



**Minutes of the Academic Council Meeting  
Thursday, April 16, 2026**

**Mark Anthony Neal (Chair, Academic Council):** Good afternoon, colleagues, friends and guests. Welcome to the April 16th Academic Council meeting. Thank you all for being here today. We have a full agenda to get through, but first I'd like to take a few moments to congratulate the new cohort of Bass Fellows, including the Council's own **Jessilyn Dunn** (Biomedical Engineering). I'd also like to take a moment to congratulate or offer condolences to former AC member **Scott Huettel** (Psychology and Neuroscience), who was just been named the incoming Dean of Social Sciences. And a note of gratitude to our friend and former Council Chair **Kerry Haynie** (Political Science) for his service as the outgoing Dean of Social Sciences.

***APPROVAL OF THE MARCH 19 MEETING MINUTES***

We start with our usual approval of the minutes from the last meeting which were posted with today's agenda. Are there any corrections or modifications to those minutes?

[minutes approved by voice vote without dissent]

***AI AT DUKE STEERING COMMITTEE REPORT***

**Neal:** The next item is to hear from Provost Gallimore and some of the members from the Steering Committee on AI. The committee's report was posted with our agenda, and we will have time for questions following the presentation.

**Alec Gallimore (Provost):** Good afternoon. Thank you for this opportunity to discuss the work of the AI at Duke Steering Committee. I hope you've had a chance to review the committee's report, which was released on March 17, and I look forward to a meaningful discussion today about the report and AI in general at Duke University.

First, let me provide a little bit of historical context of how we got here. I convened the AI at Duke Steering Committee and charged it with evaluating Duke's strengths in AI and identifying gaps and opportunities for elevating the university's academic leadership in its development, application and responsible oversight associated with AI. This followed two consecutive years of AI Summits, and I'll do an advertisement – we're having a May AI Summit coming around soon.

Through a collaborative process with ECAC, four additional advisory committees were established with roughly 14 faculty each. They featured representation from all nine schools and the college, including

science and technology disciplines but also the humanities, arts, and social sciences.

These committees worked through the summer and fall to develop the recommendations compiled in this report. In addition to their own perspectives, they sought significant input from their colleagues across the university through virtual forums and an online survey that was completed by over 800 members of the faculty.

I am extraordinarily grateful to everyone who participated in this process and ensured this report reflected the synthesis of a broad range of faculty viewpoints. I especially want to thank **Joe Salem** (Vice Provost for Library Affairs), **Tracy Futhy** (Vice President, Chief Information Officer) and **Ricardo Henao** (Biostatistics & Bioinformatics) for co-chairing the Steering Committee and leading the effort to produce this document. Joe is unfortunately out of town, but I'm delighted that Tracy, Ricardo, and Steering Committee member **Victoria Szabo** (Art, Art History, & Visual Studies) are able to be here today. I'll turn it over to them, and then we'll open it up to Q&A.

**Victoria Szabo (ECAC member / Chair, Advancing Discovery with AI Pillar Committee):** It is a pleasure to have served on this committee and to have contributed to the campus conversation around AI at Duke.

I was the Chair of the Advancing Discovery with AI Pillar Committee. As with all the committees, we had an interdisciplinary group of interlocutors on our team. As the Provost mentioned, we also heard from more than 800 faculty in an online survey, and in town hall sessions. A few things stand out for me from the experience:

AI at Duke is a vast and complex topic. We heard responses that ranged from an immanent existential crisis to embrace of the coming singularity – and that might be just the range of one person's responses on any given day! What was already clear, but became even more so through our work, is that we will all need to show up for the discussion, whether as enthusiasts, antagonists, researchers, developers, or critics. That's why one of our recommendations is to seed the conversation across the disciplines and within organizational structures, as well as to establish advisory frameworks – top down and bottom up, and to provide opportunities for exploration and to learn more about we don't know. And as a Humanities person, I personally wanted to make sure that artists and critics would remain at the table! That's why we immediately enlarged the definition of “research” in Advancing Discovery to include scientific research, but also other forms of research activity and expression.

Second point that came in loud and clear – and this was really a guiding principle for to how we thought about our recommendations going forward – is that AI is having a profound impact on teaching and learning, and we need to engage with what that means at every level, for good and for ill. Some community members have been working on foundational AI and advanced applications for years and are already leaders in the field. Others are just beginning to explore opportunities and threats. But whether or not AI is already central to our research or pedagogy, it is embedded – every day, more so – in the digital tools we and our students use. It impacts the ways do research, learn, create, communicate, and collaborate. Even resistance and opting-out require attention, as the resurgence in blue-book sales indicates. The upcoming AI Summit next month is focused specifically on AI

education with those challenges in mind. Duke's Center for Teaching and Learning will be a vital partner in helping think through those effects on pedagogy, but each discipline and community of practice will also need to find their way to invent the medium and what it means for them, as interaction designer Janet Murray would say.

Finally, I mentioned an existential crisis at the start of my remarks. The university – all universities – have work to do in thinking about the future of higher education, partly in light of AI-driven transformation, but also far beyond this particular inflection point. Duke has long maintained a productive tension across offering a core liberal art education, fostering research excellence, and providing world-class clinical care. Our engagements with the community derive from our impact as an institution – and also through the work our grads do in the world after they leave us. We owe it to ourselves and to them to face the emerging challenges and opportunities AI poses through productive engagement – and yes, hearty critique – as we move ahead together.

