

**Minutes of the Academic Council Meeting
Thursday, January 18, 2024**

Trina Jones (Chair, Academic Council / Law School): Good afternoon and happy New Year. I'm going to start with a few informational items before we get to our announced agenda. First, the annual election of the Academic Council for the 2024-25 academic year will happen soon. All faculty who are eligible to serve will receive an email from the Academic Council Office with information about the process. Please know that all eligible faculty are automatically included in the election process. Thus, if you or your colleagues do not want to be a potential nominee for selection you must opt out. We hope that you will not opt out! There is one exception, which is our School of Medicine colleagues in the Clinical Sciences who must opt in in order to appear as a nominee to serve. This is because of the incredibly large number of eligible to serve faculty on that side of the university. So, most of you are already in and you need to opt out if you do not want to become a nominee. For those of you in the School of Medicine in the Clinical Sciences, you will need to opt in. Please encourage your colleagues to serve on the Academic Council.

The second informational item relates to Appendix L, the Policy on Consensual, Romantic, or Sexual Relationships between Faculty and Students. Those of you who were in attendance at our November 30th meeting are aware that we voted unanimously to approve changes to Appendix L. Some of you have

asked, "Well, how will faculty who are not on the Council be aware of these revisions?" Note that we sent an email earlier this week to all faculty announcing today's meeting and we included information about the revisions to Appendix L and a link to Appendix L. The Provost Office has also asked all unit leaders to notify faculty of these revisions. We hope that that will be adequate to notify faculty of the revisions. I wanted to spend some time overviewing what ECAC is teeing up for consideration by the Council for the spring, but because we have a really packed agenda today I'm going to hold that to the end. If we have time, we'll talk about some of the agenda items for the spring.

APPROVAL OF THE NOVEMBER 16 and 30 MEETING MINUTES

Jones: To our announced agenda - the first important item of business is to approve the minutes for our November 16th and November 30th meetings. Are there any corrections to these minutes? May I have a motion to approve those minutes? A second? All in favor, please say yes. Any opposed, say no. Any abstentions? Thank you.

(Minutes approved by voice vote with one correction noted and accepted.)

PRESENTATION FROM EXECUTIVE VICE PRESIDENT DANIEL ENNIS & VICE

**PRESIDENT RACHEL SATTERFIELD ON
DUKE FINANCES**

[\(Slides used in presentation\)](#)

Jones: Our next agenda item is a presentation from Daniel Ennis, the Executive Vice President, and Rachel Satterfield, who is the Vice President for Finance, on Duke finances. The last time that the Academic Council received a presentation about Duke finances was in April of 2022, and therefore ECAC thought that this would be a good time for an overview. So, I'd like to invite Daniel and Rachel to come forward.

Daniel Ennis (Executive Vice President): We're thrilled to be here and really appreciative of the Council, as I always say to both ECAC and UPC, with whom we spend a lot of time, we are better as a leadership team for the advice, counsel, pushback, challenges, questions, etc. So, we'll look forward to more of that in the session. As you all know well, a presentation like this is the result of work and enormous effort by many, but two people in particular who will be presenting are Rachel [Satterfield] and Adem Gusa. They are truly best in class in terms of administrative talent in the country. I look forward to you getting to know them better through this presentation and beyond. The final thing to say before we get started is, from where we sit on the administrative side, finances are just a means to an end. The end being, fulfilling our missions and mission excellence. We serve the academy, we serve academic leadership, and we try to inform the decision making of academic leaders. And so, you know, what we're always trying to find are ways to free up capital for core priorities, for mission excellence. And it's a constant

challenge and it's a really important effort, as I hope you appreciate. With that, we'll get into it.

This is just restating the first point, which is we're here to serve the mission and that's what we have as our NorthStar. And I just want to make sure you understand that that's how we orient ourselves. And that is true, by the way, not just in finance, but across all the administrative areas for which I'm responsible. As we went through a first cut of the presentation, we basically came down to four questions that we thought were on people's minds. I'll read them just quickly: Is the Health System struggling financially? That's kind of broadly known. We talked about that last time we were at Academic Council. Question two: Are the challenges there impacting the School of Medicine and the university? Is the university now struggling as a result of what's happening in the Health System? Third question, which is a perennial question is, the endowment is large, why don't we feel like we have more capacity for discretionary endeavors, seed grants, whatever it is that will accelerate our research, improve our teaching? Fourth question is the topic that I've spent an enormous amount of time on since I got here, which is the issue of deferred maintenance and the quality of our facilities on campus, and a lot of frustration about that and whether or not the administration is paying attention and doing anything about it. So, we had a lot of data in front of us and covered a lot of ground, but we distilled it to try to answer these four questions.

The headlines are the Health System has been struggling seriously. The financial challenges have been real. The good news is they really have turned a corner this

year in impressive ways. It's been impressive to watch that team navigate this, particularly as they've integrated the physician practice, the former PDC, which was separate, is now coming into the Health System. So, the results for this year are encouraging. We've got a long way to go, but we're nowhere near as concerned as we were a year ago this time. The School of Medicine is enormously reliant on the clinical mission and the resources that the clinical mission contributes to the research and teaching missions. The good news, through all of the challenges the Health System has faced is there has never once been a question about reducing the support of the School of Medicine. And that is a real tribute, I have to say, to that leadership team and to the Board of Trustees and the Board of Directors for the Health System. So, we have built our budget and our five-year plan on that support continuing at the current levels. Doesn't mean that's a sure thing, but at this time we are working on that assumption.

We are blessed with the endowment we have. It gives us enormous capacity to do things we otherwise couldn't do. But the endowment is limited and it's restrained by donor intent, it's restrained in the fact that it's a permanent source of funding, and it's meant for generations. We can only spend 4 to 6% of it in a given year. And by the way, we have other funding sources, and those funding sources have their own limitations and issues. So, the endowment is important, but it's insufficient to understand the financial position of the institution.

Finally, just to say, we are very focused on the issue of renewing our facilities, it is so mission important not just because of the quality of life for those working in those

buildings, but also in relation to our climate commitment. So, we're putting an enormous amount of effort into that. We're making progress. It turns out something that accumulates over decades as a problem doesn't get turned around in weeks, months, or even years. But we now can talk about a plan that I think has a lot of coherence and credibility to it.

So, those are the headline responses to those questions. Now I will just take it piece by piece. First, the Health System. This is a picture of the revenues of the entire enterprise of Duke. *(Refers to slide)* The University and the Health System are consolidated and they are not financially ultimately separate. They're managed on a separate basis and they have governance structures...the Health System ultimately rolls into the university board. So, we are one as an enterprise. And a lot of people who live in the university side don't have as much exposure to the Health System and understand its scale. So, it's always good to situate that, in that roughly two thirds of the place connects to our clinical mission. It's central to who we are as an enterprise. It creates enormous opportunities for us. But of course, as all things do, it has some risk and challenges.

