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## Minutes of the Regular Meeting of the Academic Council

Thursday May 10, 2007

Paul Haagen (Law, Chair of the Council): I will now call this last meeting of the Academic Council for the academic year of 2006-2007 to order. Because we have a full agenda today, I want to keep my initial remarks very brief. This will not only be the last Academic Council meeting of the year; it will be my last one as Chair. I want, therefore, to use this occasion to thank all of you for giving me this opportunity to serve the faculty and the university. It has been an honor and a privilege.

All of us at Duke are beneficiaries of the tradition of shared governance, well-articulated in the Christie rules. Traditions, however, are only as robust as the present commitment to them. My time as Chair has been made dramatically easier by that present commitment across the entire university. An extraordinary number of faculty both accepted the President's, the Provost's, and my requests to serve on university committees, and more critically, have put in the time required to make a real contribution to that service. I want to acknowledge their efforts and publicly thank them.

I also want to recognize the commitment of the administration to making this shared governance work. Succeeding in this endeavor is neither simple nor straightforward. I certainly will not claim that in the past two years, we've always gotten it right. I will claim that the Provost, the Executive Vice President, the Chancellor, and the President, and every other administrator at Duke, have dealt with me and with this Council openly and in good faith. I want to thank them and you for the commitment to this enterprise, and for all the patience, indulgent good humor and kindness shown to me.

Given the amount of negative attention that's been focused on one of Duke's varsity athletic teams over the last 15 months, I will beg your indulgence to permit me to call attention to their record during this academic year. The Duke men's varsity lacrosse

team, in the face of all of the distractions that they have had to deal with, compiled a team grade point average of 3.45 during the Fall semester, which was the second highest of any varsity team at Duke.

Collectively, this Fall, they did 500 hours of voluntary service in the community. No member of the team has had a significant disciplinary infraction this year. There's been some noise, but no significant disciplinary infraction.

On the field, they played with remarkable discipline and creative flair. In the spring, they won the ACC regular season, and ACC lacrosse tournament, and they will enter the NCAA Tournament on Saturday as the top-seeded team in the United States. They were clearly not alone in their ability to overcome distractions. Felicia Walton, who is here, won a Marshall Scholarship. Brandon Levin, is a Winston Churchill Scholar. Elizabeth Forward, has been recognized

as a Luce scholar, Chas Salmen, as a Rhodes Scholar, Jimmy Soni, as a George Mitchell Scholar, creating a sort of reverse brain drain to the British Isles.

Maybe they're going to reinvigorate them now that Tony Blair has left office.

I would like to tell you that your chair has been similarly focused through all of the distractions of this past year. But, to paraphrase a graduate at the Law School, I could say it, but it would be wrong.

And now, on to the business of this body. The first order of business is to approve the minutes of the April 19<sup>th</sup> meeting...

Elizabeth Livingston (ECAC/School of Medicine — interjecting): I have some new business to insert at this point, if you don't mind. I know there's been some rumors flying around over the past few years about Paul and there are some things I want to set straight. I've worked with him for the past 2 years, and I think some things deserve some clarification. It is not true that after a stint as Chair of the



Academic Council that Paul would become a commentator for MSNBC. But I think, with a cowboy hat, he would look like Don Imus. But it did seem that at crucial moment of the lacrosse incident, I would turn on the radio, and I would hear Paul giving a calm, articulate, and balanced view, representative of the Duke faculty. As a faculty member and member of ECAC, I was very grateful to have him speak for me, and I'm sure you were, too.

Paul does claim that his waist size is the same as when he was at Haverford College, but he did not win the Boston Marathon this year. You can see he looks nothing like the winner from Kenya. But he did finish this year's race in gale force winds. He did create the Faculty Athletics Program, to assist in bridging the gap between academics and athletics and became more apparent during the unfortunate events of last spring.



This has been a highly successful program, and ECAC evaluated it and has encouraged it to continue for the coming year.

Myth: Paul resents Dr. Anlyan picking court number 2 in 1988. Well actually he's told me the story 4 times. The way it goes is Paul went out to play tennis on court #2 and Dr. Anlyan showed up after his first set, with all the other courts empty, and insisted that Paul evacuate Course Number 2 so that he could play on the court. I will say that some excessive-compulsive disorders are worthwhile in a physician and it served Dr. Anlyan well in many other endeavors. Paul did work closely with the School of Medicine in creating the New Academic-Track Definition, so he created the best rapport between the Academic Council and the School of Medicine in many years. I think this foundation will aid the Medical Center and the Academic Council as we tackle tougher issues in the coming years.

Myth: Paul's special talent is sports law. Well, actually, it is a special talent, but Paul has other special talents. The faculty has benefited from his excellent judgment, balanced viewpoint, and his ability to identify the right faculty members to serve our faculty's and University's best interest. Thank you Paul for your energy, your enthusiasm, and all your

service over the past two years. And we have a copy of this caricature for you. (Clapping)

Paul Haagen: Thank you for this, too kind. Could I have a motion to approve the minutes as written?

[The minutes were approved by voice vote without dissent.]

Haagen: The calendar for the 07-08 Academic Council meetings was posted with today's agenda.



