Minutes of the Regular Meeting of the Academic Council

Thursday May 13, 2010

Craig Henriquez (Chair, Academic Council and Professor of Biomedical Engineering and Computer Science): Hello everyone. We have a very busy agenda as you can see – eleven items, a possible record I think. I welcome everyone here. The good news is this is the last meeting of the year – you get a break for a few months before our next one in September. I should let those of you know who are not faculty, at the end of the meeting we will go into executive session to vote on nominees for honorary degrees. So we will ask you to leave at that time.

The first order of business is to approve the minutes from the April 22 meeting. Could I have a motion to approve the minutes? [the minutes were approved by voice vote with no dissent.]

I'd like to thank Sandra Walton and John Staddon for their excellent efforts this year in getting the minutes together. Hopefully, all of you read them (laughter) but they're verbatim minutes and so they reflect almost exactly what was discussed here. I'd also like to acknowledge and thank Reed Criswell from the Divinity School, who records all of our conversations in this room.

We are at the moment in our meeting where we need to transfer power to ECAC for the summer. According to our bylaws, Academic Council meets monthly during the academic year from September to May, and at other times that are called by the Chair or ECAC or ten members of the Council. In recognition of the fact that it is likely to be difficult to call a meeting of the Council during the summer (laughter), the Christie Rules allow for the May meeting to give the authority to ECAC to appoint a committee to act in a consultative role to the administration and to the university when it's not in regular session. In other words, in the regular academic year, you represent all the faculty of the university and in the summer ECAC and a committee formed by ECAC represent you. So, we will now introduce a motion that asks that this Council give ECAC that authority. We vote on this every year --hopefully you will say yes – otherwise we will have meetings during the summer (laughter).

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 2010-2011 academic year.

[The motion was approved by voice vote with no dissent.]

Please remember to initial the attendance sheets that are going around and if you ask a question during the meeting please indicate who you are. I realized when I looked down at my notes that I basically have a soliloquy here for about thirty minutes – the chorus will come in every once and awhile (laughter) so I just want to let you know.

We are going to enter the next phase of our meeting which is the nomination of candidates for earned degrees. Susan Lozier, from the Nicholas School, will read the motions:

In accordance with the University Bylaws, I will call on representatives from the various Schools and Trinity College for them to stand and provide their recommendations of approved candidates for various degrees. These lists will be presented to the Secretary of the Council, John Staddon, and forwarded to the Provost and to the Board of Trustees for their approval at their meeting this weekend:

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Earned Degrees

Diplomas dated May 16, 2010

Summary By Schools And College

Graduate School
    Dean Jo Rae Wright

Doctor of Philosophy	162
Master of Science	77
Master of Arts	109
Master of Public Policy	1

School of Medicine
    Dean Nancy C. Andrews

Doctor of Medicine	103
Doctor of Physical Therapy	48
Master of Health Sciences	73
Master of Health Sciences in Clinical Research	13

School of Law
    Dean David F. Levi

Juris Doctor	213
Master of Laws	107

Divinity School
    Dean L. Gregory Jones

Master of Theology	8
Master of Divinity	109
Master of Theological Studies	22

School of Nursing
    Dean Catherine L. Gilliss

Doctor of Nursing Practice	12
Master of Science in Nursing	52

Fuqua School of Business
    Dean Blair Sheppard

Master of Business Administration	596
Master of Management Studies	96

Nicholas School of the Environment
    Dean William L. Chameides

Master of Environmental Management	101

Sanford School of Public Policy
    Dean Bruce Kuniholm

Master of International Development Policy	32
Master of Public Policy	56

Pratt School of Engineering
    Dean Tom Katsouleas

Master of Engineering Management	70
Bachelor of Science in Engineering	234

Trinity College of Arts and Sciences
    Dean George L. McLendon

Bachelor of Science	467
Bachelor of Arts	779

TOTAL	3540

Henriquez: Unfortunately, Dean McClendon, who is usually the one who reads for Arts & Sciences is not here today. Of course, you all know that George will be heading to the great state of Texas to become Provost at Rice, where he will now become an ex-officio member of his own Faculty Senate that was formed in 2005. George, on behalf of the Council I would like to thank you for your excellent job as Dean of Arts and Sciences and for your service to this University. We wish you all the best as Provost and in your dealings with the faculty and faculty governance. If all things work out, who knows he might host Duke's final four party in Houston next year. (laughter)

For those of you who are new, I want to let you know that we usually perform this ceremony of earned degrees three times a year. Last fall we were made aware of a problem, particularly for the School of Nursing where the approval by the Council and the subsequent approval by the Board of Trustees delayed the certification of their degrees. As a consequence, the graduates of the Nursing School were unable to apply for jobs until their degrees were officially certified. To correct this problem, we had a special meeting with only this particular nomination process in early January. And we will do so again just prior to the beginning of classes in August. The good news is that you do not all have to attend. The bylaws provide that only one member of the Council needs to be present to approve all of the degrees (laughter) but we welcome you all to come. Very clever – those founding fathers! (laughter)

Faculty Ombudsman

Next on the agenda is the appointment of the Faculty Ombudsman. I should note that the term Ombudsman has fallen somewhat out of favor – the more familiar shorthand term is now "Ombuds." I learned this from the Ombuds blog. This position is described in detail in Appendix N of the Faculty Handbook, which states:

The Ombudsman shall be appointed for a term of two years by the Academic Council from the number of active or recently retired members of the faculty. The appointment may be renewed. The Ombuds shall report directly to the President of Duke University who shall appropriately compensate the faculty Ombuds and provide reasonable support services.

You might ask – what is the Faculty Ombuds? Well, the first step of any complaint from the faculty is to have the matter first considered by the Ombuds who performs the initial investigation and then makes a determination if the matter should go to the Faculty Hearing Committee. As noted in the materials sent to you

with today's agenda, the Ombuds has jurisdiction to consider complaints from the faculty and instructional staff concerning dismissal – for a variety of reasons – or dealing with allegations of damaging harassment directed against the complainant by other members of the university community, after failure of a university officer or agency to resolve the matter, and appeals from the findings by a harassment grievance hearing panel. I should also note that there is a medical student ombuds, Dr. Jean Spaulding. This is a relatively new position, so the medical students have their own ombuds. And there's a Duke student ombuds, Dr. James Blackshear.

With your agenda, you received brief information on ECAC's nominee for the Faculty Ombuds, Professor Jeffrey Dawson. Jeff could you stand for a moment? Jeff is a Professor Emeritus from the Department of Immunology. Many of you may know Jeff through his service on various committees such as the Basic Science Faculty Steering Committee and the Executive Committee of the Graduate School. He has also served multiple terms on the Academic Council and one stint on ECAC. He has served on search and review committees and chaired the President's Committee on Facilities and Environment. And he has served as Faculty Ombuds since 2008. ECAC now moves that the Academic Council endorse Professor Jeffrey Dawson for another two-year term as Faculty Ombuds.
[Approved by voice vote without dissent.]

