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Minutes of the Regular Meeting of the Academic Council

Thursday May 7, 2009

Paula McClain (Political Science, Chair of the Council): Welcome — it is now that time and I call to order the last meeting of the Academic Council for the academic year 2009-2010, and the last meeting for me as Chair.

The first order of business is to approve the minutes from the April 16 meeting. I need to let you know that the recording equipment here in this room crashed after Lynn Smith-Lovin's presentation on APC (I'm not sure there's a relationship between the report and the system and the system crashing [laughter]) so the remainder of the meeting obviously could not be transcribed, and that has been noted in the minutes. [The minutes were approved by voice vote without dissent.] Thank you, Sandra and John.

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

Whereas, the Christie Rules provide that at the last meeting of the Academic Council in any given academic year, the Council may delegate to the Executive Committee of the Academic Council the authority to appoint a committee of at least three Council members to serve in a consultative role to the Administration when the University is not in regular session, and whereas the Christie Rules note that this committee should normally consist of members of the Executive Committee of the Academic Council if they are available, ECAC recommends to the Academic Council and moves that the authority to create such a committee be delegated to the Chair and Executive Committee of the Council, and that such committee once formed would remain in operation until the first day of the fall semester of the 2009-2010 academic year.

[The motion passed without dissent.] Thank you very much. This is something we have to do at the end of each year to keep ourselves in compliance and to keep shared faculty governance moving forward at a time when the faculty are not in residence.

Please remember to initial the attendance sheets that are going around, and please return those to Sandra at the end of our meeting...I also want to remind you that our meeting is being recorded and will be transcribed for our records, so please be sure to identify yourself before asking a question. Oh, Dona!

Dona Chikaraishi (ECAC/Neurobiology): I wanted to interject something that is not on the agenda.

McClain: Oh, okay. (laughter)

Chikaraishi: As this is the last meeting of the Academic Council, and the last meeting that Paula will chair, we, the Academic Council and ECAC, that is, would like say thank you, Paula, for your extraordinary effort over these past two years.

I know for a fact that Paula has put in hundreds of hours working Academic Council business. Most of this was behind the scenes, but I think the result of this hard work meant that when we come to these meetings, things are done effectively and efficiently, and we're all very grateful for that.

In thinking about the sort of qualities that characterize Paula's leadership, three adjectives came to mind: one is strong, the other is thoughtful, and the third is principled. Principled, because it derives from a very deep feeling that Paula has — and she has specifically told us about this — that she has a great concern and respect for shared faculty governance in the life of the university. I think that the rigor and the vigor with which she has protected and maintained shared faculty governance is apparent to everyone in this room. But I also think that it's apparent more widely to the faculty, and I think this is her lasting legacy and will influence the whole culture of Academic Councils to come.

And so, as a small token of our appreciation for all your hard work, ECAC and Academic Council, made a

donation on your behalf to one of your favorite charities, Genesis House, in Durham. (clapping)

McClain: Thank you very much — this was totally unexpected. I said it was one of my favorite things, I didn't know that *I* was going to be the *thing* (laughter). But now, on to one of my favorite things – and thank you all very much.

This is the part that I really like. In accordance with the University Bylaws, I will call on representatives from the various Schools and Trinity College for recommendations of approved candidates for various degrees. These lists will be presented to the Secretary of the Council, John Staddon, and forwarded by the Provost for approval by the Board of Trustees at their meeting this week.

Earned Degrees

Diplomas dated May 10,, 2009

Summary By Schools And College

Trinity College of Arts and Sciences	
Dean George L. McLendon	
Bachelor of Arts	776
Bachelor of Science	484
Pratt School of Engineering	
Dean Tom Katsouleas	
Bachelor of Science in Engineering	266
Master of Engineering Management	54
School of Nursing	
Dean Catherine L. Gilliss	
Master of Science in Nursing	79
The Graduate School	
Dean Jo Rae Wright	
Master of Public Policy	39
Master of Science	65
Master of Arts	119
Doctor of Philosophy	141
Nicholas School of the Environment and Earth Sciences	
Dean William L. Chameides	
Master of Environmental Management	101
Master of Forestry	1
Fuqua School of Business	
Dean Blair Sheppard	
Master of Management Studies	4
Master of Business Administration	574
Divinity School	
Dean L. Gregory Jones	
Master of Theological Studies	19
Master of Divinity	104
Master of Theology	12
School of Law	
Dean David Levi	
Master of Laws	99
Juris Doctor	215
School of Medicine	
Dean Nancy C. Andrews	
Master of Health Sciences	62
Master of Health Sciences in	

Clinical Research	16
Doctor of Physical Therapy	59
Doctor of Medicine	106
TOTAL	3395

The Academic Council went into **Executive Session** for the purpose of considering Honorary Degrees.

