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Minutes of the Regular Meeting of the Academic Council

Thursday, May 8, 2014

Joshua Socolar (Physics/chair, Academic Council): Hi everybody. The guest of honor for the next ten to fifteen minutes is here, so I'd like to start. We have a little farewell for Peter Lange planned. These four here are former chairs of the Academic Council – they're going to be my back-up for this little tune.

Peter, in 1999, just as you were preparing to take office as Provost, Mr. Sonny Rollins came to town to receive an honorary degree. Sonny wrote a tune called "Tenor Madness." And so I reworked it a little bit and have a version for you called "Tenure Madness" (laughter). My colleagues here are going to sing back-up and then there's going to be a role for everybody. So, when I call for you, raise a glass and be ready to sing along with us.

Paula McClain (Dean, Graduate School and former chair of the Academic Council): He's Gladys Knight and we're the Pips! (laughter)

(Chair Socolar begins on keyboard playing Thelonus Monk dial tone)

Socolar: That's Peter's ring tone for those of you who don't know (laughter).

(As Chair Socolar continues to play, a video of

Provost Lange dancing at Duke's Dancing with the Stars event plays on the overhead screen – laughter throughout and applause)

Segue into *Old Lange Resigned* ([Old Lange Resigned.mp4](#)) and audience joins in singing. Glasses raised, champagne toast and hearty applause.

Socolar: We now have a few gifts to present to you. We'll start with Dennis Clements who has a gift as a departing member of ECAC.

Dennis Clements (Pediatrics & Global Health/member of ECAC): As a member of the Blue Sky group, we held many meetings, starting with very nice meals and moving to pizza during the fiscal crisis (laughter). I've always been told to beware of doctors with gloves....but this is Velvet Glove Shiraz (oohing and aahing from audience). And as a token from the Blue Sky group, there is a gift certificate and some oil and vinegar from the Blue Sky Oil & Vinegar Shop (laughter and applause).

Socolar: We'll go in order of service. I want to mention also that the other two chairs of Academic Council during Peter's tenure were Peter Burian and Susan Lozier. They both really wished they could be here, but they are out of town today.

Nancy Allen (Rheumatology & Immunology/chair of Academic Council 2002-05): I followed Peter Burian who sent his regrets as he is in Italy. We couldn't send you over there yet, but that's in the plan.

Peter Lange (Provost): Oh, well yes.

Allen: I was chair of the Council from 2002 to 2005 -- I had an extra year of service in the changeover from Nan Keohane to Dick Brodhead's first year. It was a pleasure to work with you, Peter, all three years, and since then in other capacities. And you have been a great listener. We were supposed to find a gift from our school or our professions. You've also been a great talker but that's not appropriate (laughter). So on behalf of the members from the Clinical Sciences faculty who have served on this Council and served on ECAC with me and others, and with my heartfelt gratitude for working with you during those three years, your education, your leadership, mentorship and great gifts of partnership, I present to you this gift which symbolizes our school. You can go ahead and open it. It's genuine, it's almost Duke blue, it's global because stethos means... (laughter as Lange opens a stethoscope) instrument for observing in French, so that's global. You can call on me or Dennis or any of our other colleagues to learn how to use it (laughter).

Lange: I assume this goes with the Old Lange! (laughter)

Allen: And the bell is engraved. It says Peter Lange, Provost 1999 to 2014. And I have a big box that it came in and that has instructions on how to shorten the tubing (laughter). So, you've listened to thousands of people over the years and now you can listen to yourself (laughter).

Lange: What make you think I want to do

that! (laughter & applause)

Socolar: Paul Haagen was next.

(Groans and laughter as he walks to the front with a lacrosse stick and ball)

Paul Haagen (Law School / chair of Academic Council 2005-07): Okay, we're going to get a change of tone now....(laughter). Well, Josh suggested that each of us present to Peter an object emblematic of our areas of scholarship and if possible our shared experience of faculty governance together. And in the spirit, I thought perhaps I could have justice's blindfold which conveniently could double as a gag or perhaps a restraining order (laughter). I decided instead to look for inspiration in one particular facet of my legal scholarship -- they're related to law and sports. Now probably a few of you know, and even fewer of you care, Peter and I share in common something that ended up having a lot of relevance to the time when I was chair. I know you're thinking it may be our boyish good looks and evident charm, fetching round tortoise-shell glasses but well beyond those, we were both college lacrosse players. And reflecting on this shared experience, I realized I played much longer than Peter which may account for the fact that he became the Provost and I didn't (laughter). But I actually never saw Peter don Mikado yellow and cardinal of the Oberlin College Yeomen -- Yeomen, Peter?? Surely not! (laughter) It's good you got to Duke so you could become a Blue Devil (laughter). So, I'm going to have to extrapolate out of my experience. Partway through my first year as chair, both of us had cause to remember the games of our youth rather more than either of us anticipated or truth be told, wanted to. And to reflect on the place of college athletics in the university, judicial processes, intramural criminal and civil, academic freedom and the often uncivil discourse of public debate and our collective

responsibilities to one another and to our students. It was a trying time, and much of it was spent as much of my time on the lacrosse field, with an eye to supporting teammates and surviving with honor rather than any realistic hopes of glory. But in every lacrosse game that I played in, there were people apparently motivated by malice (laughter) who insisted on swinging sticks at me or attempting to run over me often with considerable success, and there were people in the crowds who took note with greater or lesser vehemence of my various inadequacies as a player. I am sure it was the same for Peter, although as Nancy has already noted, he may not have been listening (laughter). In the metaphoric lacrosse game that I played out in those two years, the vehemence was definitely greater. Now, there are abundant reasons if to not exactly forget that time – try to talk about something more pleasant. And perhaps I could have come up with an object that was more pleasant, certainly there's nothing pleasant about a lacrosse ball. Peter's actually comes with a product warning (laughter) telling you about possible injuries (laughter).

