

Minutes of the Meeting of the Academic Council
Thursday, September 20, 2018

Don Taylor (Chair, Academic Council / Sanford School of Public Policy):

Thanks, everyone, for coming. I hope your semester is off to a good start. I also hope everybody's house and property is okay from the storm. I have an uncle who lives in Duplin County who has five feet of water in his house. So down east, where my people are from, it's pretty rough times these days.

Welcome back. I hope it's been a good start so far to the semester. ECAC has been meeting since late August and have been setting up the agenda for this year. So, I first want to give you an idea of some of the things that will be coming before the Council. In October we're going to have the report of the Ad Hoc Committee on Faculty Rank Distribution. Basically, it looks at how the rank and numbers of faculty have changed, roughly speaking, in the last ten years. The Executive Committee of the Academic Council, the members of whom I will introduce in a second, we have decided that we are going to undertake a discussion amongst ourselves first, and then come and talk with all of you about potential changes in the representation of the Academic Council. It's been about 15 years since anybody talked about this. I'm not saying we're going to make changes, but I think, in light of the change in the distribution of the faculty, we either need to consider some changes, or we need to decide why,

in spite of the change in the distribution of faculty, we're not going to make changes. I don't prejudge what we're going to do, but we've committed to talk about that this year. The Provost's Tenure Standards Review Committee has completed their report. APC has talked about it. I don't know when that will be ready for the Council, but sometime during this academic year, presumably, Sally [Kornbluth, Provost] and others will be talking about some potential considerations of changes to the tenure review process. We'll have a salary equity report in the spring as we do on an every other year basis. Jack Bovender, Chair of the Board of Trustees, is going to address the Council in November's meeting. It's just going to be a general address and it will be a chance for faculty to ask him questions and to dialogue with him. This year, continuing what started in the spring semester last year, the faculty, ECAC first, and then most likely, eventually in front of the Council, will be discussions of changes in Duke's processes around sexual harassment. In particular, ECAC, and then the Council, are interested in talking about the role of faculty in adjudicating claims of harm. That's both with respect to Duke's sexual harassment rules, generally, but also with honor code questions. These are just things that are going to be talked about in some way before the Council. Appendix Z, which is the revision of our consensual

romantic and sexual relationship policy between faculty and students, was revised. Sally and I have made a presentation to the Deans' Cabinet and there are discussions about both implementation and about communication. I gave a presentation to the new faculty, about 75 new faculty, about that topic this year. So we're in the process of deciding what type of information do we need to provide. We had mentioned that medical residents and post-docs are employees under Duke's Appendix Z, and they're not students, they're trainees. But the School of Medicine is undertaking the consideration of whether they need to be more explicit in particular rules related to residents and post-doctoral fellows. That discussion will probably also come to the Council. But the School of Medicine is going to take the lead in that. ECAC took the lead in the general policy but we think tweaks, changes, and modifications are best dealt with at the school level. ECAC is ready to approve bylaw changes that might be needed to implement those rules at a school level. But we're not going to take the lead, at least that we know of, on any big changes to that policy.

If there are topics that you would like for us to take up in the Council, please let us know. Also know, if you're a new member of the Council, welcome and thank you – we have a tradition of being able to ask a question of the President or the Provost or the Executive Vice President that they could then address at the Council. So if you want to do that, you should send that ahead of time to the Academic Council and we will set that up.

In terms of ECAC members, three people, along with myself, are in their second and last year on the Executive Committee:

Claudia Gunsch (Civil and Environmental Engineering);
Erika Weinthal (Nicholas School of the Environment);
and Larry Zelenak (Law School).
And then colleagues who have started their first year of a two-year term on the Executive Committee:
Ellen Davis (Divinity);
Lisa Keister (Sociology);
Mark Anthony Neal (African and African American Studies);
And Victoria Szabo (Art, Art History, and Visual Studies). Thank you to them.
[applause]

The group has been working well together and I think it will be a coherent and a good group with a good mix of diverse opinions but a desire to work together. Knock on wood. [laughter]

The bylaws state that, in addition to a Chair, that ECAC has to have a Vice Chair and a Faculty Secretary. Erika Weinthal is the Vice Chair and Claudia Gunsch is the Faculty Secretary this year. So thank you for doing that.

