

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

Trina Jones (Chair, Academic Council / Law School): Welcome everyone. Thank you for being here today. We have a very full agenda, so let's get started. I begin with sad news regarding the death of one of our colleagues, Joe Izatt, professor in the Biomedical Engineering Department and a longtime member of the Duke community. Joe served multiple terms on the Academic Council, and some of you may recall that Joe chaired the Council's nominating committee for the AC Chair in January 2023. In a message last week to the Duke Engineering community, Jerry Lynch, Dean of Pratt, said: "Joe was an exceptionally thoughtful leader who weighed every decision with a care that originated with his deep love for the BME community. The integrity and humility he brought as a school leader will be missed and his loss leaves us with a profound sense of sorrow as his dedication to his family, students, faculty and staff were the hallmarks of who he was as a person." We lift up Joe's family, friends, students and colleagues during this difficult time.

I want to let you know that we have a presentation scheduled for May 9th regarding a proposal from the School of Medicine to revise certain non-regular rank faculty titles. ECAC received the approval of this item by the Provost's Academic Programs Committee on April 10th; thus, we were not able to add this presentation to today's agenda given the other items that were already scheduled. Because the School of Medicine would like

this item to go to the Board of Trustees at its meeting in May, ECAC arrived at what we hope is a viable solution given that this type of item requires 2 meetings in order for it to proceed. We are sharing the materials with you this month, which are available in Box, and ask that you send in any questions to us prior to our May 9th meeting. The organizers of this proposal will be here on May 9th to present and answer questions. We will vote at the May 9th Academic Council meeting provided that you are prepared and ready to do so.

Any questions?

Next, I want to thank the Council members who have already submitted nominations or recommendations for university committee service since my email went out last week. If you haven't had a chance to suggest someone, you still have time! So, please send suggestions to acouncil@duke.edu soon. In addition to Roxanne Springer's observations, a few of you made suggestions about the nomination process and based upon your input ECAC plans to form a small committee to consider this issue further in the next academic year. So, thank you for your feedback.

And lastly, the ECAC election will take place later this month – note those eligible to vote for the nominees are Council members for the 2024-25 academic year. The slate is almost

finalized – 6 nominees for 3 openings. I will announce the results at our May 9th meeting.

APPROVAL OF THE MARCH 21 MEETING MINUTES

Jones: Let's move to the approval of the minutes from the March 21st meeting, which were posted with today's agenda. Are there any corrections to the minutes? May I have a motion to approve? A second? All in favor, please say yes. Any opposed? Any abstentions?

(Minutes approved by voice vote with no dissent)

A PROPOSED MASTER'S DEGREE FROM THE SCHOOL OF NURSING

Jones: With today's agenda, you will have seen various supporting materials related to a proposed master's degree from the School of Nursing. This master's will replace their accelerated Bachelor of Science of Nursing degree. Professors Barbara Turner, Stephanie Gedzyk Nieman and Jacqui McMillian-Bouler are here to present this and answer any questions. We will vote on this item at our May meeting. If approved by the Council, it will go to the Board of Trustees for approval at their May 10th meeting.

Dr. Barbara Turner (School of Nursing): Thank you very much for your time. On behalf of the School of Nursing faculty, we're here to present a master's entry to nursing practice, commonly called MEPN. And in the nursing community, MEPN means a program in which students, who have already earned a baccalaureate degree in another discipline and have decided they want to become nurses, come to a program to

learn the knowledge and skills necessary to sit for the licensure examination to become a registered nurse. So, this is a pre-licensure program. And as Trina mentioned we already have a pre-licensure program. So, let's talk about that. We have had an accelerated Bachelor of Science in Nursing program since 2002. It's currently ranked first in the nation by U.S. News and World Report. Despite that, we have had a trend of decreasing applications to our program, and we have countered that with increased marketing, which has met with some success. But I think most concerning is those fully qualified candidates, which we offer admission to, are declining our offer of admission. And the question is why? There are really two reasons. One is they have exhausted their undergraduate financial ability, federal financing ability. They have to go to private financing. And the second is because there is a master's degree at other schools, they are preferentially going to schools that offer a master's rather than getting a second baccalaureate degree. Now our competitor schools are listed. *(Refers to slide)* Yale, Vanderbilt, Emory, Penn, UNC is a competitor for in-state students, and then Duke. What we did was look at our competitor schools and their MEPN programs and then compared it to what we are proposing. You will see that the degree offered varies. Yale offers an MSN, others offer an MN, which is a master's of nursing, which is what we are proposing because we already have a master's of science degree for post licensure students. And those are students who are already registered nurses and want to be advanced nurse practitioners, informatics, or nurse anesthetists. Vanderbilt and Emory offer the MN, Penn offers a MPN, master's of professional

nursing. UNC is considering offering a MEPN program. So, we are suggesting the MN degree. You will see the credits vary widely among our competitor schools, from a low of 45 at Yale to a high of 84 at Penn, if you do the conversion. We're suggesting 63 credits. The clinical hours, those are the hours spent in clinical practice or in the simulation lab, also vary from 481 to 1200. We're at the higher end. The higher end we have vastly exceeds what's required by the North Carolina Board of Nursing. All programs listed here are four semesters in length. We anticipate doing four semesters also. And then we looked at the academic year 2025 tuition costs, and we are sort of right in the middle of that. I'm going to ask Dr. Jacqui McMillian-Bouler to describe why we are changing the curriculum and why we are focusing on competency-based education. Dr. McMillian-Bouler is a nationally recognized expert in nursing curriculum and a national expert in competency-based education.

