Duke UNIVERSITY | Academic Council

201 Flowers Building
Campus Box 90928
Phone: (919) 684-6447
E-mail: acouncil@duke.edu

Minutes of the Academic Council Meeting
Thursday, September 17, 2026

Mark Anthony Neal (Chair, Academic Council): Good afternoon, and welcome to this first meeting of the 2026-27 Academic Council. I am Mark Anthony Neal and look forward to serving as Chair of the Council through June of 2027. This is the second of my two-year term. For those of you who were not here earlier for the Orientation session for new members, welcome, and a warm welcome to our continuing Council members who are back for the second year of their term.

The Executive Committee of the Academic Council, known as ECAC, began meeting in person on August 19. We meet weekly for two plus hours throughout the academic year. Your ECAC members were introduced in the Orientation session, but let me ask Jennifer to pull up the slide again to show you who your executive members are. You can also find this information on the AC website. I'm going to ask my colleagues who are here to stand: **Gráinne Fitzsimons** (Vice-Chair of ECAC / Fuqua School of Business) who is not with us today; **Mallory SoRelle** from Sanford School of Public Policy; **Victoria Szabo** who is under the weather, from Art, Art History and Visual Studies; **Andrew Foster**, our colleague from the Law School, who is attending the wedding of his daughter; and then our three new members for this academic year: our good friend **Steffen Bass** from Physics serving a second time on ECAC; **Anne-Maria Makhulu** from Cultural Anthropology, African and African American Studies; and **Sarah Goetz**, who joins us from Pharmacology, Cancer Biology and Cell Biology.

Attendance sheets are circulating and a reminder that the bylaws state that you can be removed from the Council after three consecutive unexcused absences. So, please email Sandra or Jennifer if you are unable to attend a meeting. And let me quickly introduce you to Sandra and Jennifer. **Jennifer Xiao**, who works in the office and has been with us for 18 months, and then of course there's **Sandra Walton**, who is ECAC and the Academic Council's institutional memory, having served as the Executive Assistant to the Academic Council Office since 2008. (applause) The easiest and most efficient way to reach me is through Sandra. So, just take a quick note of that. Also, our meetings are recorded and transcribed for minutes, so as you ask questions or make comments, please make sure to step to one of the microphones and say your name and school or department. And something I would also like to share with Administration and Leadership, to also take advantage of the microphones that are set up in the room.

ECAC welcomes suggestions for discussion topics for future Council meetings. If you would like to suggest an item, please send those to acouncil@duke.edu. And the Council has a tradition of submitting questions to be asked anonymously, obviously to the Senior Leadership. As you can see, we have two related items listed today. You can also submit a question via email to acouncil@duke.edu. The questions are in theory anonymous. The only two people who know where the questions come from are myself and Sandra.

A couple of informational items: Council members should have received an email earlier this week from the Provost's Office inviting you to one of two forums being held early next month about the C-School Project – more about the project at the October Council meeting. For those who aren't familiar, the C-School is a proposed university-wide institute designed to connect, strengthen, and elevate computational research and education across Duke, positioning Duke as a national leader in society in engaged, ethically grounded computing.

And one other item: the Office of Faculty Advancement will hold a Duke Faculty Resource Fair later this month September 28th at Penn Pavilion from 11:30 a.m. to 1:30 p.m. Additional information about this should be forthcoming from your dean or chair.

First item up: approval of the May 7 meeting minutes and other business. As ECAC is granted authority by the Council to conduct business on your behalf over the summer months, the approval of the minutes from our last meeting on May 7, along with approval of summer term degrees, were handled by ECAC. You can find the minutes for the May 7 meeting on our website.

FACULTY HEARING COMMITTEE – APPROVAL OF NEW MEMBERS

Our next item is to approve the ECAC's nominations for the Faculty Hearing Committee. With the agenda, a document was posted regarding ECAC's suggested appointments to the Faculty Hearing Committee for this year. (refers to slide) The Faculty Hearing Committee is a subcommittee of the Academic Council and is charged with considering complaints from faculty concerning issues such as termination of employment, violations of academic freedom, and allegations of harassment not resolved by other university bodies. The process for issuing a formal complaint is detailed in **Appendix F** in the Duke Faculty Handbook. The Faculty 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 typically serve three-year terms. Are there any questions about these appointments? All in favor of electing these members to the Faculty Hearing Committee, please say yes. Any opposed? Any abstentions?

