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Minutes of the Regular Meeting of the Academic Council

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May 13, 1999

The Academic Council met in regular monthly session on May 13, 1999 from 1:30 p.m. to 3 p.m. in 139 Social Science Building with Professor Robert Mosteller (Law) presiding. The unusual hour for the meeting was to provide an opportunity for members to attend the memorial service for Sr. Vice President Charles Putman in Duke Chapel at 4 p.m.

The **Chair** called the meeting to order. He called on President Keohane "to say something about the tragic and untimely death of Charles Putman whom we all miss dearly."

President **Keohane**: We mourn the death of one the most beloved, most distinctive, most profoundly [involved?] members of this community. The loss of Charles Putman leaves a profound void at Duke. It is hard even to recount the ways in which he was attached to this place, held parts of it together, expressed his deep collegueship and friendship. His formal responsibilities were crucial and his familiarity with all aspects of research administration here on campus, across our region, and nationally. His brilliance as a scientist and his very successful career in radiology sometimes came as a surprise to people familiar only with his 'aw-shucks' demeanor and personal humility. But no one who knew him could have been unfamiliar with his profession as a doctor. He exemplified the best of his profession in his fierce dedication to his patients and their welfare, his amazingly deep compassion for each of them, and for their families. And not only for his patients; he was also a healer, in the best sense of the word, to all of us who were lucky enough to know him - reaching out to us, taking care of us, responding immediately when we were concerned about the health of family members and friends from literally around the world. His healing gifts extended to his administrative tasks in trying to build consensus, encouraging all of us to reach past disagreements and divergent interests to find common ground. He was a wonderful raconteur, with a great sense of humor; he was comfortable with all kinds of people, sensitive to their personalities, curious about their lives. In his Texas drawl, he spoke all languages. So many people have said, accurately, that it will be impossible to replace everything he did, or even to know about it, until suddenly something unravels or falls between the cracks and we realize that here, again, Charles was the key. But most difficult of all will be to fill up the sum of caring, of human affection and support,

that he brought in such rich measure to everyone he knew. In this, above all, Duke and everyone of us is radically diminished and everyone of us needs to vow to make a renewed effort to provide some of that effort and support, to others, to help make up for some part of what we've lost. In closing, let me provide just one of hundreds of possible examples of this loss. One of the many things that Charles did that few people knew about was to spend a great deal of time with students in Trent. He established programs for them, had dinner with them, made almost weekly visits; he invited Trent residents to accompany him on rounds at the hospital, and helped more than 100 students obtain summer research training opportunities. He always had time to provide advice and career guidance or to help with a family emergency. Another faculty member closely involved with Trent said of Charles and I quote: "He was a gifted, humane, and deeply dedicated mentor, colleague and friend...It was an honor and privilege to work with Charles and to share his vision of what a university can aspire to be. He set a remarkable example for what a faculty member can accomplish. . . The greatest tribute we can make to honor his memory and preserve his place at Duke is to finish the work that he started on so many fronts." And to this, we can all say, Amen. Please join me for a moment of silence to honor the memory of our colleague and friend, Charles Putman.

Chairman **Mosteller**: Thank you President Keohane. Thank you all for being here at an unusual time. The service for Dr. Putman will be a 4:00 in the Chapel and I hope that we will finish in plenty of time in order to allow attendance. The minutes for the April meeting are not available because the period was unusually short so they will be approved at the September meeting. Our next meeting will be in September of the next academic year. I will begin now by calling on representatives from the various schools and colleges with respect to [the presentation to the Faculty Secretary of] earned degrees.

EARNED DEGREES

Diplomas dated May 16, 1999

Summary by Schools and College

| | |
|--------------------------------------|-----|
| Trinity College of Arts and Sciences | |
| Dean William H. Chafe Bachelor | |
| of Arts Bachelor of Science | 87 |
| | 6 |
| School of Engineering | |
| Dean Earl H. Dowell | |
| Bachelor of Science in Engineering | 179 |
| Master of Engineering Management | |

| | | |
|--|-------|------|
| School of Nursing | | |
| Dean Mary T. Champagne | | |
| Master of Science in Nursing | | 27 |
| Nicholas School of the Environment | | |
| Dean Norman L. Christensen, Jr. | | |
| Master of Environmental Management | | 96 |
| Master of Forestry | | 5 |
| Fuqua School of Business | | |
| Dean Rex D. Adams | | |
| Master of Business Administration | | 324 |
| Divinity School | | |
| Dean Gregory L. Jones | | |
| Master in Church Ministries | | 2 |
| Master of Theological Studies | | 14 |
| Master of Divinity | | 88 |
| Master of Theology | | 12 |
| School of Law | | |
| Dean Pamela B. Gann | | |
| Juris Doctor | | 188 |
| Master of Laws | | 82 |
| Doctor of Juridical Science | | 1 |
| School of Medicine | | |
| Dean Dan G. Blazer II | | |
| Master of Health Sciences | | 59 |
| Master of Health Sciences in Clinical Research | | 3 |
| Doctor of Medicine | | 99 |
| The Graduate School | | |
| Dean Lewis M. Siegel | | |
| Master of Public Policy | | 30 |
| Master of Arts in Teaching | | 4 |
| Master of Science | | 62 |
| Master of Arts | | 73 |
| Doctor of Philosophy | | 117 |
| | TOTAL | 2733 |

Professor Randall **Kramer** (NSOE/ECAC) rose to introduce the following customary two motions: that 1) the candidates for degrees during the Spring Term, as presented by the deans of the University's schools and colleges, be approved by the faculty and recommended to the Board of Trustees, and 2) that the Provost be authorized to make such adjustments to the approved lists of candidates for degrees as may be necessary to assure that no candidate for a degree will fail to have his or her diploma awarded in a timely fashion, or that no candidate will receive a degree for which he or she is not qualified.

Both motions **passed** without dissent.

Professor Kenneth **Knoerr** (NSOE) : Some of you know how I feel about this ritual that we've just been through, but in spite of that I'd like to ask the Council to give recognition for someone who's doing it for the last time and probably does it better than anybody else. Dean Marion Shepard from Engineering has been making the presentation for many years and Shep stands up and gives this from memory. He may have to check the numbers, but he does it better than anybody else. So this is Shep's last time and I think we ought to recognize him for it. (Clapping)

Robert **Mostoller** now called on Provost Strohbehn to come forward and to give a presentation on salary comparisons. He referred members to a one-page handout on the subject that went out with the materials.

