

# Duke University

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## Minutes of the Regular Meeting of the Academic Council

January 23, 2003, 3:47-5:20 PM

The minutes of the November 21 Council meeting were approved by voice vote, *nem. con.* as written<sup>1</sup>.

### *Announcements*

Nancy Allen (Medicine), Chair of the Council, welcomed those hardy souls who braved the snow and ice to attend the meeting: "I was beginning to think that we need to do the schedule for next year by consulting with the Farmer's Almanac." There were two announcements. First, the Council noted with deep regret the death yesterday morning of Professor Carl Anderson.

Nancy Allen: "Carl came to Duke University in 1955, and was Professor of English. He served on the inaugural Academic Council in 1962, and was chair of the Council from 1973 to 1975. An active participant on many university committees over the years, he was best known recently for his service as Faculty Ombudsman from 1988 to 2000. We were fortunate that he attended and that we could honor him during the 40<sup>th</sup> Anniversary tribute to the Academic Council in October of last year. Carl was a diligent servant to this University and we will miss his collegueship. We send our condolences to his family. Memorial arrangements are pending at this time."

On a happier note, the Council congratulated President Keohane, Pete and Ginny Nicholas (co-chairs of the Campaign), and John Piva in the Development office, for surpassing the 2 billion dollar goal of the Campaign for Duke. The campaign will continue through the end of this calendar year.

President Keohane: "Thank you Nancy — there are still a number of buckets to fill."

### *Earned Degrees*

All were approved by voice vote. The earned degrees are as follows:

### **DIPLOMAS DATED DECEMBER 30, 2002**

#### *Summary by Schools and College*

#### *Trinity College of Arts and Sciences*

Dean Robert J. Thompson, Jr.

Bachelor of Arts

61

Bachelor of Science 27

*Pratt School of Engineering*

Dean Kristina M. Johnson

Bachelor of Science in Engineering 10

Master of Engineering Management 5

*School of Nursing*

Dean Mary T. Champagne

Master of Science in Nursing 17

*Nicholas School of the Environment and Earth Sciences*

Dean William H. Schlesinger

Master of Environmental Management 11

Master of Forestry 3

*Fuqua School of Business*

Dean Douglas T. Breedon

Master of Business Administration 82

*Divinity School*

Dean L. Gregory Jones

Master in Church Ministries \_\_\_

Master of Theological Studies 3

Master of Divinity 7

Master of Theology 4

*School of Law*

Dean Katharine T. Bartlett

Master of Legal Studies

Juris Doctor 12

Master of Laws

Doctor of Juridical Science

*School of Medicine*

Dean R. Sanders Williams

Master of Health Sciences

Master of Health Sciences in Clinical Research 1

Master of Health Sciences in Clinical Leadership

Doctor of Physical Therapy

Doctor of Medicine 1

*The Graduate School*

Dean Lewis M. Siegel

Master of Public Policy 1

Master of Arts in Teaching

Master of Science 23

Master of Arts 44

Doctor of Philosophy 680

**TOTAL**

380

*The Council then went into Executive Session for a brief discussion of honorary degree recipients. They then returned to open session to discuss the...*

*Policy Statement on Intercollegiate Athletics*

The statement on this complex matter was first presented to the November 21 Council meeting. The Executive Committee submitted now a resolution which, if approved by Council, will go forward to the Board of Trustees later in the spring:

ACADEMIC COUNCIL RESOLUTION

POLICY STATEMENT ON INTERCOLLEGIATE ATHLETICS

AT DUKE UNIVERSITY

WHEREAS athletics play an important role in the education of Duke students and in the life and traditions of the University community; and

WHEREAS it has been almost twenty years since Duke articulated a framework for guiding the development of athletics at Duke; and

WHEREAS the culture and economics of intercollegiate athletics, as well as the interpretation of federal law, have significantly changed since that time; and

WHEREAS a Policy Statement on Intercollegiate Athletics at Duke University has been developed by the Associate Director of Athletics in close consultation with the President, the Executive Vice President, the Director of Athletics, the Faculty Athletic Representative, and faculty members of the Athletic Council, and has been discussed in successive meetings of the Academic Council; and

