits in on these meetings, in addition there are two students on the committee, one undergraduate and one graduate. There are six to eight ex officio members of the committee from the administration, including the Provost and the EVP, Tallman Trask.

I want to highlight at this point and give thanks to Jim Roberts, who I have been working with closely as part of my job as chair of UPC. Jim and I have spent a lot of time both on phones and email communication, so Jim, thank you very much. I also want to thank all the members and the students for their time and service on this committee.

We meet at least twice per month, and there's often a lot of material to cover – they've been real troopers at being at those meetings. In addition to the administration representatives, there are two deans who sit in on the UPC – as you can see, it's a large committee. Throughout the year, we've heard reports and provided comments on a variety of issues. Actually, much of what we do as a committee is try to, not only learn about the numbers but to try to get in some sense, behind the numbers. Learn the numbers behind the budget numbers that are presented – and to ask questions and provide comments on those various budget numbers.

We've heard reports from DUMAC in terms of how the endowment income has been going – short answer to that is, it did great in the year that ended June 30, 2011 – this year, not quite so great.

One of the things I have learned in my service on UPC is how important that endowment money is to the budget of this university. I was surprised to find out, quite honestly, that essentially the endowment income that we get equals the total tuition and fee income of this university. So, it's essentially those sorts of numbers and consequently how we do in the endowment income makes a big difference.

We talked about that, we talked about various kinds of subsidies – athletics, we've discussed one of my favorite topics, parking, recently (laughter) and a variety of other issues. Much of the year was of course focused on DKU, as has been the case for the Council as a whole. I again want to thank Peter (Lange) and Jim for this.

I think one of the things we accomplished this year was to really understand the budget forecast behind the DKU initiative, try to better understand what were the key uncertainties in that budget going forward, and to better understand the risks involved. In some sense, the meetings that we had in February

on that [DKU] was really the product of the joint work between the UPC, members of ECAC, and Jim Robert's shop.

Going forward, I think one of the key issues for the UPC will be to continuously monitor how that initiative and other major initiatives unfold over the years, both in terms of the uncertainties if they get resolved one way or the other and what that means in terms of our budget forecast.

Let me finish with a couple of key challenges: I think perhaps the one that I personally have come to believe is the major one we have facing us as a university, in terms of the university priorities and the academic priorities, has to do with our so-called SIP funding or strategic investment pool of money. This is money that I believe, Peter, this was started in the early 1990's?

Provost Lange: '94

Payne: 1994, and it really has played a great role in terms of allowing us to launch various kinds of initiatives, support various kinds of academic priorities, really has been a source of money that central administration has had both to directly support projects, but also to provide support to the various units in initiatives that they wish to engage in.

Right now, we have a problem with the SIP money and the problem is that we've got commitments to it that exceed the current income or revenues going into the SIP funds. Now, there's no big problem, we've got it covered, there's places to deal with that. But going forward the thing that worries me – I'm speaking as chair here – is that we might not have, unless we can work hard on this, enough new money to support the kinds of new initiatives, academic initiatives, I believe we need to have as a university, to continue to grow and evolve.

As part of my report to you, I wanted to share that, and also share that there are plans being

discussed to try and enhance the revenues that go into the SIP money, and also quite honestly I think one of the things we are going to have to do is to take some of the current expense items that are being charged against SIP and perhaps move them off to other budget items so that we really focus on the purpose of that money which is to support the teaching initiatives in a very timely fashion going forward. I could go on to other challenges, but that is the key one I wanted to communicate to this Council.

Lozier: Are there any questions for John? The other thing I will mention is that we always ask the chairs of these committees to come at the end of the year and report to this Council, but they are also willing to hear from you at the beginning of the year about items that you are particularly interested in, so keep that in mind and I will remind you at our September meeting. If there aren't any questions for John, I would like to thank him and let everybody know that he's really performed double duty this past year both as chair of the University Priorities Committee and also as a member of ECAC. And really that double duty has been instrumental as we tried to learn more about the financial commitment to the DKU initiative, so I want to thank John for pulling double duty this year (applause).