There are some calendars at the back of the room, and also the dates are on the Academic Council website. The by-laws of the Academic Council provide that it meet monthly in the Academic year from September to May, and at such other times as the Chair or Executive Committee or 10 members of the Council may call. In recognition of the fact that it is likely to be difficult to convene a meeting of the Council during the summer months or between terms, the Christie rules provide that this council may at the May meet delegate to ECAC authority to appoint a committee to act in a consultative role to the administration when the University is not in regular session. ECAC will now introduce a motion that this council give it that authority. This motion is precisely the same as the one I introduced last year at the May meeting. It proved unnecessary for me to invoke the powers granted under it last year, and it is my hope that neither Paula nor I will find it necessary to invoke them this year. Recent events, both at Duke and elsewhere, however, made it seem prudent to ECAC that there be authority where a duly authorized group of faculty to act in such a consultative role to the administration, should that prove necessary. I will now read the motion.

**Whereas the Christie rules provide that at the last meeting of the Academic Council in any given academic year, the Council may delegate to the Executive Committee of the Academic Council, the authority to appoint a committee of at least 3 council members to serve in a consultative role to the administration when the University is not in regular session. And whereas the Christie rules note that this committee should normally consists of members of the Executive Committee of the Academic Council, if they're available, ECAC**

**recommends that the authority to create such a committee be delegated to the Chair of the Executive Committee to the Council, and that such a committee, once formed, would remain in operation until the first day of the Fall semester of the 2007-2008 Academic Year.**

Because this is coming as a motion from ECAC, it needs no second. [The motion was approved by voice vote without dissent.]

Next, to the matter of earned degrees...

### *Earned Degrees*

**DIPLOMAS DATED MAY 13, 2007**

### *Summary by Schools and College*

Trinity College of Arts and Sciences		
Dean Robert J. Thompson, Jr.		
Bachelor of Arts	818	
Bachelor of Science	443	
Pratt School of Engineering		
Dean Kristina M. Johnson		
Bachelor of Science in Engineering	198	
Master of Engineering Management	43	
School of Nursing		
Dean Catherine L. Gilliss		
Bachelor of Science in Nursing	1	
Master of Science in Nursing	67	
Nicholas School of the Environment and Earth Sciences		
Dean William H. Schlesinger		
Master of Environmental Management	104	
Master of Forestry	4	
Fuqua School of Business		
Dean Douglas T. Breeden		
Master of Business Administration	565	
Divinity School		
Dean L. Gregory Jones		
Master in Church Ministries	1	
Master of Theological Studies	20	
Master of Divinity	102	
Master of Theology	9	
School of Law		
Dean Katharine T. Bartlett		
Juris Doctor	219	
Master of Laws	99	
School of Medicine		
Dean R. Sanders Williams		
Master of Health Sciences	56	
Master of Health Sciences in Clinical Research	10	
Doctor of Physical Therapy	38	

Doctor of Medicine 99

The Graduate School

Dean Jo Rae Wright	
Master of Public Policy	46
Master of Arts in Teaching	2
Master of Science	51
Master of Arts	120
Doctor of Philosophy	140

TOTAL 3255

## **Executive Session: Honorary Degrees**

### *Name Change: Coastal Systems Science and Policy to the Division of Marine Science and Conservation*

Paul Haagen: The next item on the agenda is the proposal to change the name of the division of Coastal Systems Science and Policy to the Division of Marine Science and Conservation. The proposal was presented at the April 19<sup>th</sup> meeting, and if there are no additional questions, we can proceed to the resolution. Are there additional questions? Seeing none, I introduce the following motion:

**Be it resolved the Academic Council endorses the Nicholas School Proposal to change the name of the Division of Coastal Systems Science and Policy to the Division of Marine Science and Conservation.**

[The motion was approved by voice vote without dissent.]

### *Name Change: Institute of Statistics and Decision Sciences to the Department of Statistical Science*

Next is the name change request: that the Institute of Statistics and Decision Sciences be renamed the Department of Statistical Science. This was also presented and discussed at the April 19<sup>th</sup> meeting. Are there additional questions or comments? Seeing none, we can proceed to the resolution.

**Be it resolved, the Academic Council endorses the proposal from the Natural Sciences Division of Arts and Sciences to change the name of the Institute of Statistics and Decision Sciences to be renamed the Department of Statistical Science.**

[The motion was approved by voice vote without dissent.]

### *Report of the University Priorities Committee*

Haagen: Jim Cox, Chair of the University Priorities Committee, former member and Chair of



PACOR will now give his final report as chair of this committee,

James Cox (Law): Just to give you an idea, because many of you just came on to serve the Academic Council, the predecessor to this was PACOR and there was a decision made 4 years ago that it would be better to have a committee that just didn't deal with priorities but also dealt with resource issues. And so there was a reconfiguration of the committee and I was appointed chair, having been a prior chair, I guess a 3<sup>rd</sup> Chair of PACOR, if I remember correctly, and so this gives you a little bit about the idea that there's going to have a significant involvement throughout the community of senior officers and deans, and a very good cross section of great people to work with, people who actually have been doing the work on the committee, many of them are in the room — Julie (Britton) over there, Mary's (Champagne) there, and Warren's (Grill) there, who do the work on the committee here, and we meet every other Monday.

I came to this body last Fall, and I told you I'd come back with this list, this was a list that was agreed to by consultation with ECAC and senior leaders and members of UPC about what we'd be talking about.

As it turns out, many of the items on this list remain at this point. We did deal with some of them, and we dealt obviously with issues that were not on this list, but we thought that at the beginning of the year, some of the central issues that we wanted to be talking about were questions that came up, which were questions dealing with the degree to which there's fair amount of cross-subsidies that go on, among a group we call auxiliaries. You may think of them better as food, dormitories, other things that go on, how money flows around.