Sandra Walton and Susan Jennings, who are the staff of the Academic Council, are so important to what we do. [applause] I can look around and see the people who have been the Academic Council Chair in the past and they recognize that the following is true: if the Chair was hit by the dreaded proverbial bus, everybody could come and be sad for a day or two, but the Academic Council would be just fine. [laughter] But if they teleported away, we would be in big trouble. So thank you so much to them. They are so committed to this. The archival minutes of the meetings are unbelievable. They're unbelievable in a lot of different ways. Because a lot of times we see things and

realize, wow, they talked about this in the '70s too, and we're still talking about it. [laughter] But anyway, they are so important in maintaining the legacy of what the faculty have talked about and thought about at Duke for a really long time.

There are attendance sheets being circulated. The bylaws say that if you miss three consecutive meetings with unexcused absences, you will be removed from the Academic Council. Now, you may be thinking, who knew it could be so easy? [laughter] But do not think this. But if you have to miss a meeting, sometimes that happens, email us and let us know and it will be an excused absence. When we're having comments and discussion, just remember to say your name and your department. It really helps with the minutes, to have the record of it.

The minutes from the May 10 meeting were posted – are there any comments or corrections?

Sandra Walton (Administrative Coordinator, Academic Council): ECAC already approved them.

Taylor: Oh, ECAC approved them on the Council's behalf. Sorry. Over the summer, the Executive Committee, under the so-called Christie Rules, has the right to act on behalf of the Council and we did that and approved the May 10 minutes. You see what I mean? [laughter]

APPROVAL OF THE ACADEMIC COUNCIL'S FACULTY HEARING COMMITTEE MEMBERSHIP FOR 2018-19

Taylor: The first item of business is that we need to elect the members of the Academic Council's Faculty Hearing

Committee. [refers to slide] The Academic Council elects members of the Faculty Hearing Committee. The bylaws of the Faculty Handbook state that the Faculty Hearing Committee consists of 12 tenured members, nominated by ECAC and then elected by the Council, which is what I'm going to do in a second. Sam Buell from the Law School is the current Chair of the Faculty Hearing Committee. They have asked for more members; because there have both been an uptick in cases generally, and they have also asked for a few more members from the School of Medicine, because, in particular, there has been an uptick in cases getting to the Faculty Hearing Committee from the School of Medicine. So we are planning to alter the bylaws. Instead of it saying "shall consist of 12 tenured members" it will say "shall consist of at least 12 and up to 18 tenured members." So if we continue to need more folks, we'll have to deal with that if that need presents itself. Are there any comments or discussion about that? There aren't that many cases, but when there is a case, it is a deeply involved and difficult, weighty matter that takes lots of time. If there are no questions, I would ask for a motion to approve these new members.

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

So we have the Faculty Hearing Committee elected for this year. And may they be bored all year! [laughter]

EXECUTIVE SESSION: CONSIDERATION OF HONORARY DEGREE CANDIDATES FOR COMMENCEMENT 2019

Taylor: We're now going to go into executive session, so those of you who are not faculty members will have to leave

the room. We will invite you guys back soon. Also, at the end of the meeting today, we will go back into Executive Session to announce the tally of the votes.

[Executive Session for the purpose of considering Honorary Degree candidates for Commencement 2019]

RETURN TO OPEN SESSION

REVISIONS IN CRITERIA FOR APPOINTMENT, PROMOTION, AND TENURE IN THE SCHOOL OF NURSING

Taylor: We're going to move on to the next item on the agenda, which is a proposal from the School of Nursing for revisions to their APT criteria. Our colleagues, Marilyn Oermann and Sharron Docherty from the School of Nursing are going to present their proposal.