McClain: Our May meeting typically contains a number of reports that are delivered by the chairs of the many committees who represent faculty in various ways. Next, we will hear from Professor Warren Grill, Pratt School of Engineering and Chair of the University Priorities Committee. Warren is completing his second year as Chair of UPC, and was asked to continue for a third year as Chair for 2009-10. We'll hear from him about his committee's work for this past academic year, and following his presentation he will take a few questions. Warren?

University Priorities Committee

Warren Grill (Pratt School): Thank you, Paula. It's my pleasure to give you an update on the Universities Priorities Committee. I'd like to start by reminding you that our report is posted on the Academic Council website, and I hope that you had a chance to look at it before today's meeting. Also, listed in that report are the committee members, and I'd like to extend a thanks to the other faculty members on the committee who gave generously of their time. I'd also like to thank Provost Lange and Executive Vice President Trask, as well as Jim Roberts and Hof Milam, from their offices respectively, for really creating a great environment on this committee, where there was a free interchange of ideas, and they invited and welcomed the input of the faculty.



We covered a number of issues this past year, and last year the Provost encapsulated our charge, caught quite well, in the phrase, "funding our aspirations," that is, how do we align the priorities of the university with the resources that we have available to find those priorities?

As you are all quite well aware, those resources this year are not quite the same as the resources that we had available last year.

ECAC asked me to review with you briefly today the changes in the resources that we had available, and

the changes that the University has been making in response to those reduced resources.

So, some of this you may have heard before, and I apologize if it's repetitive, there are really four things that have reduced the revenue that we had available to fund our aspirations:

The first is a reduction in annual giving. What's quite remarkable is that even though that total giving is down, the number of individuals who are giving to Duke University has increased. It's just that the number of large gifts is not what it has been in the past.

The second factor contributing to reduced revenue is reduced income from our endowment. Now we do not feel this immediately because the pay-out from the endowment is on a three-year moving average, so while it has an impact on this year, we are going to feel that impact much more in the coming years and we are making some changes now to prepare for that, and I will describe those in a minute.

The third contribution is lost income from what I refer to as quasi-endowments. These are investments of money which are made in the long-term pool, not really part of the corpus of our endowment, and we enjoyed a differential rate of return between the long-term pool, which up until the past year had been clicking along at an average return in the high teens and the cost of that money was used to finance, for example, debt on buildings at bond rates which were under 5% in some cases. So the differences between the rate of return and the cost of the debt, we enjoyed as resources we could spend. Well, now that difference is upside down, so we no longer enjoy the revenue from these quasi-endowment funds.

The fourth area of reduced revenue is the loss of income in what is referred to as SIP, and I realize Peter that I don't know what SIP stands for? Could you enlighten me?

Provost Lange: *Strategic Investment Pool.*

Grill: And these were funds that the Provost had available, and again were generated by the difference in return between long-term money that was put into the long-term pool and short-term money as you might get in your money-market mutual fund. Again, there's no longer a difference between the rate of return in the long-term pool and the rate of return in the mutual fund — in fact the long-term pool is now down here relative to the mutual fund. So, those resources are no longer available for us to invest.

So, what actions have been taken to address this? There are really five things:

First, as you all are aware, there's a freeze on salaries for individuals making more than \$50,000 per year, and just to give you an idea this saves somewhere on the order of 25 million dollars this year, so it's a substantial amount of money.

Secondly, the planned expenditures for SIP funds have been reduced. All commitments that were made, for example, to hire a new faculty member and pay a portion of that faculty member's salary for some years going forward, are being honored, but planned new commitments have been reduced.

Third, we now have something called DART (Duke Administrative Reform Team); I'm a somewhat unwilling member of this team, but I'm actually learning a tremendous amount on this committee about the administrative functioning of the university. And what we are doing is examining the functions of the university to try and look for areas where we can do things more efficiently and thereby save some money.

A fourth area is revenue enhancement — alright, if you have less revenue than you have expenses, you can cut your expenses or you can grow your revenue. And so we are doing both of those things in the area of revenue enhancements. We'll have a plan, I don't know if we know yet what it is, an incoming class of first-year students in the fall that will be about the same size as our out-going class this year which is a record size, so we have a large group of students paying tuition. As well there are a number of new master's degree programs which are being put into place around campus to offer a quality educational offering but also as a way to enhance revenue.

The final area is that all of the schools must submit balanced budgets, and so this is a great tool to create an overall balanced budget for the institution and those budget-balancing activities in the individual schools are being done by the deans.

But what is quite new this year, and this was from an action from ECAC, is that there are faculty advisory committees working with those deans to try to, I hope, build some consensus between dean and faculty about how the individual schools should balance their budgets.

Those are the actions that are being taken to mitigate the effects of the four reductions in revenue that we have.

Finally, I'd like to conclude by thanking Paula McClain personally for her service as the Chair of Academic Council and it's been a real pleasure working with you, Paula, and to say that I look forward to working with Craig Henriquez, as the incoming Chair, next year. I'm happy to answer any questions.

Academic Council Committee on Undergraduate Education (ACCUE)

McClain: Thank you, Warren. I now call on Professor Susan Lozier, from the Nicholas School, and Chair of ACCUE, Academic Council's Committee on Undergraduate Education, to update the Council on her committee's work this past year.