Faculty Athletic Representative

We'll go to our next agenda item. As way of introduction, though many of us find enjoyment in the matches, games and meets of our favorite Duke teams on local fields and courts, we are also aware that college athletics plays out on a much larger stage. And while many faculty play a role in maintaining and promoting a healthy and productive balance between academics and athletics on this campus, there is one faculty member who plays this role on a national stage.

A Faculty Athletic Representative, or FAR, is a member of the faculty at an NCAA member institution, designated by the institution to serve as a liaison between the institution and the athletics

department, and also as a representative of the institution in conference and NCAA affairs. The role of the FAR is “to ensure that the academic institution establishes and maintains the appropriate balance between academics and intercollegiate athletics.”

Professor Martha Putallaz, from Psychology & Neuroscience, and a member of this Council, has served as Duke’s Faculty Athletic Representative for the past five years and will continue in this role for another term. As such, she is Duke’s faculty voice at ACC and NCAA meetings. Because so much of what takes place on the national stage impacts the intersection of athletics and academics on this campus, ECAC has invited Professor Putallaz to inform the Council of current issues on the national stage that have bearing here at home. I trust that you had an opportunity to review the background material for Martha’s presentation that was posted with your agenda. Martha?

Martha Putallaz (Psychology & Neuroscience / FAR): Thank you, Susan. There are so many issues happening on the national stage. I asked Susan to give me some guidance as to which particular ones to focus on as the FAR – I’ve actually never spoken to the Academic Council before and I’m not sure that my predecessor was ever called to speak with you before the Council either. I do speak regularly with ECAC, along with Jim Coleman, and so I’m going with the four items that Susan suggested, and if there are other things that you’d like to know about, please feel free to contact me – I’d be happy to fill you on those as well.



It’s an incredible learning curve for a faculty athletic rep – if you talk to any new one they will tell you that it probably takes about three years to get used to the rhythm and the knowledge that goes into legislation and understanding the national processes involved. I feel like I sort of now have a good grasp to be able to present to you.

There were four topics that Susan thought you might most benefit from hearing about today. One was the 1A FAR organization; another was the FBS (Football Bowl Subdivision) football postseason, changes in initial eligibility standards for student athletes, and ACC expansion. To adequately position this discussion, I am going to start with a brief “NCAA year in review” summary for you. Suffice it to say, this has been a year of incredible uncertainty and flux in the NCAA, and it has resulted in a still very changing NCAA landscape.

Last summer marked the end of a difficult first year for Mark Emmert in his role as the new NCAA president. There were some very prominent negative news stories that came out – you may have seen some of them – surrounding the NCAA and college athletics, and he felt it was important to address these issues and these negative perceptions directly by tackling some fundamental problems he saw with the NCAA, as well as initiating needed reforms in intercollegiate athletics.

In August 2011, he held a Presidential Retreat and 54 university presidents joined him in Indianapolis along with four athletic directors, including our very own Kevin White, and two fac-

ulty athletic reps. The retreat by all accounts was incredibly inspirational, and very successful in identifying a number of key issues that the presidents wanted addressed.

Out of that retreat, grew four presidential working groups. There was a working group on each of the following:

- Academic Performance
- Student-Athlete Well-Being
- Resource Allocation
- Rules and Enforcement

It was felt that in the past it just took too long to get things done, and more often than not a good idea would be lost through the traditional NCAA legislative process. And the result would be a very minor, watered-down outcome. So a new process was put in place last year. Typically, each year about 100+ pieces of proposed legislation are voted on by each of the member institutions.

Just to give you a sense of the faculty role at Duke, I am the one who votes on the legislation when we go to the ACC meetings – it is the faculty athletic reps who vote on all the legislation. The ACC is unusual in that the faculty athletic reps are the voting members other than the presidents. So, now what happens though is the working groups develop their proposals and send them directly to the NCAA Board of Directors for approval, and the member institutions were essentially bypassed this last year.

