

Minutes of the Meeting of the Academic Council  
Thursday, September 19, 2019

**Kerry Haynie (Chair, Academic Council / Political Science and African and African American Studies):** Good afternoon. Let me call the first meeting of the Academic Council to order. Welcome, everyone, to the first meeting of the 2019-2020 academic year. Let me make a special welcome to our new members of the Council. If you are a new Academic Council member, would you please stand? [applause] Welcome, and thank you for agreeing to serve. Let me also welcome back our continuing members, and thank you for showing up again and not running away. [laughter] We have a reception at the end of the meeting. I look forward to getting a chance to speak with a number of you then. Please stay if you can for some refreshments at the conclusion of our meeting.

Let me begin by saying that we are off to a very good academic year. If you haven't done so already, I recommend that you read the convocation address that Vince [Price, President] gave at the undergraduate convocation. It was a very inspiring address and I have looked at it a couple of times since convocation. Jim Coleman [Law School] also gave a very nice address at the graduate convocation. So they got us off to a very good start. Thank you Vince and Jim.

The Executive Committee of the Academic Council, for some of you who are new, we refer to it as ECAC, has been meeting weekly since August. We conducted some business by email beginning in July when the new Council year began. We've been busy, working hard on your behalf. Someone stopped me as I was walking over and said, you look different. Did you have a haircut? I lost 40 pounds. It's all the Academic Council work. [laughter] To hell with the gym, if you want to get fit, join Academic Council. [laughter] It's the best health plan. You can stretch the mind and tone the body. So thank you all for serving. The Executive Committee also had a luncheon with some of the members of the Executive Committee of the Board of Trustees in August. It's become an annual event where the trustees want to engage with faculty at the beginning of the year to talk about the upcoming year. The item we discussed was how to get faculty more involved in thinking about the capital campaign and involved in the capital campaign. There is no timetable yet for the next campaign, but we know one is coming. ECAC would like for faculty to have an opportunity to get in at the early stages and the early thinking of the campaign. We hear a lot about buckets, especially if you serve on university committees -- and that resources go in these buckets. ECAC wants to get the faculty in the business of

making some buckets or at least naming some buckets at the early stages of the capital campaign. We had a good discussion with the trustees about how that might happen. You'll be hearing from ECAC as the year goes on about this item. Let me also report, and say I'm very pleased, something that we've known for a long time but was reinforced at this luncheon, the trustees really are interested in what we think as a faculty. We're very lucky that they embrace the notion of shared governance and they seek out our input in a number of ways. I think Duke is unique in many respects in that regard. So I'm happy to report that the trustees are very interested in remaining so. And we have some avenues of contact throughout the year.

Let me introduce my colleagues who sit on ECAC this year. Members serving their second and last year are:

**Mark Anthony Neal** (African and African American Studies);

**Ellen Davis** (Divinity);

**Lisa Keister** (Sociology);

and **Victoria Szabo** (Art, Art History and Visual Studies).

Victoria and Lisa are travelling and couldn't be here today.

New members to ECAC this year:

**Carla Brady** (School of Medicine);

**Sherryl Broverman** (Biology);

and **Marin Levy** (Law School).

Thank you all for serving and working hard as well. [applause] According to the Academic Council bylaws, ECAC is obligated to elect a Vice Chair from ECAC, and Victoria Szabo will be the Vice Chair for this year. I thank Victoria for agreeing to serve in that capacity.

Now let me introduce the most important person to this Council, and that's Sandra Walton, our administrative coordinator.

[applause] Sandra is what keeps us going and has done so for years. So thank you, Sandra. Sandra is assisted by Susan Jennings, staff assistant in the office and Susan is in the office while we are here in the meeting. So we thank Susan as well for her contributions to what we do.

The attendance sheets are circulating so please make sure that you initial the sheet. The bylaws state that you can be removed from the Council with three unexcused absences. So please contact Sandra if you know you'll be away on travel or some other reason, so that we can note that in our records.

Let me stop and introduce Reed Criswell. Reed, how long have you been doing this?