Sharron Docherty (Director, School of Nursing PhD Program): Thanks Don. Good afternoon. My name is Sharron Docherty and I'm an associate professor in the School of Nursing and I'm a member of our APT Committee. We're here today on behalf of the faculty of the School of Nursing to present a proposal for the revision of our APT criteria. Just to give you a little bit of background, the School of Nursing has three tracks. Track I is our tenure-earning track and within Track I we have four ranks. You can see them there. [refers to slide] Track II is our non-tenure-earning track that focuses on teaching and clinical practice and within that there are three ranks. And then Track III is also non-tenure-earning and generally consists of statisticians and other research support and there are three ranks. Our approval process within the School of Nursing is that the APT Committee makes recommendations

based on applications for promotion to the Dean. For the Track I, tenure-earning faculty, requests for tenure and promotion from the APT Committee go to the Dean, they then go the School of Medicine Clinical Sciences Committee, then on to the Medical Center Executive Committee and then on to the Board of Trustees. For Tracks II and III, the non-tenure tracks, they go from the Dean to the Medical Center Executive Committee, then on to the Board of Trustees. Just to give you some background on our revision of the criteria, in fall of 2017, in response to requests from the faculty, the APT worked to revise our APT guidelines to provide more transparency on the level of scholarship required for promotion at each rank and each track. In particular, they wanted more specific guidelines in terms of the minimum numbers of publications or scholarship that would be required to be promotable. And then to clarify our exemplars that we used to signify readiness for promotion. The APT Committee set about doing that and in December of 2017, the FGA, the Faculty Governance Association of the School of Nursing, endorsed the revised criteria. These then went on to the Academic Programs Committee in February of 2018, who expressed concern about the use of the specific minimum number of publications that we had put for each rank. In particular, the concerns centered around the impact that this specific minimum number of publications might have on the research being conducted as faculty may then strive to meet numbers instead of quality or impact. They also had other concerns that they expressed about the potential for legal liability if the candidate were denied tenure based on minimum numbers. So they recommended that the APT Committee go about revising the criteria once again and

that we move these statements about minimum numbers of publications down under the exemplars and that we put those in with our exemplars as minimum numbers. So we did that and the revisions were made and the FGA endorsed those revised criteria in June of 2018 with 91% in favor. It was then approved by the Provost and so we present those to you today. Are there any questions? [pause] No questions? Oh, I almost got away with it. [laughter]

Cam Harvey (Fuqua School of Business): I have a mechanical question. The APT committee has 14 members. Four of them are Track II and III, non-tenure. Is it the case that those members do not vote on the tenure and promotion cases?

Docherty: That's correct. They do not vote on the tenure promotion cases.

Harvey Cohen (Clinical Sciences): So the School of Medicine, in its criteria, I believe, lists minimum publication numbers. Those candidates go to the same committee, ultimately, that these candidates do. It seems to me that there's going to be a lot of confusion going on within the Clinical Sciences APT Committee with having two different sets of criteria coming forward to the same committee.

Docherty: I don't think there will be. In our prior sets of APT criteria, we didn't actually have any numbers in there at all. I think that all the promotions went through as needed.

Marilyn Oermann (Chair, School of Nursing APT Committee): When we send an applicant record over, we send our criteria. Clinical Sciences looks at our

criteria, and makes the decision based on those. So I don't think it would be a problem. Actually, historically, we used to have numbers in. Then we took those out, now they're back in. But I don't see that as a problem at all. And our criteria are different than Medicine.

Docherty: They're in there as exemplars. The faculty still see, in general, what minimum numbers might be. But with the packet, we take a more holistic look at the full packet.

Taylor: This proposal, like all of them, is subject to the two-meeting rule. So if you have questions that you think of after this, you can send them to us and we will forward them. There will be an opportunity to ask questions about the proposal as well at the next meeting in October, at which time we will also take a vote.

ANNUAL REPORT FROM FACULTY OMBUDS PROFESSOR TOM METZLOFF

Taylor: The next item on our agenda is to hear a report from Faculty Ombuds Tom Metzloff. We had a chance to meet with Tom and also with Sam Buell, who chairs the Faculty Hearing Committee, a couple weeks ago at ECAC. He's going to update us on his first year and two months in this post. Thank you for coming.

