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Minutes of the Regular Meeting of the Academic Council

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September 17, 1998

The Academic Council of Duke University met in regular monthly session on September 17, 1998, from 3:48 p.m. until 5:03 p.m. in 139 Social Science Building, with Prof. **Robert Mosteller** (Law) presiding as Council Chair. In calling the meeting to order, he welcomed everyone to the first meeting of this academic year. He then graciously extended a special welcome to the newly elected Faculty Secretary who is replacing Don Fluke who served as secretary for eight years.

As the first item of business, he invited a motion to adopt the **Minutes** of the April 23rd and May 14th meetings of the Council after no corrections or additions were offered to them. They were accepted as written.

The Chair then introduced the other members of the **Executive Committee** (besides himself and the secretary): Vice Chair Emily Klein (Earth and Ocean Sci.) and 2nd Vice Chair John Baillie (Medical Ctr.), Jan Ewald (History), Karla Holloway (African American Studies), Randy Kramer (Nicholas School), Steve Nowicki (Zoology).

As a reminder of the **Personal Assistance Service** available to all employees, Prof. Mosteller pointed out that brochures were available up at the front of the room and in the Academic Council Office.

Next, the Chair introduced the members of the **Provost Search Committee**: Kathleen Smith, Chair (Biological Anthropology and Anatomy); John Board (Engineering); Bruce Corliss (NSOE); Gregson Davis (Classical Studies); Allison Haltom (Univ. Secretary); Paul Hardin (Trustee); Helen Ladd (Public Policy); Robert Richardson (Trustee); Eric Phifer (Grad. Student); Sheri Shepherd (DSG).

The Chair stressed that the issue of the Provost search was the most important item on the agenda and that, therefore, he wished to move with dispatch on the other agenda matters so as to return to the Provost search with sufficient time left.

He then made some further announcements: At two meetings near the end of last semester, we discussed problems with the recently initiated **procurement processing system**. The executive committee "has received copies of correspondence from Tallman Trask (Exec. Vice President) to the Basic Sciences Faculty Steering Committee,

which address a number of issues having to do with ordering procurement cards and purchase orders. Outside this meeting, Dr. Trask is interested in hearing from faculty members regarding continuing problems. We at ECAC are interested in hearing from faculty members if there are problems. What we want most is to establish procedures whereby we can bring these problems forward so we can get them to Dr. Trask or to the appropriate parties and get them solved. We didn't mean for that issue to drop from the radar screen; we will carry it forward this year if there are issues. The first contact is with Dr. Trask or with the Executive Committee. Another matter concerns getting the **FACULTY HANDBOOK** on the Web. We are delighted that this process is almost complete. It is, in fact, on the Web in a test mode at this moment and the address members see up here on the board [blackboard] is the address for the Faculty Handbook on the Web: WWW.PROVOST.DUKE.EDU/FHB. The Provost's office has done the heavy lifting here and we would like to thank the Provost and his staff for getting this done. We are told that it will be not only up but official by about Wednesday of next week. The Chair pointed out that one must be able to use the Web and that one must have Acrobat. There are other issues involved in creating the Website that he will try to make clear in additional announcements. If there are problems, members can contact the Academic Council or the Provost's office to figure out how to get into it. He felt that it is going to be helpful to have the Faculty Handbook there, and to avoid disagreements as to what is the latest version of what we are using as our document [from the Handbook].

As a final announcement, the Chair wished to give the Council a short status report on the process before it regarding the possible **privatizing** of the **bookstore**. During the summer, Tallman Trask had told him that some companies had expressed some interest in operating our bookstore. He asked how to get faculty input on this issue. Prof. Mosteller told him that the discussion should begin with the University Bookstore Committee, which is advisory to the Provost. This is a long-standing committee. It is one that faculty provides representation to through one aspect of what is known as the "Christie Rules." Michael Gillespie is the chair of that committee. The process that ECAC envisions is that if the privatization proposal makes it beyond this committee for further consideration, the issue will be brought to Council for full discussion and then voted on. We intend to ensure that there is adequate time to develop the facts and debate the issues. This is certainly the kind of matter justifying two meetings. If the proposal gets this far, we will have a formal proposal and the faculty will state its opinion in the most direct way. In the meantime, faculty input and questions should be directed to Professor Gillespie of the Bookstore Committee or to the Executive Committee. We hope to work this through in a rational fashion and come to a resolution that we can all live with if not agree with. Concluding his announcements, the Chair reminded members to indicate their attendance by initialling the sign up-sheets being

circulated. For the benefit of new members, he said that they come around each meeting.