**Reed Criswell (Multimedia Specialist):** Fourteen or fifteen years.

**Haynie:** Fourteen or fifteen years for our technology and our recordings. So thank you, Reed, for joining us again and helping us out. [applause] Speaking of Reed's work, we ask that, when you're recognized to comment or raise a question, that you please state your name and department or school affiliation prior to your comments. Our meetings are being recorded and will be transcribed as minutes of the meeting. Let me make a comment about our minutes. During our meeting with the trustees this summer, one of the trustees commented, and I quote, "You guys have some kickass minutes." [laughter] She said that she uses those to learn about what's happening at the university in one of the most complete records of information as to what's going on with the faculty and the university. So Sandra, thank you again for the minutes and hard work you and Susan do for the Council. I encourage you

to pay attention to the minutes and read those minutes as a way of keeping up with our business.

A couple of items that are coming up in the future already on our meeting agendas. In October, we'll have Larry Carin in a new capacity. Larry has been appointed as Vice President for Research and he'll come and talk to us about this position and his role at the university in October. Joining Larry at the October meeting is a new arrival to Duke, Mary Pat McMahan, the new Vice President / Vice Provost for Campus Life. She will speak with us about some of her thoughts about improving and advancing campus life. In November, David Kennedy, the Vice President for Alumni Affairs and Development, will join us and talk about how faculty can get involved in the university on the development side. If you have ideas or suggestions for topics for meetings, please let us know. Email me, or members of the ECAC, or Sandra with suggested topics that we may talk about throughout the year. We're happy to receive those. Let me add, we have a practice in this Council of members being able to submit questions for senior officers: The President, the Executive Vice President and the Provost. You can do that anonymously. We will pass those along and they will come to a meeting and address those questions. So if there is an issue or a question you want to address to senior administration, please send those to us as well. The email address is [acouncil@duke.edu](mailto:acouncil@duke.edu). You can also go to the Academic Council website and you will see the information under the "Contact Us" heading. You can reach us that way as well.

Some of you who have come to these meetings before may have noticed an

item missing from the agenda and that is the approval of the minutes. ECAC was granted authority by this Council to conduct business on your behalf in the summer. ECAC approved the minutes of our May 9 meeting this summer and we also approved the summer term degrees. So all that business was conducted by ECAC, part of my weight loss plan, this summer. [laughter]

### ***DUKE'S STATEMENT ON VALUES AND CULTURE***

**Haynie:** At this time, we'll move to item two on the agenda and ask President Price to come forward and talk to us about the statement on values and culture.

**Vince Price (President):** Thank you. Welcome to the new academic year. If the roll passes around while I'm not at my seat, Sally, could you sign it for me? [laughter] I would hate to be ejected from this course -- I understand there is a long waiting list so I want my seat reserved. Thank you, Kerry, for this invitation to speak with you, briefly, about our values and culture at Duke. This is actually a bit of a repeat of comments I made last March as part of my annual address to the faculty. But, as you may recall, at the time, there were a lot of questions about light rail and Durham and we didn't really spend much time on this particular topic. Kerry and colleagues on ECAC thought it would be useful for me to talk through them with you. This goes back, in many respects, to the winter of 2018 when the NIH expressed concerns about our research culture, aspects of faculty accountability in the research domain, and actually suspended some authorities that we were extended as a grantee of the NIH, and expressed an interest in our

reviewing our code of conduct. This is ongoing work at Duke to make sure that we have a research culture of the very highest integrity. As we started to take a look at the code of conduct, and this was a committee I convened – Leigh Goller, who is head of Audit and Compliance, led a group of faculty and staff members and I believe Don Taylor [former Chair of Academic Council] served as a member of that group as we started to work our way through the code of conduct. The question is oftentimes less about the code of conduct than it is about how we communicate around issues related to conduct, related to our values, and related to accountability. That group started to move toward thinking about a way to introduce many of our policies respecting integrity in different domains, whether it's research or other forms of conduct, with a broader kind of statement of what we value as a community. That group got up and going. I heard this from multiple constituencies, as you ran into issues related to student conduct or different kinds of administrative behavior, a number of people said it would be nice to have a high-level statement of Duke's values that we could turn to. When you Google "values" on our website, it actually turns up a lot of different stuff. So, we went looking for university guiding principles and values and it turns out that we have such values, we actually have multiple sets of values that are stated. This is Duke Health, [refers to slide] and what you can see here is, across the top, "excellence, integrity, teamwork, respect, innovation" as the guiding values for Duke Health. Under it, different versions of values expressed by units within Duke Health, academic and clinical units within Duke Health. Interestingly enough, Duke Health is actually a part of Duke University. [laughter] Duke University