With that, I'll pass the baton over to Ricardo Henao and Tracey Futhey who will say more about the other pillars and what's ahead. Thank you!

**Ricardo Henao (Co-Chair, AI Steering Committee):** Thanks Victoria. I chaired the subcommittee for Sustainability, but today I will be covering the other two subcommittees and let Tracy tell you a little bit more about the Sustainability subcommittee. I want to share the key highlights from our other two committees: Life with AI, chaired by Professor **Chris Bail** (Sociology) and Trustworthy and Responsible AI, chaired by Professor **Nita Farahany** (Law School).

As Victoria mentioned, AI is viewed through many different lenses. It is already having – and will continue to have – a profound impact on everyone at Duke, including our students, staff, faculty and administrators.

Because AI fundamentally changes how we learn, conduct research and perceive the world, it is often viewed as an existential threat to culture and society. However, it also offers a unique opportunity to redefine our work and studies in ways that increase both productivity and fulfillment.

From a trust and responsibility perspective, we must clearly articulate how AI can be used beneficially. We need to ensure users have the tools to avoid misuse and that AI-driven products include the necessary guardrails to encourage broad adoption. While this is critical in high-stakes fields like healthcare, economics and policy, these issues inevitably ripple out to affect all of culture and society.

Duke has tremendous, established strengths at the intersection of AI and science and AI and society. Regarding the recommendations for these two pillars, I would like to highlight:

- **Promoting Human Agency:** Ensuring human relevance in an environment increasingly dominated by AI. Duke can lead this effort internally through education and research, as well as externally via local and national initiatives.
- **Computational Thinking:** We must foster a culture of computational thinking that promotes the responsible use of AI. This is vital to our educational mission across all disciplines – not just quantitative

programs – and can be implemented through a federated model.

- Continuous Education: This must be supplemented by reskilling and lifelong learning for staff and faculty to ensure our workforce remains at the forefront of these technological shifts.
- The Science of Trust: Leveraging existing programs, initiatives, and resources at Duke to lead in AI trust and its responsible use in high-stakes domains such as healthcare.

With that, I will pass it to Tracy.

**Tracy Futhey (Vice President, Chief Information Officer / Co-Chair, AI Steering Committee):** Thanks, Alec, and thanks to both my partners in crime here.

I'll start and give a little bit of a description about the Sustainability in AI pillar that I was a member of, along with Ricardo. And then we'll talk a little bit about how we integrated the four pillars into the final document.

The Sustainability in AI pillar brought together a dozen faculty and administrators from across the university, including from Computer Science, Nicholas, Pratt, School of Nursing and School of Medicine. The committee was chaired by Ricardo Henao, and I served as the liaison from the Steering Committee.

Over the course of four meetings, the group focused first on defining the scope of Sustainability in AI. This proved to be one of its most important contributions. Through a series of discussions, the committee developed a broad but meaningful framework, defining sustainability in AI across four dimensions: environmental

responsibility, operational efficiency, financial sustainability, and social benefit.

The first three dimensions were to be expected. The fourth, social benefit, was emphasized strongly by the committee. Members were clear that Duke's approach to AI should not simply balance benefits and risks but should actively contribute to improving the human condition. While aspects of this goal intersect with other pillars, the committee's position was that an AI strategy cannot be considered sustainable unless it delivers clear and meaningful societal value.

So, at that point, we had all of us, by December, written our pillar reports. Many people were done, but others were not quite so much. Then we had to figure out how to bring it all together. The recommendations from each of those were brought together by a Writing Committee.

We formed a Writing Committee comprising representatives from each pillar, members of the Steering Committee, and two project managers from the Provost's Office. Over the winter break, they consolidated the recommendations. The thing that was most potentially challenging about that was synthesizing those four individual reports, which were organized again along these pillars – pillars being areas of interest.

But what we heard from the faculty in the survey and in the two listening sessions we held was that those pillars, while interesting, were not as seemingly meaningful to the work we do here at Duke. What we really wanted to think about were the impacts on research, education and workforce development. What do we think about governance? What do we think about how we communicate this and convey thought

leadership to the world? What about infrastructure? What about societal benefit and sustainability? So, we recast the recommendations from the four committees, many of which had some overlapping elements, into those themes and categories. Within those areas, it reflected and required extensive discussion and debate across the Steering Committee. As Victoria started out describing there could be any number of perspectives represented. And some people very strongly believed that if this didn't focus solely on the human condition, it was wrong headed. Others believe very strongly that if this didn't focus on the AI technology and tech aspects, it was off base. So, what we were trying to do in the final report writing was to balance that and have the right level of debate to make sure we represented the breadth of those perspectives and needs across the community. We feel like we struck the appropriate balance, including what we should think about in the recommendations, which was a lightweight, central way to organize some overall aspects of the work, but also allowing for the flexibility and diversity of research agendas that occur all throughout the institution, including differing levels of experience with AI.

The last thing I would note is that we put out the report. The final report is open to all of you using your NetID. We had a lot of feedback and interest from others outside, saying, "We'd like to see more and know more." We reworked the report a little bit to take out some of the Duke specific components, some of the things that might be considered more internal facing or more of our secret ingredients and how we're approaching this, and put out in a public report in the last week or so. That's available for anyone to download from Duke website. That takes us through the process.

