

**Minutes of the Meeting of the Academic Council, held virtually via Zoom  
Thursday, September 17, 2020**

**Kerry Haynie (Chair, Academic Council / Political Science and African & African American Studies):** Welcome, everyone, to the first Academic Council meeting of the academic year. Let me start by thanking President Price, Provost Kornbluth, Executive Vice President Trask, Chancellor Washington, Kyle Cavanaugh [Vice President, Administration], and Jennifer Francis [Executive Vice Provost], who have led an effort that has had quite remarkable results in that we've been able to open, and open safely. Let me also thank many others: Vice President/Vice Provost Mary Pat McMahon and Vice Provost Gary Bennett, who have worked with our students to get them back successfully. Also a big thanks to the many staff whose names we don't know, who we see sometimes but don't know, who made all of this possible, who worked the grounds, who sanitized the buildings, who distributed the masks. Thanks to them all for making this possible for us to be back this semester.

Back in May, we all were etched into the Duke Annals as the first Academic Council in the history of the university to meet remotely. Now I can imagine some Bass Connections student, 50 or 60 years from now, from Duke Study Abroad on Mars thinking, "Why was that such a big deal that they were able to meet remotely?"

But it is remarkable that we were able to do this and again, to be the first Council to meet remotely at Duke.

Let me welcome and congratulate our newly elected Council members to their first official meeting, and welcome back to all of you who are returning members. Now, in normal times I would be able to say at this point that I look forward to meeting you and talking with you at the end of the meeting at our reception, but here we are. Hopefully soon. Before we get too far into our meeting I want to direct your attention to the [Christie rules](#) which were posted with our meeting agenda. These rules are the cornerstone of faculty governance at Duke. They were drafted by a committee on which Professor George Christie of the Law School was a member and were subsequently approved by the Academic Council in 1972. I want to especially draw your attention to the clause that reads,

*"Except in emergencies, all major decisions and plans of the administration that significantly affect academic affairs should be submitted to the Academic Council for an expression of views at some point prior to the implementation or submission to the Board of Trustees. The views expressed by the Academic Council should be transmitted along with the administration's proposals when these*

*plans and decisions are considered by the Board of Trustees.”*

I'm pleased to report that shared governance at Duke continues to be strong and effective. From the onset of the pandemic in March, faculty voices and perspectives have been included in all the decision making regarding the academic affairs of the University. As I wrote to you during the summer, at my suggestion, the Academic Programs Committee, what we call APC, and the University Priorities Committee, or UPC, stayed in session and met regularly throughout the summer to be sounding boards and provide input and advice to senior leadership on a wide range of issues. ECAC also remained in session throughout the summer. Three continuing members of ECAC and I, and our four former ECAC members, met seven times over Zoom during the summer. We also conducted a great deal of business via email during this time. Separately, I had several phone conversations, email exchanges, and Zoom meetings with President Price, Provost Kornbluth, and other senior leaders, including one phone conversation with Sally on a Saturday afternoon while I was standing in the middle of the 14<sup>th</sup> fairway. I think I parred the hole, Sally. So with a few exceptions, the faculty was in the loop for the decisions that senior leadership made regarding last spring and this fall semester. Now this is not to say that everything was perfect and there were no bumps and disagreements along the way. There were instances in which I thought the consultation was pro forma, and in some cases the faculty would have made different decisions if they were our decisions to make. Neither the faculty nor the administration should take our norms and procedures for granted. We all must

remain vigilant, I think, in maintaining the trust and good working relationships that we have and which benefits all of Duke. We don't have to look too far to see examples of universities in disarray as a result of a breakdown in trust and communications.

In the coming days we will post to the Academic Council website a summary of all the business ECAC handled on your behalf this summer, so look out for that. Another feature of our faculty governance process is, at the beginning of the year, ECAC and the Executive Committee of the Board of Trustees meet, typically over a lunch. This year it was over Zoom, but it was an important meeting. In this meeting, we discuss things that we think might come up during the academic year, trying to anticipate issues that might arise or important issues that we need to address. This year's meeting was on August 21<sup>st</sup> and the state of the university's finances was the main topic of our conversation. We will hear more about our finances later in this meeting, but let me say a brief word now. As we all know, we are in serious financial difficulty. We know the measures that the senior administration took this past spring, the cost saving measures including suspension of contributions to our 403B accounts, the suspension of merit raises and the like. So we have a serious set of issues to address. Not all of these are pandemic-related. Our financial problems, to a significant degree, are old, forgotten, or ignored chickens coming home to roost. We have a tendency to kick problems down the road when it comes to finances. Now, there's lots of recent activity to address these problems and you will hear more about these in the coming days and weeks. There are committees that have been formed and

the President, Provost, and others will talk about other measures and activities they will take to help get our finances in order. There's an old southern colloquialism that I think characterizes a lot of what we do at Duke. It's "fixin' to get ready to." When I was growing up, my mother would ask me to do something and then she checked later and said "I thought I asked you..." "Well, I'm fixin' to get ready to" was my reply. We've been fixin' to get ready to do a number of things that we don't ever seem to get around to doing. But we are great at fixin' to get ready to. Many of you know from having served in various "fixin' to get ready to" committees and task forces. Getting our financial house in order and addressing diversity and inclusion are two of those things that we are great at fixin' to get ready to do. I think it's time for us to get to the business of doing those things. We're ready, we're fixed, and it's important for us to move forward and make progress on these issues or we'll find ourselves, ten years from now, in a similar situation that we're in now, where we don't address these issues. I think the faculty is ready to do its part in partnership with the administration. It is important for all of us to press on these issues and make sure we make some progress and that some Chair of the Academic Council years from now is not talking about us fixin' to get ready to yet again.