[Proposal to elect individuals to the Faculty Hearing Committee approved by voice vote with no abstentions or dissent]

Thank you. And thanks to the faculty who have agreed to serve, to those who continue, and to **Larry Zelenak**, from the Law School, who is a previous chair of the Faculty Hearing Committee, a former member of ECAC, and a current member of the Academic Council, for agreeing to chair the committee this year. Please stand, Larry. Thank you. (applause) I would also like to thank and recognize the former FHC Chair **Josh Socolar**, who served for the past two

years in the role. Josh is also a former chair of the Council.

CAMPUS SAFETY UPDATES

Next up, John Dailey (Associate Vice President for Public Safety and Chief of Police) will talk with us about campus safety matters. Over the summer, as certain campus buildings that were traditionally open but were then placed under a card access only scenario, we began receiving questions from faculty asking why this changed, so ECAC thought it would be beneficial to hear from the head of Duke Police and Campus Safety, John Dailey, to learn more.

John Dailey (Associate Vice President for Public Safety and Chief of Police): Thank you. It's always a pleasure to be here for my second time. I'll just be brief. I was asked to give a couple of quick updates. I did want to mention that yesterday at lunch, I was having lunch with Kristina Anderson Froling. In 2007, she was in her French class at Virginia Tech. She was shot three times. She is one of the reasons my department does what it does. I've come to know her over the years, and to hear her story reminds me of the importance of what we're trying to do. And when I look out and see all of you, it's the same thing. It's why our department does what it does.

So, just a couple of quick updates. We try to look at what's going on in the environment, whether that is our own environment, the city, or what's going on nationally, especially at college campuses. Unfortunately, we had the opportunity to look at Brown University most recently and see what lessons might be learned from that. You saw, hopefully last semester, and should be somewhere around here, the locking mechanisms. There it is. By the door back there, that yellow device. If you press that button, it will put these badge reader doors into controlled access and also notify our department. All the classrooms with a capacity of 16 and larger, either have that button if they had card readers before, or they have new mechanical locks. And that's an example. (refers to slide) With the old mechanical locks, you might have to open the door and touch a little button. It's very hard to do in an emergency. With the new ones, it's much clearer. Just flip a switch, and it's obvious the door is locked. Why 16 and over? If you look at classroom shootings for the past seven years, there's only been three, but in each one of those cases, it's been large classrooms where this has happened. So, that was what was prioritized this semester. It was tremendous work by the Facilities team as well as the OIT team. They really prioritized getting this done. Several hundred classrooms were done pretty quickly. That's one of the changes.

As was mentioned, Duke has for years had a robust card access control system. This summer was the first time that during the day – as you know, normally the doors are open; you just go in and out – the campus was actually in controlled access. You had to use a Duke card, especially in the Trinity and the Pratt buildings. There're not many people here during the summer. We have a lot of summer programs, minors on campus, that sort of thing. So, this was a pilot, if you will, and sort of a change in the culture of higher education. But again, directly from looking at Brown and some of the questions that came out of that, that has led to this semester where we do have a pretty significant change. Previously, again, our residence halls have always been locked on badge access 24/7. The campus pretty much was open during the day and then in closed badge access at either 5 p.m. or 7 p.m. Now, the East Campus is controlled access 24/7. As we know, that campus is adjacent to city

streets on all sides. We've got the commercial, Whole Foods on one side, and all that. And that is our most vulnerable population – first-year students. So, the buildings are locked. There is a door in each building that's unlocked right now. OIT is working to put video intercom systems there, so we can still get deliveries in. We're certainly able to work with departments if something is going on in the music room, or there's a program after hours, or people from the outside or the community need to come. We can certainly make those arrangements and that sort of thing.

This year, the first-year students were required to look at the active shooter video. It's not a perfect video, but it does sort of change their view a little bit where they're coming from K through 12 and have had a tremendous amount of training, but that's all pretty much lockdown. We're really trying to get them into the assess, plan, and act. You know, run, hide, fight. You've got to assess your situation. That's what that video is about. That is new.

Hopefully you perused the safety message that Mohamed (Noor, Executive Vice Provost) and I have been sending for the past couple of semesters. That's just an opportunity to have you think for just a minute in the classroom. There's the locking device. If we have to leave in an emergency, we're going to go out there and out the door, just so you have a little bit of situational awareness. And then perhaps addressing if somebody has a medical issue, we'll call 911. If the fire alarm goes off, I may not hear it. Let me know. We'll go out the door. Those types of things. Not trying to frighten anybody, but just trying to lay some situational awareness. It may be a worry to some people, probably not to most, but not a bad thing. Just to mention this very quickly, and then move on to the topic at hand.