Congratulations, Jeff …

Dawson: My hair was brown two years ago!
(laughter)

Henriquez: Thank you Jeff and we wish you a very uneventful next two years.

Final Approval of Five new Degree Programs

Those of you who were here for our April meeting, know that we heard from not one, but three different groups requesting approval for four new master's degrees, and one doctoral degree. As far as we know, this is a record for the Council – five degrees in one meeting! Before we move to the votes, I'd like to ask, globally, are there any questions regarding these new degrees? We have in attendance representatives from all departments who are requesting approval. And I can indicate who they are – Stan Abe, and Tom Rankin representing Art, Art History and Visual studies and Documentary Studies; Greg Jones, Dean of the Divinity School and Liz Delong, Chair of Biostatistics, are all here.

Are there any questions? Hearing no questions, I will now move to our first vote…
[The following proposals were approved without dissent: Biostatistics & Bioinformatics department for their request to offer a **Masters Degree in Biostatistics**; Divinity School for a **Masters in Christian Studies, a Masters in Christian Practice and a Doctoral Degree in Ministry**; and finally from the Art, Art History & Visual Studies Department a request to offer a **Master of Fine Arts Degree in Experimental and Documentary Arts**.]

Athletic Council Report

I was going to continue this soliloquy on the AUP but one of the people we wanted to have here, Kate Hendricks, with the University Counsel's Office, is not here yet.

What I would like to do is to have the first of our three presentations from the members of various committees. The first presentation is from the Athletic Council, Professor Michael Gillespie who's the Chair of the Athletic Council. He will give us a brief update from his last presentation in January. For those of you who are new, you should know the Athletic Council's role is to oversee athletics and it has a broad charge…

This committee is made up of faculty, students, alumni and trustees. Its responsibilities include monitoring of compliance with NCAA rules, providing general oversight of the budget for athletics and even deciding to accept invitations to post-season or holiday events. The chair of the Athletic Council is expected to make two presentations and Michael will make his second now.

Michael Gillespie (Political Science): Thank you very much. I'm happy to be here and happy to be here for the last time because I'm stepping down as chair of the Athletic Council and ECAC will be appointing a new chair.

I wanted to say just a few words about the academic performance of athletes because I know that that's a principal concern that everyone has. I have a number of slides I'm going to talk about; the first has to do with the number of athletes as a percentage of total athletes in individual majors. What you can see – something that we have known for a long time – is that athletes tend to clump to a certain extent. Their clumping tends to be predominantly in the Social Sciences. It is most pronounced I think in Sociology which is one of the smaller Social Science majors. But that mostly has to do with the fact that Sociology is the home of Markets and Management and a lot of the athletes are Markets & Management Certificate seekers as well. So a number of them are in those fields. There are a small number in Sciences – Biology... Most of that has to do with the difficulty of combining athletics practice times with lab times. We've looked at that over the past three years over and over again; it's an intractable problem, I think, and I'm glad that someone else is going to be looking at that in the future.

When we looked at the admissions of athletes to try to determine whether or not we were lowering our standards for athletes, if things were changing in any particular way, we looked at matriculant cohorts, total reader-rating scores from admissions for tier-one athletes, and it's pretty much held steady. The only exception was a slight dip in the reader-rating scores in the entering class of 2004, which fell to 26.85.

This is an indication that tier-one scholarship athletes have had roughly the same admission standards over the last ten years. Tier-one athletes are football players and men and women's basketball players. Tier-two athletes are other scholarship athletes and tier-three athletes are athletes not on scholarship.

The mean reader-rating scores for tier-two and three athletes show us an overall decline over this time where the measure stays steady for non-athletes. As one might expect from the admissions data, athletes tend to have lower GPA's on average than non-athletes. We know this to be the case from a whole variety of studies done around the country. On average, athletes have about a grade point lower GPA than one would anticipate a normal student to have. Duke is nowhere near that discrepant. Overall, tier-one scholarship athlete cohorts maintain or increased their cumulative GPA's over time in contrast to most students who increase only very slightly over time.

One of the really encouraging things that we can say – Brad Berndt who is here from Academic Advising for Athletics – is that the one group of students we can say clearly get better over the time they are at Duke are our student athletes. Their performances increase significantly. Tier-one scholarship athletes also seem less vulnerable to the usual dip in GPA in the second term of enrollment. Although the actual GPA's are not presented in the figure, tier-one scholarship athletes continue to achieve lower cumulative GPA's, but their increase is continual.

In the last two matriculating classes, incoming 2008 and 2009, tier-one scholarship athletes' first-term GPA's are substantially higher than their counterparts'. I talked to our Provost as I was walking over here, and he told me that I could tell you that their average GPA at the end of the first semester was half a grade point higher over the last two years than previous tier-one student athletes. So, for all of those who were concerned about there being a lowering of standards with re-emphasis on football, exactly the opposite seems to be the case.

Let me turn to some of the data. Here you can see the gray is an indication of the average GPA for cumulative GPA for non-athletes. You'll see the incoming classes basically move from farther back to right – orange, blue, green and purple finally. You can see how significantly higher the incoming athletes in the last three terms have been over the athletes in previous periods. You can also see, if you look at the light blue, Carolina blue, I hate to say (laughter), you can see the continual increase of athletes over time and their GPA. And that really is more apparent in the next slide where you see the changes in cumulative GPA from tier-one scholarship athletes by incoming year and term and the changes from one semester to another. So you can see there again (the gray are the non-athletes) you can see the very small or actually negative increases in the performance of most non-athletes whereas in athletes you see a big initial boost in year one and then a significant but decreasing boost in years two three and four. Lee (Baker's) office prepared this and made a presentation and he is here also and can answer questions.

These are the distributions of student athletes honor rolls by tier. 67.2%, 411 of the 612 of the Duke student athletes were on the ACC honor roll at the end of fall 2009, achieving cumulative GPA's at or above 3.0. You can see that a large number of them come from tier-three and tier-two. They're also numerically bigger. I think

you get a better picture if you look at honor roll by tier. Half of our tier-one athletes, half of our basketball and football players, both men and women basketball, have higher than a 3.0 GPA or are on the ACC honor roll -- among tier-two, 74% and among tier-three, 67%. Here again, this is another way to look at the performance of athletes, especially under the early alert system. Under the early alert system, we see which students are having trouble early on, not just athletes, but across the board. What we've seen in the last three semesters is that athletes go from being a very high percentage of students who make up that group (early alert system) to being zero percent of the students who make up that group.