Let me now introduce the members of ECAC to you, our newly elected members and our continuing members. In addition to me continuing this year, we have:

**Carla Brady** (School of Medicine);  
**Sherryl Broverman** (Biology / Global Health);  
and **Marin Levy** (Law School).

Our new members are:

**Laura Lieber** (Religious Studies / Divinity / German / Classical Studies) - Laura is her own school, as you can see;  
**Joel Meyer** (Nicholas School of the Environment);  
**Manoj Mohanan** (Sanford School of Public Policy);  
and **Anne West** (School of Medicine / Neurobiology). Welcome to our new members of ECAC and welcome back to our continuing members.

Members who completed their term this summer are:

**Mark Anthony Neal** (African and African American Studies);  
**Ellen Davis** (Divinity School);  
**Lisa Keister** (Sociology);  
and **Victoria Szabo** (Art, Art History and Visual Studies). I want to give them a special thanks. Ellen, Mark, Lisa, and Victoria agreed to stay on through the summer as we worked through issues with senior leadership and we owe them a big debt of gratitude for agreeing to give up their summer and stay on ECAC and help us work through some of these issues. So, our thanks to them.

Let me now introduce **Sandra Walton**, the Administrative Coordinator for the Academic Council. If you don't know Sandra, please get to know her. You will see her often. She is the one who keeps us going and keeps me going. And I thank her for all that she does for me and the Council and for Duke. Sandra is assisted in her work by Staff Assistant **Susan Jennings**. Susan, thank you for all that you do in providing support to me and Sandra, to ECAC, and to Council members. We couldn't do it without you. Let me remind Council members that attendance is taken at our meetings. Normally, when we meet in person, we

have attendance sheets that are circulated. But, via Zoom, we will take attendance through the waiting room portal. Note that the rules of the Academic Council state that you can be removed from the Council after three consecutive unexcused absences, so please email Sandra if you are unable to attend a meeting. We are open to receiving from you suggestions for discussion topics for future Academic Council meetings. Please email suggestions to [acouncil@duke.edu](mailto:acouncil@duke.edu). The Council has a tradition of submitting questions to senior officers: the President, Provost, Executive Vice President and the Chancellor (for the Health System). You can do this through our website or you can contact us via the [acouncil@duke.edu](mailto:acouncil@duke.edu) email address. Questions for this meeting will be taken using the Zoom chat function. ECAC members Marin Levy and Manoj Mohanan, along with the Academic Council staff, will be collecting questions to ask of our presenters. Before moving to the next agenda item let me announce a change in the agenda. We have changed the order a little bit. Executive Vice President Trask will present after President Price and Provost Kornbluth.

## ***APPROVAL OF THE FACULTY HEARING COMMITTEE PROPOSED NEW MEMBERS***

**Haynie:** Next on the agenda is the approval of new members to the Faculty Hearing Committee. With your agenda, a document was posted regarding ECAC's suggested appointments to the Faculty Hearing Committee. The Faculty Hearing Committee is a subcommittee of the Academic Council that is charged with hearing complaints from faculty concerning issues such as termination of employment, violations of academic freedoms, and allegations of sexual harassment, or any kind of harassment not resolved by other university bodies. The process for issuing a formal complaint is detailed in [Appendix N](#) in the Faculty Handbook. Our Handbook states that the Faculty Hearing Committee will consist of up to 18 tenured faculty members nominated by ECAC and elected by the Council at large to serve three-year terms. Are there any questions or objections in terms of these five nominees presented by ECAC?

### **Faculty Hearing Committee (2020-21)**

Functions defined in [Appendix N](#) of the Faculty Handbook. Elected annually by the Academic Council upon nomination by the Executive Committee of the Academic Council.

#### **New members proposed:**

Priscilla Wald (English) 2023  
Margaret Humphreys (History / Medicine) 2023  
Stefani Engelstein (German Studies) 2023  
H. Timothy Lovelace (Law School) 2023  
John Wiener (Urology / Medicine) 2023

#### **Continuing members:**

Sam Buell, Chair (Law School) 2021  
Tanya Chartrand (Fuqua School of Business) 2022  
Stefano Curtarolo (Pratt School of Engineering) 2022  
Deborah DeMott (Law School) 2022  
Nicole Larrier (Radiation Oncology / Medicine) 2022  
Paul Magwene (Biology) 2022  
Jennifer Groh (Psychology and Neuroscience) 2021  
Janice Humphreys (School of Nursing) 2021  
Anand Lagoo (Pathology / Medicine) 2021  
Betty Tong (Cardiovascular and Thoracic Surgery / Medicine) 2021  
Ernest Young (Law School) 2021



*[Faculty Hearing Committee members approved without dissent]*

Let me also thank these faculty members who have agreed to serve. This is an important committee and increasingly is getting busier and busier with the number of hearings coming before it. Let me also thank Sam Buell of the Law School, who has agreed to stay on as Chair for an additional year. Thank you all.

***PANDEMIC CRISIS UPDATE: PRESIDENT VINCE PRICE AND PROVOST SALLY KORNBLUTH***

**Haynie:** Our next item is a presentation by President Price and Provost Kornbluth, who will now update us in terms of the pandemic as it relates to Duke and our academic year. Let me remind you again, if you have questions for the President and Provost, please send those to Marin Levy in the chat function. President Price and Provost Kornbluth, take it away.

