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ACADEMIC COUNCIL
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Minutes of the Regular Meeting of the Academic Council

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Addition to the Minutes of May 11, 2000, pp. 5, 6: the Master Plan Resolution in those Minutes replaces the draft resolution circulated prior to the meeting. Also and as always, the full transcript of the proceedings is available for consultation by any faculty member in the Council office.

The Academic Council met in regular monthly session on Thursday, September 21 in 139 Social Science Building from 3:45 to 5:15 p.m. with Professor Peter **Burian** (Classical Studies) presiding.

ANNOUNCEMENTS AND MINUTES

The **Chair** welcomed members to the first meeting of the Academic Council of the academic year. He reminded members about various housekeeping matters including where to find information about the Council and its activities, as well as minutes of previous meetings. They can be found on the Internet at <http://www.duke.edu/web/acouncil>. E-mail may be addressed to: acouncil@acpub.duke.edu. The phone number is: 684-6447. On weekdays from 8 to 4, the Council office is open for those who want to pay a visit. The office is at 304 West Union, one floor above the Faculty Commons.

He then turned to the first order of business, namely the approval of both the April and May Minutes of the Council. He noted that these minutes had been reduced from the recent practice of printing a revised transcript of the proceedings to a more compact and summary form. This followed a recommendation from ECAC, who believe that the shorter minutes will be more readable and still provide a full record of Council proceedings. In making this change, ECAC was returning to a preference expressed by Council members who responded to a survey some years ago. He invited any comment that current members may have about the new format and asked for any additions or corrections to the Minutes.

Prof. Barbara **Shaw** (Chemistry) voiced her concern over the abbreviated form of the Minutes of May 11, 2000, particularly since they do not reflect adequately the Master Plan discussion with

respect to objections to the Plan raised at the meeting. These were primarily the problems caused by the short period of time the Council had to consider and discuss the plan, and the fact that the plan itself was not specific enough in indicating, e.g., what major buildings would be constructed, additions to existing buildings, what major roads would be closed, traffic and parking plans, etc. The **Chair** assured her that the transcript of the tape recording of the proceedings would be kept in perpetuity in the Council office and any faculty member may consult the transcript there at their discretion.

At this point, he asked for a resolution to adopt the minutes with the understanding that he and the Secretary will try to indicate the felt deficiency in that part of the minutes that Prof. **Shaw** had called his attention to. They were **approved** by voice vote without objection or dissent.

The **Chair** now turned to a series of announcements. He announced that following the meeting, ECAC and President Keohane were hosting a reception for all members of the Academic Council in the Rare Book Room of Perkins Library. Next, he said that Prof. Tina **Williams** (Psychology/Exp.) had been elected Vice-Chair of Academic Council. He then turned to the composition of the newly appointed Review Committee of the Appointment Promotion and Tenure Committee. Its members are Peter Holland (Psychology Exp.) Chair, John Aldrich (Political Science), Elizabeth Clark (Religion), Robert Hochmuth (Mechanical Engineering), and Leonard Spicer (Biochemistry). The Provost has charged the committee to report not only on the activities of the APT committee, but the larger process, defined as "The entire set of actions, including mentoring, review and evaluation by which we bring faculty from initial appointment through reappointment to the decision on tenure and promotion to Associate Professor and then to the subsequent possible promotion to Full Professor." The report of the Review Committee will reach the full Council sometime in the spring semester.

Then he said that Duke has made changes in the package of medical benefits that will go into effect on January 1, 2001. Members will shortly be receiving an enrollment guide that explains the new choices and how to enroll. He had two purposes in mind announcing this. First, that the new program was worked out with the participation of the Faculty Compensation Committee, under the leadership of Ken Spenner, and that both Professor Spenner and Bob Mosteller, his predecessor as chair of the Council, served on the steering committee that contributed to, reviewed in detail, and approved the new health care design. A great deal of attention was paid to the Customer Satisfaction Survey of Duke faculty and staff, whose results formed a baseline for the redesign. He stressed that everyone must make their choices between September 25 and October 14 during a so-called open enrollment period if they wish to avoid losing coverage.