ECAC thought it would be helpful to sort of situate where our Health System is in scale. So, it's outside scale, relative to the university but in comparison to academic peer medical systems and within the current marketplace, it's actually not that significant in size. It's lack of scale is actually a pretty significant reason for the financial challenges it has faced. And I'll get into that shortly. But, you can tell on the academic peer side, and just to say even the Hopkins Health System, which I know well, the actual scale of that

enterprise is significantly larger for accounting reasons. That's the way it shows up. But, it turns out in health care, for many reasons, scale matters and Duke Health is large, but probably hasn't grown as fast as it needs to grow.

Here's that picture of the financial challenge I described at the top and that we shared with you last time we were here. *(Refers to slide)* So, we had a Health System that was performing quite well and generating a surplus to reinvest in mission. So, just operating margin as a definition matter is revenue minus expense gives you income, net income, and then you divide that by the revenues. So, that's the math that gets you to the operating margin. You can see, and this was true of many Health Systems, COVID had a significant impact. So, you had, I would say, even going into COVID, you had the foreshadowing of problems, which was the lack of scale, creating competitive challenges, creating risk vis-a-vis our payers and our ability to negotiate good reimbursements for our services. Then COVID comes and you get this sort of once in a generation supply demand disequilibrium in talent margins. So, we had enormous labor shortages. We couldn't staff up key services. And when you can't step up services, you're losing revenue. And so, we had the cost of labor going up dramatically and significant services coming offline, significant lost income. You have first the scale issue, then you have COVID and the disequilibrium in talent markets, and then you have the third step, which is the decision to integrate the PDC and become one as an enterprise. That decision was vitally important. It's long overdue. It will set up the Health System and our clinician practices for much greater success down the line. But it requires an investment on

the part of the Health System. And that investment really hit in that 2024 budget. So, you know, last summer we were looking at roughly 10% operating margin loss. That was honestly unacceptable and wouldn't have been sustainable. It was creating issues like pressures on cash. The Health System needed to borrow to fund operations. That's just not a place you want to be. As a general matter, when you borrow, you want to be borrowing strategically. Major capital investments, major acquisition opportunities, things like that. The good news is that the team has responded incredibly well and you can see that green line is what they're projecting for the current year. It's a big improvement. The good news is that a lot of that relates to retroactive payments, large retroactive payments for a number of things that I can get into shortly. Once you back out those large one-time payments, you still see a much better result than that -10% margin. That suggests that in terms of the core operating performance, the integration of the PDC, that this leadership team is getting itself into a much better place. What I would say is that scale question still lingers. And I would suggest that how that issue gets navigated will be really important to the long-term health of our Health System and its ability to continue to support the mission the way it has.

This is just a helpful marker *(Refers to slide)*; rating agencies are the groups that evaluate our credit and tell the capital markets what their view is of our credit worthiness when we borrow money. So, it's always just...it's imperfect, you know in terms of the quality of the work they do, but it's a marker and it's a public signal about the health of the institution. And the Health System has been downgraded over the last couple of years,

mainly now stabilizing at a credit level that's two notches below where the university is. It just tells you it's broadly understood that health care is challenging and it's broadly understood that Duke University Health System has been challenged. And I think the most recent round of rating agency discussions give us confidence that we're stable here and they are in a sort of wait and see how we do mode of operation.

Last point, before I turn it over to Rachel, to talk about the university side, this is the level of support we get from the Health System. It is a difference maker for excellence in the School of Medicine. I can't emphasize enough the School of Medicine's financial model because of the research intensity of that enterprise, which is incredible in its own right in terms of the success of our School of Medicine, it requires significant subsidy to make it work, and that subsidy comes off of the clinical enterprise. So, it's both the Health System, it's the physician practice, which was called the PDC is now called the Duke Health Integrated Practice [DHIP], making the School of Medicine what it is in terms of its research and teaching excellence. In addition, and this is important to say, the central administration supports the university and the Health System. And so, part of our cost burden is shared with the Health System. If for some reason the Health System were challenged, we'd need to make decisions about scaling back the size of the central administration, but also then potentially adding more burden to the schools, which I think many of the Deans in the room would say already feels pretty significant in terms of the central costs that get allocated down to the schools and units. So, that's an important story and as I say, part of the story, the

support is not changed in our budgets, and in our five year plans, but of course we're doing planning for the possibility that that may need to get reduced and thinking about where and how we can offset those changed funding levels both for the School of Medicine and at the University.

Rachel Satterfield (Vice President for Finance): So, Daniel, at the outset, answering the questions took a lot of the wind out of my sails, so I'll try not to repeat that but that will save us time for questions at the end. Daniel walked you through the Health System's operating margin and what you see here is university's [operating margin] and what you can see here is that the university had solid operating performances coming out of COVID. That was a huge benefit to the university because the Health System was struggling and this helped us navigate through that particular period of time. As he mentioned, these margins did include the constant level of support that the Health System had committed to us, and that the forecast doesn't include any reduction in that as well, which is a testament to the fact that the Health System is committed to the academic and research mission of the university.

In terms of our years in the performance, creating operating margins that are surpluses takes discipline. We always work with the schools and the units to make sure that the resources are going to the university's highest priorities. And we look at the schools' financial models to make sure that they're sustainable. So, it takes a lot of discipline to keep your eye on a positive margin so that you can always invest in new and strategic things by having surpluses.

This shows a couple of highlights from the university's balance sheet. *(Refers to slide)* This shows four line items over a ten year period and the growth rates that you can see. I point your eye to the endowment market value so you can see significant growth over the last decade that's largely attributable to investment returns. The last two years have been relatively flat. If you were to look at our returns on a longer-term basis, you would see that we are in the top decile or quartile when you compare us to our peers. The debt balance nearly doubled over the ten-year period as well. During COVID, there was a strategic moment where the university issued debt in order to increase our liquidity balance, as well as the fact that we slowed down capital expenditures greatly is what helped grow the cash and operating investments line that you can see up to \$1.7 billion in the last fiscal year. So, the university's balance sheet is really quite strong. And you can see that our ratings from the credit rating agencies are quite strong reflected by that balance sheet. As Daniel mentioned, two notches higher than what the Health System's ratings have been.

