

Minutes of the Regular Meeting Of the Academic Council

Thursday, December 4, 2003
Scheduled Time: 3:45-5:00 PM
139 Social Sciences

Academic Council Chair **Nancy Allen** (CliSci) called the meeting to order, taking note of the freezing rain outside. That morning she had had a sense of déjà vu remembering a year ago when she had had to cancel the Council meeting corresponding to this one. Half of the Trustee committee meetings for that same weekend were also cancelled. So, thankfully it has warmed up a little bit. She explained that the Faculty Secretary, Don Fluke, is not here today due to one of these viruses that is going around. We've had a number of calls from Council members who are also sick. So, today she was taking her infectious disease tally as well as the attendance for the meeting. She then called on Executive Vice President Tallman Trask to speak for a moment about some security measures.

ANNOUNCEMENTS

EVP **Tallman Trask** thanked Nancy Allen for the opportunity and said that all have probably received more e-mails from him recently than they might prefer, but as all will know we had an incident over the weekend. A student coming back early from Thanksgiving break was taking money out of an ATM in the Bryan Center when he was relieved of his money, by a person we believe had a weapon. What the weapon was is not altogether clear. It's unfortunately the third of similar episodes we've had on campus in the last month. Not wanting things to get out of control, it was decided to respond to this incident somewhat more directly than we have historically. That's obviously a very delicate balance on a university campus, where we value openness and flexibility and freedom. But they were very concerned about the fact that this robbery occurred in the core of West Campus. We have seen things on the periphery before, but not in the core of the campus. It's also very tricky for us, because the alleged assailant in this case was a college-age, African-American male. All probably remember our unfortunate incident in the Fuqua School several years ago, and we are determined not to repeat that [experience], but there are certainly a lot of subtleties about this [recent occurrence]. You will see more police around. You may have seen the Segway cop, who is now out and about on West Campus. As of yesterday we finally [decided to do] what we've been trying to do for five years, and that is that [parking lot] gates which are part of the university parking system, gates that used to go up at 5 o'clock, will now remain down [at all times]. There are other parking gates that used to be in the Health System and which are on a different electronic system, and we'll convert those over time [to stay down as well]. That's the bad news. The good news is that everybody's Duke Card will open [all gates after 5 p.m.]. What we're trying to do is stop people who don't have any business here from finding a place to park

on campus. We'll see how it goes. We find this to be a difficult time for us, but also a time to be responsive and cooperative, and we welcome any suggestions.

Nanvy Allen asked EVP Trask if he had had anyone else trying to use his e-mail "everyone.duke." **Trask** said no; they probably couldn't figure out how to do it either.

Accepting that disarming disclaimer, **Nancy Allen** moved on to say something briefly about the John Spencer Bassett Affair, and its celebration this week. She had fortunately been able to attend the series of lectures the previous Monday evening over on East Campus, which were fairly well attended. That event celebrates academic freedom from a very historic moment here [at what is now Duke University], one hundred years ago. All will have been interested in the information that has been in the press this week about those events and about their historical background. Tim Pyatt (University Archivist) and his group have done a great job putting together both a website and some literature as well, which all will find interesting to review.

INTERNATIONALIZATION

Chair **Nancy Allen** next recognized Prof. Gilbert Merkx, V. Prov. for International Affairs, to report on internationalization at Duke. She had heard him give some reports last year at Trustees' meetings, and there has been considerable increase in Duke's internationalization over the last ten years. It would be very good for the Council to hear about those advances as well, and have the opportunity of comment and discussion.

V. Prov. **Merkx** proposed first to give some brief background about internationalization at Duke, where it came from and the different targets that have been set, and then try to situate this last report, pre-circulated, in that context. His recent report given to the Trustees in October was an outgrowth of the report he had given them the year before. And they had asked him to report on how well Duke had met the goals set forth in the previous Internationalization Plan, drafted in 1993 and approved in 1994. He had been able to report to them that every single goal in that report of effectively 1993 had been met over the past [nine years] and in some cases [exceeded]. The Trustees had asked him to come back a year from then, wanting to see a new set of target goals. So, over this last intervening year he had discussed these new targets with the Provost's International Affairs Committee, had circulated different versions of the recommendations to the effective units, and had gotten their feedback. After a lot of modification they had arrived at the report document which the Council now has in hand and has seen. That's not the final version which that was presented to the Trustees - who (parenthetically) more or less liked it. But this version has been circulated additionally, beyond the Trustees. Some of the professional schools feel that some of their accomplishments were left out, which means that it's going to be revised, and until then it is simply a report. It will not become a planning document until and unless it's approved by the Senior officers. After this current phase of presentations and discussions and new feedback he intends a final revision of the document. It will go to the Senior officers, who then, if they wish, can say "yes, this is

now a planning document." And therefore, these are the new targets which we will now aspire to achieve.

The background of the internationalization planning effort at Duke goes back to then-Provost Phillip Griffiths, who appointed a task force in the late 1980's, chaired by Prof. Thomas Langford. It developed a report saying that internationalization was important at Duke and should be part of the [planning] process. That report listed some broad, general goals for Duke. When Langford became Provost he appointed another Task Force, charged to put those goals in operational form. That Task Force was chaired by Prof. Peter Lange, now Provost in his own turn. So, when we think about that series of Provosts, and of Presidents, we can realize that internationalization is not a process especially identified with President Keohane, but one that began before her, really two Presidents and several Provosts ago. It was strongly supported by Pres. Keith Brodie and, he thought, came to fruition under President Keohane. And of course, he certainly hoped that the next President will continue to see this as an important aspect of Duke University.