**Vince Price (President):** Thanks so much, and let me just thank you, Kerry, for your leadership, and members of the Executive Committee for their work all summer long, and my thanks to everyone on this call. I know just how difficult these past months have been, and these weeks now that we're into this semester, and how hard everyone has worked on behalf of Duke and I'm just so very grateful for that. So the purpose of this presentation is to provide an update on the fall semester and how it's going. Sally and I will be speaking in tandem and I think it's fair to say that so far our campus reopening has gone very well to date. We remain vigilant. Here's how we plan to provide this update. I'll summarize the overall return to campus plan. I'll then turn to our testing program and report on where

things stand there. Sally will then speak a bit about our research operations, I'll speak to Athletics, and then Sally will walk us through academic programs, where we stand with enrollments and the balance of in-person and remote teaching.

So our plans are the results of work that's been taking place since last spring. Those planning activities have engaged hundreds of people across the campus. The team was led by Vice President Kyle Cavanaugh and Executive Vice Provost Jennifer Francis, and engaged all of the schools, every unit across the campus. So I'm grateful for the leadership of Kyle and Jennifer but also for all the intense effort and the creativity that's gone into this and has brought us to the success we've experienced to date. We went into this with three general priorities: first, public health and safety. We're working very closely with our health system. We're very fortunate to have Duke Health as a partner in everything that we do and making sure that we have capacity in the health system in the event of a spike in Covid cases in this area. The second priority is to advance our core missions: education, teaching, and service. We are dedicated to the education of the whole person and that's why we were committed, if possible, and if we could do it safely, to bringing students back to campus for an in-person learning experience. And then thirdly, we take into consideration our impact on the community. We are Durham's largest employer, a very key partner in handling the pandemic socially and economically. We could be living with Covid for a long time and those partnerships have been very robust. I'm pleased with the collaboration between Duke and the surrounding Durham community. We've all been working at creative and workable

solutions to our challenges. And so we have been in regular contact with the City, the County and State officials as we go along.

What have we done? It's a comprehensive approach. These are the key components. [refers to slide] our goals here have always been to prevent Covid in the first instance, largely through behavioral activities and social distancing, early identification of any infections, and then containment. And those strategies are driving everything we do. We de-densified our residential facilities. All of our students are in single rooms. Campus, as you can tell, is actually quite quiet these days. We located space on and near campus for housing so that we could have a robust supply of housing for our students, but de-densified. Remote instruction is a critical part of our plan, in part because we need it as a backup in the event that we need to go entirely remote. Sally will provide more details, but most of our instruction is remote even for those students who are taking classes in person. As you know, we let faculty determine what forms of instruction they preferred, and I'm just so thankful for the hard work of our faculty during those precious summer months, which I know are usually a time to recharge. Our students absolutely appreciate all this work. I've had a chance to visit a variety of classes on both East and West Campus and the students are really so grateful, as I am, for all that work. We controlled building access. We have building coordinators across the campus. They've been working to keep our facilities safe with respect to social distancing. We've redesigned spaces and practices and access to buildings and facilities on campus. We de-densified our classrooms. One of Jennifer's early projects was to

map the entire campus and reorganize our classes so that we could provide adequate space for social distancing, and this of course dramatically limited how much in-person instruction we can provide, but it is proving to have worked very well. Daily symptom monitoring. You're probably familiar with the phone app. That is designed so that it's connected to building access and also follow up so that we can contact trace if necessary, if someone is symptomatic, refer them to testing, et cetera. The testing program, I will speak to in just a moment. It's very extensive. The capacity of our testing is expanding every week. We have extensive contact tracing. We've trained hundreds of contact tracers. We built upon our spring and summer experiences largely at the time, with employees, and an extent of those activities across faculty, students and staff. We made certain that we have adequate quarantine and isolation space. We established space in the spring on East Campus and we've expanded since. We have robust capacity. Very little of that capacity so far has been tapped. We modified dining so that ordering and sit down spaces were completely redesigned. We use outdoor spaces for dining, unfortunately not on days like today. We're relying upon mobile ordering and takeout and that's worked very well. Masking and social distancing are absolutely critical and we've had, I'm pleased to say, good compliance to date. The [Duke Compact](#), which, as you know, is a collective statement of basic things we all have to do to serve and support each other, was designed to give a sense of common purpose and a sense of obligation to do the right things, and I'd like to underscore that we're working with the local community as well. We tried to make it clear to every member of

our campus community that the new compact and the behaviors that are described, the masking and social distancing, do not end at the edges of our campus, with the extent to everything that we do. So, testing and tracing are absolutely critical elements of our ability to successfully operate in the fall and we've been working with the modeling team throughout the summer: John Harer from Mathematics, Alan Brookhart from Population Health, Cam Wolfe in the School of Medicine, Infectious Diseases, Steve Haase in Biology and Medicine. We have worked closely with the Duke Human Vaccine Institute, Tom Denny there, Mike Datto, Associate Vice President for The Clinical Labs in the Health System, and our programs have been developed in very close consultation with those experts and we've consulted with national leaders on testing. So we have several different kinds of testing. They were designed for different purposes. First we have, if you look at the left hand side of the slide, gateway testing. This took place in the early weeks of August. Every student coming back to campus was tested. They were asked to sequester until they could be cleared to go into their regular class routines and this was critical. As you see, actually a bulk of the student positive cases we've identified have been identified through that gateway testing. And then we have symptom monitoring. The app allows us to monitor symptoms on a daily basis. If anyone identifies symptoms, they are referred for symptomatic testing and then through contact tracing of any individual who has been in the presence of someone who's tested positive or is at risk of exposure, we do testing on them as well. So there is symptomatic testing and contact tracing testing going on regularly. And then the largest component is