This changed process coupled with a very short, very aggressive timeframe made it difficult to provide feedback to the working groups, and therefore member institutions had less influence on proposed legislation than ever before. It became very clear before long that this process was leading to a growing resentment among the membership, and that there were legitimate problems with some aspects of the proposals going forward to the Board of Directors – what were deemed unintended consequences. The proposals seemed like a very good idea, but there were unintended consequences by not con-

sidering all ramifications... These unintended consequences weren't being considered, and therefore not addressed in the proposals.

Ironically, it was the FBS FARs who experienced a relatively easier time having a voice in this process than others because of the 1A FAR group, the first agenda item that Susan wanted me to talk with you about. The 1A FAR is an organization made up of Football Bowl Subdivision (or FBS) FARs, and its Board of Directors is composed of 11 FARs, one from each of the FBS conferences. I am now finishing my second year representing the ACC on the 1A FAR Board. Unlike FARA, which is a national FAR organization, the Faculty Athletic Representatives Association, which is composed of FARs from all Division 1, 2 and 3 schools, the 1A FAR organization considers the particular issues and interests primary to FBS schools.

The 1A FAR group was very active this past year: it was the 1A FAR organization that pushed successfully to get FAR representation at the Presidential Retreat and on the Presidential Working Groups. Immediately following the Retreat, the 1A FAR Board split into shadow working groups corresponding to the Presidential Working Groups. They solicited feedback on the Working Group proposals as soon as they became available, and then sent a faculty response to each working group as well as directly to the NCAA Board of Directors. This has proven to be an incredibly effective process, and it's still an ongoing one because the Rules and Enforcement Working Groups continue their work today.

Another issue that the 1A FAR group has been very proactive about is the FBS Football Postseason format, an issue of obvious importance to all FBS schools. Knowing the current format runs through 2013 and that the FBS Commissioners would be meeting this spring to discuss the postseason format, the 1A FAR Board wanted to make sure that the concerns of FBS faculty were known. The Board prepared a position statement in February, sent it to all FBS FARs inviting comment, and then sent a revised doc-

ument at the start of March to a host of relevant BCS individuals.

The document was attached to today's meeting agenda so I won't go into this statement in any detail, but it is interesting to note the similarities between the 1A FAR position paper and the most recent statement issued by the BCS Commissioners in which they state that they have ruled out an 8 and 12 game format and are considering a 4 game post season format at this time.

So, going back to the earlier NCAA discussion, in contrast to the proposals that came from the Student-Athlete Wellbeing and the Resource Allocation Working Groups, which met with great resistance, the proposals coming from the Academic Performance Working Group fared rally well. These proposals, all emphasizing the primacy of academics, had been under consideration prior to the retreat and were based on past extensive research gathered by CAP (the NCAA Committee on Academic Performance) and so met little resistance and were adopted by the Board of Directors last October.

Susan wanted me to make sure that you were aware of one of these proposals: a **Change in Initial Eligibility Requirements**. Basically, new eligibility standards will be enacted to establish a higher standard for competition in a student-athlete's first year of enrollment based on demonstrated academic success in high school. There's a new sliding scale that's been created based on high school GPA, which is determined just from core courses and test scores, SAT and ACT. So, for comparison, the current system requires a 620 SAT (52 ACT) for a 3.0 GPA; new system will require an 800 SAT (66 ACT) for a 3.0 GPA. Someone with a 1000 SAT (85 ACT) currently needs a 2.025 GPA; under the new scale, that student will need a 2.5 GPA.

The rules will create a new "academic redshirt." This is a student who meets the current sliding scale (the **current** minimum eligibility standard) but not the new sliding scale. This student will be eligible for practice and financial aid but will not be eligible to compete in freshman year.

There will also be a new requirement that students complete the majority of their required core courses in their first three years of high school rather than allowing them to complete a number of them in their senior year.

In order to educate prospective student athletes about the change, these new eligibility requirements won't take effect until August 2016. So, the class entering college in 2016, which is currently in eighth grade, will have all four years in high school to work toward the new standard. So, what are the implications of these new initial eligibility requirements for Duke and the ACC? Well, because of Duke's strict admission standards, the new requirements will have very little, if any, impact on Duke student-athletes. A recent survey by the ACC demonstrated that approximately 10% of incoming ACC student-athletes would not meet the new initial eligibility criteria – Duke had zero students in that category. So, again, our high standards serve us well, and it's actually a wonderful thing that the NCAA is bringing others at least a little bit closer to where we are in terms of our admission standards.