Finally, he asked Professor Richard **White**, Co-Chair of Duke's United Way Campaign to make a brief announcement.

Prof. **White** said that he appreciated the opportunity to remind everyone that Duke has as of yesterday kicked off the official United Way campaign. Last year it was very successful and more than \$900,000 had been raised. This year's ambitious goal is to increase the number of people working in the program. There are 700 people working as part of the system of contacting people and trying to get pledges and the goal is to raise more than \$1.1 million this year. Regarding the controversial issue of funding the Boy Scouts, he invited John **Burness** who represents the institution on the local United Way Campaign, to offer some thoughts and explanations on the subject.

Senior Vice President John **Burness** pointed out that the issue is a complicated one. United Way disagrees with current Boy Scout policy to exclude gays from leadership positions. If United Way excludes the Boy Scouts from its list of recipients it may unwittingly penalize other youth organizations by drying up donations. Allocations are made one year out, so currently nothing would change. He and his group would continue to work with United Way to have them be as forceful as possible in the discussions with the Boy Scouts about this.

APPROVAL OF EARNED DEGREES

Diplomas dated September 1, 2000

Trinity College of Arts and Sciences Dean	
Robert J. Thompson, Jr. Bachelor of Arts	
Bachelor of Science Pratt School of	24
Engineering	11
Dean Kristina M. Johnson	
Bachelor of Science in Engineering Master of	6
Engineering Management School of Nursing	
Dean Mary T. Champagne	
Master of Science in Nursing	13
Nicholas School of the Environment	
Dean Norman L. Christensen, Jr.	
Master of Environmental Management Master of	6
Forestry Fuqua School of Business Dean Rex D. Adams	1
Master of Business Administration	100
Divinity School	
Dean L. Gregory Jones	
Master of Theological Studies	1
Master of Divinity	

School of Law		
Dean Katherine T. Bartlett		
Juris Doctor		3
Master of Laws		1
School of Medicine		
Dean Edward W. Holmes		
Master of Health Sciences		4
Doctor of Medicine		1
The Graduate School		
Dean Lewis M. Siegel		
Master of Arts in Teaching		5
Master of Science		20
Master of Arts		25
Doctor of Philosophy		59
	TOTAL	290

Prof. Richard **Schmalbeck** (Law/ECAC) made the usual two motions, namely 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 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** unanimously by voice vote. At this point, Council went into **Executive Session** to consider honorary degrees.

Having gone back into **Open Session** and before returning to the agenda, the **Chair** introduced Sally **Dickson**, the new Vice President for Institutional Equity who had come to Duke from Stanford University. She thanked Prof. **Burian** for the introduction and said that she stood ready to work with the Duke community on issues of diversity and equity. (clapping)

VOTE ON FACULTY HEARING COMMITTEE

The **Chair** announced the four proposed members of the Faculty Hearing Committee to be elected for three year terms: Craig **Casey** from Electrical and Computer Engineering, Monica **Green** from History, David **Pisetsky** from Rheumatology and Immunology, Thomas **Rowe** from Law as the nominee for chair of this committee. The vote was unanimously **in favor** of the proposed nominees.

Next, the **Chair** asked Prof. Linda **George** as chair of the Institutional Review Board for Protection of Human Subjects in Non-Medical Research (IRB) to present a number of proposed revisions to

the policy as it appears in the Faculty Handbook. It is a statutory duty of this Council to approve any revisions made in it. He also thanked Lorna **Hicks** for her important role in the revisions.