Dr. Jacqui McMillian-Bouler (School of Nursing): Wow! I guess I better deliver something pretty amazing. *(Laughter)* I'm here to talk to you about the why and the urgency around the why to really help you all make sense of this. This is data that we've been looking at for the last few years. But, I want to paint a picture for you. So, any of you all that have ever been treated by a nurse or had a family member that was treated by a nurse may have some expectations about those skills. You may want them to be able to communicate well with other providers. You may want them to be able to recognize problems and address them. Those are pretty basic things, yes? In 2005 we had a colleague that began to really look at what we call practice

readiness, that ability to do those things, to see what percentage of nurse graduates, these are pre-licensure graduates, were able to do these basic things we all nodded our head to say that should it be accomplished. 35%...So, this was back in 2005. Clearly, we tried to address that. We talked about clinical judgment. We changed the way we were teaching. We changed the NCLEX [National Council Licensure Examination [for] Registered Nurses] test plan. In 2012, similar study...28%. I do not teach math, some of you all do, but I know this isn't the right direction. *(Laughter)* Similarly, a similar study was done in 2021. So, this is obviously during the pandemic. We have to take that into account. But I want to show you what happened, the frowny face tells you it's not that great and it isn't. 9%...So what the translation of this means is when we think about practice readiness, a nurse's ability to do the things they need to do to provide quality care for their patients and clients, what does this tell you? It's bad. We're not meeting the mark. The AACN, that stands for the American Association of Colleges of Nursing, is the body that really provides us information on what new graduates should be able to do at all levels of nursing. So, when we think about our pre-licensure and our master's degree, that's all within this document. They looked at those same statistics and said, "You know what? We're probably needing to update and change some things here." And so that's why we have The New Essentials. And this was new in 2021, so it's old now. but we still call it The New Essentials. Within this document there are competencies that really describe what the role of the nurse is in today's society to make sure they can provide quality of care. So, they did this by crowdsourcing. They talked to

educators. They also talked to practice partners to say, what do you need when they graduate? So, this document guides us, but it has a little sneaky thing in there called competency-based education, which is a complete change for how we've been traditionally preparing our nurse graduates, which clearly from the statistics we needed that. So, practice readiness is what we're after. About making sure that our graduates have the skills they need to be able to recognize problems, address those problems, communicate with their colleagues, and be leaders in health care. And that's what we want to do. And we recognize that what's within this document means that we've needed to make some updates and changes in our curriculum. We had an option of tweaking what we had or really thinking about some of the information that Dr. Turner presented in terms of what would be a forward momentum and give us an opportunity to blow it up and start again and reimagine an amazing curriculum. So, we feel like that is what we have done.

In terms of reimagining, and I want to put that word in your head, reimagining the curriculum that we are transitioning now to a master's entry, which gives us an opportunity to create a more rigorous program that can really meet the needs for our pre-licensure nurses. There are 230 competencies within that document that need to be met by pre-licensure graduates. That's a lot. So, thinking about how we were going to do that we said, "We have an opportunity to really reimagine and think about this so we can meet all 230." Which is what we need to do. We have an opportunity in creating a new curriculum to truly integrate interprofessional education. We have that wonderful building and our wonderful

colleagues that are so close, we don't have to sort of fit it in and patchwork it. We can design the curriculum so that that's the way it's set up from the very beginning. We can standardize our use of simulation. And we have, and I want you to remember this, that we have a simulation lab, one of which there are only nine that are certified in the entire world. We have one and we were underutilizing it. This gives us an opportunity to integrate more of that simulation experience. And all of this to allow us to align with the North Carolina Board of Nursing and all the requirements for making sure that we graduate quality nurses who are practice ready. Now I want to introduce you to one of my favorite colleagues, Dr. Stephanie Gedzyk Nieman, who's the Assistant Dean for the pre-licensure program, to tell you a little bit about all good things.

Dr. Stephanie Gedzyk Nieman (School of Nursing): Thank you. It's hard to follow her, isn't it? I teach with her. *(Laughter)* So, what would the MN look like? How is it being reimagined? One of the things that we're really focusing on, instead of having a smattering here and a smattering there talking about our mission, vision, and values, about addressing health, equity, and social justice; it is going to be in every single one of the courses that we're reimagining. From front to back, from beginning to end. We're also incorporating a course specific on nursing informatics, which is also part of The New Essentials and is essential for a nurse leader. As well as systems and systems thinking. We traditionally have threaded mental health throughout all of our courses, instead of having a standalone course, and we've decided we want to bring back a standalone course. We'll still emphasize those things throughout our other

courses, but we also are going to have the standalone course for that. While also being an idea to reimagine, we still have the opportunity for electives, which we have in our BSN program now. We want to keep that in the MN, but we want to up that. We want to elevate that. And one of the things we want to do with elevating that is actually creating a specialty track for those electives. So, if someone has a passion for a certain topic - informatics, leadership, maybe maternity or something, they can actually have that specialty track in their experience with us, as well as facilitating a seamless transition to other graduate programs, hopefully here at Duke and in our School of Nursing. Some of the prerequisites are actually core required courses and others they can take as part of those elective track so that when they are done, they can go ahead when they are qualified, apply for our MSN, PhD and or DNP programs.

So, the process. What have we done so far at the school? Well, we've done quite a lot. We started with Task Force One, which was actually deciding where do we want to go with this reimaged curriculum. And we decided to go the MEPN track. That then launched Task Force Two, which actually outlined a skeleton for the program, which the Faculty Governance Association had voted on with a 94% approval rate from the faculty in the School of Nursing. We are now in the throes of Task Force Three and Task Force Four. Task Force Three is developing those actual courses and the syllabi, while Task Force Four is concurrently looking at the logistics from marketing, registrar, my perspective of faculty and our other needs, trying to make sure those things all align and get into place before we launch. We are, hopefully, going to launch, if things go as

planned and move forward, in fall of 2025. We will still have two admission cycles, fall and spring, which is no different than what we do now, and as Dr. Turner said, four semesters of length. Our target cohort size is about 72, again that is what we've been doing currently. And it is still a full time in-person program. Some of the courses might be blended or online, but the vast majority of their coursework will still be in person. And Dr. Turner did share the tuition and where that fell with our other competitors.

Next steps, besides all of the work here at Duke, it would be our external constituents. We would need to have a review from our accrediting body, which is CCNE, Commission on Collegiate Nursing Education, and that's that document that Dr. McMillian-Bouler was talking about. We also would need to collaborate with the North Carolina Board of Nursing to get approval. I will say that they are very excited that Duke is considering this. We've been in very close contact and communication with them, and if it does move forward we would be the first in the state. They are very excited for this potential. And then of course, you all know, SACS. *(Laughter)* With that, I'm told that's the cane and we have to stop talking. We would like to open the floor to questions from the group.

Roxanne Springer (Physics): Thank you for this nice presentation. So, I understand from this presentation that the motivation is to increase the percentage of practice ready people who exit the program. In creating this curriculum, do you have evidence, statistics, surveys, or practice ready studies on other curriculums that are similar to this? Is that what drove your decisions? And also, are there plans to do

that study again? In other words, to test whether or not these changes have actually addressed the issues you're concerned about.

