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Minutes of the Regular Meeting of the Academic Council October 25, 2001

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Correction to the Minutes of September 20, 2001: p.14, paragraph 3, line 1 delete 'he' to read "Earl Dowell, . . . wondered . . .," paragraph 4, line 8 delete 'didn't' to read "... and if he did want them to serve . . . ■"

Immediately following the annual university faculty meeting, the Academic Council met in regular monthly session from 4:30 to 5:25 p.m. on Thursday, October 25, 2001 in 139 Social Science Building with Professor Peter **Burian** (Humanities) presiding.

MINUTES

The **Chair** asked for a motion to approve the Minutes of September 20, 2001 subject to the corrections indicated by the Secretary. They **passed** unanimously by voice vote.

QUESTION FOR THE PRESIDENT

The **Chair** then said that in lieu of the usual announcements, there was an anonymous question for President Keohane. He reminded members that it was customary to submit questions in advance to the Council office, which forwarded them to the President or Provost, as appropriate, and included them in the agenda of the meeting at which they would be answered. In this case, that was not possible as the question had arrived only the day before, but the President had kindly agreed to answer it at this meeting, since it referred to a recent news item. The **Chair** then read out the question: "The Editorial in Wednesday's Chronicle discusses an embezzling incident last year. According to the article, a student who embezzled some \$20,000 from the Hideaway not only has not been prosecuted but, if he makes restitution, is to suffer no penalty at all. Is this true? And if so, does this represent a general 'no fault' policy in cases like this?"

President **Keohane** replied that she had checked into this issue and would share what she had found out over the past couple of days. The person who was accused of embezzling funds from the Hideaway was a senior last year, and graduated from Duke in May. The owners of the Hideaway - at least those who were aware of the situation -

chose not to prosecute or to inform the university officials, preferring instead to handle this through negotiations with the police. It was important to keep in mind that the Hideaway was privately owned and incorporated, not managed directly by the university. The Duke Police informed university officials of the situation on June 1, at which point the police had already required the accused student to pay restitution of \$15,000, and he had paid \$8,300. At that point, the university could perhaps have decided to prosecute this criminally; it would have been unusual but not unprecedented to do so. In this case it was made more difficult by the fact that the owners of the Hideaway who knew of the situation did not want to prosecute; so the university would not have been able to count on their collaboration in making the case; and since the university itself was not a victim, in the circumstances it was hard to consider criminal prosecution. Instead, the case was referred to our internal Judicial Board. This in itself was unusual, since her Student Affairs colleagues could not recall another case where the university proceeded judicially against a student who had already graduated. It had been reported in the press that there was an action by the undergraduate Judicial Board regarding this situation. She regretted that she could not reveal information regarding the Board's action on this matter due to student privacy laws. Counsel had advised that such information could not be disclosed without the student's consent. The Undergraduate Judicial Board took this matter very seriously and was very diligent in fulfilling its responsibilities. Information regarding the Board's action had been shared with administrators and faculty who had oversight roles in the matters of student affairs. In terms of the more general questions, they surely did not have a 'no-fault' policy in cases like this, and once one understood the complexities, it was perhaps easier to see why the university proceeded as it did.

In response to a question from the audience, the President said that The Hideaway was run by a group of people who leased space from the University and ran it autonomously. Now at this point it had been closed as was known for reasons that were largely unrelated to this, but that was what it was when it was in full function.

The **Chair** now called the Council into **Executive Session** to consider honorary degrees.

RESOLUTION CONCERNING CONFERRAL OF HONORARY DEGREES

After the resumption of open session, Professor Robert **Mosteller** (Law) pointed out that a resolution that had been made and passed during executive session would leave no trace unless it were allowed to become part of the record, and moved that the Council permit the resolution to appear in the minutes of the meeting. The motion was seconded and **passed** without dissent.

In executive session, Professor Tom **Spragens** (Social Sciences) had introduced the following motion on behalf of Professor Ruth Grant, who could not attend the meeting: "The Academic Council requests that the President make every effort to extend invitations for Honorary Degrees in an order that will ensure that at least one degree recipient will be honored for accomplishments as a scholar."