The earlier, 1993/94 report was divided into four sections, oriented toward things inside Duke, rather than the world at large. The four sections were. Undergraduate Education, Graduate and Professional Education, Faculty Development, and University Development. So, they had returned to those four categories this time around and looked at these targets again. Those who have taken the opportunity of reading this current report will recognize that about half of it is devoted to the Undergraduate Education heading, the other headings making up the other half. Three external dimensions are also considered in the current report. 1) The question of national leadership: is Duke playing a national leadership role in the international education community? Not until rather recently has Duke been attaining the kind of international recognition that it should, as a University that has clearly climbed into the ranks in the top-ten research institutions in the country. 2) A second dimension considered involves international partnerships, a field that wasn't a big deal twenty years ago, or even ten years ago, but that now is. We're being visited by two or three dozen delegations from foreign universities every year now, and a lot of our schools, colleges, and departments have linkages with foreign institutions. 3) The last of the three dimensions is cooperation in international development. Should Duke engage internationally in problem solving overseas? That kind of international development did not exist until about ten years ago when the Sanford Institute initiated the Duke Center for International Development, which has increasingly been engaged in those kinds of activities. For that matter, so have some of the professional schools, like Medicine, as well. There are therefore seven categories, in all, that this report looks at.

He didn't propose to go through those seven categories, but respond to any comments Council members might have about any of the recommendations in those seven. He would also just say that this is not a radical document. It's called "Raising the Bar," since we're not still at the stage of "inventing the bar." In many ways the 1999 core report was much more radical, because we actually were starting from very little base, and now we are really more trying to see how we should fine tune it. How much broader do we go [in such development] without creating distortions? For example, the 1990 core document called

for increasing the foreign student enrollment of undergraduates from about 1.5 % to 4.5%. We are now at exactly 4.5% foreign undergraduates. This year's first-year class is at 6.1%, exactly the COFHE average. The goal has been achieved. It was low; although it seemed high at the time, but we should really be at least at the COFHE average. In fact, our overall "Building on Excellence" strategic plan for Duke calls for 10% foreign student enrollment, roughly the percentage at Harvard and Columbia. So, that's an example of where we've done pretty well. We could raise it further, but if we do there are some implications. Therefore, we don't just call for raising it 10%. To do that we'd have to lower the level of quality for the first-year students who came in. We have introduced, for the first time, financial aid for foreign students, something that was called for in the 1993/94 report. About a fifth of our foreign students are on some kind of financial aid, if one counts athletic scholarships in that figure. And those foreign students who have financial aid also have much higher SAT scores than those foreign students who pay for it themselves. The committee discussed this matter and decided that we don't want to increase the number of foreign students at the cost of lowering the quality of the student body. The committee has said, in effect, that we should seek the same mix of scholarship students versus other students that we have among American students. Forty percent of American Duke students receive some kind of financial aid, and that should be the target figure for foreign students as well. It's going to be a long haul to get enough endowment money to provide financial aid for foreign students, because they're not eligible for federal money. So, this is probably a ten to twenty-year process of building up scholarships for foreign students. Again, we've made a lot of progress in that, and in just in the last few years in the recruitment campaign.

Study abroad is another area to look at. Ten years ago about 34% of our students studied abroad. Now, depending on what numbers you use, the Senior survey or Study Abroad Office figures, our Study Abroad figure is somewhere between 44 and 47%. That's very high. That's the highest of all COFHE schools. It is below the rates of Wake Forest and some private colleges. Dickinson College, for example, has an 81% rate. But 20% of Duke students are varsity athletes, and it's almost impossible for them to study abroad. There are other constraints for pre-med majors and for majors in engineering and the sciences as well. So a question arises about how much more can we push Study Abroad rates. Do we want to take it higher? The consensus that emerged was that more is probably better, but not at a cost in the quality of the Study Abroad program, or any of the other aspects. Essentially, the committee decided that what's most important about Study Abroad is that it be a useful part of the Duke experience, preferably integrating with the student's major in the way that is most natural for language students. But while Study Abroad is easy for language students to do, it's much less easy for an engineering student because they can't get [suitable] courses overseas in engineering. Study Abroad becomes a kind of sidetrack from their major, although one that can be corrected by working with Directors of Undergraduate Studies (DUS's). [Dean of Trinity College] Robert Thompson is doing exactly that now, as is Margaret Riley [Asst. Dean for Study Abroad, TC]. So, we call for increasing the numbers in Study Abroad only if we can satisfy the quality of study environments and integrate it with majors of the students.

He wanted to say just a little about the international external environment. "It's in everybody's face all the time." With what's happening in Iraq and elsewhere, the world is a difficult place. Do we have a role to play? The answer, he thought, is clearly yes, in certain fields that make sense for us. The Sanford Institute has really done a remarkable job of developing its international dimensions, both in terms of executive training of development specialists in foreign countries, and of Americans for that matter, but also in terms of internationalizing the content of both its Masters of Public Policy degree and its Masters of International Development Policy degree.

Another aspect of the external environment is the question whether Duke can and should provide some leadership for higher education in general, particularly in Washington. International education is not a vacuum, but involves a lot of institutions and organizations. It has been a major theme of the American House on Education and of the Association of American Universities. How do we internationalize all of the American higher education centered pressure coming from Boards of Trustees as well as from other sources, like parents and students who feel that higher education should prepare Americans to live in this turbulent world? We have become increasingly engaged in those fora. Both the President and Provost have been involved in discussions at AAU meetings, about how to achieve this. The President has been chairing a task force of the AAU, which is basically looking at practices among AAU research institutions. A survey is being done now by AAU on how it's being done, administratively and otherwise, to try to get some information out about best practices. We're all inventing this as we go, but Duke is clearly a player in this effort. The Higher Education Act is up for reorganization this year, with a Congress that is not friendly to higher education, and in many respects is suspicious of it. We have that process about halfway through, with the House having passed its version of the Higher Education Act, which is generally better than we thought but which has some very disturbing elements in a couple of the titles. We're hoping the Senate will take those out. He was gratified to say that Duke has been playing a role of real leadership in the effort to improve the quality of the new Act. Our current Associate Vice President for Federal Relations, Nan Nixon, who used to work for Harvard, is an experienced Washington hand, very effective, and works very closely with our administration. It is important for our developing a presence as an internationally competent institution that we be playing in this league, which is what we are now doing. With that, he invited any questions about the report.

