

# Duke University

Durham  
North Carolina  
27708-0928

ACADEMIC COUNCIL  
304 UNION WEST  
BOX 90928

## Minutes of the Regular Meeting of the Academic Council

PHONE (919) 684-6447  
FAX (919) 681-8606  
EMAIL: ACOUNCIL@ACPUB.DUKE.EDU

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The Academic Council met in regular session on April 19, 2001 from 3:45 to 5:15 p.m. in 139 Social Science Building with Professor Peter **Burian** (Humanities) presiding.

### ANNOUNCEMENTS

After welcoming the newly elected members for the academic year 2001-2002 and for their benefit, the **Chair** tended to a few housekeeping matters. In the process, he also introduced the elected and administrative secretaries Tilo Alt and Linda Lehman, announcing that a new Faculty Secretary would be elected in May.

He finally, reminded Council of a custom that seemed to have gone into hibernation but that he would gladly awaken on demand. In past years, both the President and Provost have kindly agreed to answer questions on any topic of current interest sent in writing to the Academic Council office by a member of the faculty. By resolution of the Council, the question would be circulated (which would remain anonymous unless the questioner desired to be identified) with the agenda of the earliest possible meeting at which the officer addressed would be able to provide an answer. Questions should be sent either by campus mail or email, and the Council office would forward them to the appropriate office and see that they got on the Council agenda.

Generally, Council meetings began with approval of minutes, but since the faculty secretary was unexpectedly called away on family business, the minutes of the last meeting were not yet available. He did, however, have one ritual that would be somewhat extensive this time as he had a bunch of announcements to make at this time.

First, it was rare for an Academic Council chair to have a scoop, but some of the members may not yet know that the university had a new Dean for the Medical School. Dr. R. Sanders "Sandy" Williams would be assuming the role of dean and vice chancellor for academic affairs at Duke University

Medical Center, officially beginning July 1<sup>st</sup>. The appointment was, of course, subject to formal approval by the Board of Trustees at its meeting in May. Dr. Williams, who received his medical degree from Duke in 1974, held a distinguished chair in Cardiovascular Medicine and served as chief of the division of cardiology and director of the Ryburn Center for Molecular Cardiology at the University of Texas Southwestern Medical Center in Dallas.

The University owed a debt of gratitude to the large and distinguished group of Medical Center faculty who served on the search committee, co-chaired by Professors Dale Purves (Basic Sciences) and Robert Lefkowitz (Clinical Sciences).

He felt sure that members did know by now that Duke also had a new Vice President for Student affairs, Larry Moneta, who would be coming from the University of Pennsylvania, where he was currently Associate Vice President for Campus Services, on August 1<sup>st</sup>. Again, he wished to thank the faculty members who served on this important search committee, including its co-chair, Steve Nowicki (Natural Sciences).

Next, he wanted to announce the formation of an Academic Council Eligibility Committee. The Bylaws of the Faculty of Duke University recognized two groups of regular rank faculty, those with tenure and tenure-track appointments, on the one hand, and other long term faculty, including Lecturers and the ranks of Professors of the Practice, Research Professors, and Clinical Professors. The current Council Bylaws gave tenured and tenure-track faculty the right to vote for and serve as members of the Council; the other regular-rank faculty may vote in Council elections but were not permitted to serve on the Council. In response to repeated requests from faculty that this situation be reviewed, ECAC had formed a committee to consider whether or not to recommend allowing additional faculty ranks to serve on the Council. He was pleased to announce that Professor George Christie (Law) had agreed to chair, and that Professors Miriam Cooke (Humanities), Emily Klein (Nicholas School), Jane Onken (Clinical Sciences), and Len Spicer (Basic Sciences) had accepted appointment to the committee. Their report was expected during the fall.

Third, he could also announce this afternoon that the Provost had appointed a committee to conduct the regular review of the University Librarian, David Ferriero. The Committee would be chaired by Vice-Provost Judith Ruderman and the library would be represented by Margaret Brill of the Reference Department. ECAC was grateful to the following colleagues who had agreed to serve as faculty representatives on the review committee: Bryan Gilliam (Humanities), Jay Hamilton (Social Sciences),

Roxanne Springer (Natural Sciences) , and Philip Stewart (Humanities).