Lee Baker (Dean of Academic Affairs Trinity College): Zero, with no low mid-term grades and no low final grades. That's zero. (laughter)

Gillespie: In general, we should be proud of our efforts and I want to thank not just Brad, but all of the faculty as well. There's been a concerted effort. We've gotten coaches together with directors of undergraduate studies on a regular basis. I think that's made a big difference in terms of convincing athletes that they should go and see their professors and go to see their directors of undergraduate studies first. They've also reduced the job that academic advising has, but I think that that is what we want. We want athletes to be students first and athletes second. I think we can feel confident, certainly from the data about tier-one athletes, that our tier-one coaches have really placed a great deal of emphasis on that and made a big change. Questions?

Questions

Kerry Haynie (Political Science): Michael, you made a statement that the renewed emphasis on football hasn't led to a decline in GPA. There isn't any aggregate data that you can break down by teams, so what, do you know about the football team…?
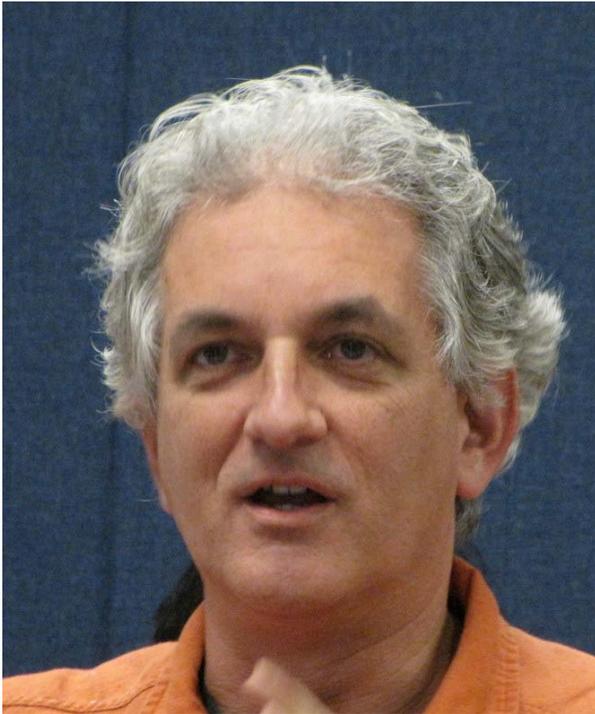
Gillespie: Those data are only for tier-one athletes and it's certainly true that we have gotten some very good basketball players but there are twenty-five football players, I think three women's basketball players and three men's basketball players so they don't actually affect the total very significantly.

Warren Grill (Engineering): Is the apparent drift up in cumulative GPA accounted for by students that either leave the university for academic reasons or transfer for some other reasons – because I would imagine that more poorly performing athletes may decide to go somewhere else?

Gillespie: I think we have a very low attrition rate but I'll let Brad speak to that.

Brad Berndt (Assistant Athletic Director): The retention rate is in the top five in the country. We have very few student athletes who leave. Part of that is the attraction of the Duke degree. We don't think that [attrition] makes a significant difference. I see where you're going with that, but most of our athletes do not leave the institution.

Josh Socolar (Physics): You can ask many questions about why the numbers come out the way they do and think of sort of sinister reasons they could be coming out (laughter) that way. I'm wondering if your commit-

tee did any qualitative studies to find out about how these athletes are being advised – whether they are able to pursue for example majors in Natural Sciences, whether they're being advised not to because of the lab requirements or whatever other factors may be relevant. Do you have a sense of how these students are being directed academically?

Gillespie: We look at that with exit interviews which is probably the principal way for senior athletes – Martha (Putallaz) could speak to that as well because she's really been in charge of those interviews – my sense from talking to athletes is that…none of them tell us that they have been advised not to do something. I can remember one woman who told me that she had made a choice not to be in chemistry because she didn't think she could do the lab because she was a math major. I think it's a little hard to know. I think probably the lack of preparation in the sciences, especially among tier-one athletes, is probably significant in terms of their choices as to what kind of courses they want to do especially in their first term. But I'll let Brad or Martha speak to that.

Berndt: I would add that no one is being advised not to be a science major but I think it would be naïve of us to think that it's easy to play a Division One sport and major in the Sciences and I think it's become increasingly more difficult to do that. So I think that's a valid concern. I wish more of our athletes could pursue the Sciences – the practice times and the travel make it really difficult for them.

Socolar: Could you expand on that as to why it's become more difficult?

Berndt: I think it's the year-round participation in athletics – twenty years ago you were in a fall sport and you were in the fall and in the spring you were off. You didn't have the year-round practice with the seasons – it seems to go over both semesters now. It's really difficult. Facility-wise, it's tough because of the facilities situation at Duke, a lot of programs share facilities so it's more difficult to have everyone be in practice from 3:00 – 5:00 PM or 3:00 – 6:00 PM as they did years ago. We have more teams, more participants than we had in the past. You definitely have fewer student-athletes in the Sciences than we did thirteen years ago when I came to Duke – fewer engineers, fewer biology majors and I think there are a variety of reasons for that.

Martha Putallaz (Psychology & Neuroscience, Faculty Athletic Representative): One of the things that comes up in the exit interviews is labs and students trying to get lab times into their schedules. I think one of the things that was very proactive was a group of Engineering students who actually met with Linda Franzoni and other people in Engineering to see if they could work Engineering labs around some so that more of them could continue on in Engineering. Labs are a big piece of the individual's time – and there are not as many lab courses offered in the summer.

Gillespie: If we want athletes to have as much of a Duke experience as possible, there are a number of things that they have difficulty doing just given the time demands. And the time demands are pretty much set by NCAA regulations which have increased over time. When I was an undergraduate, we didn't have practice times nearly anywhere where they are now. But that's a competitive question that has changed a great deal. They have trouble doing sciences, they have trouble being in the Focus Programs – it's just very difficult because of the evening commitments. I had a track athlete in my Focus program last term, and had swimmers, but people who are football and basketball players, it's just very difficult for them to participate in these kinds of activities.

If I were asking myself about the data where athletes go, the surprising thing is that they are not in more of the Humanities courses. If you look at the time that students devote to courses from Sciences to Social Sciences to Humanities, you would anticipate that many athletes would be choosing to be in Humanities course, but they are not. Some of that may have to do with language skills, but that's the one thing that constantly surprises me.

Sunny Ladd (Sanford School): I assume the grades listed here do include summer school courses? One related question, do they include courses athletes might take at some other university in the summer or some other time for credit? And then the more general question, what proportion of the courses are taken during the summer rather than the regular term?