DISCUSSION OF INTERNATIONALIZATION

Prof. Ann Brown (Internal Medicine) could think of a lot of reasons why internationalization is important, but invited Prof. Merckx to articulate what he thought were the main drivers for an institution like Duke toward becoming more international. Merckx saw the biggest driver as the impingement of the world upon the United States. Our globalization is a very big in concept, but in many respects the world is a smaller place, economically, in terms of travel, in terms of security issues, issues that used to distinguish between [national and] international things. Things that happened elsewhere

did not have much impact on the personal security of Americans. Since September 11 that is not the case, obviously. Events happening in places like Afghanistan or Iraq have affected what happens here. We can see in the economy of North Carolina a constant reminder of how globalization is forcing restructuring, causing high prices if we are not able to compete internationally. He thought that was the real driver, expressed in various ways. He had had lunch last year with a Duke Trustee, Karl von der Heyden, who was giving an endowment for bringing speakers in international issues to Duke. He was very concerned about the future of Islamic youth, about the kind of vision they're picking up from the world, and what their views mean for the future of the United States. He thinks there should be some national effort to reach out and bring more young Islamic students to the United States for training. That's the view of a retired Executive of the Pepsi Cola Corporation. We can see then that in the private sector there's a real concern about the future of the country, and a sense that higher education provides a mechanism for addressing that future.

Prof. Peter Burian (Classical Studies) expressed his appreciation "for this great comprehensive report." As a modest suggestion, already there around the margins of the issues addressed, he would like to see some direct attention to understanding of the history and culture, along with the emphasis on current international issues. Foreign language study is included, but most would agree that very many Americans go abroad with very little formal exposure to the long, rich cultural diversity — and the histories ~ of the places visited. We don't have such a requirement in our curriculum, nor would he suggest there be one, but there are large numbers of people in humanities and also the social sciences who bring historical context to internationalization. In our thinking globally about what internationalization should mean to Duke, this dimension ought to play some role as well, countering to some extent the general shallowness of natural understanding about the rest of the world. He would like to see that concern even more explicit in the report. Prof. Merck undertook to repeat the comment for those toward the back of the hall, that Burian notices that the document does not directly address the need for any broader cultural understanding of what's happening in the world. It would be useful to include an historical perspective on other cultures, in augmentation of the contemporary evaluation of the current situation. He was in full agreement with that suggestion. It was his impression that this concern is in some measure addressed in our revised curriculum, Curriculum 2000 (C2K), which includes a general requirement for cross-cultural understanding. Most of the courses that satisfy that requirement are, in fact, courses about other parts of the world. Burian agreed that we have lots of courses about other parts of the world, but it is all too possible to study these many cultures without viewing anything pre-contemporary. He wasn't suggesting that we need to make a further requirement, but that we should emphasize that this is something we do, and do well. Merck thought that this point should be remembered and considered in future curriculum revisions.

Prof. James Rolleston (GER) was interested in the sheer numbers of international students. Since we don't expect to increase the overall number of Duke students, doubling the number of international students to 10% will obviously reduce the number of American students. What kind of tensions might this provoke, especially with financial aid being so

expensive? What is the reaction from discussions with alumni and administrators? Merckx said so far none. The Trustees have not questioned this concern at all, and it really has not come up before, although he agreed that it is a potential issue. Everyone would be aware that there is this price to pay, since we're not talking about expanding the student body, but about altering its composition. His own reaction is that it's just as has happened before in our gain from becoming a more cosmopolitan university nationally. We used to have many more southern and eastern students. Now we have more students from other parts of the country, and we're probably a better place for that. In his view we are a better university as we have a more international mix among our students. But, each of us will have our own view about that.

Prof. Blanche Capel (CBI) asked if offering the community a series of lectures on cultural diversities had ever been considered? She saw that as a very interesting thing to do, and many in the Triangle community might be very interested in such a series, open to the public. Merckx believed, there again, that a lot of this is happening. The Franklin Center in particular opens most of its events to the community. They have considerable emphasis on cultural programming, quite international in focus. Has there been a sort of university-wide speaker series aimed at the larger community in this respect? He didn't think so. But the suggestion is very interesting, he agreed.

Prof. Ralf Michaels (Law) was puzzled about the emphasis on undergraduate education in relation to internationalization. Wouldn't many of the considerations apply also to graduate and professional education, in some of the schools? Is it perhaps intended that issues such as international course requirements and so on apply to the professional schools as well? Merckx found that a very good question, raising a series of interesting issues. We have indeed said much less about internationalization in respect to the graduate and professional schools, for several reasons. One is that the progress toward internationalization in most of these schools is astounding. They are inventing and experimenting on their own, without any kind of pressure from the central planning process. Second, the graduate and professional schools in particular are sufficiently autonomous that they do not look kindly on university-wide committees telling them what they ought to be doing in terms of their curriculum or their admissions decisions. So, we basically sidestepped that issue. We do know that 35% of the students in the Graduate School, which are primarily in A&S degrees, are international students. Fifty-two percent of our engineering students are international students. Law is up now to 18 %, he thought, a substantial increase, mostly in the Masters degree programs. The Business School is at 34% or 35%, by a policy instituted by the former Dean, who said "I want this to be an internationally-oriented business school, because the world is becoming international." And he set a target at one-third of the students to be international, and worked to meet that target. That kind of effort, in terms of curriculum, would be entirely different for Engineering or Law or Divinity. But considering the cross-school cooperations and interdisciplinary cooperations that are international, we haven't really addressed that issue in this report.