WHEREAS that statement has identified important opportunities and challenges facing intercollegiate athletics at Duke now and in the foreseeable future;

NOW, THEREFORE, BE IT RESOLVED, that the Academic Council accepts the Policy Statement on Intercollegiate Athletics at Duke University, affirms the broad goals identified in the Report of maintaining a multi-tiered program of varsity sports, support for broad participation in athletic activity at the varsity, club and intramural levels, commitment to the principle that athletes at all levels of competition must be students who are able to participate successfully in the academic life of the University and be capable of obtaining degrees, commitment to gender equity and compliance with Title IX, commitment to insuring the sound fiscal management of the Department of Athletics, and strongly endorses the conclusion of the Report that in the fluidity of the current environment there be a regular evaluation by the central administration and the faculty of Duke University of the structure and goals and operation of the Department of Athletics to insure their continued compatibility with the larger structure and goals of the University.

***Discussion***

President Keohane commented that since November, in response to helpful comments from the Council, a second draft, with minor changes, had been prepared (which will be included with the February 20 Council Agenda mailing). The Board will not discuss this issue again until

May. The revised version includes an eloquent introductory comment from [former Duke President] William Preston Few, of which President Keohane felt the Council would approve.

"We have changed the introduction so that we are clearer about the purpose of this document and what it is we're trying to do. We responded to a comment by Paul Haagen [Law] by changing on p. 8 the description of what President Brodie's letter did back in the 1980's. Paul objected to the notion that President Brodie would codify a practice which it is not clear we're following today.... I wanted you all to be aware that we've been responsive ..."

Earl Dowell: (Engineering) "I don't know if this is a question for President Keohane or the Executive Committee, but in the press accounts, admissions was the burning issue... [but] this resolution seems to be silent on that issue.. .Did EC AC discuss it and did you consider whether you should have language in the resolution about it?"

Nancy Allen: "We did not discuss specific language pertaining to that. President Keo-hane's recent op ed article speaks to that point..."

President Keohane commented that the section on admissions in the revised document has not been changed. It basically points out that we are going to be making a slight shift in admissions policies, so as to be able to admit a larger number of talented athletes who can also perform adequately in academics. "But we're not going lower standards — [the document] makes very clear on p. 10 ... that it's not the beginning of a 'slippery slope.'" President Keohane took the Council's resolution as being broadly supportive of the goals enunciated on p. 10 of the Policy.

Kathleen Smith (Biology, chair of the Athletic Council): Most of the comments about admissions did not refer to this document, but to the earlier, vaguer document about football — the one that became rather distorted in the press. Admissions was not part of the discussion in connection with this document.

Nancy Allen then turned to the resolution ECAC had prepared. Richard Burton (Fuqua) moved for approval and the motion to accept was seconded and approved *nem. con.* by voice vote.

*Proposed change in committee structure: President's Advisory Committee on Resources (PACOR) and the Academic Priorities Committee (APC)*

Should these two committees be combined into one or reorganized as two differently structured committees? John Simon (Chemistry), the chair of an ad hoc committee pondering this issue, addressed the Council.

John Simon: First, a little history: "Last Spring Tom DiPrete (then chair of PACOR), Peter Burian (then Academic Council chair) and myself (chair of APC) got together periodically and discussed what each of our committees were doing. We were frustrated with the lack of communication between the committees, and with the fact that similar topics were going to both committees — to be discussed solely in fiscal terms or solely in terms of priorities." We wondered if perhaps it would be best if the two committees were merged; we discussed the idea with Provost Peter Lange. Naively, we thought that this was such a great idea that everyone would support it. Peter Burian floated our proposal at the May 9 (2002) Academic Council meeting, when numerous questions were raised. In the Summer of 2002 Nancy Allen appointed an ad hoc committee to look into the issue.