Provost **Strohbehn** [using an overhead projector] : Normally we give our information to the Faculty Compensation Committee, but this time we're given the opportunity [to present it to Council as well]. The AAUP [survey] obviously is very useful from a comparison point of view with respect to different universities, but it is important to realize how difficult it is really to 'tease out' whether your salaries are better or worse than other institutions'. The reason for that is [that at] comprehensive universities like Duke we have a number of different schools and so it's important to realize that certainly some schools have much higher salaries than others and so if you compare yourself with a different school it may not have the same mix. That is you may have a much higher percentage of business school faculty and law school faculty compared to Arts and Sciences and you will see that there is a very big difference in the comparison. So this chart here is just national salaries by discipline and [in] Arts and Sciences and [the] humanities the average salary is \$70K and for natural sciences it's about another \$10K higher, [i.e.] closer to \$80K. For the social sciences it's somewhat in between. On the other hand, if you look at the business school where the average salary is closer to \$100K [you can see that] it was about \$30K more than the humanities. In engineering again it's going to be somewhat higher and law, of course, knows how to do this best and the average salary is \$112K. So if you have a very large faculty in the Law School you're going to see a much high[er average] (even if everybody is paying just the same) it will look like the university with a very big law school is paying higher salaries than another institution. So you have to take this AAUP data and look at it very carefully and the kind of data we're showing today does not have that kind of breakdown because you can't easily get the data from other institutions broken by segment, by faculty in arts in sciences versus the faculty in the business school vs. engineering. So it's very difficult to get that kind of data. It's not collected in a uniform manner like it is for the AAUP. So

with [that] caveat if you look at the salaries you will see that Duke is ranked 10th. That's holding pretty steady from where we've been over the last 5-6 years. I have once in my life actually gone through this process of trying to do a weighting which puts the different sizes of the faculties together. I don't have the data for all of this set of institutions, so when we looked at another set that I had done, Duke was ranked around 6th. But one of the things for example [I noticed], when I did that breakdown before, [is that] it looks like Princeton is ranked 3rd in salaries, but when you think about Princeton [you realize that] it doesn't have a law school, it doesn't have a business school. In fact, the salaries in Arts & Sciences are probably higher at Princeton than they are at Harvard. So it's those kinds of differences. But we're staying around the 9th and 10th position, but at the full professor and at the associate professor level. If you look at assistant professors we're also ranked 10th, but we're fairly even. If you look at other schools you'll find that there will be more variation, but we seem to be pretty consistent about where we're trying to be with respect to salaries. Obviously, if you look at comparative salaries, for example, in the humanities, we're very, very strong. We are much higher in that area than in other areas as far as compensation is concerned. So this is the kind of data that we get and you'll be hearing more about looking at this kind of data more carefully from equity points of view in a minute. So this just gives you the global perspective of where we are in the salaries. I'd be glad to answer any questions if you have any.

Professor Steven **Vogel** (Zoology): Yes, I found the figures rather odd. I began with a sample [of] one, namely myself. I'm a full professor, a James B. Duke Professor, with 33 years of service and I'm nowhere close to that average figure shown for non-chaired professors. And I rather wonder whether we're looking at this thing the wrong way by taking arithmetic means. I'd be very curious what the median is. And I don't mean the median down at the bottom there which is the median for all the schools, but the median for salaries in particular ranks at Duke. I said I began with a sample of one. I was curious enough to ask my department chairman in Zoology about the number and he laughed and assured me that no one in the department was making anything like the average salary that was reported.

Provost **Strohbehn**: You mean the average salary that's shown here for full professor [at] about \$105K. Yes, but that includes the law school, the business school, so you are certainly right that if you are trying to maximize income it would be smarter to have gone into law or business.

Steven **Vogel**: Are they really enough higher to push the thing that far out? What I'm curious about is the nature of the distribution as opposed to the arithmetic mean. What would be the median salary for a full professor at Duke? [This is a] question about the

median salaries of Duke professors.

The **Provost** replied that he didn't have those data.

Professor **Vogel**: Could that data be supplied? If one doesn't have the normal distribution, then one needs more than the arithmetic mean to make a reasonable judgment.

John **Strohbehn**: As I said we've presented this data to the Faculty Compensation Committee and they seemed comfortable with it so that's what we've been presenting, but it certainly can be changed. What is difficult to do is to get information so that you can [see] what are the natural sciences across the set of schools to see whether you are comparable. That unfortunately is data that is difficult to get and I can't go ask other schools that question. I've already signed something that I wouldn't do that for the federal government. Any other questions?

The **Chair**: Thank you John. With respect to the median you might contact Ken Spenner on the Faculty Compensation Committee if that would be of interest to the faculty, and so ask the question and we will try to get it prepared for next year. So forward your questions and I'm sure Ken will work with it.

Professor Kenneth **Spenner** (Sociology) : Mr. Chairman, members of the Council, we will get the median data for next year and report on as detailed level as possible. The distribution is skewed and as I recall, there is not a huge difference between medium and median and we will provide that next year. On behalf of the Faculty Compensation Committee I have a couple of general reporting items before turning over the podium to Don Berry who will report on the details of this year's salary equity comparisons. First, the various surveys that evaluate Duke's managed care system are still in the field. We've extended the field time in several of the protocols in an effort to make sure that we have the best possible response rate before we start making judgments about the health of the system. The survey consultants, Duke's Human Resources Vice President Davidson and the committee will report in detail to the council on the results early in the fall. Turning to the committee's salary comparisons, periodically the committee conducts several types of salary comparisons. One genre involves Duke faculty salaries compared with other similar institutions. The Provost has just reported on this year's AAUP salary data. The committee also tries to look at the question of trend over time. This year, we looked at data for comparisons with institutions that went back to 1996, a variety of comparisons. The dominant conclusion from that set of comparisons echoes what the Provost has just said. There is not much change in Duke's position. They are somewhere in the middle of the pack in a group of 18 or so. We've not lost ground, but we've not moved up either. The second type of comparison that we do involves working with the Provost's office to do formal salary equity comparisons for all tenured and tenure

track faculty except those in the medical clinical sciences. The committee has done this every other year since the early 1990s. As part of that process we asked the provost to inspect outliers and salary regression equations and certify that such inspection has happened and that appropriate adjustments were made. The committee has a good working relationship with the Provost's office. We value that and look forward to that continuing with the changing of the guard. In particular we'd like to thank the Provost, James Roberts, and David Jamieson Drake for their assistance with this year's comparisons. To report the details of these it is a pleasure to introduce Don Berry of ISDS who's the committee's resident statistical expert.