also had a set of, not guiding values, but guiding principles. The Duke Health values that I showed you, at least the high-level values, were articulated during the promulgation of their Advancing Health Together campaign around 2015 or so. These [refers to slide] date back to 1997 from President Nan Keohane. They've been reissued every so often. This came to my attention when I was asked by Kyle Cavanaugh to reissue and update it by replacing Dick Brodhead's signature with mine on this set of university values. It turns out that this had been used mainly in the staff world. I don't know that many faculty came in contact with this particular group of values. So as the committee was working on the code of conduct, I established a second committee to see if we could just take these two statements of values and percolate out of them a single kind of "über-statement" of values, just to simplify our communication around what we're trying to do at Duke. So that group got to work. It turned out that the committee focused on the code of conduct had already been involved in this process. I think it was actually that group that initially came up with the five values that I'll show you in a moment, shared them with the second committee that Jim Coleman was chairing and just getting up and running, and they agreed that it looked pretty good. So the second committee pretty much went out of business quickly. It didn't have a lot of meetings. So what I want to share with you is the list – and I talked through this when I spoke in March. This selection of values that really do express in the view of these groups, of the commonalities across those other two sets. The goal was to renew the earlier two statements. This is not an attempt to redefine, restate, reformulate our values, but literally, this

is an exercise in communication. I'll talk about that in just a few minutes. These are the five core common values that came through: "respect, trust, inclusion, discovery, and excellence." [refers to slide] By "respect," we mean that Duke affirms both freedom of expression and an abiding regard for others. By "trust," that we commit to being honorable, credible, reliable scholars and members of the community, and we trust that others will be as well. By "inclusion," we seek to create a climate that is welcoming to all backgrounds and perspectives and points of view. By "discovery," we mean sharing and seeking knowledge together. Sharing that knowledge, disseminating it, and seeking it, to create new knowledge. By "excellence," we're committed to the continuing improvement of our education, our research, and our patient care. These are intended to be at the highest level, a statement of our aspirations as a community. And since we last met in March, we've received some edits to these various documents and most recently Kerry provided some very useful edits. Our goal is to now make use of these effectively as a single site that will link to other policies and procedures across the university, so as a point of entry for people who are looking for this kind of information on the web. But also, as a starting point for units across the university as they start to articulate their own sense of their values, of their codes of conduct. At least one academic department, I hope I'm not mistaken, I think it was Physics, embarked on a process last spring of articulating its own departmental code of conduct. It would be useful if, as units do this, we refer back to this larger set of principles. Now the question is, how, as a part of our efforts to build research integrity, for example, but more generally, create a culture of

accountability and mutual respect. This dovetails with the interest expressed by this Council and ECAC last year to think about ways we can improve personal accountability for our own conduct and collective responsibility for our conduct. How this can be linked to our student conduct policies, to our research conduct policies, to our general code of conduct, et cetera. Before people descend into the minutia, as it were, of the policy, we have an appropriate point of entry and a guide to help articulate policy. Just to be clear, this is not a policy that we're promulgating here. The trustees, as we talked with them about this project and as they monitored our response to the NIH and our working through it last year, which resulted in, for example, the change in research administration and the new portfolio under a Vice President for Research, are very enthusiastic about this. They were so enthusiastic, in fact, that they, to a person, signed on to this statement of values by individual signature and encouraged us to circulate this for every member of the university to sign. I thought that was perhaps not the best opening gambit, but the intention here is to start a conversation about our values and our policies and create a culture of accountability, if not a culture of compliance which is probably a non-starter, as a rhetorical framework for improving the integrity of our research, for example. So what we're now doing is sharing this with different constituencies, including the faculty. Kerry is going to engage in this. Our students, our staff, to think about how these might be profitably connected in different places. For example, as we're thinking through the residential experience, and thinking about how we can improve the residential experience, the living and learning experience for our students, and as we're

