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Minutes of the Regular Meeting of the Academic Council

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February 21, 2002

The Academic Council met in regular monthly session from 3:45 - 5 p.m. on Thursday, February 21, 2002 in 139 Social Science Building with Professor Peter **Burian** (Humanities) presiding.

MINUTES AND ANNOUNCEMENTS

The **Chair** welcomed everyone to what he thought would be a rather exciting meeting of the Academic Council in several ways. First, however, he began by asking if there were any additions or corrections to be made to the minutes that were circulated with everyone's packet. There being none, he asked for and received a motion and a second to approve the minutes as submitted. The motion **passed** unanimously by voice vote.

He had several announcements to make. The first one being that the term of the current Faculty Secretary, Professor Tilo Alt, was coming to an end at the end of June. As mandated by the bylaws, a new faculty secretary would be elected at the March meeting. Professor Alt would not be running for reelection, and ECAC had so far identified only one candidate willing to stand for this important office. He was Professor John Staddon of the Department of Psychological and Brain Sciences. (Applause).

Professor John **Staddon** interjected that he wanted to admit that he was not actually retiring. (Laughter) The **Provost** added that he never had been retiring. The **Chair** commented that most members already knew John as a long-time and articulate member of this Council. He also wished to say, with John's cognizance and approval that this was an election like those for Chair and Executive Committee, and he would like to invite anyone else who might be interested in running for this office to let him or Linda Lehman in the Council office know of his or her interest. A firm commitment from any other candidates would be needed by Friday, March 8.

He then said that Larry Moneta, Vice-President for Student Affairs, had asked him to announce that his office was going to sponsor a first-year summer reading program for entering undergraduates. In such a program, incoming students were sent a book to read over the summer and then participated in group discussions as part of the

orientation program when they arrived on campus. Larry was seeking suggestions from faculty of books that might prompt stimulating discussion and lively debate, be of broad enough interest to engage the gamut of students from budding scientists to budding artists, and would enrich the intellectual life and personal reflection of students as they began their Duke careers. He would greatly appreciate members' suggestions of titles they thought would be appropriate for this initiative. To contribute a suggestion, an email to "kie@duke.edu" containing the author and title, and a brief statement of the reasons for the choice of title would be sufficient.

The **Chair** interrupted his announcements to turn to the matter of the pending election of a new Council Chair. Unless there were nominations from the floor which could only be made with the prior consent of the nominee, ballots would be distributed to vote for one of the two nominees for Council Chair. There being no nominations from the floor, he declared the nominations closed. Professor **Burian** asked the candidates Nancy Allen and Jan Radway to stand. The person elected would serve a two year term, beginning on July 1, 2002. After the counters had done their work, he would announce the result. He reminded the audience that only Council members could vote and only once (Laughter).

The **Chair** then turned to his last announcement, namely that this was a special meeting and that regular proceedings would be suspended at about 4:30 to hear about the Campaign for Duke from Ginny and Pete Nicholas, after which there would be a special announcement by President Keohane. That announcement would be followed by a reception in the Rare Book Room, to which he hoped all would be able to come.

CONTINUING DISCUSSION OF CONSENSUAL RELATIONSHIPS POLICY

To set the stage for the continued discussion of the proposed policy on consensual relationships, the **Chair** said that Vice President Sally Dickson was present to answer questions. He reminded the audience that the discussion had begun last time with a draft circulated in the Council. Thereafter, the draft had been widely circulated to faculty, and a number of colleagues had responded by email with criticisms, questions, and suggestions. He thanked everyone who had contributed their ideas, and he wanted to remind people that further ideas were still welcome, both on this floor today, and thereafter by email as before at the Academic Council email drop 'acouncil@duke.edu.' As might be imagined, the range of responses in this particular issue had been wide indeed, but a couple of themes had emerged. One was that several of the terms used in the policy needed to be defined, or defined more clearly. Another was that if there were to be sanctions for breach of the policy, that needed to be spelled out. More generally, there was a strong vein of interest in a policy statement dealing specifically with the issue of faculty-student dating.

Earlier this week, a revised draft of the policy had attempted to address those concerns and was circulated to members of the Council. He emphasized that the policy was still very much a work in progress. There was no question of voting today; ECAC simply wanted to gather as much of their responses as possible, and ECAC planned to submit a third, and he hoped final draft for Council's consideration and action in March.

Professor Tom **Spragens** (Social Sciences) asked if the revisions presented by ECAC had been in response to e-mail comments or if that was just part of the discussion.