Tom Metzloff (Faculty Ombuds / Law School): Thank you. It's a pleasure to see everybody. I'm an Academic Council member and a former ECAC member. I have been, for a little over a year, the Faculty Ombudsperson, or the real term is Ombudsman, which is a Scandinavian term, but it's usually shortened to Ombuds. So I tend to use that phrase. The position is sort of intentionally

ambiguous or open-ended, whatever word you want to use. It's not mediator, it's not arbitrator, you don't make decisions. So let me tell you a little bit about what I do as an Ombuds. I am the first person who has not been a retired faculty member to do it. There have been some challenges mixing it with my regular day job, as it were. We've made some changes in Appendix N which describes the role of the Ombuds, part of a committee I was on, a subcommittee, to try to make it more consistent with the national norms for Ombuds. There is an organization called the International Association of Ombudsmen that has ethical rules and it's now required that I be a member of that organization and also that I go to their training. So I did a three day training which was actually quite well done. If I meet with somebody, I can meet with any faculty member, and that includes people who are in administrative positions but still faculty. It does not include non-faculty people and one of the challenges at Duke is that there is no Ombuds for staff people. So I've had quite a few staff people call me saying, can I talk with you? And I say no, but what do you want to talk about? [laughter] And I chat with them anyway and try to give them some suggestions, but there is no Ombuds for them. It's very different than the University of North Carolina, for example, which has an Ombuds office that has three full time Ombudspeople, one of whom is a faculty member, and they handle student, staff, and faculty issues. Of course, they're a bigger university. We do have a Student Ombuds, Ada Gregory, who I meet with quite a bit, and the Medical Center has a Student Ombuds, who I talk to from time to time. Let me just say, ethically, what my responsibility is. If I were to meet with you, I would have a little spiel that I went through and

it would include the following main points. One: our conversation is confidential. It's not absolute confidentiality; if I were to hear something that were to suggest an imminent risk of physical danger to someone, as many professionals, including lawyers, do, I have an obligation to do something about it. I've always wondered: do I even have to say that? I don't necessarily say it all the time, but there are situations that have come up. I've had questions that I've asked about physical safety issues from time to time. And Duke has a process for dealing with those. They have a safety team, including Kyle Cavanaugh [Vice President, Administration] and University Counsel's Office, where they can assess those risks. Physical safety is important. But that's a very rare situation. I also make the point that I am neutral which is sometimes surprising to people. I think a lot of folks come to talk with me and hope that I will come to support their position and advocate for them and I do hope that I will validate their position and listen to them, but I do not affirmatively go out as an attorney and argue on their behalf that this needs to be done. I can meet with people, and I think I am an advocate for procedural fairness and explore what's going on. I also make the point that I am not an official part of the Duke hierarchy. I'm not HR. If you report something to me, it's not the same as reporting it to the Office of Institutional Equity. Then, finally, I'm informal. A lot of the conversations are simply talking about the issue or concern the person has, what possibilities there are, do some sort of what Ombudspeople call "coaching" – I don't really think of it that way but sort of saying, if you're going to raise this issue, how do you want to raise it? Is that the best way to put it? Sometimes we'll be

going through somebody's email. How do you think that other person would have read that statement? Sometimes someone will have said something that seems very inflammatory and we try to figure out why things have gotten into a place that's not very comfortable. In terms of the numbers, I really didn't have much firm understanding, because it's confidential, there aren't notes. Some Ombudspeople keep statistical information but by definition, it has to be not able to identify anything. So I will not talk about any specific situations I've dealt with. Because it's surprising how easily someone will say, oh, I bet that's that person. You might be right, you might not be right. I don't even want you thinking that way. I probably had, in the first year, there are some phone calls and inquiries that don't really turn into much. They're just conversational, giving people some ideas of where to go. I don't even really count those. For the more serious situations, and the people that come to me are called "visitors" in the language of the Ombuds world, because they're not patients, they're not clients, you're not advocating for them. I don't think it's a perfect word, but it's an inherently neutral word. I had about 60 in the course of the year. The timing is never even. It's not one or two a week. Sometimes I'll have one a week and sometimes it feels like the phone or the email is ringing off the hook and other times when there's not much going on. I don't know enough about the flow of things and have talked with other Ombudspeople and they say it's just kind of the nature of the business. It comes and goes. I think 60 is probably a little bit more than I expected. It's 60 that turned into the usual initial conversation which is typically in my office or somewhere else. I meet with people other places for an hour or hour and a half to find out