Fourth, in past years, the report of the Faculty Scholar committee had been a very happy feature of the spring schedule, but the committee, with the support of ECAC, had moved their selection process from spring to fall. This change accommodated a significant number of juniors who, when nominated, were not available for interviews since they were on study abroad. The number of first-term seniors who were away from campus was considerably smaller, but the committee agreed that, should any students in this situation be nominated, they would be interviewed via conference call. Nominations for students to be faculty scholars were now open, and this information had been sent to chairs and directors of undergraduate studies in the various departments and programs. If anyone was aware of rising seniors who were potential nominees for this honor, they should contact one of those officers in the appropriate unit.

The next item on the day's agenda, was the election of four new members of the Executive Committee. Before circulating the ballots, the **Chair** wanted to say a word of thanks to the stalwarts who would be completing their terms at the end of the academic year, Sunny Ladd, Jane Onken, Ann Marie Rasmussen, and Christina Williams. He thought of them as the four Graces of ECAC. All of them had contributed in special ways, all of them had brought particular expertise, but shared breadth of interest and dedication to the University and to faculty governance. At this time three members would be elected to serve regular two-year terms and one member for a single year, to fill out the term that Sunny Ladd would be unable to complete. The Bylaws of the Council prescribed that ECAC prepare a double slate of candidates, that is, two for each open position. Hence there were eight candidates. He also reminded Council that the Bylaws stipulated that the chair now call for nominations from the floor, but the nominations had to be for a full slate—in this case four candidates, who had agreed to serve. Hearing no such nominations, the **Chair** proceeded to read the names of the ECAC slate and to ask each one present to rise: for a one-year term, Prasad Kasibhatla (Nicholas School) and Michele Longino (Romance Studies; Michele was unfortunately out of town today). For two-year terms, Fred Nijhout (Biology) and Roxanne Springer (Physics), Charles Steenbergen (Pathology) and Douglas Tyler (Surgery), Ken Dodge (Public Policy; also unfortunately out of town) and Marjorie McElroy (Economics). Sara Beale and Steve Nowicki who served as tellers, then distributed the ballots and collected them to be counted.

PROPOSAL AND VOTE TO CREATE A DEPARTMENT OF THEATER  
STUDIES

The next item on the agenda was a proposal to create a Department of Theater Studies. The **Chair** noted that this proposal had been around for some time; it went to APC already last year, and was further examined by a subcommittee charged to consider whether Drama should be combined with other units, such as Dance and Film and Video. That subcommittee reported a lack of support on all sides for such a move, and recommended that the original proposal be carried forward. APC then endorsed the proposal. Council received that endorsement, along with Provost Lange's and Dean Chafe's letters of support. The proposal would not be voted on until the next meeting, but he would now call on the Director of the Drama Program, Richard Riddell 1, to speak to it, and he would then open up the floor for discussion.

Professor Richard **Riddell** (Drama) began by stressing the long history of theater at Duke, going back to 1931 to a group of students who started the program then called the Tartan Players which morphed into the Duke Players organization which continued to exist to this day. In 1975 an academic program was established, the "Program in Drama." John Clum from the Department of English was the first director of the Drama Program and very shortly after the establishment of the Drama Program a major was established. So for well over 20 years students at Duke had been majoring in Drama. They also now minored in Drama. The faculty had grown from a half time appointment of John Clum initially to nine full time faculty appointments and six part-time appointments. The funding for the Program in Drama was now all on hard money and had been for six years. There were also some endowments to support scholarships and other activities, probably the most notable being the theater preview productions that came to Duke. They were currently involved in one such production - a production of Herb Gardner's "A Thousand Clowns," a revival starring Tom Selleck. This production was in rehearsal here at Duke and then would go on to Boston and Chicago and then open on Broadway in June. These productions had been done for about fifteen years at Duke as a way of bringing a professional theater lab, if you will, to the campus and also to provide a cultural resource for the Triangle community. Consequently, their reputation nationally was well established within the professional theater community. To create a Department of Theater Studies would help them achieve a balance that had been sought really since the inception of the Program in Drama which was a balance between the study of theater, dramatic literature, theater history, and theory and the practice of the art of theater. Because of the origins of theater here at Duke the practice of theater, the artistry if you will of