Susan Lozier (Nicholas School): I'll start with my thanks to Paula so that I don't forget at the end. I served on ECAC with Paula when she first started as Chair and I just want to echo the kind remarks that Dona made — she's done a great job.

This committee that I'm going to talk about was initiated under Paula's tenure. I'm going to give you a brief background on this. In February 2007, the Campus Culture Initiative was released, and as part of that a guiding vision was articulated to the academic community. I won't read it, but I wanted to put it up there so everybody could have a look.



As part of that report, there were recommendations made in several categories, about housing, about social life, etc. But one of the categories was about faculty-student engagement. In a series of conversations with ECAC and the Provost, both sides agreed that those recommendations should be looked at seriously by the faculty; it wasn't really the responsibility of the administration to design programs and come up with more ideas about faculty-student engagement, that it was best really for the faculty to take responsibility for that. So out of that agreement, came a new committee, which Paula just named, ACCUE, the Academic Council Committee on Undergraduate Education.

ECAC gave this Committee four charges, and the first which we have all taken on as the most important one is to provide a forum for initiating and developing university-wide faculty initiatives on matters pertaining to undergraduate education, (residential) life and student affairs. We also are interested in providing a faculty voice during the planning stages of any administrative initiatives having to do with undergraduate education. We also had a role in providing advice and guidance to both the Dean of Undergraduate Education, Steve Nowicki, and Vice President for Student Affairs, Larry Moneta.

And then finally why I'm here is to report to ECAC and the Academic Council on issues pertaining to undergraduate education that warrant further attention.

Committee membership: the plan was to have six members, and the membership was to be drawn from the schools that are involved with undergraduate education, that's Trinity, the Nicholas School, and Pratt So one faculty member is from Pratt, one from Nicholas, and remaining members are from Arts & Sciences. And we wanted some overlap with the Arts & Sciences Council, and then we also have two ex-officio members.

The committee members for this year [slide] – we just started our work, the committee was brand new last fall — are seven, not six, so I'm not sure exactly how that happened, ECAC appointed these members, so you can see we represent a broad spectrum of the university.

Warren had a much longer list of topics they tackled this year, but what I want to do is give you a brief idea about what we've been doing. We really looked long and hard last fall semester at how faculty are en-

gaged in undergraduate education. We first started going through and looking at individual programs, trying to see if we wanted to assess the success of those programs, but then we threw it wide open and said, how do we want that engagement to be, what areas could we find for improvement?

So during late fall, winter and on into the spring, we've been working on a new undergraduate program, which we have tentatively named *Duke Immerse*. I don't want to go into any details here, we're hoping we can bring this forward to ECAC and the Council next year, but I just wanted to tell you briefly that we're looking for something that's fundamentally different than students spending a semester in classroom structures.

We have met with a group of students, discussed this idea, gotten very positive feedback. We've met with ECAC, we met about two or three weeks ago with the deans from the Nicholas School, Pratt School and from Arts & Sciences as well. I hope to be back here next year, talking to you a bit more about Duke Immerse after having giving you our proposal. If anyone has questions about our committee, I'd be happy to answer them now.

Faculty Compensation Committee

McClain: Next, I'd like to call on Professor Rich Schmalbeck, of the Law School, who serves as Chair of the Faculty Compensation Committee (of which there is none this year [laughter]). Rich?

Richard Schmalbeck (Law): Thanks, Paula, for that introduction and for your support of the Faculty Compensation Committee. It's been a quiet year in Lake Faculty Compensation (laughter). And lake seems a good metaphor since like salaries it can be frozen (laughter). We, as a committee, stay in touch regularly with Lois Ann Green, regarding fringe benefits, and with the Provost's Office, regarding everything, really, touching faculty compensation. And we have always gotten, and continue to get, great cooperation from both offices.



There were no significant changes this year in fringe benefits, however, and I'm told that none are contemplated, at least at the moment. That's often a major time-consuming item on the agenda, but it wasn't this year.

There is one change that hasn't happened yet that we're pushing, the initiative is coming from us, and that

has to do with the accounts we create for reimbursements of medical and childcare expenses. We've suggested that it should be possible to have a grace period, a period following the close of the plan year in which expenses can be incurred and still reimbursed out of the prior year's funds. That has to be part of the plan as adopted or amended and it's not part of our plan, but it is a possibility. It was looked at this year and some of the technical compliance issues were too burdensome, but we're going to try again with that next year, that's an issue on which the committee seemed to be pretty unanimous.

The big issue, of course, has been the salary freeze for 2009-10, and on this we tried to function as sort of a sounding board, we solicited views from within the units that are represented on the committee. The nearly universal view was that the freeze was a quite reasonable response to the economic crisis. If you've said it's reasonable for my colleagues perhaps, but not particularly for me, we took that as jocular (laughter) and gave them the benefit of the doubt.