Moving into some discussion around endowment, Daniel mentioned this too. The endowment is around \$11.6 billion. That's largely due to the generosity of a lot of our donor base, as well as the fact that our investment performance has been significant. But 71% of our endowment balance is donor restricted. So, as he mentioned, donors expect two things. They expect you to spend the money for the purpose that they've designated and they expect you to hold it in perpetuity so that it can help future generations of students, faculty and staff. In order for us to do that, we live off a

spending rate. It's targeted at between 4 and 6% of the market value. We have been trying to aggressively access endowment in ways that we hadn't in the past. What you can see here is the level of endowment income that we're getting on an annual basis. *(Refers to slide)* So, from 2022 to 2025, we've grown from \$295 million a year to \$434 million projected for next year. That's a 14% compounded annual growth rate over that three-year period. The spending rates are just below that, so you can see we have increased it from 4.1% to a projected 5%, which is in the mid-rate of that range that we've been targeting. So, this is a sustainable rate of accessing the endowment in order to preserve it for future use.

As Daniel mentioned, it [endowment income]'s part of a bigger puzzle. I know this puzzle looks pretty complicated, but what you're supposed to see from here is the difference of revenue streams to the different schools. *(Refers to slide)* You can see the School of Medicine is the first bar, then Arts and Sciences, Pratt, Fuqua. Medicine's got \$1.8 billion worth of revenues, Arts and Sciences \$429 million. But what you can see if you look at each one of the bars, is their dependence on the different revenue streams. So, if you look at School of Medicine again, you'll see the big bar is blue and that's research. That's not a surprise. But if you look at the Arts and Sciences, the big bar is tuition. Also, probably not a surprise. But when we talk about endowment income and how does that factor into a school's revenue base, it's noted by the yellow. So, it varies on a case by case basis. The ability for schools and units to focus on operating performance, it varies by school depending on the flexibility of these different revenue streams and someone's

ability to use it, whether it's restricted or not.

Duke's endowment is not to be confused with the *Duke Endowment*. The *Duke Endowment* is a separate legal entity that's located in Charlotte, North Carolina. It was created in 1924 by James B. Duke. We are beneficiaries of an annual flow of income from the *Duke Endowment*, that does vary, but for fiscal year 23 between gifts and annual operating support totaled \$64 million. So, they do definitely provide benefit to us. In addition, they have assets of close to \$5 billion and DUMAC does invest their assets in a separate pool, but they are not part of the consolidation that we talked about at the beginning when we looked at what's part of Duke University. It is a separate legal entity.

Adem Gusa (Assistant Director of Planning & Design): Good afternoon, everyone. Before I talk about our most recent facility renewal planning efforts, I think it's important to provide a little bit of history and context about recent trends in capital investment. (*Refers to slide*) The graph that you see on the screen shows the growth in total gross square footage of the university, with each bar representing a decade's worth of growth. If you look at the most recent two decades leading up to the pandemic, we grew on average about 3.4 million gross square feet in each of those ten-year periods, which works out to on average about 340,000 gross square feet per year. But it's difficult to really grasp what that means without thinking about it in the context of buildings you might be aware of. For those of you that are familiar with LSRC, that's about 340,000 gross square feet. So, imagine one LSRC every year on average for ten years. It's difficult to be a sustainable university when you're

growing at that rate. The pandemic happened - it allowed us to kind of pump the brakes on that level of growth and kind of figure out where we want to go moving forward, being better stewards of what we have and reinvesting in what we have. One thing to note is the investment that happened in new construction, classroom and research buildings received the least amount of investment and the least amount of growth within those bars.

Facility renewal planning is an ongoing and necessary process to address aging buildings and infrastructure. One thing to note is that it goes beyond just buildings. We also consider things like utilities, landscape and fields, and hardscape, all within this sort of umbrella of facility renewal. In looking at that, we have a very analytical and quantitative approach to how we assess the condition of existing buildings. One of the things we look at is called net asset value or NAV. That is an overall measure of building condition that factors in the backlog of a building compared to the replacement value. The term backlog is a term that refers to the major systems and components that are in a building but operating beyond their useful life. So, a net asset value of 100% represents a brand-new building. Wilkinson Engineering is 100% net asset value. Everything in there is brand new and functioning well within its intended lifespan. Generally, when you get in between 75 and 85%, that's considered still good, but below 60% you're getting into the need to do major systematic renovations of a building. So that's one measure. That's the quantitative analytical side. The other side is more the qualitative. So, we consider mission criticality within the qualitative aspects, along with the lived experience of the

residents in the building. So, you factor all of that together in evaluating conditions and planning.

I mentioned the four portfolios earlier. This now gets into looking at each of those portfolios within the context of net asset value. Remember I mentioned that 75 to 85% is considered good. So, if you look at these portfolios, really the buildings portfolio is the only one that's underneath that target goal of 75 to 85. And when you drill down further into buildings, you'll see that lab research and classroom offices are the lowest given the different building types. And part of the reason for that is several of these other building portfolios have received significant amounts of recent investment. If you think about all the work that's happened in Athletics, if you think about dining in the Brodhead Center, if you think about some of the investment that's been made in dorms, some of those portfolios are in pretty good shape, the Libraries. But then you look down at the other end of the spectrum and you've got lab research and classroom offices. So, when you factor in qualitative, quantitative, there was a subset of nine buildings that really rose to the top of our most recent planning effort and those are the buildings you see on this screen. They represent about 690,000 gross square feet of space over 20 academic departments. I like to think about them in two categories. You've got what I call the Neo Collegiate Gothic Buildings on Able Quad, these are Reuben Cooke, Old Chem, Social Sciences and Languages. Then you have what we call the Post-World War Two Red Bricks, if you will, along Science Drive. That's Bio Sci, Physics, the Hudson Complex and Teer. Those really became the focus of this planning effort. And we needed to take a holistic approach in

thinking about them together because of the synergies. One thing to note, all of the buildings that you see on the screen there have a net asset value of 60% or less. Remember, that was the threshold that really indicates the need for large scale systematic renovations. The fundamental core recurring theme with this study is in the belief and need to reinvest in Duke's existing buildings. And I think that renovating buildings is by far the most sustainable thing you can do when you compare that to new construction. The amount of embodied carbon that's in existing buildings is significant. And then very importantly, the CO2 reduction that you get as a result of replacing antiquated building systems is significant. So, in terms of sustainability, this is what we need to be doing to be a sustainable campus. One thing to note is that the focus of this really is on core renewal. That's major building systems, exterior envelope, code, accessibility, those sorts of things. But we also, where opportunities present themselves, want to consider programmatic enhancements as well to really help position the buildings for the next 50 years. So, it's that combination of renewal and where we can add programmatic enhancements. At the end of the study that we did, where we came up with conceptual level recommendations, the total price tag of doing full renovations of those nine buildings, \$1.2 billion of which about 900 million of that is in that core renewal that I described. And then the \$200 plus million is in that program modernization program enhancement category, with another \$45 million or so in utility enabling. That's a big price tag and a big number. And I think that we have identified funding for a portion of that, but not all of it. I think we're going to be challenged to figure out the gap there and

how to fill that gap with regards to the additional \$500 or so million moving forward.