Prof. Donald **Berry** (Statistics) : Thank you Ken. You have the report of David Jamieson Drake and I'll put up the first two tables of the report [on an overhead projector]. There's an appendix which addresses some of the questions that you've been talking about in terms of the relative comparisons of the Business school and Engineering. Those comparisons are with respect to the Divinity School. The Divinity School plays a major role even though they are missed in some role calls. So this is the current budget. It's faculty salaries by rank, gender and race and there are no adjustments. These are the actual mean salaries and I've not seen the distribution with respect to mean vs. median. I've not seen the distribution, but in seeing the maximum and the minimum it doesn't look like it's very skewed. The rest of the report is adjustments of various things that matter in salaries, time and rank, the school, your actual rank. One of the things it doesn't indicate in the appendix and one of the things we looked at was actual department [e.g.] with respect to Zoology vs. other departments. Is there a differential in terms of gender and race that might be accounted for in differences in department. And we found none. And so what you're seeing even though it's based on an analysis that doesn't include departments is consistent with analysis that does. So reading this [for] about 1992-93. [For] the average male- adjusting for all other things that we knew about at the time and seemed to matter- [it] was 6% more than the average female. These "Ts." [^BT" statistics] This is the statistician's analog of tea leaves. I don't want to explain it to you for those of you who don't know what it is, but roughly speaking, it gives you a notion of 'is this something that [if] you're assigned salaries at random you would observe this kind of distribution^]' And the answer here is 'probably not.' There probably was something going on here. And [for] the most recent time period there was a 3% advantage for being male, adjusting for the other characteristics and the "T" statistic there suggests it's not statistically significant. The next table gives regression coefficients for time and rank and you see the comparison with time [and] rank [from] 0-7 years and the message here is that time and rank doesn't matter very much and seems to matter less as we go through time. The final table, the main body of the report, is addressed to the question of Caucasian vs. all others. And so,

this said, back in 1992-93 the average Caucasian earned about 4% more than the average non-Caucasian— not statistically significant and the current value is about 1/3 of that [i.e.] the advantage for being Caucasian [is] about 1.5% or so. Questions?

Prof. Linda **Franzoni** (Engineering) : What have you meant by salary less supplement. Is that a 9 month salary that you compared?

Berry: Yes

Franzoni: What's the supplement?

Berry: What's the supplement - I don't know (1/9th?)

Franzoni: So you add one summer month to the salaries.

Provost **Strohbehn:** Some have 1/9 for one reason or another (for chairs of departments).

Prof. Nell **Cant:** So these are 9 month salaries, but these include the Basic Sciences from the Medical School.

Prof. **Berry:** That's correct.

Prof. Barbara **Shaw** (Chemistry) : so those have been adjusted to 9 month salaries?

Prof. **Berry:** I believe so. Lew is that right?

Dean **Siegel:** I don't know if they [are] included, but it would be 9/11.

Prof. **Berry:** [It] doesn't matter in terms of the comparisons if you give them [on a] 12 month basis or 9 month basis.

Barbara **Shaw:** I would just like to say that it seems to me that one should be very careful and strict about the time frame. If you're using a 9 month time frame for some departments and 10 months for others and 12 months or 11 months for the Medical School, you can't compare these because these are 3 different kinds of salaries.

Prof. **Berry:** You can if you adjust for [all of these other things]. You can compare race, gender and the other things that we looked [at]. When you look at the appendix and see that Fuqua makes much more than the rest of us ...I forgot where I was going with this. So, if you look at just race or gender it's an adjusted figure for all of these other things. So it is an appropriate comparison. Comparing the different schools.

Barbara **Shaw:** But I'm talking about comparing not even schools or race - I'm talking about comparing the salaries of 10 months, vs. 9 months, vs. 11 months, because it will look like you get more

money if you have an 11 month [salary than if] you're calculating a 9 month salary for 11 or 12 month appointments.

Prof. **Berry:** The question is what is the policy, if you're interested in 9 months vs. 10 months. Ten months make more, but if you're interested in race equity or gender equity, then those things are taken out and so that's what I'm saying. So, it doesn't matter [concerning those] questions that we're most interested in addressing. If you have another issue to address?

Nell **Cant:** Could you address that average set of numbers at the top of the first handout. Are those including Basic Sciences in the Medical Center normalized to nine months or are they [twelve month salaries?]

Berry: Those include the Medical School, they include all of the schools [?]

Nell **Cant:** so what number do you put down for Medical School salaries, twelve months or do you normalize for nine months?

Prof. **Berry:** Yes, nine months. And if you wanted to find out what that is, go to the appendix. If you consider the Divinity School vs. the Medical School you can see what the Medical School Basic Sciences makes in comparison with the Divinity School [which] is something like 3% less. But that's a nine month salary.

Nell **Cant:** Do you see my question? Are some of the numbers averaged into this average [?]

Berry: Bottom of the first sheet

Nell **Cant:** And those numbers at the top, if I recall, are virtually identical to the numbers on the sheet that was handed out which says specifically on the bottom that it does not include [the] Medical School.

Berry: Yes it's different. It does include the Medical School. You'll see in the appendix that there is a variable [concerning] the Medical School's Basic Sciences [. . .?] If I read what you're saying, it's because the Medical School Basic Sciences makes approximately on a nine month basis what the rest of the university [makes on twelve month basis?] So, in other words you wouldn't see a difference.

Lew **Siegel:** Just so we're absolutely clear: every time you include Medical Center salaries you multiply standard medical appointment by 9/11ths. You will probably find (I haven't looked at this year's numbers) that the average Medical School salary on a nine month basis looks lower than the average Arts and Sciences salary, because it doesn't quite make up for it.

Berry: We're all very close Lew, as I recall. The Medical School in comparison to Basic Science in comparison to Divinity School is 3% less. Arts and Sciences is about 6% minus or plus [?]

Linda **Franzoni:** I would like to make a request that perhaps there could be a more specific documentation as to what we are looking at, for example, whether or not this includes the dollars [of] Law School, Engineering School, Medical School and on what basis are the salaries pro-rated. Lew says that you have ten months for certain salaries. Is it clear that extra supplement is added in to the overall salary or do you take 9/10ths of the total salary?

Berry: No, it's added in, but at least from the perspective of the chair it's also taken out. It's taken out by the regression analysis because the various ranks are included as variables in the regression analysis. Our fundamental question was race equity -gender equity. And I think David has done an excellent job in answering that question [cf. handout: David Jamieson-Drake, "Tenure Track Faculty Salary Equity," Memo, 16 March, 1999]

Linda **Franzoni:** I am just requesting a bit more specific documentation of what the table is referring to.

Berry: OK, part of your answer is in the Appendix. If you want to know whether or not you get the Medical School Basic Sciences, [or] Law School, look in the Appendix and you'll see that those were included as variables in the analysis. That suggests that the data for the Medical School and Law School were also included. With respect to nine months and ten months I understand your quandary.

Prof. John **Staddon** (Psych./Exper.): It seems to me the interest of this kind of survey [lies in the possibility] to see if there are any gross disparities revealed by the statistical analysis. The report says [that] even if you would find such things, they would be basically uninterpretable, because things like productivity and market price and all that stuff are not included. So, my thought would be that if the committee wishes to collect these kinds of statistics, they should be presented to the Executive Committee of the Academic Council and if they see no reason for alarm that we don't take up everyone's time with it and try to educate people on statistics and regression theory and so forth.

Prof. Ruth **Anderson** (Nursing): It looked as though it excluded Medicine and the School of Nursing from that comparison, [i.e.] the gender comparison, because it's not a basic science.

Provost **Strohbehn:** Medical faculty are not included - whether Nursing is in there, I don't know.

Ruth **Anderson:** Doesn't look as though it is.

Donald **Berry:** If it's not included in the Appendix table then it's

not.

Ruth **Anderson**: If you included the School of Nursing, I think, it would make your gap between the genders larger.