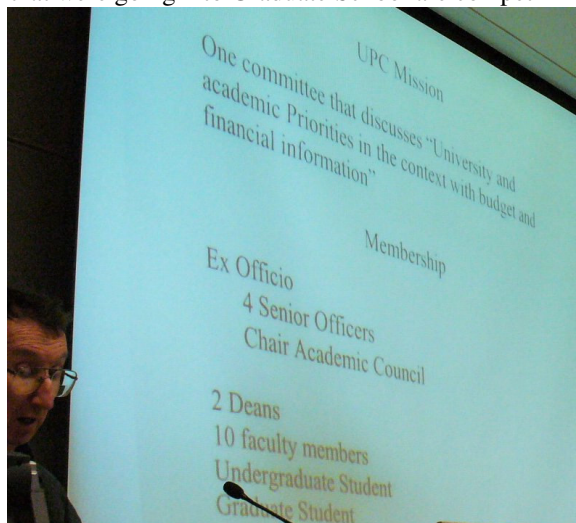
In many ways they don't have the same sort of ownership that you find in a decentralized budgetary system that Duke floats on here, and certain practices in terms of financing and (accrete) over time. So we needed to take a look at that, and begin also the process of working straight through the deans looking at how costs get allocated across the University in terms of who pays for the chapel, who pays for the gardens, who pays for the library, and how these taxes get pushed out.

The athletic budget is an ongoing issue and we looked at this heavily. A year ago I was coming close to closure about what to do about the expanding deficit in the athletic budget, and then unfortunately the events of the Spring overtook that last year with the incident, and it was not a good time to move forward with some of the remedies. We talked a little bit about that.

This year the debate has shifted a bit in terms of what is the appropriate level of subvention to athletics at a research-oriented university such as Duke, and we're trying to gather some information about that. While we've not been able to return to that, we

fully expect that it to come back. We fully expect that that and the other 2 items that I've mentioned here will come back.

We've had discussions with the Provost, and Jo Rae Wright came to our meetings on two occasions, to talk to me about the Graduate School funding, which we looked at it at two levels. One was just having some reassurance that the stipends, grants, etc that were going into Graduate School are competi-



tive, and we think we felt fairly reassured about that. The information that was shared with us was pretty persuasive. The question is: did we have the right structure and manner of funding? and we had some interesting discussions about that, which I think will probably continue on in the future.

I mentioned to you that having been involved in the Central Planning effort for the current 5-year plan, clearly there were some issues involved on how we pay for library collections. In a university where every school has many of its own libraries, but is always playing Old Maid, we'll stop carrying that journal because you're carrying that journal and we don't have to pay for that and that was something that came up in the Libraries Study Group, and we went to see that, it's still out there.

I think you're all aware that there's been extensive and dense planning on central campus; there is, at the early stages I think it was probably not much, although we were deeply involved in UPC and looking at how things were bubbling up with central campus now with the programmatic parts of that are moving forward, my guess is that the UPC will continue play a lively role in that, but this year I think our role has been mainly being updated about progress. As you know they're in the process right now, as we speak, of figuring out which of the 4 final architects are getting the green light to go forward.

Parking is the other thing that's everybody's issue, whatever university you're at, and has been on our agenda each of the 4 years I've been chairing this committee, and I like to report that we've made absolutely no progress on parking, not for a lack of trying, I'll come back to that.

I think we looked at cash management and understand what's happening there and also part of cash management is talking and looking at the plan to going forward to fund to our aspirations over the next 5 years and perhaps even longer than that, particularly with respect to retrofitting dormitories and central campus planning, and we took a close look at that; that plan is also going to the trustees, I believe on Saturday morning ...

If I had a prescription for my successor, it would be that this committee cannot serve the interests of Duke University, it certainly cannot serve the interests of our faculty governance, by merely having a reporting-to function. It needs to have a collaborative role on discrete decisions, and that doesn't mean all decisions.

We have to figure out where there are other committees that are doing that valuable function, and doing it as well if not better, and where UPC can perform a function well.

An important thing is that the administration has been very good, and no request for information has ever been turned down to us; it's always been forthcoming. They've been very willing, very comfortable to bring the committee into the role where issues are being discussed, not after they've been finalized through some other process, and that requires, again, careful identification (I forgot Randy's [Kramer] in the room too) careful identification of the kind of topics where it's appropriate to share with a well-meaning, experienced group of academic deans, student members and administration members, information so we can provide a strategic, consulting, collaborative function.

I think we accomplished some things over my four years, I would have hoped that we could have accomplished more. I think the one thing we have accomplished, and I hope is the case, at least I feel that way, is I think we've merited the ability to deserve the trust of the administration that we can retain confidence with the administration: what's said in the room stays in the room, and that we have something to say and it's worth listening to. Thank you.

Paul Haagen: I want once again to thank Jim for his really quite extraordinary service to the University. He is an incredible asset. He will be the first faculty observer member of one of the last two committees that prior to this year had no faculty representatives at the board level. He will be one of the two observers on the Audit Committee. He will be replaced by Warren Grill, who has agreed to take this on as a very important committee — the problems that Jim has identified are really significant for this body.

*Faculty Handbook: Change in language relating to appointment promotion, and tenure appeal process*

For the next item, we will ask Provost Lange to present the proposed faculty handbook language for the appointment promotion, and tenure appeal process.