theater had received a great deal of attention and support. They had also been fortunate in attracting excellent faculty to the campus - many from the professional theater for whom the concept of tenure was really unknown. Although in some European countries and perhaps others in the world there were such things as tenured actors and companies, that was certainly not the case in the United States. A Department of Theater Studies would enable them for the first time to attract tenure track scholars and add literature, theory and criticism to the offerings. These were positions which had been filled with term appointments. They had not been competitive nationally in filling those appointments, so a big reason for requesting a change in the status had been to enable them to make tenure track appointments for theater scholars. On the recommendation of people in the administration, it was decided to ask to be a department rather than a program because the focus of the study and the research and the professional activity of the faculty in drama was very much within the discipline of theater. It was a single discipline, and a department seemed to be an appropriate unit, therefore. The question was raised about the name, the Department of Theater Studies, why not just a Department of Theater? Theater was studied and practiced throughout the United States' many universities, private and public, many of the programs fell sort of on one side or another of the line between preprofessional conservatories and the art of theater vs. liberal arts programs in drama, theater studies, and graduate programs in the study of dramatic literature and of theater history. They were clearly a program that was seeking a balance between practice and scholarship and Theater Studies was in their mind a good way to describe that. Departments of theater traditionally in this country were those that were a little more geared toward a conservatory approach. In terms of resources the change would not necessitate new financial resources, since they already functioned very much financially like a department. The one addition would be a new senior level tenure track scholar to provide additional intellectual leadership in the new areas of dramatic literature and theater history. Finally, he wanted to comment on the possibilities that created for them through connections with other departments at Duke, particularly in the humanities. They had recently been fortunate to make a number of secondary appointments with faculty in Classical Studies, Romance Studies, English and Literature. Clearly, having a core faculty in theater studies who were focused on their research of the art of theater, but also the history of theater, the dramatic literature that surrounded theater; the theory of theater provided all sorts of possibilities for interaction, such as interdisciplinary studies with other humanists at Duke. It might well lead in time to some sort of graduate level activity, perhaps a

certificate in theater studies that might complement the work of Ph.D. students in Literature or English. He thought he would stop there and see if there were any questions.

Professor Fred **Nijhout** (Natural Science) asked if the leading rationale for this was the making of tenure track appointments in this department, why those programs at the university that had tenure track faculty with primary appointments in other departments could not serve as a viable option.

The response was that that had been considered but there were at least two reasons why they were taking a different route. One was that drama as it currently functioned was very much a disciplinary unit as opposed to an interdisciplinary program. So the recommendation, was 'why don't you just become a department, that seems to make the most sense institutionally with Duke.' The other reason was how theater programs/departments are constructed nationally. In terms of the maturation of the academic unit here at Duke it was very similar to departments at Brown, Stanford, Cornell, which were peer institutions. Programs in drama were generally much smaller and faculty were often part-time faculty. So it would send a very clear signal to Duke's peer institutions as to the kind of academic unit here.

In the absence of any further discussion and in spite of the two-meeting rule, Professor **Burian** then asked if there was sentiment in favor of voting on the proposition right then and there. It was decided by acclamation to do so. After a motion was made and seconded that the 'Program in Drama' become a 'Department of Theater Studies,' it was **approved** by voice vote without dissent. The **Chair** offered his congratulations accompanied by a round of applause.

#### PACOR REPORT

The **Chair** then turned to the next item on the agenda, namely a report by the chair of the President's Advisory Committee on Resources (PACOR). It had been two years since the last report and it was customary that Council hear reports by the more important of the standing committees of the university. He then asked the current chair, Professor Thomas **Diprete**, to give his report.

Professor **Diprete** introduced himself as a professor of sociology who had been at Duke for about thirteen years. He had served as a member of PACOR in '94-'95 and in '95-'96 and again in '98-'99. It was at that time that President Keohane had asked him to chair the committee. So this was his second year as PACOR chair. He was going to report to the Academic Council on PACOR's general function within the university

governance system and specifically on the activities of the committee during the past two years.