FACULTY SCHOLAR COMMITTEE REPORT

As the fourth agenda item, Professor **Burian** turned toward one of the Council's happiest traditions, as he put it, namely receiving the report of the Faculty Scholars Award Committee. Professor Ben **Ward**, the Committee's chair was teaching at this hour but he wanted to thank him and his colleagues, Professors Carol Eckerman, George Truskey and Peter Wood for their good work. The Faculty Scholars Award as most members knew was an honor bestowed by the faculty from a fund established by members of the faculty in 1974 to honor truly outstanding undergraduate students. Professor Ward's report outlined the criteria of selection and included the names of 4 faculty scholars and 3 students acknowledged with honorable mention. He then asked for a motion to accept this list of nominees. It was seconded and **passed** unanimously by voice vote without discussion.

Before turning to the next order of business the **Chair** announced a change in the nominating process meaning, in future, there would no longer be a vote taken by Council. The Faculty Scholar selection process had moved this year from spring to fall term in order to avoid excluding Study Abroad Juniors from the campus interview procedure, because students were much less likely to be away from campus in the fall of their senior year than in the spring when they were juniors. To be sure, part of the committee's new modus operandi provided that any students who reached the interview stage and were studying abroad at the time of the interview would be allowed to participate by telephone. The selection process now began just after the start of the academic year and lasted about a month, culminating with the submission of the committee's report at the end of September. In receiving the report this fall, ECAC had noticed that by resolving one problem, the new schedule produced another. This year's Faculty Scholars and Honorable Mentions were not able to be recognized by the entire community at Founders' Day ceremony, as had always been done in preceding years. Therefore, unless an objection was heard, ECAC proposed a further modification of the process, whereby it would receive the report and approve the list of nominees in time for the students thus honored to be part of the Founders' Day Ceremony. The entire Council had been receiving the report and approving the nominations since the award was begun, but this approval was not mandated by the terms of the award, and this was one area where ECAC could act on behalf of the Council and indeed the entire faculty with complete confidence in

the Award Committee's judgment. For this year, at any rate, Council would also invite the students to receive the faculty's recognition and congratulations **here at** its November meeting. He asked if there were any questions about that or objections to the proposal that ECAC intended to adopt and, seeing there weren't any, he proceeded to the last agenda item, the annual report by the Provost on the strategic plan for black faculty development.

ANNUAL REPORT ON STRATEGIC PLAN FOR BLACK FACULTY DEVELOPMENT

Provost Peter **Lange** said that since members had received copies of his report in their packets, he would spend his time by highlighting **a** few themes and issues. Concerning progress on the initiative since September 1, 1993 his compilation of the data showed a net gain of 41 regular rank tenure track faculty in all schools and Arts and Sciences from a base of 44 prior to 9/1/93. Of a total of 84 new hires since the beginning of the initiative, 43 had left the university. Thus departures were slightly over half of the total gain for the period ending on 9/1/01. What could be seen then was that overall very good progress was being made toward reaching their numerical goal of doubling the number of African American faculty in a 10-year period ending September 1, 2003. Duke's relative success in this area had been recognized by others as was reflected, for instance, by this quote from the Journal of Blacks in Higher Education: "In common with other universities in the South, Duke University has a long history of racial segregation and exclusion. This tends to blind members of the academic community and even the Duke student body to the fact that the university has taken more concrete steps to diversify its campus than almost any of the national highest-ranked universities." Duke should be pleased with this because this was a source where they would not always be praised if they were not making good progress.

He next pointed to the first of three areas of concern, namely a degree of unevenness across units and schools. To be sure, this was to be expected as the pools available for different schools and departments and by field varied substantially and hence this was reflected in Duke's ability to recruit and retain. Nonetheless, as was evident, some units were having very little or no success in recruiting African-American Faculty. In these schools strategies needed to be rethought and efforts redoubled. He would be working extra hard **with the** deans in these schools to make better progress targeting not just the next two years but beyond.

