

Duke University

Durham
North Carolina
27708-0928

ACADEMIC COUNCIL
304 UNION WEST
BOX 90928

Minutes of the Regular Meeting of the Academic Council

PHONE (919) 684-6447
FAX (919) 681-8606
EMAIL: ACOUNCIL@ACPUB.DUKE.EDU

September 20, 2001

The Academic Council met in regular monthly session from 3:45 -5:20 p.m. on Thursday, September 20, 2001 in 139 Social Science Building with Professor Peter **Burian** (Humanities) presiding.

Professor **Burian** welcomed members to the first meeting of this school year of the Academic Council. He began the meeting with a moment of silence in memory of all those that the country had lost in the last week and then called on the Provost to say a few words.

Peter **Lange**: "The last 10 days have been trying for all of us. The deep disturbances of our world views and sense of confidence and optimism has, for some in our community, been augmented by loss or injury of loved ones or others within their circles of acquaintance and community.

In such times, colleges and universities face a special challenge. As "homes" for many of their students, and homes away from homes for many others, they need to provide support, a sense that there are others who share their confusion, anger, frustration, disturbance and other similar states of mind and spirit precipitated by events like those we have witnessed. We at Duke have done a fine job of providing such support in the days past and will continue to do so in those to come.

As communities of diverse constituencies, we also have responsibilities to assure that divisions that might rend their fabric and makes worse the sense of crisis and pain do not become exacerbated by actions within our setting or beyond. Here again, we have done much to assert the value of our diversity and to assure that all those from different backgrounds, cultures, religious, racial and ethnic communities are assured that we are a safe and welcoming place, one in which they can find support and from which, if they seek it, they can draw strength.

We are, however, also an intellectual community: A place where idea and the exploration of ideas to their logical consequences and in confrontation with one another is not only valued but is the lifeblood of the communication and growth of knowledge and hence

our lifeblood. Inherent in this exercise is the fostering what I would call intellectual tension - the product of that confrontation of ideas in a civil but honest and forthright manner. This is something we must always foster, perhaps even more following a crisis that may lead some to think it is best to curtail open debate.

Fortunately, on some of the most pressing issues prompted by the events of the last week and the possible responses to them over the weeks to come, we have many resources in our community to bring to bear. Discussion, even debate, on these issues can and will promote learning and, hopefully illumination for our community and perhaps beyond. In that spirit, I have been working with the Deans and Bruce Jentleson, the Director of the Sanford Institute, to promote a series of campus forums drawing on faculty from throughout the University to debate some of these pressing issues. In the first days of this effort, we have begun to identify possible topics, but these are far from set in stone. I want now to list them for you and invite you to contribute, through e-mails to Bruce or conversations with your Deans, to identifying an appropriate and stimulating agenda that will take full advantage of our intellectual resources and help to stimulate and enlighten our community. It may also be the case that some of you will be asked to participate in these forums. And I hope that when their dates, titles and locations are announced, you will seek to attend and encourage others, students, faculty and staff, to attend. There can be no better way to affirm our sense of mission.

Now let me just list to you the four topics that have so far been identified but again I want to stress that they are just the first of some ... I was able to come up with.

The first is "National Security and Civil Liberties: How to Strike the Balance." The second is "Foreign Policy Strategy: What Works, What's Right, Who's Involved?." The third is "The Terrorism Crisis and the World Economy: What Effects, and What Strategies?" And the fourth at the moment is "Islam and the Islamic World, Towards a Greater Understanding." The fifth topic, which has been raised, and which was raised this morning in an e-mail to me is "The Concept of the Just War and Its Application in the Current Circumstances." Those are just some of the topics that have been raised. As I said, I invite you to contribute to the establishment of these forums, and even more to participate in them. Thank you very much."

MINUTES

The **Chair** turning to the business at hand, asked for approval of two sets of minutes of meetings from last spring, those of April 19 and May 10. A motion was made and seconded and the minutes of the two meetings were **approved** as written. As there were no announcements, the Chair turned to the matter ("ritual") of

approving earned degrees for September graduation.