Peter **Burian** replied that the draft that had been circulated earlier this week was a draft that responded to lots of comments. He said that he had had a wide range of responses from those who thought no policy at all would be best to people who wanted something more Draconian than any ECAC members were prepared to endorse (Laughter). ECAC had tried to respond to particular items that had recurred. There had also been a number of very helpful suggested changes of verbal confusions or ambiguities and many of those were adopted. There had already been a couple of responses to this draft, and ECAC was already prepared to make some further changes, but he thought that the only rational way to approach a discussion today was to discuss the draft that people had seen, and they would go back to the drawing board.

Professor John **Staddon** (Natural Sciences) said that he had made a comment on the e-mail that the first paragraph [under "Rationale"] was problematic and probably redundant and could be omitted. He had taken exception to the idea that a power asymmetry existed between faculty and students. While a faculty member might well grade a student unfairly, the student could also potentially cause the faculty member to lose his or her job. So it seemed to him that the power relationship was not asymmetrical as stated in the paragraph, or if it was asymmetrical it was asymmetrical in the wrong direction. It didn't add anything else, so it should be left out.

Professor Sara **Beale** (Law) wanted to go in a different direction. Some of the discussion last time had focused on the ambiguity of the phrase 'romantic or sexual relationship' which was now a defined term meaning dating, sexual, and marital relationship. She wondered why there should be a policy that used a deliberately vague term in its body so that people reading the policy who didn't get all the way down to the bottom were thinking 'gee, romantic relationship, whatever that is.' If what was meant was dating, sexual or marital relationship why not say that all the way through rather than provide a kind of late backdoor qualification. That had led internally, in the Law School, to a discussion about whether marital relationships actually belonged in the same policy or not. Perhaps what everybody was actually talking about was dating and sexual relationships or maybe it should be decided to use that as

the term within the body of the policy and not do it in a two or three step process.

Peter **Burian** said he would respond by taking the issue of marital relationships first. ECAC knew that Duke had a nepotism policy and proceeded to consult it. They found it to be in agreement with the current proposal in regard to dating and sexual relations and about consanguinial relations or family relationships except that it didn't cover the potential teacher/student relationship, which was something that could actually, in fact, happen. So, one idea which ECAC was vetting, and which might be useful to sound out the Council about would be that marital relationships would be eliminated from this policy but revise the nepotism policy so that it did cover this somewhat dicey and delicate situation which had happened before. There were many children of Duke faculty who did take courses at Duke and it seemed that it would be odd simply to prohibit them from taking courses they wanted to take on the grounds that it was taught by a member of their family. So ECAC felt that this could be done but only by revising the nepotism policy in that sense, and that was the only thing that at first glance seemed to ECAC to be problematic.

Professor **Beale** thought that it made sense to take the husband-wife, parent-child relationships, think of them together on the nepotism side, and not necessarily as needing to be covered in this policy.

Because Professor **Kasibhatla** (NSEES/ECAC) had not fully heard what John Staddon had said earlier, he asked him to reiterate why he wanted to see the first paragraph of the "Rationale" part of the policy removed. That led to a brief discussion about the presence or absence of a power asymmetry and the need to point out that there was potential for harm in uneven consensual relationships. At that point, Professor Richard **Schmalbeck** (Law/ECAC) intervened in the discussion with the observation that ordinarily, in a liberal society, any kind of regulation on consensual relationships was suspect, therefore setting out some reasons why one would want to do that in this case seemed like a useful thing to do. To say that false or even true accusations could be raised and in a way level the playing field was accurate in a sense, but it was also true that the relationships under discussion were ones where the supervisor or the teacher routinely was going to make judgments that mattered about the other person. It was going to happen every time one graded a student. The accusations that would come up were relatively infrequent events, hardly designed to level the playing field overall. He thought a student could also pull a gun on a teacher but no one was going to let that possibility dominate the discussion of what the relationship was and he guessed that it seemed to be very clear that there was a power asymmetry and it ran in the direction the policy assumed.

John **Staddon** replied that he was willing to accept the need for a

policy like this without buying the argument [of the presence of a power asymmetry], hence it should not be left in there when not everybody was buying it.

Sara **Beale**, continuing with a point raised earlier, suggested either to move the terms 'sexual' and 'dating' into the body of the policy, or to simply focus on whether those were the right terms in the first place.