The second area of concern and work was retention. As he noted earlier, in the period in which they added 84 regular rank African -American faculty, they had 43 departures for such faculty. The issue of retention **had** received considerable public attention in recent weeks and they had also spent several months looking closely at the problem. A few points had emerged from their analysis. First, the rate of departures of African-American faculty in Arts

and Sciences which was the largest unit and therefore the only one in which the numbers were truly meaningful and didn't fluctuate so much by small numbers, was somewhat higher as a percentage of African American faculty overall as was the rate of departures of all faculty. Duke was losing African American faculty over the total at a slightly higher rate than all faculty. This was undoubtedly in part a product of the fierce competition for such faculty and the relatively small pool. To the extent that they were hiring excellent faculty they would be under great competitive demand and even more so for African American faculty. Some of these faculty like all of Duke's faculty would depart and did depart because they had been unable to perform at the level a university like Duke expected. Nonetheless, the rate of departures and the difficulties with retention should be viewed as a challenge. The difficulty in meeting this challenge was in devising strategies to address the situation that was the product of many individual situations and of more general factors at multiple levels of the university. The latter involved a set of policies and issues at different levels of the university which should be addressed because they influenced Duke's ability to retain African American faculty. These levels included central policies which not only created incentives for hiring and retention such as the Black Faculty Strategic Initiative, but which also had a role in determining a campus climate favorable to faculty development as scholars and persons and because such a climate created an enjoyable and supportive setting for such faculty. Second, school policies that could have the same effects could also play a role in determining the extent to which hires were clustered in ways that deepened the intellectual resources of colleagues and eventually students and made Duke an attractive place to stay, and it needed to be recognized that the issue of clustering hires as opposed to spreading them out over multiple units was, in fact, a tension within the policy. A third issue was mentoring at the department level. While there was no discernible pattern of discrimination favoring one group over another, it was fair to say that departments were generally poor in mentoring or generally strong in mentoring; but mentoring was clearly important at the departmental level as was the intellectual climate in support of the work that the faculty member did. One of the issues clearly was that sometimes African American faculty were hired into a field in which the department was not prepared to build sufficient programmatic strength so that after that faculty member had been here for a few years he or she was saying 'I can do better in my field going elsewhere, because they have a program in this field which I am in and Duke has only one solitary faculty.' Finally, the fourth level concerned other units that had an effect on the climate for black faculty on campus, namely a strong and vibrant African and African American Studies Program and the John Hope Franklin Institute. Those were institutions and units on campus that built the overall climate which made Duke an attractive place. They were working with deans and the heads of other units to press

forward on all these fronts, even while recognizing that coordinating these efforts was difficult and that retention would also always be determined by the particular needs of any individual faculty.

A third major area of concern was the pipeline. From the outset, it was clear to the administration that while Duke had to compete effectively to hire and retain African American faculty, there also had to be an effort made to contribute to getting students into the pipeline that improved the pool of excellent trained young African American faculty throughout the nation. There were real issues about whether Duke wanted to hire their own. But even if Duke chose not to hire their own faculty into junior faculty positions they had a responsibility for contributing to its own success as well as to the broader international interests by trying to build up the pipeline of excellently trained African American faculty by recruiting them into their graduate school.

Next, the Provost turned to the number of Ph.D. students and the fact that 2 001 was not Duke's best year. The general picture was with some exceptions one of a flattening out or a decline in the last few years in their ability to recruit and retain a large population of African-American Ph.Ds, i.e. a flattening out, not a sharp decline. The rate of African-American Ph.D. students leaving the graduate program last year was after appropriate technical adjustments approximately the same as for all Ph.D. students. Duke did not have a particular African-American Ph.D. student retention problem at least from this statistical picture. Third, there was a strong non-university job market in the last 5 years and that clearly depressed graduate enrollments overall and may have had an even greater effect on talented black undergraduates who found many excellent opportunities outside of the university. In that context Duke probably did rather well on average in 1996-2000. The question was would Duke also benefit in this area in the coming years if the market turned around as it appeared to? Their experience in 2 001 did not show that, i.e. Duke did very well in graduate admissions, but not in African-American graduate admissions. They needed to do better in the Graduate School and it was redoubling its efforts.

Finally, he remarked that the pipeline was still very weak in the sciences and engineering and as long as that remained the case, the difficulties of recruiting African American students into the science departments would remain a highly competitive and a highly difficult business. In conclusion, the Provost stated that Duke's initiative was doing well by the numerical standards it set. But this was not the time for self-congratulation. Their strategic thinking, in cooperation with ECAC, needed to **turn** in the direction of finding ways of how to continue Duke's progress toward building an excellent and diverse faculty for a superb and diverse university not just up to 2003 but beyond 2003. He would be happy

to take any questions.