I wanted to point out our Threat Assessment Team as a service available for you. Again, this is a team that looks at behaviors of concern, especially trying to use our training and our structured professional judgment devices to see if someone might be on a pathway to violence. The book here is written by a Duke graduate. We actually had him here a semester or two ago. He works for Mother Jones, but the book is “Trigger Points: Inside the Mission to Stop Mass Shootings in America.” It's all about behavioral assessment teams, K through 12 and higher education. So, it was interesting to hear from him.

Just to mention two other quick things, we updated the emergency operations plan. This was briefed to the Deans and Senior Leadership. This is how Duke would operate under significant emergencies. Finally, we're actually doing some work on our templates for emergency messages that we hope we never have to use. But we've really been trying to learn from the Brown situation, the UNC situation from a couple of years ago. How might our messaging be a little better to help people? We don't need people, you know, under desks for eight hours, thinking they might be the victim of violence that whole time. Can we say more about what's going on, what we're thinking? Maybe we just tell people that we need you to stay where you are, and if you need to run to the restroom, do that, but come back, that sort of thing. So, we'll work with Student Affairs, and ultimately Marketing and Communications.

So, the odd thing about my work is, if we succeed, nothing happens, and no one knows. And that's exactly what we want to happen. The other thing about my work is, we talk about the community, the sensitivities around higher education, but

there is no one community. Everybody's risk tolerance is different. There're some people that are not afraid at all, and some people that are very afraid. It's the same thing with our student environments. So, really trying to thread the needle, if you will, about what works in our environment. We know some people are uncomfortable with people in uniform. Others don't really think about it. So, we do try to think about what the impact on the community is and what serves students the best. With that, I'm happy to answer any questions.

Alex Rosenberg (Philosophy): I'm wondering whether, in fact, there are significant differences in the threat level associated with East Campus and West Campus. I speak on behalf of the administrative staff in my building – West Duke Building, who come and go often with arms full of material and other matter required by faculty and by other activities, and for whom sliding a card at the main entrance to a building which has always been opened from 9 a.m. to 5 p.m. in the past is a significant inconvenience. And I want to know whether the inconvenience to which they are being subjected is warranted by some data regarding increased security anxiety about West Duke and East Duke Buildings. I understand perfectly well that the dormitory rooms, the residence halls, need to be card accessed, but it seems to me that given that we're not doing this on the West Campus, we need to have some special reason why people on the East Campus are so inconvenienced.

Dailey: I completely understand. Two quick things: one is our number of calls of disorder, people that might not look like they belong in a building, suspicious behavior, someone that doesn't belong in the building. Actually, if you look at summer last year and this fall, thus far in the fall, compared to this year, we had 32 calls last year, 17 this year. So, it's going down. I would also say that we have a situation where, if you look across the street at Whole Foods at 8:30 in the morning, we've had some situations where people who obviously don't belong or don't have an affiliation with the campus are on the campus. There is the opportunity to use a cell phone, instead of trying to swipe the card. It's still inconvenient. Security is inconvenient. It's something we'll continue to watch. We're working with the Facilities manager for Trinity. We want to hear about issues, see if there might be changes, and we'll certainly reevaluate if it appears this is just not effective.

Rosenberg: So, your statistics suggest that there's been in the previous year approximately three to three and a half calls a month from East Campus to Security regarding the presence of unauthorized persons. Can you tell us what proportion of those 32 cases actually eventuated in the identification and the removal of unauthorized person?

Dailey: I can't, right here. But I can tell you one day, last semester, we found three unhoused individuals sleeping at various locations on East Campus, not necessarily in a building.

Rosenberg: Sleeping in the middle of the day between 8:30 a.m. or 9 a.m., and 5 p.m. or 6 p.m., or in the middle of the night?

Dailey: Found during the day, early in the morning, like 8 a.m. timeframe.

Rosenberg: And that happened because these buildings were not locked before that time, or was it because people secured entry by cajoling others to allow? It's hard for me to understand exactly how keeping the

buildings locked from 9:00 in the morning till 5:00 in the afternoon, given the inconvenience that it causes, is warranted by the actual incidents of unauthorized presence.

Daniel Ennis (Executive Vice President): So, listen, there's no science to these kinds of decision makings. We have to exercise our best judgment. We deployed this over the summer. We made mistakes when we deployed it in terms of working with our community. We got a lot of feedback in the process. We've been responding to that. I think the question about East Campus is generally the level of street activity, life on that campus during the day, when most students are spending a fair bit of their day on the West Campus. So, we made the decision to go down this path. We may have made it in error, but it's not out of anything but the best interest of the residents of that campus. And we definitely recognize we're creating inconvenience. I think if you want to put this to sort of rigorous data analysis, it won't stand because it will ultimately make judgments based on the best information we have. We made this judgment in large part out of precaution, and maybe we overcorrected it in the wrong direction. But that's where we are.