McMillian-Bouler: For the data that is out there, it is really about competency-based education, and that being a fantastic way to prepare graduates for a particular task. So, the evidence is there to support quality-based education as a strategy. What we're developing in our program is unique. So, there's not another program to compare all the nuances within our program to what everyone else has done. There are elements that we can say, "Yes, we know this works." We know in terms of our current accelerated program that we have a fantastic pass rate, which right now is 100% for this year. So, we know that we have the tools to prepare graduates to pass NCLEX. We are integrating, not only, what we know about our program, but also competency-based education which has the data support that it will graduate students who are practice ready and we'll be putting it together. At that point, then yes, we can do it again. But some of this will be novel because our program will be unique.

Turner: I would also like to recognize that our Dean, Michael Relf, is here. Any other questions?

Kathy Andolsek (School of Medicine): Thank you for this proposal. I think you know, I'm a fan of competency based medical education, so I love this direction. I have two questions. One, in the spirit of competency-based education, some of your folks you would anticipate would move forward much more quickly. And I wonder, given the opportunity to have your other programs in the School of Nursing, you have currently the MSN, the

PhD, the DNP, whether you could see this as actually accelerating a portion of your students in a way that might minimize time and cost to the eventual degree? So, that's question one, because I guess \$120,000, still kind of grabs me. So, I think maybe moving people forward a little bit more quickly. The second question would be, I'm trying to unpack my understanding of your current curriculum, and I would guess that the majority of RN's that are being trained right now are not really trained in master's programs, right?

Presenting Group: Right.

Andolsek: Okay, and your ASBN program was not a master's programs.

Presenting Group: Correct.

Andolsek: So, I guess I'm curious what portion of this curriculum would be really a curriculum at the undergraduate level versus when you're starting to add the robust curriculum that would really be a master's? And I guess I'm hearkening back to awhile back trying to look at a master's program and, what percent of your credit in your master's program really might be better categorized as undergraduate work versus for which you're really giving the master's degree?

McMillian-Bouler: Okay, I will take the competency based and then I will hand off to Dr. Turner. In terms of competency based, at this point AACN, which is our body that wrote that wonderful document, is not endorsing time variable learning. So, that is not an element of competency based that we have to implement. In terms of preparing them faster, that at this moment is not on the table. I don't want to upset the registrar

or anybody else in that way. So, that's not on the table. We feel they will be better prepared for that transition because of what we are implementing, but in terms of time variable, that is not at play at this moment.

Turner: For your second question, about the undergraduate education. The North Carolina Board of Nursing requires that we have a certain component that is undergraduate education. We are enhancing that by increased critical thinking, decision making, and leadership.

Andolsek: But some portion of it is still...

Turner: Yes, of course, because we have to meet the criteria.

McMillian-Bouler: I would say that maybe a little bit differently in terms of what we're doing. So, in terms of the content, literally, yes. But how we are teaching it, the rigor is definitely going to be different. I would say information, similar, yes, because they will be able to pass the pre-licensure exam. But everything about how we're creating the course and the work that we're doing in Task Force Three, we are thinking master's level not accelerated bachelor's program.

Michael Relf (Interim Dean for the School of Nursing): Evaluation strategies that help to bring it to the graduate level.

Joshua Socolar (Physics): You mentioned, that one of the reasons that enrollment was declining in the current program had to do with financial issues, that some students had exhausted their eligibility for financial aid. Does this program address that? Does it make it possible for a wider range of students to

get the financial aid they need to participate?

Turner: Great question. Yes, this opens up a whole new graduate level federal financing.

Keisha Bentley-Edwards (School of Medicine): The people that you're targeting for this, are you targeting Duke's undergraduates to transition to the master's program? Or are you looking at the professional community? Because post-licensure doesn't necessarily mean a BSN, does it? Will they have to have a bachelors?

Gedzyk Nieman: Great question. ABSN and this program have the same entrance requirements. Minimum requirement of a bachelor's degree and a 3.0 GPA at bare minimum. So, that is not changing. To answer your question, we have an existing bridge with the Trinity School, right now, to our ABSN program for folks that are interested. As we are working through the task force now, that's something that we want to maintain and keep. So, those students in their last semester in the Trinity bridge right now that have entered the last year, they take a few of our first semester courses in the fall, a few in the spring, and then in the summer they join the actual nursing program and complete the ABSN. So, we're looking to do that similarly.

Turner: Thank you very much for your time and attention. We appreciate it.

(Applause)

Jones: Again, we'll be voting on this issue in our May meeting.

REGINALDO HOWARD SCHOLARSHIP PROGRAM ANNOUNCEMENT

Jones: ECAC seeks to ensure that you are informed, and that your voices are heard on issues that are important to the university community. Last Friday, when the Duke Chronicle published a story about the Reggie Howard Memorial Scholarship Program, several Duke faculty members reached out to the Academic Council expressing deep concern about Duke's decision. ECAC asked the President's Office to address the decision and the broader set of concerns it raises at today's meeting, and that request was accepted. I will now turn the podium over to President Price and other members from the administration to speak to this matter and to answer any questions that you may have.

Vince Price (President): I will be brief and turn the podium over to Alec Gallimore, our Provost, because this program sits within our Office of University Fellowships and is under the purview of the Provost, as all of our financial aid and scholarship programs are. And I'd be happy to come back to clarify with any other questions afterward.