We will continue to monitor this issue as events unfold, we want to continue to perform that sounding board function, so that if we have to look at some worst-case scenarios, we can provide the administration with some feedback on what the perceived levels of pain that would be associated with particular drastic moves might be — hopefully, we'll never get there.

Since we are trying to perform that function, it's probably particularly important that I mention the names of the committee members, although they are listed on the Academic Council website, but very quickly, it's **Ken Hall**, Mechanical Engineering, **Marjorie McElroy**, Economics, **Rochelle Schwartz-Bloom**, Pharmacology — Cancer Biology, **Will Wilson**, Biology, **Rich Burton**, Fuqua, and **Roberto Dainotto**, Romance Studies. **Kim Harris** also serves ex-officio from the Provost's Office.

One other important item on the FCC agenda was the review of the salary equity study that is performed by the Provost's Office every two years. Dr. David Jamieson-Drake, who is our Director of Institutional Research in the Provost's Office supervised that, and I thought it made sense to let him describe that study and respond to questions that you might have about it. David?

David Jamieson-Drake (Provost's office): We've been doing a salary equity study for quite some time. I checked back and the first one was done in academic year 1992-93, based on methodology developed by Professor Alan Kerckhoff. The methodology has evolved over the years, with the help of many members from the compensation committee, including Michael Moore, Don Berry, and most recently Michael Lavine, and the members of the current FCC.

The salary equity study is conducted in alternate years because salaries don't change quickly, and the overall results are reviewed by the compensation committee, as well as the Provost, and we'll talk a little bit more about what happens after that.

I realize a lot of people are not into multiple regression all that much, so I'm going to try and keep this at a pretty high conceptual level. If you have questions about

Durbin-Watson statistics or the distribution of residuals, please come and see me afterwards. I'd be happy to talk about that as I have looked at them.



Basically, multiple regression, with natural log of salaries as the dependent variable, is the basic model. The independent variables are the things that you 'control' for, including race, ethnicity, gender, rank, time-in-rank, whether a person is a chair of a department or not, and also whether they have a distinguished professor chair, or an endowed chair and the academic unit they are in.

Rich wanted me particularly to mention that we code race/ethnicity as Caucasian versus non-Caucasian — that's been the case since we started working with the model. Back in the early nineties, we didn't have as many non-Caucasian faculty members as we do now. The number has increased significantly over time and we may be getting to the point now where we can start to introduce other variables explicitly to drill into that a little better, but that's what we have now.

The exclusions are primary administrative appointments, that is if a person got only an honorary appointment as a faculty member. Faculty members whose salaries are wholly or partly paid by, for example the PDC's, or clinical salaries, we just don't have those data in the database that we work with. And then faculty who left during the year.

Based on the recommendation from Dave Peterson, who was formerly working with the Fuqua School of Business, we also cross-checked the results using some-thing called rank-sum analysis.

The findings: briefly, the percentages, because we're using the somewhat frightening dependent variable of natural log of salary, the plus side of that in terms of concept is that you can interpret the coefficients, the B-terms, as simple percentages, percentage differences. In the case of the male variable, full professor level, in 2002-03, males earned 2.7% more than females at the full professor level, controlling for all of their factors, with a p-value of .31, which is not formally statistically significant. In 2004-05, it was minus 1.3%, in 2006-07, it's 1.2%, but in 2008-09, which is the year that we are looking at — the salaries are as of October 2008 — we came close to being significant, that is the difference is 3.7% and the significance was .148. If it's less than .05, it's considered to be significant enough to publish a pa-

per about. So that's close enough that we wanted to drill into that some more. You can see for yourself, and this is all also in the report if you want to look at it in detail, but the other ones basically are not that close to being significant. If anyone has any questions about the details, please see me afterwards.

Questions

Susan Lozier (Nicholas): I just have a quick question – does the full-professor category include those who hold chairs or have you taken those out?

Jamieson-Drake: No – 'full professor' does include chairs. There are two kinds of chairs. It doesn't include departmental chairs, it does include distinguished chairs, but the distinguished chair is a factor, it's controlled for in the regression. In the report that is going to be put on the website, you can look in the back and see that the value of the coefficient for a distinguished chair virtually all of the distinguished chairs are at the full professor rank, I think there are only three that were under that when I looked at it.

Marie Lynn Miranda (ECAC/Nicholas): I'm just wondering why we excluded faculty who left since one potential reason why faculty leave might be compensation?

Jamieson-Drake: I think part of the reason for that is what we'd do with the information. Once we get the results, we predict what salaries ought to be, and anyone whose salary falls below one standard deviation lower than their predicted salary, is brought to the attention of the Provost and the Deans for salary remediation. If people aren't here, they can't do that. If you include people in the model who aren't going to be here, it confuses things. I think that's basically the rationale — I don't see any reason why you couldn't include them, but, to be perfectly honest, I don't think it would make a lot of difference. I'd be really surprised if it did. But if the compensation committee wants to ask the Provost to ask me to do that, I have no problem with checking that out.