Steffen Bass (Physics / ECAC member): I just want to reiterate one point that you made, namely, that there is a way, in case we have an academic event at one of the buildings, to disable that type of access for limited amount of time, for a few days, or for a week or so, right?

Dailey: For some amount of time, absolutely. We're happy to work with you.

Bass: Okay, yes, because this is something that the business managers have not been made aware of. And I think, that needs to be communicated to them in order to facilitate those events.

Dailey: I'll make sure.

Bass: And a pro tip for my Council members, you can put your Duke card on your smartwatch then it's very easy to unlock.

Candis Watts Smith (Political Science): I'm a resident on the East Campus. If the decision is made an art more than a science, will there be a reassessment of the decisions made? How do we know it's working or not working, it's better or not better? Will we have this conversation again?

Dailey: We certainly can, and your input will be important as a resident of the East Campus. Absolutely. And like Daniel said, we're always assessing. So, absolutely.

Ennis: Outside of the obvious, like a pain in the neck factor relative to easy access when you carry a lot of materials, etc., which we all experienced in the summer, are there other observations in terms of what you're experiencing on campus? How is it impacting life?

Smith: On East Campus?

Ennis: Yes.

Smith: I think that John is right to say, well, there are certain folks who live in Durham who are unhoused, who get off the bus at 8 a.m. at Whole Foods. I personally, in the six years that I've lived on campus, have not experienced any problems with those folks. I would also like to know the racial component of this question. The thing is that I know you both, and I know that you are really looking out for the best interests of our students and our staff. But it rubs me a

little bit to suggest that we should have all of these buildings – residential halls are fine; those are people's homes – but East Duke (Building), West Duke (Building), Friedl (Building), you know, all of these other spaces, I just haven't seen anything that would require the kind of 9 a.m. to 5 p.m. closeout that not just faculty but students have their stuff. And it's also just like are we an open community or an unopen community? There're Nelson Music Room that has major events, Baldwin Auditorium that has major events, and Lilly Library, and hopefully, that's open. (laughter) That's a place where the public is supposed to be able to come. So, we kind of have a little bit of a contradiction. There's a tension there. Those are my observations.

Ennis: This is much more about density of life on the campus during the day, and our comfort with our ability to secure the campus. When we ran the experiment through the summer, most of what we learned was if we were messing it up operationally, if it created a lot of chaos in particular for receiving of supplies and other kind of logistics, John and the team spent real time through the summer fixing those. And I thought in the fall a lot of process around trying to support administrative issues and questions. Clearly, we didn't do enough of that. But the core signaling is and how it's being received is obviously exactly not what we're trying to create or impose on our community at this moment. We're just trying to take what we learned from Brown and the questions of access, which were profound in the case of mass shooting. And is this potentially an overcorrection? We have to assess. But I really appreciate this feedback and your worry a great deal about what you've just described in terms of the signaling and the sort of power of what this would suggest.

Dailey: Anything else? We'll continue to assess. Thanks.

Neal: I do share the ambivalence of some of my colleagues. As a member of two departments that are on East Campus and my department home, which is in the Friedl Building, we've had conversations over the last four or five years around concerns around security, bulletproofing, for instance, the glass that is in our main conference room, along those lines, and again being a member of the department that about a decade ago was targeted with a racial slur. So, it is a complex issue. Thank you, John and Daniel for sharing information with the Council.

UPDATES ON POLICY ON OUTSIDE ACTIVITIES & CONFLICT OF COMMITMENT IN RESEARCH

Beginning late last semester, and close to before ECAC wrapped our in-person meetings for the summer, various changes to Duke's Conflict of Commitment in Research and Outside Activities were brought to our attention for feedback and reaction. We discussed these changes twice over meetings and spent a fair amount of time considering those over email in terms of our concerns with the changes that were being enacted. Late last month, the revised policy was presented to ECAC again for consideration and we determined that a broader conversation in the full Council with Jenny Lodge, Vice President for Research and Innovation would be important. Jenny is joined today by Leigh Goller, who is Duke's Chief Audit, Risk, and Compliance Officer. Their comments will be followed by Q&A. Jenny and Leigh, thank you.

Jenny Lodge (Vice President for Research and Innovation): This is Leigh Goller. I'm Jenny Lodge. Over there we have Lindsey

Spangler, who is here to answer if there are more detailed questions about the policy. Lindsey is the director of the office, which oversees Conflict of Interest, Conflict of Commitment, research security, and other things as well.