Provost Peter Lange: Well, I will try to be brief. For those of you who are regular readers of the faculty handbook as well as of the Arts and Sciences Chair's handbook, you will have discovered — and I think only Professor Haagen really has the expertise to do this — you will have discovered that there was an inconsistency of language between the two about how faculty members whose cases for promotion or tenure and promotion who were going to receive a negative decision, and not only was there inconsistency between the two, but you needed to be a lawyer and perhaps not even that to understand exactly what the rules were.

So in the context of this arising in one case this year, and the inconsistency being brought to my attention by the faculty ombudsman — because I had not myself actually carefully read both books at the same time in parallel in order to discover this — I took it upon myself to ask ECAC whether we might create a very small, elite committee consisting of the person in the Arts and Sciences Chuck Byrd who actually knows these rules and two former chairs of APT committee Paula McClain and Bill Schlesinger, whether they might look at the appeals process and generate a clearer document and a clearer process that would also do something which I think that the earlier process was not very clear about, which is give the faculty member clear message about what the outcome was likely to be and to offer them the full opportunity on their own to appeal such an outcome based on the document they received from APT about what the recommendation was or, if it was my decision, based on my reasons for making the decision.

And so this language was developed by that committee, it was shared with ECAC, there were some minor revisions made by ECAC for purposes of clarity not for purposes of substance, I returned it to the committee, the committee endorsed those changes, and I will now bring this language forward to the Council because this requires a change in the Faculty handbook.

I will tell you that I believe this new procedure is more equitable and it gives the faculty member a stronger voice in appealing his or her case if he wishes to do so. Probably the chief person to bear a larger burden in this process will be the Provost, because he or she will have more appeals more often than has been the case in the past.

Paul Haagen: Are there any questions for the Provost, objections? In keeping with ECAC's usual procedure, if the change involves more work for the Provost, we generally endorse it, (laughing) and we thought that was appropriate here. If it is acceptable to the Council I will avoid reading the detailed language here and merely introduce the resolution.

**Be it resolved, the Academic Council endorses the proposed faculty handbook language for the Appointment, Promotion, and Tenure appeals process.**

[The new language...]

### **Appointment Promotion and Tenure Appeal Process**

If the Provost intends to render a negative decision on a case already considered by the Appointment Promotion and Tenure (APT) committee, or a case that has not received a positive recommendation from the department, the Provost will inform the candidate, the departmental chair and the relevant dean. An appeal of the Provost's impending decision, from any or all of these three parties, may then be made within the following two weeks, submitted through the Dean. The Provost will also provide a copy of the official APT memo summarizing the case and the deliberations of the APT Committee, or of the chair's review summary. If the Provost intends to act contrary to a positive recommendation from the APT Committee, the Provost must provide the basis for this decision.

Haagen: The motion requires no second. Any discussion, objection, request for clarification, objection to procedure? Seeing none, all those in favor, please signify by saying "aye". [The motion was approved by voice vote without dissent.]

### ***Flexible Work Arrangement Policy***

Vice Provost Nancy Allen will now present the proposed flexible work arrangement policy for Regular Rank Faculty.

Nancy Allen (Medicine/Provost's Office): Thank you, Paul. In good measure, Duke policy development, through the Faculty Handbook, this is a policy that's taken not quite two years in its history to get to this point. It started back in 2005. Ann Brown, then Associate Vice Dean for Faculty Development for Women in Medicine and Science in the School of Medicine, got together a committee, helped by Paula Thompson, Program Director in Faculty



Development in the School of Medicine, and invited me to come when I was a Special Assistant to the Provost in August of 2005 after they had already done some light work. The policy then went through a number of committees in the School of Medicine. Kim Harris, HR in the Provost's Office and I joined that committee and we met last year, last Fall with Lois Ann Green in HR and Ann Singleton at the University Counsel's Office. The policy got more tweaks as it went along and I think it has gotten to a

good point at this time, with lots of input from various committees both from the School of Medicine, and going through Provost's inner staff, Deans Cabinet and ECAC, as well as the Faculty Compensation Committee in recent weeks.

The reason for this policy is to support those faculty at different points in their careers where they may need a flexible work arrangement. Now, what is that? There have been a lot of ad hoc agreements made by chairs and deans with their faculty members over the years; we learned about these. We did not want to usurp any control by chairs and deans in crafting these specific arrangements, but I wanted faculty members to know that it is possible to work out things with their Chair and Deans. It didn't need to be underground, it didn't need to be just who knew to ask for this, but something that each faculty member at different stages of his or her career could go after and make life perhaps a bit better in the professional-personal balance during those times. Specifically, we could see times that would be helpful when one has young children, when one has an ill parent or partner or child, and doesn't want to totally take a leave, but needs to adjust their work time.

Also we could see that this would come into play in the years prior to retirement, so that you could work out specific arrangements with your Chair or Dean in the 3-5, even, as I understand it, some of you are interested now in 8-10 years before a set retirement date. So that was the rationale for the policy. This is for regular ranked faculty, not for non-regular ranked faculty, but that includes professors of the practice, of course, being in the regular-rank track. The work arrangement can be made for up to 3 years at a time, a minimum of 6 months but up to 3 years at a time, with the exception that — which was pointed out to me again by Chuck Byrd, who knows these things quite well — that in the case of retirement agreements, those may be monitored, and would need the sign-off of the Dean, the Provost, and University Counsel's office. So the faculty member can initiate this in discussion with his or her chair or dean, depending on the situation, or in the School of Medicine it would likely be the Division Chief, in Medicine, or surgical or medical sub-specialty or pediatric sub-specialty.