Gillespie: Lee can answer the first question. My sense is that very few of our athletes take any courses away from Duke unless they're in the summer school program which is also difficult but not impossible for them.

Lee Baker (Dean, Academic Affairs, Trinity College of Arts & Sciences): We have a limitation of only two transfer credits, period, for any student and those don't impact the GPA. And in terms of the summer session, I'm not sure what the percentage is, our athletes are here in the summer training anyway, they're in school, take courses as much as the grant will pay for, we'll take them. It's a significant cost to the Department of Athletics, but it does give them a little more wiggle room during the semester. But they still have to meet continuation, they have to take their core courses.

Gillespie: Just to make one remark about that. In terms of what we've done academically to help prepare them, I think the Writing 10 course we introduced –it's a half-credit course that they take the first summer – I think Peter (Lange) and Lee were both involved with Brad (Berndt). That's been a big success in bringing the writing skills up to the point where they can be more competitive in the classroom with other students.

Baker: A lot of our athletes don't have a lot of AP credits to transfer in so they have to go to summer school or they won't meet their 34 credits if they just take during their semesters so that's the other piece of summer school.

Dona Chikaraishi (Neurobiology): How do the graduation rates of tier-one athletes at Duke compare to peer institutions?

Berndt: Great timing on that question and I don't know if that was a set-up, we just got our most recent graduation rates. We're in the 97% graduation rate, top three or four in the country. We're at the top of the ACC. That's considered an adjusted graduation rate. If you take just the raw federal graduate rate, we're right at about 89% and that's very close to the student body general.

Gillespie: Other questions? Thank you very much.

Academic Programs Committee Report

Henriquez: Thank you Michael and thank you for your service as chair of this very important committee. I think we are going to continue on with the presentations. Our next one will be from Lynn Smith-Lovin, professor of Sociology and who has been chair of the Academic Programs Committee. Lynn has served as chair for the past three years and then she thought she was done, but the Provost then asked her if she would serve as chair of the search committee for the next Dean of Arts & Sciences – and she agreed to do so. And Lynn, I just wanted to let you know if you want, ECAC can put you on the "do not ask" list (laughter).

Lynn Smith-Lovin (Sociology, Chair, APC): Yes, in my role as Chair of the search committee, please send us your ideas to help us with this transition. The Provost's Academic Programs Committee is a very diverse and broad-ranging committee which draws from all of the areas under the Provost's jurisdiction. In spite of that diversity, it works very, very well together.

I wanted to thank all the people who served on the committee this year as well as a large number of ex-officio members – there are lots of deans and other ad-ministrators who serve ex-officio on this committee. Craig has been working with us very closely this year and I think communication between the committee and ECAC and Academic Council has improved, especially with regard in looking at the approval of various pro-

grams that we recommend up to you. I think you should be happy with this part of your organization, as this part is working.

The primary functions of the committee are the external reviews of various academic units, the proposals for new programs and degrees, review of the strategic institutes that fall under the Provost's jurisdiction and generally advising the Provost on various strategic issues regarding academic problems and concerns and initiatives that come up.

As Craig mentioned, this year the Provost asked me to stay on for an extra year because we were in the middle of a strategic re-planning enterprise as we tried to deal with the financial problems that occurred as a result of the great recession. The Committee reviewed draft plans for all the schools, made suggestions and then reviewed the final plans when they came through and in general, discussed with the Provost several points during the year relating to how we were redistributing and using financial resources in a time of considerable challenge. This is one of the routes through which there was faculty input into the various decisions that have been made over the course of the last two years, especially this year.

In terms of external review, I think the first year that I chaired this committee, we had a list of fifteen or so – it was a ridiculous number – and most of them done two or three years after the review team had actually come to campus. So, our meetings had this real standard format – the people would come in, we'd say, "what about this report?" and they'd say, "oh, that's all been taken care of." It was very unsatisfying – we are now up to date, we're now doing reviews at the APC level, usually six months after the external review team has come to campus. I think the reviews are much more useful now and they're also much more reasonable in number because of that. We approved one new move to departmental status.

If you were here last year, you may remember that for the first time, in a fairly large number of years, a unit moved from division status to department status in the School of Medicine. There was a lot of work done in

that process to develop procedures and criteria to make sure that it was done right since it hadn't been done for a long time. That was Dermatology, the first case.

This year, the Department of Orthopedics came into existence and that process seems to have moved very smoothly.

We also approved a fairly large number of new degrees, many of which were professional masters degrees. This was one of the areas Craig worked very closely with the committee on, thinking about the appropriate mix of professional masters with academic masters that would lead to PhD's and undergraduate programs and what all those implied for faculty resources, facility resources, financial resources and other things that go into program approval. I'll let you ask questions about any specific cases that you have, but so these are the new degrees. They generally were well developed proposals – in some cases we had to ask people for new information if the units had not proposed these types of degrees before. But I think we're getting up to speed on this and it's working quite well now.

Finally, there were a number of other topics that came up. This is under the guise of general advice to Provost Lange about important things that are happening in the academic community on campus or in some cases off of campus. We had several detailed discussions of the new initiative in Kunshan and how it was developing, concerns about how it would work with the Durham campus and other issues like that. We suspended the Provost Common Fund proposals for the year as that money was reallocated to support other things. But because it was suspended, Hallie Knuffman, in Peter's office, did a very nice review of the Common Fund and the proposals and their outcomes over the years and that review is leading to some ongoing rethinking of whether that money is being used most efficiently and most wisely to promote its goals. That will be a topic continuing next year with APC.

We talked to CIT and related people who are involved in making the decision about whether we will move to the new version of Blackboard or to one of its competitors and gave some advice to them on how they should gather faculty input, because our sense was that faculty was not having enough input into that decision.

We worked with Jo Rae Wright who had a committee that she was advised to set up – a Masters Advisory Council – to help oversee and monitor the professional masters programs. We discussed that organization and its implementation. We talked about the SACS re-accreditation and some problems that Duke has in terms of monitoring assessment, that's also an ongoing issue that will require attention next year.

We discussed the open-access policy and developed a more comprehensive process for the hiring of non-tenure-track regular-rank faculty in the strategic institutes and responded to a DIBS (Duke Institute for Brain Sciences) request for that power to appoint such faculty.

So this is just an example of the kinds of topics we've dealt with over this year. I will be happy to take any questions you have about specific issues or topics you think we should have taken up that we didn't. We're now in a period of transition. As Craig mentioned, this is my last year on APC and as chair of APC. Carlos Tomasi and David Goldstein rotated off in the middle of the year and I wanted to thank them – Carlos especially served a long term himself on the committee and was my go-to guy to stand in as chair whenever I couldn't be there and so he was very helpful to me. Kathleen Pryor also served a long term and Tina Campt who's rotating off. Laura Edwards, from History, has agreed to serve as chair of APC next year. That's what we did and I'm happy to answer any questions.