I don't know if Rachel or Daniel, if there's anything you want to add to the sort of funding conversation here?

Ennis: Just to say that we have been the great beneficiaries of philanthropy to get this process started, which honestly, I'm amazed we were able to get going. And we'll be focused on Reuben-Cooke as a sort of first step, which is incredibly exciting on many levels for that to be the first building that we will be working on. But we also are spending a lot of time with Pratt and their leadership team on the renewal of the Hudson Hall and more to come. This is a hard problem and we've made a ton of progress in a short time, but more work to be done for sure.

Christ Richmond (Electrical and Computer Engineering): I just had a question about the operating margins that you showed us for the Medical School. You pointed out that there is this very large drop, basically during the COVID crisis or pandemic. And my question is, I guess, one in retrospect, I mean, have we as a school or organization, do we have a clear idea of what aspect of that whole...I mean I know it's very multidimensional and this is really hard to put your finger on it, but it's clearly correlated with what happened. Have we learned what the main drivers are for that huge drop in the operating margin? If something like that were to happen again, have we thought about how we might prepare ourselves to be more robust? So, I'm asking, are there any lessons learned? Do we know what caused that huge drop?

Ennis: There's the moment of the crisis, just to be clear, we were shutting down anything but essential services. And in that moment, and I remember it well though I wasn't here, but in a similar context you weren't taking anyone off payroll and you were really shutting down the entire enterprise for weeks. I think we should just disaggregate for the fact of the incredible disruption, operational disruption and then revenue disruption of COVID specifically and the management of that. I think in the broad strokes, the three that I described are the most important to focus on. The first is that we are subscale. And what subscale means is fundamentally scale gives you pricing power. It gives you the ability to negotiate and have more influence with payers, insurance companies that reimburse and provide revenue for the services we deliver, and it gives you the ability to drive the cost of supply. And in the medical business the cost of supply is a really important part of the equation. And that's a function of time, and over time the Health System had opportunities to grow and for a number of reasons, meaning acquire, bringing new enterprises in or more aggressively grow its own enterprise. And for a number of reasons, including the fact that our physicians and our Health System were not integrated, we just did not get to the place I think many of us would say we needed to get when you look at what's happened in the market broadly. So, that's the biggest structural challenge that faces the Health System. The second is the talent shortage. And that was a broad experience, meaning through COVID we lost a generation of clinical talent and it wasn't just nurses. It was all the...full spectrum of clinical support. And that was exceedingly hard, I would say if we really studied, I would say DUHS's challenges

were more severe than maybe some of our peers and it's worth understanding why and what we could have done differently with regards to talent relations, talent management, compensation, strategies, etc. that get us to that point and help us get out of that really challenging period. The third is that all of this is happening at the same time you are acquiring your physician practice. So, this decision to pull in the PDC and become one is a really important decision for the future of this enterprise, both the university and the Health System. But that was expensive. So, you had just a perfect storm of things working against that crisis. And as I said, even though you can see these lines trending in the right direction, that first one I described, the issue of scale will still be the predominant challenge for the Health System leadership as we look 5 to 10 years out. And that's really where that leadership team's going to have to do some hard thinking with their board and with the university board and leadership.

Steffen Bass (Physics): A question and a suggestion. First, the question. You showed a bar graph which showed the rise in square footage, basically that we were adding, you know, one LSRC per year when it was. Yet at the same time, we are still renting space and buildings that don't belong to Duke. Chesterfield as an example. That indicates that we're still needing more space than we have, right? The question is how much space is that? And what is the cost benefit analysis? How long is it cheaper to rent versus when should we think that we would need a new building? And then just a suggestion, I think it would be cool to have a campus map where you color code the net asset value of each building so that we can see emerging patterns on

other systemic places. Is there a pattern to be seen?

Ennis: That's good advice and an important question. There's a premise that you stated, which is that we are continuing to need space. We have shrunk our lease footprint significantly and if we could do more, we would. So, long term leases are hard to get out of and the commercial real estate market has essentially collapsed in the past couple of years. Early on, prior to the commercial real estate market having struggles, we were able to get out of leases through subleases. We had great outcomes. We were able to sublease to Google and a number of moves like that. So, we were able to sustain great economic development that had happened in downtown Durham while retrenching. We are still very much in a place where we are excess on the space equation in the aggregate. When you peel back space by type of space, we feel constrained in certain areas and I would say lab space on the modern...best in class lab space, we're challenged. And I think Chesterfield's a great example where we were able to do something more modern there, make that facility available to quantum computing and have had great outcomes. And I would say that we're totally open to extending...can work to looking at third party spaces strategically for purposes like that, even while in the aggregate we still very much need to retrench and redeploy space. Retrench externally, redeploy on campus. There is a lot of underutilized space that we need to be more creative with and have less sense of strong ownership when it comes to problem solving to support mission.

I guess on the dashboard, just to say behind these nine, you'll find another nine

that are not that far removed from 60%. So, having transparency that is appropriate, people should understand what the state of our facilities are. I think it's a good suggestion.

Lee Baker (Culture Anthropology): I have a question in terms of each school's M and O per square foot and what is the relationship with the M and O paid per square foot and facilities maintenance and then like, what is the relationship, how does that work? And then the second question, but more philosophical is with the rising cost of health care and the rising cost of tuition, which seems across the board a challenge, how are you managing that in this competitive environment? Because it seems like we're even contributing to that a little bit.

Ennis: You always ask the easy questions. *(Laughter)* M and O by school, I would say as a broad matter, that in that growth we were not properly accounting for a renewal cost, because if you properly account for the renewal cost, you would have less capital available to support that growth. And I think as a policy matter, as we think about the next new building, because of course we will have more new buildings, there are the needs of the science, the needs of our teaching, programs, etc. So, when we do those, I hope we'll be much more disciplined about building into the assumption the decision to go forward that renewal will be considered.

Baker: M is maintenance, right?

Ennis: Yes, exactly. And so that's, I think, statement one, which is we have got to build into new buildings and our budgets a different level of renewal spending. So instead we don't fall behind and do what

we're doing now, which is trying to do a big capital infusion to do a huge catch up effort. But that is not easy for our schools to do. I mean, to set aside those funds, as you all know in terms of your request and your needs relative to supporting your programs. The schools are stretched. I think that's what happens in these institutions like ours is just the pressures of the moment overcome the pressures of the longer-term investment requirements associated with facilities. I hope that's somewhat responsive.