There will be a request form which you have included as Exhibit 2 in the Agenda today. To make it easier, that can be filled out online. We hope to maybe do some tweaks with it over time, or it can be printed out. Signatures would be obtained and it would end up being tracked in the Provost's Office. One reason to track these is that if there is salary adjustment attached to it, we then wouldn't have a whole group of people on a flexible work arrangement with a salary adjustment who would show up as outliers in the Salary Equity Study that's done every 2 years, so that flagging in the combined Faculty Profile System eventually would be helpful.

Some of the language in the policy was obviously written by the attorneys, and we kept it in there for that reason as well as the policy, because there is the option of Tenure-Clock relief as part of this when faculty members are assistant professors. If one is on a flexible work arrangement, a 3-month extension of the tenure clock will automatically be provided for each year of flexible work arrangement.

We didn't want to specify total hours of work and come out with, you know, I worked 72% time this year, and 89% time next year, and thus your tenure lock would get totally mixed up, but we somewhat arbitrarily selected the 3 month extension.

And then there was a notation made at the Dean's Cabinet that if it's some odd number of months, it would be made to match up with the times that tenure dossiers go to the APT committee, so it wouldn't be again on some schedule so that it was supposed to show up in the middle of July when no one was there to receive it. So those are some of the nuances that I just wanted to bring up, I hope you have read the policy; if you have any questions I'll be happy to answer them. If you all approve it, it will go to the Trustees tomorrow and it will be available to be used beginning September 1<sup>st</sup>. Any questions for me?

Mary Champagne (SON): I think this is a terrific policy...[a question about who should be responsible for arranging flexible work arrangements in the Nursing School..]

Nancy Allen: I think those are collected by Karen Silverberg before they come over here. That was my understanding, from the School of Medicine. It's more of a collection — it goes through the deans first. The deans signs on it, the Faculty Affairs Office does not provide the signatures, it just collects them in order to send them to the Provost. Paula Thompson is here. And if that's an extra step that doesn't need to be..., I don't think that will wind up being a problem. I think for data collection in the School of Medicine and School of Nursing are trying to do some things together.

Mary Champagne: I think that's great. I just wonder who gave...

Voice: My question was if someone took only 6 months in the flexible work arrangements, would they not be eligible for any tenure clock relief?

Nancy Allen: That's a good question, but I think there could still be 3 months tenure clock extension for that period of time. Peter..

Provost Lange: That would have to be on an ad hoc basis, because it would depend on how much time is being taken off, because we wouldn't want to create a loophole that would allow people essentially to extend their tenure clock by taking a rather small amount of flexible work. Do you see what I'm saying? So an arrangement like that would be approved on an ad hoc basis.

Voice: Would some language be introduced indicating that there is a possibility for relief but that it would need to be worked out on an ad hoc basis?

Allen: I think we could add a sentence in there to that effect. It may be difficult by tomorrow, but I can work on it. Because we have it here for each year, it may also be if someone might do a flexible work arrangement for 6 months here, and 2 years later another 6 months, and that will add up to a year.

Lange: It's up to the Council. It will delay the policy at least until the Spring semester if we try to make a change because it needs to be approved by the board.

Susan Lozier (NSEES/ECAC): Can we approve it now and amend it later for the spring?

Provost: Absolutely

Julie Britton (Fuqua): This is tenure-clock relief in addition to what someone might be eligible for in terms of taking maternity leave, etc?

Nancy Allen: Right. That's why it's an extra, number 6 on the Tenured Clock Relief list of things that would allow people to extend their tenure-clock. And just to remind you, for each parental leave, tenure clock is automatically extended one year. That was approved by his Council in January 2006.

Paul Haagen: It is ECAC's understanding that these changes are basically all regularizing and adding to the flexibility. There is no way in which they reduce the ability to have flexibility in any individual arrangements. Is that correct?

Provost: That is my belief.

Paul Haagen: Okay, this being particularly long language, I propose that we treat this as a matter that has been read into the record and I will not read it now. [The document appears as [Appendix A](#).] Instead, I will introduce the following resolution from ECAC. Be it resolved, the Academic Council endorses the proposed flexible work arrangement policy for regular rank faculty members and directs that this language be added to the faculty handbook. Is there any discussion, objection? Yes?

Barbara Shaw (Chemistry): Clarification. So you prefaced this by saying that you will assume that this has been read into the record?

Paul Haagen: That is correct.

Barbara Shaw: Because it was not read into the record a month ago, is that correct?

Paul Haagen: This is not a two-meeting issue. This is the first time...

Barbara Shaw: And in keeping with general policy of Academic Council, we really have more important items two meeting introduction time to reflect and vote, so you're suggesting that we omit that this time?

Paul Haagen: No, we made a judgment that this did not require two meetings, that it was not a two-meeting issue. That two-meeting rule is a rule that is hortatory in nature, it is not required. ECAC makes judgments about those matters that either because of their form or because of their substance require that



extra level of consideration. We did not think this was such a matter, and we did not want to delay its implementation, by taking it over to the Fall. So that was the judgment of ECAC.

Barbara Shaw: So, in that case, that follows up on the question that we previously had, and that is that it could be understood that this would be up for modification or revisions or additions in the future?