actually surveillance testing. We've grown our capacity to do this testing. We've been doing it since the beginning and this is a program that relies upon samples of our student, faculty and staff populations, guided by the modeling team, of asymptomatic individuals. It has grown large enough where we're effectively testing all of our undergraduates weekly at this juncture. So in the last couple of days our testing capacity has grown to about 1,800 tests per day. These are completed on multiple sites across the campus. Students, faculty and staff are contacted to report to a testing site. Thanks to the logistics behind this – again, hundreds and hundreds of people doing this work – it's a quick and relatively straightforward procedure. So out of over 31,000 tests conducted to date, we've had, since August 2<sup>nd</sup>, a total of 58 positive tests. 18 faculty or staff – a vast majority of those were working remotely and actually contracted the virus not on any campus setting – and 40 students, as I will explain in a couple of minutes, many of those coming in to campus. We have no instances that we can determine of any transmission in our classrooms, which is very good news, and in fact, very little evidence of campus-based transmission. So the dashboard that we have made available, our coronavirus testing tracker, reports on a weekly basis. After the last weekly report, these are the cumulative totals. [refers to slide] 18 positive tests of faculty and staff, all but one of those cleared from isolation, and 40 students, more than half of those through entry testing and again, the vast majority of those are already cleared from isolation. We also list the number of individuals in quarantine. These are precautionary quarantines. They don't mean that someone has tested positive, it means that because we are concerned

that they might have been in a position to be close to someone who might have been positive or at risk, we placed them in quarantine. And you can see we have about 100 active quarantines in the student body at this point. So I'll turn things over to Sally. She'll talk a bit about our labs and research operations and then I'll come back to talk a bit about Athletics.

**Sally Kornbluth (Provost):** Thanks, Vince. So I think as many of you are aware, we actually had all of the essential research, defined as research that was relevant to Covid, never actually stop. Even when we all went home and turned the lights out, those labs kept on operating, and then over time, and you're probably aware, all through the summer, we ramped up laboratory research throughout the whole campus. And indeed it was really this experience that was sort of a proving ground to give us the confidence to move forward with more campus opening. Because at this point we were not even doing asymptomatic testing. We were really working hard on masking, social distancing, and de-densification as the mechanisms of preventing transmission. And similarly, we had daily symptom monitoring in place before workers and students could enter the buildings. So throughout the summer we had these behavioral mechanisms in place and we had graduate students working on their projects in the laboratory, technicians, postdocs, et cetera, continuing their work successfully. And throughout the summer, we did not see transmission within the laboratories. So this gave us confidence when we went to the classrooms that similar measures in the classrooms could be used to stop transmission. Many of the labs are actually working in a shift sort of

way in order to maintain the de-densification. So if you have 20 people in the lab, depending on the size of the lab, they may be coming in in continuous shifts. Many of the principle investigators are actually continuing to supervise their laboratories by Zoom from home, so looking at data online, discussing with trainees, et cetera. And this has been a very successful means to keep our research operation up and running and to maintain the safety of all the participants. We do now have some undergraduates that have been added into that equation. We have a lot of undergraduates who do senior theses in research laboratories. It's limited compared to a normal year in that we don't have a lot of freshmen or sophomores working in laboratories, but again, as I'm sure you're aware, we have many juniors and seniors who are living off campus, even though the on-campus population is predominantly freshmen and sophomores. Those juniors and seniors are participating as they normally would in research on the campus.

**Price:** So when it comes to Athletics, our Athletics Department has, like other units all across the campus, been working very closely with us to navigate these challenges, and the principal goal is to support our student athletes and their health and safety. We keep that front and center. We are a member of the ACC conference. As you may know, the ACC conference has moved forward with competition. This is after they constituted over the summer a medical advisory committee for the conference with representation from all member institutions. That group was chaired by Doctor Cam Wolfe of our School of Medicine faculty and we've also routinely consulted with other medical experts. So for all sports activities, there are no



spectators permitted at Duke games. The conference has mandated testing standards and sanitization standards and on-field protocols so that players are tested before competitions and that coaches and sideline officials are not in a position to either contract or pass along a virus. And there are travel restrictions in place as well. We are leaning wherever possible on same-day travel and keeping all of the groups that travel with the team to an absolute minimum. In the higher risk sports: football, men's and women's soccer, volleyball, and field hockey, we have opted to exceed the ACC standards for testing, which is three times a week, to go to daily testing of all of our student athletes, related staff, and coaches. And we've also instituted some post-competition modified access to campus protocols, and this is just to make sure that if there is any kind of an outbreak on a team that we prevent it from presenting an outbreak for the rest of the campus community. So some additional restrictions on access when it comes to dining. We have sorted through classes. Our initial cautious strategy was to flip all of the student athletes to remote learning. We've since decided that that is unnecessary given how safe our in-class protocols are. But athletes, when they return to campus, do have some additional access restrictions just to make sure that we keep the entire campus and area community safe.

**Kornbluth:** So let me talk a little bit about our enrollment. I think when we went into the semester we had no idea what our maneuvers in terms of de-densification of the campus and switching, to some degree, more than we had even known originally of remote learning, what the impact would be on the enrollment. And it turns out that the

impact is actually very small. I'll draw your attention to the right hand side of the slide in particular. We offered our undergraduate population a longer deadline, if you will, for choosing a leave of absence. So these students who were already at Duke could elect to take the year off, and also deferral. So we always have the ability for our first year students to take a gap year. We offered this as well this year and what you can see, if you look at 2019 and 2020, particularly the first years, we had about ten percent deferrals, so that's not overwhelming. We had only a four percent leave of absence, so we have most of our students still engaged in our courses. And if you look back at the left hand side on the lower panel and the location, as I mentioned in the previous slide, I discussed that we have freshmen and sophomores on campus and juniors and seniors off campus. Not all of them. Some of them are remote at home. And we also have several hundred vulnerable students on campus from all classes where their home situation makes it preferable for them to be studying on the Duke campus. And so what you'll see is that only ten percent of our students are actually not in the Triangle area, so they are really remote, not just remote learning, but actually far from the area. If you look on the lower right hand panel, at graduate and professional students, actually our enrollment is up in total over last year. These students are both in-person and all over the Triangle area and at a distance. But we really didn't lose much of our student body overall at all, in terms of this semester, relative to previous years.