**Gallimore:** Great. How much time do we have for Q&A?

**Neal:** Fifteen more minutes.

**Gallimore:** Okay, we're open to Q&A discussion now.

**Cam Harvey (Fuqua School of Business):** First, I would like to thank the Steering Committee for putting this report together. I was on one of the subcommittees. Our job was easy. The difficult job was to put it all together. It is a very thorough report. I am going to repeat something I said in my committee, and it wasn't received very well, but perhaps it was misinterpreted. This is a comment and a question for the Provost. I worry that sometimes at Duke, or maybe oftentimes, when we don't have foundational research capability, we revert to interdisciplinary studies. And Duke ranks very well in interdisciplinary studies, but the strategic issue for you is whether this helps our overall standing. It is well known that in the sciences, interdisciplinary research garners about half the citations of monodisciplinary research. This leads to my question which has to do with the implementation. It has to do with the size of the commitment. The alternative strategy to focusing on interdisciplinary research is to make a substantial faculty acquisition for foundational research in AI. So, my question is, what sort of priority is this? Is this \$100 million? Is this \$200 million priority? How important is this for Duke? And I fully realize that we have already committed to a data center which will be effective in attracting faculty. However, even with the data center, choices were made, with part of that investment aligning with the Climate Initiative. Again, I would like to know, in implementation, what sort of priority is given to AI.

**Gallimore:** Let me start with the last piece, because I want to clarify something about that. While we couch the data center as part of the Climate Commitment, the vast majority of the gift money that we raised was actually based on initiatives supporting computing research. That's what we led with. We had a meeting with APC (Academic Programs Committee) to talk about how we're taking this report and where we go from here from a strategic perspective. I'll be coming back in the fall with others to talk about how we're doing it. I will say, in the sake of time, that the elements that you talked about – focusing on disciplinary excellence at the core, computer science, computer engineering, statistics and math, while at the same time leaning into our interdisciplinary superpowers – because the nature of computing is changing, and the notion of doubling down on the traditional computing areas is not going to be enough, even if we had all the money to do that, I still don't think that's the right thing for Duke to do. So, it's going to be a combination of building on strength that we have in those core areas, but it's also going to be coming up with a framework in which we are able to engage all of Duke in the area of computing, not just medicine, not just engineering, but everything that we do. I'm not ready to talk about the resources that we've generated so far, except to say that they're not trivial, and this is a critical role that I feel that we need to do at Duke University in order to advance. Thank you for the question.

**Terry Oas (ECAC member / Biochemistry):** One of the things that has come out of this initiative is the development of AI based tools available to the Duke community in the form of Duke AI. I think Tracy can anticipate my question, which is, when is the School of Medicine faculty going to have access to those tools?

**Futhey:** I will point out that the School of Medicine has had long access to Microsoft Copilot tools which have what is called a Business Associates Agreement (BAA), which is necessary to ensure that the vendor with whom we're exchanging the data is responsible as it relates to Protected Health Information, or PHI. Sorry, that took a little dive. But I needed to say all those things because there is a tool that can be used in the School of Medicine. It is built upon OpenAI, the ChatGPT service that we have brought to the rest of the university. We've been actively working with OpenAI toward getting a BAA. If and when that happens, we would reopen the question of access. It has not happened yet, but we're actively pursuing it, and they are expressing their willingness to do that. Likewise, we are talking with other vendors because we recognize that there are other tools and these tools are changing constantly. Claude, from Anthropic, is another extremely popular tool, especially in areas of coding and other scientific domains, and we are actively in conversations with them. School of Medicine is already, in one department, doing a pilot with Claude, and we will look to bring that forward to the rest of the university. I would say, Terry, to your point, we would love to democratize these tools to everyone, but we are not in complete control of the data they may use them in. So, we have great protections with the OpenAI contract for Duke data. It does not make us comfortable enough institutionally for the School of Medicine to be able to let in everyone who might have PHI as part of their research. I will note that there is an exception that we found a way to work through with the School of Medicine for teaching related to non-PHI. If you're in the School of Medicine and you are teaching students, and you don't work with Protected Health Information, and you want them to

use OpenAI, we do have a process to get you there, but we don't have a full blown one yet. We'll continue to work there.

**Henao:** I am also in the School of Medicine. I would like to add that although we are making the same type of tools that OIT is making widely available on the campus side, we have now alternatives for most of those use cases in the School of Medicine. So, anyone that needs access to API calls or web-based Chatbots based on large language models can use it on the School of Medicine side, both for sensitive PHI and unconsented data. We have a mechanism for everyone to do that, both with protected computation and unprotected computation. It takes longer because the regulatory and compliance burden is greater on the School of Medicine side but rest assured that DHTS (Duke Health Technology Solutions) is also working in partnership with OIT to make sure that happens for everyone.

**Stefani Engelstein (German Studies):** I want to thank you for your work, and I also want to apologize that I saw the email with the Honorary Degrees and somehow, I did not see the email about the report. So, I pride myself in reading all these reports in advance, and I haven't done that. Since there weren't many questions, I didn't want to let the opportunity go by without asking whether it included support for classroom activities that could take place on computers without access to AI. Do we have the ability? If not, I think we should develop this very quickly, because I know high schools already have it, and some areas at Duke already have it, where faculty focusing on their learning objectives could protect in-classroom activities that allow students to use their computers, but do not allow them to have access to AI. Is that something we're investing in?