I think the rising cost of health care and the rising cost of tuition are obviously very important topics that we could spend a lot of time on. What I would say is that we are a particular case in the health care environment as an academic medical center. We have a training mission and we have a very serious commitment to serving all populations. And that's just vitally important to who we are as a charitable institution, as a mission-based enterprise, and being part of the Durham community. That leads to a different cost burden. And what I would say is that the reimbursement mechanisms are working against systems like ours. Higher cost, training oriented, mission based, focused on serving the neediest populations without question, without denials, that leads to just a bigger pressure point. And so, while the broad mantra of rising health care costs is inarguable, I would just say the story of Duke Health rising health care cost is a more nuanced story that we all would say feels really good from a mission perspective, but really hard to sustain.

On the rising cost of tuition. That question comes to us all the time, as you would expect. We're about to bring the proposed tuition increase for next year. Our

conversation is always about what is...the person who is needy, what are they paying? And the average cost for someone who is on aid has not increased at Duke for a sustained period of time and in truth, has declined slightly. For people who have an ability to afford an education, they're making a very big investment. There is no question. But for those who are on aid, we are working incredibly hard in allocating scarce resources to support their educational cost. I would say what we're worried about a lot is not just those with the greatest need, but those in the middle. And that's a place where I think we continue to struggle to find resources to make sure we're supporting those students and their families to the degree we would like. We do a good job. We want to be better.

Karin Shapiro (African and African American Studies): In a way, my question is somewhat similar to what Lee Baker was asking. Over how many years will the renewal of these buildings take and where will the monies come from? And do you think they'll have an impact on the teaching and research enterprise within the university?

Ennis: It's a problem that got built over generations. It's a generational effort to solve and if not multiple generations, but with the level of intense focus we're bringing to this problem, we hope we can make significant progress in this ten-year time frame that was described here. In terms of funding, the board made the decision out of that significant endowment growth and our ability to access endowment income to allocate capital from the endowment to this priority. That's not unusual across our peer institutions to sort of say you have

assets on the balance sheet, you have your assets held in your endowment, and you have your facilities. Sometimes you're going to move resources between those assets to make sure you're putting yourself in a position to best serve your mission. The large part of what you saw in the gap...that is a commitment to have endowment directed to that purpose. So, that's helpful because it's less operating budget impact of schools and units. It does mean sort of less future wealth because you're taking some of the appreciation that's accumulated and you're redirecting it into facilities investments. I think the challenge, on the gap, will have the following kind of dimensions to it. One is can we raise money for these projects and opportunities? As is shown here, thanks to the President and the Provost, we've had success raising \$55 million to date. I do think we're in a place where we're getting better and figuring out how to position and project why this is so important to the health of the enterprise. But it will be...each of the buildings will have their own unique story and challenge. And we're working very closely with Gary [Bennett] and Jerry [Lynch] and their teams to dig into that. The second is school financial capability. Can they take on debt to help invest alongside this, too, for this core priority? In the case of engineering, they have some more capacity. Trinity, it's much more stretched. It's much harder. That's going to be an important question that we'll be navigating. So, it's a puzzle and we'll be working on it. To be honest, I just feel incredibly relieved and excited that we can actually get moving on a building in a formal way. We still have some fundraising to do on Rueben-Cooke, but that major gift really lets us get going on design, and planning for transition of

programs out of the building while we do the work and then back into the building when the work is done. By the way, renewal is really important but very disruptive. Just as a warning, we're going to relocate programs for 2 to 3 years and then bring them in. While the quality of life will get a lot better, it will be a little painful in the near term.

Jones: Thank you Daniel, Rachel, and Adem for such a thoughtfully prepared presentation and for your careful responses to the questions. How many of you still had questions? I'm just asking so that we can figure out how much additional time we might need to allocate for these sorts of conversations. In the meantime, while we're working to get this back on the Council agenda, if you have questions, just send them to acouncil@duke.edu and we'll forward them to Daniel and his team for response.

ANNUAL REPORT FROM THE UNIVERSITY OMBUDS

Jones: The next item on our agenda is an update on the Ombuds Office by the University Ombuds, Jessica Kuchta-Miller. Jessica assumed the Ombuds position in the fall of 2022 after we made substantial changes to the Ombuds Office in the spring of 2022. She is leading this office and note that when Jessica came on board she became the Ombuds for both the faculty as well as the staff -- this was the first time that we had an Ombuds operating for staff. Jessica, thank you so much for coming and talking to the Council today.

[\(Slides used in presentation.\)](#)

Jessica Kuchta-Miller (University Ombuds): Thank you for having me, and

good afternoon. My name is Jessica Kuchta-Miller, and I am the University Ombuds here at Duke. I want to take a few minutes to give you an overview of what we've been up to in the last year as a new centralized Office of the Ombuds. The Office of the Ombuds, just a reminder, it assists individuals with addressing university related concerns, promotes fair treatment and fair process across the enterprise. The Ombuds Office follows the International Ombuds Association Standards of Practice and Code of Ethics. I will lead you to our website to learn more about what these four principles are, but we practice to the principles of confidentiality, impartiality, informality, and independence. The function of the Ombuds has existed here at Duke since 1983, so there has been an Ombuds function for 41 years, but that has evolved over time. It started with a designated Ombuds for faculty and it was actually a faculty Ombudsman. Expanded to include student Ombudspersons, to where we're at today with a centralized Office of the Ombuds, staffed by two full time Ombuds who have been trained specifically to do nothing but Ombuds work here at the university. So, this function has changed over time. We've also changed our titles here, and we say Ombuds rather than Ombudsman. I'm not saying Oms-Buds, but that's another thing that comes up is mispronouncing or wanting to insert an extra s into the word. And so our titles are university Ombuds and I'm accompanied by an Associate Ombuds.

Last year has really been centered around foundation building, level setting, and defining and refining our purpose. Where we've landed is a fourfold purpose for the office - to facilitate, to navigate, illuminate and to educate. To provide space for people to talk about their experiences

here at Duke, what's important to them. So, we create and hold the space for people to think out loud with us, to talk about what's going on for them here at the university. We meet people where they are, not assuming we know where it is that they need to go next. It really is about honoring their dignity, honoring their agency. And a lot of that facilitate work that is done is one on one. Through consultation, conflict coaching, it might be through shuttle diplomacy, and even facilitated conversations. Navigate - helping people to understand university policies, practices, and procedures. As well as what other resources are here at the university for them. Illuminate - serving as a catalyst for change by identifying emerging trends that impact the entire university community. It really is being able to identify hot spots, hot issues, and sometimes hot people. So, illuminate is being able to surface problematic patterns or trends of behavior, misconduct, malfeasance. When it is that systems aren't working as designed, sometimes the systems are working as designed and that's the problem. And then last, to educate. As you can guess, people do not come to the Ombuds Office when things are going well for them here at the university and we want to be more than a harbinger of doom. So, how can we be a part of creating a conflict wellness culture? Recognizing that conflict in and of itself is neither good nor bad, but how it's managed can impact someone's career here at the university as well as beyond. At the moment, with regard to educate, what we're offering both this fall but last fall semester, as well as the spring semester, is a managing Conflict of Confidence series. We're trying to offer something at least once a month for people to drop in to learn more about

how to engage constructively, when it is that you see things differently from others.