what's going on. About half of those become more extended, where we'll have more than one conversation, we'll have several. There are some that are very much ongoing. The rules kind of talk about resolving things in 90 days. That's kind of a rule thing that doesn't fit perfectly with what's going on. There are people who simply want to talk about a situation and there's not an action plan that we're going to do this or that. It's more of finding a way to manage this, let me check back in after the next thing has happened, let's see how the next meeting with that person or the Chair or the Dean goes or the other way around. It's not a discrete problem with a discrete answer. Of those roughly 60, about half came from the Medical Center side of the world here at Duke and half from the University side. Who knows what I would have predicted beforehand, but there is a lot of activity from the Medical Center side. There are a lot of faculty over there. Are they the same kind of problems as the University side? Sometimes. But often they're a little bit different. It's a different world over there, different kinds of regulations, different kinds of clinical practices that color the issue. I'm probably more familiar with the University side problems that I've dealt with, but there have been some over there that I think have been something we can work on. In terms of gender, it's exactly even between women and men who have come to me. Sometimes there are groups of people that come but that's atypical. The diversity of the faculty I'm seeing is rich. One of the opportunities for the Ombuds is to step back from time to time and reflect on: what institutional lessons are there? I will be writing a note to the President with that. It's really hard because many of these are very case-specific situations where you have a long

history, some individual challenges and personality issues that are going on. There are many that do involve some of the concerns we were just talking about in terms of discrimination, harassment kinds of issues. The term that is used sometimes is bullying. We've heard that term a lot. A lot of the Ombuds folks that I've listened to and read about really don't necessarily like that term. Bullying sort of suggests intent and an awful lot of what we see in the real world of Institutional Ombuds is seldom motivated by intent. Nonetheless, the impact is – a lot of times I use the word abrasive or abusive. Abrasive leadership, for one reason or another, they don't intend the actions that are happening as they make decisions and how you work with that. I think it's always a problem for any institution. I don't think Duke has any issue or problem in that respect that is different than any place else. The kinds of situations and issues – I am very much a listening post – are very wide ranging. There are certainly situations involving compensation and benefits. There's a sort of typology that the Ombuds Association sets forth and I've had those. Maybe ten percent of what I do are people who have some question about salary or salary adjustments, different kinds of benefits, someone thinking one thing was going to happen but it didn't. I try to work through them and find out, sometimes it's how to best make their case. Sometimes they'll say, I thought I was promised this, and they'll have something more specific. There are a lot of issues about what are called evaluative relationships – supervisor-employee, in our case, faculty and deans. There are issues longstanding, some of you know that. You all don't have perfect relationships with everybody in the administrative side of the world here. Sometimes people just want to discuss it

and discuss how they should respond to it. Sometimes we want to do something about it. One of the things I will do as an Ombuds is explore the question of what do you want to do about it? What thoughts do you have about how to make this better? Have you thought about this? What about a conversation with that? There are times when I will suggest, hey, do we want to meet with this person together? I'll sit down with them and listen. Sometimes just to be another person in the room so that the visitor feels that the other person will be on better behavior if you're there, which is probably true. Or they just feel more comfortable and I can ask some clarifying questions. That certainly happens there. There are also peer and colleague relationships among faculty. Faculty who aren't getting along and not necessarily in a power relationship in terms of Deans or Chairs but faculty who are having concerns and issues about how they are interacting. That's certainly something that comes across the table sometimes. One of my goals is to sometimes think about how to connect them up with different institutions. There is the Faculty Hearing Committee. I was Chair of that for a while so I kind of know how that works or is supposed to work or could work. Sometimes people are exploring that. There is a lot of anger, not surprisingly. The people who are talking to me are not happy about something. We will explore that. I would never tell them, hey, you have a great claim or a great case. It would be more like, here is how that is going to work. And I can help them find the rules, look through it, sometimes it's talking to someone else in the Administration, be it the Provost, or other Deans who have some authority over that particular situation and explore the options of how to proceed. A clear