The committee was appointed by the President of the University to give advice concerning budgets, forecasts, annual budgets, long-range planning for capital projects and any major new projects that came under consideration and that was a quotation, that was the official charge to the committee. The President appointed members of the committee and in his experience she worked closely with ECAC on this matter. ECAC recommended faculty each year to fill faculty vacancies on the committee as the terms of existing faculty members expired. From the handout before members it could be seen that the committee included faculty representatives who were typically selected so as to provide perspectives from different schools at Duke and different divisions of Arts and Sciences. The executive offices of the University were ex-officio members of the committee. The appointed membership typically included a couple of deans plus other administrators in the university. On a regular basis, they invited other appropriate administrators and faculty to meet with the committee as various agenda items were being considered. In addition to its advisory role to the President, PACOR had a semi-formal connection to the Board of Trustees in that the chair of PACOR at least in his experience had been a member of the Business and Finance subcommittee of the Board of Trustees and also a member of the newly formed Audit Committee of the Board of Trustees. In his view the committee had played and continued to play an important advisory role on important questions of resource allocation and at the same time it was an important part of the system of faculty governance at Duke. The existence of PACOR ensured that faculty members were well informed about important financial issues and it ensured that they had a voice in the decision making process about how best to use the university's resources for the mission of Duke University. The committee served this discussion via serious discussion of the various items that made it on to the agenda for their biweekly meetings. Probably his most important job as PACOR chair was to make sure that the important issues got on to the agenda. Obviously, the successful handling of this task required good information, close cooperation with the senior officers. As a rule, his major contact in the Allen Building was with Executive Vice President Trask. They started each semester with a lunch meeting to review the issues facing the university over the new term, and they had additional meetings on an 'as needed' basis. Meanwhile, he maintained weekly contact with Dan Rodas who was the Assistant Vice President for Administration in order to work out the agenda items for each meeting. His biggest concern in this process was to make sure that important issues got on PACOR's agenda at the optimal time. Many of the issues that they

discussed such as the appropriate spending rate from the endowment, the appropriate debt policy for the university, policies for optimal space allocation on campus or the question of appropriate school reserves were quite complicated. When they first arose as issues it was often not clear how they should be resolved and the process of identifying the best alternatives was not necessarily within the scope of PACOR's expertise or time resources. On the other hand, if the issues didn't get onto their agenda until decisions by senior officers were already made, the agenda item would then amount to nothing more than an informational report. While such reports could be both informative and interesting too much of this was really not the best use of the committee's time in his opinion. Thus, as he saw it, the main part of his job as PACOR chair was to try and stay abreast of developments on the set of active important issues, so that he could steer them onto their agenda for a discussion and advice. After that point in time when some clear alternatives had been identified, but before that point in time when final decisions had been made. While this task was not always easy, he did believe that the executive officers shared his view of the value of PACOR's role as an advisory body in university decision making. There were some specifics. Certain issues such as the university budget, financial results from the previous fiscal year and planning for the next fiscal year were regular items on the agenda. These included such issues as the setting of school tuition levels, the target growth rate for salary pools for faculty and staff, target growth rates for academic and administrative budgets and so forth. Besides these they dealt with many other items. Last year's major accomplishment was the active role that PACOR played in the formulation of a new spending rate policy for the university's endowment and quasi endowment. The new spending rate which was approved by the Board of Trustees last May was one of several financial developments that made possible the ambitious strategic plan for Duke University which was approved by the Board of Trustees at the February meeting. This year much of PACOR's attention in the fall concerned the strategic plan. PACOR worked closely with several other committees including the Planning Steering Committee chaired by Provost Lange to assist in the development of this plan. In addition, the Committee in the current academic year had discussed the revised medical benefits, the renovation of Perkins Library, the capital campaign, school reserves, the development of a university debt policy, financial reporting tools that allowed better management of university resources, the long term endowment spending policy, the composition of Duke's endowment, the real cost of an undergraduate education at Duke in comparison with other universities, and the search for a new CIO to replace Betty Leydon who was departing for Princeton. Those were his

formal comments and so if there were questions or comments, he was prepared to respond.

Professor John **Staddon** (Natural Science) wondered if the Committee was kept informed on decisions made by other bodies and whether PACOR had managed to solve this kind of problem.

Tom **Diprete** replied that at some point the policies that were so complicated that no one knew exactly how to handle them were formulated (like an optimal space policy for the university), but in a general sense they were in the loop, although not on every issue. There was not enough time to address every issue. He said that if they played an important role in a significant issue each semester, he felt quite good. PACOR only met once every two weeks. So, there was a creative tension here and he thought that it was the nature of what went on in the Allen Building and the number of things that were on their plate.