The **Chair** commented that ECAC had discussed that, and one possible solution was to simply define a consensual relationship as a dating and sexual relationship throughout the policy, if that was the proper definition. At any rate, there should be one term which was being defined that said what needed to be said. So part of the question was, whether to put dating and sexual relationships in the body, and perhaps most important from their point of view was the question whether the definition 'dating and sexual relationships' was the necessary, sufficient, and right way to define what was addressed in this policy. So he wondered if people had thoughts about the adequacy of that terminology.

Professor Richard **Burton** (Fuqua) raised the question about the definition of the term 'dating:' "How do I know whether I'm dating or not?" (Laughter) When told that he would probably know if he weren't, the questioner said emphatically "I'm quite sure that I'm not." Professor **Burian** commented that this did get to the question about the adequacy of the term. For example, a question which had been raised in more than one communication that ECAC had was, 'does a faculty member having a cup of coffee constitute a date with a graduate student of whichever sex the faculty member is interested in if they are unaccompanied by others?' (Laughter)

Sally **Dickson** added that the question had come up the last time and she thought it needed to be looked at. She didn't know whether an outsider could define that, she thought it was up to the parties. For that reason she thought the Rationale statement was so important. If the relationship between the two parties had reached the level where it could violate the criterion of objectivity and it became clear that it was more than just taking somebody out for coffee, disclosure would be the safer route to take. It all depended on the intentions in the relationship.

Professor Kenneth **Hall** (Engineering) stated that it was decidedly not a 'don't ask, don't tell' policy, but that it was a 'tell' policy. (Laughter). In fact, it said failure to comply with the requirement of disclosure would be referred to the appropriate authorities for disciplinary action, which raised the question as to who the 'appropriate authorities' were as well as the question whether it was an administrator's duty to investigate a suspected relationship between a student and a faculty member without positive knowledge of its existence.

Professor **Burian** replied that others had already objected to these aspects of the policy, and they clearly needed further discussion. He noted that the duty to investigate occurred only in the portion of the policy that dealt with faculty-student relationships. As for the first part, responsible administrator or whatever, the general policy involved every employee of the University. Without an extraordinarily elaborate listing of everybody who could possibly be a supervisor, there would be no very clear way to define that term. He suspected most people would know in their own circumstances who that person would be. Sally **Dickson** added that during the earlier stages in the development of the policy, that very question or problem had been discussed and it had been decided that they didn't want to set up a situation where administrators or deans or anyone else would have to go around investigating, and that was why it was a 'tell' policy. They were putting the responsibility on the party as opposed to having the dean or someone else prying into the private business of others. Professor **Hall** thought it seemed a little confusing. If the parties involved didn't tell and then at some point somebody believed that a relationship existed and reported it, he didn't quite see how this could work.

Professor Branda **Armstrong** (Medicine-Clinical) wanted to raise a more general question. It seemed to her that part of this discussion was about expectations for professionalism and this policy was some way of codifying that. In that connection she had a concern that had to do with an apparent contradiction. On the one hand faculty was expected to promote better relationships with their students, i.e. to overcome the distance between faculty and students. On the other hand " we are saying, okay, but you can't have 'those' kinds of relationships, but it's the 'those' kinds that it seems this policy is trying to address." She concluded that this was done retroactively for those already here. Her question concerned the existence of some kind of front-end orientation for new faculty to express in more detail a kind of across-the-board expectation for professionalism. Sally **Dickson** thought that was an excellent point for both faculty and staff and thought that it needed to be included in the orientation for newcomers. She didn't know about that in other departments but she did know that for the staff, there was an orientation program and that there were other ways to inform people of this policy. Provost Peter **Lange** added that there was a one-day-orientation for new faculty, in which a number of areas were discussed, and if the Council were to pass this policy, he thought that it would be an appropriate process to insert discussion of this and a couple of other policies that Duke had involving conflict of interests, and conflict of commitment, i.e. all those policies which were on the books, in which generally people were referred to the Faculty Handbook on the web, hence, that would be an appropriate place for that. Professor **Burian**, for his part, added that in the first communications he had had of one person who had written him, Elaine Heisler, the president of GPSC, had asked explicitly whether there would be some part of the

orientation for TAs that would include this issue, so Brenda Armstrong was not alone in this concern, and it obviously existed at more than one level.