progression and development is another institutional category. We have that. People are interested in thinking about promotion, tenure, promotion from assistant to associate, how that's going to work, reappointment, those kinds of questions. Those come up and the process for how those work is definitely there as well. I also mention safety and health. A few of those do come up. I guess I was surprised about that at some point. Organizational, strategic, and mission related. Yes, probably not so much. I don't think too many people are coming to me, as opposed to coming to ECAC, to think about, what are the big questions and issues and how do we solve them? I am very much at the retail level of concerns that faculty have. My job is to value each and every person who talks with me the exact level that they want to bring it to me. It's very much a listening position and it's an exploration position. It's meant to be, I think, an empowering position that I can help suggest how the faculty member can decide what to do with her or his problem going forward. That's what I do. Whether it's more claims than I would have expected, some of the issues going forward are, do we need a separate Ombuds for the healthcare side of the world or not? After conversations I've had with ECAC, I think that's certainly an interesting question. Whether we need more than one Faculty Ombuds is also a question that has been discussed in the past. I don't know if I have a strong feeling on that. I think there is work, I don't know if that pace will continue or that pace goes up. It's been an interesting year on the Ombuds front and I appreciate the confidence that you all had in me to do it. I've learned a lot and I think I still have a lot to learn about Duke and how to interact with it. I really want to thank all the folks at Duke who have taken my

phone calls and listened and reacted always in a very professional and appropriate way. Not always agreeing with the problem, but agreeing that we can talk about it and see how we can work through it.

Taylor: Comments or questions?

Roxanne Springer (Physics): You mentioned that you didn't think there were any overarching, underlying policy issues that you noticed this year?

Metzloff: If I said that quite that way, I meant that it's hard – I certainly am allowed to think through and make some comments to the President in an annual letter. It's hard to do that. Because my job is very one-on-one, very individual. I know many of the cases are sort of one-offs. They are very specific cases. So it really requires backing up and I'm seeing a tip of, I don't know if it's an iceberg or not. I'm seeing a non-representative sample of issues and problems that individuals try to share with me. How you generalize that to say there's a certain problem in a certain department is probably something that I never know if I have enough perspective to make that call. But your question is, is there anything that I see? I think there are continuing issues and questions about how we handle harassment, discrimination issues, and bias questions. The OIE, which does handle those issues, and thinking about how they get involved, how specifically they investigate, how they make determinations, is something that is being discussed, right, Don? There is ongoing work there. That's work that needs to be done. The role of their involvement, the role of the institution's involvement in those issues is really important. Their primary focus, of course,

is legal things that turn into claims that constitute gender discrimination or other forms of discrimination. They are investigating it with that in mind. That's part of it, of course, but there's another part of that which is identifying and dealing with cultural issues of bias and discrimination and harassment that are sometimes longstanding but don't turn into a specific claim as such. If I had a suggestion, it's that conversations of those issues are really important and how OIE is involved with it and how else we can be involved in it. There are some models and things going on. I point out one thing that I saw that looked really interesting is the Political Science Department has a statement about its culture. They created institutional people within the Political Science Department called liaisons where people can go to raise some of these issues. Maybe I should feel upset that they're putting me out of work. [laughter] But no, I don't, I think it's a really good idea. I commend them for their policy, which has recently been put out on their website. Thinking about how those questions and issues can be raised at different levels is very important for our institution.

Steffen Bass (Physics): I'm still a little bit unclear about the nuts and bolts. If you have a visitor who comes with an instance which has to do with harassment, for example, do you help that person to identify the proper channels, how to address that? How do you work towards a resolution? Is it really that you say, you should talk to so-and-so because this is harassment, or...