EARNED DEGREES Diplomas dated
September 1. 2001

Trinity College of Arts and Sciences Dean Robert J. Thompson, Jr.	
Bachelor of Arts	42
Bachelor of Science	6
Pratt School of Engineering	
Dean Kristina M. Johnson	
Bachelor of Science in Engineering	7
Master of Engineering Management	4
School of Nursing	
Dean Mary T. Champagne	
Master of Science in Nursing	10
Nicholas School of the Environment and Earth Sciences Dean William H. Schlesinger	
Master of Environmental Management	5
Master of Forestry	1
Fuqua School of Business	
Dean Douglas T. Breeden	
Master of Business Administration	106
Divinity School	
Dean L. Gregory Jones	
Master of Theological Studies	4
Master of Divinity	8
School of Law	
Dean Katharine T. Bartlett	
Juris Doctor	1
Doctor of Juridical Science	1
School of Medicine	
Dean Sander R. Williams	
Master of Health Sciences in Clinical Research	4
Doctor of Medicine	1
The Graduate School	
Dean Lewis M. Siegel	
Master of Public Policy	3
Master of Arts in Teaching	8
Master of Science	21
Master of Arts	22
Doctor of Philosophy	49

Professor Richard **Schmalbeck** (Law/ECAC) rose to make the usual two motions, namely, one, that 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, two, 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, that no candidate will receive a degree for which he or she is not fully qualified.

Both motions **passed** unanimously by voice vote.

As the third item of business, the **Chair** called the meeting into **Executive Session** to consider nominations for Honorary Degrees.

ELECTION OF FACULTY HEARING COMMITTEE

Having gone back into open session, The **Chair** turned to the next order of business, namely the election of the new and reappointed members to the current year's Faculty Hearing Committee. He referred members to the list in their packet. He thanked both continuing members and those who were candidates for election for their willingness to serve on the committee. The workload in this case was unpredictable as it depended on the number of cases brought forward. It could be quite onerous. As he went through the list of names, he asked those present to stand as their name was read: John Baillie, Thomas Bashore, Caroline Bruzelius, Robert Mosteller, Kenneth Reckhow, and Peter Wood.

A motion was made and seconded to approve the slate of candidates. The slate was **voted in** unanimously by acclamation and the **Chair** congratulated the committee with wishes for a good year.

PERKINS LIBRARY REPORT

The next order of business was a report on the expansion and renovation of Perkins Library. It was one of the first and certainly promising proofs both of the Campaign and of the Strategic Plan. The **Chair** announced that Provost **Lange** would make a presentation on the subject of the library project and the library itself followed by that of the librarians.

Peter **Lange** explained that he had recently sent David [Ferriero] a copy of an address he had given about Duke's library project and he responded by saying that it would be a good introduction to what they were doing on Thursday and hence his presence. He was going to spend most of his time talking about the library as a location at Duke. Obviously, it was also soon to play an important role as a center for distribution of and training in instructionally

related technologies and electronic research media. A substantial part of the renovation was intended to make the library, as a place, more commensurate with these technological changes and some of their implications.

By way of some background, he commented that the library had what might be called a great past and an inhospitable present. The library was built in three phases between 1928 and 1968. It had made major strides in the provision of electronic media and training of faculty and students in the use of technology for learning over for the last decade or so. However, the only major changes to space in the last decade or so had been the replacement of the card catalog with computer clusters and some reorganization of the space for public services. Furthermore, technological upgrades in the space had been largely ad hoc in response to need and without a strategic plan.

With respect to the present, the library did a pretty good job as a provider of electronic media and as a center for the provision of instructional technology. Indeed, the Center for Instructional Technology was housed in the library. However, as a facility, the technical support continued to occupy a major portion of the entrance to the library, that is, it continued to occupy a major part of the first floor public space.

Second, they had rather crowded stacks. Third, individual and collective study places were extremely poor. There was also widespread feeling, to quote a report that Bob Byrd was and had been reading, "that the building is aesthetically unappealing and uninviting and that it discourages thorough use by both students and faculty."

Libraries in the United States and at Duke were under some general pressures, as well as some more specific Duke pressures. The library was increasingly thought of as a learning center. It was to include not just spaces for group learning, but it was also to be an educator and a facilitator for the proper use of the new types of electronic resources and their integration with more traditional ones.

Furthermore, libraries needed to better manage the storage and access to multiple learning and research sources. Simply put, the library was today much more a place of access to information than a collector of information.