Paul Haagen: Right, no parliament can bind a subsequent parliament. Any parliament has the right to reevaluate anything that has been done before.

Barbara Shaw: But we're a new parliament. Does that mean we can also reevaluate it ourselves?

Paul: The parliament that sits in the Fall will be, for these purposes, a new parliament. We are only creating a policy in language of the faculty handbook that can be revisited at each meeting of the Academic Council.(laughing) Are there any other matters? [The motion was approved by voice vote without dissent.]

### *Central Campus Update*

Haagen: The last item today is an information item. I was asked about this particular information item and I want to just make a couple of comments. Central Campus is an enormous undertaking of this University. If the entire thing is built, and I assume it will be, it will be well in excess of a billion dollars. As Everett Dirksen said, a billion here and a billion there, and pretty soon you're talking real money. This is a matter that is highly significant to this University and to our future, to our programs, and therefore I have thought it prudent that we continue to have various committees, members of the administration, return to keep it in front of you and to have you thinking about it and particularly when there are changes or developments. Executive Vice-President Trask has graciously agreed to do so today.

Executive V-P Tallman Trask: I believe I heard Professor Cox say parking has been fixed at Duke. Central Campus planning has been underway now for three or four years, as many of you know, as programming the responses and academic needs, and as the costs increases, the trustees decided in February that they wished to slow down a bit, talk to a few additional architects to make sure that we had the kind of team in place that would further it to the scale of the project this has now become. It is several times larger than it was when it was first envisioned. Almost all that growth is academic programs, and especially needs in the arts, humanities, and international programs.

So the trustees asked us to invite a series of major architects to come to Duke, look at the project, give us their advice, and to see whether we would add people to a new position essentially as the master designer of the campus. This campus has gotten beyond the likelihood of having a single architect; we're probably talking about several architects and someone needs to coordinate the work of all those

people. We looked at about 100 possible architects. We picked 11 that we invited to submit qualifications. As you may know building is once again popular in America, and to my surprise therefore 3 of the 11 declined to participate, given the amount of work they already had. But 8 did respond. From that the trustees and an ad hoc committee which includes some faculty who are here — I spent more time with John [Staddon] in the last couple of days than I care to recall — we spent the last 2 days interviewing 4 really good and prominent architectural firms to see whether we would invite one or more of them to join the team on central campus. That will come out of a recommendation from Dick [Brodhead] to Buildings and Grounds, from that committee it will then move forward, exact timing yet to be decided.

There was some hope that we'd get it done at this board meeting, I think that's increasingly unlikely, but we'll see what kind of responses we get in the next couple of days. So what I want to share with you, since we've been with all these people, and some of you have actually seen them walking around, is tell you who was here, why we invited them, and where I think we're headed from here.

We invited four firms to come see us [see [Appendix B](#)]. Norman Foster, whose international work is really quite remarkable, for those of you who have spent much time in Europe, his work in London and his bridges which are really quite astonishing. He's done a limited amount of work in the US and in academic institutions, such as Stanford. He won the gold medal in architecture, which is the highest international prize, in 1994. He won the Princeton prize in 1999 and he was knighted by Queen Elizabeth in 1990. I think he may be the only practicing architectural knight.

John Ruble is here, from Moore Ruble Yudell; this is the firm that the late Charles Moore, who was Dean at Yale for a number of years but also went around countries establishing really good architectural firms — one in Texas, one in Connecticut, and this firm in California, during his time at UCLA but he was also at Berkeley — so Moore Ruble Yudell is the surviving firm of Charles. They do a lot of institutional work. They do a lot of work in Europe. The pictures here to the... are European housing models they've recently done. Their housing work in Europe has won several national design awards over the last couple of years. The one the bottom is a new performing arts space they just finished a piece of at UCLA. The one in the middle is the new Main St at the University of Cincinnati, which several architects participated in, but the main architect of that middle piece. Bob Stern, who many of you may know, who is currently the Dean of Yale, but he runs a rather large practice out of New York City. He's had experience as the Master Planner of Georgetown, those of you who've seen all that new work at Georgetown up on the hill, that's mostly Bob's work. But he's also done work at the Harvard Business



School, a fair amount of work in Texas, some in Florida, and some in Nevada; he's a very intriguing man.

And finally Cesar Pelli, whose firm was renamed a couple years ago to honor the status of Fred Clark whose been his partner for 25 years, and his son Raphael. If you've noticed yet, there's a theme here — and I want to make sure people understand, this is not the doing of President Brodhead — but Charles Moore, Cesar Pelli, and Bob Stern have all been deans at the School of Architecture at Yale University. Norman Foster went to Yale University. But it's entirely coincidental.

Cesar is a man of impeccable work and breadth, campus work including at Duke, K-ville, the plaza that used to be a parking lot, the tennis end of that plaza, that little brick building, which is the smallest building ever designed by Cesar Pelli. The breadth of his work is such that I like to remind people that at the same time he was working on that, he was finishing the design of the Petronas towers in Kuala Lumpur, which at that point was the largest building ever built in the world (see the bridge across the top that Sean Connery ran across in that bad movie). Cesar has a very wide range of work, both in the US and around the world.



So, those 4 were here over the last 2 days, we've had a lot of good comments from people, and a lot of interest in them. Perhaps we'll reach a consensus in the next few days, and once we have one, I'll be happy to come back and talk about that. I'll be happy to answer any questions.