Professor Brenda **Armstrong** (Medicine) wished to know if there was a reason why the Medical School, Law School and Fugua were excluded from the data presented, because, for instance, in the M.D./Ph.D. program in the Medical School the enrollment of African Americans was almost at 20%. The **Provost** replied that those data applied only to Arts and Sciences. The questioner raised a second point, namely that there were short term and long term initiatives to try to deal with this problem and as an institution the short term was to go after students who had already entered the fold in terms of a pipeline program, but the actual investment had to go much further back. So it seemed to her that some of the strategies to try to address this would have to be much more long range and much more directed toward developing a productive group of younger academics, i.e. looking at the secondary schools and not so much focus on undergraduates. Once the students got to undergraduate school it basically became a matter of whether or not they could be directed toward careers. The problem was that there were fewer gifted undergraduate African Americans actually entering college in science and so it would seem that as an institution Duke would want to direct some of its resources toward the places that would produce a much larger subset of students who would want to enter science in undergraduate school, and they could be directed toward graduate degrees. Connected with it was the fact that the sciences were competing with the Medical School and as Dean of Admissions for the Medical School she knew that to be true. They benefitted because in the Medical School their current enrollment of under-represented minorities, for instance, stood at 25% which was the highest percentage in the country. Those were people being groomed for faculty positions and they were very aggressive about making sure that a large subgroup of that population were being mentored toward academic medicine to take positions as faculty. They also realized, however, that without a pipeline that was going to dry up. So she urged, strategically speaking, to look at long term solutions rather than short term fixes that were going to put Duke back into the elementary and secondary schools and really put together long range programs that would track kids and keep them on a path toward the sciences, to partner with the North Carolina School of Science and Math which was a repository of very bright people in science. She thought that as an institution they had not coordinated that and therefore Duke was losing a very viable group of people who potentially might end up in 10 or 15 years as faculty. This was not a problem that could be solved in 5 years.

The **Provost** said he took two things from her comments. One was that Duke did have programs now that worked with neighborhoods and schools in Durham and that might be an opportunity to think about whether something could be done in those neighborhood schools. The second thing was that Science and Math was obviously a school in their neighborhood and one of Duke's Vice Provosts sat on the

board. Concerning being supportive of African-American and other minority undergraduates who wanted to go into the sciences he said that there were a number of programs that encouraged that and they had just applied for a new grant from the Howard Hughes Foundation (\$2.2 M) which included a specific initiative as part of that. That didn't mean more couldn't be done.

Professor Edward **Tiryakian** (Social Sciences) wondered if the Provost's office kept statistics on a year-to-year basis of how many offers of faculty appointments were made by various units and what percentage of such offers were accepted. Peter **Lange** said they didn't but could get them from the deans. Professor **Tiryakian** also had a suggestion to offer. He thought Peter had made a very good point in saying that when a department hired an African-American it should be an incentive to try to build on it. His suggestion would be for the dean to encourage the department to build on what they just got otherwise there would probably be a tendency perhaps for inertia.

The **Provost's** responded that the department needed to be thinking in those terms before and not just after they made the hire, i.e it ought to be part of the strategy of the department to do that. It should be remembered that many of the African-American faculty did not work in fields that were defined in any way by race. That was not to say that they didn't need to build programs around race, but that they didn't need to recruit African-American faculty solely around issues of race. So, the strategy should be to make it possible to recruit African-Americans into areas that the departments wanted, and could develop. It was important not to think of these appointments only in terms of letting them 'do the race thing' in whatever field.

Professor Richard **Heitzenrater** (Divinity) had two questions. One was about statistics concerning hiring and retention he thought the Provost had not included in the material provided to members. A question on the statistics of hiring and retention, namely the total hires and the total departures since 93. The **Provost** said that the numbers were exactly as followed: In the period since 93 there had been 84 arrivals and 43 departures in those two categories for a net gain of 41. Prof. **Heitzenrater's** second question was to seek the Provost's opinion on the area most likely capable of improvement, the area of increased hiring or increased retention. Part of that also had to do with the question implied by his comment that they had people who were not able to succeed in this group. In part the retention might entail hiring people who had a more likely possibility of succeeding. He was wondering if he would reflect on those. Provost **Lange** thought it a false choice to say whether more resources should be put into retention or into hiring. The more faculty the institution had, the more likely they were to be able to hire, and retention problems were not the best signal to send out to any community Duke was trying to convince to

come to Duke. The prospective hires were going to say 'I don't want to go there.' As to the other point of exercising more care in hiring, he didn't know of any pattern in the two years he had been in office that suggested that their selections with respect to African-American faculty and their ability to succeed at Duke was any different compared to the rest of their faculty.