In addition, libraries needed to be leaders in resource sharing and in guiding users toward efficiencies in collecting and access to information resources since the electronic age had put vastly more resources much more close at hand and the library needed to be the place that put everyone in close touch with those when people can't get to them themselves.

At Duke there were very specific issues. First of all, the library was not seen as adequate to campus learning and research needs and he thought this was particularly and acutely felt by the humanities faculty. Second, there were some specific issues with regard to the disciplinary libraries particularly in the sciences, and opportunities for consolidation in one space existed because science library resources were even more electronic than they were in other disciplines. Third, they needed to address the question of how to make best use of Duke's proximity to its neighbor universities in areas of joint storage, reduction of collections duplication and potential for more systematic collections policies.

Lange suggested that one fundamental concept deserved additional attention: the library was the place that had to reflect the fact that research was a social process. He asked whether the library ought to be a counter to the individualization of learning and to a lesser extent the individualization of research which had resulted from the potential for distributed learning and resources which the computer age had made available to all. In other words, the computer had spread knowledge in a way that students and faculty could stay holed up in their offices and not interact in the way they used to have to do when they had to go to the library to get resources. Duke's answer was that the library must be in part a place to counter that individualization. It had to provide services and build collections. It needed, therefore, to have stable on-site volumes in more efficient space, combined with new off-site facilities and rapid recall. It had to provide individual and group learning spaces and therefore had to be a welcoming space, not a place that one came to only when desperate. Finally, it had to have flexibility in design because of the rapidity of change in the way libraries worked these days. As a result, the renovation project had been considered a key integrating element in the strategic plan, a particular resource that very much needed strengthening to enhance the strength of Duke's humanities and social sciences. The planning for the library was closely linked to budgeting for the [capital] campaign. There was an explicit provision of \$40 million for the first phase of renovation, subsequent to the commitment of 5 to 7 million dollars which had already gone into the library's off-site service center. Finally, there had been recognition throughout of a key role for faculty buy-in and for the design of facilities to meet research and teaching needs. It was in this context that Bob Byrd's committee [Perkins Library Renovation Committee] had been doing such a superb job. He was now turning to the librarians to continue with the report.

David **Ferriero** summarized the Provost's remarks by reiterating the principles whereby Perkins had to provide the services needed to access, generate and transmit knowledge; that the collections needed to be on-site, but that Duke's new storage facility needed to be used for long term space planning; that the library had to be aesthetically appealing, accessible and welcoming, and that a

variety of spaces for individual and group study as well as activity spaces had to be offered and, finally, that whatever was done had to be created in a flexible manner so that space could quickly be readapted.

He then mentioned the collaboration over the past year of the Perkins Renovation Committee with the prominent Boston architect Jeff Freeman who shared his knowledge about the future of libraries at peer institutions such as Columbia, Yale, Princeton, MIT, and others. The Committee represented a group of individuals from across the campus: administrators, technology folks, librarians, undergraduate, graduate students, and many faculty members: Carolyn Bruzelius, Gary Gereffi, Ann Marie Rasmussen, Helen Solterer, Peter Wood. Oversight was provided from the Library Council composed of many of the faculty, with Philip Stewart being the chair.

The past year had been spent looking at what they called a conceptual space program trying to figure out the actual functions that needed to be in that building and the kind of space needed for them and then sketching out various alternatives. They were working with four different plans ranging from abandoning the facility completely and starting somewhere else to doing minor kinds of renovation internally. Bob [Byrd] was going to walk members through where they were at the moment.

Robert **Byrd** (Chair, Renovation Committee) referred the audience to the exhibit distributed with the agenda. He drew particular attention to the bottom of the page, that stated that the program required approximately 320,000 assignable square feet in order to achieve the goals that Peter Lange and David Ferriero had just described, which amounted to some 72,000 square feet more than were presently in use for library services and resources in the Perkins complex.