VOTE ON REVISIONS OF DUKE POLICY ON RESEARCH ON HUMAN SUBJECTS

Prof. Linda **George** (Sociology) said that she would give a brief overview of why it is necessary to change the Duke policy. The main reason was that currently the policy inconsistent with federal guidelines. The Duke policy was written more than twenty years ago. Today a 'multiple project assurance is required which is the agreement under which Duke is able to conduct research, receive federal funds for research and so on. In some limited ways, Duke's policy is inconsistent with that multiple project assurance. This Council is requested to approve making the Duke policy consistent with the current federal regulations and Duke's NPA which is up for renewal.

With the help of an overhead projector, she pointed out the major changes needed to achieve consistency:

"The first change in the policy will be to require the same review procedures for research funded by non federal sources and research that is unfunded as for federally funded research. That is we will have one set of review guidelines. This is the area in which the current Duke policy was less restrictive than the federal government. It did allow some outs for various kinds of research. I don't think we want to claim as a university that we have one set of ethical standards for federal funding and another set of ethical standards for non-federal funding. The second change is that we actually want to liberalize the Duke policy, the current procedures in the Duke policy. Currently, the Duke policy requires that all research projects involving Duke students and employees receive review by the full IRB regardless of level of risk. We are recommending that the following types of research continue to be reviewed by the full IRB committee: Research with Duke students and/or employees that involves more than minimal risk to subjects. Research conducted on Duke employees by their supervisors and research conducted on Duke students by their professors or instructors. In addition, research on Duke students whose participation is a requirement for course credit, will not be exempt and will require either a full or an expedited review."

All other research with Duke students or employees will be reviewed using the same criteria as those for other adults. The implications of the revisions are that no research review will take longer or be more complex than currently and that many protocols will be reviewed more rapidly, because they will qualify, under federal regulations, for expedited review or as being exempt from review.

Dean Robert **Thompson** (Arts and Sciences) asked for comment on what constitutes research and how decisions are made regarding risk levels. Specifically, he wanted to know how the policy affected surveys in which feedback from students is asked for. Linda **George** added that she thought he was referring to the freshmen survey that takes place every year. She explained that if it is strictly institutional research which is for purposes of evaluating programs, giving information that can be used to develop plans for the university, it does not come under IRB's purview. In this particular instance Duke failed to make clear that the survey could only be used for only that purpose. Because of that, unfortunately, it had to be viewed as a research project. If the data had stayed here and been used only for institutional planning, not for generalizable knowledge of what college students are like or what the relationships are like between certain characteristics, it wouldn't have been research. IRB wouldn't have wanted to see it.

Prof. Claire **Tufts** (Romance Studies) said that having read the proposed changes she could still see real problems with this for surveys that are conducted on the undergraduate population at Duke. For institutional purposes, but also for research purposes. Why would any faculty member take the time to do all the work if they couldn't publish it. The second point she wished to make was that the deans encouraged faculty to do mid-term evaluations on their students to get a sense of what students think about what is happening in a course midway through the course. She could not see any difference between research and institutional information.

The response was that the information thus gleaned was purely for the purpose of improving educational programming, then it would not fall under the policy. There isn't a lot of purely institutional research that goes on here. Why would anyone do it and not publish it? However, if it is human subjects research then it falls under IRB guidelines. She had seen both of Prof. Tufts' protocols. There would be no reason that they could not be approved, or even exempted. They do have to look out for potential coercion of students. That's part of their job. The only requirement is that the students do not feel a sense of coercion, i.e. that they are not made to feel that non-participation can lead to some penalty. That is simply against the federal regulations. All research subjects must be told their participation is voluntary.

After Prof. **George** once more assured Claire **Tufts** that her questionnaire was very "innocuous" and that if Council approved the requested policy changes, her research could be exempted from the current restrictions or expedited, the **Chair** inquired if there were any "other questions, innocuous or otherwise?" He explained that he felt there was no reason to invoke the two meeting rule on this question and therefore he would ask for a vote. There having been no objection to bringing the issue to a vote at that point, he

asked for a vote on the adoption of the proposed revisions. They were **adopted** by acclamation without dissent.