John Board (ECE): Tallman many of us think this didn't look much like Duke. Is there a sense of vision of Central Campus; is there an opportunity to make a new statement and break the mold, or is there a sense that it is recognizable as Duke?

Trask: I think there is a general sense it should be both. It should not be a red brick set of Georgian row houses. It should not be a stone gothic place, but it should be understandable when you walk into it that it is Duke, which has to do with dimensions, not only of buildings but of spaces, it has to do with a wide palette of material. I think the biggest discussion is the extent to which it should be as East and West were originally, rather monolithic. I think there's a great discussion to be had about that, I happen to be one of those who thinks it should not be as monolithic as the original two, but we'll work that out as we get it.

Barbara Shaw: Could you give us a sense of which of the faculty and administrators were on this committee, and what departments or schools they represent?

Trask: There's two groups here that are sort of merged together. One are the faculty members on Buildings and Grounds. And one is our ad hoc design committee that we agreed to put together with ECAC's participation. So, John Staddon was there, Esther Gabara was there, Rick Powell, Chair of Art History was there, Deborah DeMott in the Law School was there, Annabel Wharton was there; so it's a broad range of people we picked with the help of ECAC.

Barbara Shaw: Do you have any architects? I was wondering if any consideration was had whether there were individual faculty members who actually had been studying or teaching architecture or had some general sense of how it worked.

Trask: There are pluses and minuses to that. I think at Duke the closest person we have in that is Annabel. She teaches history of architecture in Art History. We try to be attentive.

Member: To what extent have the architects been encouraged to incorporate green building principles into the buildings?

Trask: It's not encouraged, it's mandated.

Member: Could you say a little more about what our standards are.

Trask: Our general standard is that we don't build anything that...unless we have an enormously good reason that we have to explain to the Board of Trustees. Most of our recent buildings have been coming in silver [a level of the Leadership in Energy and Environmental Design (LEED) Green Building Rating]. Part of the problem we have is the whole LEED rating system was built around the assumption that we're building office towers in a city and so it doesn't think about how a campus works.

My two favorite examples are that at Duke we did two of the greenest things any university has ever done and we get no credit for either one of them. One is we spent \$50M to convert from a building-by-building air conditioning system to a central chilled water plant. We also, last week, dedicated a storm-water management system over by the golf course. The LEED guidelines assume every building should catch and retain its water on site. On campus that may or may not be a good idea. It would for example deprive you of the stream through Edens because the water would never get there. So we made a conscious decision to catch some on-site, but then let some go but treat it at the end of line. Neither of those activities is worth one iota to the LEED rating.

There are discussions about new ratings for campuses, which may or may not get adopted. In the meantime, we've sort of modified it, to the Duke LEED, and so we feel free to award ourselves there. But everything we built, and most amazingly, I mean there are two big new science buildings, Fitzpatrick and French Family, with both being sort of LEED buildings, which makes them I think the only two silver lab buildings in North Carolina.

Paul Haagen: Thank you Tallman, and I want to say that all of the persons on the design committee who are faculty were persons who came through ECAC. We worked with Executive Vice President Trask. And I also want to note that although he doesn't want monolithic buildings, there is no truth to the rumor that he wanted Neolithic buildings.

President Brodhead: I'm not on the agenda, but I thought you might pardon me if I just came up and said something at the end of this meeting. This of course marks the end of the academic year, celebrated in a formal way at commencement over the weekend and on Sunday. I hope to see you there in your air-conditioned robes, and I just want to take this chance to say something. You talk about parliament; this is kind of a running joke we have on the Academic Council, but it does allude to the fact that there is a system of faculty governance and faculty consultation in this University. Everyone knows, who has been to more than one university, that faculty governance is as good as the quality of the input that comes in through the system of faculty governance. And I think that this University has been extraordinarily fortunate in the high quality of participation both on the Academic Council and on ECAC.

I just want to say something. Everyone deserves my thanks, but one has a special word for the leader, Paul. Gee, I must be getting old.. I remember the day you were elected, and now your term, or your two years, come to an end. I believe that the faculty would want to express its great appreciation for your work as a leader of this body in these last few years; you have represented the faculty to the President of the University in an extraordinary way. I'm sure that the faculty would also wish to thank you for finding so numerous occasions for them to work on committees and other ventures! You've been astonishingly imaginative in this respect. I'm sure the faculty wishes to say those things, but the President wants to say something personal, which is the relations between the President and the head of ECAC is quite a close one if the system is working, and I just want to say, it has been a very meaningful part of my experience as President of this place to have you in the role you have played. I have not yet found the random subject that Paul doesn't know a surprising amount about. It's just bizarre you know,

sometimes one just tries to think one up, but I haven't. I assumed he is always staying home, acquainting himself with various long forgotten songs, but instead you're running marathons and things like that in the rest of the time. I want to say, you know, that it's also true which is Paul is a person who is simply a prodigious appetite, for nothing has ever lain for 5 minutes that I can tell that you have any relation to before you are on it... I want to say that Paul has regarded it as his work to represent the views of the faculty to the administration. And when I mean views of the faculty, I don't necessarily mean the views of huge numbers of faculty, but even I think you have thought it to carry the views sometimes even of single faculty, which of course is the way people do get heard. And I think for me the most striking thing has been, I think you have conducted your role, not only in keeping with the many procedural rules, requirements of ECAC, which is a very procedure rich organization, I may say, but in keeping with those in such a way as to harmonize those with the really deep and serious interests of the University.