Lange: Is it this thing that says Dick's?

(laughter)

Haagen: No, it's a different one. You know the ball is really hard, if you get hit with it, it really hurts. But I choose to remember that time nonetheless because given the chaos and uncertainty it was a time when Peter, and I think the Council as well, acted with integrity and common purpose to keep the University moving forward under very trying circumstances. After all, who but the erstwhile attackman, Peter, could look at that hard little ball, see an image of the globe and the global possibilities for Duke and then enlist his teammates, the faculty, to send it hurtling toward a new goal. Let's all hope he was shooting at the right goal (laughter and ap-

plause).

Socolar: Paula McClain was next.

McClain: I was chair of the Academic Council from 2007 to 2009. Peter and I are from the same discipline, which is Political Science, and clearly politics is present in the administration. So, it takes someone with tremendous leadership skills to manage all of the politics that come with being Provost for 15 years. So as I was thinking about what to give Peter, I thought I might try to identify the source of some of his ideas. So, I turned to every political scientist's Bible of leadership, Machiavelli's *The Prince* (laughter). Although much of *The Prince* is about how to conduct a good war, there are elements of Peter's leadership that I think came directly from the book. I have to tell you that when we think about war, I was up in the Allen parking lot late one night last week, and I noticed that they were filling in the moat (laughter) that you had dug around the Allen Building (laughter). So you might have had a little thought of that (laughter). One of the things Machiavelli says is that in order to stay in power, a prince must avoid the hatred of the people. It says it is necessary for him to be loved, in fact it is often better for him to be feared. Now, I think Peter had it both ways. I think you were loved and I think in some circumstances, we kind of feared your reactions to some things. You know you do have the habit of getting a little anxious and jumpy sometimes when arguing (laughter). Machiavelli also says that loyalties are won and lost and good will is never absolute. Peter never lost the trust of those chairs of the Academic Council who worked in concert with him for the betterment of Duke and has maintained the good will of all of us. Now there are lots of things in *The Prince* that we were glad Peter never used as part of his leadership style, as most of you who have read *The Prince* know. But I assume that his copy of *The Prince* is

probably tattered and torn at this point from him going through it, particularly when he went to Italy. Now, nobody has seen Peter and Machiavelli together (laughter), but he travels to Italy a lot. So, Peter my gift to you to put on your bookshelf is a replacement copy (applause).

Craig Henriquez (Biomedical Engineering / chair of Academic Council 2009-11): So, Peter I'm going to be brief because I know that Josh has a meeting to run! (laughter). I also want to thank you for your service for the past 15 years. At the Bass dinner a couple of weeks ago, we honored Peter by making him a Bass Fellow and I mentioned then that he was sort of on his retirement tour, a little bit like the NY Yankee Mariano Rivera, and I thought that he will be a certain inductee into the Provost Hall of Fame if one exists. With regard to my time as chair of the Academic Council, I will remember our early conversations of Duke in China which is what it was known as at the time, when it was just a concept – that was about five years ago. I genuinely appreciated your listening to the faculty, so I'll echo the theme that we heard before with the stethoscope of listening to the faculty concerns. Moving a bit slower at the time, we recognized that that entire endeavor needed a lot more thought and a lot more faculty input. So I appreciated your willingness to listen to the faculty and also your endorsement of ECAC's recommendation to create GPC to help advise Duke's global vision. So my gift to you is in recognition of your willingness to lend an ear to the faculty for the last 15 years. So, now that you're stepping down, I want to give your ear back (laughter). Thanks to Matt Brown, in Biomedical Engineering, it's a 3-D replica (laughter) of the Provost's ear in Duke Blue (laughter and applause). And the nice thing about this gift, Peter, is if you lose it, we'll make you another one (laughter).

Lange: So, I don't know if you all are aware, but there's this sign that has always been passed down from one Provost to the next which says "Did you remember to consult the Faculty?" (laughter) And it's not tin! (referring to ear) (laughter)

Socolar: So, I'm the last in line. As a physics professor, I've always been heartened by your fascination with spinning pens (laughter). It's a very nice physics demonstration, and I'm sure that you realize that it spins because any appropriately symmetric object placed on a surface with one point of contact will spin because the surface can't impart any angular momentum to it, can't apply any torque. I teach that to my freshman in Physics class; it only gets you so far. You can't contemplate that forever (laughter). I noticed also that there's another feature of that pen that is not immediately apparent, but you have actually highlighted it in talks that you have given several times this year to anyone who will listen (laughter). You've talked about how centripetal force is required to hold the system together, that if you spin that pen and the centripetal forces were not there it would fly apart. All of the particles would go separate ways. I just want to point out to you that it's possible to spin something a little more interesting, so I brought something different for you to spin. When we do demonstrations with students, the students get to do the fun part. You don't have to just hold the board. So give it a spin. You see that it spins perfectly fine that way – now try to spin it the other way.

Lange: Oh, and it spins back!