REPORT ON SPONSORED RESEARCH

The last item on the agenda was the Report on Sponsored Research, by Lewis **Siegel**, Vice Provost and Dean of the Graduate School. The **Chair** apologized for the fact that the Report had to be delayed several times and that he was glad to have it be part of the agenda now.

Dean **Siegel** explained that his report covered data through fiscal year 1999. First, he proposed to speak broadly about the sponsorship environment where Duke's research fits in national trends—then look at broad funding trends over the last 15 years at Duke, and on the campus side at the major federal sources of research funding. Then he would look school by school at sponsored research then focus on Duke activity relative to other universities by specific field or discipline. Finally, he would talk about why Duke needs to substantially improve actual indirect cost recovery on sponsored research as the faculty increase its efforts to increase sponsored research in general at this university.

Broadly speaking, there was a paradigm that governed federal funding of research since after the second world war that said basic research was done at universities. It was curiosity driven. It was whatever faculty members thought was interesting. Applied research was done outside the universities and it lead to products and really rather onerous utilitarian things. Basically, that got the government into a fight with researchers, because the government governs as lay people thought that researchers ought to be doing things that at least had some potential of being useful. This led to what really is in some sense a new paradigm —others can think of it as a compromise —and that is real basic research, but research that selects from the possibilities, i.e. give priorities to things that have some concept of use or ultimate utility. It's what was understood to be basic research. The government would like universities to focus more on things that can be convincing, as leading to some public good. Given that background there is actually now amazing agreement between the Congress and the Executive Branch on general priorities for funding research. At this point it is almost certain there will be substantial growth in research funding in the federal budget. The specific initiatives in the president's budget are things like nanoscience and rianotechnology, global change research, genomic research and fundamental health research, eco system challenges, information technology, educational research and technology and weapons of mass destruction. Essentially everything but the last one are things that faculty at Duke University and other universities are really interested in and he thought Duke could benefit from these initiatives pretty well. He would love to stay

clear of the last one. The following are some major trends in funding research on the Duke campus. It's a success story over time with a plateau, in some schools a major dip. Although it looks like it's going to be flat again the fact is that it is an overall growth story. Non-Medical Center funding is only 25% of the total sponsored research done at Duke University. His office is basically responsible for everything outside the Medical Center. Proposals, dollars requested and the number of proposals submitted on the campus have actually been virtually flat for the 5-6 years. The indirect cost recovery rate of increase (now at 71.5%) has lagged substantially the rate of increase in direct expenditures, which means Duke is recovering less and less of the dollars that the university has to put in to support research and this ultimately is going to backfire on its ability to do research. Eighty-two percent of the research done at Duke University's campus is federal.

Who does the funding? NIH is the dominant agency even outside the Medical Center – it funds 1/3 of the sponsored research at Duke University. The Department of Defense now funds almost 30% of the sponsored research outside of the Medical Center on Duke's campus. NSF only sponsors 1 out of 5 dollars of the research, Department of Energy 1 out of 8. Those four agencies account for 95% of the funding. Duke is highly dependent on only four federal agencies. In recent years NIH funding outside the Medical Center has been increasing. Duke University is first in the nation in NIH funding for social sciences (Demographic Studies, Sociology, Public Policy). There are many areas Duke really excels in. It's just that there isn't a lot of NIH funding compared to the biological and chemical sciences, and Duke's funding in biology and chemistry from NIH really lags very far behind that of comparable universities. He pointed to the growth of the Department of Defense. Basically the changes at that level are the Free Electron Laser Laboratory (FELL). That is 50% of the funding, which is both good and bad. It means that this heavy component that has suddenly appeared in federal funding at Duke University is dependent in large measure on one source and that one source is responsible. The Free Electron Laser Laboratory is more than 10% of all funding outside the Medical Center and 19% of all funding in Arts and Sciences. Duke has chosen to be highly dependent on some limited sources that have their ups and downs in federal favor, and the institution needs to think about broadening that. This faculty ought to be even more concerned, however, about the relative flat funding from NSF. Duke has not taken advantage of its increase in funding of curiosity driven research that many other universities have. The Department of Energy funding is highly concentrated in three areas and they've shown a reasonable, but not very strong growth. Those four agencies are more and more dominating the funding. So rather than becoming less concentrated, this university is becoming more concentrated as far as dependence on funding agencies is concerned. The data on the funding of school by school is a major part of the actual document. Regarding sponsored