beginning to think about a kind of Duke 101 curriculum that extends orientation beyond a couple of days at the beginning of the semester, but into a broader conversation with students about their sense of purpose, why they're here, it would be natural to link those activities to this set of values, for example. To incorporate this more effectively into recruitment and hiring, especially orientation of our staff and faculty, and the intention is to start gathering maybe case studies that raise various ethical issues as we go forward. So we're in the process now of building a website. This is just a screenshot. [refers to slide] It's not ready and up and running yet. But this would be a landing page when someone is looking for Duke's values and it would be a jump off, then, to all of these other policies and procedures. Leigh has been working on the architecture of that page. You'll see down here as well this sort of "Speak up. It takes courage to come forward." Another thing that we very much want to do as part of a culture of accountability, is create a willingness for everybody to just ask questions. Raise questions. "This is going on in my department, is this right?" What we've observed over the last couple of years is people had those thoughts, oftentimes kept those thoughts to themselves, either because they felt uncomfortable in their local environment raising them or for whatever reason, but we missed opportunities to do things that could have helped everybody. So we're going to be working at creating not just a culture of accountability, but a culture of speaking up. So I just want to let you know that this is coming down the road. Again, we're not quite ready to launch this, but I'm pleased to accept Kerry's invitation to repeat what I said to you last March and I'm happy to

take any questions or advice you may have.

**Prasad Kasibhatla (Nicholas School of the Environment):** Some of the big issues in the last few years have had to do with Duke's relationship with the community, whether it's the light rail, whether it's the CHP plant, whether it was the lacrosse issue, and we also had this guiding mantra for the last few years of knowledge in the service of society. I'm surprised that it's not explicitly articulated as a stand-alone value. Our relationship with the community, our obligations to the community, that surprises me.

**Price:** Well, it is embedded in this. Let me say, these values, if we take respect and trust and inclusion and we think about what these values imply with respect to our neighbors here in Durham, the local community, I think you very quickly get to exactly where we need to be with the local community. I hope fairly soon you have a chance to hear from Stelfanie Williams, our new Vice President for Durham Affairs. She is working through a strategy for engaging with Durham. Again, the challenge here is that one could identify, as you see on those other lists, innumerable other values and say, let's find a place for them. I think it's more the connective tissue between these statements that we really have to work on.

**Kasibhatla:** I just wonder if engagement of the community should be front and center as a stand-alone value that clearly jumps out as opposed to embedded in these things.

**Price:** Is it one of the five planks of my strategic framework that I've also talked

about. And I assure you that it's elevated to the highest level of priority for the institution. But, again, I don't think it would be all that profitable to wordsmith at this stage. But, the wordsmithing is important for every constituent unit. What I do hope we have, an opportunity to do over the next couple of years, which are critical years, because it was 100 years ago, roughly now, that William Preston Few, in 1919, as President of Trinity College, with 64 faculty members, was panicking over maybe losing everything that that institution had built because of rampant inflation of things, started this idea of talking with James B. Duke. Over five years that produced Duke University. We're within five years of that celebration of the creation of Duke University. We should be having these kinds of conversations. So if this sparks that thought and it produces statements of value and principles that guide the work of our units, this will be a success. It won't be a success if it goes up on the web, becomes yet another corner of an obtuse website, and that this conversation is the last conversation we have.

**Cam Harvey (Fuqua School of Business):** Usually in culture research, we distinguish between values and norms. Values are aspirational, and yes, maybe everybody will sign off on the values, but what really counts is whether the stakeholders actually have the norms that are consistent with the values. For example, a value might be integrity, and the norm might be that people are willing to report unethical behavior. So it's one thing to have the aspirational values. The difficult job is to get the stakeholders to actually reflect those values in their norms. Is there a plan to actually try to

measure whether, in the future, we come close to the values that we aspire to?

**Price:** It's a great question. I would say in the research integrity domain, absolutely. Because one of the things we did in working up to the creation of the portfolio of the Vice President for Research was to convene an outside expert panel, colleagues from Stanford, from Cal Tech, from Rockefeller University. A great panel. And this is what we talked about. How you actually move the culture and know that you're moving the culture. This is a question of getting out of the business of just promulgating policies, which we do all the time. The question is, do those policies produce the behavior we're looking for? That's one of the reasons why this effort to create a culture where people start to speak up is one that I hope will become the normative form of behavior. We could see that that was a weak link for us. But you're exactly right. That is the challenge. In terms of measuring it, on the research side it's a little bit easier because we accumulate lots of data just because of the granting process, the application process, the protocols for IRB approvals, et cetera. So we have access to normative behavior. That's a little harder to do in other domains. That's the goal. That's the hard work. That is absolutely the hard work.