Prof. Barbara Shaw (CHM) noted that he was quoting a lot of statistics, some included in the report, and some that she hadn't seen there. Will there be tables that will accompany

this [eventual report], showing not only the current numbers of graduate students engaged in foreign concerns, but also showing the amount of change that has occurred in this aspect of our Duke community over some period of time? Merkx said that the reason such information is not in this current report for the Trustees is that it was in the previous year's report to the Trustees. But it's a very good point and there is no reason not to have basically a power-point presentation including such tables. He could also put all of those tables, basically of historical statistics, in an appendix showing the progress toward internationalization at Duke. Shaw had also noticed that science has not found its way into the report document, other than by the medical or nursing schools. Or the Study Abroad discussion, Merkx interjected. Shaw continued, remarking that some of her [graduate] students who have been able to go out of the country and carry out experiments have benefitted greatly from that experience. Has it been considered at all whether there are ways of encouraging that type of activity, and any ways to support it? Merkx thought that would be primarily through the Study Abroad mechanism. That's what we've been looking at. Shaw: For undergraduates? Merkx: For undergraduates in the sciences. Shaw: But not for graduates? Merkx: But not for graduate students. Science is now truly international. There is no science field that is limited to the borders of this country. We deal with colleagues around the world all the time in almost any field of science. And, there is substantial resistance in the sciences in general, he thought, to the notion that we should become more engaged [in internationalization efforts]. Some of our more interesting exchanges [with other] institutions are coming out of the science departments. That said, there is no mechanism specifically, other than departmental agreements, to send science students abroad. The Sanford Institute has been a leader in this effort. Although it is in Arts & Sciences, the Institute is really a kind of professional school and they have made such arrangements by internships abroad for their graduate students. Prof. Fritz Mayer (PPS) is here and can comment if he wishes. That has been very successful experiment and has basically been oversubscribed.

Shaw continued, asking if these were programs within Trinity College? Merkx: At the graduate level? A whole series of exchanges are available to students in certain fields that have been worked out with the Graduate School, in these fields. For example, we have an exchange in a German university in primate biology. We have relationships within Political Science with several institutions in Europe where students can go and study and do work on their theses or [other] pre-doctoral work. And we receive students from those universities in turn. That's very easy to do. The undergraduate exchanges are [much harder] to do because of the tuition problem. Nobody outside the United States charges Duke, or Harvard, tuition for participation. But we depend upon the tuition we charge, and cannot afford simply to trade one student for another student in exchange. Our [undergraduate] Study Abroad program works in large measure because either our students pay Duke tuition to go to a Duke program or else they go to another school and we fill their places by admitting more students. He thought that was accurate. We make an advantage of the students who leave Duke for Study Abroad by admitting a few extra students to fill those spots and regain tuition revenue. But in the Graduate School for the most part the more advanced students don't pay tuition, [while] we support them with fellowships or traineeships. It is an area of possibility [for change].

Prof Roxanne Springer (PHY) asked for comment on the balance to be drawn between the message of this report, which she took to be that to become the strongest school in research and teaching we need to draw from the international pool [of talented] people, with another message, in the [hard] sciences in particular. A National Science Foundation study is concerned about brain drain, and that the US is not keeping up with other countries in science and engineering curricula. There is concern about the pressure to maintain a certain percentage of American or at least English-speaking graduate students for purposes of teaching. Would he comment on the matter of balance within that mixed message? Merckx agreed that there is a real problem there. A problem that we really need to address is that more and more of our graduate students are foreigners. They don't have the language skills or the teaching skills to be good TA's. And those coming out of science programs in another country may reflect a very authoritarian system where professors lecture but never discuss things with the students. That style of teaching can be disastrous, especially if the person doesn't speak intelligible English. We have no formal training program for foreign TA's at Duke, but we should. There should be an orientation and training sequence for foreigners so that they understand how an American university works. But that tension between training Americans and training just the best and brightest is one that he didn't know how we can address. What probably happens is that every department seeks its own balance in terms of the students it admits, and there is no national policy. There's certainly pressure to "buy American," but from the institutional standpoint we want the best and brightest. He did not know how to resolve that dilemma. The long-term solution is to improve the quality of K-12 education. And we should do something about the way sciences are taught. The teaching of mathematics, especially, is very bad in a lot of public schools systems.

Prof. Ranjana Khanna (English) asked for comment about some of the limits on what one can do with higher education. For many who work in the areas of culture the kind of language that has been coming out around the study of culture can be critical of the U.S. It could be cause for some investigation by a government that [could raise] worries about issues of academic freedom. Merckx agreed that there is a long history of this kind of tension, between people who criticize foreign policy and then a response from the Congress that could well be punitive. The whole notion of federal support for training people in foreign languages in important areas is an outgrowth of the U.S. Army's specialized training programs during WWII. When we were in a world war and didn't have enough people who spoke any of the needed languages what happened then was that the army contracted with American universities to train army officers or servicemen in foreign languages. They were also taught something about Holland or Germany or Japan or India, wherever they were sending people. Those contracts were all discontinued after the end of WWII, but when Sputnik came along the Eisenhower administration was under great pressure to catch up to the Russians in physics and rocket science. There was a competition between Russians and Americans. So the National Defense Education Act of 1958 included two sections, one for science support and one for foreign languages and [foreign] area studies. That vehicle, title VI of NDEA, is now Title VI of the Higher Education Act, which we are fighting to save.