Nan Jokerst (Electrical & Computer Engineering/member of ECAC): He's fascinated by it already! (laughter)

Socolar: You should think about it and really take your time (laughter). You have lots of

time now to think it over, I do want to point out that, Sally (Kornbluth) is not here, but this is partially for her benefit. Part of the explanation of what happens here has to do with the fact that the point of contact is moving around, and if that point of contact is not nicely fixed, all those centripetal forces can have unexpected consequences. You've done a great job of keeping it fixed. I want to give this to you to contemplate. It comes with a little tag that reads: To Peter Lange, from the Duke Faculty, with appreciation for your centripetal forcefulness (laughter and applause).

Lange: I'm going to speak very, very briefly (applause then laughter). Alright, so the first thing I would say is you all noticed this thing spun forward and then it wouldn't spin backward, okay? I thought actually that was the point (laughter), which is that that's the only direction that we've all worked together to move Duke -- forward, never backward. Thank you to Josh and to the Council for all these years because really I think that's been our shared endeavor, to move Duke ahead, to move it forward and collectively not to allow it to go backward, which sometimes could be due to faculty resistance from some quarters and sometimes could be due to administration error also quite possibly -- well, somewhat possibly anyway (laughter). And I was thinking about why I actually -- and I really appreciate these gifts, which have all talked about how we have worked together in a way -- why that was. And you know, I worked my way up through the ranks of faculty governance before I became provost, and I have to say that when you sit in a provost's office and you remember that experience it reminds you of how screwed up those administrators were when you were (laughter) okay? And while of course we've been making forward progress and so the administration has been even less screwed up (pause) nobody laughed, that's good (laughter)! It is also the truth that it is in the balance and striking the

right balance and we've spent much time with each, I think, of the ECACs that were represented here talking about that balance at different points so that Duke really thrives and is able to move the way this thing spins in one direction. And I'm absolutely confident that that will continue. I know that Sally is completely committed to that forward progress and that she'll be great in the job. I've had the best job in the world that I could have -- I'm not going to make that silly statement about having the best job in the world ever, I mean who knows -- but the best job that I could have. I have been able to thrive personally in this job, to be happy and have fun in this job. And you all have enabled that in so many ways, and so I'm deeply thankful to all of you for the gifts today, for the fifteen years of experience, for the questions that occasionally happen in question time. I used to love those actually because you didn't know who asked the question but you could always guess, you could sort of look at the person (laughter), then "did he really know?" and then just give an answer. And so I thank you all, and I hope you have a great time, and I'll be back. I think I can run for Council, I'm not forbidden from running for Academic Council, am I?

Socolar: No, absolutely not.

Lange: Well don't count on it (laughter & applause).

APPROVAL OF APRIL MEETING MINUTES

Socolar: Okay, we have a meeting to run. It's a long one, and we may need a little time at the end because the last thing on the agenda is to vote on the honorary degree candidates, so if we have to go a little bit over I hope people will bear with me. It's the last meeting of the year so we can't push anything off until the next meeting. So, let's get started. Can I have a motion to approve the minutes from

the April 17th Council meeting?

(minutes approved by voice vote with no dissent)

APPROVAL OF EARNED DEGREES

Socolar: Now for the sake of those who are graduating now would be a good time for us to take a moment to approve the candidates for earned degrees. In accordance with the University Bylaws, I will call on representatives from the various schools and Trinity College for recommendations of approved candidates for various degrees. These lists will be forwarded by the Provost for approval by the Board of Trustees at their meeting tomorrow.

Graduate School

Dean Paula D. McClain

Doctor of Philosophy	170
Master of Science	110
Master of Arts	124
Master of Arts in Teaching	1
Master of Fine Arts	13
Master of Arts in German Studies	1

School of Medicine

Dean Nancy C. Andrews

Master of Health Sciences	87
Master of Health Sciences in Clinical Research	14
Master of Biostatistics	22
Doctor of Physical Therapy	67
Doctor of Medicine	99

School of Law

Dean David F. Levi

Juris Doctor	212
Doctor of Juridical Science	1
Master of Judicial Studies	14
Master of Laws in Law and Entrepreneurship	12
Master of Laws	107

Divinity School

Dean Richard Hays

Master of Divinity	121
Master of Theological Studies	16
Master of Arts in Christian Studies	8

School of Nursing

Dean Catherine Gilliss

Bachelor of Science in Nursing	78
Doctor of Nursing Practice	34
Master of Science in Nursing	61

Fuqua School of Business

Dean William Boulding

Master of Business Administration	474
Master of Management Studies	111

Nicholas School of the Environment

Dean William L. Chameides

Master of Environmental Management	155
Master of Forestry	5

Sanford School of Public Policy

Dean Kelly D. Brownell

Master of International Development Policy	33
Master of Public Policy	76

Pratt School of Engineering

Dean Thomas Katsouleas

Master of Engineering Management	64
Master of Engineering	20
Bachelor of Science in Engineering	256

Trinity College of Arts and Sciences

Dean Laurie Patton

Bachelor of Science	587
Bachelor of Arts	703

TOTAL 3879

(candidates for earned degrees approved by voice vote with no dissent)

Socolar: Thank you and congratulations to all our graduates. And I will note that Peter's pen is spinning, spinning (laughter).

Lange: And my son is on one of those lists.

Allen: Are you sure? (laughter)

ECAC ELECTION RESULTS

Socolar: Before we proceed to the voting items on our agenda, I want to share the results of the recent election of new members of the Executive Committee of the Academic Council. The new members are: Anne Yoder (Biology and director of Duke's Lemur Center), Kerry Haynie (Political Science and African & African-American Studies), Beth Sullivan (Molecular Genetics and Microbiology), and Ellen Davis (Divinity School).