**Harvey:** You mentioned that the motivation behind this initiative is the NIH sanctions. One very common value is integrity. However, it is not one of the five values you list. Is it reflected in those five?

**Price:** Below this, or surrounding it, whatever the case may be, we have policies that relate to disclosures and norms of conduct, conflicts of interest, conflicts of commitment, institutional

commitment. We have those policies out there. I don't think the problem is a lack of policy regiment, but it's the normative behavior. And this is not a Duke problem, this is a higher education challenge. This is a case for us to take our acknowledged weaknesses and be open about them and leverage them and I hope lead the pack in terms of how we do this. Larry [Carin] can talk to you more and I'm sure Leigh will have opportunities to speak on this.

**Larry Zelenak (Law School):** This follows up on Cam's last question. I would encourage you to think about replacing "trust" with either "trustworthiness" or "integrity." I don't see trust as a value in all situations. Whether trust is appropriate depends on the circumstances, but trustworthiness or integrity are always appropriate. I think that would fit better.

**Price:** Duly noted.

**Sarah Haravifard (Physics):** This is sort of a follow up about the "speak up." Typically in the situations where there is an unethical act happening, it's quite likely that there is a power dynamic issue going on as well. We need to understand that in many cases, there is not going to be recourse because of the fear of retaliation because of that power. What is important is to educate ourselves and change the culture of indifference. Because there may be many other folks that can see what is going on but they're going to say, "I'm so sorry this is happening" or talk among themselves, "Oh, it doesn't look right to us." But unless we can make this culture of other people, if they stay silent, it's not neutral, it's actually hurting. Because otherwise there may be many cases that go unreported.

**Price:** I agree 100%. That is absolutely the challenge. We have policies against retaliation. We're trying to simplify the opportunity to speak up. I would say that's a necessary, but by no means sufficient, cause of success here. Because the culture is the primary break of all of this. In a system that has clear hierarchies and power differentials, those people who are in positions of power have an obligation when they hear from someone who is not in a position of power. They have an obligation to step in and speak to a colleague and say, "this is not right." Speak up at a faculty meeting and say, "something is wrong." That's the culture that we have to propagate. I agree 100%. This is a case of accepting collective responsibility for those challenges.

**Farr Curlin (School of Medicine and Divinity School):** What strikes me is that this is missing something that is resonant with this being a university, not another institution. Except for "discovery," all these values could be in any institution. But it seems to me that the importance of Duke having a culture in which we're pursuing truth and having the academic freedom to pursue any question, including ones that challenge shibboleths and sacred cows, that seems like something that, particularly in this moment, we want to have out front. Do you think we have enough of a statement on this university being about the pursuit of truth and open to all who are seeking that?

**Price:** The short answer would be no, as in the example that it doesn't fully express our desire to be responsible members of our community, et cetera. The reason "discovery" is there is it's a different word that in other lists you would see labeled as "research," "the

search for knowledge,” “knowledge in the service of society,” you could come up with other phrases. My hope, again, is not that we work on packing everything into this list of five things, but actually that we extract from those five things better and more principled and more powerful and inspirational statements of those values. Because I do believe they are widely shared. We can tinker with this. This is a communication strategy, this is not a policy document. So it’s a living, breathing thing. We can fiddle with it as we go. I share the concern that you expressed, especially now, that the kind of attack on truth is profound. The attack on evidence is profound. So a lot of things that we hold deeply as values as an educational organization should be highlighted. That’s why I say no. No, this doesn’t fully express that. My hope is that as other people work with it, we will fully express it and we’ll find opportunities to fully express it. I hope to have those opportunities going forward, but I hope we all take that charge.

**Ara Wilson (Gender, Sexuality and Feminist Studies):** A friendly amendment would be – some of this will sound a little odd – but some of our fields would not quite line up behind “truth,” although, in this day and age, we’re happier to support it. [laughter] We’re not anti-truth.

**Price:** And some of us are deeply committed to fiction. [laughter]

**Wilson:** Fiction with fidelity to values. So, “knowledge” would be the term I would use. I just want to empirically note that these five values, which seem like excellent statements, if we look at rewards, resource distribution, they are not evenly compensated. So from where I

sit, it’s pretty clear to me that discovery and excellence are highly rewarded at the level of departments or at the level of individuals, at the level of programs. Whereas, the others, including inclusion and diversity, are not rewarded at the level of departments or individuals. So that makes sense to me that they wouldn’t all receive material rewards, but I just want to flag that in terms of perhaps making values attached to norms, the distribution of recognition and rewards matters.