The final topic Susan asked me to speak about is ACC expansion. As you know, in 2004 and 2005 the ACC expanded from 9 member schools to 12. I was not in the FAR position at that time, but it is well known that Duke was one of the two ACC schools that opposed expansion. As I understand it, the major expressed concern at the time was the increase travel demands on our student-athletes. As the footprint of the ACC grew from a northern border of Maryland up to Boston College, the away-game travel demands would grow. Additionally, I suspect the clear expectations of a higher emphasis on football as 12 member schools would allow the ACC to hold a league football championship game was worrisome to Duke as we had historically under-spent on our football program.

In contrast, there was little campus discussion last fall following the announcement that Syracuse University and the University of Pittsburgh would be joining the ACC. In part, the national context is a very different one now. For several years, conference realignment has been rampant.

Conferences are really becoming much more like consortiums, much larger in number of member institutions and much more geographically diverse. The Big East now stretches to the West Coast (laughter) with the addition of Boise State and San Diego State. The PAC, or Pacific 10 Conference, which includes Stanford, is now the PAC 12 after accepting Utah and Colorado into its ranks. No conference has been spared from this realignment activity. And one thing is very clear, a 9-member ACC conference would not still be in existence today. Without a 12 school alliance allowing for a championship football game and the conference television contracts that configuration allows, schools would have certainly left for other conferences.

Two years ago, in a proactive move, the ACC formed what is known as **The 4-4-4 Committee**, made up of four Presidents, four ADs, and four FARs from the different institutions, to keep apprised of the changing conference realignment landscape and allow the conference basically to be nimble. Kevin White served as Duke's representative, and frankly no one could have a better representative given how knowledgeable he is about college athletics and how well-connected he is in that arena. In addition, President Brodhead assumed his turn in the rotation as Chair of the ACC Council of Presidents during the fall of 2011. Thus, Duke could not have been in a better position from which to understand and evaluate the expansion decision. Expansion allowed us to be proactive, solidified our conference position, protected our member institutions from any poaching attempts, and allowed us to choose schools that were already within the footprint of the ACC and matched well with the ACC academic/athletic profile. Syracuse and Pitt are both institutions that share our academic values, and are a good fit for Duke in particular, as they connect us to our northern constituencies and their strength in basketball serves as a good complement to our historic strength at Duke.

Earlier in the week I asked President Brodhead for his thoughts about this given that he would not be here today and given that he served as the President of the Presidents during these expansion conversations and decision. He wrote:

"I have not encountered tons of interest among the faculty in conference realignment; obviously, the schedules will need reworking, there will be issues of manageable divisions, but I believe the Presidents and FARs looked out for our interests in this arrangement. The main thing I would report—and you can say I would have said this had I been able to attend—is that there's a good deal of attention within the culture of the ACC on getting the right mix of athletics and academics; Syracuse and Pitt welcomed that about the ACC and when we had our first meeting, seemed like good future partners."

I think it's always good to end on the thoughts of one's President (laughter), so I think I will end here and allow you an opportunity to ask questions.

Lozier: Thank you, Martha. I'll just repeat what Martha just asked – are there any questions about what Martha presented or are there any other things that you would like her to explain?

Questions

Dick Hain (Mathematics): So, how will the expansion affect the length of the seasons?

Putallaz: It should have no impact on the length of the seasons because there's an NCAA mandated required number of games for each sport. What it will do: I actually asked about how does travel to Syracuse and Pittsburgh get incorporated so that it won't be additional travel demands on our student-athletes.

I hesitate to use the term given ECAC's reaction to it, but there's a designated NCAA person within each athletic department called the "senior woman administrator." And the senior woman administrator for our department is Jacki Sillar.