McClain: In the Social Sciences gender is predictive...?

Jamieson-Drake: So when we found at the full professor rank, gender was more predictive than it has been before, we looked school by school to check for what are called pooling effects, that is when you look across all the schools, essentially the value of being male is averaged across everything, the value of the coefficients are wrapped across all the independent variables. Not actually school by school — we looked at division by division, we looked within Arts & Sciences, at Natural Sciences, Social Sciences and Humanities separately, then school by school, Medical Basic Sciences, the Medical School. It turned out that both rank-sum in the regression and also in school by school, it showed that Social Sciences and Arts & Sciences, the male coefficient was predictive.

Dalene Stangl (Statistical Science): We have to remember that that the key value is driven by the sample size, there are only a small number of women in Natural Sciences, so [any difference] wouldn't show up as significant, probably, even if there was one. You'd have to

question whether statistical significance is even a relevant question. This is not a sample of faculty, this is the population of faculty at Duke, so the relevance of statistical significance is questionable.

Jamieson-Drake: Thank you. So, at the end of the day this is a way of flagging areas of concern. There are over 900 faculty salaries in the population that we looked at, and because we have to control for many, many factors it's more efficient in terms of trying to figure out what's fair, to use a regression model to try and control for all those things, than see what shows up. So, actually you could think of the procedure we go through as identifying areas of concern, as a net, and we try and cast the net wider. We accept that we're going to have what you might think of as many false-positives in order to make sure that we are able to look at the individual cases that turn out to be of concern.

I don't think I mentioned this, we can't control for things like faculty productivity, we have no information about that. The variables that we use for time-in-rank are not always linearly associated with salaries, so that violates one of the basic assumptions of linear regression.

So, there are some problems with this — it's not perfect. We're not saying that it is, I'm certainly not pretending that it is, I didn't invent it, I'm not trying to defend it. But it is one way of getting at the issue and putting it on the table so we can talk about it.

Okay, by race, ethnicity: being Caucasian didn't predict salary significantly. Professor McElroy asked me to look at this question of gender and race a little bit differently, by combining the gender and race/ethnicity variables into four: male Caucasian, female Caucasian, male non-Caucasian, and female non-Caucasian and I use the female non-Caucasian variable as the committed category. In the regression models actually, the R^2 terms, got a little better. The significances are low.

In the full-professor category, the male Caucasians and the female Caucasians got paid more. At the associate professor, they got paid less. At the assistant professor, they got paid just about the same. Then finally, we developed a regression model based only on the population of male Caucasian faculty, and used the coefficients that we generated from that to predict salaries for everybody. Then anybody whose predicted salary falls a standard deviation or more above their actual salary goes to the Provost in a list. This year, and last time, that list consisted of just over 100 faculty members that they considered person by person. That's all I planned to say.

Provost Lange: Maybe I'll just say what we do with this. I receive this list from David, the list actually contains lots of males and lots of females on it. We then have a discussion with the dean of each school regarding each faculty member on the list. First of all to ascertain whether there may be circumstances which would have been picked up in this study [to explain] why that salary might be as low as it is. Circumstances would probably be related more than anything else to the faculty member's overall productivity along various dimensions that we look at.

After that is done, we arrive at the list of salaries that require remediation and begin to develop a plan for

each of those faculties for how the identified salary will be addressed over some period of time.

As you can understand, next year, we will have to go outside of the policy overall, because we're not offering salary increases. But we're working with the deans to see if this could fall in the same category as promotions, which you may know were exempted from the no-increase policy, so that we can begin the remediation policy rather than delaying it one year.

We're just at the beginning of that process of discussions with the deans, that will go on over the next two or three months, and at the end of that process every faculty case that falls under these rules, male or female, in every category will have been examined and there will be a plan in place. This is the same process we use in every other year.

Dona Chikaraishi (ECAC/Neurobiology): Peter, do [your tests show] any people who make *more* than their cohort?

Lange: I don't have those numbers, but what would I do? (laughter) I don't tend to look at things that I'm not going to do anything about. And if they're getting paid more, it's usually for a reason.

Susan Lozier: In this analysis, everybody is categorized as assistant, associate, full, but several years ago there was a study that looked at the time of promotion, and there was a gender difference in the time of promotion from associate to full, that actually would make a salary difference if you're just looking at years at Duke. I know that was something that you were actively working on and this is a conversation that we had in Academic Council, probably 5-6 years ago, so I'm wondering now if that's something in addition to tracking in the set levels, if you've looked at that time-progression between associate to full and whether that difference has been shrinking?

Lange: The answer is that no, we have not. I do know that we took some steps, especially in Arts & Sciences where that problem was most distinct. We took some steps to ensure that those faculty members who were — well, we looked at all the cases where there were long periods between promotion to associate and promotion to full, and on some basis took steps to have those cases examined. Not in all cases, because in some cases there were good reasons for that...