**Price:** I agree 100%. This is a case where our commitments to inclusion, for example, really do have to come alive in the way we recruit and the way we build cultures within departments and the way we build our student culture. We do have to spend. These take material resources to make happen. But there are other things we can do too. It’s already on the list of things we can do with this. For example, we can use it as the basis for rewarding – we have a program, the Presidential Awards, use this as the way to highlight areas that we reward in the community in highly visible ways. So we celebrate people for doing things that move us further down the road toward meeting those aspirations. There are ways, large and small, that we can focus on it. But I think the asymmetry in investment, that is, mental investment, physical investment, material investment, is a good thing to note. It’s a healthy thing to note.

**Haynie:** One more question?

**Josh Socolar (Physics):** Has there been thought put into the question of some sort of activity that demonstrates buy-in, whether it’s at the faculty level, broader employee level, or student level? Students

actively have to sign an honor code. Is there any way that you're thinking of that you might all do something recognizable to affirm these values?

**Price:** It's a great question. What I'd like to do is stimulate conversations in different communities along those lines. The way that different communities affirm these values ought to be created by them. I mentioned this suggestion that we should take this statement and distribute it to everybody and have them sign it. We could obtain signatures. I'm not sure we would obtain buy-in. But if it flows the way it flowed when the trustees encountered this, which was, I did not ask for approval. We were just sharing it with them. And they said, we like this and we want individually to sign on to it. It was the suggestion that we should make that the next step which struck me as a bridge too far. But at some point, if that's the way a community wants to affirm, I think that's great. If, collectively, we came to the decision that that's the way we should all – as you mentioned, there are honor codes we ask students to sign, I think those visible signs of personal commitment and collective commitment can go a very long way, whether it's through awards or what, I think we should look creatively for ways to authentically affirm these values. Signatures quickly become inauthentic. I'm not saying they're forged, just inauthentic as an expression of desire. Thank you very much. [applause]

#### ***APPROVAL OF A CHANGE TO THE FACULTY HANDBOOK APPENDIX N***

**Haynie:** Thank you, President Price. The next item on the agenda is no longer on the agenda. This is item three, a revision to Appendix N in the Faculty Handbook.

Appendix N covers the Faculty Hearing Committee of the Academic Council. Last year, ECAC, at the initiation of the Chair, Don Taylor, undertook a look at Appendix N. Don was motivated by a couple of situations where faculty came to him and were confused about how to initiate a faculty hearing process. He took a look at the Faculty Handbook, and he was confused as to how to initiate the hearing process. ECAC, in consultation with the Office of Legal Counsel, began thinking about a revision of Appendix N. They started a wholesale revision of that Appendix and got a draft of that, and didn't like the draft that Legal Counsel wrote at first. ECAC took the opportunity to do a re-draft with Counsel input and ECAC input. ECAC then said, it's too much to chew on given that it's at the end of the academic year, and decided to focus on the jurisdiction section of Appendix N. This is what we intended to bring before Council for discussion today, just a small section of Appendix N, the jurisdiction section. What was posted on the Academic Council website was the limited section on jurisdiction, and that section was rewritten by Larry Zelenak who was then on ECAC last spring. When we embedded it into the larger Appendix, what we posted is a set of expansive changes through the Appendix that we didn't intend to be there. As my students say, I gave you the wrong draft. [laughter] In this case, we did. We embedded our changes into the wrong track changes document. And it's a funny story. We didn't notice this until yesterday. Sam Buell, who chairs the Faculty Hearing Committee, and colleagues at the Law School, were emailing me and saying, "What is this? These are massive changes and we can't do this. Why wasn't I notified?" They were right. But I didn't know it at the time. I'm reading one

document that had some limited changes and sort of organizational changes, and nothing new, and I read it three times. Then I thought, oh, they are trying to gaslight the new Chair of the Council. [laughter] It wasn't until I brought it to ECAC yesterday and I said, I'm getting these comments from the Law School and several faculty members are asking about these wholesale changes and I don't see these changes. And we talked about it. Marin Levy, who is in the Law School and on ECAC, called me after the meeting and we went through line by line and I had a different document than she had. Suffice it to say, I decided to take that item off the agenda for this meeting and move it to a later meeting when we get a clean document with the changes that we intended. There will be some further tinkering with the Appendix, because it's not clear as to how to undertake the hearing process. It's confusing language, contradictory language in that Appendix. We'll try to clean that up and we ran into some really sticky situations where faculty members had issues they had to have resolved and the process wasn't clear and it wasn't helpful so we had to work through that process.