We have made changes to this policy. We used to have just a single policy on Conflict of Interest and Conflict of Commitment that was combined. And essentially what we've done is that we've separated the Financial Conflict of Interest piece out into one policy, and then the Conflict of Commitment and Outside Activities into a second policy. The reason to do that was also to try to tease out who's covered by each of these policies. One of the things we want to start with is, why are we changing policies? Well, sometimes when we're looking at our policies, we have regular updated reviews of our policies to make sure that they're up to date. But part of it also is in response when we have changes in federal regulations. And this is one of those graphs where you can see starting in 1991, it was pretty much a slow rise of federal regulations that impacted research. (refers to slide) And then, starting about 10 years ago or so, you started to see the slope of this change quite a bit. So, in the last 10 years, they've pretty much tripled the number of federal regulations that we are responsible for, and all of our principal investigators and faculty involved in research are also responsible for following. We don't see any end in sight in spite of the current administration's emphasis on deregulation. We're seeing more and more regulations coming down the pike, so we don't anticipate any changes or decrease in the kind of regulations that we're going to have to follow.

Some of the reasons for changing our Conflict of Commitment and Outside Activities come from a couple of major federal policy changes that happened over the last five years. In 2021, there was a regulation that was promulgated called NSPM-33. It basically set out the expectation that institutions actually know what their faculty do, and that we are responsible for knowing it and responsible for reporting on it. Then the CHIPS and Science Act required security training. I don't know if any of you have submitted federal grants recently, but you have to do this security training, which I've also had to do. And it also bans the maligned foreign talent programs, so we've got to be very careful about watching out for those, and really set out very strict disclosure requirements and standards. The NSF put out a notice that we actually have to, if our faculty are engaged and have contracts with outside entities, we actually have to have a copy of them. We also have to translate them and provide them to NSF on request. This has also been true at the NIH and DOE as well. What our Outside Activities Conflict of Commitment Policy is doing is we're adding a level of prior approval for some of these, but not all of these activities. And part of that is really to try to help faculty understand what it is they're entering into and what the implications may be down the road for them, so they can make good decisions about whether or not they want to actually engage in these activities, but also to make sure that we know about them, so that when we're required to disclose them or provide contracts, we actually have them.

When it comes down to Conflict of Interest and Conflict of Commitment, all of our Duke employees have to disclose their dual interests when they have fiduciary responsibility, for example, to two different entities or their outside activities, and that's required by the Internal Revenue Service. Our Duke researchers have always had to disclose their outside activities. Generally,

this was done less formally through their department chairs during their annual reviews, but it is required for good governance practices. And then, this is the part that's new, and we're only applying this to federally funded researchers that we're asking them to disclose outside activities. The new part is getting prior approval for some but not all of those activities. This is going to be required for us to be able to comply with federal regulations and provide that good stewardship of federal funds.

So, who has to do this? We're really thinking about the faculty or other individuals who are responsible for the design and conduct of the research, and these are only the folks who have active or pending federal funding. So, if you are funded by the Burroughs Wellcome Fund, that's it. If you're funded by another foundation like the MacArthur Foundation, and you don't have any federal funding, you're not required to do this prior approval step. Then, what is this? These are the kinds of activities that we're very concerned about including when you are the PI on an award to another institution. So, we need to know that you are doing that, and you've always actually been expected to disclose that to your department chair and get permission to be a PI. That's always been part of our policies. If you're actually doing research on behalf of another external entity, if you're working with a company and they want you to consult, but they also want you to do research, you need to get prior approval for that. And if you have a titled appointment, say you're a visiting faculty member, you're going to end up on somebody else's website as a titled faculty member or a visiting scholar or something along that nature, we expect you to disclose and get prior approval for that. The other really sensitive part, as you're probably all very well aware of, is when we're interacting with entities that are outside this country, particularly in countries of concern. If you have a formal contract, some sort of a formal agreement where there's a contract or an MOU with a foreign entity, you need to get prior approval for that. If it's an informal arrangement, say you're just doing a collaboration and there's no contract, no MOU, you need to disclose it. But if it's in a foreign country of concern that includes China, Russia, North Korea, and Iran.

Leigh Goller (Chief Audit, Risk, and Compliance Officer): Cuba and Syria.