I want to spend a little bit of time just talking about what it is we were busy with, aside from really setting and building the foundation for the office itself. Last year, 297 distinct or unique people came and used our office. I really want to highlight today the faculty engagement with our office. So, 30% of our visitors were faculty, and of those faculty members, 66% were regular ranked tenure track. We track our data consistent with the International Ombuds Association reporting categories of which there are nine. Within those nine general categories are additional ten, sometimes twenty sub issues. We tracked what are the top three for which faculty are coming to the office. Evaluative relationships, organizational mission related, and services and administrative issues were the top three. Evaluative relationships are something that you're going to see from Ombuds Office to Ombuds Office. You're going to see that as something that will emerge, whatever that constituency group is. So not surprising that evaluative relationships was the top issue that not only faculty came to the Ombuds Office for, but it's also the top issue in which students came to the office, as well as staff. The organizational mission related - these are the sorts of issues where it is that we worked with entire departments and it tends to inflate our numbers within this particular category. But it really is where the issues really extend beyond the department itself. I really want to focus my time on the services and administrative issues. This was really with regard to administrative decisions, interpretation or application of rules, and this is where it is that prior Ombuds have

come to the Academic Council and shared information before. Really, where we're seeing the issues in this category relates to faculty investigations. Faculty investigations where the process is slow, where the process is opaque, where there is collateral impact beyond the faculty member being investigated, when it is that a faculty member has been informed that an investigation is being initiated against them. But not many details are provided as far as what are the allegations, who is the complainant, when can I expect to hear something more, and what if I don't agree with the outcome, what's my next step. A lot of questions are fielded in our office with regard to what's the process and what if I don't feel that process is fair? Also this process, and when it is that faculty are being investigated, it's experienced by faculty, and it really is experienced as an adversarial tone from the outset of the proceedings. There are questions in terms of whether or how faculty investigations can be addressed in a way that might honor a more restorative frame set or mindset rather than a punitive mindset.

The accomplishments of the office - we did more than four things in the past year, but as far as where you may have an interest, really tried to highlight four in particular. First and foremost, our charter was endorsed. It sets forth the basis in which the Office of Ombuds operates. We also adopted terms of use, so those who use our services know what to expect when it is they choose to engage with us. The Faculty Handbook Appendix N was revised and is now Appendix F. And we expanded services. For the first time in the history of this function we're now available to serve staff here at the university.

That's about the extent of what it is that I prepared for remarks. I invite you, as always, to visit our website for more information about our standards of practice, our charter, our terms of use. I work with a team now, two additional people. Keegan Cary is our Associate Ombuds at the university, and we just hired a program manager, Jada Caldwell. We're excited that we've got our office staff at the level that it is and we're thrilled to be here at the university and to be of service to this community.

Jones: We have time for a few questions if you have any to ask.

Harvey Cohen (Clinical Sciences): Two questions. One, are you handling the medical center as well as the rest of the campus? And second, how do you interface with the Faculty Hearing Committee?

Kuchta-Miller: Good questions. Yes, we do work with the School of Medicine, the School of Nursing, the staff within the School of Medicine and School of Nursing. We do not work with the Health System staff. Although with that being clearly stated, it is very difficult to discern who is Health System staff verses might be say, School of Medicine. So, we have worked with a few.

Cohen: All of the faculty?

Kuchta-Miller: All of the faculty. And we have a practice, generally, of not turning people away. And if it is that we don't specifically serve them, we help them to get to where it is that they need or what might be helpful.

Faculty Hearing Committee: that is an option that emerges in many

conversations given a faculty's possible experience here at the university. To what extent is the Faculty Hearing Committee a next step? The way in which that Appendix F or Appendix N was rewritten into Appendix F, the Ombuds Office is not the point of entry to get to the Faculty Hearing Committee, at this point. And so it really is helping faculty understand if they were to take this to the Faculty Hearing Committee, what might they be able to expect.

Tom Metzloff (Law School): Perhaps relevant to this conversation, I'm a former faculty Ombuds and longtime chair of the Faculty Hearing Committee, including currently. It used to be...the question is a very important one. It used to be that the Ombuds had to write a report before you went to the Faculty Hearing Committee, and that would be the start of it, which was very odd and very inconsistent with sort of the Ombuds role. So that's no longer required. The question I have, Jessica - thank you for your report - the thing you mentioned about investigations is certainly something that I saw a lot of and was concerned with. In terms of what you're seeing, is it primarily relating to OIE stuff, Duke H.R. [Human Resources] stuff, or other investigations done by the university? If you can, without obviously speaking about anything specific.

Kuchta-Miller: I'll say generally, it's with H.R. and H.R. where it is that concerns are being raised around professionalism.

Baker: I know you came from Washington University and you're kind of plugged in nationally. How does our office stack up against our peers? And do normally Ombuds Office have student Ombuds with them or are they separate at Duke? Or how does that work?

Kuchta-Miller: So, how Ombuds Offices are configured...Lawyerly response would be it depends. It depends on the institution, depends on the culture within the institution. Our colleagues, just down the road at UNC, have a centralized office. The Ombuds serve the entire campus community just as this office has been configured. At Washington University, I was hired as the inaugural staff Ombuds. Then expanded to include the graduate students and worked with to what's known as collateral duty faculty Ombuds. And there are some disadvantages to having this sort of segmented approach to service. Part of having this all under one umbrella is that we see the entire organization and we can see where it is that issues overlap by constituency and where it is that there can be broader recommendations made with regard to possible policy changes. I think it depends on how it is that the university chooses to do it. When I was hired we had a dedicated student Ombuds, and in looking at that, decided to change that title to Associate Ombuds. In part because people were misperceiving or misconceiving that role, thinking that that person was here to advocate for students rather than to be available to all in a way consistent with our standards of practice.