Questions

Randy Kramer (Nicholas School of the Environment): Can you talk a little bit more about the deliberations about the Common Fund and whether or not we're likely to see that come back in the future?

Smith-Lovin: I'd say that we are sort of mid-way in that – there was a very nice report that looked at all of the projects that had been funded, what came out of them, whether they appeared to have succeeded on their own terms and whether they appeared to have succeeded in terms of the larger goals of the program.

If I had to guess, I would guess that it probably will return but that there might be some changes to both the requests for proposals and perhaps for the review process. I think the review process works well in the sense that it's a peer-review process by the committee but in terms of asking for proposals that really further the goals of the program and reviewing the proposals in those terms – or perhaps in acknowledging that there's some things that we want to do that's slightly different and more limited and that we should make that clear and fund some of those things. That's just a general sense from the short discussion that we had of the report. I'm sure that is going to be taken up again next year before the request for proposals comes out. Peter, you want to say anything? Any other questions? Well thank you very much. This is actually a good committee. If Peter asks you to serve on it, you should do it (laughter). You learn an incredible amount about the University this way. I certainly have. Thank you.

Henriquez: Thank you Lynn for your service on this very important committee. Actually, if you were paying attention to the fine details of the presentation, you can actually replicate much of the Academic Council agenda over the past year because a lot of things that happen at APC get filtered up to ECAC and Academic Council. So some subset of the agenda of APC ends up here in Academic Council.

University Priorities Committee Report

Finally we are going to hear from another important committee, the University Priorities Committee, which is chaired by Professor Warren Grill from Pratt School of Engineering. Some of the agenda items in Warren's committee also make their way to Academic Council. He is going to give us an update, I forget the last time he

gave us an update, but it was in the middle of the year on the financial situation from a faculty-centric view and today he is going to give us another update on the activities of the Committee.

Warren Grill (Biomedical Engineering, Chair of UPC): Thank you, Craig. I would like to begin by thanking our colleagues who served with me on the Committee this year. Our report is posted on the Academic Council website so you can go there and see a list of the members of the Committee as well as the topics that we addressed this year. As well, I'd like to acknowledge the support and participation of both the academic and operations administration of the University, in particular Jim Roberts from the Provost's Office and Hof Milam from the Executive Vice President's Office, who were invaluable in helping us to establish our agenda for each of our meetings as well as providing background materials and resources that we needed to understand the issues that we addressed this year.

We considered a wide range of items from institutional conflict of interest to a revised travel reimbursement policy, which unfortunately I believe has gone down in flames (laughter), to a review of the University Office of License and Ventures, and as I said, there is a summary of our activities posted on the website.

As you might imagine we spent a substantial amount of time discussing how the Institution could best respond to the financial challenges that are resulting from the economic dislocation. So rather than talk at length about the issues that we addressed this year, I thought instead that I would like to address three areas that I think are likely to be challenges for the coming year and ask that all of you spend your summers solving each of these three problems for us and then report back at the first meeting of the Council in the fall (laughter).

The first of these is compensation. As you are all well aware, one of the ways that the University reduced expenses in the coming year is by freezing salaries for all employees above the threshold income, and providing one-time payments to those below the threshold. This policy has eliminated approximately $40 million in expenditures between last year's budget and the coming year's budget.

During my last report to the Council, Karla Holloway asked whether we had discussed a policy of voluntary salary reductions among the faculty as a way to pre-

vent layoffs of personnel from the University. While we did not discuss this option, I think it still remains very important to recognize that in the current year the compensation policy preserved approximately 225 jobs here at Duke. So that is not a literal translation, but the approximate $18-20 million in expenses that we did not spend by freezing salaries we would have paid, and will continue to pay for 225 positions here at Duke. And thus far, we have avoided any systematic or wide-spread involuntary layoffs of personnel at the University.

Further, it is important to recognize that even in the face of this salary freeze, compensation costs increased by about 2.3 % – even for those who did not receive a raise – as a result of increased costs of fringe benefits. And this was driven both by escalation in health care costs as well as some additional costs associated with retirement contributions on behalf of the University that they had to make as a result of some tax laws that are well above my pay-grade.

In our discussion of compensation, the sentiment is that it will be difficult to continue the salary freeze for a third year. In particular there is a need to recognize the effort of faculty and staff who during the past years have been doing more with less and have in my opinion been working harder and this is reflected by increased revenue.

In addition to cutting expenses, one of the other ways we have worked to close this gap is by increasing revenue and that is due to the efforts of many of you. Thus, one of the challenges we face in the coming year is how to balance increases in salary against anticipated increasing costs of fringe benefits so that the total compensation costs (the combination of both your take-home pay plus your benefits) are consistent with the requirement that we have to balance the operating budget of the University. So I think this is one of the real challenges that we will face in the upcoming year.

The second challenge I would like to address is the central support of strategic initiatives. Historically, this support which provides resources for faculty hiring, and initiation of new programs and institutes, as consistent with our strategic plan, has come from a differential return from short-term money-market-like investments and long-term endowment-like investments and the Institution was able to harvest that difference in return and invest it in strategic initiatives. During the recent past, this differential has been negative or zero and this has required reductions in spending on strategic initiatives.

In the Committee we looked very carefully at where the SIP or Strategic Investment Pool dollars were being spent and where those reductions were being made. And it has required spending of reserves as authorized by the Board of Trustees. However, reaching our aspirations requires that we continue to make these investments. So further cuts in this area are really not consistent with where we want the University to go, and we can't continue to spend reserves -- one of the challenges in the coming year will be to identify alternative resources that will allow us to fund these strategic initiatives.

The third challenge is how to obtain further expense reductions in the University operating budget. During the first year of what we planned as a three-year effort to reduce expenses by between $100 million and $125 million, approximately $60 million in savings has been identified although substantial portion of these savings has yet to be realized. However, identifying the second half of the required savings as you would imagine is likely to be substantially more challenging than some of the low-hanging fruit that we have identified thus far. For example, substantial savings resulted from the voluntary early retirement programs, but it is not clear that a second offering of similar programs would have nearly the yield of last year's program. So, continuing on this same slope of reducing expenses is going to become more and more challenging. Thank you for your attention, I would be happy to answer any questions.

Acceptable Use Policy

Henriquez: Thank you very much Warren, our homework assignment is clear (laughter). So the last agenda item has to do with the Acceptable Use Policy. We have 30 minutes to solve it and so I'm going to take a stab at it. If you were here last month, you know we had a somewhat lively discussion regarding the Acceptable Use Policy. Paul Horner is here again and John Board is here and we also have Kate Hendricks from the University Counsel's Office to answer any additional questions that you might have regarding legal issues regarding e-discovery. Before we open this up to questions and broader discussion, I wanted to take a stab at trying to summarize where we are and what we have done over the past two weeks to get some clarity on this.