It's been the charge of the SWAs in the conference to figure out what would be the new schedule that would incorporate fourteen teams. What they do is to have the travel, for example that will go to Maryland to include the trip to Pittsburgh so that there's isn't multiple trips. It's just

like when they do Miami, they also include Florida State. A trip to Boston College will also include a trip to Syracuse. Many of these sports that we have are not represented by Pitt and Syracuse, and they have sports that we don't have like gymnastics and softball. If there's an additional game beyond the fourteen game schedule included, it will mean that they won't have an option to have another elected game against a player outside of the conference.

That is exactly what we as FARs look at – some of you may have heard about the new television contract. It's not the money figure that the FARs focus on, but you may have noticed that it used to be in the old television contract there were games played on Sunday night at 7:00 and 9:00 PM. It's unacceptable to have our team traveling to Florida for a 9:00 PM game and can't get back until early in the morning. So, now the new contract, part of what the FARs demanded was that there would be no late Sunday games. The latest game on Sunday now is 6:00 PM. There's increased coverage of those sports that don't get attention – the Olympic sports, other women's sports, that's another part of the contract that was of interest to the FARs.

Peter Burian (Classical and Theater Studies / ECAC): This doesn't directly involve Duke as such, but I imagine you read the columns by Joe Nocera, of the *Times*, that a lot of us saw. And I noticed you mentioned there's a working group on rules and enforcement. His suggestion, and I have obviously no way of knowing if it has merit, is that the rules are often arbitrary in enforcement and decisions unenforceable. I don't know whether this is an item that has come at all to the attention of the FARs or should, but I wondered if you had any feelings about it?

Putallaz: That is the exact work of the current Rules and Enforcement Group. So, Mark Emmert actually gives the example of, to your point, so many of the rules are arbitrary and unenforceable and really don't speak to the principles of the NCAA. They've been more legislated to keep equity among athletic schools.

One of them, for example, is there's a mandated regulation that for snacks, they can only have fruit, nuts or bagels (laughter). But if you were to put a spread on the bagel, that's a violation (laughter). So, we could amend that rule so that now you can include a spread, but that's now a new rule that would be part of the 100+ proposals going forward.

So, part of what's happening in these new working groups, is basically wanting to get the rule book down to maybe ten pages. And, we only want to have rules that will be enforceable, that will be really something that the NCAA should be involved in, and really speak to the principles of the NCAA. So, that's exactly what they are trying to do.

One of the things, when at the FAR meeting at the end of February, was the head of that particular committee came and spoke to us about are those particular things. If you have academic institutions, and there's now regulation on how much money each institution can spend on academics, how much money you want to put into your individual libraries, your academic support services, why should the NCAA be the watchdog to keep equity among the expenses of each member institution? They need to be involved in things like initial eligibility, we don't want any student-athletes who are accepted as a student-athlete in an institution who's not going to be successful.

There's a role there for the NCAA, but when it comes to other things, that's exactly what they're trying to figure out. What is appropriate for the NCAA to legislate and what are things that member institutions or even the sports-conferences itself should be determining? They want to deregulate a lot of things. Instead of the particular things, like you can text a prospective athlete at a certain date but you can't send an email (laughter). Or this is the size of a particular postcard you can send, but it can't have pictures – that's what they want to get away from. You want to spend your money on a lengthy, full-photo, glossy media guide, then do it, but your budget doesn't have presumably money for other things. Those are decisions that the institu-

tions can make or the sports-conference itself. Perhaps, women's lacrosse doesn't want to have a deregulated date from which you can contact prospective student-athletes, let's say it's June 20th at the end of the sophomore year for all sports. Well, what if women's lacrosse doesn't want that date? Then they perhaps through their sport, they can legislate a different date, but that wouldn't be the NCAA, that would be the conference or the sport itself might do it. That's exactly where they are now. They don't want to be in the business of regulating what kind of spread you're putting on your bagel (laughter).

It's an incredibly changing landscape, it's just been a very different kind of year, and perhaps a different association will come out of it.

Burian: And will the FARs have the chance to weigh in on the results of these various working groups?

Putallaz: I have to tell you that these working groups, the shadow working groups, basically get information to the presidential working groups from the FBS-FARs before the working group proposal is basically sent to the board of directors in the NCAA. It's really a wonderfully effective process, but incredibly time-consuming. Across the country, FARs are busier and more involved in this process than ever before. But it's really an important thing to be doing.