So as I mentioned, we have multiple modalities for teaching. Faculty were able to choose, as Vince mentioned, between in-person or totally remote or hybrid. And

the hybrid classes have some in-person components and online or remote components and it varies a little bit. I should mention here that the undergraduate number shown here is a combination of Trinity and Pratt. [refers to slide] We did not break this out for these data, and the graduate number is really the Graduate School students, again, spread across all the campus. The other schools represent their professional student population and this is just based on the number of courses. And I should say, multiple sections of the same course here is counting as one course. So if we offer seven different versions of the same class, it's just measured as one. And we have many independent studies, research studies, discussions, and lab sections that are not taken here. But I think overall, what you'll see on the right hand panel is that about 33 percent of our undergraduate classes are either in-person or hybrid, with about two-thirds of those being hybrid. If you look at the graduate and professional students, overall it looks like it's much higher, 56 percent, but if you break out Medicine and Nursing, which have a lot of hands-on practical components, again, it comes down to about one-third of the courses either being in-person or hybrid.

This is a little bit of a complicated slide and I would ask that you not scrutinize too carefully or think too heavily about it, because it is just a visual I want you to take in here. A question arose as to the way our faculty actually elected to teach in these classes and also whether there was a big difference between schools and a big difference between tenure track and regular rank, non-tenure track faculty. There's also obviously non-regular rank faculty, which fold in to here. The data on those were a little bit complicated to

aggregate because we have adjunct faculty and postdocs teaching, graduate students teaching, and staff members teaching. So this just gives you a quick visual, and I think what you can see here pretty quickly, as I mentioned, the majority of the courses are online, either asynchronous online, shown in darker blue, or online, meaning the students are attending simultaneously but remotely, and then we show in yellow the hybrid courses, and then in this sort of rust color the in-person courses. And what you can see at a quick glance is that, first of all, Fuqua has the greatest proportion of hybrid or in-person classes. You can see that there is some variation from school to school and teaching by tenure track and non-tenure track faculty, but overall, the relative proportion of remote and in-person in the tenure track and non-tenure track is fairly similar, and, again, favors in most of the schools remote teaching. Now, this is percent courses. [refers to slide] This is the same sort of data represented as total enrollments, and the reason to do that is, you could imagine a situation where individuals, particularly in some of the majors, who are teaching very large courses and that would sort of skew the representation of how our students were receiving their education, and actually they're not huge differences. If you look, Fuqua, again, has the greatest presence in-person. There are some differences. One thing you would see is that there's always been a question of whether tenure track faculty, for example, teach mostly smaller classes. It actually turns out, if you look at enrollments, we've got 40 percent represented here. It's actually smaller when it comes to classes, suggesting that the classes, if you look at the tenure track and the non-tenure track, are vaguely similar in size, and the distributions within any school are fairly

similar. So we do have robust in-person teaching going on but, again, it's a minority of the teaching in most of the schools. But we've been working with faculty, and I want to thank everybody here for all the work they've done to adapt to whichever modality they selected. I have to say, by and large, and we will be doing comprehensive surveying at the end of the semester, both of faculty for their experience here and for the students, thinking that we may well be doing this for a little while longer, thinking where we can tweak the system to improve both the learning and teaching experiences going forward. So I think that's our last slide. Kerry, you mentioned that Marin and Manoj are going to be taking questions from the chat room so I know that Vince and I are both happy to entertain any questions.

**Haynie:** Marin?

**Marin Levy (Law School / Member of ECAC):** Wonderful, Kerry. We just had one question come up over the transom. "We appreciate that we're only a few weeks into the fall semester but do we have a sense of timing for the spring semester and when decisions will get made about that?"

**Price:** So I'll let Sally fill you in on this, but we are looking at housing and distribution of courses based on the fall experience and we're in the process of making those decisions as we speak. If our fall experience holds up, I think it puts us in pretty good shape for the spring semester. But perhaps Jennifer or Sally, you might want to respond in some more detail?

**Kornbluth:** Sure. So a couple things. First of all, your departments should have

received some information along the normal time frame on deciding what's happening in the spring with each one of your courses. Right now we are operating by the assumption that the distribution is probably going to be similar to this semester, so, barring any dramatic change, I think as faculty think about how they want to teach their courses in the spring, they can assume it's going to be pretty similar. Even if a vaccine were to appear all of a sudden, everyone would not be vaccinated. And the other thing is, we are cognizant of the fact though, conversely, things could get, I hate to say it, worse, if there is another wave in December or January that might reduce our in-person presence in the spring. But right now we're operating on the assumption that we'll probably have a similar mix of courses in the spring, so I think everyone here can operate under that assumption. Now in terms of who's going to be actually present, when I showed that table of enrollments, you'll note that most of our students are actually somewhere in the area and I would assume that it's probably going to be the case as well going forward, except for a few wrinkles. First of all, freshmen and sophomores are the ones who predominantly have the on-campus housing this semester. That will be open to juniors and seniors predominantly in the spring. But the fact that so many of our juniors and seniors are living on campus already and took yearlong leases means that there are likely to be a lot more positions available on campus. So what we're trying to figure out now, and Mary Pat McMahan and her team have now basically asked seniors and juniors whether they intend to live on campus next semester, we will soon be able to evaluate how many slots we're going to have on campus while we still maintain

single occupancy housing in the rooms. And so it is plausible that we will be able to fit one or two classes, either freshmen or sophomores, going forward. We just don't know yet until we get a housing count. So that would be our desired outcome. But we're working on it while still trying to maintain de-densification of the campus. So that's where we are. I think Mary Pat and her team will soon get the housing information back and we should be able to be more forthcoming. I think the survey closes tomorrow so we should know very soon where folks are going to be, and we're fairly optimistic, based on what we know about who's off campus now, that housing more people in the non-junior and senior classes is going to be an attractive option.