**Futhey:** We haven't yet procured any of these lockdown browsers that allow the use of Internet but exclude the use of AI. But the recommendations were, as you can imagine, all over the place. We will continue to explore and license whatever tools we hear there is sufficient demand for. I am happy to look at that and figure out how we might try to do it within the balance of the overall constraints on all of our resources. I am happy to consider it.

[Note: After the meeting, Futhey provided an update that OIT and CTL will begin a AY26-27 pilot of a lockdown browser. See <https://oit.duke.edu/service/respondus/> .]

**Gallimore:** Let me add that I think I've actually mentioned that idea here before, and I'm a big fan of it. So, that's certainly one of the areas I think we'll be spending a lot of time looking into.

**Betsy Albright (Nicholas School of the Environment):** Thank you, Committee and Subcommittees for all your work. It's an interesting report. I'd like to focus my question on the design of the data center and the potential for innovatively and creatively integrating it with the university in terms of heating, cooling or use of geothermal. This is way outside my league – the building plans of the data center – and I was having a hard time figuring those connections out. Yeah, I was procrastinating grading. (laughter)

**Gallimore:** To tee up Tracy, we're going to be a little measured in terms of the details we'll get to. So, we'll go into the principles involved, because it's still a work in progress.

**Futhey:** Thank you. We've worked very hard with the Facilities organization and our colleagues in the climate and sustainability

domain to find ways to deliver on both our computational enthusiasm and the need to support the science at Duke, but also in recognition of the climate commitment and to not run afoul of that. We don't have a lot we can publicly say yet. We do have two things. One I can say somewhat explicitly, but not in detail. The second one I'll be a little more circumspect about.

The first one is to say that the computation requires a great amount of water cooling and generates a great amount of heat. We have a plan in place with the Facilities organization that will put the cool water into the computers, take the hot water off, use the hot water to contribute to the university and the Health System's hot water heating plant. So, we do have a plan that does some proactive and productive reuse of that hot water that comes off and makes it more efficient than a data center that just cools in the air, and then the hot air is just escaping into the environment. That's one piece. We are working actively with them to calculate exactly what that will mean, but we're not quite there yet.

The second piece is that we are exploring alternatives and ways in which we might power it as efficiently and sustainably as possible. We've had very good and productive early conversations about that, but nothing we can report on or say publicly until those conversations get a little further.

**Albright:** That's great. Thank you, and I encourage you to push forward. I think it's really needed across the globe and is an innovative space that Duke could help fill.

**Futhey:** The Provost might want to add what we're thinking about more broadly in the state. Does the Provost want to add that?

**Gallimore:** Yes. We started this as a technology demonstrator. So, the idea is, instead of building a monolithic, let's say, 100-megawatt or greater data center located at one location, can we break it up into smaller, maybe 10-megawatt. I'm not saying that's what ours is, but you get the point that we could make 10 or 20-megawatt or so and site them where there's a need for the hot water and where there's access to more sustainable energy and use that as a new way of doing things. We have an incredible statewide network of high-speed computer connectivity, so we don't have to be in one spot. We can put nodes all over the place. We can cite them at hospitals. We can cite them at schools. We can cite them by hydroelectric dams and things of that nature. This really helps us think about North Carolina, in some respects, as a model of a new way of bridging the gap between the growth in AI and the sustainability of our planet.

**Thea Portier-Young (Divinity School):**

This is a question about working with doctoral students. I'm in the Humanities, and many of the faculty are not typically using AI in their research, but I think increasingly we'll find that our doctoral students are interested in using those tools. My question is, has there been discussion about something analogous to IRB (Institutional Review Board), in terms of a consultatory process or a review process that would enable us to ensure that our doctoral students are following standards for responsible use and the right procedure that will ensure their work is taken with utmost seriousness and so on?

**Futhey:** We do not have that explicit process you described. I think many of us think it would be a great idea, and we will work towards setting that up. I know the School of Medicine has ABCDS

(Algorithm-Based Clinical Decision Support). ABCDS is a process that does algorithm-based clinical data sciences. They have a review group and process, as I understand, that gives the equivalent sign off or signal of “this is okay; this is a good use,” and in large part would provide the kind of assurances, or at least mitigate against the challenges that we might otherwise face if we were just a Wild West free-for-all, where anybody uses it for anything.

**Henao:** One more point about it is that we need to leverage the training and educational programs that we already have at Duke. The Interdisciplinary Sciences are taking the charge to train quantitative students more on the policy side of things, or more on the Humanities, but vice versa. We have programs in IAD (Independent Academic Development) and MIDS (Master of Interdisciplinary Data Science). We also have initiatives in the School of Medicine that are trying to create that cross training as a way to get trainees that are not formally trained in AI to use these tools responsibly and learn to also make advances with those in their respective fields. This is something that needs additional investment.

**Szabo:** In Humanities, I know that at the Franklin Humanities Institute, Ranjana Khanna (Director, Franklin Humanities Institute) has been very interested in continuing discussions around AI and humanities research. We started some conversations about that last year in my department – Art, Art History, & Visual Studies. We've had conversations about the use of AI and various aspects of research. This is part of what I was talking about with “the bottom up” that I think in each of our departments and programs, we're going to have to think about it. We can also learn from each other in larger units as well.