Professor **Staddon** thought it encouraging that there was at least one loop.

Professor **Diprete** repeated that he felt there wasn't a conspiracy here. Everybody was very busy and trying to address issues and there was a natural tendency to want to come with a presentation of a problem when the person making it already knew the answer to the issue. So, somebody who knew the answer made a compelling presentation. It then seemed like it had been decided but then they felt good about it, so that was alright too.

Professor Marjorie **McElroy** (Social Science) wondered about PACOR's separation of budgetary matters such as salaries or mulch for the Gardens from considerations of academic or university priorities, i.e. if there was ever any meeting of the two, whether he talked to the chair of Priorities [APC]. It seemed to her that PACOR thought about the budget and Priorities thought about what the university should be doing.

Prof. **Diprete** thought that they tended to operate at a higher level than that, e.g. issues about the salary pool, etc. Those kinds of things came to PACOR on a regular basis in terms of the financial planning documents. How the committee responded was really a function of what the individuals around the table had to say about this. If the different faculty representatives, administrators around the table were comfortable with the numbers in the document, and there were no more hands up, no one had anything more to say, they passed it by. If people had substantive comments to make that raised important issues, then those were issues that they addressed and if there was appropriate follow-up, they followed them up.

So it was a bit of a dynamic process. They didn't tend to get into things at the level that would involve interactions with APC, at least in his experience in terms of how the budget got cut up into different allocations across departments.

Professor Kenneth **Knoerr** (NSEES) asked if PACOR or APC had independent staff support.

Tom **Diprete** answered that PACOR's staff support went through Vice President Trask's office.

Ken **Knoerr** continued his comments by pointing out that when Wes Magat was chair of one of these committees— he could not remember which one— he had somebody who worked for him who could check independently whether the information he was getting was [accurate]. One didn't have to accept what one got at face value. It was like having a mole, and he knew Wes was frustrated when that support went away. He was thinking that was a good idea [to have a mole].

PACOR's **Chair** didn't know if he had a mole. Dan Rodas was the person who provided the sort of a day-to-day, week-to-week staff support and he was in the Allen Building. He couldn't say if he was a mole or not, he would have to ask him that question. To Professor **Knoerr's** question of whom he worked for, Professor **Diprete** replied that he thought President Keohane paid him.

President **Keohane** interjected that the answer to his immediate question was that he worked for both. He worked for and reported to Tallman [Trask], but he also worked for PACOR. She came in the days that he and John Staddon were both referring to. There was a lot of suspicion between the faculty around budget matters and the administration. The separate staff support was still in place when she came and stayed in place for several years and in full agreement with ECAC and with one of the chairs that preceded Tom, but followed Wes, it was agreed that it was not a very good use of \$90,000 of university money, because the person would have to go to Tallman's office or now Peter's [Lange] office to get the information anyway. If trust could be built it would be a lot better use of money to help with something else. That decision was made fully collaboratively and she thought one difference was that her administration had made a very strong effort to be pretty transparent in financial matters, they had tried not to make it a situation where a mole would be helpful.

Tom **Diprete** didn't get the sense that people were hiding things from him. If he wanted documents, he got them if they existed. Sometimes documents didn't exist. Sometimes they

asked questions and no one knew the answer, but that was typical of a complex organization.

President **Keohane** thought that while she was standing she would thank Tom **Diprete** for his report and say that PACOR had really worked very effectively particularly around strategic planning where it was crucial, but in terms of budgetary analysis, his leadership had made a difference. She appreciated that.

Prof. Sibylle **Fischer** had noticed that there was no one from the Humanities serving on PACOR and **Prof. Diprete** replied that that was really a question directed at **Peter** [Burian] as well as himself. The former explained that he had nothing to do with the current composition of the committee which was proved by the fact that he sat on it. Actually that was just a joke because he personally believed that it would be important to have at least one person who was relatively naive about money and was willing to say 'what does that mean, why are we doing this.' He agreed with the questioner that this was a committee like other committees that ought to have a quite broad representation.