Josh Socolar (Physics): What you just said seems very important to me about the Ombuds Office taking a fresh look at systems at Duke, getting a broad perspective on how we handle these kinds of conflicts. My question is, how will your experience and recommendations be communicated to people that can do something about them? Who will you report to? Who will you be talking with?

Kuchta-Miller: From Tom's question about where it is that these sorts of things are coming up, or where are we noticing issues with faculty investigations - I've already had a conversation with Antwan Lofton [Vice President of Human Resources & Chief Human Resources Officer], as well as with Neera Skurky and General Counsel's Office. I've shared this information with the President and with the Provost, hoping to make it to a Deans meeting to be able to share this information too with those who have that authority to effect change. Also, through the Academic Council, where it is that you're hearing things or the extent to which you can encourage and invite people to come and seek out the office like ours, that also helps us with regard to being able to share what sort of themes are consistent, whether it be from department to department, school to school, or just generally across the university.

EXECUTIVE SESSION FOR PROPOSED HONORARY DEGREE CANDIDATE

Jones: The next item on our agenda is an update regarding the external review process for departments and units, and that will be done by Ed Balleisen. But Ed, if I might ask your patience, there's one agenda item that we absolutely must get to today. So, I think it can be handled fairly quickly so that you give me 5 minutes to get through that. For this we need to move to executive session so anyone who is not a member of the Duke faculty would need to leave the room at this point in time.

[Executive Session for the purpose of hearing a proposed Honorary Degree for Commencement 2024]

MEETING RETURNED TO OPEN SESSION

AN UPDATE TO THE EXTERNAL REVIEW FOR UNITS & DEPARTMENTS REVISIONS FROM APC AS DISCUSSED AT THE 11/30 ACADEMIC COUNCIL MEETING

Jones: Now Ed, if you'd like to come forward and update us on changes to the external review process for departments and units. Remember that we started considering this issue in our November 30th meeting. After your feedback Ed updated some of the changes to this process and he will review those with you and if appropriate, we may take a vote today.

Ed Balleisen (Vice Provost for Interdisciplinary Studies): Thanks so much, Trina. Trina asked me to just briefly review again, just to refresh your memories, the main elements of the changes that we have in mind. The big goals are to reduce burdens on units, to get those units focused particularly on strategic thinking, to have a more holistic focus on the research and educational missions of our units and to have a more consistent attention to the recommendations in the aftermath of the review process.

Just to run through the major changes really quickly - primary responsibility would be moving to the office of what will now be entitled the Executive Vice Provost. That was the Office of Academic Affairs, but we've had some adjustment there in the last couple of months. Instead of the Graduate School, though, the Graduate School will still be involved with any program that has graduate degree programs. The second big change is that it's really moving into the Provost Office, which is consistent with the way most of

our peers run reviews. We've had very significant revisions to the prompts for the unit self-study that involves streamlining, centralized data gathering where feasible, and a focus on strategic issues. Thirdly, we've had an emphasis on opportunities for improvement in research and educational missions, separate from the question of investment of additional resources. Fourth, introduction of external letter writers as additional perspectives on the unit. Then an addition of a Duke faculty member to the in-person review team to provide internal perspective for that team. Establishment of a mid-cycle check in with the department to track progress on key recommendations. And that's already underway this past semester. Then also, one adjustment, as Trina mentioned, in light of the very helpful Academic Council discussion last fall, which was clarifying that the Provost Office will not may, will consult with the relevant department or unit Chair in choosing the external participants in the process.

Trina also shared a set of questions from one individual in response to the agenda item. So, I'm going to quickly try and answer those questions. I already mentioned that we've had some name changing, nomenclature change to the office that Mohamed Noor currently is in charge of as interim, I guess now Executive Vice Provost, I guess is what we're calling it, or is it still vice...

Alec Gallimore (Provost): Interim Vice Provost for Academic Affairs

Balleisen: But it will be moved...that position will be changing its name. The permanent position after the search that is forthcoming. There was a question

about that. At the moment Academic Affairs, but it will be eventually shifting.

A question about whether there's a template charge for external reviewers. There is such a template if anyone has questions about that Mohamed Noor can speak to it. Not everything in this process is changing and we've had a template for a very long time. We'll still be using that template, though I'm sure also adapting it and it will evolve over time.

Third question, I think I've already addressed which involved this question about departmental input into the selection of external letter writers where we've adjusted that point.

Fourth, raised a question about ensuring anonymity in the solicitation of any feedback from graduate students. I just want to stress this is also something that we're not changing. We've had anonymous survey for any graduate students to provide feedback on departments, that's going to stay the same. There will still be, as there has been for a very long time, an opportunity for graduate students to meet separately with the review team during their visit.

Fifth, question about input by staff and undergraduates. I want to stress that again, we're not changing anything here. Staff and undergraduates also, separately, have opportunities to meet with the review team during their in-person visit.

Sixth question about whether the solicitation of input from graduate students includes specific questions that probe inclusion and belonging. And the answer is that that survey does have that focus within it.

Finally, a question about whether there ought to be a similar survey for staff and for undergraduates. I think our sense here is, with respect to undergraduates, that it's kind of difficult to survey them. Even to identify the undergraduates that are affiliated with a particular department and difficult to get meaningful data back. So, we're inclined at the moment to stick with the approach we have now, which is an opportunity for undergraduates to meet with the review team. But we're certainly open to other options if people have good suggestions or ideas. I want to stress as well that while we want to have a vote on this package because of the array of changes that we have in mind that seem very significant to us, this is the type of thing that can be adjusted on specific issues on an ongoing basis.

With that, happy to entertain other questions.

Josh Sosin (Classical Studies): You very graciously answered my question last time and then went away and thought about it. I appreciate that. I hope I don't seem...I have two more. I hope that's okay. I was very happy to see the introduction of will. That departments will be consulted in the selection of external letter writers. That's excellent. I appreciate that. My first question is why do departments not have a voice in selecting the on-site team? It seems that that would be an appropriate place for...I mean, not that departments get to pick, but that they have knowledge that even Deans don't. That would seem an appropriate adjustment. Second, and this is a little bit more open, I appreciate very much the three core values that lie behind these changes that you mentioned at the beginning, all of them with an eye to creating an opportunity for informed,

reflective growth on the part of departments. And my question is in this context what virtue does secrecy of the letters serve? I have a broad question about the virtue of secrecy at all. I have a narrower operational question about the virtue of secrecy where the letters are provided in advance to the on-site team in a way that can't help but affect their view of things. A team that is about to be informed about the department in ways that external letter writers from their distance can't be. So, that's a two-part question.