There is one change that ECAC wishes the Council to consider to Appendix N. Let me talk about that change. The Handbook requires anywhere from 12 up to 18 tenured faculty members to serve on the Faculty Hearing Committee. ECAC is proposing that we change "tenured" to "regular rank" faculty. The reason being, the demographics of the university faculty have undergone tremendous change since the language "tenured faculty" was included in the Handbook. Also, it's becoming increasingly difficult to have enough members from certain units at the university, the Medical School is one

example, who can serve, if we stick to tenured faculty and not recognize that regular rank is what I think we really want. So ECAC is proposing that we adopt the change, that Council agrees to a change in the language from "up to 18 tenured faculty members" to "up to 18 regular rank faculty members." That is the proposal from ECAC. Are there any questions?

**Socolar:** One meaning of the word "tenured" is that you've achieved this rank. But another implicit meaning is some sort of seniority that you don't take people who just walked in the door and put them on a Faculty Hearing Committee. Is regular rank, in this case, supposed to mean really anybody with a regular rank appointment?

**Haynie:** That's a good question, Josh, and no. When we discussed this, this is an ECAC committee. ECAC appoints the members. And the understanding would be, senior members of the faculty, tenured or regular rank, for that very reason. We want experienced, tenured members of the faculty.

**Sara Beale (Law School):** Did you say that "regular rank" is defined somewhere else in Appendix N?

**Haynie:** No.

**Beale:** Isn't that a problem?

**Kasibhatla:** It's defined in another Appendix.

**Beale:** Is there a cross-reference to it there? Does it say "as defined..."

**Haynie:** No, but we can.

**Beale:** I think that would be really good. So if somebody looks at that and they want to know, am I covered? They can immediately jump over to see where that is defined.

**Haynie:** Okay. So, being that this is a proposal from ECAC, it doesn't require a motion, but it does require a second.

*[Motion approved by voice vote with one abstention]*

### ***APPROVAL OF THE FACULTY HEARING COMMITTEE PROPOSED NEW MEMBERS***

**Haynie:** Now we need to do the election of the Faculty Hearing Committee. The Faculty Hearing Committee, as I mentioned, is a committee of the Academic Council. It's charged with considering complaints from faculty concerning issues such as termination of employment, violations of academic freedom, and allegations of harassment not resolved by other university bodies. ECAC appoints the members of this committee and we are proposing five new members to the Faculty Hearing Committee. You see them listed here on this slide. Are there any questions about any of these members? Let me say that when we look for a slate of members, we try to have representation from all the units in the university, and we almost always strive to have folks from the Medical School, as many of the cases come from the Medical School. So we look for diversity in schools and departments in this committee. Sam Buell is the chair and will continue as the chair of the committee. Any questions about any of the proposed members?

**Kasibhatla:** As a whole, it seems to be essentially STEM fields, except for one

Religious Studies, a couple Law, is there a reason for that? Other than the necessity for having enough representation from the Medical School?

**Haynie:** No reason other than this: I can tell you, I'm glad you all agreed to serve. As you can imagine, we go down a list to ask and some people can't serve, they're on sabbatical, or other obligations. So we try to get some diversity but there's no reason, from our point of view, other than that. Any other questions? Again, this is a proposed slate from ECAC and doesn't require a motion, but it does require a second.

*[Faculty Hearing Committee membership approved by voice vote without dissent]*

### ***NAMING OF PROFESSORSHIPS***

**Haynie:** Now, Provost Kornbluth will speak to us about a change to Distinguished Professorships.

**Sally Kornbluth (Provost):** This shouldn't take too long. Basically, last spring semester I got an email from the Arts and Sciences Advisory Committee on Distinguished Professors. They said that they found it challenging understanding the differences between the different Professorships, Distinguished Professorships, Bass Professorships – and I should say, Bass Professorships are term-limited, so five-year terms. They thought, because the criteria for awarding different Professorships and different chairs were different, we should just try to clarify what is going on. What they recommended, rather than diminishing some chairs and calling them term chairs or “undistinguished” chairs [laughter], they thought it would be good to add the term “Distinguished” in front of