Metzloff: It is not my position to say, you should talk to so-and-so. It will be listening, hearing, trying to understand it, exploring what they want to do with it,

but certainly sharing with them, OIE is one place you can go, for example. It's really more of how they want to handle it and then facilitating that. So I'm not judge and jury, I definitely do not say, oh yeah, they have a great claim, or, oh, that's a dumb claim. It's quite the opposite. My opportunity is to listen to them. I always validate how they're feeling about it because it's their feelings. And then I explore with them the options that exist. It's very much for them to decide what they're going to do about it. Sometimes with my help, sometimes on their own. The training I did, the trainer was a really wonderful guy at the UNC institute who I've known, he's now moved onto something else; he said – now he's talking about the whole range of things: students, staff, faculty – more than half the time, after an hour or an hour and a half, the decision is that we're not going to do anything for now, we're just going to see how it goes. People are just figuring out where they are with their questions.

Ruth Day (Psychology and Neuroscience): Can you comment a bit more about confidentiality? Do you retain notes of who came and what the issues were? And no one can inspect that and question you about those visits?

Metzloff: If it were to come up in a lawsuit or something else, I would fight that and not voluntarily testify. I suppose if a court ordered me on contempt and the University Counsel had given up defending me, I would think twice about that. [laughter] But I take limited notes and I don't keep them very long. Sometimes you have to write down something. Some of these situations involve quite a few different people in different areas. But the position in the Faculty Handbook is that my

conversations are confidential and I would not talk about them. I've seen some past references to situations where somebody should interview the Ombuds to see what they said and it's like, not this Ombuds. So I would fight that. Sometimes I'll ask the visitor, do you want me to talk to X person about this situation? So it's going to be a very explicit – is it okay if I talk to this person about this? Yes. If they say I'll think about it, I don't. So the confidentiality is a very serious part of this position.

Lee Baker (Cultural Anthropology): This question is merely out of curiosity. I know you said you're neutral and that you lay out different options for people. Are those just inside Duke options? Or is there ever a case where you would say, dude, you need an advocate. Go get an attorney.

Metzloff: I would never say you need to go get an attorney. A lot of times people will say, do you think I need an attorney? And I say, we can talk about that. And I have a list of people who I think are resources. So yeah, I would say that comes up.

Baker: So that's on the table?

Metzloff: Not half the time, but not ten percent of the time. So maybe some percentage of the time, over ten, less than twenty, where the person usually asks me about an attorney. Some have done that. And sometimes that's the right thing to do, if you're in a business dispute with Duke at some level about something. I can't be the lawyer. I can't negotiate the deal with you. So we actually do consider that as one of the range of options that are out there.

Kathy Andolsek (School of Medicine): I have a related question. It really has to do with external resources that might help the person with their own wellbeing. You mentioned one of the classifications was bullying or I might say disruptive behavior. At least on a clinician side, we know that a fair portion of that is oftentimes due to clinician impairment in some ways. Is one of your roles potentially making sure the person has had their own type of assessment? Or at least they know that's an option for them? Because there are resources like the North Carolina Physicians Health Program that does this in a confidential way, oftentimes they would advocate for an individual. It's completely external from the Duke process.

Metzloff: And there is a Duke internal process for that too.

Andolsek: But some people would prefer to be outside the Duke process. Just in terms of using external resources like that, would that be something you do?

Metzloff: Sure, that's within the range and I can think of some situations where we've had that. It is true, I think, from my training, that some of the visitors who would come to an Ombuds, and I'm thinking of not just me but the world, personal problems have created the workplace problem.

Andolsek: Of course, there are medical problems. I'm just saying in terms of wellbeing.

Metzloff: Yes, medical, depression, family situations, other health issues, have at least exacerbated that and dealing with that. There are times when we talk about that. Again, part of my job is to keep

learning more about those resources. I would like to know more about that resource and maybe I can talk with you because we've had some issues where we've talked about that. And that is definitely part of what is going on. Thank you. [applause]

Taylor: Thank you, Tom. We will now go back into executive session and we will end the meeting after that.

[Executive session for the purpose of announcing the votes on the Honorary Degree candidates for Commencement 2019]