research expenditure school by school, it is clear that 99% of the expenditures on the campus are in three schools (Arts and Sciences, Engineering and the Environment) . Arts & Sciences is about 2/3 of the total, Engineering 1/4, and the Environment about 1/9. One of the issues in Arts & Sciences is that proposals essentially are statistically flat since 1994. Hence, Dean Siegel said that if the faculty doesn't change what it's doing as a faculty it is not going to make another step. Duke will continue to be the kind of university that it has been. There have been external reviews that tell us major investments need to be made in Chemistry and Biology. There are issues about the subsidization of the Primate Center. If one looks at Engineering broadly speaking, it's a tremendous success story, but it's very clear that if further progress is to be made, there needs to be space expansion in Engineering. The School of the Environment has been going in fits and starts. It started in 1991. It showed a boost in the last couple of years, but it still remains to be seen as to how that's going to go. Concerning Duke sponsored research, the graph shows that Duke is among the top 25, not terribly surprisingly in social sciences, in the biological sciences and in physics. It is not in the top 60 in Environmental Science, Chemistry, Mathematics, Computer science, and Engineering. Physics' high funding level is due to FELL, a niche area. Such funding does not necessarily bring scientific prestige that will attract top level students and faculty. Duke certainly could expect to be closer or in the top 10, because there aren't that many active research private universities. These are not new challenges, the Dean had brought them before the Council before. In the case of Physics, it's a total disconnect, because Free Electron Laser research is not considered a mainstream area in the field. The basic issue is not that such funding supports things that are not worth doing, but whether areas can be found that will make Duke more prominent and more noticeable not to mention distinguished in areas of research that will bring prestige to the university, areas like global change, genome studies, material science and engineering including nanoscience and soft wet materials, high performance computing, world science and engineering, platonics, etc. These are mainstream areas. These were major federal priorities and funding is available. These are not niche areas. . Duke needs to broaden the base for research sponsorship. The bottom line is there needs to be more proposals from more faculty. The faculty that raise the money from outside are supporting the faculty who don't raise it from the inside. It's all from the same pot, Humanities salaries included. Five percent of the faculty on the campus are responsible for more than half the total research expenditures. Over 10% is due to one project. Only 8% of the eligible faculty have a combined three year funding level that exceeds \$ 1M and 50% have no significant external funding at all.

Dean **Siegel** concluded by stressing several times the importance of increasing the proportion of indirect cost recovery. There would be an article on that in the next issue of the Duke Dialogue.

(Clapping)

In response to a, question as to whether the Dean would provide incentives to spur additional proposals out of the faculty, Provost **Lange** interjected a one word answer: "Yes."

In response to a question about the absence of information in the Report on the extent to which research grants are used to pay portions of the investigator's salary, Dean **Siegel** said that that issue was a relatively minor one compared to other universities. It was mostly done in Engineering at Duke. Again the issue of indirect cost recovery turns out to be the important one as Duke, for instance, does not charge the full rate of graduate tuition on research grants. It's effectively an institutional subsidy.

He gave a similar answer to the last question concerning the matter of 23% of grant money going to departmental administration and whether that meant that 23% was actually going to the department. He explained that research is a category of expenditure. When the university looks at departmental administration in those areas where research is funded, it calculates that 23% is associated in some ways with the administration of research. Because [overall] cost recovery is low, however, that cost is not recovered.

With that the **Chair** asked for and received a motion to adjourn.

Submitted for consideration by the Academic Council,

A. Tilo Alt
Faculty Secretary