Professor Robert **Mosteller** (Law) joined in the discussion saying that he didn't want to get into fanciful concerns, but one set of concerns that he had had was that ambiguity about whether one was in a romantic or dating relationship. Therefore, part of what he was trying to think about was what it was everyone was really worried about in the University, and if there were any relationships that didn't have some kind of physical contact. It struck him that it was probably likely in the modern world that people moved fairly quickly to either end a relationship or to have some kind of physical contact that was characteristic of it, so perhaps the [test?] would be that this is a 'kiss and tell' policy, such that if there was not any kissing, if there was not any physical contact then it may not be matured to a point that anyone was worried about it. Therefore, if this body was talking about kissing and sex, then people would be able to recognize whether it happened or not (Laughter), and the coffee with a 'grad' student or another student didn't fit.

ELECTION OF COUNCIL CHAIR & CONTINUATION OF DISCUSSION

Interrupting the discussion, the **Chair** announced the results of the election. **Nancy Allen** had been **elected** the new chair of the Academic Council in what had been, as usual, a close contest. (Applause) He congratulated her and said that he thought she would make a wonderful chair, and he was both happy and worried for her. (Laughter) **Nancy Allen** answered with a 'Now you tell me!' (more laughter). He then thanked Jan Radway for being a candidate and expressed the hope that her turn would come soon. (Applause).

With that he returned to the discussion at hand, "something about kissing," i.e. that Council was on the topic of whether dating relationships accurately described what was meant and if there was anyone "who'd like to sort of step in here?" (Laughter)

Professor Tom **Spragens** (Social Sciences) said "No," but thought that Rich's [Burton] and Bob's [Mosteller] point couldn't just be answered by saying the people in the relationship were the ones responsible for defining it because, when the relationship was linked to sanctions then some fairly clear criteria were called for, as difficult as it may be to come up with them. He thought it was incumbent upon the policy now that specific sanctions were listed in it to give some definition. The **Chair** reminded the interlocutor, "perhaps pedantically," that the relationship was not subject to sanctions, rather the failure to disclose the relationship and making adjustments in the lines of authority was subject to sanctions. Tom **Spragens** replied that if one didn't know whether the relationship existed then one didn't know whether [to report it?] Professor **Burian** agreed and said that the main point of

concern was the relationships that threatened the ability of one individual to deal objectively with the supervision or evaluation of another, although that didn't really answer the question either.

Professor Crauford **Goodwin** (Social Sciences) said they now had virtually dozens of undergraduate teaching assistants who were technically employees and he asked if they were covered by this policy. Peter **Burian** said they were covered specifically by the faculty-student policy in their role as Teaching Assistants, and they were covered and therefore employees. They were also, of course, covered in the sense that most of them at least were graduate students, in that same part of the policy, in section three. Crauford **Goodwin** continued saying they had juniors who were Teaching Assistants teaching freshmen and if that meant they couldn't date freshmen. Peter **Burian** responded that it would mean that they couldn't date freshmen in their sections. He conceded that he had not thought of undergraduate TAs but the statement did say "Teaching Assistants" without reference to their status, so ECAC had already included them. He was not sure, whether it was necessary to think through again the implications of any policy like this, because things would get complicated. For example, Bob was dating Jane, Jane turned up on the class list of the section for which he is Teaching Assistant in the next term and would he get shifted or she and would he simply disclose to the professor and make sure the actual evaluation happened by the professor rather than the Teaching Assistant. There would no doubt be more than one plausible solution, but as long as one understood that the issue here was that somebody who had dated or was dating someone shouldn't be in charge of their grade, for example, or their promotion or whatever it was, then a sensible solution could be found, but it did depend on the people who could find the solution, in this case, for example, the professor in charge of the course, he would suppose, knowing and being able to respond. Crauford **Goodwin** added that, usually, teaching assistants didn't give grades. In that case there might not be a problem was Peter **Burian's** response, i.e. if there wasn't any demonstrable authority. He wasn't sure, however, if it would give scandal to the other students in the class, if they knew that their TA was dating one of the other students in the class. But he thought by logic of the policy there ought to be some formal line of authority. Whether simply being teaching assistant in the class constituted that or not, he couldn't say.

Professor Susan **Denman** (Nursing) wanted something clarified in point three of the policy regarding sanctions for failure to disclose. She imagined a scenario whereby she was entering into an inappropriate relationship and the grading period had passed and she decided to disclose. She had, in her opinion, committed professional misconduct, but yet, from what she understood in the policy, it exonerated her, because she had "anted up" and disclosed, "although they hadn't kissed yet." (Laughter) . Professor **Burian** agreed with her but wasn't sure what would happen after a

"confession" had been made to the dean. Susan **Denman** reiterated that the behavior from the moment of inception was inappropriate, something the policy didn't address. Peter **Burian** thought this a very interesting and good point, and that it might be possible simply to clarify that this disclosure had to happen at the point where the authority was in fact being exercised.