After careful consideration, the Committee decided to recommend and what had already been taken to the Committee on Facilities and Environment [CFE] an addition to the Perkins library combined with extensive renovation of the existing building. On the handout members would see a dotted line that outlined the site of the project. It included the present Perkins complex and the site behind Old Chem, which was where they would locate a major multistory addition to the Perkins building. This would best achieve the goals that had been outlined today. The addition had been placed in such a way to enable linkages to the Perkins complex underground and then above ground similar to the way the proposed new engineering buildings were to be linked accommodating a major north-south pedestrian pathway which was on the campus Master Plan that linked the main quad and the possibly affected Duke transportation center and bus stop, eventually perhaps to be located behind the Allen building and the present building, linking all of that with the engineering and science areas. Did you pick

up on that? A portion of the Master Plan was copied in members' packets. Essentially, it showed that the proposed addition to one side of the Perkins building was a multi-story structure. The design work, of course, had not yet been done. One of their major goals would be to simplify the library's arrangement, to make it much more intuitive in the plan at this stage, they were showing the upper floors, second through fourth floors being dedicated to collections and user spaces with the main first floor and perhaps portions of the lower floor to public service spaces where they were [providing] **not only** library services but also some service areas for related academic services such as OIT, the Center for Teaching Learning and Writing, and the Center for Instructional Technology.

The first phase of the project would include the addition to the building as shown, the multi-story addition, and the renovation of the first floor through to the main entrance onto the quad. It would also include the Pavillion Cafe area which was proposed now for **the** space between the Perkins building and the Foreign Language Building as well as a new major stairway and opening in the Perkins '68 building to improve vertical circulation and visibility through the building.

They were hoping that the planning for this could be completed in the current academic year. They would be going to the Buildings and Grounds Committee of **the** Trustees on October 5 asking for their approval of the size and scope of the project and of the selection of the architect. It was anticipated that construction could begin around a year from now on the first phase of the project. It was very important to the Committee that this plan meet the needs of the faculty and achieve the goals that the Provost had outlined for the library. Having concluded his presentation, he invited questions and comments from the audience.

David **Ferriero** asked about plans for phases two and three. Mr. **Byrd** replied that the whole project had to be phased in such a way that library operations could be maintained. Hence, their particular approach was to recommend that the first phase could include all of **the** major new construction and that thus swing space would be created **to enable them** to begin renovating the other parts of the building without too much disruption of services so that the second phase of the project was probably going to be renovation of the 1928 and 1948 portions of the building. After that they would go back to the '68 portion of the building and renovate the lower and upper floors that had not been renovated in the first phase when **the** first floor was renovated.

Professor Kenneth **Knoerr** (NSEES) wondered about one of their goals, namely to get more people using the library, yet there was only a 15% increase in seating [capacity?] which in his mind raised the question whether the current user space was not friendly enough or appealing enough for it to be used effectively and hence by adding

a few seats it was hoped these would be a lot more effective seats? The reply was that the space was small and cramped and poorly lit and poorly furnished. The 1400 or so spaces represented an overcount. David **Ferriero** interjected that when the Dawson's Creek folks were planning their Halloween episode they came to him looking for scary stack space.

Professor Michele **Longino** (Humanities) worried about hers and her colleagues' space in the Foreign Language Building. She had heard various rumors about their space and asked for information, especially in view of the plan regarding breaking ground in a year, what would the impact with the noise from the construction be if they were still in the language part trying to teach in those classrooms?

The University Librarian said that the issue of the Languages Building was on everyone's mind. From the shading here [pointing to the plan] it could be seen that they were not grabbing it at that moment. As they were not grabbing Old Chem. But she would also notice that it was within the perimeter of the project. He wanted to make it clear that they were not driving decisions about where faculty were going. This project was not forcing the political science faculty, for instance, or the economics faculty out of Perkins or the language folks out of this building. They were prepared, however, if those decisions were made and the faculties did move, to quickly spring into action with plan B. The sizing, and those decisions actually had to be made before they moved forward with this new expansion because the sizing of this depends upon whether or not this was available.

Robert **Byrd** added that they had been informed by the University Administration that there were discussions going on concerning the future use of the present Art Museum building, and there were a lot of things (construction plans) under discussion campus-wide. They had developed a plan for the library that could be adapted to whatever spaces in the Perkins precincts were available, but they could achieve the library's goals independently of those decisions. They did not have a need to push the decision in any particular direction.

In response to Professor **Burton's** (Fuqua) question about a cost estimate David **Ferriero** said that the architect was actually working on that now. Although Peter [Lange] cited \$40 million for the first phase, it was probably more like \$53 M. Robert **Byrd** added that the present estimates included a lot of contingencies because the design work hadn't been done, more detailed planning and design work would yield a better estimate.