#### ECAC ELECTIONS

Having been handed the election tallies, the **Chair** proceeded to announce the results. The votes were close which he took to mean that the choice of candidates was a strong one and he thanked all the candidates. The winners were for the one-year term Prasad **Kasibhatla**, for the two-year terms Fred **Nijhout**, Douglas **Tyler**, and Marjorie **McElroy**. He congratulated them and commented that they would find it demanding, but also regularly interesting, occasionally exciting and almost always worthwhile. The reward came in being in on most of the important discussions that went on around here and learning as much as one did, one could almost say for better or worse about how the university really worked.

#### A.P.T. REVIEW REPORT AND VOTE ON ECAC RESOLUTION

The **Chair** introduced the last item on the agenda by passing along a small correction to one of the review committee's recommendations which followed on last month's discussion. Peter **Holland**, the Committee's chair, noted that Recommendation 12 did not make explicit the Committee's intention, namely that consideration of a well-assembled dossier in a clear-cut case in one, rather than the usual two meetings, was to apply only in the case of a positive outcome. Professor Holland wrote: "It was clearly the sense of our committee that there should not be any kind of short-circuiting if there was any likelihood of a negative vote in

APT." ECAC had prepared a motion of what might be called general support for the recommendations of the review committee. Since this was the second meeting in which the subject was discussed, the motion could be voted on today if the Council was ready to do so, otherwise, the vote could be postponed. He then invited Provost **Lange** to respond to the Committee's recommendations, after which the floor would be open for discussion.

Provost **Lange** began by thanking the Review Committee for an excellent and thorough report, one that would lead to some significant revisions in the current process. He had already discussed the report with the deans, with the current APT Committee, with the Academic Priorities Committee, and with ECAC. He expected to have further discussions as they worked through the recommendations and development of specific responses and changes to the process. The day's discussion was another and certainly not the final step in that process. For now, he was offering some introductory framing remarks. He then would go to the specific recommendations of the Review Committee one-by-one giving members his reflections and initial responses about possible changes. He considered the review a basic affirmation of the quality of the review process and its substantive outcomes, along with a set of well-reasoned suggestions about how it could be improved.

APT was a complex process of judgments. Substantively, it raised a number of questions, i.e. how to evaluate the accomplishments already attained as a measure of work to come. This was especially important for the award of tenure to untenured faculty and the hiring in with tenure of new faculty to Duke. Decisions were often made based on six or seven years of accomplishments that had thirty and even forty years of personal and institutional implications. That was a difficult task involving judgment and risk and that needed to be recognized. The challenge was how to properly balance the weight given to research, teaching and service contributions and their synergies within the work of an individual and within the institution at different points in an individual scholar's career and how this could be recognized in a process which was always at some level a snapshot. Here research was and had to remain preeminent, but it was not alone—nor above a certain threshold level—was it unbalanced by considerations of other achievements at any decision point, and hence the weight given to different qualities, attainments and potential change in making different decisions in the process from initial hire to promotion to full and even Distinguished Professor. The committee did not weigh these factors with similar weight at each stage of that process. The recommendations from the APT Review Committee, in fact, reflected that in the difference that they set for the way

people should be considered for tenure and the way they should be considered for promotion to full professor.

Another issue was procedural, i.e. a question of how to attain the right balance between getting the best and necessary information to allow for making substantive decisions and not creating a bureaucratic and informational nightmare in which picking nits overwhelmed substance and the search for procedural equity overwhelmed good judgment by smart people, and as the review said, a 'rule of reasonableness.' This was, in fact, more complicated than it appeared. Similarity (or uniformity) in the information in files, was, as both current and former APT members pointed out in their discussions, one of the ways that they were able to make comparative evaluations of the quality of candidates and to judge the quality of any individual file, i.e. the question was one of how to match that uniformity with the fact that—as the report underlined—there were certainly plenty of nits that got picked in the process as it currently ran. Again, it was a procedural question of how to balance the implications of the fact that those closest to the research and to the teaching areas of the candidate (i.e. the members of his/her department or even subfield) were likely to have the best information, with the fact that these same individuals often had the greatest difficulty in making the dispassionate, critical judgments that the tenure and promotion process called for. This may sound harsh and he asked if it reflected on their part a distrust of their colleagues. The whole APT process was built around recognition of these cross pressures and efforts to relieve their consequences. There were, on occasion, cases (one or two a year) where APT reversed a unanimous positive recommendation from a department. He would suggest that it may be that this was the purest reflection of the kind of cross pressures which sometimes the process exposed. As may be recalled, he had since his appointment as Provost emphasized the need to try to get the best information from, and enhance the responsibility of those with the best information about the cases, that is, to push down the critical judgment points in the process. There were recommendations in the review that went much in the same direction.