I want to thank everyone who voted -- that would be all 70% of you -- and I also want to thank all of the candidates who agreed to be on the ballot. I also want to thank the members of ECAC who are completing their two year terms. They have been terrific representatives of faculty interests and they've been a tremendous help to me in my first year as chair. They are: Dennis Clements (Pediatrics & Global Health), Kathy Franz (Chemistry), Nan Jokerst (Electrical & Computer Engineering), and Maurice Wallace (English & African and African-American Studies). (applause). Happily, they all continue as members of this body for the coming academic year, and I know that they are all remaining deeply engaged in faculty governance.

VOTE ON THE CREATION OF THE FACULTY TITLE OF SENIOR LECTURER

Socolar: At our last meeting, we heard a proposal to create the new regular rank title of Senior Lecturer. The supporting materials were posted again with today's agenda and Deans Patton and Moore are here if anyone has any questions before we vote. Are there any questions?

(Title approved by voice vote with no dissent)

VOTE ON REAPPOINTMENT OF FACULTY OMBUDS(MAN)

Socolar: The next item on our agenda is the reappointment of the Faculty Ombudsperson/man, it's officially in the handbook as Ombudsman still. At last month's meeting, ECAC asked Jeff Dawson, the current Faculty Ombudsperson, to report briefly on his recent activities. ECAC now moves that the Academic Council endorse Professor Jeffrey Dawson for a two-year term as Faculty Ombuds, starting July 1, 2014. Before opening the floor for any discussion, I want to note that ECAC thought the remarks from the floor last month brought to light some questions about our collective understanding of the Ombuds Office, its structure and the role of the Ombuds. We see this issue as one that warrants careful consideration, and I will arrange next year for the office to be reviewed in light of the experience gained over the 13 years since the language in the Faculty Handbook was last revised. I would welcome comments and suggestions, and indeed will solicit it at some point next year, but I do think it would be a mistake to let that discussion interfere with Jeff's reappointment or his continued efforts to help faculty who come to him seeking advice. I received a request to use paper ballots for this vote. In accordance with our bylaws, ballots will be distributed. So I need all Council members to raise a hand, so that we can get a ballot to

you. Tom Taylor and Gráinne Fitzsimons have the ballots and Katie Anderson also. While the ballots are being distributed, are there any questions or discussion? Signify by raising both hands (laughter). So please mark your ballots and pass them to the end of the aisle, and Tom and Gráinne will count them.

QUESTION FOR PRESIDENT BRODHEAD

Socolar: Okay, maybe we can multitask here a little bit. You can work on your ballot and with the other ear listen to the next item. As I noted at an earlier meeting, any faculty member may submit a question in advance, anonymously, if desired, to be answered at a subsequent Council meeting by the senior administration. The following question was submitted last week and President Brodhead is here to address it:

The 2013 Campus Sexual Violence Elimination Act, which goes by the name Campus SaVE, mandates specific actions regarding sexual misconduct and related offenses. By October 1, 2014, schools must report on compliance with the act in their Annual Security Reports. Was Duke engaged in the conversation at the national level that resulted in the formulation of the Campus SaVE Act? What actions are necessary at Duke to ensure compliance, and what steps are being taken?

Richard Brodhead (President): Thank you. I am happy to address this question, and I have asked Pam Bernard, the University Counsel, to be here to answer any follow up questions in more detail and also Sue Wasiolek, who as Dean of Students has a lot to do with the administrative aspects of these things. The first thing I'd say is the issue of sexual violence is, of course, one that we all take extraordinarily seriously. We take it seriously anywhere, but certainly within the compass of the University. And the second thing I'd say is, I hope we wouldn't wait until

a federal act has been passed before we begin to think about how to take this seriously, how to think to have the best preventative measures we could and the best system for allowing reporting and adjudication of such charges. You may be aware -- and actually if you'd like a full presentation on this sometime I think it might be interesting -- six years ago Duke put together a gender violence task force to look at the obligations that then to us were mostly thought about as Title IX obligations because of course this is not the first federal law in this space. In the wake of that report, which some of you I think were a part of, Duke introduced a number of relevant moves some of which are codified and mandated by this law that had been in effect here for several years. The first of them is Duke introduced a mandatory reporting policy that I think is an important thing. We created a separate panel to separate sexual assault cases from regular disciplinary cases. We began to hire a person trained, a special investigator, to investigate such cases because it was thought outside the, and otherwise outside the expertise, in the disciplinary process. And in addition we have had, as you know, a number of training programs that we have introduced into orientation programs and other such things, bystander training, which I think is one of the important new steps in recent years. This has been introduced in orientation of the student bodies of different schools and also members of various groups on campus have been invited to participate in bystander training. It has been offered in fraternities and sororities, to all athletic teams, and many such things. Now the whole point is we're talking about the systemic dimension of these things, and we know that it's always going to be our wish never to say what we've got is good enough but what can we do better? And one of the things that we know now is being pushed, and the federal meeting has pushed this, is the idea that training can never be given once as if it were like a smallpox