Professor Earl **Dowell** (Engineering) asked if the 72,000 square feet of new space was net or gross. The answer was that it was net with the gross square footage being about 145,000. The questioner then asked what portion of the total project cost of \$ 53 M was for the

new space and what portion would be for renovation of existing space.

Robert **Byrd** replied that the construction of that space and the renovation of the first floor of Perkins presented the problem that once one got into the Perkins building, there was the entire mechanical systems of the building which were at the end of their lifespan. He didn't know how much of the mechanical system and utility work for the whole master plan had to be done for the first part, but he would say it was more than its share. In terms of the phasing, [it was intended] that the subsequent phases become less expensive because of the up-front mechanical costs of the first phase. The questioner, finally, asked about the allocation of the funds for new space and for renovated space.

Robert **Byrd** said that he didn't have that information with him. His recollection was that the new space was in the [two hundred] twenties [per sq.ft.] The costs per square foot were similar here and at Rice and Dartmouth, i.e. around 225 dollars per square foot.

Another questioner raised the problem of the distribution of materials on East and West Campus. David **Ferriero** answered that they were aware of the fact that there were faculty who were not happy with the decisions that were made about moving materials to East Campus. This provided an opportunity to rethink the location of the collections. They had not put that process into place.

Robert **Byrd** explained that it was safe to say that whatever was done with Perkins they were going to continue to rely upon a distributed system with several of the collections in the professional school independent libraries and in the Perkins branch libraries as well. They would try with delivery systems and systems and services of various sorts to make that as convenient as possible for people. But they were not trying to accommodate the full Perkins system collection in the Perkins building. In response to a reminder by David **Ferriero** that he hadn't addressed the noise problem — he himself was unable to because he didn't know what their schedule looked like— it sounded to him that it would be nice if that could be moved to the summer. Robert **Byrd** said that that was clearly something they would have to talk to the architects about.

A final question concerned the issue of separation versus integration of various technical service functions of various centers on campus. David **Ferriero** said that next year would be the time to go into planning those kinds of opportunities, i.e. to rethink the relationships between the various constituencies and functions. The Committee chair added that they would start to see a continuum among the services and it was important to maintain flexibility of the space because it was anticipated that the relationships would probably change over the next five to ten years no matter what was planned. There were also the OIT [computer]

clusters, for instance, [in addition] to the library clusters.

The Council **Chair** thanked the presenters and reminded members that there was a full agenda to consider and that it was time to turn to the matter of changes to Chapter 3 [of the Faculty Handbook].

PROPOSED CHANGES TO CHAPTER 3 AND VOTE ON RESOLUTION

Professor **Burian** explained that the proposed changes were made in reply to the APT review. They didn't have a formal presentation on this subject. Last spring they heard and responded to the quarterly APT Review Committee which was chaired by Professor Peter Holland. They had received and discussed in detailed accounts from the Provost the changes he was proposing. The working out of the appropriate language needed for the notation of the changes was accepted by the Provost and had been a satisfying interactive exchange with ECAC. Today, ECAC was bringing to the Council the proposed changes to the AP and T policy and the concomitant rewording of Chapter 3 in the Handbook for any last questions or comments and the Provost was present to take questions and receive comments if there were any.

Professor Kenneth **Knoerr** (NSEES) inquired as to the reason for the exclusion of the Law School from the annual University-wide review procedures governing the appointment, reappointment, promotion and tenuring of faculty as mandated in chapter 3 of the Handbook. He asked why the anomaly still existed.

After clarification as to the addressee of his question, i.e. that he intended his question for the Academic Council ("senate"), Provost **Lange** replied that there was a long standing tradition of that which also obtained in the case of a number of other institutions. He didn't raise the issue because it would be an extremely difficult and contentious issue and given the many other priorities regarding the Law School now, he was satisfied with the current processes for choosing the best faculty for the Law School.