Lodge: Thank you. Oh yes, it's there. (refers to slide) Anyway, some of them are there. If you're going to have this informal collaboration with folks in those countries, you also need to get prior approval. And that sounds like it might be highly burdensome. Oh, wait, let me just give you some examples of this, because I think one of the things you'll see is that there's going to be some gray area here. We're going to rely on your judgment as to whether or not you need to disclose and get prior approval. If it's clearly that you want to have a contract with a Chinese academic institution, that's pretty clear that you're going to have to get a prior approval for that. But there are other things that you do for other entities, reviewing grants, reviewing manuscripts, giving talks, that sort of thing. It's going to be more of an issue of where it is. Is it in a foreign country of concern, and how much time are you going to be spending? Is this something you actually need to disclose? Here are some examples of outside activities. For example, manuscript or journal reviews, sitting on someone's thesis committee or study section panel. I would also say these are all things that, as faculty members, you're expected to do. If you don't do them, you're not very likely to get promoted, receive tenure, that sort of thing. So, these are all things that are part of your Duke job, but you're doing them

on behalf of another entity, so unless there's a big time commitment involved, you're not going to need to disclose those unless you're getting paid. Then it comes under the Financial Conflict of Interest Policy, and you don't need prior approval for these, unless it's in a foreign country of concern. Academic speaking engagements, no (disclosure needed). Once again, some of those restrictions apply. Serving on an editorial board which is usually a pretty significant time commitment, is something you would probably need to disclose. But you wouldn't need prior approval unless it's for a foreign country of concern. Paid consulting for a company, yes, because that falls under our Financial Conflict of Interest Policy, but you wouldn't need prior approval unless it was for a foreign entity. There are some more examples. Say you've got a visiting appointment in Africa, yes, you need to disclose it, and yes, it's a titled appointment, so you're going to need to get prior approval. Serving in the U.S. as an expert witness, yes, you're going to need to disclose it because generally you're paid for those. But no, you don't need prior approval. Serving as a PI for an industry startup, yes, you need to disclose that. And yes, you're serving as a PI for another entity, so you're going to have to get prior approval. Advising a research institute in China, yes, you should disclose it. And yes, China is a country of concern, so you would need prior approval for that.

How does this work? How are people going to get their prior approvals? So, we have an intake form, and that'll have the information that you need to put there. For most things, this is just going to route to your unit leader. If you're in a department, it'll route to your department chair. If you're in an institute or a center, it might route there. If you're in a school without departments, it'll just route to whoever you are reporting to, and that's the person that will be granting your prior approval. The only time that it's going to route to a central office is when it is a foreign country of concern. And folks within Lindsey's office will look at that and see whether or not this is something that really needs a discussion with the faculty members so that they understand the implications of what they're about to do. For example, we have had faculty members who say, "Oh, I want to do this with this company in China." Then we explain, "Well, that means you probably won't get your DOD funded grant next time you want to resubmit that." And they say, "Oh, wait, maybe I don't want to do that partnership with China." I think it is there to help the faculty. I'll also say that we're still figuring a lot of this out. We know we don't have all the systems in place yet to do this as effectively and efficiently as possible. So, we are trying to think about what our future system enhancements are going to look like. Ideally, we would add this to your COI, COC disclosure forms that you fill out annually anyway, and also try to combine all of this with your scholarly activity, so that it's all in one place, and you don't have to keep typing the same stuff in multiple places. Leigh, did I miss anything, or anything you want to add?

Goller: That was a thorough review of an unpopular change.

Lodge: Yes. I see a question already, or a comment.

Sarah Goetz (Pharmacology and Cancer Biology / ECAC member): I have a question about how all of this intersects with effort reporting. A colleague of mine brought up at our faculty meeting a few days ago that he had been on a committee that had a presentation from the Office of University Counsel about this issue, and they really emphasized how this was going

to require very granular effort reporting for faculty that are funded largely through grants, which would be applicable mostly to the School of Medicine. We have people whose effort is 80% or 90% on grants. And things like manuscript review or serving on study sections now has the potential to – which are things that we have thought of as our normal job – create problems because that doesn't fit under the bucket of effort on these grants. The impression he came away with is that we were going to have to, in a very granular way, keep track of the number of hours perhaps that we spend reviewing manuscript for a journal or giving seminars at other universities, etc.

Lodge: I haven't heard that, and I know that we don't allow most faculty to put 100% of their effort.

Goetz: Right. But 5% or 10% effort. 10% effort is four hours a week.

Lodge: Right. So, that's why we ask you to use your judgment when you're reviewing manuscripts or sitting on a study section in terms of whether or not this is a significant effort.

Goetz: So, there are not going to be granular reporting requirements?

Lodge: I'm not seeing them.