Professor John **Staddon** (Natural Sciences) wanted to voice his objection to a point made by Peter **Burian** [in the general faculty meeting] in his remarks concerning the horrors of September 11 and the issue of diversity. He wanted to state for the record that selecting faculty on the basis of phenotypic diversity would not do anything to help us understand what was going on in these horrible events. While intellectual diversity was another matter he just deplored the very fact that emphasis was placed on hiring by race instead of hiring by intellectual field. He also wanted to comment on the argument that an African-American individual might better be retained if the programmatic hires complemented his or her field. While he thought that that was an extremely defensible position in general, that is, if one had a very able faculty member one wished to retain one would generally do this, it might be extremely unwise to give African-Americans or indeed any other racial groups some special preference in that regard. Finally, there was one sentence in this report that seemed to him a little alarming and interpretable in several ways. He proceeded to quote from the last page of the report referring to the concerns expressed by The Student Movement: "...because the belief of many Black undergraduates that they can find advisors and mentors solely in the ranks of Black faculty members places undue responsibility on those faculty members and suggests something disturbing about our faculty as a whole." Only one of the possible interpretations of that statement reflected on the existing faculty. Other interpretations would reflect on [the idea] which encouraged undergraduates to identify not as Duke students, but as black or Asian or white Duke students and so on, and there were indeed other interpretations. Lastly, he understood there was a departure in the spring of a faculty member he thought from the Religion Department and he left heaping accusations on other members of that department which, based on his knowledge of the people, was utterly preposterous. Now to say that this reflected on Duke's faculty in that case would be very [unfair?].

Peter **Lange** remarked that these comments were very much in the spirit of what Ken [Knoerr] was looking for and actually he enjoyed this too [a reference to Prof. Knoerr's earlier comment that the Council had too many 'dog and pony shows']. First the concentration by field. He agreed with the speaker. In fact, what he was concerned about was actually a slightly different one and that was why he responded to a question by saying it needed to be part of the strategic vision for the department, because the department felt pressure and then hired an African-American faculty member in

a completely singleton area where they really didn't want to do any work and where there was no support either in the department or outside the department. Now that was a very risky strategy. As to the Religion Department issues he preferred not to comment, it was basically contributing to the rumor mill. With respect to the more general issue he said that he had been in conversation with black faculty members at Duke who told him that they did not feel that they bore a special responsibility to mentor black undergraduates. They were simply faculty members and wanted to operate within the broad range of responsibilities for students, etc. So there was an issue of what the black students' expectations were. There was also an issue of whether Duke was doing a good job of assuring that all students, even those who tended somewhat to self-isolate, were pushed out of that isolation and were assured of the kind of mentoring which they needed from some member of the faculty if they were to succeed as undergraduates. It was a shared responsibility and he thought there had been some failing on their part as a faculty and perhaps some inappropriate expectations about who was going to mentor and how this was going to be done and what individual faculty members' responsibilities were.

Professor **Staddon** had a brief follow-up. He was concerned about interviews he had read in the Chronicle and other places where students were saying 'when I came here' - these were not African-American students necessarily - he thought Asian students - 'I didn't think of myself as an Asian but apparently I'm supposed to think of myself as an Asian.' What worried him about programs like this was that the students felt that unless they had a black mentor somehow they were not going to be mentored properly and they shouldn't approach someone who was not black.

Peter **Lange** thought this a very complicated issue, because it really touched on the issue of why people identified with a given group which was a general campus climate issue. He would be reluctant to say, in fact he would not say that having this initiative [BFSI] was a primary source of that cultural issue within Duke's campus culture and within the campus culture of most universities like it.

At this point, the **Chair** thought it timely to ask for a motion to adjourn, especially since people, by sitting here this long, had earned a glass of wine they had waiting for them across the way and invited one and all to join him. A motion to adjourn promptly followed.

Submitted for consideration by the Academic Council,

A. Tilo Alt

Faculty Secretary