You also know that we changed the rules in APT, and this is fairly important, structurally this was a more important step than any of these other things. We used to have a rule in APT that you could only be promoted to full professor on the basis of a highly distinguished publishing record. We were thereby neglecting people who were associate professors for long periods of time and had made outstanding contributions to the university in the teaching and service categories, perhaps only moving at a slower pace in the research category. So, under the previous rules, they were not being promoted.

Under the rules which were changed about five years ago, anyone can be promoted if they are outstanding in two of the three categories regardless of which ones, and actually that rule has come into play quite frequently in APT. However, I would not say that gender has been a distinct feature now, that's been across both genders.

Lozier: I guess what I would suggest, and maybe this returns to our faculty compensation committee, that in addition to looking at compensation, you look at time-to-promotion, because it can also directly affect salary...

Karla Holloway (English): I'm wondering if it's reasonable to anticipate that a person whose name appeared say two years ago on this list as needing some review, would not appear on this year's list? Is that what happens?

Jamieson-Drake: It depends on why...

Holloway: So, the list should shrink?

Jamieson-Drake: I'm pretty sure that for some people who showed up a couple of years ago, it is the case. The size of the standard deviation shrinks, has been shrinking over time. When we started it was well over 20%, this year it was 18%, it's getting smaller. Also the R^2 have gotten better. The percentage difference between male salary and female salary in the early 1990's started out above 5%, and was significant. I know Dalene said that doesn't matter too much, but over time it has decreased to the point where now it's below 3% and not significant, whatever that tells you. So, we do tend to track some things over time, and you're right...

Lange: Just to answer the other part of Karla's question: some people will continue to appear on that list because when we review them what we would hope is that the people who were reviewed, and I haven't done this yet — I just got the list — who were singled out for action would not reappear on two lists in a row. And I haven't checked yet, but that's a very good suggestion for something to do, and we can do that.

Jamieson-Drake: I have a hard time believing that that would be the case...

Laura Rusche (Genome Sciences): I'm curious whether that people who are on this list are informed that they're on the list?

Lange: No.

Jamieson-Drake: Only if they hit the (jackpot??). (laughter)

Lange: I don't know what the dean does, I should say that they are not informed by my office. But I don't

know that the dean doesn't have a discussion with the person and that we're giving you a salary that's too low.

Stangl: Is this report on line? Where can we get a copy of it?

Schmalbeck: It will be – there's some discussion about whether it will be released, but it will be.

Stangl: Soon?

Schmalbeck: Tomorrow. (laughter)

Richard Newell (Nicholas School): Has there been any assessment about Duke's competitive position relative to other universities?

Schmalbeck: We've looked at some COFHE data, again the Provost's Office has been generous in sharing this data, that data is highly confidential, you won't find that on the website because it comes from other school, under conditions of great confidentiality. The trouble is every university is different — cost of living in different areas is different, the mix of faculty by division and department is different, so it's extremely hard to be scientific about the conclusions. But we did look at it, and it was clear to me at least if you're willing to take my judgment on this (no reason you should! [laughter]), but it seemed reasonably clear to me we were at least at the mid-point of peer schools that were similarly situated and possibly a bit above that. We do monitor that as well as we can.

Newell: And specifically, on being specifically in response to the economic downturn, is this a consistent policy that seems to be applied across other universities?

Schmalbeck: We have not gathered data about that, but I bet you (Lange) have.

Lange: Can I say something about both questions? So, on the first question, we have a target zone that we want to be somewhere between 6 and 9, because the top 6 schools are very high cost of living, very high cost-of-living areas, and so if we're 7, 8, or 9 we're in this sort of league where once you compensate for those cost-of-living differences, our salaries are highly competitive. So that's the first question. I monitor when I get these COFHE data whether we're in that league and also the directionality of any movement and those data are provided to us by division and rank. So, we have assistant professor of social sciences, and so forth. Even with those conditions what Rich described is true, because depending on what the scale...say in social sciences, if you have a large economics department, your salary structure is going to look different than if you have a small economics department, because economics salaries are not the same as other social sciences. That's the answer to the first question. The second question was...

Newell: Specifically, how other universities are reacting to the economic downturn?

Lange: Basically, what we've seen is the largest salary increase that I've seen at any university is 2%. Most of them are lower, among our peers I haven't seen salary cuts, so it's much closer to what we're doing in one way or another, and everyone has their own little twist on it. But there are a couple of schools that stuck with 1 or 2% increases.

President Brodhead: There was a school I can think of that sent out a letter saying that raises would be lifted

to 2%, was the school that sent out one of the first letters in the fall, and they actually then put out an announcement six weeks ago that they would not be doing the 2%. Isn't that right? I can't guarantee that there's no variation, of course.

Jennifer Brody (AAAS): I just wondered if there was going to be a similar study on Professors of the Practice?

Schmalbeck: Maybe so (laughter). I will make a note, and in effect in general I wanted to conclude by inviting people who have suggestions on things that you would like the Faculty Compensation Committee to take a look at, to make those proposals. We received several of those, discussed them, and in some cases decided there really wasn't a good study design that would be available to flesh out the particular question being asked. So, I don't want to make any guarantees, but Professor of the Practice is certainly something we can look at and we will do that over the first of next year. Anyone else who has ideas of this general nature, please contact me or a committee member.