There have been three episodes in which the academic community ran into political problems. The first was Vietnam. Guess where the strongest criticism of American foreign policy in Vietnam came from? From the Southeast Asian specialists] who said that everything we're doing makes no sense. But it also came from the academic community very broadly. The Johnson administration was the first to [re]duce the appropriation in response. The Nixon administration tried to kill the entire program. The only thing that kept it going was that a Democratic Congress and a Republican President instead cut the budget in half. The program survived and later was able to grow. The second big episode of fighting like this took place during the Central American Wars, when there was a lot of criticism by the Latin American Studies community of the American role in Central America. And so when Ronald Reagan became President his first budget [draft] would have eliminated all planning [under] Title VI. His President's budget eliminated that funding for seven out of the eight years that he was President. Again, there was a Democratic Congress so we were able to rally the friends in Congress and essentially prevent our ending the partnership between the intellectual resources in higher education and [the need for trained people]. Now it's the Middle East, with a Republican President and a Republican Congress, a much more threatening situation. There has been a concerted campaign by a group of very conservative people from conservative think tanks like the Hoover Institution and the American Heritage Foundation to have the Congress either cut our funding, which they tried to do, or set up a watch dog committee which will go on campuses and see what people are teaching about the Middle East in their courses. There is clearly some effort [in that direction], which he would consider a threat to academic freedom on campuses. The deal has always been that the Federal government provided the money and we provided certain deliverables, but they didn't tell us how to do it. We taught about foreign areas, and taught foreign languages, but the Federal government did not mandate how we taught our courses. We were, a whole mix of people, some conservative, some radical, some in the middle. Most have been apolitical, but some of them have views which are going to offend the Republican Congress. That is the nature of intellectual life if you are to have a broad spectrum of views. These critics are singling out a very small number of statements by a very small number of people, often misrepresenting them. They portray the late Prof. Edward Said of Columbia University, for example, as a crazy radical when in fact he was a very moderate thinker, very influential. This is [a critical] moment; [the watch dog committee] is in the House legislation, although we hope it will be taken out in the Senate. But this a big fight, part of a broader cultural series of arguments that are going on in this country that involve abortion, church and state, foreign policy, and a whole other series of situations.

Nancy Allen thanked Prof. Merckx for his report, comments, and leading of the discussion. The questions were excellent and she would urge any who have additional comments to send them on to him before he compiles his final report for further discussion with the Trustees and senior officers.

SOCIALLY RESPONSIBLE INVESTING IN THE LONG-TERM POOL

Moving along to the next item on the agenda, Nancy Allen noted that it grew out of last month's meeting when Prof Jim Cox, chair of the University Priorities Committee, gave an update on what that committee is doing this year. We promised to come back to the Council with a discussion today. President Keohane had wished to be here for it, but she is tied up (hopefully not literally) at the Health System Board meeting this afternoon. This issue is being discussed at the Trustee level, but the final approval of any guidelines or policy or that sort of thing will not happen before the February Board meeting. So the President will be available at our January meeting to answer any additional questions. This has been a long process. She then called on Provost Peter Lange for a brief account of what has happened so far and would then call on Prof. Cox to sum up what the UPC did with the matter.

Prov. Peter Lange began with a little history, to say where we are with this issue. During the 2002-3 academic year the President received a number of different demands from very different quarters. They had very different agendas with one exception, that the University should divest from one or another activity. The President seeks to be responsive to such questions in the sense of being able to give intelligent answers about why we do or do not respond in a particular way. Some years ago, beginning in the 1970's, we had what was called a Committee on the Social Implications of Duke's Investments. It dealt with the South African divestment decisions and continued, as one could expect, through the resolution of those concerns. It dwindled in the 1990's and then disappeared. There was therefore no active venue to which the President could refer the various requests or demands that came forward about divestment when they arose last year. As a result the President chose to deal with them in an ad hoc way, sometimes by referring them to the senior officers, and sometimes by meeting with the groups and addressing them herself. We then had a somewhat broader discussion among the senior officers about what might be the best way to deal with this changing climate. The senior officers recommended that the Trustees consider some sort of socially responsible investment policy. Paul Baerman, who works for the President, did some research and found that most but not all of our peer institutions either have such a policy, or an advisory committee, or both. These institutions include Harvard, Yale, Stanford, Columbia, and Princeton, among others. The Board of Trustees asked the President, as part of a discussion - not with a commitment to then enact something, but as part of advancing the discussion to - draft such a policy for Duke.

After some further discussions we looked at the models the various other schools offered and selected the Stanford model as one which was relatively appropriate. We cut about half of the Stanford policy out of [a resultant] composed draft, in part because it implemented an advisory committee, which we did not feel was appropriate for us at this time. This first draft was then circulated for comment to various representative Duke constituencies. These included the Duke Student Government, GPSC, the Alumni Program, DUMAC, ECAC, and then the UPC, as Prof. Cox has reported. The comments

from these bodies were varied, were generally very useful, and were basically incorporated into the draft that will be taken to the Board this week, the draft which this Academic Council has seen. As Nancy has indicated, no decision will be taken. The full Board has not yet actually looked at this draft. Our intention is to gauge the temperature of the full Board, both about this draft specifically, and about the general issue. This Board meeting will occur on Friday and Saturday. We then intend to decide how we might address this issue in the future.

At this point the Provost yielded the floor to Prof. Jim Cox (Law, chair of UPC) to add further background from the discussion within the UPC. Cox began by saying that he was not there either to praise or to bury this issue. The UPC was asked for its comments at a meeting in October. It provided some comments, by and large [supporting] the draft from that time. The UPC did not vote on anything in terms of whether it thought this was a good concept or a bad concept. We were just providing some feedback. The UPC has not seen this further draft nor had a chance as a committee to talk about it. But he would share with the Council just some ideas that came out of that prior discussion at UPC that can more or less "memorialize" this matter. A couple of these ideas were about the scope of this concern about divestment, a question that affects only those areas where the Duke Management Company (DUMAC) has some discretion. It has no discretion with respect to 401(k) plans in terms of deciding whether to divest for social issues, since the idea there is to maximize the return and that's pretty much a mandated prudent investor's standard under ERISA. So this doesn't apply to ERISA-based funds. We also thought that it was not a good idea to have a standing committee, although 17 of the 18 universities that were surveyed by Baerman do have an advisory committee. The suggestion coming out of UPC was that it may be more politic, actually more efficient, more likely to get us to the right answer, to treat each situation as an ad hoc situation. We would constitute an advisory committee for that situation, with individuals having unique or specialized skills pertaining to that issue. The composition of that committee could reflect what the sensitivities are and where they're coming from. There could also be situations where no advisory committee would be needed, something where an advisory report to the Board would be prepared within the Board itself, or from outside the Board by a member of the administration doing it more on an ad hoc basis.