Donald **Berry**: Maybe not and that's one of the subtleties of statistical analysis. If it's confounded, of course, which it is, then, if we plug in a variable accounting for the differences for Nursing School and the rest of the university. I assume from your statement that would suggest that the Nursing School makes less and that would come out of the comparison, so it may not affect the gender comparison at all. In fact, it may affect it in a positive way.

Ruth **Anderson**: The straight Mean Table would be affected.

Donald **Berry**: Yes, the straight Mean Table would be affected.

Prof. Ann Marie **Rasmussen** (German Studies) : I would like to thank you and your committee for this important work. I would like to say that a differential in salary based on gender that varies between 6 to 3 percent over the lifetime of any given faculty member is, in fact, something perhaps if not a cause for alarm, then certainly a cause for continued awareness and alertness on the part of the Academic Council and the entire university. Thank you for your report.

Prof. **Mosteller**: Professor Staddon - we heard your comment and ECAC will talk about it, and we may talk to the Council at some point about it to see what the wishes are.

Provost **Strohbeh**n: I should state that when we get this report where I see the person by person salary [figures?], I do talk to the deans in cases where I can't understand [differentials?] [that?] not just show equity issues but also those that are out by 1% that are identified in this process. I discuss with the dean individual cases. So we do do more with it than just create the data.

NSOE DIVISION AND GRADUATE PROGRAM NAME CHANGE

Chairman **Mosteller**: A representative from the School of the Environment coming forward, as you see, is not Norm Christensen but Bruce Corliss who is here with respect to our next item. The next item is the proposed name change for the Nicholas School of the Environment with respect to programs there. I will read the proposed resolution:

WHEREAS, the Nicholas School of the Environment has requested that the Division of Earth Sciences be renamed the Division of Earth and Ocean Sciences and to change

name of the graduate programs and degrees associated with this division to Earth and Ocean Sciences, and

WHEREAS, these requests have the approval of the Executive Committee of the Graduate Faculty, the Academic Priorities Committee, the Provost, and the Executive Committee of the Academic Council,

BE IT RESOLVED, that the Academic Council endorses the request that the Division of Earth Sciences in the Nicholas School of the Environment be renamed the Division of Earth and Ocean Sciences and that the graduate programs and degrees associated with this division be renamed Earth and Ocean Sciences.

Prof. Bruce **Corliss** (Earth & Ocean Sci.): Perhaps I could just have a few moments to give an overview at how we arrived at this. The transfer of Geology from Trinity College to the Nicholas School occurred in January of 1997 after a number of years of discussion. This is approaching geological time scales, it seems. But part of that transfer was a name change at that time to the Division of Earth Sciences. Subsequent to that, the faculty had discussions and voted to rename the division to the Division of Earth and Ocean Sciences and this new name reflects the addition of oceanographers to the division who were transferred within the school as well a long historical presence in oceanography that geology had. It also reflects in addition to the research activities, the teaching activities within the division as both earth and ocean science material is covered in our courses. This proposal has been reviewed by the Academic Priorities Committee and the Executive Committee of the Graduate School and the recommendation was supported to change the division name. I would be happy to take any questions.

The resolution to change the name was moved and seconded and **passed** unanimously, by voice vote.

RESOLUTION ON RESIDENTIAL, LIBRARY, AND CAPITAL PROJECTS

The **Chair** now turned to the next item of business, namely continuation of discussion and a proposal to vote on a resolution regarding residential, library, and capital projects and their funding.

Prof. **Mosteller**: I will spare you the reading of the document except that I will read the final paragraph which is the 'therefore be it resolved' and I hope that everyone has the set of resolutions. As soon as I turn over the podium to Judith I will walk around and give to anyone a set who doesn't have them, but it reads:

THEREFORE, BE IT RESOLVED, that the Academic Council endorses and supports the set of capital projects in combination with the funding package detailed in the PACOR resolution with the conditions identified by PACOR and APC and further endorses and supports this use of the President's special initiative fund to both meet residential construction goals and provide for capital projects directed to critical academic needs.

So, that's the 'therefore' and I will call on Judith White to give a brief presentation. At least my intention in organizing this is that Judith will be the only speaker who will be called on to give a presentation to begin with. Many people are here who can comment on questions. The President is here, the Provost, Dean Chafe, David Bell [Chair, APC], Roy Weintraub [Chair, PACOR]. So, we will field questions, and I'll walk around while Judith is talking and give resolutions to anyone who needs them.

Dr. Judith **White**: Bob also asked me to be very brief so that we will have a chance to field more questions. So I wanted to once give again give the highlights of what we think we can accomplish specifically related to the enhancements of the residential facilities for undergraduates on West Campus and then to give you just a brief update on what kinds of questions have come in and I'd like to give an answer to those at this point. But there basically are 6 things we think we can accomplish with the proposal that we have for you which, in the process of renovation, creates space for 400 more undergraduates on West Campus. The first thing that we must accomplish with the proposal is much needed renovation of the space. The very first thing that has to be done is an upgrade of the utility system. This is a project that has been in the planning for some time and it has in fact been postponed during the last couple of years while we continued discussions of what we might do with the opportunity. As you know when you go into buildings as old as this with systems needing the sort of change that they do the easiest way to do it is just to take out part of the walls and go in and change things. So the question that Tallman Trask raised for us was: would we put the walls back in the same place or would we take this opportunity to do something else. So we're proposing [construction of a new dorm, because] additional beds in new construction would allow us to have space for all undergraduates who are currently requesting space in residence halls. As you know we have 350 undergraduates who are currently living in Trent Drive Hall which will be converted to academic space. So with all those students on campus plus some additional space for some students who are either off campus or in apartments right now we'd have 2/3 of our upperclassmen actually at the center of the campus. And we think that's an important improvement. Within the design, we get a greater variety in the spaces available for individuals and for groups so that this allows us not only to encourage more people to be on the campus but for the students to be creative in the way they would inhabit the buildings and