Lozier: Thank you, Martha. I'd like to particularly thank Martha for her service. She mentioned that this is the first time she's addressed the Council, but ECAC and this Council will continue to look to you for information about NCAA and ACC policy changes that have a bearing on our athletics and academic programs here at Duke. Professor Jim Coleman has now joined us, so I'm going to ask him as chair of the Athletic Council to give us a report on the local athletic and academic scene here at Duke.

Athletic Council: Report

Jim Coleman (Law School/chair of Athletic Council): I apologize for being late; I didn't ex-

pect that you were going to get to me as quickly as I assume you apparently did. I also came expecting to talk for about five minutes about what we have been doing, and I'm happy, retroactively, to yield part of my time to Martha (laughter) – I'll see if I can make this even shorter (laughter).



As we are required, we had two meetings this year, one in the fall and one this spring. We also met with Susan and ECAC in the fall to talk about the year ahead, to talk about what we were planning to do, and to identify any issues that they thought we should pay attention. In light of what was going on in Chapel Hill, and Georgia Tech and Miami, I decided to devote our fall meeting, primarily, to a presentation by the compliance staff of the athletic department, just so that we understood what they do, how they do it, how they approach those issues because obviously they're very important when there's a screw-up.

We also, in the spring, had a similar presentation by the academic support staff, again trying to understand how they approach their work, how they put in place safeguards to avoid the kind of situation that our other friends in the conference are having. In the end, I think everybody agrees the only real safeguard is to bring in good people, people with integrity, people who know what the goals and values of the department are, and who perform their duties with that in mind. And I think that's the approach that the department has taken, and they've done a very good job on that. Although, there are no guarantees, I think we are in really good shape with respect to both the compliance and academic support. We

also had reports by the admissions people, and by Lee Baker, on the academic performance of our student-athletes. Our students are doing well, and one example of that is when the roster came out for the 2011 All ACC academic football team, Duke placed 18 members of the football team on that honor roll and the school with the next highest number had, I believe, 5 – I think Clemson and Wake Forest had 5; UVA, surprisingly, had only 1.

Lozier: How many did UNC have? (laughter)

Coleman: UNC had 2. Which is surprising in light of the... (laughter). We also had a presentation on the department's budget and finances, and although we don't review that in detail, we were looking to see if there were any unusual or unexplained changes, and we didn't see anything like that.

One of the things that we also tried to do, and are trying to do, is to improve the relationship between the members of the faculty and the athletic department, the coaches and the senior administrators. We kicked that off this fall with a luncheon involving the faculty members of the Athletic Council and Kevin White and his senior staff, informal, no agenda, just to talk about what each side of the university does. Next year, we're going to have a dinner. We will expand the people invited to include the senior administrators of the department, coaches, and members of your executive committee. This one will be a little more structured, will have some type of a program. I think it's helpful to engage in these kinds of efforts, and we'll see if that actually pays off. Finally, Martha and I are going to work with the department this summer to review the policy manual to see if there are things that need to be updated or changed or so forth in light of what current situations are. Okay, that's it.

Questions

Lozier: Any questions for Jim in his role as chair of the Athletic Council?

Warren Grill (Biomedical Engineering / ECAC): I'm wondering if the academic performance of students who are pursuing post-graduate degrees in particular given their 5th year as a master's student, for example, are looked at in isolation from the performance of the traditional undergraduate student, and how that group is doing?

Coleman: I think the report that we get focuses on the undergraduates. We are aware that there are post-graduates, and we actually asked for information about that, including about what assistance the university provides to those students who pursue the graduate degree. In terms of their academic performance, we did ask Lee Baker to provide that information about that the next time.

Lozier: Is Lee Baker here? So, does your office also monitor....?