**Gallimore:** First, I'd like to thank you all for the discussion and thank my colleagues here for their amazing work on the report and this discussion. Maybe, two or three takeaways. One, this is definitely not a “put the report on the shelf” type of thing. We've actually engaged in activities. As I mentioned before, we will be presenting in the fall that you'll see the collective work of this committee and the 800 faculty members who have contributed to it reflected. The other one is the Summit next month we talked about. The focus of the Summit, again, is on the notion of, how we provide support, training and resources to our faculty and staff who are also asking for it, to help them know how to best use AI and how not to use AI when they don't want to, because we value academic freedom. It's just as important to know how not to use AI as it is to use AI. The last thing I'll say is that one of my clear takeaways is that a big difference about how Duke will be reflecting its application of AI is the notion – we heard it a little bit, but I'll say it again – that for us, AI is deeply technical and deeply human and making sure that we capture both of those ingredients. I can't think of a better place to do that than Duke. Thank you very much for your time and discussion.

#### ***APPENDIX I COMMITTEE REPORT***

**Neal:** Thank you, Ricardo, Tracy, Victoria and Alec. The next agenda item is the report from the Appendix I Committee. I'm pleased to introduce Professor **Jennifer Nash**, Gender, Sexuality & Feminist Studies, and who served as the Chair of the Academic Council ad hoc committee that examined Appendix I in the Faculty Handbook (Pickets, Protests & Demonstrations Policy) to discuss the committee's report and take questions following. Those on the Council last academic year, will recall that my predecessor, Law Professor and Academic

Council Chair Trina Jones, and ECAC, requested Council's approval to constitute this committee given the number of concerns they had been hearing from our colleagues both in the Council and among the faculty.

In March of 2025, Council voted to approve this committee, and its charge, and Professor Nash and her colleagues on the committee will discuss their report and recommendations from their work during this academic year.

As a reminder, the report was posted with the agenda and circulated in my email earlier this week. We will ask for Council's approval to accept the report at our next meeting on May 7.

**Jennifer Nash (Gender, Sexuality & Feminist Studies / Chair, Appendix I Ad Hoc Committee):** Good afternoon, everybody. Thank you for the opportunity to be here to talk about the work of our fabulous committee. Let me start by shouting out my committee members. It was a pleasure to work with **James Chappel** (History) who's here, **Tim Lovelace** (Law School) who's here, **Anne-Maria Makhulu** (Cultural Anthropology & African and African American Studies) who's here, and **Don Taylor** (Sanford School of Public Policy). It was a collaborative effort. Though today I speak in front of all of you, this is a real collaboration.

As Mark said, our committee had the following charge. (refers to slide) I'm not going to read it aloud, but just remind you that we were asked to think about what is called Appendix I. I'll say a little bit more about how that's a misnomer in some ways, but we were asked to consider the Appendix I policy, think about its key terms, examine

questions around jurisdictional authority and procedure. We had a broad charge.

Let me say something about the title – Appendix I. While our committee is called Appendix I / Pickets, Protests and Demonstrations, I think it's important to remind us in this room that this policy lives in at least three places in the Duke ecosystem of policies. It lives in the Duke Community Standard, which includes a host of policies that apply to students on topics ranging from the use of your Duke ID card to alcohol to academic integrity, and a host of policies which include pickets, protests, and demonstrations. The policy lives in the Faculty Handbook Appendix I, and also lives on the University Events and Activities Policies page. Since one of the questions we were asked to consider is whether the policy is broadly accessible, I want us to remember the multiple locations where the policy currently lives.

Over the course of the year – our committee was convened in September – we took on three main activities. The first was to document and study the history of the PPD (Pickets, Protests and Demonstrations) policy, charting its evolution from 1968. And I'll say more in a minute about why these questions of history seem so important to our committee. Second, we interviewed 10 stakeholders about the existing policy and consulted with quantitative and qualitative data collected by the Academic Freedom Committee in 2024. We did have folks who reached out to us. Some of that work is shared in the Appendices of the Report. We did have conversations with folks who actively sought to speak to the committee members. We also talked to some stakeholders who prefer to remain anonymous, so we did not include their names in the report. Finally, we studied the expressive activity policies from 10 of our

peer institutions to learn what best practices are across the country.

Let me say a little bit about the question of history. One of the debates that came up again and again among stakeholders was a question of whether the policy is new, or whether there's new concern about the policy because of a changed political context. Some stakeholders say that the policy has remained the same essentially since 1968 when it was first codified. Others say that there have been changes that feel important, even if it doesn't seem to be a lot of changes at the sentence level of the policy. So, we spent a long time analyzing the changes in the policy from January 1968 until the present. We concluded that the policy has changed since January 1968 when it was first written, even as its intellectual framework has remained the same. And the changes that we particularly wanted to spotlight were threefold. There have been shifts in enforcement mechanisms. There's been a relatively recent introduction of a pre-registration guidance. And there's been a shifting designation of protests, so that protests at Duke are increasingly understood as events subject to the university event regulations. I'll say more in a few minutes about why that's important, but it's one of the ways that Duke is an outlier in relationship to our peer institutions.

One of the things we particularly wanted to call our collective attention to was what one of my colleagues, Don Taylor, described as the "eventification" of protest. A great term. Earlier revisions of the policy adjusted procedures for enforcement or administrative oversight, but the most recent changes have incorporated protests into the general management of events of Student Affairs. So, I took a screenshot of the Student Affairs website where you can go to register your event and learn about the

requirements around having an event on campus.