Goller: I have to be very careful about how I say this because it is recorded and transcribed. (laughter) It is very difficult for any of us in any of our positions to be the quarter or six-minute increment accurate about our time. It should be a reasonable and materially accurate representation of your effort over the period of time in which you're reporting it. So, it doesn't necessarily have to even be in the thought process of week to week or month to month. You're certifying effort on an annual basis.

Lodge: Six-month.

Goller: Six-month basis. Thank you. Think about it in terms of maybe quarters. What percentage of your time do you spend in an average quarter? And those quarters may differ based on what you've volunteered for and what you've agreed to do from one time period to the next. So, I'm not encouraging you not to keep track, but I am telling you that reasonable, rational estimates that can be supported by looking at your calendar over a period of time that are materially accurate.

Lodge: That was a better answer. Thank you.

Unknown Speaker: Thank you for that. That was very informative. For those of us who are already on federal grants and already have external commitments, will we be required to do this, and how will that happen?

Lodge: I'm going to turn that question over to Lindsey. What are we doing about existing contracts or arrangements?

Lindsey Spangler (Associate Dean, Research Integrity): We certainly don't want people to have to go back and report everything you've done. That said, it is perspective. However, if you are doing something, again, in that prior approval category, in particular, in a foreign country of concern, I would definitely recommend reaching out to us. It doesn't even have to be through the form. It can be through an email. We have had numerous instances where we've had investigators say, "Oh wow, I really wish I had known about this before." We've been given direction from federal

agencies that if you're working with a prohibited entity, that should cease when they are added to a list. So, my office tries to stay on top of all of this, and we can let you know as you tell us, and we are happy to advise. But it really is more prospective at this point.

Stefani Engelstein (German Studies): I feel like in Humanities, it's hard to parse this language and it feels very vague. Let's say you're away from the university for a semester, or a year on a sabbatical, or work with an external fellowship, which could be a government fellowship like NEH, or could be a private fellowship. And maybe the answer is different for those occasions. And you're doing research in a foreign country, and you've arranged with an institution to perhaps have a desk there. Do they give you a title? Well, sort of. Maybe you're a visiting scholar. Is that a title? Is that a description? Are they giving you money? No, but you're getting a desk. Are you doing research on their behalf? Well, you might thank them in your acknowledgements. How much of your effort? Well, either all of it or none of it.

Lodge: I would talk to Lindsey about your particular situation.

Engelstein: But this is not my particular situation. This is probably very widely relevant to almost all humanities researchers who do research in another country, right? (looks around and gets nods from other humanists) It almost never is going to involve money from the institution you've made this arrangement with. You're writing articles or a book. On whose behalf are you doing that? Hopefully, the people who will read it. (laughter)

Lodge: Once again, we're relying on your judgment here. For example, are you on sabbatical?

Goller: Even when you're on sabbatical, you remain appointed here at Duke. So, Duke is still your primary employer, which means all the same policies, procedures, expectations, and stewardship responsibilities still apply. This is not a matter of that you're going to receive a no. This is a matter of we – Duke – are being asked to do something as the stewards of federal funding resources. That feels really uncomfortable and unlike what our academic atmosphere has been in the past. What they're really reflecting is that the federal government doesn't trust its funding recipients anymore. That has nothing to do specifically with Duke. It is across the board. These are the measures they've put in, and then we have to follow those measures in order to be reviewed and judged as good stewards of the resources that have been entrusted to us. This was one of the most difficult ones to put in. There have been other cases in the 20 years that I've been here doing this work alongside colleagues like Jenny and the Counsel's Office and the Provost's Office. There are lots of things that we would have to do because the federal funding resources that we would not otherwise choose to impose upon you.

Engelstein: When you say federal funding, you're not talking about federal funding to the individual? You're talking about federal funding to a university? And because I belong to the university, even if I'm not getting any money, even if I'm just sitting at a desk, and even if the research I'm doing is not going to earn anybody any money, I need to fill in a lot of forms?

Goller: Not for the pre-approval. If you are not federally funded, you get to opt out of the whole thing. This only applies to individuals who directly receive federal funding for their work.

Lodge: The federal funding usually comes to Duke.

Engelstein: For most of the people I am talking about, unless you have an NEH fellowship, that's the only federal funding that I can think of for someone in Humanities, there is no other federal funding.

Lodge: It's not about Duke getting federal funding that makes everybody have to do this. It's only the faculty who are the PIs or are significantly involved in projects that are federally funded.