Lange: Professor of the practice will be very difficult to do. The number, other than in Arts & Sciences, is very small...and if you pool them in all together, you're going to get a lot of distortion. And in Arts & Sciences there are only about 100 which means that out of 100 the control variables would make the results extremely risky.

Schmalbeck: As a general matter, for several of the reasons that you all have pointed out, this is a very difficult process, very difficult to have a lot of confidence in the statistical models, they are imperfect.

I guess after discussing all of these, it seems to be the single most important thing that has come out of the process is this individualized review of those that are more than one standard deviation below the predictor. That seems to me really quite important in ensuring fairness in the salary distributions. If there are no further questions, thank you.

McClain: Thank you, Rich, and thank you David – we appreciate that. Our last presentation is from Professor Michael Gillespie, Political Science, who's the Chair of the Athletic Council. Michael?

Athletic Council

Michael Gillespie (Political Science): Thank you very much Paula, thank you very much for your good work for the last two years and for your support of the Athletic Council. I can say that I am looking forward to seeing more of you in our department (laughter).

This year in the Athletic Council was much quieter than it was last year when we did the strategic plan for athletics, so I only want to highlight some of the work that we've done this year, some of the interesting things that have gone about. The first is the improvement in academic performance among tier-one athletes and this was work that was presented to the academic committee by Lee Baker.

Probably the most significant finding was that although reader-ratings scores on tier-one athletes have declined, just slightly, it's not even clear that it's statistically significant, but declined slightly, that their per-

formance has improved in the classroom. And in particular with respect to the very large system which catches first-year students, there were actually zero athletes this year who fell under the first-alert system. I think in part this certainly has to do with the good work of Brad Berndt and others in academic advising. I think also the Krzyzewski Center for Academic and Athletic Excellence made a big difference in terms of athletes' performance as had the appointment of a single pre-major advisor for all of the tier-one athletes who lives in the pre-major advising center.

Second, the wonderful \$10 million dollar gift by Steve Brooks and Bob Paschal, very welcome at a time of scarcity, is going to be used in part to improve our football practice facilities, the dressing room for the visiting team, which also has a number of other uses. It's also a project that's meant to keep our president awake since much of the work is being done outside his home (laughter). The rest of the money will be a down-payment on the field house which will be an indoor football practice facility, but also probably for twenty-one hours of the twenty-four hour day be open to undergraduates, to intramurals, and to members of the faculty, and the university community, for club sports, for intramural sports and general recreation.

This is part of the first thing I wanted to mention, which is the big study that has begun and will continue to be undertaken with respect to health, physical education, and recreation. Even in a time of economic scarcity, there are lots of things that we can do in this area, in part because some of it has to do with staffing and reorganizing staffing in order to make it possible to do more things to free up more fields, partly the purchase of the Erwin Road field will provide another playing field.

Fields and space have been the big limitations on intramurals. I think we can deal with the staffing. When the field house comes on line, that will be a really big boost to our ability to offer the kinds of facilities that our undergraduates want in order to pursue their athletic activities.

Then finally, I wanted to talk about budget planning for Duke Athletics, because I'm sure as everyone is concerned about budgeting for the rest of Duke. Athletics plays a role, and Mitch Moser has been kind enough to come along and he can answer any specific questions. Let me just make a few general points.

The parameters for the 2009-10 academic budget were balanced with an operating proposal with zero growth. For 2008-09, it included the implementation of stage one cost-containment measures. There is a cost-containment plan that's been put in place — it has five stages. The first stage has currently been put in place. The development of a plan for prioritization of cost-containment measures, in stages of exigency, over time. The first one has been put in place, there are plans for nine more. The basic parameters were to have as little impact as possible upon the student-athlete experience. Be careful not to hamstring revenue sports. To consider lay-offs, furloughs, or reducing scholarships only as a last resort. Finally, eliminating a sport would only be

considered after all the other options have been exhausted.

Of course, it is impossible to eliminate a sport at Duke unless it's a men sport, gender equity demands that if we were to have to do anything like that (there is no contemplation of doing that) would have to be under the Title IX requirements.