After many discussions and many drafts, we focused on three facts: (a) That APC was spending the majority of its time dealing with external reviews of individual departments, with little or no time to deal with priorities, (b) PACOR was not dealing with academic priorities either. (c) There did not seem to be an academic committee to deal with the strategic planning (including budget issues) involved in initiatives such as the ones involving diversity, women and gender, student life, the future of central campus, etc.

We concluded that there needed to be a university priorities committee that discusses strategic planning, considering the full range of intellectually driven priorities in terms of budget. It also made sense to us that the committee should send its recommendations directly to the President and the Provost — the person in charge of the intellectual programs on campus. After much discussion and many kinds of input, we arrived at the consensus draft proposal now before you. We propose two committees, a University Priorities Committee, that takes both budgetary and academic matters into account, and an Academic Programs Committee that deals with the external reviews of individual units.

We tried to make the *University Priorities Committee* (UPC) as general as possible, allowing ECAC and the chair of the Academic Council to make necessary modifications. We thought it important that these committees have representatives from faculty who work with undergraduates as well as those in the professional schools. We felt that the chair of UPC should come to Council in the Fall and tell you about important upcoming issues and then return again in the Spring and tell you what they did. We thought that the Committee's agenda should be set by the chair in consultation with senior officers and ECAC.

We also propose the formation of an the *Academic Programs Committee* (APC), which in many respects will function much as does the present Academic Priorities Committee. The new APC will deal entirely with reviews of academic programs — a full-time job. The APC would report to the Provost and the process, as now, will ultimately lead to an appropriate *memorandum of understanding* between the administration and each unit. The composition of the committee, we thought, should again reflect both undergraduate and professional schools. We felt the chair of this committee should be a member of the University Priorities Committee so that when programmatic issues come up or things are learned from external reviews, both committees will be informed.

### **Discussion**

Rich Burton (Fuqua): "Where...[will] the budgetary issues with respect to [individual] programs will be discussed?"

John Simon responded that so long as the chair of the APC is also on the UPC, these issues will be adequately addressed.

Earl Dowell: "There's a department [referring to Biological Anthropology and Anatomy] that received some notoriety in the last few days because of a budget crunch. Do you envision the University Priorities Committee looking at individual departments or schools, or ... would you rather deal with arts and sciences as a unit?"

John Simon: "I'll answer that, but I'm going to side-step it first. We're pretty clear on how the agenda is to be set, right? The agenda of the University Priorities Committee is set between the chair, the central administration and ECAC. Right? So if either central administration or ECAC or chair feel that the downsizing of a particular unit (like we read about in the Chronicle the other day) is something that this committee should deal with, it will be on the agenda. If

you are asking me, like, if you were chair would you have this agenda? I probably would, but I'm not chair and someone else may not. So, what we tried more than anything is — if you look right now the agenda is set largely by Provost-committee-chair interactions. And from my experience in chairing APC for four years I have gotten things on the agenda that I wanted on the agenda, but there are lots of other things coming the other way. I think the involvement of ECAC will insure that some of these issues will really get out in the open and be discussed. So it's sidestepping your question. We're more interested in the process by which issues would get to these committees than trying to address whether specific issues would get there."

Earl Dowell: "I think the terribly important question is that there's too much [for the committee to do] — and therefore I would hope you would have said that item would not have been considered by this committee, because as important as that item is, this committee can only do so much."

John Simon: "That's OK, I agree.. .But I think it's dangerous to put down in writing what types of issues can and cannot go to a committee." As long as the Academic Council chair and ECAC are involved in discussion of agenda items then it's up to them to come to the Council and ask for suggestion of agenda items. We focused on process and not specifics.

Emily Klein (Nicholas and ad hoc committee member) felt that the proposed system is more likely than the current system to make sure that such an item would be discussed. John Simon agreed.

Earl Dowell: "Let me give you a hypothetical. Let's say the Arts & Sciences budget total is going to go up 15%. [Suppose then that] the dean of Arts and Sciences decides to make [a given academic] unit much smaller and the business department much bigger. Does the university part of the committee step in and say Mr. Dean that's a wrong call? I think that's a very important issue." We don't want the fate of a unit to be decided by whether or not someone complains. But "ultimately it is the responsibility of the faculty to be vocal about issues that they are concerned about."