organize their activities. The group space as you know is an important part of life on West Campus. It is currently the Commons Rooms which are at the first level of all the buildings. That's going to be relocated, so we can take better advantage of the actual bedroom space that's on the first level. But in the process of relocating that space we'll be reallocating it more evenly. For various reasons with historic changes in the groups, there is quite a skewing in the amount of space available to different groups. And we are working to reallocate that space. We are also making more amenities and more group spaces by locating them in ways that they will be shared by students within quads rather than the current sense that if it happens to fall within the space otherwise inhabited by a living group that it somehow feels like it belongs more to them than to other people. We work with students about ways that certain activities are actually more efficiently collected in one place which then allows them the opportunity to manage this as a group. The final thing I would say is that we're also talking about space that is specifically designed to be used for academic purposes. Seminar rooms that can be used as such during the day for work related to a theme group or some sort of house course that might have activities during the day or the evening and would then still serve as comfortable extra study hall during the evening. These spaces are also located at the sites of the service and study center, so that computer equipment would be available and then some small kitchen arrangement, so that these spaces could be used for dinner or some kind of social event that would go along with a seminar. Since the last meeting I had agreed to have my e-mail address published. I actually got very little correspondence. But that correspondence, it turned out, was also covered in the discussions that we had since with the Committee on Facilities and the Environment (CFE), and that CFE has endorsed the project in discussions last week [with] what I would consider the following understandings. First, [these] were related to questions raised at this last session and in some e-mail since about air-conditioning. Air-conditioning using current technology is a very large expense in doing renovations on buildings of this type. What we agreed to is that we will do more analysis including the next level stage of schematics on the design so that we can get better estimates. It may be that we've overestimated that cost, but at the same time we also want to investigate some of the newer technologies which actually do not require the large consumption either of the resource of dollars or of space within the building to hold the infrastructure, the current ductwork infrastructure nor would it always require the kind of chiller plant. What we're talking about is a variety of things. I'm afraid, I've learned more air-conditioning technology than I ever wanted to know, but not enough to really explain lots of this to you, only to promise that we are investigating, realizing that it is in fact not a good thing for us to continue with up to 600 student beds which are unairconditioned. It is a large expense and we will continue that discussion, but the bottom line is that it is a large expense, and we are talking about priorities for the rest of the year after it

finally does cool off in October. The second thing that came up in those discussions was related to how we make a better connection between West Campus the Central or Main West Campus where we're adding space and Edens quad which is [separated from Main West?] I think everyone has probably now heard the phrase, the new Trent and how we make a connection such that the students, the 600 students doesn't become the next place no one wants to live. One of the related issues, the third issue that came up with CFE and other discussions has been that of parking and one of the big problems we have with Edens right now that it is cut off from the rest of the campus both by a road and then a large parking lot with no particular pedestrian pathway for students to get up campus. So one of the things we agreed quite readily to was a pledge, a coordination with a master plan about parking, about the landscaping, and about pedestrian traffic patterns; and one of the ideas specifically related to Edens was the notion, a charge by CFE that we do design work that would propose the closing of Wannamaker Drive to through-traffic and the creation of a greenway between Edens and the rest of the West Campus, and that's actually in keeping with some of the plans that are already going on with the master plan right now. So we will continue work wherever we can, we orient things toward Edens and the connection between that campus and the rest [of Main West].

Bob Mosteller: It makes sense to stay here. Let me give some general numbers. I hope people have read the documents and have them basically in mind. But let me give the big picture numbers and one caveat. The project as proposed for residential life is \$75 M. That would add a total of 400 new beds to Main West, 200 through refurbishment and capture of space and then 200 in new space. Those 200 new spaces, I understand, would be air-conditioned. So the air-conditioning is not an issue with respect to the new space. There are 3 other projects that are envisioned. \$15 M in a phasing process with the Library. [Further,] \$8 M is broken down into two components: \$5M for refurbishment of Trent which would not become academic and other office space, \$3 M for Hanes Annex; so \$8 M and \$15 M [are] there. The total package works out to \$98 M. The funding that's available through the residential hall budget is estimated at \$65 M. That's on room charges without any extra increases other than those normally associated with us moving forward in years. So that's \$65 out of \$75 M, leaving a \$10 M shortfall. The identified package would be up to \$33 M taken from .5% of the Endowment and the way that \$33 M is organized. \$10 M of that goes to the residential life, \$15 M to the Library, \$8 M to these other two projects. If we get additional gifts for either of 3 projects, that reduces the draw on \$33 M. If we get additional gifts for residence halls, Trent, or Hanes, it reduces it. With respect to the Library we now can't see enough money to do all the Library work, so we are trying to pull from that \$33 M, \$15 M with respect to the Library. One caveat, and this is the point I make: finding that \$33 M is going to take some work. We've never used this mechanism before. If we are

successful in moving the proposal through the Trustees, it will be a new item, and trying to make sure we can get that \$33 M is going to take some work, and it may take more than what was estimated in the first 5 years. It may take some innovation. The protection in this package, as I see it, is something coming out of the APC resolution that says that there shall be no unusual burdening of any one unit. So that's a constraint on where the money will come from with respect to getting it from quasi endowment and various units. This will take work and over the summer additional work will be done. Tallman is going to work very hard in good faith. I understand Nan is pushing very hard to broaden the pot as much as possible. There will be issues and Tallman said he will come back to PACOR and report. I know that last discussion sort of complicated things, but I wanted to [be] very clear that there are some question marks here, at least in discussions that I've had in ECAC and with Roy of PACOR. Our feeling is, the principle set out in the resolution imposed the right kind of constraints, and as long as it is worked at in good faith, then we can accomplish something worthwhile. If we can't accomplish something worthwhile, then we will so vote at a later point, but I just wanted to give that degree of complication [existing?] among the other potential speakers before we throw it open to questions. Is there anyone present who would like to speak? OK, questions.

Prof. Rhett **George**: Among the dorms A-Z, AA-HH: all of these are getting some age on them now, and I guess they are subject to deferred maintenance. Are any of those dorms excluded from this plan?

Judith **White**: No

Rhett **George**: They will all receive attention.

Judith **White**: Yes. This is a comprehensive renovation plan. It will move through all the dormitories.

Prof. John **Board**: A small related question. Accepting that the critical utility needs are something that we just have to do to maintain the fabric of the university, do you have a rough estimate what fraction of the \$75 M is purely for the electrical and other utility renovations? And what fraction is the prettying up, as it were, indeed the reconstruction of the facilities in the new plan?

Judith **White**: I may have to ask Joe [Pietrantonio] if he has those numbers. I've been far enough away from the budgeting piece.

Assoc. Vice President Joseph **Pietrantonio**: There are two utility items in the residence halls. The steam lines in the halls are gone. They're leaking all over the place. And then the electrical line is undersized and overheats.

Joe **Pietrantonio**: [We] looked at it. You know, we've got to cut

holes in walls, floors, ceilings. So, what really happened, the renovation became [necessary?], because there is so much inside the building that you could just start taking the walls down. In fact, it would probably be less costly if you take the wall down and rebuild than it would to cut holes in it.

Judith **White**: So a certain amount of the prettying up is putting the holes back after the utility work has been done. That's what we tried to take advantage of wherever we could spend the same money. We can get a more specific breakdown, if you like, on that. I mean we paint the building regularly. It's really not for that kind of prettying up.