vaccine. One of the troubles with college is that you offer people so much training during orientation when they don't understand anything and then they're taught everything simultaneously, actually finding ways to go back and make people aware of the penalties, make people aware of the recourses, and make people aware of the responsibility that students and other communities members should assume for one another's well-being. That's an important thing for us. We've done work with our disciplinary panels. There's now discussion at the national level about whether students should or should not be included on such panels. Actually thoughtful people could argue that matter either way, but there seems to be a shifting national consensus. The specific question was not only what has Duke done, but also did Duke participate in the discussion leading up to this matter? There was a big meeting at the White House, I'm sure you read about it, it was widely covered in the media about two weeks ago. Pam Bernard, our University Counsel, was actually one of the featured speakers at that event because I would wish you to understand this without being complacent in anyway, Duke is thought to be relatively a leader in this area rather than a follower. And one of the things you noticed, if you read the press materials that came out, is that I believe fifty-four universities were identified as having complaints that were being investigated under this aspect, and that list included such schools as Harvard, Yale, Princeton, Dartmouth, University of Chicago, and the University of North Carolina, but Duke was not one of them. Is this enough of an answer? If anyone wants more specifics to be inquired into, I might at some point turn to my expert assistance.

Tolly Boatwright (Classical Studies): It's very, very clear in all of the information that's come out the very close association of sexual violence and drinking. And so LDOC has just

passed, are we at Duke ever going to address the question of encouraging people to drink? Encouraging our students that this is a reward for them studying to get drunk for a day? I mean, it's very closely tied, and I know that Nan Keohane when she was president addressed it, I was here and the students went ballistic. But this is a systemic problem, and it's so closely associated. And so all of the orientations we want are not going to help unless people have a better sense of the difficulties that can arise when they are drunk on their bottoms.

Brodhead: I don't disagree with you at all. I've had a position of responsibility regarding undergraduate student communities now for over twenty years, and one thing you know is you cannot supply me the name of a school that does not regard drinking as problematic. Students come here, it was problematic in high school, it is problematic in some places in middle school. We inherit behaviors that have started long before and that have famous associations with universities. You remember in Hamlet, Rosencrantz and Guildenstern, his friends from college, come to the Danish court, what does he say to them? "We'll teach you to drink deep drink err you depart" as if that's the very sign that we're college students. This isn't something any one campus can work on. We've tried many avenues, especially with the freshman class, but also with the continuing upper classes. And be it said, whether a university can be entirely carnival-free I can't say. Intelligent people can argue about that matter too, but actually the amount of drinking and the excess of the drinking on LDOC has very greatly reduced in recent years. And the number of people hospitalized has actually declined by a very striking margin over the last three or four years alone.

Boatwright: Thank you.

Alex Rosenberg (Philosophy): It would be merely symbolic, but nevertheless important if we could move LDOC to the day after the last day of classes so that it would not appear to be a celebration of the termination of the academic responsibilities of the students.

Brodhead: I will refer that to those with closer responsibilities for such matters than myself.

Rosenberg: I have already attempted to offer this as a suggestion, and it has been met with resistance.

Brodhead: I'll make a note of it. I'm going to tell you, the stories I first heard about LDOC when I came to this place I found unbelievable and this has been very seriously looked into.

Rosenberg: Let me say though I just ask that we consider moving it to another day with another label, but nonetheless this year I went to LDOC as I do annually to sort of measure the pulse of the undergraduates on this unfortunately named occasion, and I was impressed that it was going on later, and it was calmer, and there was less damage to property and the students appeared to be less inebriated. And I sought out those parties responsible to congratulate them.

Brodhead: And I thank you for adding that part of the picture. We're not minimizing and I'm not extenuating the nature of the dangers involved, but if one never treats any progress as if it represents progress, it actually is way harder to solve the problem.

Rosenberg: No, there has definitely been progress.

Brodhead: I personally walked through it twice just for the same reason as you...

Rosenberg: We didn't see each other.

Brodhead: And, actually the fact that the music stopped abruptly at eleven o'clock and everyone thought it was because Bruce Springsteen was supposed to appear (laughter), but actually nothing appeared, that in itself was a new feature this year. Thanks. It's all of our issue to be sure.

Socolar: Thanks very much. I have the result of the vote on Jeff Dawson's nomination for faculty ombudsman, and with greater than ninety percent of the vote he is reelected.

UPDATE FROM THE CHAIR OF ACIR

Socolar: The next item on our agenda is an update from Professor Jim Cox, the chair of the Advisory Committee on Investment Responsibility. Last October, the Board of Trustees approved a new structure and charge for the advisory committee, and that committee has now met several times. So, I've asked Jim to give us an update on their activities.

James Cox (Law School/chair, Advisory Committee on Investment Responsibility): We're waiting to pull up a slide, so you can see who's on this committee. The committee was reconstituted this fall. We've had an investment responsibility committee for some time, and President Brodhead wanted to expand it and invigorate its responsibilities. The committee's membership is up there (refers to slide). As you can see we have a couple administrators, we have four faculty members, we have an alumnus, a trustee who is also an alum, we have four students evenly divided between graduate and undergraduate, and we have some ex officio members. So, the President gave us a charge, and I want to go through the details of this, and I know that time is very pressing. Just to give you a feeling about the level of intensity for this committee was that they were thinking about