**Haynie:** Great. I think that's the last question in the chat room for Sally and Vince. Thank you both, and if additional questions come in we will get those to you and then report back to Council in our October meeting. So thank you very much.

***DUKE'S FINANCES AND DISCUSSION  
REGARDING THE COST SAVINGS  
MEASURES IMPLEMENTED SINCE  
SPRING 2020: EVP TALLMAN TRASK III***

**Haynie:** The next agenda item pertains to the financial crisis that I referenced earlier. Executive Vice President Tallman Trask is here to speak with us and to take some questions.

**Tallman Trask III (Executive Vice President):** Thank you, Kerry. I've given you all a copy of the report that's going to the Trustees next week so you can see how we're playing that out. I thought what I'd do is walk you through where we are. These are very big numbers that

continue to move around a lot, although they're coming somewhat more into focus. We had said last spring that we thought the problem was somewhere in the nature of \$250 million. It's probably deteriorated a little bit since then, but not dramatically. And the biggest impact is that the actions we took last spring, the 403B suspension, the hiring suspension, the purchasing restrictions, are all paying off. They're doing what we expected they would do, so with those three, and another series of cuts that are currently under discussion with central administrative units and the deans of the schools, I think we're in shouting distance. I think we have the problem largely wrestled to the ground, with three possible exceptions. We are assuming that there will be a double-digit increase in financial aid demand. We won't know for another month, probably, exactly how much that is, but we've accommodated for it in the budget and I think we'll be okay. The two other issues that are very hard to compound right now are the loss of revenue in Housing and Dining and also the loss of revenue in Athletics. I think we've all agreed those are hopefully one-time, odd cases that really can't be solved in the operating budget. So we're going to have to solve them on the balance sheet. I don't know yet how much they are. The pivot to de-densify the campus, which we made last summer, is pushing on \$40 million of lost revenue. There are also some lost expenses to go along with it. So in total, Housing and Dining is probably negative somewhere between \$40 and 50 million. There's no way for them to charge and make that up so we're going to have to deal with it. Same thing with Athletics. It's in constant flux. I saw another game was cancelled today so I don't know where that's really headed. The revenue losses could be substantial

and we'll just have to deal with them when we get there. That, too, will be a balance sheet move, not an operating income statement. We are spending a fair amount of money dealing with this. We're not going to make it all up through the moves and cuts that we've made, so there's going to be impact on our overall financial circumstances by the time we're done. Part of the problem is, as Sally said, I'm not confident I can tell you when we are going to be done. This has the possibility of going on for a considerable period of time. To put it in perspective, and I know people ask, why don't we just spend balances to solve this problem? We're trying hard and we are spending lots of money. For example, our overall net assets are down \$900 million from a year ago, so our level of flexibility is down dramatically. But I think on the operating side we're getting close to having this problem solved. It will obviously be a topic of discussion. At any of your meetings, we're happy to come do that and I'm happy to answer any questions.

**Haynie:** Thank you, Tallman. Were there any questions?

**Manoj Mohanan (Sanford School of Public Policy):** I don't see any questions coming in yet so perhaps if folks have questions you can send it in to me.

**Haynie:** So Tallman, you mentioned additional cuts. Can you be more specific about what those might be?

**Trask:** Well, I'm taking a series of cuts in my administrative units. We're trying to figure out exactly how much they will be, but above and beyond the things we've already done, there's going to be an additional cut of between five and ten

percent. And Jennifer and Sally are talking to the deans about parallel reductions.

**Mohanan:** I just want to ask a question on the point that Tallman just mentioned about the net assets being down. Is that because of the endowment or there's something else?

**Trask:** The endowment was essentially flat last year. It didn't make any money.

**Mohanan:** Got it.

**Haynie:** Sally and Vince, anything you would like to add?

**Kornbluth:** Tallman just mentioned the schools. We're also reexamining, centrally, all of our expenses and how we budgeted money. We have certain money set aside for particular activities in alignment with the Strategic Plan, for instance, and we're thinking about which are priorities so that we can at least have some money in reserve for new things, and also to make sure that the ones that we're supporting are adequately supported, rather than trying to spread across all the priorities that were articulated three or four years ago.

**Price:** And I would simply add that, in reference to the comments you made earlier, Kerry, about longer term challenges, there are some structural aspects of our operations that need to be addressed. And so the question is not just how can we weather this academic year, because we can weather this academic year, but going forward we have to tighten things up a little bit, and some of that is through elimination of redundancies and we're looking at a variety of administrative functions that are duplicated centrally and in the

schools where we might realize some savings. The intention is to make adjustments, many of them one-time adjustments as we did in the spring. Those were all one-time adjustments, but then to be thinking about how we follow those up with longer-term adjustments to put us on solid ground.

**Haynie:** Manoj, anything else?

**Mohanam:** There is one question. "Can we get a sense of how many tuition dollars were lost this year relative to what was actually anticipated?"

**Trask:** The big loss was not in tuition. It was in Housing and Dining. I haven't seen the numbers by school and it varies by school. Jennifer might know.