In the absence of any further comments and questions, the **Chair** proposed on behalf of ECAC bring a formal conclusion to this exchange that had now gone on over several meetings and several months by offering the very simple resolution that the Academic Council endorse the proposed changes in the APT policy and the resulting rewording of Chapter 3 of the Faculty Handbook. The faculty had the statutory responsibility for changing the Faculty Handbook and once ECAC got the tenure situation with the Law School figured out they would ask the Law School faculty to help them on this one also. There had been lively discussion and the Provost had been extremely responsive to the comments that he had heard here and elsewhere. He then asked for and received a second to his motion which **passed** unanimously by voice vote.

The **Provost** commented this had been a model of cooperation in a

matter which was so central to the quality of the University and to the life of the faculty. By ECAC pointing out that his responses were unclear in a couple of places almost at the last minute they made some changes and that was exemplary of what had happened.

The **Chair** turned to the last order of business which he termed rare as it concerned a proposal to change the constitution of the Council itself. He called on Professor George Christie as Chair of the committee to introduce and begin discussion of the proposal to extend membership in the Academic Council to some regular rank nontenure track faculty.

REPORT ON ELIGIBILITY TO SERVE ON THE ACADEMIC COUNCIL

Professor George **Christie** (Law/Chair of the Eligibility Committee) referred the audience to their copies of the report and stated that ECAC had charged his committee to make recommendations in view of a problem which was not festering but was in the minds of many people, namely whether non-tenure track faculty should have participation rights in the Academic Council. The problem was made more difficult by the fact that many non-tenure track faculty had the right to vote for members of the Academic Council without themselves being allowed to serve. Even though there were precedents and some parallels in national elections (young people may vote for the president and senators long before they were allowed to run for these offices themselves). These rules dated back to the eighteenth century. In the modern day, however, that situation was not considered optimal or desirable.

He thanked the members of his committee for their faithful service and explained that Emily Klein, because of illness, could not participate in the committee's deliberations and therefore asked that her name be omitted from the membership list.

He called attention to the matter of lack of uniformity in the usage of non-tenure track faculty designations. Hence, they suggested that the ECAC suggest to the Provost that he set in motion a procedure to develop and enforce guidelines regarding the use of these titles. They had however been told by the powers that be, that anarchy was sometimes preferable to clarity. And he thought part of the thinking of the powers that be had to have been the idea that an ambiguous situation gave people so called flexibility.

They all worked with a certain number of givens which they made as a group. One, they thought that some participation rights were necessary, that in this modern day and age one couldn't have people who were teaching faculty at this university or vote for candidates to membership of the Academic Council and not allow them to have some capacity to serve on the Academic Council.

Another given for them was that the primary purpose of this

institution was teaching although admittedly this was also a research institution. But they felt that whoever was elected to serve on the Academic Council should have some connection with teaching. Therefore, getting non-tenure track faculty admitted to serve on the Academic Council should have responsibilities where a significant portion of which involve teaching.

In their four recommendations they took care to prevent situations from arising that were detrimental to the purpose of the Council such as having the majority of its members, or a very significant number of its members serve at the pleasure of the administration and thus compromise the independence of the Council. While at the present tenured faculty outnumbered non-tenured faculty that might not always be the case. Thus in order to preserve the independence of the Council to keep it from becoming more than just a trade union for people like non-tenure track faculty or even graduate students if you wanted to take it one step further down, it was necessary to have a majority of tenure track faculty on the Council. Hence, their recommendation "d" stipulating that no more than one non-tenure track faculty member be elected from any division. There were various representations by division in the Academic Council but the maximum number of any division was ten. The Division of Clinical Sciences had a lot of non-tenure track faculty and hence they were recommending that it be allowed to be represented by more than one but no more than four non-tenure track people. One point they did not emphasize but perhaps needed to be mentioned was that a lot of those people have only renewable one-year term appointments, in fact even some tenure-track faculty in this university had renewable one year contracts. It was a flaw to worry about, especially if, as was the case in the clinical sciences, a situation existed in which almost half of the entire non-tenure track faculty was operating under one-year appointments, the issue under discussion became moot. He stopped there and invited questions and comments.