developing a method for receiving suggestions from the Duke community, I mean there's a lot of people in the Duke community broadly defined, to be able to gather information and resources to deploy there about issues that are emerging and to make recommendations perhaps about voting proxies -- I'll come back to that in a moment -- but also other investment strategies that we might pursue. And then we want to be able to keep Duke conformed, so there's going to be an annual report that's prepared every May. Since we've only been in operation for half a year, I'm going to count this as my annual report for May this year. I'll say more about what our report is. And then in the fall, we'll have an open forum session that will be open and publicized. And one of the things that's going to get us moving is the creation of a website over the summer, which will be in iterative fashion. The one thing we want to do is tell the community what we're about, what our charge is, what our responsibilities are, put information up, and we have lots of parallels we can find that I'm looking at for other universities. So what have we done? We've really had our first meeting after being constituted in November; we've had four meetings so far. And they've been -- and I'll take responsibility for this certainly if there's any blame -- I thought it would be much better for us rather than jumping into the sort of knotty issues of Duke divest, transparency and the endowment, etc, we thought a little bit about the heuristics we want to apply and the procedure we want to move forward with. And also this committee has been in existence for a long time, and there's been something of a common law that's developed about that, so we put that into a document. So we've been working on our charter, and part of our discussions and debates -- always in the background has been the question about global warming, fossil fuels, Duke Divest, okay? -- has been what could be the range of approaches that a university like Duke would

take with respect to different items. And I can share with you is that while we have not yet formally adopted our charter, we've been talking about it -- that at the end of the chain of things that one can think about would be divestment. And then the discussions in the committee have been, since this is the last in the chain, something that's fairly significant and profound, the thought within the committee was that that kind of recommendation would likely require a super vote within the committee, a greater than majority of those present vote. We have not yet settled on that, so if you have ideas about that, that would be good. We started off our process educating ourselves a bit about who DUMAC is, and I'll come back to that, but I thought part of this forum today would be not just to tell you a little bit about what we've done but to frame it and show you why we think this is a pretty tough issue to be engaging in about how the University engages through its endowment with social responsibility issues. So we had a briefing from DUMAC. Part of my responsibility as chair is reaching out to other people who have grappled with this beast for some time, and trying to figure out what to do. And so I spoke to individuals at Harvard and Yale and other places. I found out that each of those early on in their process received opinion from outside counsel about the fiduciary obligations that not only do the trustees of Duke University have with respect to their endowment choices, particularly with making decisions that would be based on non-financial considerations, okay? DUMAC, by the way, is a separate management cooperation that manages the endowment of the university and has a board and the director's obligations there. So we're finally getting the last iterative stage. We've gone back and forth because I thought that the opinion of counsel was not as detailed as it needed to be as far as informing our committee about what the obligations are. We also engaged in a fair amount of inquiring at lots of other universi-

ties and other organizations. So here's a brief moment of history, universities were in the vanguard with their endowment in the seventies about social responsibility investing, and you know the apartheid movement triggered that, but they were in a lot of other areas as well. And then they became quiescent in the eighties, and it's only recently that they're coalescing again. So one of our suggestions was to go forward and think that it would be useful for somewhere in the university to be able to have an individual who would be networking with other universities as they share information. We do this in lots of other areas. IT is a classic illustration of that, but why not do it in this area too, so we're all dealing with the same social and moral and financial issues on this question. And just as I was crafting a letter to send to President Brodhead, I learned that there was an officer. So our recommendation would be that the logical place for such a person would be in DUMAC, and an officer was retained by DUMAC whose responsibilities include social investing. You may be aware that DUMAC is going to create a fund for donors who would like to have their money not go to a general fund but that would be something that would be more limited and in perspective of social investing. Jennifer Dimitri is the person who was recently retained. She has a great background in this area and is going to be very useful. So we had her at our last meeting and had a frank interchange with her about what we thought our responsibilities were and how we could work together. As I mentioned earlier, we've talked about a variety of strategies we could take, we have like six or seven different steps that we could take. We've been working on our charter, which I hope to finalize with the committee over the summer. And always in the background we thought that it would be useful to us to talk about how the issues of fossil fuels and Duke Divest play into our consideration of heuristics and procedures, etc. Now I might just do a little

bit on the education front here, and that is the following. So DUMAC manages about fourteen billion dollars of money and roughly it's like Gaul, it's divided into three parts, okay? One part of that is the university piece, one part of that is the Duke family endowment piece, and then there's retirement money. Those are the big ones. The part that our committee and President Brodhead and the Board of Trustees have a responsibility for is a larger part of that but not all parts of that. It's only the Duke University part, which has a subset, the healthcare system part and the university system part. So that's a fairly good sizeable number that we have responsibility in, but the problems you get into is that these monies are co-invested in lots of places. And you say, why don't you separate it out? Well it's not possible to get the same level of efficiency on some of these investments we have by disentangling them. So a very significant portion of the Duke endowment is co-invested with all these various groups because it's not possible to get the same level of management fees or even the strategies that are developed within this one vessel, which has one outside manager if we just parceled out the elements. So that's one level, you have these various pots of money and they're all thrown in together. So that is an issue because the responsibility we have is not for all parts of Gaul, it's only for this one, Aquitania, part of Gaul. The other piece that's interesting is that we're unlike Harvard and Stanford, we have a basketball team (laughter), but the other difference is that they do a lot more of what's called direct investing. DUMAC's credo is managing managers. So if we start hearing about what's happening at Harvard and what control they have, it's a very different scenario at Duke. And what do I mean by direct investing? Out of that fourteen billion dollars, I don't believe any of you in the room -- except probably Tallman (Trask) and President Brodhead -- would be able to guess how much of equities are di-