Alec Gallimore (Provost): Good afternoon everyone. It's a pleasure, an honor, to address you today. Let me begin by addressing the broader topic of our continued commitment to advancing racial and social equity on our campus. The news out of the UNC system yesterday reflects some of the challenges universities continue to face in the current environment. As Vince and I have said frequently, we believe that diversity is absolutely vital to our educational mission, and we will continue to do

everything we can, within the bounds of the law—and within a shifting legal and regulatory environment—to foster a vibrant and diverse academic community. I also want to be crystal clear about what this means from a student perspective. We stand firm in our commitment to providing equitable access to a Duke University education. We are also committed to making our campus one where every person feels a strong sense of belonging, and to that end I will note that the transition of the Reggies from a merit-based scholarship program, that supported up to 5 incoming students per year, to a leadership program inclusive of all interested students is in alignment with those values. It is also in alignment with the goal of honoring Reggie Howard's legacy by supporting Black excellence, Black intellectual community, and Black leadership at Duke. As Vince told this Council just last month, need-based financial aid is one of our highest priorities, and one of our strongest tools for supporting a diverse student population. At the undergraduate level, we are one of a small number of colleges and universities where U.S. citizens and eligible noncitizens applying for financial aid are not disadvantaged in the admission process. Since 2012, we have invested approximately \$1.5 billion in financial assistance for undergraduate students. And this year alone we have implemented enhanced financial support for undergraduate students through the new financial aid initiative for students from North and South Carolina and through a strategic effort to attract and yield more students from Pell-eligible families. At the graduate level, we are launching new initiatives to help graduate students from HBCUs and other minority-serving institutions in our region attend Duke's graduate and professional

programs. Since 2021, the Racial Equity Advisory Council has worked to identify and address the needs and concerns of all members of our campus community—students, faculty, and staff. As you know, we’ve just concluded the most recent iteration of our campus-wide culture survey, the results of which, in addition to the results of the 2021 survey, will be used to further guide our actions, as will conversations like those had at the day-long retreat for academic and administrative leadership this past January. While our strategies will evolve and adapt, our commitment to advancing racial and social equity has not wavered. With that, I’ll invite Candis Watts-Smith to provide more detail.

Candis Watts-Smith (Interim Vice Provost for Undergraduate Education):

Good afternoon. Duke’s merit scholarships, including the Reginaldo Howard Scholars Program, are housed in the [Office of Undergraduate Scholars and Fellows, OUSE](#), which reports up to the Office of Undergraduate Education, OUE, under the leadership of the Vice Provost of Undergraduate Education. That’s me. *(Laughter)*

A great deal of reporting on the transition of the Reginaldo Howard Scholars Program to the Howard Leadership Program has been framed as a means to “shut down” the program and suggests that Duke “intends to scale back on its commitment to DEI [Diversity, Equity, and Inclusion], in general, and racial diversity, specifically.” I want to emphasize that this is not true. The passionate response to this reporting around the Reggie transition reflects that we, as a community, value diversity, inclusion, and access.

The Reggie transition decision was guided by several factors, and quite frankly, these factors served as a catalyst to expand the support that the Reggie Howard Scholarship has given since its inception. These factors include: University Counsel’s insights, which includes a reading of the guidance provided by the Department of Education. An awareness of the pattern of Civil Rights complaints propelled at Duke programs, many of which mimic aspects of the Reggie Howard Scholars program. And a clear-eyed understanding of the practical ramifications of the SCOTUS decision on admissions for the selection process of the Reggie Scholars. Under the decision, we won’t know the race of applicants for quite some time. Together, these factors revealed the necessity to do something different and something more in a climate that would have us do less. In particular, we felt that it was strategically wise to re-evaluate resource-allocation to our students through this program. This inflection point provided an opportunity to craft a more, what we think, values-driven approach--connecting more Black students to financial resources and deploying funding with intentionality and flexibility, to meet student’s needs. Philanthropic support previously allocated for the Reggie Scholarship will go toward supporting the current Reggies through their graduation, the new Leadership Program, and need-based financial aid.

Since 1979, Duke has awarded up to five Black students or students of African descent the Reginaldo Howard scholarship each year. The award, as it has historically existed, is a need-blind merit scholarship that provides tuition and fees, as well as opportunities for enrichment funding and community

building. Today, there are 17 Reggie scholars on campus. Just to reiterate, they will all receive the guarantees of their scholarships through their graduations. Generally, Duke yields about 1,750 students in a class. In recent years, between 8 and 9% of those students identify as Black, that is about 150-160 students. Around 50-60% of those students, in recent years, are eligible for the Pell grant. This transition from the Scholarship program to the Leadership program serves to make two shifts: The first is that the Reggie funds will move from a need-blind scholarship program to needs-based financial aid grant. The plan is to match Reggie Howard funds through financial aid grants to students who embody the legacy of Reggie Howard, just as we do now. We will be able to do this in a post-matriculation aid model, and by strategically partnering with the Mary Lou Williams Center we will provide need-based financial aid to students who are leaders in our community, who inspire others, and who are doing research and service that focus on enhancing Black communities. Secondly, we will develop a broader set of intentional programming aimed at elevating the experiences of our Black students—by enriching their academic connections with faculty, by providing funding for things like internships and research, strengthening community ties, and developing scholarly programming that highlights Black excellence.

Last Fall, my team and I went on a listening tour. We talked to students, to previous Reggie faculty directors, and in Student Affairs, including those in Multicultural Affairs and the Mary Lou Williams Center. We asked, “What do Black students need to thrive at Duke? What gaps need to be filled? What are we

doing that works and should be scaled up?” Students, in particular, there were 5 things that came up again and again. One was that they want to amplify several MLWC [Mary Lou Williams Center] events that bring Black students together. They did not want another highly selective program that prevents Black students from on ramping throughout their career. They noted that Black men need more opportunities to engage with the Duke community and the Black community. They noted that financial aid is key to ensuring that Black students can attend Duke if accepted. And finally, they noted and asked that Duke work harder to recruit Black students, perhaps through programs that exist at places like Yale over the summer. I would say, and I hope you all would agree, that all of our Black students are meritorious. They attain admission at Duke. They are astute. And many of the themes they raised are issues that we can begin to address through this transition.

As I noted, the Reggie Howard Scholars program supports up to 5 students per incoming class. Moving forward, the leadership program will multiply the number of students touched by Reggie’s legacy. In part by ensuring that financial aid grants are provided to students who are both in need of financial support and who embody the legacy of Reggie Howard. Also, by creating a program that more Black students can take part in, whether they receive those financial aid dollars or not. I spoke with Reggie Howard’s sister, she’s lovely. She supports ideas that serve to help Black students, help them value their heritage, and allow them to develop community. I’m excited about this shift because it allows us to fulfill the Howard family’s wishes capaciously and intentionally

directing resources to students and widening the Reggie tent to include more students who want to take part in community building, research focused on issues they care about, and networking opportunities with Black alumni and faculty.