He now turned to the third order of business, the thrice yearly nomination of candidates for **earned degrees**. In accordance with the University Bylaws, he called on representatives from the various schools and Trinity College for recommendations of approved candidates for earned degrees. These lists were presented to the Secretary of the Council and forwarded by the Provost for approval by the Board of Trustees.

Diplomas dated September 1, 1998
Summary by Schools and College

Trinity College of Arts and Sciences Dean	
William Chafe	
Bachelor of Arts	30
Bachelor of Science	13
School of Engineering	
Dean Earl Dowell	
Bachelor of Science in Engineering	3
Master of Engineering Management	2
School of Nursing	
Dean Mary Champagne	
Master of Science in Nursing	11
Nicholas School of the Environment	
Dean Norman Christensen, Jr.	
Master of Environmental Management	4
Master of Forestry	1
Fuqua School of Business	
Dean Rex Adams	
Master of Business Administration	93
Divinity School	
Dean Gregory Jones	
Master in Church Ministries	
Master of Theological Studies	2
Master of Divinity	4
Master of Theology	6
School of Law	
Dean Pamela Gann	
Master of Laws	1
School of Medicine	
Dean Dan Blazer II	
Master of Health Sciences in Biometry	2
Master of Health Sciences in Clinical Research	1

Doctor of Medicine 2

The Graduate School
Dean Lewis Siegel
Master of Public Policy 1
Master of Arts in Teaching 8
Master of Science 23
Master of Arts 27
Doctor of Philosophy 61

TOTAL 295

Prof. Steve Nowicki (ECAC) was recognized for the usual motions: that 1) the candidates for degrees during the Summer 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 fully qualified.

Both motions passed without dissent.

For those new to the Council, the Chair pointed to a tradition where questions may be posed to senior officers and answered by senior officers at Council meetings and thus we had a question posed to the provost concerning the **English Department Review Committee's recommendations**.

The question is as follows: "Fragments of the report of the English Department Review Committee have been published in the Duke Chronicle. Apparently, the committee recommended that "the department ...form a hiring committee...[T]he report recommends that several non-English faculty join the committee; that non-senior faculty be part of the committee, and that non-Duke faculty be considered as useful additions; and that the chair may or may not serve on the committee." (Chronicle, Aug. 31)." We respectfully request that the Provost tell the Council whether the review committee's recommendations have been followed. Could he also tell us the composition of the "hiring committee" now running the department and explain the rationale followed in its selection?"

Provost Strohbehn responded by saying that, seen in context, Duke has a very thorough process of using [external] faculty to come in and look, and a thorough process has been created by this body and one to follow very carefully. These committees will make a number of recommendations and through the process, we begin looking at the recommendations. We may decide to follow the recommendations, we may decide to adjust the recommendations, and in some cases, we

ignore them. But this is after going through the departments, going through the Academic Priorities Committee and to the Executive Committee of the Graduate School. The part that is critical to us here in this process is supposed to be confidential until the review has gone through Duke's processes, that is, being looked at by the department and a separate entity and, of course, at times that particular confidentiality is not [always] respected by the faculty. The Provost turned to Dean William Chafe to have him answer the question specifically.

Dean Chafe thanked the Provost. He began by saying that the external review process is an important one. One of the things that he would say is that at the end of each external review, there is a confidential exit interview that takes place in which we have a chance to meet with the committee and discuss at length its conclusions, which, ordinarily, are subsequently written up, not necessarily with all the details that come out in the confidential exit interview. It is fair to say that although many of us were aware of there being problems in the English Department, we were all surprised by the sweeping nature of the conclusions of the external review team, which cited a serious state of the department, in particular confusion over intellectual direction of the department, widespread loss of faith in departmental governance and a failure to develop a coherent and effective curriculum for both graduate and undergraduate students. For a period of time after that exit review, the Dean had extensive discussions with his staff and then with the president and the provost about how to proceed. It is important to do something immediately to intervene in the process, unless the situation were allowed to continue and to fester and deteriorate further. He and his staff particularly wanted to put in place a response prior to the onset of summer, in order to be able to have a structure there that would allow work to begin on some of these problems. After presenting a number of scenarios to both his colleagues and to the President and the Provost, it was determined that it made the most sense to create an executive committee for the department that would be in charge of overseeing a hiring process searching both for a new external chair for the department as well as for filling a number of important positions within the department which had been vacated. Our decision was then to go to the department before the summer break took place, and to tell them of our plan and to ask for their advice about membership on that committee. Extensive discussion took place with the department. The Dean indicated at that time that he would be appointing three members of the department to that committee, one member outside the department to that committee, and he also indicated at that point that it was his decision that the department's executive committee would be chaired by Jim Siedow, Dean of Faculty Development, someone who he and his team felt very strongly would be an excellent leader in this process, someone known for his fairness, his candor and his leadership. In response to many of the letters that had come to him, it was his decision to name to the committee the following people: Stanley Fish, Reynolds