**Price:** I will say that we did, as you may be aware, decide not to institute an increase in tuition, so we held tuition, at the undergraduate level, flattened for the year, and so that did result in a loss of net tuition against projections that would have been made. It doesn't mean a loss of tuition dollars, per se. But that was a significant move, and it was one that we felt was important in light of all the stresses that families and students were experiencing. But it did, across the institution, result in less net tuition that we had available. Finally, the other thing I'll say is, we're not losing tuition revenues, but we are going to see, going forward, I think, increased amounts of financial aid. And since what matters is not so much tuition revenue, per se, but net tuition revenues, those revenues will be consumed by the need to put more money into student financial aid.

**Jennifer Francis (Executive Vice Provost):** I can just quickly follow up on

both of those. On the financial aid score, as Tallman said, it is going to take several weeks because we're processing student appeals right now, and frankly, most of the student appeals that are very likely to be quite deserving are difficult to evaluate, because their parents, their families who are self-employed or have their own businesses that are literally gone as a result of the pandemic. We don't get a lot of accuracy there because we don't have tax returns we can turn to, so it takes a little bit longer. The second thing, I'll just follow up on what Tallman said, you would think we would have an exact number in terms of enrollments, but many of our schools, particularly professional schools, their programs lag a little bit from the typical August 19<sup>th</sup> start date. And to the extent we are seeing deferrals and some loss of students there, it's primarily in professional school areas and not consistent across all of the professional schools. But that's roughly what we're seeing and we'll have a much better feel on that probably within a couple of weeks when they finish enrolling. For example, in some of the data Sally showed you earlier, which was prepared for a Board of Trustee presentation, most of Fuqua had not even begun because they moved to a slightly different calendar at that time. So we will have information probably in about two weeks.

**Haynie:** Thank you. Manoj, anything else?

**Mohanam:** There was a question on whether there is a timetable to deal with the underlying structural issues. And then Kerry, you mentioned about the possibility of forming committees, so would it be useful to have a timetable of when these plans would be developed?

**Price:** So the strategy teams that we created back in the spring, one called 2021, was really focused on this academic year. We also have this 2030 process, which is taking the longer view. And so we have just shifted into essentially a mode from dealing with the shorter range challenges to starting to look at some of those long range issues. It'll take us, I think, the bulk of this academic year likely to sort out. Perhaps Sally and Tallman might have something to say roughly about the timing here.

**Kornbluth:** So for the 2030 group that Vince just mentioned, we've had extensive discussions among the deans. Kerry [Haynie] is on the committee and Peter Feaver (Political Science) is running a parallel faculty committee that's also giving its input, and we have talked some to APC and UPC and we're in the midst of putting together a set of recommendations. Those are the things that are really university-wide that could be reduced, things that we could eliminate, functional redundancies, and consolidations. We looked at IT and Communications and Development, graduate programs, et cetera, but at the same time, Jennifer and others in the office have been drilling down on the finances of each of the schools, which they are going to be working on over the coming months. And then on top of that, Tallman and team are looking at both central administrative functions and also how all these things interdigitate. So, yes, I agree, Vince, that it'll take over the whole year, but I think we'll see pieces of this emerging. Ed Balleisen is just starting to work with the University Institutes and Centers to look at the budgets there. As I mentioned, we're scrutinizing all of the budgets from the Provost's office and so I think that'll all roll up into a plan with

Tallman and team to have an overall structure.

**Haynie:** Great. Thank you.

**Mohanan:** Tallman, there was a comment from the faculty saying that the report that you were referencing was not findable on the website. Perhaps you could let people know where it is or make it more visible.

**Trask:** I thought it was attached to your agenda. That's where I found it.

**Haynie:** If not, we'll post it on the Academic Council website. Thank you, Tallman, Jennifer, Sally and Vince for that. Let me make a brief comment before we turn to our last agenda item about my comments about fixin' to get ready. This is motivated by roughly 10 or 12 years ago we had a financial crisis. Some of the problems we're dealing with now we uncovered then and we knew then. And what happened was, you know, deans change and you get new deans. I think all of the deans that are around today, they were not around at the last financial crisis. Things got a little better financially and we forgot about or ignored those problems that existed. Then you now have another crisis and those problems get uncovered again and the easy and quick money is with us, right? So then you go to retirement and benefits and those things where you need fast and quick money, that's where it is. There's only so much you can do coming to faculty and staff in that regard. So we need to press on getting some of the structural things in order so we don't end up here again, and I want to thank Tallman for his efforts throughout the spring and summer. We didn't lay many people off, if any. And Tallman worked some magic to make that

happen, and if folks were laid off or had reduction in their work hours, they were able to maintain health benefits. Tallman and senior leadership went to the Trustees and got approval to keep people whole in terms of health benefits, which is extremely important in the midst of a health pandemic. So thank you all for those efforts and in keeping, at least for the time being, everyone with their jobs and their health benefits. I hope you'll work hard at this going forward.

***INTERNATIONAL STUDENT VISAS AND PAYMENT OF STIPENDS TO STUDENTS NOT IN NC: EXECUTIVE VICE PROVOST JENNIFER FRANCIS & VICE PROVOST ED BALLEISEN***

**Haynie:** The last item on the agenda, Vice Provost Ed Balleisen and Executive Vice Provost Jennifer Francis are here to speak about an issue we've gotten a lot of traffic about in the Academic Council office. It has to do with paying students who are not in Durham or North Carolina, or international students.