Dick **White**: I support the proposal and the philosophy very strongly and I am very much appreciative of the response from the administration, from Roy Weintraub and several others to my concern that to refurbish and without up front air-condition as a high priority is a mistake. I haven't changed my opinion on that, but I certainly do think the good faith effort that's been shown subsequent to that meeting and raising the issues, makes it possible for me to be fully supportive assuming that we could get some report back as to how these are going. I have heard about the alternative air-conditioning devices. I'm not sure I understand them any more clearly than you do, but it does mean it seems to me that there may be less expensive ways of air-conditioning those areas that are important to the academic and residential quality of the experience. In building up to a head of steam which I was doing over the last 5 or some days, having been de-steamed, it seems to me that the 4 or 5 major issues here have to do with matching the building with the expectations and the proposals, that is, equity, equal access to everyone, and in areas that are really comparable so that there is no great differentiation among need based and non-need based air-conditioned vs. unairconditioned, and that 200 of the new beds [are] automatically unairconditioned strikes me as not commensurate with that kind of equality. Having just come back from a major venture across the country, parents if not students raised the question. You're in a very strange portion of the country from where we are. Are your dorms air-conditioned? And I go through a very tangled explanation about if you're lucky they might be and if you're not, they won't be, but if you like a large room they aren't, if you like a tiny room we can guarantee it's cold. The first year East Campus has a very similar situation. [Also], I think competition with our competition is another issue, that is, if we're not air-conditioned and other places are or their new dormitories are, as our new ones will be, I think we put ourselves at a competitive disadvantage, and I know that academically we can make strong cases given our great concern for the quality of the program, but again it comes down to other things being equal. Will I be in the south in a hot room or will be in the north in a cool room. It strikes me that these are the four major areas that I was getting very stressed out about, because of the sense of competition I have that we ought to win in

some of these battles. So I'm very pleased with the response and I wanted to make that public, because I've had e-mail too about my opposition to the plan. I really favor the program and the philosophy and I just hope we can be more explicit along the way about costs and the variations on the theme of air-conditioning, so I am hopeful that at the end of it all we will see a way to air-condition the areas in question.

John Board: If David Bell is here... reading the APC resolution, there seemed to be several ways of parsing that. And I am trying to decide how lukewarm your resolution really is. Could you perhaps comment on that?

Prof. David Bell (Romance Studies/ Chair, APC): I think it's a strong endorsement. I mean, we are going to be very vigilant, I think, as a body to make sure the proper program and decisions are made so that the new dorm space created on this campus will also be programmed in a way so that the issues of equity will be addressed. It will be dealt with as an important part of our discussion and we're going to follow-up on that. Basically it's a strongly supported resolution. The other question is the vigilance as far as the funding mechanism is concerned, because we don't want the funding for the project to be unequally distributed among units of the university. So those are the two areas that we think require vigilance and require ongoing vigilance, but in its basic structure the committee is in favor of the big sort of residential plan of academic programming.

John Board: I have to represent the faculty tomorrow at the Trustees, so I had several questions to make sure I'd say the right things tomorrow. May I ask the president, if we spend \$33 M of, in some sense, your discretionary funds on this. These, I think, most of us will agree are all critical priorities facing Duke, but not all of the critical priorities facing Duke at this time. How much flexibility does [this] leave you to address other matters for instance the sciences issues that are discussed in some degree in the note from the Provost.

President Keohane: Well, I think the recommendations that you see, the spelling out by PACOR make it clear that we have thought about these priorities within a set of larger priorities. It is not as though by supporting these we are putting others to the side or on the back burner. There are a number of potential sources of funding. I would stress the funding from the campaign and we are quite hopeful that a significant portion of the costs of the residential life, particularly new construction, can come from fund raising. Because we think there will be a lot of people out there who will be interested. So, in some sense this provision is a backstop for that so that we don't have to wait until the fund-raising is completed, and if we're unsuccessful, we have ways to do it. The draw on the quasi endowment which PACOR has supported and which Bob has described, I would stress is a new technique. It has

been approved by the Board two years ago. But we never tried to actually implement it, and one of the reasons it is complicated is, because we now have to go in and look at 1500 different endowments to see which ones are restricted in such a way that we cannot draw on the .5% off the top, and which ones are unrestricted or open to such uses, and until we know the answer to that question, it will be hard so say how to say exactly how much revenue we can glean from this approach. We are optimistic, but we recognize that there will be issues about which types of endowments ought to be used for which type of purposes that we've never gotten into before. So, this particular draw, the .5%, if we are successful in implementing it, will then become unavailable for the next 5 years. But there are other sources of income, for example, the virtual equity created by our internal reinvestment account which is a [?] bank situation where nobody really loses; but we pool short term funds to create long term investments and the university takes the difference to provide funding. This is, for example, one of the major ways included in the capital campaign, and this pool will now become available again. So there are a number of sources in addition to the Provost's science and engineering fund and the funds which I realize every year from a variety of endowments that are technically [mine?]. So, it's not that we're taking all potential central funding sources for this purpose.

The **Chair** now invited a motion to approve the three interlocked resolutions. For their wording, he referred members to the appropriate exhibit included in their Residential Life materials. The resolutions were **approved** unanimously, by voice vote.

Chairman **Hosteller**: I would like to thank everybody who worked on this. It has been a task that has taken more than a year. It has taken a lot of effort from administrators, from Judith White in particular, from Roy's group [PACOR], from APC, from ECAC. I think it is an example of faculty governance at its best. I hope all this works out. I believe [because of the fact that] we spoke and added [to it], I think the residential life program is better than it would have been. I think the money going to the library is something that we had something to do with. I think we set some priorities. I think the resolution sets out some principles. I know that one thing that PACOR cared about is not burdening the future with a huge unfunded project. I think we've done good work and I'd like to thank everybody I worked with. I think this was a fine effort and I thank you all.

President **Keohane**: I'd like to thank you for your leadership. The committees that have worked on this have been very thoughtful, very productive and a good example of collaboration across the institution. I also want to thank Judith White and her colleagues. I'm sorry Tallman Trask isn't here. I think Tallman has not yet come in. He'll [be] double teaming today, because the DUMAC Board is meeting, but I know he will be very pleased by the results. I just wanted to let you all know what is expected to happen next.

The Board of Trustees on Saturday will be asked to vote formally only a small portion of what we have now authorized in concept through these mechanisms. The \$3 M [is] to begin renovation of Hanes Annex right away so that it will be useful space soon and support for \$20 M worth of planning and development toward the first stage of renovation of the dormitories. But this is only the first steps. There will be other votes, other benchmarks along the way where we will report to you all. We will keep in touch with the committees about the funding mechanisms and we very much appreciate your support.

The **Chair**: Thank you President Keohane. I knew I would do this, I left out one important committee. Ed Shaughnessy raised some important questions and I know Judith [White] referred to that Committee on Facilities and Environment, CFE as well call it. And so I would like to thank your committee as well and I apologize for not mentioning it in the first go-around.

PROPOSED CHANGES IN APPENDIX C REGARDING REVIEWS OF THE PRESIDENT AND DEANS

Our final item is discussion of proposed changes in Appendix C. This has been discussed briefly at the tail end of the last meeting and will come back to us for detailed work in the fall. It has to do with two aspects of review of administrators. The first issue is the timing of the review of the president and the reason we are bringing this to you now and ask that a substantive provision be made now is [that] we need to start a process of reviewing the president and putting together a committee this summer. The provision as it's written right now says that there will be a review of the president at the end of the 3rd year of the first term and three years thereafter. With a five year term that means at the end of the 3rd year which works out just fine. That's the next to the last year; the end of the 3rd year is the beginning of the 4th and so the beginning of the 4th is time that you would want to review. The end of the 6th year doesn't, in our judgment, make very much sense. You're one year into the 2nd term, you're way too early into that second term to be able to say very much about that 2nd term. Then the end of the 9th year makes really no sense at all, because you'd be in the final year and you should have [been] reviewed earlier.