As somebody who had chaired the Social Implications Committee for most of the 80's he could say what the routine was. If you have a standing committee one of the issues it faces is trying to figure out something it should do, and he was not saying that in a cynical way. We spent a lot of time pawing in the dirt trying to get to something. At the end of the day he thought the student members, the administrative members, and the faculty members, all, didn't think that had been a really good use of their time. And he didn't think it was a very politic use of the time either.

We also, on UPC, thought that report we saw earlier was not very welcoming. That language circulated earlier sets a fairly high bar [for taking action]. What we're talking about is a substantial social injury, defined in terms of injurious impact on employees, on consumers, or on other individuals or groups, resulting directly from specific actions of the

company in question. That said, the former draft then imposed a series of ever rising hurdles to clear before the Trustees could ever take a divestiture action. We thought that communicated the wrong tone. His own sense of this, speaking personally, is that this is a step in the right direction in communicating what the thought processes could be, but it was his guess that we would benefit terrifically from comments here today and from any e-mails people would like to send to Paul Baerman or Nancy Allen or himself that could be incorporated. This is still an evolving process that would benefit greatly from a variety of faculty inputs.

DISCUSSION OF SOCIALLY RESPONSIBLE INVESTING

Srinivas Aravamudan (English) was concerned about point "e" in the draft document [divestment is unlikely to impair the capacity of the University to carry out its educational mission (for example, by causing significant adverse action on the part of governmental or other external agencies or groups)]. Potentially, if everything is followed as this document lays it out, [through] point "d," [the company has been afforded reasonable opportunity to alter its activities] then the Trustees have actually determined that a particular company causes identifiable social injuries. They have taken steps as shareholders to put the company on notice to try to change their behavior. If they have failed, as "d" says, then "e" applies. But in respect to that further condition, it is more than likely that there will be some adverse [effect] through any sort of divestment proceeding, no matter what the issue. It seems as though "e" makes it almost definite that divestiture is never actually going to take place. If the process is to have an impact there should be either a higher bar set for "e" or better still "e" should be eliminated and we just go from "d" to [the actual divestiture].

Cox said that at least one other body that has looked at this draft has raised a question somewhat related to this, but he thought the point raised here is even stronger. Perhaps "d" and "e" should be alternatives. IBs sense was that "e" can be very problematic. Paul Haagen remarked that it had been said that the previous draft was unfriendly, but this draft remains unfriendly. Cox: The previous draft was really unfriendly. (Laughter) Haagen said that it struck him as suggesting that the Trustees would have to go through a series of highly formal slow actions before it would divest, and that this [further condition] is more limiting on their authority than they should want or that we should want for them. Cox said that one of our comments [UPC's] on the earlier draft, and that may still apply here, is whether we want to have the thought process so well articulated that it gets them into a box of some sort, particularly since most of the Trustees have public lives as well as private lives. It could create some problems that they have to be sensitive to in drafting [this policy]. There is something to be said for purposeful ambiguity.

Olaf Von Ramm (BME) found this whole issue quite interesting. Although he hadn't followed it closely, it did strike him that some among our Trustees would have [significant] equity stakes in many industries where there is a potential conflict of interest, by investing in a variety of companies, not just whether it's a social issue or not. How would we handle

that, and what safeguards do we have? Who makes this kind of decision? Is there perhaps an exemplar out there that we might follow in setting the directions for making these decisions? Take for example [owning Microsoft shares]. There could be a Trustee who has some control involving a large portion of an entire market. There is the potential at least of some conflict there. Cox said he would defer to others who know the Trustees "because I don't know any of them, but anyway they don't know me either." Here's what he thought would happen as a matter of practice, at other places. Minimally, there would be some sensitivities [that would prompt their] recusing themselves. He always liked to approach people [assuming] an ideal of high honor and high responsibilities that reach places such as Trusteeship at Duke. Recusing would be one thing, he said, while noting that EVP Tallman Trask might have something to say. Trask said that under current Trustee rules all those positions must be disclosed and Trustees may not vote on matters when they have financial [interests]. And they are very careful about that.

Prof Ralf Michaels (Law) asked about the definition of social injuries. Why is it constrained to consumers and other individuals and groups, and why does it not include for example environmental concerns? Is that perhaps some requirement related to international law? [What does prompt inclusion?] Cox said that since they were both lawyers they could find it possible to say that if somebody is putting effluents in the river or in the air it's possible to [argue that] they are having an impact on individuals or groups. Haagen: Or others. Cox: Or others, birds, say. Anyway, we've benefitted from the comments of the Council, and again, this is a moving target. He thought that Paul Baerman and all those others who have invested [their efforts] in this would benefit from these comments.

Nancy Allen supposed that Paul Baerman is probably hoping to divest of this whole matter, once it's done. "Peter, thank you, and rim, thank you, for your work on this." The next item on the Council agenda is a report of the Task Force on University Course Scheduling for Undergraduate and Graduate Students, to be presented by Provost Peter Lange. Copies of the report were circulated with the agenda, and this may be a brief discussion.

TASK FORCE ON UNIVERSITY COURSE SCHEDULING FOR UNDERGRADUATE AND GRADUATE STUDENTS

Prov. Peter Lange said that he was just reporting on a change in the schedule of courses that will be instituted for the Fall 2004. There is still a little tinkering going on with the details, but the basic plan is in place. As a little history, when he became Provost and started looking at schedules and so forth it became increasingly clear that there was some tension between what we were promising to our undergraduates in terms of choices that they would have available under the schedule, and the actual availability of choices given the enormous clustering of courses into a relatively small number of time slots. We have had the same basic schedule of courses for Trinity, Pratt and the Graduate School for at