He now turned to the individual recommendations of the Committee, listed on pages 12 and 13 of the report. He referred members to the report in their materials. He said that occasionally he would group recommendations which really worked together.

1. Further assurance was needed that annual review and feedback to untenured faculty was systematic across schools.

He would ask each Dean to provide him with information on their policy.

2. The same held true of the formal reappointment review procedures.

3. Contract periods primarily affected A&S divisions, although he would consider it with other schools as well; he would work with the Deans to see if changes were called for. Norms would be set at the divisional level but, given heterogeneity within a division, opt-outs might be possible.

4. It was very important to clearly and formally establish the current policy of 'up or out' if a case was deliberated by AP&T. Language would be sought, however, that provided some degree of flexibility in exceptional cases. It should generally be assumed that a case would only be brought once to APT for a decision to award tenure. (APT dealt with 60 to 70 cases a year and having too many cases where people were just probing to see if a case would 'fly', was not a wise idea and not good for APT) . In exceptional cases and with the approval of the Provost a case might come up more than once.

5. He strongly supported the more proactive involvement of Deans. This involved their ability to collect independent information.

6. Deans should be involved in interdisciplinary cases, especially in the formation of search committees; the candidate should have the right to communicate directly to the Dean when he/she had concerns in such cases. He would take it as a general point that the Review Committee would support that in A&S, comprising 36 departments and five programs, the Dean assigned more responsibility to his divisional deans to develop the School's views on recommendations from the departments. He expected to be working closely with Dean Chafe and the Deans for Natural Sciences and for Humanities and Social Sciences to establish ways this could best happen.

7. His group would closely examine the Guidelines and to assure that the Guidelines in the APT dossier and in the Faculty Handbook were in agreement.

8. He thought that much of the issue was not only what was asked of departments but the "pickiness" of the committee regarding this information when, for good reason, it could not be developed or when it was obvious, even without the missing information, that the case was very strong. He would work with the committee to assure that departments not be belabored for second rounds of unneeded information.

9. He would likely simplify the letter seeking outside opinions, but the specific text seemed to him to be "too simplified." The original sentence that the revision left out should be retained, i.e. " [list/comment on] the scope and significance of his/her research interests and activities as they have made original or otherwise significant contributions to the discipline." The letter as presented in the Report would have to be changed.

10. The rule of 'reasonableness' made absolute sense to him and the key here would be in the application, i.e. how the issue of 'overlap' of referees and 'arms length' referees (i.e. the kinds of people that would be alright to ask to write about the candidate, e.g. former fellow students in graduate school) is to be dealt with in a less restrictive way than in the past.

11. He wholeheartedly agreed with the recommendation that APT not interview department chairs and deans in cases which were positive— but he would prefer to say that APT could choose not to interview in 'open and shut' cases.

12. He was in full agreement with dispensing with the two-meeting rule for each dossier.

13. He disagreed with this recommendation and would want to leave the responsibility for the ranking of a given department's faculty in the hands of the department chair rather than transfer it to the Dean. It not only enhanced the role and responsibility of the chair but also provided the basis for excellent discussions within APT about both the candidate and the department.

14. He was in agreement with the recommendation to communicate to the Dean any additional outside information obtained by APT on its own initiative who in turn would pass it along to the department chair in sanitized form in order to protect the confidentiality of the sources.

15. He cautioned that the language for the criteria of promotion to full rank in the Faculty Handbook needed to be seen to with great care. Good performance in all three areas (research, teaching, service) and outstanding performance in at least one , with some willingness to be flexible with the passage of time, was fine as long as it was also understood that excellence in one area and poor performance in the other two would not suffice, by the same token a really bad performance in one area would also preclude a promotion.