Professorships that had actually been approved through the Distinguished Professorship committees of the schools or an ad hoc Provostial committee for the very few chairs that we have that are university-wide. I shouldn't say very few, the James B. Dukes plus a few other chairs. So the document that was distributed, I don't need to go through it in great detail except to say that what we're suggesting is that Distinguished Professorships that have gone through these approval committees now be consistently named, such as in the James B. Duke Distinguished Professor of Biology or what have you. Any name, the Joe Smith Distinguished Professor of X. So it would be indicative that these have been approved by a Distinguished Professor Committee. One thing that hasn't really been a naming convention but just something you should be aware of is that we are proposing, President Price and Chancellor Washington and I have discussed establishing a special category which will be called Presidential Distinguished Professor. This is actually more of a development issue, which, there's going to be a higher price point. I think we will have to think about guidelines to the selection committees because we would like these to be particularly honorific. That will be worked out with the Distinguished Professorship Committees. We do have named Chairs that are established by donations that are not Distinguished Professorships. So you can have a named chair that was not voted upon by a Distinguished Professorship Committee. A donor may have given money for a Chair and when someone is being hired, this may be part of recruitment. So this will still be called the Joe Smith Chair, but it just won't have "Distinguished" in front of it. I should add: we also have Eponymous

Chairs. These are named Chairs that nobody has given any money for. They can be either Distinguished or just Chairs. But in general, they are Distinguished because the only reason to make up this name is because the department needed a Chair through the Distinguished Chair Committee. I should add that those can only be coined by the Board of Trustees and I think it's like only seven years or something. Because we don't want to flood the market with Chairs that we want people to be donating to. Lastly, I'll say that there are term-limited Chairs that will just be called by the name of the program, for instance, a Bass Chair in XYZ and those will be restricted to novel donations that are programmatic. That might give a series of Chairs, for example. That's really it. The crux of the matter is to call Distinguished Professorships in the name to indicated approval by a Distinguished Professorship Committee. Do we need to have a vote on this?

**Amy Bejsovec (Biology):** Do we have a mechanism for un-naming Chairs? Like what if we had a Jeffrey Epstein...  
[laughter]

**Kornbluth:** That's a really good question. We actually don't do that. We don't have one now, but we actually just had a discussion about the possible – there is a group that discusses – and Tallman [Trask, Executive Vice Provost] could maybe comment on this – that discusses gifts, et cetera. But, the question is, whether we would have a clause and gift agreements to say “under moral turpitude,” et cetera. That, I think needs further discussion. Right now, it's more on a case-by-case basis through senior leadership. But yes, if we had moral turpitude, we would be examining. There is a committee on naming, specifically.

Vince, you may want to say something, for instance, like the Carr Building being un-named. That's not necessarily associated with gifts. It's just naming in general.

**Price:** We constituted the Institutional History Committee to be a standing committee that would take questions of opportunities for naming or existing names that might be problematic. We've done this in an ad hoc fashion. Now we've created a standing body to do that work. We have the ability to un-name things. If they're Eponymous Chairs, not a problem. We decided that it was deserving of the honor and we can decide if it's not. We can do that. If it's a gift agreement, if it's a restricted gift for that purpose, we would be obliged to return that gift. That's really what it comes down to. If the naming is associated with a restricted gift to the university, it has another layer. I think we, as an institution, have a fair amount of flexibility.

**Haynie:** And I can answer this question that Sally raised about if this requires a vote. ECAC, when we discussed this, there is no policy change in the proposal, just a clarification of the Professorships, so we decided it did not rise to the level of a policy change requiring a vote. To the comment regarding un-naming, ECAC had a discussion on a similar matter with the President yesterday about gifts in general and the naming of gifts and if there is a policy or some standards with regards to from whom we take gifts and money. It's a good question. Thank you for your comment.

#### ***EXECUTIVE SESSION: DUKE-KUNSHAN UNIVERSITY UPDATE***

**Haynie:** At this time I would like to call the meeting into executive session,

meaning if you're not a member of the faculty, we ask you to please excuse yourself from the meeting for us to go into executive session to discuss our next agenda item.

*[Remainder of the meeting conducted in executive session for the purpose of hearing an update on Duke Kunshan University]*