Professor Robert Mosteller (Law) expressed concern about the criteria in [recommendation] 'b', i.e. how difficult they would be to implement. For instance, one complication might be that in the nomination process a list was generated that was accurate and it was then discovered that someone who got a lot of votes turned out not to be eligible to vote. But he thought he solved most of the issue by the limitation of the number in part 'd.' It seemed to him that perhaps the worries that were addressed in part 'b' became less substantial when looked at in conjunction with the provision made in part 'b' whereby only one person out of each of these units except the clinical sciences could be elected. It was possible that this was a self-selecting process within the unit. They would know the individual, they could only elect one, they had a large number of people, and it might well be that almost any group that could be elected in that unit would be acceptable, and that caused him to suggest an alternative, i.e. to use 'b' as criteria that units could impose. If they wanted to limit the eligible faculty who

could vote, the unit would have the option of basically imposing these three limits and no others, and that they could winnow it down and put the burden on them to provide Academic Council with a winners list if they were going to go with anything less than the whole list of people that were eligible to vote.

To make sure he had understood correctly, Professor **Christie** said that he would be reluctant to waive the requirement that people who were nominated for the Academic Council should have significant teaching responsibilities because a lot of what came before this committee did involve teaching or the academic enterprise of the university. He'd also be reluctant to allow people to participate in the Academic Council with no governing rights in their own departments or divisions, which struck him as bizarre. There had to be one change actually in 'b' as to whether someone carried significant academic responsibilities or had governing rights etc., should be made by the division heads, i.e. usually deans, but not by department heads. Bob made the very interesting point as to whether, despite what appeared on paper, this university had the administrative competence to actually break down the faculty so that all this made sense. He thought that was an important point to raise.

Bob **Mosteller** replied that his point was more that he was reluctant as to all three of those categories and concerned about the detail work on getting there, and if they were going in that direction, he'd suggest going the full direction, i.e. people who voted could serve [on the Council] and if their local unit which knew more about it wanted to run it [the election?] then give them that right. He was just pointing it out as an alternative.

Earl **Dowell**, as a follow-up to Prof. Mosteller's point, he wondered if Christie's committee had considered a model whereby the department proposed someone and the dean endorsed and forwarded that. After Professor Christie pointed out that voting for membership on the Council was done by division rather than department Professor **Dowell** added that this nominating process would be preparatory for the purpose of putting a person forward to be eligible to be elected.

Professor **Christie** thought that was fine, but he wanted to return to his original proposal. Earl **Dowell** wished to make one other comment at that point, namely about the requirement that non-tenure track faculty must serve under appointments of at least three year's duration. That lent itself to gamesmanship on both sides. If someone who would serve for a longer period of time and he didn't want them to serve on the Academic Council, he would give them a one-year term, and if he didn't want them to serve on the Academic Council and would normally give them a one-year appointment, he would now give them a longer appointment so they would be eligible.

George **Christie** wondered in jest if people were that devious.

Professor Timothy **Stenzel** (Basic Sciences) had one comment and one suggestion to make. He suggested that for the voting non-tenure track people be identified so that one knew who those people were. His comment was that under 4 d. the report was really introducing another layer of ambiguity for right now the issue was tenure track versus non-tenure track. George **Christie** agreed. He pointed out another problem, however, namely the issue of having people on the Council without teaching responsibilities. For instance, certain senior officers of this university were actually members of the faculty, even the General Counsel of the University, and they had neither teaching nor research obligations. That was a theoretical possibility given the structure and wording of the charter of this university and he didn't think that was an ideal situation, and that was the problem he had with his suggestion. It may make sense, but he was not all that confident with the administrative expertise to do all this.

Professor John **Staddon** (Natural Sciences) said he had two points to make. One was that although in this time it was the trend to extend the franchise and to make voting more direct etc. it was not clear to him if there was any balance between the complexity of this thing and the amount of effort that was going to have to go into it, and the benefit that one could expect to come out of it. The second point was the emphasis on teaching would leave out actually some of the tenure track faculty, since there were a not inconsiderable number of tenure track faculty who were on full time research for some period of time- three, five years, whatever it might be. Did he want then to privilege teaching in this way when there were these implications? Down the road some people would say, 'Well, look at these tenure track people, they're not in the trenches and so on and so on and we should disenfranchise them and so on. ' The whole project seemed to him, given its complexity, not to have the likely benefit that would make it worthwhile, and second of all, why privilege teaching over research.