rectly under the control of DUMAC. And the answer is twenty million dollars. Twenty million dollars, okay? So if you're going to say okay these are the proxies we want you to vote or these are the investments that you have control over directly to be able to divest, the answer to that is twenty million and the denominator is fourteen billion. Now we do have a larger area that we do have direct control over and those are derivatives. And that's in the range of about 1.3 billion dollars, a little bit less than ten percent that DUMAC has direct control over. And those do -- as you would expect with derivative investment where you're hedging risk -- do have for example fossil fuel companies because one indicator of swings in the economy that you're trying to hedge risk against is going to be the energy sector. And so as a result of that you do have those. But with derivatives, you don't have an equity interest, you're not going to vote. And it gets very problematic I think on the issues of energy about whether you're long or you're short when you think in terms of responsibility. This is a tough issue and as you think about it, as we move down this road, another complication which I want to mention is that among our charges I flashed up earlier (refers to slide) is that there is a question about how much transparency there should be associated with Duke's endowment, what do we mean by transparency, and then the quantity of transparency. And one of the notable issues that we've faced there -- well I'll just mention two issues -- is that since DUMAC manages managers and this is the quality of the managers that they have, it's a seller's market not a buyer's market, then the question is what sacrifices do you give up by telling these managers that the normal confidentiality agreement that you enter into is not going to be something that can apply to you. And the second problem you have is that as you're well aware, you have been blessed for some time with a great culture in managing our endowment. DUMAC

has done a terrific job; they're consistently among the top -- I'm talking about top in single digits, usually less than five -- endowment performers around. And those of us who know something about financial markets and investing particularly among financial institutions understand that there's a herding instinct, there's a copy-cat process that goes on. And so part of this strength at least perceived by the current DUMAC management -- and I think this is a very reasonable approach -- is how much transparency do you have without sacrificing some of your gains that you're able to have? So the challenges that we have are multiple, we're working on it, we have a great committee, a wonderfully diverse committee in viewpoints, and I would expect that in the fall that we will resolve questions that are foremost on our plate, which is the Duke Divest -- those of you who are interested that report is out there, it's a wonderful report, it's a great tribute to our students on the time and energy they put into the report and details of that, and they've been extremely constructive members of our committee. We'll come back and we'll report to you and we'll resolve that issue in the fall, and we'll also be talking about, I believe, the parameters at that time about transparency. That's my report.

Socolar: Thanks very much, Jim. There's a lot of information, all interesting and worth hearing. Are there any questions for Jim?

Now we have our annual update on athletics. Professor Jim Coleman, of the Law School, who chairs the Athletic Council, is going to tell us what is on their plate this year and that includes things they've talked about and things that they're forecasting and thinking about in the future.

*UPDATE FROM THE CHAIR OF THE
ATHLETIC COUNCIL*

James Coleman (School of Law/chair, Athletic Council): You've oversold what I'm going to do (laughter). One of the things that the Athletic Council is charged with doing is to keep the Academic Council informed, not only about what's going on with Duke athletics, but also what's happening with intercollegiate athletics generally. And so, let me just say in one aspect of carrying out that responsibility to Jim Cox that both Stanford and Harvard do have basketball teams these days (laughter). I asked Josh what he wanted me specifically to talk about and he sent me a very long list of topics that would take the rest of this year probably to really address in any informed way. But he gave me an out, and said what he really wanted me to do was to give you some confidence that the faculty are keeping an eye on athletics and paying attention to the big issues. So, I've decided to do that and not try to go through the list of issues that Josh identified, although I will touch on some of them. I thought the best way to do this would be to give you a sense of how the Athletic Council works, how we carry out our responsibility to keep ourselves informed about what's happening in the athletic department and what's happening with intercollegiate athletics generally. And I think for your purposes one of the things that's important to know is that we have seven faculty members on the Athletic Council who are appointed by the President from a list of nominations from ECAC. And I tell you that because they are available to you if you have questions about what we're doing, if you have issues that you want to bring to our attention, to contact them, contact me to let us know what's on your mind, and then we can address it, either by responding to you or by making it an item on our agenda. The Council works very closely with Martha Putallaz who is the Faculty Athletic Representative. Martha and I work closely together, and then the two of us have very good relationships with the people in the athletic department. They keep

us informed about what's going on, we have email heads-up on things that are happening. We also send them unsolicited emails when something has come across our desks that we want to bring to their attention. So I think that there is very good communication both ways between the members of the Athletic Council and the athletic department, and we very much know what is going on. In the fall of each year we meet with the President and the Provost, and the Executive Committee of our Council to talk about the agenda for the coming year, and then in putting together the agenda for the two meetings that we are required to hold, we include issues that come up at that meeting. This year, Title IX was an issue that we put on our agenda as well as the university's concussion policy, so that we were informed about what the policy was and how it is managed. We focused on these two issues in the course of the meetings that we had in the fall and in the spring. We invited Josh to our spring meeting at which we discussed the concussion policy, and we also had our annual presentation by Lee Baker on the academic performance of the athletes here at Duke. One of the things that I try to do as chair of the Council is to keep the members informed regularly about what is happening, both at Duke and outside of Duke. I send them articles that I think are informative about issues internally as well as externally, and we invite key people from the {athletics} department to attend our meetings, we also have special presentations made by members of the department, and so forth. So I think we do a very good job of staying on top of what is happening in the department and carrying out the role that has been established for us. At our last meeting, there was a question whether Duke should abandon its attempt to have a broad base athletic program and instead to focus just on the revenue generating sports, football and basketball. And the reason for the question was because of the cost of the non-revenue generating