Finally, I would like to note that the Reggie program is only one way that we care for our Black students. Despite the challenges, we have continued the tradition of Black Student Alliance Invitational (BSAI) weekend. Students are here now. The Mitchell White House is supported by faculty and student affairs. DukeLIFE, which is not a race-based office, it is not a race-based program, but nonetheless supports many of our Black students. I'm not a Pollyanna, I know we still face challenges—recruitment, enhancing the financial aid endowment, and ensuring that students apply to Duke, just to name a few. Attracting the best and brightest students to Duke and providing them with the resources to thrive throughout their academic journey is a key goal for my office in particular, and Duke, generally speaking. We have redoubled our commitment and are actively working out some of these challenges now. We lose sleep over this. There will always be something on the horizon, but we are working diligently to move the needle. I will just say that the transition to the Leadership Program is one of the ways we intentionally lower barriers and increase access for our Black students. A lot has changed since 1979. A lot has changed in the past couple of years. As the leader of OUE, I believe ardently that this shift is the best way to support equity and inclusion for more Black students at Duke. This is a diverse group of folks and the change gives us flexibility to watch them as they develop,

and support them with what they need, in their four years at Duke, and beyond, when we hope that they want to and are willing to connect and give back.

Jones: Thank you. Anyone have any questions for Candis or Alec, or the President?

Karin Shapiro (African, African-American Studies): Will entry into this program be in a sophomore, junior and senior year? And what will happen then to first years? If this is a leadership program and you say you'll identify people once they're here, is my understanding. So, if you could just clarify exactly the mechanics of this and would first just come in with financial aid and then be eligible as they are identified by whatever and then moving to the Reggie program?

Watts-Smith: Thank you, Karin. That's a good question. The answer to your question is yes. As we have it right now, students have been admitted to Duke. In a typical year, we would start interviewing students to award the Reggie scholarship. But we cannot do that because we do not know the race of our students. So, yes, we can move through a post matriculation program in financial aid to match students on the backside.

Shapiro: So, a student coming in during the first year would not be a Reggie, but could be identified once they arrive?

Watts-Smith: Students will be able to be matched to financial aid grants later. But the leadership program involving access to enrichment funds and, Mary Lou's program, and alumni, all of those kinds of things, students will be able to enjoy and benefit from their four years. When we

admit students at Duke, we admit them need blind. This is a way to bolster our financial aid and endowment and match funds to students post matriculation.

Veronica Martinez (Law School): Thank you all for such a strong overview of what's going on. And Candis it is so nice to see you when my son is not bothering you over a dinner table. I do have two questions. My first question is, I'm confused how it's legal to convert designated donated funds. If somebody has designated funds for a particular purpose, typically I thought it was not legal to convert them for other purposes. And I'm wondering whether some donors might get upset. So that's one of my questions. I shouldn't say upset...might sue us. The next question is...there is a difference, an important difference between need-based aid - and it's really important for there to be need based, need blind aid - but there is a difference between that and a merit-based scholarship that any Black student can access. And I just wonder, we're in a climate where people and institutions have to decide, what are my values and how much am I going to stand up for my values, and how much am I going to move away? And I think part of what I've seen in the reporting is a concern about the values, and my understanding of SFFA (Students for Fair Admissions) is not that this is illegal. I'm a little bit confused on that as well.

Watts-Smith: I'll answer the second question first, and Chris can answer the first question second. Traditionally, the Reggie Scholarship has been a needs blind merit scholarship. That means that there are students who do not need the scholarship to attend Duke, who receive the scholarship anyway. By moving it to

financial aid, we know that students who need financial aid to access Duke will get it. So, that's the first thing. I think it's also worth asking the question about what merit means for five Black students out of the 150 Black students or 160 Black students in recent years to be deemed meritorious in light of all of the accomplishments of all of our Black students. So, on the values question, I'm not sure that the way that we've constructed what merit means for our students, I don't think it's in alignment with our values. I think that instead by ensuring that students who get into Duke and need financial aid to accept and be able to come to Duke affordably, that's where funds should be.

On the question of endowments and who's getting sued, I'll leave that to Chris Lott. *(Laughter)*

Chris Lott (Deputy General Counsel): It's a good question about the endowment agreements. And they are agreements. One of the things we've been doing, we have to go through each agreement and look at the terms. We've been doing that with our development team, with Candis's team, my office, and there are some agreements where we've had to sit down with donors and ask them "We might need to change this." You're exactly right. We have to work through that process. And it's been a process. You also asked the question, does SFFA require the change here? I think you're right. If you look at the four corners of that decision, it talked only about admissions. I think you heard Candis talk, earlier, we've got some pretty clear guidance from the Department of Education, the Department of Justice, where they've interpreted the SFFA decision beyond admissions into other programs at universities. And, you

know, somewhat surprisingly, a fairly liberal Biden administration has taken the position. It generally applies to other programs on campus that are race restricted. We do have some further guidance beyond the decision, which has, I think, informed the decisions here and have unfortunately made it harder to administer a program like this.

Jones: May I ask a brief follow up about merit-based scholarships at Duke. Does Duke still have other merit-based scholarships and do they continue? Other than the Reggie Howard Memorial Scholarship, I'm just curious.

Watts-Smith: Yes, Duke has other merit-based scholarships. The AB, the BN, the Trinity, so on and so forth. The decision is also influencing the way that we are able to identify students for those as well. How we move in that space moving forward, I think, is a conversation that we need to have as a faculty.

Camille Frazier-Mills (School of Medicine): I guess my question mirrors what was already stated, but maybe gaining a little more clarity. I was bothered by this, and I was one of, I'm sure, a number of people who sent the email saying, "I think we should discuss this." I've been here for 25 years now and I feel that I've been well supported and it's a great environment in order to be a Black woman here in a field that's really mostly white male dominated. But I'm bothered that we as an institution do not feel that we can maintain a merit-based scholarship for Black students in particular. I'm very hurt by that. I love the need based. And I love that Duke has taken a leadership role, particularly for North Carolina and South Carolina. But a recruiting factor for all Black students and

not all Black students are need based, right? I have a 15-year-old kid. I'm a doctor. Make decent money. So, I'm going to pay for her tuition. But something that would be something to recruit her or any other student that isn't need based to come to Duke and to showcase their talents and add to this environment really would be a scholarship like this, right? And this is something that differentiates because not all Black students require funding, right? They have people, whatever, in order to pay for their tuition. This is something that distinguishes them, and it becomes something that they put on their CV as they're building their portfolio. I understand the climate. I mean, I'm not blind to what's happening, but I think that we need to think long and hard as an institution. Are we really going to just go along with this because this is the most conservative interpretation of what is occurring and our climate, or are we going to lead like we do in so many other aspects and define what we really value and then move things forward? So again, I'm bothered. I understand. I knew that the answer was going to be what you guys have described. I really appreciate the leadership program. I developed a number of leadership program for Black Electrophysiologist and whatnot in my space, but it's important for us to define what our values are. And honestly, not all Black students are going to require financial funding. And so that we're only going to do this and distinguish people based upon financial need, I think is a disservice to us. I just wanted to say that.