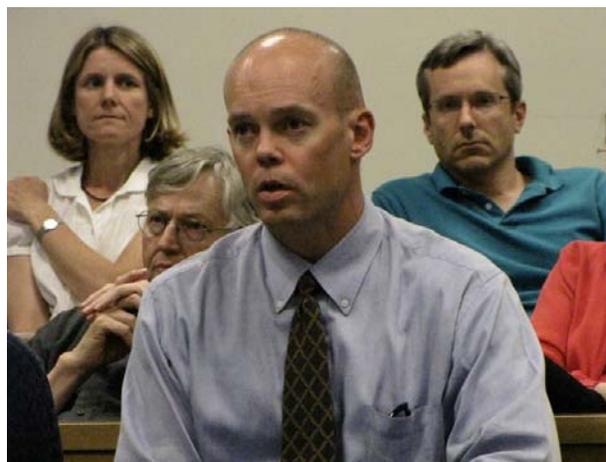
With respect to the cost-containment measures, I thought it might be useful just to see the kinds of savings that are already in place. Some of them — reduction in print production and postage — all of the kinds of things really have as little effect as possible on the student-athletes, and have more to do with administrative efficiency. In part, I think, this whole effort — Mitch can say more about it — was headed by Kevin White, our new athletic director, who came on the scene in a time of plenty and has brought great business acumen as well to the whole process, which I think is going to make it easier for the athletic department to go through this period of scarcity. Any questions about the athletic budget or about the performance of athletes?

Questions

McClain: What is the Nike deal?

Gillespie: The Nike deal? Well, Mitch can tell us about the Nike deal.

Mitch Moser (Associate Director of Athletics): We've worked with Nike in our department — Mike Cragg and Mike Sobb in our department — marketing



the men's basketball in particular, because of the existing relationships that were there, developed a school-wide deal with Nike that will provide equipment and apparel for our teams. Several of our teams have already transitioned into the deal and will be receiving allotments of equipment and apparel, and most of our other sports will transition over the next two to three years. And we will recognize some considerable cost savings from that deal.

Lee Baker (Dean of Academic Affairs of Trinity College): I just wanted to express some gratitude that athletics has been so supportive in the academic success of their athletes, but also sort of caution because of Writing 10 and a number of these important academic initiatives, we didn't want to say that we were letting in lower admissions, and we're doing a good job of where we are, we don't want to declare certain victory, and say hey, it's

still even lower. I just wanted to put that in the record that we're good but that we don't want to be in a position where we're actually now saying, well we've done it at this level, let's go down further in terms of reader ratings or whatever. That's been a discussion and I just wanted to voice it in this body.

Gillespie: Just an anecdotal bit of information, I teach one of the FOCUS programs, it's very difficult for athletes to participate in FOCUS, I got a call from the Track coach telling me that they had recruited one of the top decathletes in the country and he wondered if he could be in our FOCUS program, they would work it out as far as his training went. And I think that has certainly been my experience, of cooperation between athletics and academics. People in Biology probably don't have to anticipate that suddenly lots of people will be in Biology Labs who are otherwise supposed to be in practice. But I think that we are working on these issues, and we'll continue to work on them.

Baker: I think that academic advising has been really key, and I hope that we continue fostering those ties – it's really been successful for our tier-one athletes.

Steve Nowicki (Biology/Dean, Undergraduate Education): So, having taught Intro. Bio., I did four years ago have one of our stand out defensive lineman in my class — got an A- (laughter).

President Brodhead: One of them is now on the faculty at the medical school (laughter).

Nowicki: Well, that's true – that is a few years earlier.

Gillespie: It is publicly worth pointing out that our single Rhodes Scholar and one of our two Marshall Scholars, were varsity athletes. Both of them were extraordinary students in many ways, in addition to being first-rate athletes.

I would like to thank Martha Putallaz, particularly for all of her assistance as the Faculty Athletic Representative, and I want to thank Mitch and Brad for being here, of course Academic Council and ECAC for their support over the years. Thank you.

McClain: Thank you, Michael. And I'd like to thank Michael and Martha for their extraordinary service with the Athletic Council. They have done really wonderful things, the kinds of things that Academic Council was expecting when we did this restructuring of the Ath-



letic Council. Now this brings us to the end of our meeting. We don't have a mantle to pass on or a sword or saber, or any of those kinds of things. But what I do have, and I'd like Craig (Henriquez) to come forward, is this. I want to pass on to him the name plate that sits on the table in ECAC when administrators come through. It says **"Did you remember to consult the faculty?"** And this is really the core of the shared faculty governance process at Duke, so I pass on to you the shared faculty governance at Duke. (clapping)

Brodhead: May I say a word at the end?

McClain: yes, please.

Brodhead: I regret that I'm not the first to say it, but I will say it as sincerely or more than anyone else, which is faculty governance only works in a university if faculty are willing to enter into the subject seriously, if they are willing to take time, to learn things, to do all kinds of things every day they necessarily wouldn't have elected to do. I think it works here very well thanks to the commitment of those of you who come to groups like the Academic Council. But we all know it really wouldn't work at all if it didn't have leadership that really tries to represent the faculty and create the kind of relationships that hold the university together. I think you have done a fantastic job, Paula, and I wish to offer you my thanks. And Craig, I promise you will do a fantastic job, now that you have that sign to put in place... Thanks so much. (Clapping)

McClain: Thank you everyone, and I wish all of you an enjoyable and relaxing summer. Academic Council will re-convene next in this room on September 24th. The meeting is adjourned.

Respectfully submitted,

John Staddon
Faculty Secretary, August 4, 2009

COMMENCEMENT, 2009