We'll talk a little bit about what came out of our conversations with stakeholders. Our biggest takeaway from conversations with stakeholders is that the current policy is a source of confusion for many on campus. Some stakeholders argue that the current policy has important strengths, and those strengths were generally articulated as first, ensuring campus safety, and second, ensuring that events don't conflict. I think those two points actually go hand in hand. Ensuring that events don't conflict was actually seen as an important part of ensuring that our campus is safe. Others raised substantial questions about the policy as it's currently articulated. Many of those questions revolved around the question of whether UJB (University Judicial Board) should adjudicate alleged faculty violations of the policy, and some stakeholders expressed concern about UJB's lack of procedural clarity. Student stakeholders, in particular, voiced concerns about pre-registration requirements and asked a series of questions such as what determines whether an event is approved. There was a perception among students that some organizations are allocated different or less desirable spaces. And there were questions about spontaneous protests, which often emerge in response to breaking news, which seemed to students to be restricted by a registration requirement.

Then I want to talk about the bulk of what our conversations centered on, which was around comparisons to our peer institutions. Sometime around December or January, when we went back to our original charge, we realized that we couldn't fulfill what was asked of us, in part because the charge that we were given suggested that we could reform the existing policy and offer

recommendations on how a revised policy could be better circulated and publicized to members of our community. When we carefully studied the policies of our peer institutions, we recognize that peer institutions have policies that lead with institutional values, that articulate core beliefs or principles that underpin the university. And we realized that our policy, which is exceedingly brief and focused entirely on pickets, protests and demonstrations, does not do that. As I said, our policy is really short – a few paragraphs. Even the title – “Pickets, Protests and Demonstrations” for starters, is a bit outdated. The term “picketing” is rarely used. The title reveals its narrow focus on regulating protest. Our peer institutions have developed robust and elaborate policies focused on what was often called expressive activity or expressive conduct that reflects institutional values. These are policies that lead with values, statements of principles of academic freedom.

At our peer institutions, expressive conduct policies are also pedagogical in nature. They seek to instruct students about the shared values of the university. They ask questions like, what are our shared values? How do we instruct members of our community about those values? Through what practices or actions do we protect and reaffirm those values? Here is an example. This is from Cornell's Expressive Conduct Policy website, where they teach as their opening salvos is to talk about their core values: free and open inquiry, community of belonging, changing lives through public engagement. Similarly, Stanford's Expressive Conduct page begins by articulating their commitment to freedom of expression, free inquiry and the open exchange of ideas as fundamental values for the university's academic mission. So, our peers policies cover far more than pickets and protests. As

I said, they usually talk about expressive activity or conduct. Expressive activity policies at our peer institutions generally are umbrellas for linking and gathering a host of other policies that shape the ability to engage in expressive conduct policies like excessive noise, anti-doxing, anti-harassment and the like. I think this was particularly important from our findings that at our peer institutions, protest is seen as one form of expressive activity rather than as an exceptional event in need of its own regulatory scheme. This is just an example from Cornell. Their description of their expressive activity policy highlights the host of policies that fall under the umbrella of expressive policies, from posterings, signs and chalking to camping, to “can you have tents on campus,” to “can you wear masks.” All these things fall under the umbrella of expressive activity. There're a few other key findings from our peer institutions. All of our peer institutions articulate content-neutral time, place and manner restrictions for expressive activities, for example, time restrictions on amplified sound, though there are significant variations in how they regulate amplified sound and registration and in how they regulate spontaneous gatherings. Crucially, at our peer institutions, expressive activity policies are easy to find. You can go to <https://expressiveactivity.cornell.edu/>, <https://free-expression.mit.edu/>. You can find these policies easily. There are often FAQs. Stanford has a lovely brochure that's two sides as a summary of their policies that they give to students at move in, and websites offer clarity on compliance and noncompliance. If you need to know, if I have a protest in front of the WU (West Union) at this time, can I do it or not? You can go to a website and easily find the answer. I think very importantly, our peer institutions have websites that map changes to the policy as they unfold. When you go to

Cornell's website, it'll say, three weeks ago, we changed the third sentence of the policy to say this. So, going back to where I started about the history, it's very easy to track how the policy is changing. This is the two-pager that Stanford gives out. All students get this when they move in. Front and back, it explains the key takeaways from their policy. Obviously, you should go to <https://freespeech.stanford.edu> to learn more. But if you need to know whether you can protest in White Plaza, you can easily find it out from this two-pager.