Watts-Smith: Thank you for your comments. I don't disagree. On some level, it is important that we recruit Black students. Again, we award 5 Reggie scholars a year. Five. It's not like...you know, it's the lottery. There are other

ways that we can recruit Black students. We can...in their guidance is we want better community. When students come on campus they want to see that they are going to be supported by their peers. That if they want to do research, if they want to connect with alumni, if they want to have enrichment funds, if they want to do internships, that we will support them. So, in the past, if they did not get the Reggie, then what? What else are we saying? This is why I mentioned that the Reggie is one way that we support Black students. If this is the only way that we support Black students, we are in a bad way. Instead, we should really focus on thinking about broadening the tent and broadening the kind of opportunities that we bring to our students through research, through community building, through networking, through all sorts of things. We hope that by building out this leadership program when students come they don't have to be waiting for a lottery to get a merit scholarship. And I'm putting this in quotation marks, but instead that when they get here, they know that they will have community and the resources to thrive.

Bentley-Edwards: Why is that the only money that can be used for the leadership program? Look, you're in a bad position. I'm actually more upset that you're in this position, because I don't think you deserve this. I want to put that out there. You are the leader so you have to answer this question. I don't understand why the money for the scholarship, the lottery money has to be broken up to the leadership money. And why there wasn't new leadership money developed instead so that you could have both the merit scholarships and the need-based leadership program. I know you're doing

everything you can. I just want to put that out there.

Watts-Smith: Thank you.

Adriane Lentz-Smith (History): I was trying to figure out how come the announcement didn't bother me as much. When I got it, I was like, I feel like I'm missing something deep. But I think what it is, is that I have the same question that Trina had, which was, what are the other merit programs and what's happening to them? Because what I hear is that the case that you're making for this transition, for the Reggie's, makes sense from merit programs broadly speaking. And Keisha, you're right, we should have different development that emphasizes raising money for people to be intellectuals rather than professionals and have that reinforced in a number of different ways. But we have limited resources right now. And right now, too many of the resources that should be going into, sort of, need based aid broadly are being poured into merit based aid, not just in the Reggie program and others. Now the BN Dukes are going to come after me because I'm trying to kill everything. But I think that it's important to keep that in mind, right? And that, as you, I think, were saying more diplomatically than I would be inclined to say it, that our understanding of merit is profoundly messed up. There are different ways, and I agree with you, that we should make sure that people don't slide into making Black and needy the same thing all the time. Because not only does it sort of do something bad for Black students, it also doesn't allow needy non-Black students to speak up and say that they're in need. But also, the way that we make merit scholarships available to 5 people who are already super high performing, who went to the schools, who

could build the CV as 16 years old, reinforces forms of privilege that they've already had, and convinces them that they have them because they were better than others. And I think that if we're talking about values, I would move the heck away from that immediately. Like, I remember getting to Duke and being like merit-based scholarships, like, what are we, 1985? I'm going to say, not only do I think it's okay to reimagine this program, I would propose that we just reimagine our commitment to merit scholarships and find other ways to mark merit and give people opportunities to sort of demonstrate and celebrate themselves in that way.

Watts-Smith: Thank you for saying that. We agree. *(Laughter)*

Springer: So, I do really like the way you're attempting to make lemonade out of this. And I do appreciate the better support that students will have once they are Duke students. But I do want to come back to the percentage of the demographics of our student body. What is your goal or collective goal of where you would like that percentage to be? Are you even allowed to ask that question now? And if you do have a goal, not only what is it, but how do you plan to get there?

Watts-Smith: This is only kind of in my purview. But it is important to me. There is a concerted effort right now to ensure that despite the challenges that we face in this race blind admissions process, our admissions folks literally do not know what the race of the candidates are, unless they say explicitly in their essays. We're also seeing, though, that many Black and Brown students are trying not to say anything about it at all. So, it's

really hard to know. We are working to recruit those students now that they're here on campus. But there is a concerted effort to get in front of and start looking and talking and focusing on recruitment of students when they are in 9th, 10th, and 11th grade before they decide that Duke is not for them. The North and South Carolina initiative is one of those ways that we do that. One component of my office is partnering with a group that pairs current Duke students with high school students in areas that we traditionally have not recruited from. To bring those students through. It's my hope, and I don't know if I'm allowed to incept...Vince and Alec, but we really also need to think, and our students said, when we talked to them, "One of the reasons why I applied to Duke was because I went to a summer program that prepared me to do so." We are working on the recruitment at the top of the funnel, right? That the folks that are in the pool of candidates are diverse and that students of color and low-income students are not dissuaded from coming to Duke. Finally, and just to say on the issue of socio-economic diversity, which is linked but not the same as racial diversity, that, again, by focusing on enhancing the financial aid endowment, that when students get accepted, we give them a financial aid offer right then. And it would be great if when they open that it is a clear clean letter that says, if you can afford this, this is what you pay. And if you can't afford this, you don't pay this.

Jones: Are there any additional questions on this subject?

Price: First, I wanted to thank Candis, her office and Alec and the team, and the work of the office over several years. Because, Adriane, the issue that you

raised is one that we have been thinking about quite a bit. Many of these merit programs were created at a time when Duke was competing for high quality students, and pulled the sort of merit lever to do that. We're in a very different place now. We attract a different applicant pool. And so some of what's behind this is, is deployment of the resources we have in a way that maximizes the quality and diversity of our student body. I just wanted to thank you, Candis, for your work in this regard.

The second thing I want to say, more generally is, I do understand the anxiety that an announcement like this provokes in the current context, because people will incorrectly read it as the institution somehow pulling back from our firm commitments, as Alec said, to promote diversity among our students, our faculty and our staff. To build a campus that's dedicated to inclusion. Our university values respect, trust, inclusion, discovery, excellence. Those are the values that drive what we do. And we believe, very firmly, that diversity and excellence go hand in hand. We're seeking them together. And I don't want people to confuse this announcement with any kind of a general understanding that the institution is turning away from those commitments. We are deeply committed and looking for all of your help and support as we do that work.