Professor Richard **Heitzenrater** (Divinity) had a question relating to the last sentence under "Sanctions." Injury could happen to either a subordinate or a superior party but under "Sanctions" it was not very clear that that happened both ways. The person that was sanctioned in the last sentence committing professional misconduct did not seem to include the possibility of the student making the false allegations and what sanctions might be held against the student. Professor **Burian** responded saying that was a matter of bad drafting for which he was taking full blame and which could be corrected.

Professor Paul **Haagen** (Law) said it had occurred to him to suggest the possibility of defining what these relationships were. If there were a saving clause that allowed for the possibility of not sanctioning someone who had a good faith reason to believe that they did not have to report. One could deal with it once one had discovered it, but it was not necessary to sanction the person.

The **Chair** responded by requesting those in the audience and especially those in the Law School who had some sort of expertise in this kind of drafting to lend a helping hand in terms of specific formulations, and they could send what they had by e-mail. He then asked to be allowed to raise a question which no one present had raised, but which had been raised with considerable force and passion by a member of the Council, Professor James Boyle of the Law School, who could not be here. It also involved the sanctions paragraph at the end just before section four. He wished to enter into the record of the Council, a comment from his e-mail. Professor **Boyle** had written: "I think that the credible allegation of relationships requiring investigations is deeply problematic and would strongly oppose it, particularly given the vague term romantic relationship. This investigation requirement has no guarantees of due process, confrontation of any other procedural safeguard, and sets up a particular nasty incentive for malicious accusation based on supposition since the terms credible and romantic are so vague. Well, we may have eliminated romantic, but we haven't yet eliminated credible. Unlike the claims of sexual harassment, which can only be made by affected individuals, this would give the freestanding right to anyone to accuse anyone at all including the malicious, the jealous, or the merely misinformed." (Laughter). Professor **Burian** said that the point was well taken and he asked if this should just be stricken.

Professor Edward **Shaughnessy** (Engineering) commented that as a long time member of AAUP, he was interested in the section and he

thought they might do well to see if there were any applicable AAUP guidelines . Second, he thought faculty could actually be covered under sections 2 and 3. In section 2 reference was made to sanctions and applicable procedures which was quite vague. It could be a \$10 fine. And then in 3 there was talk of sanctions ranging all the way up to dismissal and that made him nervous. He was in a dating relationship with his wife, so he thought he was OK there too, but when one began talking about dismissing faculty, he was a little bit unclear about what the crime was sometimes. He just thought that needed to be taken into account, and he always thought of Bill Van Alstyne [Law School] as someone who was very good on this. Peter **Burian** thought that it was certainly possible to seek that advice and see what the AAUP had to say.

Vice President **Dickson** pointed to another part of the policy where she felt that sanctions regarding the staff were very vague and that she had drafted this language from Duke's VP of Human Resources. One reason for the vagueness was that there were employees who were members of a union and they had their own set of rules as to when and how disciplinary action could be meted out, whereas there were other employees who were not unionized, so by using vague language, those situations would be covered. She and her group were very concerned about that.

Ed **Shaughnessy** remarked that one thing that did occur to him was that as a faculty body they were trying to write something that appeared to cover staff. Peter **Burian** added that that had been the case from the beginning. Ed **Shaughnessy** continued saying that he thought that was something that needed to be thought through carefully. He thought faculty members, for example, could be covered under section 2, i.e. some sanctions were applicable to [a general] policy, but then faculty members could be under section 3, because of a relationship with a student. Peter **Burian** explained that that was why they were, in fact, at two things. One was simply that the original drafters of the policy wished to have a unitary policy for all employees. It was of interest to them as a faculty because they were also employees of the university. It was, in fact, the result of the last meeting of the Council that it was decided actually to separate faculty student relationships and make them into a separate section under one global policy. Nevertheless, he thought the most relevant thing was one he had just said, namely that faculty members, in fact, appeared in this policy in both sections.