Why did this happen? Well, [the timing] was set at a point when there were no fixed terms for the president. And there was, in fact, reason for these bylaws. There was a big battle when the Trustees just renewed President Sanford without any consultation with Academic Council, and it wasn't clear that there were formal five year terms. Now there are [such five year terms]. The proposal says that [the review] would be at the end of the 3rd year and at the midpoint of terms thereafter, and there is language in [the draft that] if the length of terms "get played with,"

[reviews] can be no less frequent than every three years and no more frequent than every five. I talked with people who were 'original intent' folks. Arie Lewin was there at the time [the provision was created], and both this part of the proposal and the second part of the proposal he thought was consistent with what they were trying to draft at that time. So that's the first of the substantive proposals. The specific language is laid out [in the written proposal], and that's the reason I'm not so precise about the specific language. This change is one we would plan on pursuing, but we need to go through the whole of the Appendix and get the language consistent. So the exact language might change, but the request is in essence that we not have to start the review process this summer with an expectation that instead we'd be doing a review eighteen months later.

Prof. Robert **Hochmuth** (Engineering): some of the language here I had some trouble with. Could we just vote on a very restricted motion [so] as to not start the review this summer while you sort out all the inconsistent language?

The **Chair**: OK, we could move that as a substitute motion when we get there if we have a motion to begin with. That's possible. Let me go to the second [proposal]. The second [proposal] has to do with reviews of deans. And it's basically to establish [that] at the end of the first term a review would start automatically. There is a provision that says presumptively that a dean will only serve two terms. So, at the end of the second term the review will not start automatically, but only start if the provost indicated that the prospect of review is something that the administration wished to contemplate. There would not be an automatic review at the second term. And again Arie [Lewin] said that this change was consistent with [the original drafters'] concerns, and it was consistent with a practice that we in ECAC approved several years ago. So, in this situation, I'm not sure it's easy to substitute some kind of general understanding [for the specific proposals]. Those are the two substantive proposals.

Prof. Gregory **Lawler** (Mathematics): Is there any hurry on the dean motion?

The **Chair**: Yes, I mean, not [an] incredible hurry. We're having deans reviewed every year, so it would be the Fall before we would have to deal with this.

Provost designate Peter **Lange**: Actually it is better [to do this] early, because we have several deans [up for renewal].

Prof. **Mosteller**: This is something that we might be able to handle in the Fall, but it would really be rushing it.

[Unidentified]: Can we treat these as two separate proposals?

Prof. **Hosteller**: We can. I've just provided the discussion. Formally, do I hear a motion of any sort? The two provisions? One provision? Would anyone like to make a motion?

Bob **Hochmuth**: Let me move that we take up the issue of the deans first. And as stated in the document ["Proposed Changes in Appendix C . . . ", April 14, 1999, p. 3, paragraph 2].

The motion was seconded and without further discussion **passed** unanimously, by voice vote. The **Chair** then asked if there is a second motion.

Prof. **Hochmuth**: I raised the issue and I've been looking at some of the wording here and words like "typically" and things like that. I really wanted to make this much more explicit, but I don't know if this is the time or place because you say you're going to go through the appendix and sort all of this out. So maybe someone could make up an intelligible motion with regard to not starting the review of President Keohane now.

Prof. **Mosteller**: Your motion would be that ECAC be authorized not to start the review of President Keohane during this coming academic year? Is there a second? Seconded. Any discussion.

John **Board**: Are there any officers other than the president for whom that's a consideration?

Bob **Mosteller**: this is unique to the president. [The provision on] three years [concerns] the president only.

Prof. Richard **Heitzenrater** (Divinity) : The presumption is that you would bring the reworded document back in the fall.

The **Chair**: That's the presumption and depending upon how quickly we move on other matters, we may bring it back in exactly the same form and say whether or not we may have to vote it up or down.

Greg **Lawler**: Maybe there should be clarification as to what the midpoint [is] for five years.

Mosteller: 2.5 years is the intention.

Lawler: start in the middle of the year?

Mosteller: yes, that would be starting in the middle of the year -typically we do [the review] in six months, so that would be the intention.

Bob **Hochmuth**: In the middle of the 8th year. Second review is the middle of the 8th year.

The **Chair**: The motion as it stands right now does not require an answer to that question, but that is the intention. With respect to the president, especially the trustees, their thought is that that the review may be as much forward looking as it has to do with whether or not the person will be renewed. In fact, the president's review may be somewhat a different animal than the review of a dean which is really a reappointment review. So, the thought was to move it to the center of the second term to decouple it a little more [from the reappointment decision]. During the first term the thought behind it was [that] it takes a little longer to get a track record, so 2.5 years isn't a good time to start it in the first term. Now the point you may be implicitedly raising is that [the review in the second term] would cross academic years, but my thinking was, that's not too bad. The motion that's been made and seconded doesn't get us there.

Greg **Lawler**: Could I ask for a substitute just with this motion? We now have no review for the president on the record and I prefer to say with the intention of having a review sometime during the 8th year, as it were, and the specifics be made later without worrying [about the wording now?].

The **Chair**: My preference would be, if you don't disagree with the substance of this, that we go ahead and approve this and trust us to bring it back and do the language clean-up at a later time. If you disagree with the substance, it seems to me not passing anything makes sense. But if you dislike "typically" and things like that, we'll be bringing this [language] back.

Bob **Hochmuth**: I could withdraw my motion and if the seconder would agree, then I could go and suggest some simpler language. OK, I withdraw my motion, seconder withdraws.

Bob **Hochmuth**: My proposal for changing the language [handout "Proposed Changes in Appendix C . . .", April 14, 1999, p.2, "proposed language"] is to strike the first phrase beginning with "although" and ending with "trustees" and then to capitalize the V, delete "typically" and after point 4 add "no more than a five year term." The other suggestion was in the line that begins with "If appointment or reappointment is for other than a five year term . . ." [instead of] "other" say 'less,' less than a five year term. I wanted to eliminate the possibility the Trustees appointing for more than a five year term.

Mosteller: My response would be that I'm not sure we can do that. [with respect to limiting the action of the Trustees].

Bob **Hochmuth**: It's not within our power to restrict presidential appointments to five year terms?

The **Chair**: I don't think so. The way this first document would be

adopted is that the president and trustees must go along with it. President Sanford signed that first document. It was basically an agreement between the faculty and the president. With respect to when we review I tend to think we can do that. With respect to what the trustees do as far as length of their term I think they simply are the trustees.

Bob **Hochmuth**: We have no ability then to control the length of the term of the president. If the trustees wish to appoint a president, say, for eight years, they can do so?

Mosteller: That would be my first [interpretation] about where the actual power lies. We can negotiate that [point about the terms], but [your] language would require negotiation that includes getting the trustees to sign off on it.