So, what do we do next? In some ways, we had a moment, sometime in March or early April, when we wanted to reset a committee by calling for the formation of another committee, which feels like an academic parody. (laughter). But here we are. Because our policy seemed to us to lag so substantially behind those of our peer institutions, we recommend that a committee constituted crucially of administrators, faculty, staff and student representatives is charged with drafting a new expressive activity policy that begins with an articulation of values and principles. We think it's crucially important that the drafting of a new policy is a democratic process that unfolds with maximum community feedback and buy in. We think that the process for enacting a new policy should model democratic and open exchange we hope to see on campus. For those of you who really want to geek out on these policies, Cornell does a great job describing the process by which they came up with their most recent policy, and they talk extensively about how the process was as important as where they landed with the policy. They talk about how they developed and refined the policy based on feedback from campus stakeholders, town halls, soliciting written comments, thoroughly reviewing the best practices of peer institutions and ensuring representation

of all constituencies. We also recommend that at the end of next year – although this might be a larger project than a one-year project, so maybe it's two years from now – a new policy should come to the Academic Council for a vote. We want to emphasize that for us, we see this project as an intellectual opportunity for Duke. We see it as opening the possibility for campus-wide conversations about open inquiry, freedom of expression, and the open exchange of ideas. There's a lot that we can do to think about collective study, reading together, reflection and deliberation. I know a lot of campuses have a one-book model that we could think about having a common question where one of the questions that we're thinking is, what does academic freedom look like on our campus? What are the texts that we need to read to begin to think about that question? But we really wanted to emphasize that we saw the work that is to come as necessarily being a democratic process. I was inspired by what Cornell listed on their website. These are a set of texts that they referred to when they were drafting their policy. (refers to slide) To me, it is a model of how this kind of project can be an intellectual one, rather than just a bureaucratic one.

We did have some more explicit recommendations that I wanted to name before opening it up for questions. We recommend that a new policy be easily accessible on a single website, so that folks don't have to go from Community Standards to Appendix I to figure out what the policy is. We recommend that any new policy should be circulated to community members through a brochure or a pamphlet. We recommend that any future policy be guided by some core values, namely: offering the community clarity on the policy's key terms, predictability around its enforcement, and eliminating discretion. We now have two

reports at our disposal – ours and the Academic Freedom Committee's, and we recommend that both of these are drawn upon when a new policy is written. For our final two recommendations, we recommend that a new policy designate a town square or public commons on West Campus that is open for expressive activity during clearly stated times. We were inspired by a similar policy at both Cornell and Stanford. The expressive activity held in the town square during permissible times would not have to be pre-registered. We imagined that we would need reasonable content-neutral time and manner restrictions, i.e. not gathering at midnight. We need to think about amplified sound and how that would work. But we're really drawn to the idea of a speech space or public commons on campus where spontaneous gathering would happen. As I said, this is from Stanford. Stanford's White Plaza is one of the spaces that's designated on campus what they call a central place for freedom of expression and where members of the Stanford community can hold events. So, that's the inspiration to hold in mind. And we also recommend that UJB should no longer serve as the body that adjudicates alleged faculty violations of any expressive activity policy. We think that the existing Faculty Hearing Committee is an ideal venue for hearing any issues related to alleged faculty violations of such a policy. We also want to affirm our shared belief that students should not sit on any hearing body that adjudicates allegations of faculty violations. That's my last slide. So, let me open it up for questions. Thank you. (applause)

**Jessilyn Dunn (Biomedical Engineering):** Thanks so much. That was wonderful. I have one question about the efficiency of the process for trying to create the new documents. Rather than starting from the scratch, could we leverage the documents

from Stanford or Cornell and use them as templates that we edit? I'm just thinking, efficiency-wise, it could be a useful exercise.

**Nash:** It is a great question. In my mind, the question of efficiency of the process, I think of it this way. We have two committees that have thought about very similar questions in the last couple of years, and it seems to me there is a lot of expertise in the faculty, and that expertise should be drawn upon as a new committee is formed. I'm reluctant to suggest that we can just borrow the template from another place. I think we have our own concerns on our campus. As I said, I think our committee felt very strongly that the process was important, particularly ensuring that student and staff constituencies are heard regarding their concerns. So, I don't want to recommend anything that short circuits that process, but instead, again, emphasizes the importance of drawing on the faculty expertise that's already in the room.

**Mohamed Noor (Executive Vice Provost):** That's a very helpful report. I really appreciate your thoughtfulness throughout it. I had one question about one piece towards the end – the part about the Faculty Hearing Committee adjudicating. That would be a significant change in the role of the Faculty Hearing Committee. A typical Faculty Hearing Committee is assessing a sanction that has already been imposed upon a faculty member. This would be basically just identifying guilt or innocence in a legal frame. That's a pretty different role. I'm just wondering what was the thinking that led to that particular recommendation?

**Nash:** Thanks for the question, Mohamed. Let me answer that in a few ways. First, there was a shared concern about the role of UJB and that was multipronged. Some of it

had to do with questions of jurisdiction and clarity of procedure. And a lot of it had to do with a sense that, as I said, students should not be on bodies that are adjudicating alleged faculty violations. The Faculty Hearing Committee is an already existing committee, right? I understand your question that in a sense, its jurisdiction would in some sense have to change. It would be taking on new kinds of questions. But the fact that that committee already exists and is charged with adjudicating questions around allegations of violations of university policy of various sorts, seemed to us to make it an ideal space for taking on these questions.

**Jocelyn Olcott (History):** Thank you for that fabulous report. I thought that the emphasis on process was really helpful. And I offer this as a humble suggestion, maybe to whoever might take it up, which is that it feels like we're always in search of a unifying conversation that particularly, our undergraduates might take up, that would give a sense of shared purpose. And I wonder for the incoming first year class, if this might be the anchor conversation, since it involves so many of the things that are most important to what we do here and is a great introduction of what a university experience should be about.