At this point, Provost Peter **Lange** entered the discussion to make an observation of a more basic nature. Over the time that Council had been discussing this policy he was obviously becoming increasingly more implicated. This policy had morphed from a statement of values and expectations about how one was supposed to operate in this university into a code with sanctions. Council had become increasingly involved with very tight definitions, with process and procedure, with codifying each term, even though most

everyone knew what they [the terms] had meant. Once dating was converted into a codified set of regulations which could be sanctioned when improperly engaged in, the nature of the document was altered and they got themselves into a deeper and deeper morass about what everyone here was trying to do. It seemed to him, and he had said this to Peter [Burian] before, that as they had gotten into the discussion more and more deeply, they had gotten away from expressing what their values as a community were and their expectations about each other, about their staff, their staff about the other staff, and about their students. On this they had layered procedural and sanctioning language which really had transformed the discussion in his view in a very unproductive way. He then reminded the Chair that they were ten minutes past the deadline [for ending the discussion] now, although that might not have been a productive comment.

The **Chair** thought the Provost had given Council yet something else to think about. This had, in fact, in his opinion been a very productive discussion, and Sally and her staff, and he and members of ECAC would go back to work. They would be grateful for any further suggestions from the assembly. They may come to one or another of them for help in the course of the next weeks. They would, however, return with a revised version of this policy and, it was hoped, one that could be voted on at the March meeting.

UPDATE ON "THE CAMPAIGN FOR DUKE"

The **Chair** then said it was time to change gears and really move into an extraordinary and very happy part of this meeting. They had with them two people who really needed no introduction, because their names were part of the University, among other things as the name of the School of the Environment and Earth Sciences. Their love for Duke had taken a lot of forms since they were students here and in all the intervening years. It was currently manifested in a very particular way for which the University was grateful, namely in their capacity as co-chairs of the Campaign for Duke. They were present this afternoon among other things to give an update on the Campaign, and so he'd simply like to welcome Ginny and Pete Nicholas. (Clapping)

Peter **Nicholas** thanked the Chair for his kind words of introduction. He had only spoken to a faculty group once before and he didn't know if Ginny had, and that was at Founders' Day and he was scared to death. The faculty was an intimidating group and he had said so then and would them now, because there wasn't much occasion to meet and most would think that they talked in different languages about different things. He didn't think that was altogether true, but one heard that a lot and he would always just sort of stand with fear and trepidation and admiration when this happened. Ginny and he were just very privileged to help this school organize its efforts, to raise the money that they had set out for themselves to raise. It was a vast amount of money when it

was \$750M and then \$1.2B and \$1.5B and now \$2B, and as Council knew that was a plan to raise money that stemmed from a plan the faculty was a part of in terms of helping the school figure out what its goals could be, what its aspirations might be distilled down to the strategic plan that had been much talked about and which really framed an awful lot of effort and activity. In round numbers, a third of that went to endowment and that was a source of money that raised all the boats in this place, because everyone benefited in different ways. As everyone knew, there were other initiatives and he wanted to talk to those generally. Ginny and he would attempt to bring Council up to speed with just a few slides how this campaign was going and maybe just a little color on some of the issues. He pointed to the goal saying that the Campaign had been announced publically in 1998 and that it was to end in a couple of years with the goal having been raised to 2 billion dollars. \$1.43B toward the goal had been raised in cash and was in the bank. It was in the accounts. It was working hard for everybody and creating an opportunity to realize some of the ambitions in the Strategic Plan - "even as we speak." Commitments toward the Campaign goal totaled \$1.72B or 86%. The amount of cash in hand was substantial and well above average for campaigns like this, and it was on a run rate as anyone could see such, that if it continued would carry them significantly past their goal of \$2B. Spread across the schools, it could be seen that this \$1.7B in commitments had been shared unbelievably equally almost across all of the areas in the university. He was told by the experts that most capital campaigns didn't really enjoy that kind of evenness and balance in contributions as this one had. So everyone in this room should feel very good about it. He then talked about the focus for the next two years in terms of these priorities: Endowment, Financial Aid, Professorships, Annual Fund, and Facilities. In one respect, attainment was not as even as they would wish, namely in the area of professorships. It lagged behind the others which tended to be fairly richly provided for and equally so. This tended to occur primarily because professorships were expressed in terms of big amounts of money, in multiples of hundreds and hundreds of thousands, usually \$1M or \$1.5M. That was what a gift was and needed to be in order for someone to fund a chair or professorship, and those were very very difficult because there was only a limited number of people who could do that. So what they had been doing in the campaign was to develop strategies to enable individuals who were perhaps not able to "belly-up" to the total amount to at least, with a significant contribution, be able through various techniques to qualify for a full chair. So they had more work to do in this area.