At the end of the day, that's what has to be observed in the work that we do here, because that's the kind of thing we are, and it seems to me that you really have on many and many occasions, — and I can name them if you wish — tried to remind us what kind of work university work is, and what kind of decisions that requires from us. And so I just want to say, on my own behalf, and I trust on behalf of people in general, my massive thanks to you, Paul Haagen.

Paul Haagen: I started this by thanking you for your kindness. I'm now overwhelmed. I want to again recognize Elizabeth Livingston, who put up with me for a two years, particularly my vice chair, and to wish you a good summer, to welcome Paula as my successor, and to declare this meeting adjourned. Thank you.

Respectfully submitted,

John Staddon  
Faculty Secretary, June 8, 2007

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## Appendix A

*Proposed Addition to the Duke University Faculty Handbook: New Policy to Become Effective 9-1-07*

### **Flexible Work Arrangement Policy for Regular Rank Faculty Members**

All regular rank appointments to the faculty of Duke University are made as full time appointments. Recognizing the need for some faculty members to modify their work schedules for extended periods of time, the University may approve flexible work arrangements.

These flexible work arrangements are directed toward faculty members for whom Duke University represents their full professional obligation, but who wish to have the flexibility to continue a career in academics while balancing family, pre-retirement planning, or other personal priorities.

This policy does not apply to non-regular rank appointments, or to individuals with another professional endeavor beyond the current consulting policy (for example, this policy does not apply to faculty with clinical practices outside of the Duke Private Diagnostic Clinic or Duke Medicine).

Each department and/or school shall define a full time work load based on standards established for such activities as teaching, research, clinical activities, university service and administrative responsibilities as applicable. Because the type and acceptability of work load arrangements vary among departments, and because a large number of flexible arrangements in one department could weaken its ability to carry out all missions, the department chair, if applicable, or the dean of the school must approve all such requests.

A flexible work arrangement can be made for up to 3 years. Under certain circumstances the flexible work arrangement can be renewed for additional terms but in any event such renewal shall not infringe on the department's ability to carry out its mission. Each such determination will be made by the department chair if applicable or the dean of the school. In the case of pre-retirement agreements, longer arrangements are permitted on a case-by-case basis with approval of the Dean, Provost and the University Counsel's office.

After appropriate discussion, the faculty member submits a request for a flexible work arrangement in writing (see Faculty Flexible Work Arrangement Request Form) to the department chair, if applicable, or the dean of the school. The approved request, including the agreed upon 1) modification in duties, 2) compensation, and 3) the proposed total time for which the flexible arrangement will be in effect, then goes from the department chair to the dean or, in the case of the School of Medicine and the School of Nursing, to the Office of Faculty Affairs. Approved flexible work arrangements will then be sent to the Provost for signature. The Provost's Office will monitor usage of this policy.

Faculty members on the tenure track are automatically eligible for 3 months of tenure clock relief for each year of approved Flexible Work Arrangement. However, as outlined in the tenure clock relief policy, there is a 3-year (36 month) overall limit in tenure clock extension. Faculty members may opt out of tenure clock extension.

The University will continue to pay the employer's share of the cost of fringe benefit programs such as health care insurance, group life insurance, and the Faculty/Staff Retirement Plan for a faculty member on an approved flexible work arrangement. Where applicable, the benefit will be based on the revised salary.

Nothing contained in this proposal shall imply or suggest a status of less than full time employment for faculty who are working a modified schedule pursuant to this policy. Those individuals with approved flexible work arrangements shall continue as full colleagues, and are eligible for the rights and privileges of the full time faculty. They are beholden to policies affecting the faculty, as delineated in the Faculty Handbook, including criteria for promotion and tenure.

### **Tenure Clock Relief**

A non-tenured member of the faculty shall be eligible for an extension of the tenure probationary period for life events that can reasonably be expected to markedly delay the research process. For each of the life events numbered 1-6 below, a maximum of two extensions (each of which can be for either one or two semesters) of the tenure probationary period will be granted, for separate events. For the purposes of review, a semester is defined as six months in duration. Life events that can be expected to markedly delay the research process are defined as these circumstances:

1. a child is born or adopted into the faculty member's household (maximum one year relief for the household, which includes the biological parent, adoptive parent, or other parent; if both parents are untenured faculty members, each parent in the household is eligible for one semester relief or one parent may take one year)

2. by reason of a serious health condition (as defined in the Family and Medical Leave Act) persisting for a substantial portion of a semester, the faculty member is required to act as the primary caregiver for a parent, child, spouse, or domestic partner (one semester relief)

3. by reason of a serious health condition (as defined in the Family and Medical Leave Act) persisting for a substantial portion of the period for which the extension is sought, the faculty member is unable to perform the functions of her or his position (maximum two semester relief)

4. by reason of death of a parent, child, spouse, or domestic partner (one semester relief)
5. by reason of a catastrophic residential property loss (each faculty member in the household eligible for one semester relief)
6. by reason of other family or personal priority for which the faculty member has received approval for a Flexible Work Arrangement (three months relief for each year of approved Flexible Work Arrangement, rounded up if needed to match the next existing date — September 15th or December 1st — when tenure case materials are due in the Provost's office)

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## Appendix B

### CENTRAL CAMPUS PLANNING UPDATE

May 2007

#### Foster and Partners





## Moore Ruble Yudell



## Robert A. M. Stern Architects, LLP



## Pelli Clarke Pelli Architects