**Francis:** Thank you. Kerry asked us to talk through with you about the student compensation issues, so I wanted to talk a little bit about that. There are really two sets of issues here that deal with whether a student is on what we call compensatory or non-compensatory payroll. Compensatory simply means that they are providing a service to Duke, and I think this is where the majority of questions from faculty have come up because our students provide a number of services, if you will, as far as teaching assistance, research assistance, and other. Within compensatory we have two different groups. We have our rules for undergraduates. Those rules are because undergraduates are being paid on an

hourly basis. Our graduate and professional students are not. They are paid on a monthly basis. So they are on a different payroll structure. In the undergraduate space, undergraduates that are living and working in North Carolina, no problem. They are paid on an hourly rate by us on Duke's non-exempt payroll. Unfortunately, Duke cannot hire directly hourly workers who reside outside of North Carolina. So if we have an undergraduate who, for whatever reason, is not here in the state of North Carolina, but a faculty member wants to have them work for them, there is a premium that we must use to go through, a third party agency. That premium is typically around the range of 35 to 43 percent, depending on the state that the student would be in. Graduate students that are living and working in North Carolina on our exempt payroll, they are paid monthly. It's somewhat different from our undergraduates. Duke has arranged that we can essentially make arrangements to do business in other jurisdictions. When do we do this? We don't do it typically for paying graduate students. That's typically not what we're doing it for. We are typically doing it because we have a lot of volume of our educational mission and activities in other states. Think Duke-In programs, think DukeEngage. And so over the years we've identified ten jurisdictions, one of those being Washington, DC and the other nine being states where we have such a volume of activity that it makes sense for us to go through all of the legal regulatory compliance reporting issues to have arrangements to do business there. And so we can also pay any graduate or professional students who are in those ten jurisdictions. What we can't do is pay any graduate and professional students who reside outside of those ten



jurisdictions. My error there, that should not be hourly workers in that final bullet point, [refers to slide] but once again, if a graduate or professional student is working for us outside of those ten jurisdictions, we can use those same third party agencies, and again, at a very similar premium. In contrast to compensatory, if we had a student who was being paid in a non-compensatory way, we can basically pay those students regardless of their location, with one exception. That exception is we cannot be mailing checks outside of the United States. So we strongly prefer to use direct deposit for these situations. I will say this. The non-compensatory group is not a large fraction of the students' compensation work that we have. Most of it falls into the group that we saw before where we have RAs, we have TAs and other types of arrangements. I will note, before taking questions, that these rules are not new. These rules have existed for a long time. I'm not sure that faculty were as aware of the rules and I think what caused, if you will, a certain greater awareness to the rules is that when Covid hit in spring, a couple of things happened. First of all, the federal government relaxed some of their rules about payments under grants and basically what they said is, you can continue to make those payments under the grants, and with regard to work-study, they said you could continue to make them. So we chose as a university to mimic that relaxation more broadly for non-grant student workers. The federal government has since reverted, a couple of months ago in fact, to its pre-Covid policies and it made sense for us also to follow that practice. Now you might ask why we haven't made arrangements to conduct business in every state. I hope my comments earlier kind of intimated this,

but it's not cheap to set yourself up to do business in each state. There's a lot of compliance that we have to do and it also exposes us to greater risk. We regularly revisit which states we are doing business in and whether we should expand those, but I have to tell you, again, it is typically not due to student compensation, because frankly, most of our students are almost always living locally here in North Carolina. It's just something unusual that puts them out of state. We typically look, though, at what other business, what other activities that we're doing, and again, I would say things like Duke-In and DukeEngage primarily drive that. To give you a sense of how many students are affected, let me give you a little bit of the numbers. Sally showed you these numbers earlier. These are a little bit more revised from this. We have about 6,690 undergraduates enrolled at Duke. About 700 of those are not in the state of North Carolina. What I can't tell you is how many of those students are not in the United States at all. We don't have perfect data on that, but as you can see, about ten percent of our undergraduates are not here in the Triangle area. 90 percent, obviously then, therefore are. In terms of our graduate students, and for the reasons that I responded to Manoj's question earlier, we don't have complete data on the students that are enrolled and our data on where those students reside is even less firm than for undergraduates. But in a survey that the Graduate School did of all foreign PhD students, of which we have about 1,000, about 80 percent of them are living in North Carolina. Another two percent or so are somewhere in the United States but not North Carolina, and about eight percent are living outside of the United States in that. So once again the vast majority of our students are in North Carolina, not causing any issues

from what we did. I will also tell you that, although I don't have them top of mind, Ed may have them, the nine states tend to be places where you would expect that we would have a lot of business and perhaps a good number of our graduate students, places like New York, California, Virginia, those places there. Let me stop at this point and open it up for any questions you may have for either Ed or myself.

**Haynie:** Marin, Manoj, any questions?

**Levy:** No questions on this topic.

**Haynie:** I understand that two additional questions came in for Vice President Trask. Thank you, Jennifer and Ed.

**Mohanan:** One of them is about the time it might take to address the structural problems. "Why isn't there a shorter time table, given that these are large, significant questions that are negatively affecting the university?" And the second one, also about timeline is, "can we have more information about when the 403B contributions might be reinstated next year?"

**Trask:** Let me answer the second one first. Our expectation always was a one-year hiatus, and I don't see anything in the numbers now that would make it go longer than that. So I'm assuming it will be back in place July 1<sup>st</sup> of next year. As for the other one, Sally and I are going around and a bunch of these changes are going to take a while to get done. So the 2030 Committee is going to become the After-2021 Committee. So it's the 2022-23 Committee. And we're trying to figure out how much of that stuff you can get done and how quickly you can do it. As we

figure it out we'll be back to have conversations about it.

**Haynie:** Any last questions for our guests before we end? Thank you all for presenting and thank you all for attending. I'm always happy when we finish the meeting early, especially on Zoom. I'm all Zoomed out. And this is just the beginning. The next Academic Council meeting is Thursday, October 15<sup>th</sup>, same place, same time. Stay safe everybody and see you next month.

[Financial Update Document referenced by EVP Trask \(provided post-meeting\)](#)