Emily Klein: "Each school also has a faculty council. Arts and Sciences has a faculty council, Nicholas has a faculty council and so forth. And faculty within a faculty council can, if they feel strongly enough about it, bring [an issue] to UPC."

Rich Burton: "I thought you might have answered in the following way. I'm looking at the Academic Programs Committee and the first thing that is under the charge and after and it says 'to advise the Provost on development of academic departments and programs.' It's very hard for me to worry about priorities without budgets and so my interpretation of that phrase might be that that it includes the possibility of including budget issues in discussions of the development of particular programs — so that the kinds of wider issues raised by Earl Dowell would be included. Is mat what that sentence means, or could mean?"

John Simon: "It could mean it."

Rich Burton: "I would like it to mean it."

Susan Lozier: (Nicholas, and the ad hoc committee) "The difference between the two proposed committees seems to be that the APC will focus on one a department at a time — looking at the quality, goals and that sort of thing — whereas the UPC's main role would be to look at the overall budget allocations."

John Simon commented that budgetary needs of an individual unit would have to be compared with similar needs of others, hence would likely come up before the UPC as well as the APC. "...I've yet to see a department come to APC that doesn't want some perks."

Rich Burton: "That's exactly the point."

John Simon pointed out the inevitable conflict between legitimate needs of a department and the needs of the rest of the university.

Rich Burton: "When you talk about priorities you also talk about resources. And when you are talking about resources you are talking about budgets." So any recommendation about a particular department is to some extent vacuous, because the resources available, and other calls on them, cannot be taken into account by a single departmental review committee.

Blanche Capel (Cell Biology): "In reviewing a department it is very difficult to get beyond the focus on the individual department..."

Rich Burton: "Your position, then, is that UPC would actually take up [issues like this]?"

John Simon: "They would have to." Simon then discussed the complexities of departmental reviews at different levels, the need to prepare memoranda of understanding, etc. He concluded: "There's no way of separating priorities from budget. We thought about the APC as a subcommittee to UPC. No matter how we thought about it we couldn't think of one committee that would meet on a regular basis that could deal with all of these issues... That's why we kept the two-committee structure and put the chair on UPC so we knew that [important issues] would be communicated..."

Rich Burton: "I'm very supportive of what you have put together and I think it will work quite well."

David Bell: (Romance Studies and the ad hoc committee). "Just two points. The fact that there is language in here in the charge that talks about scheduling the order of reviews is a significant change from current practice. The second thing is that the Programs Committee then becomes the final committee whereas now the APC and the Executive Committee of the Graduate Faculty work in parallel and sometimes one way and sometimes the other way. So that's also a significant change."

John Simon: "We think there should be an order since ultimately the Provost is the chief intellectual officer."

Susan Lozier: "I was thinking about Rich's objection: it's interesting in that it illustrates ...why administrators are paid..." [laughter] In a case like this, the Academic Priorities Committee would certainly be giving input to the deans and Provost about the strengths and weaknesses of departments — where they need to grow or shrink — and that information is communicated to administrators, who must then look at the overall picture. Their conclusions are then brought back to UPC, and then UPC can decide whether what is actually proposed is in balance and matches what our priorities should be. "The administrators are working through this and it is really the administrator's responsibility to look overall at the whole picture."

Laurie Shannon (English) questioned the broad designation of committee membership. Why not specify fixed membership from humanities, social sciences, natural sciences, etc.?

John Simon responded that input from committee members in professional schools and other areas that may seem remote from the department under discussion has in the past often proved to be extremely helpful to the committee. Hence, his reluctance to specify committee membership criteria in too much detail.

Laurie Shannon: "I'm not sure I agree with you."

John Simon: "That's OK."