Ginny **Nicholas** wanted to add to her husband's remarks that those working in the capital campaign were in agreement that it would not be considered true success unless everybody's bucket was pretty equal, and so they still had some work to do as could be seen in the 'Professorships' and in the 'Facilities' categories. The Bass Chairs were great when they came in. They were hoping, in the end,

to have about 100 new chairs for faculty, at the moment they were at about 70. So they were still working hard on donors with the help of faculty and with John Piva's good help and Nan's. She singled out President Keohane as having been particularly successful in this effort much fun to work with. In spite of the difficult times, Duke supporters had not lagged behind as could be seen from these charts and they were proud of that fact. Peter **Nicholas** added that the run rate of contributions this year was actually higher than the run rate average for all the previous years of the campaign. That was a bit extraordinary. He wouldn't get too sanguine about that, but at least it was not the other way. That was important. He would also say since 9-11, although everyone had a kind of retreat to bedrock and think about what was important in life, it was clear that this kind of campaign had emerged at the end of that process as being very valuable and still very important and a high priority to people in a position to give. Anecdotally, regarding named chairs, he wished to make one other comment. Talking with Peter Lange it became clear that Duke was at a disadvantage vis a vis other institutions with whom Duke was competing in terms of chairs per faculty. The ratio was something like one chair per three faculty, he thought. Duke was one chair for five. That's a metric that showed Duke was doing more for less. That couldn't be done forever and retain Duke's position. He added two other "little anecdotes" about the campaign challenges and comments that the Duke Endowment had put forward. Campus wide financial aid challenges provided for by the Duke Endowment had leveraged almost \$16-17M in pledges and gifts since the beginning, and overall, since the very beginning of the campaign, over \$25M in incremental real money available for financial aid. That was a huge amount just from that one Duke Endowment challenge. The Law School challenge was to raise six chairs. They had raised two, three were in the works and more coming. North and South Carolina challenge grants to Duke were one for two, i.e. they gave Duke \$7M and Duke needs to raise 14. The Campaign had almost \$5M raised so far. Finally, as all of them knew, the Bass challenge which had been so successful was now 95-96% complete and they had almost raised \$40M as a result of that challenge. It would not have happened if it had not been for the creativity and the generosity of Bob and Anne Bass. There was an enormous amount of activity throughout the country to raise money by alumni groups, people who wandered through classrooms, individual parents. For example, in one part of the country before the campaign a cumulative giving in one particular area amounted to \$4-5M. Since the campaign and since they had organized themselves and hustled for money, that group had given over a quarter of a billion. There were a myriad of initiatives that appeared all around the country and really beyond to make this happen. And it was just an exciting thing to be able to talk about the success of this. He hoped his audience realized that they and their colleagues were the center point of it all, they who were really at the core of everything that was going on. He and Ginny wanted to thank all of them for what they did and for the warmth of spirit and collegiality. "Thank

you for being here and for being such a great faculty." (Clapping)

ANNOUNCEMENT OF MAJOR GIFT IN SUPPORT OF FACULTY

The **Chair** thanked both presenters and invited President Keohane to come to the podium for a special announcement.

President **Keohane** began by thanking the Nicholases for the great update and for their leadership. They were too modest to say it but as everyone in the audience knew and could tell by listening to them, they were Duke's most effective strategists and volunteers and askers and closers, and they were tremendously grateful for their leadership. Their family had been so important to Duke across the years that it was great to have them as co-chairs. They were wonderful to work with. Pete and Ginny had given them a very heartening update. She could see that many in the audience reacted as all of them had as they saw these data. They couldn't believe after September 11 that they would stay on target and even have an uptick in their progress of the campaign. It was almost unbelievable, but it did show a lot of love and dedication for Duke out there. It showed a lot of people who cared about the dreams that they had shared with them and they wanted to make them real. It all showed a lot of hard work on the part of volunteers and staff members literally around the world, and these were the magnificent results. Council had also seen particularly from the last slide the work that still had to be done in the last two years of the campaign. John Piva could not only tell you how many weeks, but how many days and minutes were left until December 31, 2003 that all of them were counting down to. John and Bob and their team had been very clear all along about the kind of pace they needed to keep and what they needed to do. As Council had heard from Ginny and Pete, one of their concerns had been filling the buckets which was the phrase they always used, a rather awkward phrase in some ways, but a very pungent one for what she thought was one of their most important goals, namely to make sure that all the things that were important to Duke that were identified at the beginning of the campaign were covered through this campaign. They didn't expect to be doing it again for awhile. One of the things that had been most on their mind was the faculty initiative. The progress toward the goal of supporting Duke's faculty. This had been one of their major areas from the beginning along with scholarships and facilities and unrestricted gifts, and they had been concerned that the bucket was a little bit slower to fill. One of the main reasons they had tried to deal with that by thinking of other ways in which people could provide faculty support: sabbatical funds, instrumentation funds, research funds. But so far they hadn't had with some exception the kind of success they wanted to in supporting faculty. As was known, the strategic plan called for as the very first priority building an excellent faculty in every school. And they wanted to make sure the campaign supported that. That meant providing strong support for faculty members who were already at Duke and bringing in new colleagues in