As I saw it, there were three major concerns with the proposed policy. The first concern was the lack of clarity in the language that dealt with the possible seizing and reviewing of electronic information "to protect Duke's legal interest" and "Duke may in its reasonable discretion review information records for internal investigations." The questions arose as to who would authorize a request to review information and for what sort of internal investigations. Could a dean do this, could a chair, could a faculty member ask to look at material on a user account?

The second concern was a lack of language indicating that the user would be notified at some point in the process.

The final concern had to do with the handling of the data that was seized.

There has been a lot of discussion about this over the past two weeks, I can tell you because I was in the middle of much of it: discussions between members of Physics, who brought a lot of these questions forward at the last meeting with members of OIT, between ECAC and the President, Executive Vice President, Provost, and also OIT, and Tracy Futhey (head of OIT) and with legal counsel. So there were a lot of conversations that took place.

In discussions with the senior officers, the message was clear. Review of email and electronic records for internal investigations, when not compelled by a subpoena is to be done only on very rare occasions. It is not something the University wants to encourage. As a result, the authorization to view the data should involve a very high level signoff – either by the President or Executive Vice President.

Now there could be more common situations where data may need to be viewed that does not involve internal investigations. A staff member or faculty member may leave the University or die unexpectedly and some important information may need to be retrieved from their accounts. There is already an existing policy for such an occurrence and the phrase in the AUP "to uphold contractual obligations or other applicable Duke policies" applies to this case: If a Duke faculty or staff member has left the University and their department believes that there is a critical need to directly access the former employee's account(s) (email account or file space), a request from the departmental chair or director can be submitted to the University IT Security Office for consideration.

In all cases as far as I understand it, and we will get some correction if I am not correct here, they all need to go through the IT security office to initiate the conversation. So any conversation dealing with the request to retrieve information from any source has to go through the IT security office. I now see the relationship to the Ombuds. It's almost like an Ombud's person, everything sort of filters through the Ombuds. I have now turned to the iOmbuds (laughter). The IT security officer then proceeds to determine what the next step is just as the Ombuds does.

The steps for the request can be dealt with by the security officer in particular situations, particularly those related to existing policy, it can go to legal counsel, in the case of subpoena and e-discovery or it may be passed to high level authorization through the Executive Vice President and President.

With regard to the "lack of clarity" of the language regarding authorization, it was felt that this needed to be more explicit so also the sense that actually reviewing the data by some outside party is a rare event. So those two things needed to be clearer. There has to be authorization and this is a very rare event.

The language, which was sent to you I think in the last day or so, reflects this: "In other very rare instances, Duke may in its reasonable discretion, and with the approval of the President and EVP, review information records."

So this is to reflect the rarity and the high level signoff. With regard to notification: it was also agreed that this should happen in almost every case; but there could be a very rare case where it's not practical. Rather than make the nature of all the rare cases explicit, it was felt that the language should again reflect the intent of the University to "notify individuals when information records are preserved for e-Discovery, and prior to the access of those information records, unless the legal or

practical circumstances of the situation do not permit it." So now that language is in the AUP.

The last issue of handling the data is trickier and very difficult to codify within this AUP. While the issue is important, it is something that may need a separate document in order to clarify the steps. As I understand it, in cases and situations where there is a subpoena:

1) When (and this is also a rare event) IT is asked to take snapshots (literally take the data off the server and put it somewhere, in this case into hard form of DVD or CD), when they are asked to do this in the preservation order, what happens is the security officer gets that information and hands it over to legal counsel and legal counsel office then deals with it from then on and whatever request is required by other attorneys.

2) The data are in fact offloaded in two ways. It is kept under lock and key, so this is an old form of security, it's put in a safe and kept under lock and key and is only accessed in e-Discovery purposes when it is needed by the request from external counsel.

3) Access/use by external counsel is a transaction that originates with the University Counsel Office

This is my understanding of the process and maybe Kate can clarify if I didn't get this right.

In essence, the data is "protected" – under a physical lock and key in either legal counsel's office or in the IT security office. Encryption – an electronic form of lock and key, if you will – after the fact may pose an additional complication, particularly if it is viewed as possibly altering the data. This is something that we discussed yesterday, we didn't know if it was true but Paul could probably talk about it, but there is potential that the idea of encrypting data though once secured could actually be viewed as altering the data.

This is an evolving landscape. eDiscovery is evolving, it's not something that I think is completely and fully understood in terms of all the details. But in a typical preservation order, as I understand it, the user is expected to keep data in the original form, so you will get a letter that says you must not delete your email and you keep it in the original form, you are not supposed to delete it, not supposed to encrypt it, you are supposed to keep it as is. So in a sense the data and the one that is snap-shotted when that takes place, again, a relatively rare event, need to be the same.

So here it is felt that perhaps the burden is on the user, where users may want to encrypt everything that they send, and the physical lock and key forms security of reasonable records that are secure.

The revised AUP has attempted to address the major issues. The comments and questions that were raised here at this meeting and those outside this meeting I think have made us more aware that there is a need to sort of shore up policies or perhaps old policies and documents that more clearly articulate what should be done with the data and the process for gaining access. It should be required that all people involved in system administration, and this is an important point and one that we may want to discuss a little more, that people involved in system administration, because this is wide, this is wider than OIT, the departments have their own system administrators, the schools have their own, and there are some rare cases a few years ago when I was running a lab with students, the students were the system administrators, that the people involved in system administration should sign a confidentiality agreement. This is routine in OIT, it is routine in Trinity College, it could be routine throughout the University.

I think we should ask that the signings of these confidentiality agreements be done throughout the University and that there should be an understanding within the Security Office of who is involved in the systems administration on campus. And perhaps this AUP will start this process. There have been some follow-up discussions since I passed the language. Josh Socolar sent me an email last night regarding some tweaks to the language and I just want to summarize because it will be easier if I say it and then we can follow up on it. Some of his suggestions were grammatical or for clarity. There was a simple one: *For this reason, the ultimate privacy of messages, network transmissions and files cannot be ensured. [1] In addition, system failures may lead to loss or exposure of data, so users should not assume that their messages and files are secure.* He asked that those two be reversed. So that is a minor tweak.

He also wanted the language to distinguish more properly between cases of significantly different origins (legal necessities vs. Duke "interests") as well as some explicit reference to the confidentiality agreement, which I think might need to be done in a separate document but could be part of this AUP.