Balleisen: I would welcome also other people who've been involved to weigh in on this. Steffen Bass is here, who's been very involved in this process as Chair of APC and Mohamed Noor. On the confidentiality question, I think it's similar to what we would expect with respect to letters of recommendation, which is to say if you know that letter is going to be read by people who are in your field and who you have other kinds of interactions with, it's going to really affect probably the candor with which you express opinions about the department.

Sosin: Not identical processes. And in this case, jobs aren't on the line. But the concerted effort by a team of people working together to improve the environment. And this seems a space where transparency, well, for my money ought to be the only rule.

Steffen Bass (Physics/Chair of APC): So, Josh, first of all, I have to confess that when I reviewed these new guidelines, that particular detail and the significance that you point out did escape my attention. I guess where you're going is what about what we do in the regular

peer review process for journal publications that is a standard procedure in the sciences. While that process, I think, works very well usually in providing good feedback to the authors of that manuscript, there's also a way to gain that, right? The first thing I do when I get such a review letter back is I try to figure out, just based on what was written, who was the reviewer. And more often than not, I think I am pretty successful in figuring this out. And I think that is one of the motivations why that confidentiality on that data was put on. The other reason I could see is that as far as Deans and administration are concerned, they would like to have a totally outside view of how is this department really doing, which is not colored by our own biases on...we usually always think we are better than we are. I think this provides a venue to do that. But I totally agree with you that timing can be an issue that creates biases. My suggestion would be to have these letters first be given to the visiting committee after they have visited the department before they start writing the report so that they can first form their own opinion and then they can look at what other people's opinions are.

Sosin: That seems a clear improvement to me.

Jones: Are there other questions?

Mohamed Noor (Interim Vice Provost for Academic Affairs): The last part that Steffen was just saying, I think the reasons that the committee had suggested - and let's keep in mind this is a committee that suggested this too - the reason the committee suggested having the letters in advance, so that let's say somebody says something about the department that maybe is factually

incorrect or doesn't have context. Now, the review committee can go there and say, "What about blah?" And the department has a chance to say, "Oh, that's completely not true." Whereas if it's after they've left and it's feels like that ship has sailed, so there's not a chance to correct. So, the reason for doing earlier was actually to help the department so that way they can correct any misconceptions because the thought is the review committee will then ask questions based on that preliminary feedback.

Sosin: But if the department doesn't see the letters, the department can't correct anything.

Noor: They don't see the letters, but presumably the whole purpose of the letter is to instigate questions from the review committee. So, that's what's supposed to happen with that. On your other part, I want to come back to your first question, which is about the reviewers. It's very much the expectation that the Deans will be asking the department Chairs for input on this. I can't imagine Deans would just be like going rogue trying to pick who these reviewers would be. It's very much expectation that they'll be soliciting this from the department. And then just basically summarizing why I think this is a good one, or maybe lets take this one out. It's basically just as a filter somewhat.

Jones: Let's get the other questions on the table and then you can choose which ones to respond to and if we need additional time maybe we can take some time in February to continue this conversation.

Josh Socolar (Physics/Chair of the Arts and Sciences Council): In reading over

the document here, a phrase caught my eye that I'd like to hear you talk about a lot more. It's in the paragraph on the institutional response to the external review, which is obviously a critical step in the process. It says that "The Vice Provost for Academic Affairs ordered the review teams report to the Executive Committee of the Graduate Faculty and the Academic Programs Committee and when appropriate other School Councils." I'm wondering if you could say what is meant, what would be appropriate, what is the role of School Councils in that process?

Balleisen: I think I have the answer here, but I would also want to rely on Mohamed for this. I don't think this is a change in the language. I think this is what was imported from what we had as language previously. I think it's particularly referencing the School of Medicine because of the dynamics within the governance of the School of Medicine. This is my understanding of where that framing came initially. But this is not a change. This is what we have now. That's not to say that that we couldn't make it clearer or look at that further especially if we're going to end up going to February, as may be possible with the discussion.

Shapiro: I would like to understand a little bit more about the mid-review-check in process. Will that engage the entire department, or do you envision that just being with the Chair or the leadership of the department? How would this function?

Balleisen: I'm going to pass this back over to Mohamed.

Noor: We've got a couple of these so far. Basically, we're trying to keep that as low

stress and low effort as possible because we don't want to impose on departments. We know that the review of things is a big burden. The thought from that is basically the department Chair will consult with the department, right? Literally 1 to 2 pages and then there's a one hour meeting after that to just check in and see where things work with everybody having read the materials and just seeing like, is there anything else you need? Is there anything we can do? That's it. We've had them already for Statistical Science, we had it for Philosophy. We've had a couple of those right now. But just try to keep it as low stress as possible. Just to check in where everybody is reread like the promises or the queries from the earlier time.

Balleisen: One thought that I have for you, Josh, there are a number of things that we might think about. So, Steffen referenced review processes with journals. One of the things that happens there and this occurs in other contexts as well, is there's an opportunity to say, "This I would like the author to see and hear our confidential comments, which I would prefer the author not to see." One thing we might think about is...there's sort of two possibilities that occur to me. One would be either a summary from the letters, all of them that would go to the department. In which there would be a need to kind of pull out key elements, of course, there would be some responsibility here, but to get the gist of it so the department is aware of what's coming through the letters, as a whole. The other option would be, and these are not mutually exclusive, some mechanism for saying, "Please give us information that you would like us to share with the department as part of the process and any

other information that you would rather us keep confidential.”

Jones: Are there additional questions on this topic? This is not something that we're required to vote on, but the Provost's Office did ask if the Council is so inclined to vote in favor of these revisions. Let me just see by a nod of the head if you are so inclined to vote on this today or if you want more time for reflection. Do I hear a motion? A second? All those in favor say yes. All those opposed say no. Any abstentions?

(Update to the external review for units & departments revisions approved by voice vote with no dissent)

And we assume that the Provost's Office will take into consideration some of the issues that have been discussed today as we move forward.

One final thirty second item, Merlise Clyde, who's a member of ECAC, has an announcement.

Merlise Clyde (Statistical Science/Member of ECAC): I know everyone is excited to get away, but I just want to put in a plug for the next version of the Campus Culture Survey that's going to start on January 29th. Last time, 2021 was when we first offered it. We had 60% of the faculty **not** participating. So, we need to do better than the staff who actually participated around 54%. We're going to have the survey running for three weeks. You can look at the Duke Today article from yesterday that highlights all of the great things that happened at the Leadership's Retreat with Alec [Provost] and Vince [President]. And there are more details on the survey there. I just want to give a plug to all of the faculty and staff who participated in revising the survey for this go around - it's been a lot of work. I really appreciate everyone's effort in pulling this together, and we're still working to get the Spanish version done.

Jones: Okay, everyone, thank you so much for the additional six minutes of your time and we'll see you in February.