Lee Baker (Dean, Academic Affairs, Trinity College of A & S): A handful – yes. In general, those are the stronger students that get into graduate programs if they want to continue to play and they're pursuing another certificate or a second major, they usually stay within their college if they're eligible. So, the graduate students, oftentimes, they're doing fine. Now, the question is do they continue to complete their degree, and that's a different question and I don't have the data right off the top of my head because they would not be eligible for scholarships, so we have the Wallace Wade Scholarship, and that actually does specifically give students who participated in specific sports to graduate school and provides that, I don't know what the exact number is, but those students are usually very successful in the graduate programs.

Lozier: That graduation rate would be interesting, because I know one of the things you reported on last year to this Council was the graduation rate for the undergraduate student-athletes, so I think that would be interesting to track as well. Do you know approximately how many student-athletes are graduate students?

Baker: It's a handful.

Prasad Kasibhatla (NSOE): Jim, a few years ago there was something about the potential for the increasing number of early admits, so there was an ad-hoc policy put in place about early admits, including how that might count against reaches and stretches. Is that policy still in place – is that still a concern?

Coleman: Martha, can you help me on that or Christoph (Guttentag) if he's here?

Peter Lange: To my knowledge, that policy has settled down and is working pretty well. I haven't heard any complaints. I have been told that the state of the relations between admissions and the athletics department is ... strong ...

Baker: I can comment. Christoph actually likes those because they're not admitted absolutely except if you maintain this GPA, you graduate – so they set a bar, and they have to meet the bar to be admitted, so it's actually a good tool to say this is the expectation and they push through to their senior year.

Coleman: I can also add to echo what Peter said. The report both from Christoph and his side of this and from the athletic department is that the relationship works very well and that the coaches are now comfortable working with them on admissions.

Lozier: Any further questions for Jim? Thank you, Jim. I want to thank Jim for his leadership of the Athletic Council and also he's had a very long-standing commitment to our student-athletes for many years – thank you again, Jim.

We have results. So, this Council has approved the Masters of Science in Global Health at DKU by a vote of 52 in favor, 7 not in favor and 3 abstentions. This Council has approved that program, and congratulations to Randy Kramer and Mike Merson and your colleagues in the Global Health Institute.

At this point in our meeting, we need to transfer power to ECAC for the summer months – this is my favorite agenda item today (laughter). Our bylaws state that the Academic Council meets

monthly during the academic year from September to May, and at other times beyond this time frame as the Chair or ECAC (or ten members of the Council) may call. In recognition of the fact that it will likely be difficult, if not impossible, to convene a meeting of the Council during the summer months, the Christie Rules provide that this Council can delegate to ECAC the authority to act in a consultative role to the Administration when the University is not in regular session. ECAC will now introduce a motion that asks that this Council give ECAC that authority:

Whereas, the Christie Rules provide that at the last meeting of the Academic Council in any given academic year, the Council may delegate to the Executive Committee of the Academic Council the authority to appoint a committee of at least three Council members to serve in a consultative role to the Administration when the University is not in regular session, and whereas the Christie Rules note that this committee should normally consist of members of the Executive Committee of the Academic Council if they are available, ECAC recommends to the Academic Council and moves that the authority to create such a committee be delegated to the Chair and Executive Committee of the Council, and that such committee once formed would remain in operation until the first day of the fall semester of the 2012-2013 academic year.

As ECAC is presenting this motion, I only need a second.

[approved by voice vote with no dissent]

Finally, I will now call our meeting into Executive Session for our last agenda item. All those present who are not members of the faculty, I kindly ask you to leave our meeting.

[Executive Session for the purpose of considering approval of honorary degrees for the 2013 commencement]

Lozier: One final item before we adjourn, and I want you to know that we had eleven agenda items, and it is 4:45 (laughter) so, we've done remarkably well. All of this, the Council meet-

ings, procedures, resolutions, etc. are possible because of the dedicated work of Sandra Walton, Assistant to the Chair of the Academic Council. As this year draws to a close, and Sandra is ready to draw a sigh of relief, I'd like to ask you to join me in thanking Sandra for her extraordinary work to this Council (applause).

The May Academic Council meeting is now adjourned. I hope you all have a wonderful, relax-

ing summer and I look forward to seeing you back in this room on September 20. Thank you.

Respectfully submitted,

John Staddon

Faculty Secretary, July 9 2012