Nancy Allen: "John said that this is a work in progress. I think we would like to continue our discussion on this document at our next meeting with the idea that if we have enough consensus at that point we can vote upon it. *If you have specific language suggestions for John and the committee or for EC AC please e-mail those suggestions to us.* Rich, if you want to add language that makes sense to you, we would certainly welcome that. I very much appreciate the work that John Simon and his committee have done over these past 6-8 months. — the hope is that the new committee structure will be an improvement in our ability to have [real] faculty governance in the university. We will come back to you next month for further discussion — assuming it doesn't snow!

"And now I'd like to move on to our last agenda item, which is a report from the Faculty Compensation Committee on Salary Equity. This is a topic that is addressed every two to three years. Tom Metzloff is the chair of the Faculty Compensation Committee. He's not able to be here today. I'll call upon Professor Michael Lavine who is a member of the Faculty Compensation Committee..."

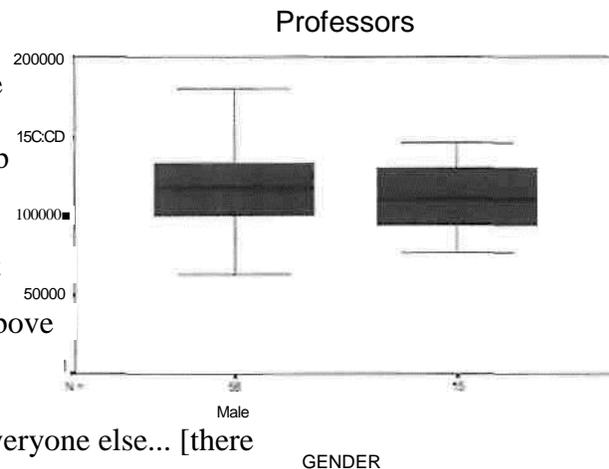
*Report of the Faculty Compensation Committee on Salary Equity*

Michael Lavine: "David Jamieson-Drake (in the Provost's office) did most of the work on the report. My role is to report on the results. The purpose of the study is to look for inequities in salary either according to sex or according to race.. .The short story is that there are no big and obvious glaring inequities by sex or race. I'll present two lines of evidence to reach that conclusion."

Lavine then presented series of box plots (see figure). "Here's an example. Here we're looking at salaries for full professors in the social sciences and they are divided into two groups by sex and each group has a little box there. And the way you interpret the box is this. There's a line that runs approximately through the middle of the box. That's the median salary for that group of people. And then the upper and lower ends of the box. Those are the quartiles — first quartile and third quartile. So, that 50% of that group of people fall inside the box, 25% fall above and 25% fall below. The whiskers that extend

School of Arts and Sciences: Professors of Social Sciences

Faculty Salary by Gender: Social Sciences



above and below the box ... include roughly everyone else... [there are a few] other outliers or extremes."

Lavine then showed similar examples, this time assistant professors, from Fuqua and the School of Law, divided by race rather than gender.

A voice (presumably an assistant professor): "I want a raise!"

Michael Lavine: "No, you want a transfer." [laughter] Lavine described the statistical methods used to analyze these data, in particular a regression model, which assumes that salary can be predicted by a set of multiplicative terms measuring such things as years-in-rank etc. (see figure). The conclusion is that the weights (coefficients) assigned by the analysis to gender and race were not significantly different from zero, i.e., consistent with the null hypothesis that these variables played no role in setting salary.

Dean Berndt Mueller: "Mike I ask the question because I recently looked at a more detailed printout of some of these analyses. And the basic question I have is how sure are you.. .that the mathematical model that goes into the regression analysis is actually valid?"

Michael Lavine: "I'm not sure at all. When you do a regression analysis it's always possible that the mathematics does not represent the actual situation. So if you are a responsible statistician, as I am, then you try to check for things like that by looking at the data in lots of different ways and plotting them in lots of different ways.. .I didn't do the analysis, David did.. .But we tried to ask David questions to get at that point. Did you check for this and did you check for that? He always gave good answers... We asked specifically for a couple of things. One was, are these results heavily influenced by the small number of very extreme cases? To answer that question we took out some of the most extreme cases, redid all the analysis and it made virtually no change in the answer. The other thing that is reassuring is that the results from the regression analysis correspond pretty well to what we see in looking at the box plots.. .if you want me to look [more] at the data .. .I can look at it in a lot more ways and feel even more confident. But I feel pretty good right now."