Spangler: If you're key personnel on a federally funded project, you would need to do the prior approval. If you're doing this through a federal grant, although NIH has very few requirements the way NSF, NASA, everyone else does, you would not be required to do this. If you're already doing it through a federal grant, if you're on sabbatical that is essentially your prior approval of going to go do whatever it is that you're doing, because we, Duke would know that you are going to do that.

Lodge: The other thing I'd encourage people to do is that Lindsey and her team are putting together a frequently asked questions list, and I'm sure you (Lindsey)'re taking some notes here. As faculty have more questions, we'll add them to that list.

Engelstein: What I would just say is that this was very confusing to me. I just turned around and saw the other Humanities people around me indicating that was very confusing for them as well. So maybe you need to talk to some Humanities people and find out how their funding works to get the language to make sense. Thank you for building on this clarification because it's already been very confusing for me every year to fill in these forms.

Neal: Speaking on behalf of ECAC, I have two questions. One of the things that troubled us in ECAC was the pace of the need for change and the amount of time that we were given to process this at ECAC, obviously, the amount of time that Academic Council was given for that. So, there were still questions about why this happened to happen now, and it did. The second question is around enforcement. Beyond the obvious potential of losing federal grant, what recourse would the university take for someone who did not do the level of reporting that's being required?

Lodge: I can't answer that second question necessarily because it's probably going to depend on the situation and the severity of the disclosure. If it's something in the gray zone where somebody made a slight error in judgment, it's not going to be a big deal. But if somebody has joined a maligned talent program, and refused to tell us, that's a big deal.

Goller: If we learned of something that was material, we would also have to self-disclose as an institution to the sponsors that that overlaps with that individual's work, so the consequences then become somewhat out of our hands, because once we've self-disclosed, it's up to the agency to determine how it feels about what happened.

Lodge: And I think the urgency of getting this passed and implemented is that we have seen more and more of the agencies wanting to know about these kinds of activities, telling us that we have to disclose them and that we are responsible for knowing what our faculty are doing.

Dalia Patino-Echeverri (Nicholas School of the Environment): I think the tables you put together are very helpful for us to really think of the benefits and costs of many engagements that are sometimes very small. I had a grant taken away, an award that had been given and then taken away for three small things, I think. One, co-teaching a class with DKU. I never went to DKU. I was just co-teaching here on Zoom. The other thing I reported for that same grant was finishing a paper with a faculty member in China who used to be my student. We were just finishing his work. And the other one was visiting a former student who's also a faculty member in China. He had applied to a grant to invite me, so I had signed that I was going to go, and I reported it. So now, it would be great to know if any DKU engagements are seen a little bit more favorably or not, because I have declined travel after this experience. It was very painful losing this grant. Do you know anything else, and anything can be done to mitigate this?

Lodge: I wonder, is Kim here?

Kim Taylor (Vice President and General Counsel): I am here. Thank you very much for that. I am not aware of the details that you're talking about, so I can't address that. I think that what Jenny is referring to is the investigation that you all just saw in the Chronicle, which is a Section 116 investigation. Section 116 is a provision of the Higher Education Act that governs foreign source gifts and contracts. And the university has recently been audited. A number of our peers were audited last year: Berkeley, Penn, and Harvard. We have seen a coordinated effort on DKU from Congress and the federal government. We are continuing to work through the investigations or the inquiries that we are getting from Congress. And I know the Provost's Office has talked to you all about our ongoing process for compliance there, but the policy that Jenny and Leigh just talked about is the type of policy that will help us, as Jenny said, understand what is happening here, so that we can communicate with people about those types of issues and the risk. I can understand finding that very troubling. I can't speak to those specific ones, but we can follow up with you and get more guidance out to everybody on that.

Ennis: Kim, it's Section 117.

Taylor: Yes. What did I say?

Ennis: 116.

Taylor: Yeah. OK. It is 117. Thanks.

Henry Pfister (Electrical and Computer Engineering): I'm curious about going to conferences in China and giving a plenary talk when it might be like almost an American organized conference, and they might pay for your travel. How does this fit in that?

Lodge: That is something you would have to disclose and also get prior approval for, because it's a country of concern.

Pfister: So even if it's IEEE Information Theory Society based in the U.S. holding a conference there?

Lodge: Yes.

Pfister: OK, thank you.

Unknown Speaker: Excuse me. It never includes Hong Kong, right?

Goller: Technically, Hong Kong is not covered as a country of concern. The

government can change its mind at any given time. (laughter)

Lodge: Well, thank you all for your input and for your questions. As I said, we're going to be figuring this out together. So, it's a little bit of a challenging road ahead.

Neal: Thank you, Jenny and Leigh.

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