Price, and Karla Holloway, three distinguished and chaired Professors of the department of English, and Jan Radway of the Department of Literature, known for her expertise in American Literature. The existing chair of the department, Marianna Torgovnick was also asked to serve with the committee, for reasons of both continuity and liaison in terms of day to day operations of the committee. It has been meeting over the summer, it has been functioning very effectively. Had we in fact gone with all those suggestions by the review committee, it would have led to a committee of ten to twelve people which does not seem to be an effective way of proceeding, and it was rather our belief that this distinguished committee of universally respected scholars could seek outside advice, would do so in the course of its deliberations, has done so already, and would be able to expand through the search committee process to have other representatives of this department included in the overall process of revitalization and rebuilding. So that is where we are. He thought that the executive committee was functioning well. He thought that the department at this point has had a number of encounters with both Jim Siedow as well as with the executive committee including a retreat on last Saturday which was fairly successful.

Prof. Mosteller thanked the Dean and then turned to item number five on the agenda, the proposed changes to **Appendix M**, which is the document that covers the **Faculty Hearing Committee**. He said that everyone had received materials that he hoped would explain what is being proposed here. There is a memorandum, i.e. the document that suggests the proposed amendment, and tacked onto that are the entire Faculty Hearing Committee rules. Tom Metzloff who is at this moment chair of the Faculty Hearing Committee is present and he will be able to answer questions. He then outlined the proposal. It comes to the Council on the recommendation of the chair of Faculty Hearing Committee with the endorsement of the Executive Committee of the Academic Council. It needs no second. It is before the Council for its consideration. Also, at Academic Council Executive Committee, it was thought this was not the kind of significant matter that requires two meetings for approval. So, we hoped to act on this today. If we do act on at least one part of it today, we will go ahead and start implementing the proposal and start electing people to three year terms as opposed to one year terms. So, the proposals are as follows: the most substantive proposal is to change from a one year election to a three year election of members of the Faculty Hearing Committee. Each year this process has to be gone through for twelve people. People frequently agree to serve a number of years but they do it in one year increments. Our proposal is that it be a three year election, we want to do it in a staggered fashion, so this year if the proposal is established, there is language in there that allows four of the members to be elected for three years, four for two and four for one. People will be elected to three year terms. We have proposed that no person serves for more than two consecutive three

year terms. So, after a six year period, that person should stay off the committee for at least one year. As far as filling vacancies is concerned, the rules have said in the past that anyone who resigns midterm would have a replacement appointed by the Academic Council. Since that may be a long period of time, the proposal we have is that if in the mid-year, the Executive Committee fills the vacancy and for terms of more than a year, there is a new election. So that is the most substantive change. The second substantive proposal is that the membership only be from the tenured faculty. The recommendation is that it be of the tenured faculty only, on the theory that independent judgment is amplified by the grant of tenure. Otherwise, the implicit question a person may ask is 'will I injure myself by making this decision contrary to the interest of the administration?' So it is prudent to suggest that it be for only tenured individuals. The third substantive change is almost trivial, changing some time periods that are inconsistent between various appellate time periods. So, those are the proposals. The Chair called for a vote and the proposals were adopted unanimously.

As the sixth order of business, the Chair moved to the election of the **Faculty Hearing Committee** itself. Members had before them a list of twelve names. The people who will be elected for three year terms are John Falletta, Tom Metzloff, Ken Reckhow and Wendell Rosse. Those for two year terms are Craig Casey, Joel Huber, David Pisetsky and Tom Rowe. Those for one year terms are Robert Gleckner, Monica Green, Herve Moulin and Laura Underkuffler. This is basically done by what people are willing to do, if they are willing to serve three year terms, two year terms or one year terms. The slate of individuals before the Council does not need a second. It was approved by voice vote without dissent.

At this point, the Chair called the Council into executive session to consider Honorary Degree proposals and to discuss the Provost search. He asked that all non-faculty members leave the room (faculty members who are not on the Academic Council did not have to leave) and pointed out that those members of the Provost Search Committee who are not on the faculty would be invited back into the room after the conclusion of the approval of Honorary Degree candidates.

Having gone back into open session, the Chair wished the University President a happy birthday and presented her with a card signed by the members of ECAC, and endorsed heartily by the Council with applause. The meeting was adjourned at 5:03 p.m.

[The proceedings of the executive session are not part of these minutes.]

Prepared for consideration by the Academic Council,

A. Tilo Alt, Faculty Secretary.