sports. I think the university has made a decision that that's not the way we will go, and I think that's the correct decision. I think athletics, at least at this university, is more than just entertainment, and I think that our program ought to reflect that. Duke has done extremely well -- and Lee's report each year demonstrates this -- we've done extremely well academically. I think to the point that we probably are the best academically performing athletic department in the country measured by all kinds of data in terms of the median grade point average of our athletes across sports, in terms of the honor rolls to which our athletes are selected, in terms of graduate rates and so forth. The academic support unit within the department, what they do is not focus on trying to keep marginal students athletically eligible to participate in their sport, they help them to succeed as students, and I think that's reflected in their performance, and I think that that is also the culture within the department, both among the students as well as among the administrators and the staff of the department. Duke has performed very well historically and especially in the last few years, we are currently in the top ten in the Director's Cup, which is a ranking of about two hundred and sixty colleges and universities that have broad base program like ours, maybe not as broad as ours. We are currently ranked tenth in the Director's Cup, and by the end of the spring semester we probably will be ranked higher than that, and you know, that's not withstanding the obvious disappointment in some of our winter sports (laughter) accomplishments. I'm going to stop there. There are some very big issues that are looming on the horizon in college athletics, unionization -- you've all heard about that and what's going on at Northwestern, the litigation challenging whether athletes are to be paid, the litigation challenging whether athletes and former athletes are to be able to basically enter endorsement contracts and things of that na-

ture. We are monitoring all of that. The university's counsel is monitoring the unionization issues. Martha and I met with the athletic director and some of his senior staff and with the university counsel, Pam Bernard, so that we could be briefed about that. So, I can assure you that that is being monitored and that the university will not be caught off guard by anything. I plan to, as I said, we're required to have two meetings a year and next year I'm going to have a third meeting, a special meeting, to talk about some of the big issues that are going on in college athletics. I'm going to prepare a notebook of things for the Athletic Council members to read to prepare for that. I'm going to invite ECAC, and I'm going to send them the notebook to prepare also. And we're going to bring some people to campus who can talk with us about what's happening in some of that litigation and some of the other things that are going on. I know that I'm the last thing on the agenda before you go into executive session, so I'm going to end my remarks there. If you have questions I'll try to answer them.

Dan Gauthier (Physics): I'm concerned about the ACC expansion and adding a lot to the travel schedule for students. In my introductory physics course I have several athletes, and it makes it very hard for them to deal with the extensive work that I end up assigning to them. I'd just like to see whether or not your Council is planning on trying to address the effects of this additional burden of travel?

Coleman: We discuss this all the time, and you know, obviously there is very little that we personally can do about it. But we can raise the issue. Martha, I know, raises this issue, discusses it among the other Faculty Athletics Representatives in the ACC, and I think eventually the conference will figure out how to do this in a way that academically makes more sense. But at this point, I think -- I'm

sure you saw the article in the New York Times about this, particularly about some of the women's sports and the travel that they've had to do -- so I can tell you that we're concerned about that, it's an issue that we raise. I'm sure that to the extent that Duke can influence what happens there, I think the university will.

Martha Putallaz (Director, Talent Identification Program & Faculty Athletic Representative): I'll just add to what Jim has said that you're absolutely right. We're a little bit more fortunate than a school like Notre Dame or Boston College or one of our Florida counterparts. The senior administrators from each of the fifteen conference schools also get together to try to coordinate scheduling so that there's a trip to Florida State and Miami together, trying to alleviate travel as much as possible. They're also looking at plans of pods; maybe that would help. So there are ways that it's being explored. In our conference though, we're at least somewhat geographically making more sense than a lot of the other conferences. So you're right, and I think people acknowledge that and are trying to deal with that as best as possible. We are in a better situation than some of the other conferences.

Socolar: Any more questions? Thanks very much.

*TRANSFER OF POWER TO ECAC FOR THE
SUMMER MONTHS*

Socolar: At this point in our meeting, we need to transfer power to ECAC for the summer months. Our bylaws state that the Academic Council meet monthly during the academic year from September to May, and at other times beyond this time frame as the chair or ECAC (or ten members of the Council) may call for. In recognition of the fact that it will be exceedingly difficult to convene a

meeting of the Council during the summer months, the Christie Rules provide that this Council now can delegate to ECAC the authority to act in a consultative role to the Administration when the University is not in regular session.

ECAC now offers the following motion:

Whereas, the Christie Rules provide that at the last meeting of the Academic Council in any given academic year, the Council may delegate to the Executive Committee of the Academic Council the authority to appoint a committee of at least three Council members to serve in a consultative role to the Administration when the University is not in regular session, and whereas the Christie Rules note that this committee should normally consist of members of the Executive Committee of the Academic Council if they are available, ECAC recommends to the Academic Council and moves that the authority to create such a committee be delegated to the Chair and Executive Committee of the Council, and that such committee once formed would remain in operation until the first day of the fall semester of the 2014-2015 academic year.

As ECAC is presenting this motion, I only need a second – may I have a second?

(passed by voice vote with no dissent)

Socolar: Okay, I'm glad you trust us (laughter). And the final item on our agenda is the vote on honorary degrees for which we need to go into executive session. So only members of the faculty remain, and anyone who's leaving now, thanks for attending. Most of you have been at several meetings this year, this is our last one, and we appreciate the interest.

[EXECUTIVE SESSION: FOR PURPOSE OF THE
VOTE ON HONORARY DEGREES FOR 2015]

Socolar: The last meeting of this academic year is now adjourned, and thanks everybody for a good semester and year.