John Staddon (secretary): "In a situation like this the regression model is bound to be wrong, in the sense that if you look at how each individual salary is actually decided, there's a lot more to it than those factors that fit into the regression equation [and those factors may not combine additively or multiplicatively, as the equation specifies]. But that's just to say that, ultimately, you need to look at individual cases. The analysis may help you to find some horrible outliers, or some obvious gross disparity that needs explaining, or something of that sort."

Michael Lavine: "Fair enough.. .no one is suggesting that salaries are set by looking at an equation and then figuring their salaries. They are set by the reasons you say they are set. Another thing that the Provost's office does in connection with this is that they look for people whose salaries are well below what are predicted by the regression equation. And then they do a careful analysis of each one of those individuals asking them the question — is this person receiving an unusually low salary for some bad reason that we don't approve of and then if they say yes to that then they do an adjustment.

John Aldrich (Political Science): "I would like to know something about what's happening over time at the full-professor level."

Michael Lavine: "In previous years there were no separate regressions for assistant, associate and full. There was only one regression that included everybody. So when you look at these other years you're seeing a coefficient for, let's say, being male, but it's not a separate one

Salary = standard for the rank

- X adjustment for years in rank
- X adjustment for chair
- X adjustment for department
- X adjustment for sex
- X adjustment for race
- X other effects

for male assistant, male associate and male full. In the current study there were separate coefficients for each of those categories." Lavine then showed a slide

Rich Burton: "Do these data include chairs?"

Michael Lavine: "Yes...There is an indicator variable in the regression for being either the head of a unit or chair or named chair."

Ed Shaughnessy (Mechanical Engineering) asked for more explanation.

Michael Lavine: "[The chart shows]...historical regression coefficients and t-tests for the variable *male*... in [the indicated] year it showed that males had a salary advantage of 6.2% over females."

Ed Shaughnessy: "I presume that number will go down over time."

Michael Lavine: "It goes down and then it bounces around a little bit too."

Margie McElroy (Economics/ECAC): "Did you do anything...like hazard analysis [to see if, for example] women get promoted at the same rate [as men]?"

Michael Lavine: "No we don't do that..."

Margie McElroy: "That's probably the bigger issue...It's who gets lost along the way."

Michael Lavine: "That came up in the discussion. We haven't been asked to do it."

Margie McElroy: "Asked by whom? Who asks you to do this?"

Michael Lavine: "You [i.e., the Council] do...We are the Faculty Compensation Committee, which is a committee of Academic Council and we are reporting to you."

Ronen Plesser (Physics) noted a substantial difference in the range of salaries between males and females. Is this consistent?

Michael Lavine: "There are some differences between the men and the women...one is the upper end:... the upper end for men [is] higher than the upper end for women... What you can't see in the box plots is whether that is because the men have been here for a [longer time than] the women, or some other factor like that."

Nancy Allen: "Let me say these data do not include clinical sciences faculty. It includes Basic Sciences and Nursing."

Michael Lavine: "So what do you want to look at?"

Ronen Plesser: "Box plots for assistant professors."

Michael Lavine presented details on the plots for assistant professors in the social sciences, natural sciences, the Divinity School and the humanities. General discussion on the details of these plots ensued.

Dean Berndt Mueller wondered if the smaller number of women would imply a smaller range in the plots.

Michael Lavine: "No, because you are always trying to pick up the same percentile of the distribution."

A voice: "The presentation today is clearer than the handouts and I'm wondering if between now and some future date you could let us have what you told us today."

Michael Lavine: "Yes, you are welcome to them. I thought they were going out."

There being no further questions, the meeting adjourned, at 5: 20 PM.

Respectfully submitted,  
John Staddon  
Faculty Secretary