least 30 years. We've had 50-minute classes Monday, Wednesday, Friday, and 75-minute class periods on Tuesday and Thursday, with the once-a-week slots for seminars. Saturday was dropped as a class day in the late 1960s. Since that time we've done some tinkering at the margins with class periods and policies related to the schedule of classes, but there has been no close and comprehensive scrutiny undertaken in anyone's recent memory. He had therefore created a Task Force which included faculty from Arts & Sciences and Engineering, as well as administrators, to look both at the current schedule and how it was effecting the options for students as well as the use of our resources. The Task Force was then to report back with some [choices] and possibilities for a revised schedule. Just to be clear what the committee was charged with, it was to articulate a philosophy of class scheduling based on pedagogical theories and a philosophy of the overall educational experience at Duke. It was to look at our current undergraduate and graduate course schedule with an eye to whether and how well it meets those requirements, optimizing student access to and choice among courses, and looking at our undergraduate and graduate course schedule in terms of the utilization of physical classroom space. We have to build classrooms to meet peak demand. The higher that peak the more classrooms we need. We can't just sort of build to the average - not unless some are willing to teach out on the quad or somewhere else. They were to look at other course schedules and systems around the country, to determine alternative possible scheduling formats. They were also to look at course scheduling practices and issues within Duke's professional schools to assure that we would not create a course schedule for undergraduate and graduate students that would then increase difficulties of any kind of movement between the schools. And, they were to make recommendations then to him about a schedule. We have had a superb Task Force membership, with an outstanding chair in Prof. Edna Andrews (Slavic L&L) - who is here today - ably assisted also by Judith Ruderman from his office. They have been working for 18 months, putting together a schedule.

Now, to say a little about the report which the Council has in hand. First of all, the problems that were noted in the charge to the Task Force were strongly confirmed. The bulk of our classes currently scheduled start from after lunch on Monday, so we've lost Monday mornings too, and run for the most part, through Thursday afternoon. That leaves Friday and part of Monday underutilized. First and second periods are underutilized in the extreme, with courses clustered heavily in the "prime time" hours between 10:00 a.m. and 2:00 p.m. Having a freshman stepson he could assure the Council that even though those hours may seem prime time to us, even for first-year undergraduates those hours are no longer seen as prime time. They would probably prefer to have their classes from 10:00 p.m. to 2:00 a.m. The second thing is that the current situation is pretty untenable. Student options for courses are restricted by a heavy overemphasis on a certain few hours. There are not enough classrooms to accommodate such a lopsided schedule. We're always in danger of needing more classrooms than are available, or telling people that they just can't teach classes at certain periods because there are no classrooms. Buses and dining services are extremely crowded at certain hours, requiring us to buy more capital equipment and to hire more staff in order to accommodate the rush. Classrooms are underutilized at many other times, and the weekend begins for many on Thursday evening.

Now, the Task Force considered a variety of options, the first being simply to restrict the number of classes that would be offered in so-called prime time. That might seem the simplest solution, but it would not really address the underutilization of the morning. What it would probably do is force a later scheduling of courses, which would again limit student choice while disadvantaging the arts and athletics. There was a further concern that the bulking of courses in late afternoon would be prejudicial to students who do a number of extracurricular activities, which we encourage at Duke, but which take place in the afternoon. Athletics is the most obvious example, but certainly not the only one. And of course such a pattern would not speak to the under-use of Fridays. The Task Force then considered some other options, some of which have been incorporated. One was to add more two-day a week slots both for faculty, who originally made the request, and for students, because there has been pressure to increase the number of such slots. They came forward with a pilot that would have created two-day a week slots on Monday-Thursdays and Tuesday-Fridays. That might seem like a pretty good idea. But as a political scientist he knew the difference between intense minorities and relatively hike-warm majorities. We had relatively lukewarm majority support for this idea, with a virulently intense minority of opposition to the notion that we would have these two-day a week classes on Fridays. Having seen some of the e-mails he could attest to the virulence of the opposition by our colleagues toward such a proposal. So, reasonably, they decided that the Friday afternoon two-day a week slot was not viable. They did come up, however, with a nesting of 50-minute course meeting times within the 75-minute courses, which thereby makes every day the same as you've seen in the proposal. It maximizes room usage. It ameliorates a crunch on the auxiliaries and it enables the extra two-day a week classes at the option of the professors. It also recoups the first and second periods, with what have been seen as somewhat more palatable start times. They may not be more palatable to the students, but they will at least to the faculty, and they seem quite reasonable to him.

Now, any particular model of classroom scheduling will require us to have some distributional rules. If we had no distributional rules, and no need to comply with them, it is likely that we will just fall back into the pattern which has emerged through spontaneous processes over 30 years. So there are then in fact rules, as can be seen in the proposed class scheduling, to distribute classes. Those rules are to be implemented by the individual departments, and it was a concern to him in first seeing the proposal that those rules would be sufficiently complicated to make difficult for departments to know whether they were [abiding by] them, and then in fact to implement [in accordance with] them, not so much from the personnel point of view as simply a sort of administrative point of view. Fortunately, Edna Andrews had a couple of programmers working for her on a completely different project (in linguistics) who volunteered to help, for a relatively small amount of money. It was certainly smaller than we would have had to pay anybody else to create a piece of software which would allow departments to essentially to put their proposed schedule into the computer. The software they devised will read the schedule off and tell you whether or not you are in compliance, and if not, where. Adjustments can then be made with relative ease, entered into the data base used to create the original [trial] schedule, and one keeps iterating until the schedule is brought into compliance. At that

point it can be sent electronically to the Registrar, who has the master schedule. That process has alleviated some of these technical issues.

Over the last several months Edna and her committee, and especially Judith, have been working with various DUS's and departments to assure that the schedule met certain peculiarities in scheduling within certain departments. Some departments have very specific [constraints] in how they schedule, especially for labs. In addition, and here he would read from a list, because "if you never understood faculty governance, you will now." Edna and Judith, often with him as well, have met over the last 3 months with the University Schedule Committee, the Academic Programs Committee, the University Priorities Committee, the Arts & Sciences Council Executive Committee, the Arts & Sciences Council, the Executive Committee of the Academic Council, the Deans' Cabinet, the Trinity College DUS's, GPSC, DSG's, the Executive Committee of the Pratt School, and the DUS's of the Pratt School. There's still one meeting to go, with Pratt he thought "And now, here I am today to tell you what we've been doing. So that is my report."