Jones: I appreciate that and your commitment, Vince, to these values. I think that based upon all of the questions that we got from faculty and we got so many on this particular issue. I think the question that disturbed many faculty is that it was the Reggie Howard Merit Scholarship that has been eliminated when others have been continued. And

that raises the question of whether or not the commitment to racial diversity is still the same and whether Duke is retreating from that. Because if you look at the SFFA case, that case dealt with admissions, right? And this is scholarships. And so the question I think that many people have, and I'm just summarizing it for the administration, is will hiring be next? And other areas where racial specificity has been useful in the past to diversify Duke's community. The other question that the faculty shared with me is one of process. When we make these big decisions about our community values, what is the process that we're going to go through? Candis very eloquently said that going forward we'd have conversations about these types of matters. And then the question becomes from the highest part of the leadership, what sorts of processes do you have in mind to make sure that the community is not learning about it from a Chronicle article on a Friday afternoon, but that people's collective voice is in fact heard on these decisions about community values that are being made. That's the summary of what I've been hearing from faculty and alums. And I invite continued conversation from you and from Alec, from the Academic Council. We can use this mechanism to have those conversations, because I think it's incredibly useful to building community. Anyone else have any comments or questions?

Gallimore: The only thing I was going to say, I know we've taken a long time in having this discussion, but we need to. And I just wanted to express my gratitude to Candis and her team, but also to all of you for having this really great discussion. We did have a rollout plan. We executed the rollout plan. Sometimes information gets in front of us in ways that we don't

anticipate. And so, a little sorry about the way that some members of our community found out about it, to your point. We're going to learn from this. Candis can attest that we have robust debates any time we make a decision along these lines. And we thought about what is it we're trying to do, our values, where are we in terms of the institution's, in terms of our ability to recruit students, what does merit mean and how is merit seen by our applications. We came to this conclusion, and as Candis mentioned, this isn't the only one that we're going to be rolling out. Because we've transitioned, as Vince has said, we've transitioned the way that we are in terms of our ability to recruit students. And so, this notion of merit served its purpose before in terms of recruiting students, and no longer does across the board. This is a change that we're making across the board. And again, this discussion really illustrates our ability to talk about very difficult subjects, but in a way that is done with civility. Thank you.

Jones: Vince, we'd like to thank you and Alec for being willing to have this conversation before the Council today and for working in partnership with the Council.

I am going to exercise Chair's prerogative, and skip over the next item on our agenda, which was to present a charge on Academic Freedom. If we have time, we'll come back to that issue at the end of today's meeting, but I wanted to make sure because we received more questions about this than anything else this year, I wanted to make sure that you had an opportunity to share your concerns. So, we're going to move to the revisions to Appendix F in the Faculty Handbook, and

then we'll come back if we have time to the Academic Freedom charge.

REPORT FROM THE COMMITTEE TO REVISE APPENDIX F IN DUKE'S FACULTY HANDBOOK

Jones: Last fall, ECAC constituted an ad hoc committee to revise Appendix F of Duke's Faculty Handbook. The committee was charged with examining the part of Appendix F pertaining to the Faculty Hearing Committee. The committee's draft report was posted with today's agenda, and a cover memo outlining the proposed changes was distributed to Council members on Wednesday. ECAC considered providing a redline version, but because sections from the original Appendix F were relocated, it would have been impossible to show you a red line that could have been easily followed. ECAC met with Sam Buell, the Chair of the ad hoc committee, on March 27th to review the draft and offer feedback. That feedback was taken back to the committee for consideration and further discussion. And on April 3rd, the draft was circulated to members of senior leadership for comment. Please note that the committee received revisions from senior administrators this past Saturday, April 13th. Unfortunately, this did not allow the committee sufficient time to process these revisions before today's meeting. Thus, the committee will summarize some of that input received from senior administrators and its overview. This is less than ideal, but ECAC has sought all year to close this chapter on Appendix F, which began in 2019. *(Laughter)* We're trying to finish this by the end of this academic year. Revisions to the Faculty Handbook generally require two meetings, and thus we must at least start the discussion process today.

Time permitting, we welcome your feedback at the end of the committee's overview and by email after today's meeting. The committee will then take that feedback and the input from senior administrators and prepare a final version for your consideration in May. We will, of course, highlight and explain before May any changes to the version that you were sent in preparation for today's meeting. Now, Sam Buell, the committee's Chair, intended to be here today but was called away unexpectedly for personal reasons. Thus, Larry Zelenak, also from the Law School and a member of the committee, will walk us through the revisions. And I know other members of the ad hoc committee on Appendix F are here today as well to offer feedback and answer questions. Larry, I turn it over to you, and I'm trying to just jump ahead to the appropriate slide. These are the members of the ad hoc committee on Appendix F.

Larry Zelenak (Law School/Member of ad hoc Committee on Appendix F):

Well, you've already covered a fair number of the things I'm planning on covering. So, for those of you who don't spend 24/7 living and breathing the Faculty Hearing Committee [FHC], here is a little bit of general background. The Faculty Hearing Committee is a creature of the Academic Council. Its purpose is to provide faculty members a process for seeking review of specified types of adverse employment actions. For example, a faculty member who has been denied a promotion, a raise, or a particular desired work assignment could petition the FHC for review on the grounds that the adverse action involved discrimination or on impermissible grounds, or was procedurally unfair. Upon receipt of a petition alleging a claim

within the committee's jurisdiction, FHC holds a hearing with a panel of at least three members drawn from the 12 to 18 faculty members appointed to the FHC, and issues a report with its findings and recommendations. That report then goes to the administration, in particular the Provost, and the Provost is not required to follow FHC's recommendations, but experience has been that usually the recommendations are followed. As Trina said, the rules governing the FHC are in Appendix F of the Faculty Handbook. You've already heard about the charge to the ad hoc committee. There were two primary motivations for the revision effort. One was that over the years, the rules have become - the way I like to think of it as rather archeological - the various changes were made at various times, and they're always made in the easiest way to squeeze them in without changing everything else. As a result, it's become unnecessarily lengthy, complex and confusing. Then a more particular problem was that if a faculty member is found by OIE, Office of Institutional Equity, to have violated Title IX relating to sex discrimination in higher education, recent federal Title IX regulations do not permit FHC type review of OIE factual determinations, but only permit review of sanctions. So, the committee's charge was to conform with federal law in that respect and to more generally clean up Appendix F.