George **Christie** thought that was fair enough and recognized Richard **Riddell** (Theater Studies) who commented that as a Professor of the Practice he had spent some effort for some time to bring this issue forward. So he was pleased that the issue was raised and he thought it represented progress. He wanted to address the issue of independence. The point was made in number 'b' [cf. p.2, paragraph 3] that professors of the practice, by their very nature were not independent. Assistant Professors with tenure track appointments could be members of the Academic Council, but were they truly more independent than POPs?

George **Christie** responded that that was true. In most parts of the university after seven years it was either up or out. The dividing lines were rather sharp. On the other hand, assistant professors were guaranteed a mandated minimum, a point which Professor **Burian**

confirmed. Moreover, they were such small numbers that it didn't skew anything, he accepted that.

Professor **Riddell** added that he would go so far as to say that associate professors weren't truly independent either, since many associate professors would like to be professors someday. George **Christie** replied that actually even professors wanted to be chaired professors who wanted to be head of the department. By that argument no one was independent. He accepted everything he had said, however.

The **Chair** recognized Professor Edward **Shaughnessy** (Engineering) who said that his comments were really directed at ECAC. He thought there were others present who knew that they had spent the better part of the council year on this issue including ranks, regularization of appointments, voting rights back in 1990. He was actually stunned to read this, because as Lew [Siegel] knew, it was in his first year, that this was all handled quite carefully. He thought to revisit what was done then would shed a lot of light on the discussion. At the time, there was a 37 to 1 vote to remove voting rights from these ranks—and guess who voted one.

Peter **Burian** explained that the situation of the non-tenure track faculty had changed considerably with the creation of the regular ranks for them and it had changed somewhat over the eleven years since. One of the things that had happened was that there had been a considerable professionalization of non-tenure track faculty. It was characteristic in an earlier age to administer one-year contracts. In some cases the availability of the person in the community to do a particular task was a primary qualification for doing certain teaching tasks that the tenure track faculty would prefer not to do. They now had a really strong cadre of professionals that taught all kinds of important subjects and the situation existed in which they were treated in a number of ways as second class citizens of the university. This particular case was one that they revisited specifically at the request of faculty. They felt that there was something that needed consideration here. It was obviously the right of this Council to decide whether or not it wished to do this, but he thought it was also incumbent on them to consider it seriously and carefully, and he would suspect that they said that they didn't, it'd be the sort of thing that this year or twelve years from now would probably come back again. At any rate, this wasn't done in complete ignorance of the fact that the subject had been brought up before, with some acknowledgment also that the situation had substantially changed.

Dean Lewis **Siegel** (Graduate School) said that as had been pointed out, this broad issue was considered very thoroughly in 1990, following several years of trying to create what was now called regular rank non-tenure track faculty. What concerned him was that it was very important at that time, that the definition of these ranks included some significant instructional component. So he had

no problem whatsoever with liberalizing the voting privileges along the lines of what had been recommended. But he was terribly disturbed that in this report the administration had allowed these ranks in direct violation of the stated wish of the members of the faculty to be used to make appointments that did not have such a component, and that seemed to him to be incumbent upon ECAC to investigate, because if it was true then that was not an appropriate use of those ranks. Tenure track faculty at that time were quite open to the idea of expanding the definition of regular rank faculty, but were terribly concerned that they would get to the point where they were not faculty in any real definition at all. He thought it may have come to that.

Peter **Burian** thanked the speaker and confirmed that ECAC would consider this carefully. There were actually a series of questions that arose from this report that deserved consideration.

George **Christie** had a final comment, namely that Council had to decide whether to go forward with this. If it did, then he thought the thing to do was to vote seriatim on items. A) did they want regular non-tenure track faculty to have participation rights in the Academic Council – yes or no? If so, what were the criteria? They had proposed criteria here; if Council didn't like those, it should come up with its own criteria. Proceed down each one, not necessarily to adopt this report but to refocus on issues which people could address, debate, and then reach closure. Otherwise one got infinite sets of committees meeting endlessly, and reports where people 'thank you for the report' and all that, and just put it aside and the issues just reappeared. At least that was one possible way of going forward, or else Council just accepted the report, thanked the committee and went on to the next item of business.

With that and the rapid thinning of Council ranks, the meeting was adjourned.

Submitted for consideration by the Academic Council,

A. Tilo Alt Faculty
Secretary