DISCUSSION OF SCHEDULING

Prof. **Ronen Plessner** (PHY) expressed as his understanding that the goal is to constrain teaching to the mornings so the afternoons are free for extra-curricular activities, which Prov. **Lange** ventured to correct. He wanted to make clear that the intent, more accurately, was not to increase the number of classes which would be in the afternoon, an increase which would further make it difficult for athletes and others who have afternoon extra-curricular activities to have a full range of choice, or as full as possible. But it doesn't mean constraining everything to the morning.

Prof. **Olaf Von Ramm** (BME) knew that the Provost had heard this before, but the Pratt faculty is very [concerned] about how this new schedule will impact the evolution of the day in view of the fact that we have a large number of laboratory classes for the undergraduate students. One concern that the faculty has expressed is that there will, potentially at least, be too much dead time in between classes and laboratories, which doesn't currently exist because the schedule can evolve to minimize these [delays]. On the other hand it doesn't appear that we have looked at models of this problem far enough that we've been able actually to run models for the potential scheduling for these undergraduate students. What kind of resources could the Provost offer to make sure that we most effectively use the hours of the day?

Prov. **Lange** could say two things. First, as all can notice, there is somewhat more time between classes in the new schedule than there was in the old schedule. That is intentional. What you see as dead time is traveling time to many students and faculty across the campus, moving for instance from East Campus to West Campus or from East even further, to the Science Campus. So dead time and travel time and the pressure it puts on our infrastructure were considered strongly in the schedule. At the same time the issue of making effective utilization of lab spaces has been an issue not only in Engineering but in

several departments. He believed that Edna and Judith are working with your DUS's to find the same kind of solutions for intensive use of teaching laboratory spaces that they've worked out with some of the other departments. **Von Ramm** interpreted that explanation as proposing that the DUS's carry the burden of assessing whether or not these schedules will be effective. Lange noted that Engineering had had representation on the Task Force. In addition, the Dean of Engineering was provided with a schedule and had the opportunity to provide feedback from the school. In addition, there have now been over three weeks of discussions with the DUS's, still ongoing, and others in the school of Engineering in order to deal with this specific issue. He was confident, given what he had seen about the way that these issues have been handled in other departments, in Arts & Sciences, that face some of the same difficulties, that a resolution of the issue will be found which will assure that Engineering can best use its time and resources and that our students and faculty will have the best opportunity to teach and to learn.

Von Ramm proposed that they might have access to software as the mechanism by which they can work out this problem. **Lange** said that wasn't what he had said. With respect to the lab issue all the software does is tell you whether the schedule you put in place is in compliance with the rules of their executive schedule. It doesn't tell you how to do anything, but provides a framework, boxes you need to fit your things into. Since there are a lot of departments there are several boxes and boxes that are complex. Rather than burdening the DUS's or their assistants with figuring by hand whether they are in compliance, the software enables that determination to be made very very quickly, and shows where things are not in compliance. That is the important piece because then you can go back to correct or change things in order to bring the departmental schedule into compliance.

Nancy Allen thanked the Provost. She also thanked Prof Andrews for her work on the Task Force and for meeting with all of the faculty and student groups. "Since we had Curriculum 2000 now we'll have Schedule 2004 to go along with it."

The next item on the agenda is was continued discussion of an item introduce last month, for which she turned chair over to the Council Vice Chair Paul Haagen.

ACADEMIC COUNCIL CHAIR TERM EXTENSION

The following proposed amendment was introduced at the meeting of the Academic Council on November 20:

Resolution: In order to further the effectiveness of faculty governance at Duke University during the initial year following the resignations of President Keohane and Chancellor Snyderman, the Academic Council requests that the current Council Chair, Dr. Nancy B. Allen, serve as Chair for an additional one year term from July 1, 2004 to June 30, 2005. The Council determines that it has the authority to amend Academic Council Bylaw n. A. 1 requiring the election of a Council Chair to a two year term in a contested election to be held on or before February, 2004, and does amend it to postpone the operation of that Bylaw for one year insofar as it requires

such a contested election and to provide that the current Council Chair, Dr. Nancy B. Allen, be elected by acclamation for an additional one year term from July 1, 2004 to June 30, 2005.

Paul Haagen re-introduced before the Council the above proposed amendment to the bylaws that would have the affect of postponing the election for the Academic Council (and EC AC) chair for one year, and would also have the effect of having the Council request that Nancy Allen serve for one extra year during the transfer of University leadership. This proposed amendment comes from ECAC. He was reliably told that it requires a motion and a second, both of which were then made. With that he called for discussion.

Prof. **Jeff Dawson** (IMM) asked if it was expected that both positions (President and Chancellor) would be filled within the year contemplated, since this amendment is really written in response to that change in leadership. **Haagen** answered that it was his understanding that the Presidential Search Committee believes it is operating on schedule, which projects that they will name a new President on or before the middle of February, by the time of February Board meeting. The Chancellor search is also proceeding, in the early stages. He thought there was every hope that it will be finished [within this AY], but it has also written acknowledging that that might not happen. If that should be the case he didn't think we will be able to prevail on Nancy serve another year. But, it is expected that it will go through [on time].

Prof. **John Payne** (Fuqua) said that it appeared to him that part of the problem here is caused by bylaw II-a-2, which says that if we were to go back as we did in the past, where you might have someone for whatever reason step down after some period of time, and then have an election that would start a new two-year period, you would effectively be where we want to end up. Was there discussion of that as possibility as an alternative? **Haagen** said that that alternative was not discussed. It was his understanding that that bylaw came about in response to an uneasiness about previous elections and extension of terms. A case in point had been the re-election of a Council Chair to a second two-year term, and some possible departure from procedure. But that was just an impression.

There being no further discussion forthcoming, Prof. **Haagen** put the bylaw amendment to voice vote, and declared it passed, unanimously. There being no further business the Council then adjourned.

Prepared for consideration by the Academic Council,

Donald Fluke, Faculty Secretary