**Nash:** It could tie into other key initiatives like centering humanistic inquiry. Some of these questions are the core of what humanists think about. But personally, I am absolutely drawn to the idea of a common question that animates courses, maybe conversations that are happening in dorms, maybe speaker series. So, there really is an intellectual component to thinking about what policy looks like.

**Olcott:** And a great way also to celebrate the Sesquicentennial.

**Helen Solterer (Romance Studies):** I add hearty congratulations to everyone involved in this report, and also heartily encourage you to engage as many of the undergraduates and students across campus. As a colleague who's taught a history of free speech in the French speaking world by chance, since 911, I can hear hundreds of students who have much to say in many languages, in many cultural traditions that the Duke community represents and in relation to the multilingual Durham community, so that you think the question with our students, not only in a local Duke context, but also in a thoroughly international context.

**Nash:** I appreciate that.

**Suzanne Wasiolek (Sanford School of Public Policy):** I also want to thank you all for the incredible work that you've done. This is remarkable and makes me proud. In the spirit of free speech, free inquiry and love for this institution, I'd like to make the group aware that there has been a class this semester that has studied the Duke policy. There are five of those students here today – at least five that I've been able to count. I believe that almost every recommendation and observation that you all made, they've included in their recommendations as well. So, I thought I would share that at least with a small group of students, there is enormous alignment with what you all have discovered, and they've looked at very many of the same schools that you have looked at. I would also tell you that one of the groups has designed a website that is quite outstanding and for the right price, you might be able to get it. (laughter)

**Nash:** I love that.

**Wasiolek:** I want to thank you all for this work. I know that there are a number of students who see great value in this, and perhaps would be interested in continuing it. I just want to say one last thing, and that is one of the interesting observations that the students made about the University Judicial Board, is, they weren't particularly excited about the number of students on that board, so they weighted super heavily on the student side. And I know that their instructor suggested that perhaps they should think about how the faculty would feel about being adjudicated by that number of students. I am just pointing out that the faculty feel the same way as another alignment. Thank you.

**Dalia Patino-Echeverri (Nicholas School of the Environment):** Thank you for working on this committee. I have one concern with your recommendations, which is the timing for the new committee and when the new policy or Appendix I would be published. We've been very close to World War III. One year seems like too long to wait. I wonder if there could be some provisional changes to our policy. For example, one that seems really pertinent is the designation of our own White Plaza. Could that be advertised as soon as possible? We have been going on with our lives as if nothing was happening, and those of us of a certain age are used to doing this, but our students are eager to voice their discontent and their fears. I think giving them that space is something we should do as soon as possible.

**Nash:** I've actually never been to this before, so I don't know if I'm supposed to answer that question, but I'll just say, for the record, I think there is a tension between the particular urgency of the political moment that we find ourselves in and our own sense of the importance of deliberation. I think the

process that we map out here, just goes to your questions, there's a slowness to it that might feel antithetical to the moment that we find ourselves in. So, I think it's an open question as to what kind of process would be needed for changes to be made before the potentially one or even two-year project that we outline here. I leave that to the Academic Council.

**Mary Pat McMahon (Vice President of Student Affairs):** First, I want to express my appreciation. There's something here that's been in my experience so far at Duke and it's so helpful to see it named and lifted up, as a way for the intellectual piece of this expressive activity, the kind of non-codification of things as an event, when there's something much more faculty-governed, intellectually driven, required of it. So, I'll just name that. Listening to this, it's just helpful to hear. I have one comment and one question. The question was, did we talk to anybody at the schools where those policies are in place about how they work in practice? If we haven't, then I think it'd be very interesting. Everybody knows there's one thing that you have written as your written culture, and then you've got your operational campus culture. Knowing a little bit about those places, I think there're ways we could learn, and I know they learn from us. So, I think it might be really interesting.

**Nash:** The answer to that is no. I think you're right and that's important. Just towards the end of our last email chain, Don (Taylor) actually sent us a reminder that Penn is undergoing this process right now. So, there's probably much to learn from seeing how that process unfolds by talking to our colleagues, but also to students and staff. I don't want staff to fall out of this conversation also, because I think they're an important constituency that often goes unnamed in these conversations.

**McMahon:** My second comment is around the urgency of the moment and safety. My colleague, John Dailey (Associate Vice President, Public Safety and Chief of Police), if he's here, would say this. I want to make sure that we walk out of here understanding that there are real risks to those members of our community who choose to stand up in front of everyone and state their opinions. There're risks when they are recorded, when they are doxed and when they are brought together. So, I would caution us to not move quickly towards a change. I want to, in the spirit of things that are important, really validate that part, but also remind us of that. For example, the alternate locations, we often do alternate locations because of the concern about being in a large public space. For example, Charlie Kirk wanted to be on our plaza and do an interview with Tulsi Gabbard. And we said, we're happy to have you do that. We'd like you to do that in a contained space so we can assure your security. And we do that with our own student groups in an educational way as possible. I feel like that's important as this group walks out of this room to understand those safety pieces. The Unite the Right rally was a major change in how my field thinks about these things. You can see some of these other pieces tracked over time. So, just cautioning us to hold that not as an abstract while the other pieces are incredibly important. Thank you.

**Neal:** I would like to offer a quick reminder that for those of us who were regularly harassed during the Duke 88 lacrosse controversy, we are well aware of the dangers that are outside the campus with regards to whatever viewpoints that we might have.

[The meeting then moved into Executive Session for the last two agenda items posted]