areas of intellectual growth and excitement. Now as chairs of the campaign, Pete and Ginny had made across the years very eloquent statements as they made today about the importance of filling this bucket. The importance of the faculty is one of Duke's most central priorities. They persuaded some other people and today they had made their own very handsome commitment in this area, and they had done so in a way that would allow Duke to leverage the gifts of others and to magnify their generosity many- fold. At the end of his report Pete mentioned the success of several of their challenges and Pete and Ginny had also noted that clearly in their leadership. So she was truly delighted to announce this afternoon a stunning new gift to the university, in the truest sense of the word a gift to the faculty and the students of Duke now and far into the future. Pete and Ginny Nicholas had established the Nicholas Faculty Leadership Initiative with a gift of \$25M for the faculty which would be used to leverage the one for two match for an additional \$50M. So with their generosity they hoped by the end of the campaign over the next two years to have added to that bucket \$75 M to support the faculty. (Clapping)

She wanted to say one more word about what that gift would actually make possible. Because it was a very broadly based gift and was described in a wonderful new brochure which she hoped all of them would have a chance to read, because the gift would provide not only for endowed chairs, but also for equipment for research projects, they would also help improve facilities and linkages, but it would centrally support the work of the faculty. It would encourage the creation of new professorships at every level, including university professorships, full, associate, and assistant professorships in all regular faculty ranks, the creation of curatorships and library directorships. There would be \$1M for the faculty instrumentation fund and significant amounts for sabbaticals, faculty retention funds, research, and general faculty support. So their match was good for all those kinds of money -not only for endowed professorships even though that remained the heart of Duke's strategy here. They were important as a way of recognizing and supporting faculty accomplishments. She knew that many people would be intrigued by this challenge and would step up to join Pete and Ginny to raise \$75M for faculty initiatives over the next two years. One of the reasons that Pete and Ginny wanted to do this, and they had been very eloquent on this score, was that they would tell everyone that it was great teaching at Duke when they were students here that had changed their lives. They had seen the same thing in the lives of their children as well. So with their help and their generosity and their shared vision such a life-transforming experience now could be available to all students in future years. They and all faculty members could count on the support that they needed for their most cherished intellectual endeavors to help ensure that Duke was the best possible place to pursue their own ambitious goals. So she hoped everyone would take time to read the brochure. It highlighted five of their colleagues, although they could have taken any five

members of the Duke faculty and had a magnificent brochure. They had just chosen five across the university: Ken Dodge, David Brady, Karla Holloway, Jan Radway, and Joe Nevin. She hoped that people would enjoy reading it and sharing it with others. The Nicholases had made it very clear in this that their intention was to honor all of the faculty, that this was a gift to the Duke faculty. They had tried to downplay the recognition of the two of them, but they were generous enough to allow Duke to honor them today - to give Duke a chance to thank them most warmly for their farsighted generosity. As everyone knew from the agenda, there would be a chance to meet them and thank them at the reception in the Rare Book Room directly following the meeting. She was told that Pete and Ginny would be available to the press for just a few minutes after adjournment, but then, she felt sure, they would come over and join the group as soon as possible so they would have a chance to interact with everybody. It was going to be a very happy reception and a very proud moment for Duke's faculty and a very happy future for Duke. "Mr. Chairman, that completes my happy task today."

The **Chair** thanked the President and once more invited everyone present to the reception in the Rare Book Room. Nan had sent him an e-mail which he had seen this morning which said she thought this would be a great day for faculty at Duke and indeed it was, and indeed it was a great time to be on the faculty of this university. He then asked for and received a motion to adjourn.

Submitted for consideration by the Academic Council,
A. Tilo Alt Faculty
Secretary