So I've said a lot and perhaps it is not any clearer than it was before. I'm going to open this up to questions, one thing I want to let you know is that what I'm hoping we can do here is agree to the spirit of the revised AUP which is the high level sign-off for reviewing information and notification under almost any circumstances, although we leave the possibility that there may be a practical situation where this can't be done and that some other aspects of this may be captured in follow up policy and Academic Council will be diligent in looking to make sure that these policies are continued.

While the language may need some tweaking, I'm not sure we want to spend our time tweaking it here. But, given that you have given ECAC the authority over the summer to act on your behalf, we will be able to do this, tweak the language, and make sure that it satisfies everyone's intent. So, with that I will open to questions regarding the AUP.

Questions

Pat Wolf (Biomedical Engineering): I was wondering what exactly is saved? For instance, are deleted emails saved? What are we talking about in terms of the database here?

John Board (Electrical & Computer Engineering and Associate Chief Information Officer): I can't speak about non-central systems. Within OIT, there are thirty days of back-up kept. On day 31, if you deleted some-

thing it's gone from our systems. If you have email on your own departmental server or your own school server, whatever your local department or school does is the governing principle. At Duke, when you delete your mail it will fall off the end after 30 days.

Not far from us, at one of our peer institutions, we are aware that they recently installed an appliance that simply archives every single message that ever comes to campus, forever. So there is no deletion. The rules are different at state universities versus private universities. That is becoming a much more common response to these issues at many other places – to simply make the problem go away by keeping all email forever and does that quell your willingness to express thoughts in email? Perhaps. A lot of what we're trying to do here is to not go that route as best we can.

Richard Hain (Mathematics): I have a comment about this business about whether files are altered by encrypting because I think that's a bogus issue. For example, if you transfer a file from one machine to another over a network, the first thing you have is the file is chopped up into little bits and if it's a secure connection, which is routine these days, each packet is encrypted. They are sent and in the end they are reassembled. That's no different from encrypting a file – there are ways you can compare files bit by bit. If you encrypt and decrypt it, on the same machine, you get exactly the same set of zeroes and ones. So, I think that's bogus and I think it's very important that files be encrypted, especially since they're in the hands of the University Counsel, if there happens to be a conflict of interest or there's no need for the University Counsel to look at the files then I don't think they should be able to – again, I think there should be a high-level sign-off before the files are decrypted. For example, the head of OIT could (follow?) the encryption team.

Henriquez: Paul (Horner), do you want to speak to encryption because I think, again, this is evolving…..

Paul Horner (OIT): I think the use of the word bogus puts the wrong spin on the issue. I explained to Craig yesterday, I have to investigate this because I don't know the law. But when it comes to turning over the data, I

think we have to keep in mind that it's very rarely done. In the fourteen months that I've been in this position, I've only turned over one email account to the Counsel's office. The individual was leaving the university. So again, if you want to talk about context, it's very important in this issue, very limited amount of data that has been turned over to Counsel's office. The first question about deletion is more to the point of the custodian has a responsibility when they're named as a custodian. The university is not named the custodian in these issues – they're kind of the employer of record, so they have another obligation because the courts have decided that this might be another way to make sure the data in a lawsuit is preserved for both parties.

Hain: But in encryption, you can guarantee…

Horner: We spent over an hour talking about this last month. Encryption is important, I think it goes to what Craig was saying about maybe additional issues – I will not let it go, I will not let it drop, but it's not essential to the issue of Acceptable Use.

Board: The impression might have been falsely given two weeks ago that every discovery request results in a snapshot of data. That is manifestly not true. The vast majority of e-discovery requests simply result in a data preservation order going to an individual that has the responsibility who then has the responsibility to preserve that data. The university does not routinely, on receipt of these security notices, snapshot the account. We may be undergoing some risks in not doing that, because we're then trusting the employee to maintain the data – that is the current policy that we take.

Hain: It is my understanding that, I think it was in 2007, there were something like 300 Duke employees who had snapshots taken of their accounts – and I was one of those people. And I know there's some physical copy of that somewhere; I don't know where it is, right? So, it's being kept now over three years and it involves at least 300 individuals.

Henriquez: Kate, can you speak to that?

Kate Hendricks (University Counsel's Office): Sure. I think what you're referring to of the 300 custodians had to do with the lacrosse lawsuits and those are anomalous. To reiterate what somebody just said, it is a very rare instance when Counsel's office gets any of this information. Since these eDiscovery rules went into effect in 2006, we've probably done maybe a dozen preservation orders and only a handful of those instances, maybe two or three of those cases, have we actually collected the data. As somebody just said, in most cases it's just an order to preserve and that has been the practice and we expect that to be the case for some time until people go completely paperless.

John Staddon (Psychology and Neuroscience): I am very interested to hear what you say that you preserve these backups for thirty days and then some other university sets it to infinity. What determines that? I mean, you say that it makes the problems go away by storing it forever. My first reaction is they would not.

Board: Right. It's which set of problems you want to go away (laughter). A can of worms is preserved forever to be opened thereafter.

Staddon: Right. Because in a way you could make it go away for ever by preserving your backups only for one day.

Board: That's right.

Staddon: So what are the negatives to that, is my question?

Marie Lynn Miranda (NSOE): Sometimes, a user may, if you have some type of a system problem, I might actually want OIT to recover some emails for me from the backup data.

Staddon: But that of course is your system right? You should keep the backup, perhaps?

Horner: It's a balance between ease of recovery and preservation longer than we intend. Thirty days is an arbitrary number subject to negotiation. The thirty day backup has nothing to do with any of the issues we've discussed here. It's an operational decision, to provide service to the users of the systems. It's done for thirty calendar days, lots of resources there, sometimes someone, and it has nothing to do with eDiscovery, may have deleted something and they've gone on vacation and need to take it back. It's like any backup that OIT takes for the SAP system for payrolls for recovery for our client base.

Question: Just a question of clarification so nobody has to vote on this today, I'm not sure that an argument for rarity makes for arguments for not doing something, but I'm curious as to what your resistance to encryption is. This is not something I think wrong, but I'm not sure I understand the argument for not encrypting.

Horner: And to clarify sir, you talked about the encryption of the comp…

Questioner: Yes. And I'm not a very computer savvy guy.

Horner: Snapshot is an attempt to make the obscure comprehendible to us when we talk about this. Because that is literally a copy of the contents at the time, it's not an activity stream, it's not a transaction. I'm not saying no to encryption, I'm saying I have to look at it. But then we get into other issues of where does this data then go, and then you get into the whole issue of key management. Do I manage the key? Does Tracy Futhey manage the key? Because basically whoever has the key can then look at the data.