Having concluded his responses, the **Provost** stood ready to answer questions. Professor **Khasibatla** (NSSE) asked about the

part of recommendation 3 pertaining to the length of the initial appointment, i.e. whether that same argument held for the length of the process for tenure in the sense that depending on one's field it might take longer to establish one's credentials. The answer to the question was that Duke was constrained. They had already pushed the AAUP down as far as feasible regarding the length of the tenure process, but that it hadn't been a huge problem. There were a couple of institutions where people were bumped up from Assistant to full Professor, bypassing the Associate Professor rank which was a non-tenure and hence terminal rank.

Professor **McElroy** (Social Science) wanted to know what happened to the tenure clock if one was on maternity leave and teaching relief. Provost **Lange** replied that they had been very reluctant to extend the tenure clock in a differential way, because it created a great deal of inequity. Duke had tried to strike a balance. He believed that maternity leave should always include teaching relief. Professor **Rasmusen** (Humanities/ECAC) interjected that maternity leave included turning the tenure clock off for that semester which the **Provost** confirmed and to which he added that if extra time were needed they would get that time off as well.

At this point, noting that there still was manifestly a quorum, the Council **Chair** asked if members were ready to put the following ECAC resolution to a vote. Hearing no objections, he read the text of the resolution:

"The Academic Council thanks the ad hoc Committee on the Appointments, Promotion and Tenure Process for its thoughtful report without endorsing specifics of each recommendation of the report. The Council embraces its support of continued high standards, supports its emphasis on streamlining the process where possible consonant with procedural equity, and endorses its recommendations for aligning the language with the Faculty Handbook with actual practice in regard to the up or out policy and the criteria for promotion to full professor."

After some discussion about the ongoing nature of the tenure review process, Dean **Siegel** (Graduate School) and Professor **Rowe** (Law) offered a friendly amendment to the resolution, which was acceptable to the **Chair**, namely that 'the Council instruct its Executive Committee to continue to work with the Provost in developing final recommendations and implementation of the report.' He reminded Council that this was an ECAC resolution and hence did not require a second. Council followed a practice whereby the Provost reported to the Council on a regular basis about the proceedings of the APT

committee, therefore, the occasion for discussing the issue surrounding this document would continue to arise.

Professor Steven **Nowicki** (NSEE) wished to thank the Provost for having stated his opinions so forthrightly and clearly, because he thought that was a very important first step in that process.

Professor John **Baillie** (Medicine), following up on a question he had put to the Provost at the previous meeting concerning the differential treatment of the Medical Center from the rest of the university, said that he had had a lot of feedback from colleagues. He didn't think that it was a good idea to create a two tier system. He knew for a fact that the faculty in the Medical Center very much wanted to be part of this university and had a sense of ownership, but also a sense of oversight that they were being treated equal. So it didn't affect the Council's resolution but he would like to at least consider some proper thought about how everything that had been generated out of this report could be shared with the Medical Center's clinical APT committee.

Provost **Lange** said that he would be happy to hear from the clinical faculty (which he estimated to number around 800) or if he wanted to collect the views and bring them forward he would have no objection in hearing the views. He couldn't assure responsiveness, but he could assure that he would listen.

Professor **Baillie** added that they had had some discussion about perhaps forming a group of clinical faculty who could carry this information to the Provost in a friendly fashion.

Another questioner asked about the relationship of the Ascher Report to the present one. Dean **Siegel** answered that it was the preceding review of APT whose recommendations were largely unacceptable to the then ECAC and administration. Dean **Siegel**, however, wanted to return briefly to the issue of the clinical faculty not being treated the same way as other faculty. The process that led to the inclusion of the Basic Science Faculty in the Provost's APT process was that the clinical representatives to the Academic Council petitioned ECAC to appoint a committee to investigate the process concerning them and a report was made independently to consider what would be the right thing to do.

The Council **Chair** said on behalf of ECAC that they would clearly be very glad to work with clinical representatives and anyone else. This was a moment with the arrival of the new Dean and the revival of the Clinical Faculty Council when perhaps it would be propitious for them all to work together

to understand the issues so they certainly committed themselves to do that. With that much said and as he saw no further hands straining in the air and the hour getting late, he asked if Council was in fact prepared to vote on the resolution as amended. It **passed** unanimously by voice vote. He then declared the meeting adjourned.

Submitted for consideration by the Academic Council,

A. Tilo Alt Faculty  
Secretary