Bob **Hochmuth**: The present language other than the deletion of the first phrase is appropriate, if that's the case. But then you have to use words like "typically" and things like that, because we don't have the power to be explicit [on setting the length of the term].

Mosteller: That's my interpretation.

Bob **Hochmuth**: If that's the case, then I will suggest you withdraw the first phrase, but I guess it doesn't matter.

Prof. **Shaughnessy**: I take it that ECAC and the people who are working on this would like a little more time to do the language appropriately. Bob, in that case I think your original motion was right on the money.

Bob **Hochmuth**: Should we have another go at it?

Shaughnessy: I'd like to re-move Bob's motion, which simply puts off the review to give you with the understanding that we'll see some perfected language in the Fall.

Mosteller: Apparently, we need a commitment to a review in the middle of the 8th year which this does address.

Lawler: I move that we postpone a review of the president until a later time. Seconded.

The **Chair**: Any further discussion?

Prof. Randall **Kramer** (NSOE/ECAC): I just wanted some clarification, because I didn't hear concerns about the wording about the original motion other than the first phrase. Is there something else we're concerned about?

Hochmuth: Well, it was the wording. Bob used some words like "typically" and I wanted to make it more explicit, but apparently it's not in our authority to do so.

Prof. Karla **Holloway** (English\ECAC) : I would like to offer a substitute motion to accept the document with the change in the first phrase.

The **Chair:** Is there a second to this amendment? The amendment as I understood it would be that to strike the first phrase starting, "Although under the [University] by-laws, the president's appointment is renewed annually by the Board of Trustees" drop that and otherwise leave it as is. OK, is there a second? Second.

Prof. Peter **Burian** (Classical Studies): ECAC intended to go back and do some change in this particular language?

The **Chair:** No, this would be where we would stand. Right now we have no change with respect to this particular item. At this moment, this is how we would propose that this language would be. We would be changing language elsewhere.

Peter **Burian:** The rest of Appendix C?

The **Chair:** We're going to revise the whole of the rest of it and we'll have all sorts of language. We're not putting this particular revision forward, thinking it's inadequate language. We thought it was adequate language for this part of it, but did not know what we would have to change in terms of making it similar with respect to every other provision and what else we would be changing within Appendix C. We just didn't have time to go through and try to make [all those changes]. We're not saying we know a way to do this better than we've done right now.

Bob **Hochmuth:** Question on university governance; when one does a review of a president. Suppose the committee had [a] somewhat negative review. That's simply an advisement review to the trustees. They can either accept the recommendation or ignore it?

Mosteller: That's right. The way Appendix C currently states, I think, [the details of the review] has to be worked out between the Executive Committee of the Academic Council and the trustees. So the form of the review is not really specified. It's something that the two executive committees are supposed to work out. There is some tradition in there and the last review would be what would start out as a road map. But it's a negotiation process between the two committees. Your specific question: [The review] is only a recommendation. Anything further? So what we would [do] at this point is vote on the substitute motion and if that passes or fails, then we'll vote on the former one. So the substitute one is to strike the first clause, "Although under university by-laws, the

president's appointment is renewed annually by the Board of Trustees," - strike that and change the next word to start with a capital T. OK, so that's what we're voting on.

The substitute motion **passed** by voice vote. Next, the modified proposal (without the first clause) was **approved** without opposition or dissent.

The **Chair** thanked everyone for the work they had done and expressed his satisfaction with his own job: "... because of all the people who work so hard on the various committees and because of the people who come to these meetings, and I apologize, because often they are not as stimulating as you might want them to be. But I've said this before: the only reason any committee has clout is, because you people exist as a body - that this [body] is the representative of the faculty, and you are establishing the legitimacy for the committee work, and so I thank you for your service. I wish you a wonderful summer and look forward to seeing you in the fall."

With these words, the Academic Council concluded its work for the academic year 1998-99, and the meeting was adjourned.

Submitted for consideration by the Academic Council,

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September 1999

To: Academic Council
From: ECAC
Re: Question Regarding Faculty Scholars Award

At the April meeting following the approval of the Faculty Scholar Award report, Dick White noted that the award winners were principally from the natural sciences and that the number of departments making nominations was relatively low. He wondered if the Faculty Scholar Committee could do something to spread the nominations more broadly and avoid any appearance of bias toward any field of study.

The chair of the Committee could not attend the Council meeting due to a class conflict, but he provided the following response:

In March of every year the Faculty Scholar Committee Chair sends a detailed memo to the Chair and Director of Undergraduate Studies of each department and program comprising Trinity College and the School of Engineering. This memo invites nominations for the Faculty Scholar Award, explains the relevant criteria, and spells out the procedures and schedule to which chairs and directors should adhere in selecting nominees and forwarding their names to the Committee.

Every department and program in Trinity College and the School of Engineering is thus informed at the same time and in the same way of the opportunity to nominate up to two candidates to the Committee for consideration. The distribution of candidates among the various departments and programs is, as a result, essentially a function of the extent to which departmental and program representatives respond to the Committee's invitation. It should also be noted that for three days immediately following spring break each year the Committee runs an advertisement in *The Chronicle* describing the Award and encouraging rising seniors who think that they might be viable candidates to make their interest known to their respective department or program DUS. In any case, the final responsibility for forwarding official nominations to the Committee rests with the DUS.

In reviewing the nominations received, the Committee seeks to interpret and apply the relevant criteria within the context of the specific discipline represented by each candidate. The Committee includes one representative each from the humanities, social sciences, natural sciences, and engineering, and every effort is made in the Committee's deliberations to ensure

that the particular disciplinary affiliation of a candidate in itself does not work either to that candidate's advantage or disadvantage. In the final analysis, it is the perceived strengths and limitations of a nominee in light of the operative criteria that guide the Committee's deliberations and determine which of the candidates the Committee will recommend to the Academic Council for designation as Faculty Scholars.

**Benjamin F. Ward, Philosophy
Chair, Faculty Scholar Award Committee
April 30, 1999**

Information in the Council files show that in the past 5 years, 79 nominations were submitted and 36 students were selected to receive the award or received honorable mention. Because a substantial number of these students have double majors, the precise distribution among primary departments is not available from our historical data. The majors of the Faculty Scholars and those receiving honorable mention (counting only one major if both are from the same area) are: Natural Sciences 39%; Social Sciences 30%; Humanities 18%; Engineering 7%; and Program II, which includes various majors, 7%. These figures show that students from the Natural Sciences have been consistently heavily represented.

The message of Professor Ward's letter is that the distribution of recipients is predominantly a result of the distribution of the nominations submitted. EC AC encourages Council members to take the message back to their departments and particularly to the DUS about the existence of the award and the need to develop and submit nominations of excellent students to the Faculty Scholars Committee. If anyone has ideas about how to increase nominations, please contact Benjamin Ward directly. He is eager to do so.

The history of the winners and those receiving honorable mention can be found on the Academic Council website: <http://www.duke.edu/web/acouncil/FSLIST.htm>