So we reach a point – and I may get in trouble for saying this – but we have to trust somebody. A word about inadvertent loss of data is stored on a piece of plastic locked in a safe, the safe in my office has a keypad combination and a key. When I put data in there that is important, I carry the key. I maintain the chain of custody. I'm guessing the Counsel's Office has similar physical security plans in place to secure these pieces of plastic. When data is typically stolen or purloined it's because it is on a network attached device. Someone can come in over the internet. Can someone break into my locked office and steal my locked safe and over time break into the safe? Yes. But we start getting down to very, very small situations where someone could control and put that data at risk. So I'm not saying no to encryption, I don't think it has anything to do with Acceptable Use Policy and I will return and discuss this issue with

you at your convenience if it's that important for the Council.

Raphael Valdivia (Molecular Genetics & Microbiology): For clarification, because as a user we have possibilities to comply with these policies, so if I take out a Federal Grant, does that mean that I cannot leave any correspondence related, or am I supposed to preserve everything?

Horner: If you are under a preservation order.

Henriquez: You are free to delete whatever you wish to delete.

Horner: And even when I was a member of Internal Auditing before I took this role, when I would receive a preservation order, it would not be a blanket order, it would be related to something specific that I was working on. So even then it wasn't everything. It was related to what I was working or that pertained to whatever the situation was.

Hain: So last time Peter Lange argued – and I buy his argument – that the maximum number of files have to be preserved in the case that they didn't preserve enough files so the scope was going to be very large. So I think that if the University is going to take a very large snapshot of some useless files then the argument for encryption is much stronger. There is much more obligation for the University to protect these individual files, for example, because they will contain all sorts of information related to other duties that we have. We do stuff for the National Science Foundation, we do stuff for other organizations that are not part of Duke but they are professional responsibilities. We do evaluations, all kinds of things, letters of recommendations.

Horner: Again. We are not in disagreement.

Henriquez: I think the point of encryption is probably an important one and needs to be developed and I hear Paul correctly that he is intending to do so, to check out the legality as to whether encryption is possible, and I appreciate your point. There is other data that might be snapshotted in the very rare situations in which that does happen, that may be things that you do not want and should not even be looked at by anybody under any circumstances outside the scope of the preservation order. Under those conditions, the encryption, I guess, would help protect, though I don't know if it's going to help even more than the lock and key, but let's say that it does protect a little bit more as an additional level of security. So I think it is definitely worth looking into, but I don't think it is necessarily part of the AUP because I think that is a policy that should be set up separately.

Hain: I agree that it's a separate issue and shouldn't be part of the AUP, but I suggest that there be a document.

Henriquez: Absolutely. We are in agreement with that. Josh?

Josh Socolar (Physics): Just to make a similar point about different piece of all this. One of the things that has struck me when I first saw the Acceptable Use Policy and all of the stuff that was going into it is that it really should be written down somewhere else. There should be a privacy policy that the AUP can refer to and that policy should cover more than just IT issues. It should

cover searches of offices, whatever privacy issues arise. It was rather surprising to me to discover that in the context of writing the Acceptable Use Policy we were having to essentially formulate those policies and I think the Acceptable Use Policy language is converging to something that looks to me to make sense but is still missing that big chunk – about appeals, procedure, what the rights of the individual are versus the interest of the University? So I would just, in the same spirit that Dick (Hain) is urging a document be drafted on the encryption issue, I think this should also be a high priority to codify our privacy policy.

Henriquez: I agree and it probably looks like we are going to have to form a committee (laughter) and get the University Counsel Office involved. I think this is an important issue and I think the AUP discussion, it's interesting when we went back and looked at the original AUP 13 years ago and it was brought to Academic Council as sort of a discussion item and a larger presentation of OIT. We are not sure if it was ever brought back to Academic Council for discussion or voting, but I think that this particular discussion opened up a lot of issues that I think are important and as eDiscovery is now becoming part of the legal landscape I think we just need to have a better sense of it.

The AUP that was proposed was really an intent to shore up some holes in the existing AUP that was written a long time ago and things have changed but certainly it makes us more aware that we have to do some due diligence on a broader scope of privacy and even security issues regarding data so I think that is something that we will look into.

Thea Portier-Young (Divinity School): What is the plan for promulgating the revised policy? I ask partly because I was very aware at the last meeting that I really didn't have any clear sense of the first policy before the revised policy came to us and I was just wondering.

Henriquez: So the original policy still exists on the OIT website. You can read it at your leisure. The revised one – we sent out at least a current version of it , but if there is a change, then with some wordsmithing or some small tweak I am happy to send it around to everybody and let ECAC give the final blessing so the AUP folks can get on to writing other policies over the summer.

Portier-Young: So by everybody do you mean that all Duke employees will receive it?

Henriquez: The Council will approve of this in regard to faculty but this will now go into effect for all Duke employees.

Portier-Young: But I'm asking if they will receive notification.

Henriquez: They will receive notification. I think John will tell us more.

Board: All faculty, I'm sure, look at the official website of all Duke policy:Web.duke.edu/policies (laughter). Great reading (laughter). And there is an IT link off of that which cross-links to this policy which you can find all of the wonderful Duke policies in that location.

Henriquez: But there was some discussion about making this more explicit by logging into the system and doing an explicit log-in into STORM or something and this policy would pop-up. Now, we can't compel you to read it, but it is popping up.

Board: Effectively we do a similar thing for students when they register for access on the residential network.

Henriquez: I guess you can put the little "I agree" nonsense on the bottom to make sure you can't get to the next step until you agree. Still, you don't have to read it.

Portier-Young: It seems to me that this is important enough for people to be aware of what they are doing with their personal data.

Henriquez: Absolutely. It's very important to be aware, particularly to be aware of one of the major parts which we didn't spend time discussing which is security of passwords. People need to be very aware of how important it is to keep their passwords secure and perhaps change their passwords periodically. Even though we don't compel on campus side, the Medical Center, I think, are compelled to change their passwords very often. You are not compelled to do so. They could compel you if you choose, but right now we are leaving it to the user so it's very important that people be aware of this. I also want to urge OIT to consider this confidentiality agreement to all system administrators and hopefully get some sense of all of them on campus to the best we can do it. I think it would be a good thing to have them all sign this confidentiality agreement. At least to be aware. And that's all of it. It's on a policy on the OIT website. There is a lot of things to read though. Any other questions?

Can I have a motion: *to approve the spirit of AUP subject to some minor changes of the language which would then be approved by ECAC under the order of authorization that you had given us for the summer.* [The motion passed with no dissent.]

So now I am going to kick out the non-faculty, as we are going to go into executive session, so if you are not a faculty member we ask that you please leave.

[Executive session]

Respectfully submitted,

John Staddon
Faculty Secretary, September 6, 2010