So, you've already heard who the committee members are. And maybe all of them, except Sam, are here today. The committee met periodically from October through February with a number of stakeholders, including Kim Hewitt from OIE, Pam Bernard from General Counsel, and Abbas Benmamoun from the Provost's Office, to get their input. Then

between February and late March, the committee drafted its proposed revisions. I would refer you to Sam Buell's really excellent memo describing in detail the proposed changes and the reasons therefore. I'll also point out to you what Sam and the rest of us think are the more significant changes. We reduce the jurisdictional grounds from 10 to 6 without reducing the scope of jurisdiction at all by eliminating overlapping and duplication among the ten current grounds. In addition, we conformed to the Title IX regulatory requirements. The other major area of significant change and simplification is in the rules governing what happens after FHC determinations, to whom the determinations are sent, and how the appeals process works. Where we tried to simplify and rationalize what currently is really rather bewildering profusion of different rules for different situations. As Trina said, ECAC shared the draft with the administration, and last weekend we received suggested revisions from the Provost's Office to the committee's draft. We haven't had time to fully process those suggested revisions and what we anticipate will happen next - and we'll have to do this fairly quickly because the May meeting is less than a month away - but the committee will meet to discuss the suggested revisions, decide which ones we are agreeable to, and others where we would like to have further discussion in the hopes of resolving differences with the goal of producing revisions acceptable to everyone involved, both the administration and the committee, in time for consideration at the May Academic Council meeting. To anticipate those discussions a bit and I think that'd be fine with me and the committee if we receive comments by email.

I thought it would be worth highlighting for your consideration what are some of the more significant differences between the committee's draft and the suggested revisions from the Provost's Office. Some of the administration suggestions we are likely to accept in full. For example, in the case of faculty subject to a collective bargaining agreement, the collective bargaining agreement applies and FHC rules do not. Making clear that parties are not expected to provide legally privileged material to an FHC panel. Requiring an odd number of members on the FHC panel and a few other things. The changes based on some emails among committee members this week, I think we need to have further discussions with the administration about the following - the administration's suggested revisions limits jurisdiction over adverse employment actions to those, "causing a significant change in employment status" including a list of non-significant changes where under this revision, there would not be jurisdiction. Those include requiring a faculty member to accept "coaching, counseling, training, oversight or corrective action." The committee, at least based on the emails, is not necessarily in agreement with that. Also, the committee's draft would allow jurisdiction based on the claim that although applicable university rules were followed, the rules were fundamentally unfair. The administration's suggested revision would not. The administration suggested revision would have parallel rules for research misconduct cases as those for Title IX cases. In other words, FHC would not have jurisdiction to review factual findings and research misconduct cases. The last area where there may be significant disagreement, I think, is the committee's draft has what you might call a soft completed action requirement.

Which says before the FHC can take jurisdiction over a case, normally, university action in the matter must be otherwise completed, but allowing the committee discretion to take a case before completion of other action in compelling circumstances. The administration's proposed revision would not have that. There are some other changes where I think we need to think more about it before we know where we stand. In the process rules, after FHC has reached a determination, the administration's suggestion would, sort of, interpose Deans between the Provost or the Executive Vice President for Health Affairs where Deans are not currently interposed in the draft.

Anyway, that's a preview of where we are and what we'll be working on.

Jones: Any comments or questions? So, the committee is going to go back. If you have any comments, just send those comments and questions to acouncil@duke.edu and then the committee will take your comments and the comments from senior administrators and produce, if necessary, a new version. And we will share that with you in advance of the May meeting, and then we will talk some more, if necessary, and if you're prepared to vote, we will vote at that time. Everybody clear about the process?

What we're trying to do is to satisfy our two-meeting requirement here.

A PROPOSAL TO ESTABLISH A COMMITTEE TO EXAMINE ACADEMIC FREEDOM AND RESPONSIBILITY, FREE EXPRESSION, AND ENGAGEMENT

Jones: I am going to go back really quickly to the charge that you received today regarding a committee on academic freedom and responsibility, freedom of expression and belonging and constructive engagement. This is a charge that ECAC in partnership with the Provost's Office and the President's Office has been working on for several months. As you can see, the committee would be charged with doing three things. One, reviewing our institutional structures, policies, practices, and programs at Duke and at peer institutions that bear on free, open, respectful, responsible scholarly inquiry, teaching, and service. Examine whether those structures and policies and practices honor Duke's commitment to the responsible exchange of ideas in a community that prizes and aspires to safeguard the belonging and flourishing of all of its members. Then describe opportunities to affirm our commitment to academic freedom, free expression and constructive engagement, and where appropriate, to make recommendations. Clearly, this is a hugely important committee because these issues go to the heart of the academic enterprise, with regards to teaching, research, and service. So, it's very important that we get this right. Note that the charge is written with some degree of flexibility, which will allow the committee to define important terms and also to determine how it's going to proceed to do its work. We anticipate that we're going to constitute a steering committee, which will include approximately 14 people drawn from all of Duke schools and the various divisions. And that steering committee will then constitute, as necessary, various working groups to get feedback from all aspects, all stakeholders in the Duke community, about these very important values. What we'd like to do is to see if you have any

commentary on this charge that we've worked really hard to develop. Note this is a faculty led committee and if you're ready, to get your approval of this charge. Any comments?

Would the Council like to affirm its agreement to proceed with constituting this committee? Can I have a motion? May I have a second? All those in favor, please say aye. All those opposed? Please say no. Any abstentions?

(Proposal to constitute a committee to examine academic freedom and responsibility, free expression, and engagement approved by voice vote with no dissent)

We will keep you updated as this committee is constituted and as it proceeds to do its work with periodic reports from the Chair.

The final item on our agenda is an executive session for the purpose of receiving any comments or questions related to Honorary Degrees proposed for the Commencement Ceremony in 2025. Because this is an executive session, all those who are not members of the Duke faculty, I need to ask you to kindly leave the meeting.

[Remainder of the meeting conducted in executive session in order to discuss the Honorary Degrees proposed for Commencement 2025]

