

Handbook *of the*
Academic Council

DUKE UNIVERSITY

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Foreword

This handbook is a reference for elected members of the Academic Council of Duke University. It is intended to clarify the roles and duties of the Academic Council and other faculty governance bodies and to outline the responsibilities of Council members and the members of its Executive Committee. The handbook also provides a brief history of the Council and a timeline of when certain practices were implemented.

Much of the information contained in this handbook can be found in various documents such as the Faculty Handbook, initial charters of committees and various reports on faculty governance requested by the Academic Council over the years.

Additional information about the Academic Council may be found by visiting <http://www.academiccouncil.duke.edu>.

Faculty Governance

Like many universities, Duke operates under the principle of shared governance. At Duke, “shared” means that various constituencies, students, staff, faculty, administration and trustees, play a role in the decision-making process. The size of that role and involvement of the different stake-holders depend a great deal on the type of decisions being made. Policies and procedure have been established over time to bring order to the process with various governing bodies providing oversight. Because Duke is a collection of schools, there are governing bodies at the school level. The two primary schools with large undergraduate bodies -- Arts and Sciences and Pratt, have school councils, the Arts and Sciences Council and the Engineering Faculty Council, that serve as advisory boards to the respective Deans on budget and school policies and help manage the approval of new undergraduate courses and some professional master’s curricula. The faculty members in the schools elect the members of these councils through an agreed upon process described in their bylaws. In smaller schools like Law and Divinity, all the faculty members serve as the governing body, but a faculty subcommittee may consist of elected members or Dean appointed members. While faculty governance exists locally in the various schools, the principles guiding the formation and membership of committees can vary. It should be noted that the University bylaws give the faculty the right to “organize and exercise its functions through appropriate councils, committees, or other bodies.” As a result, councils and governance can and have changed over time. Both the Arts and Sciences Council and the Engineering Faculty Council have expanded their roles in governance in the past five years.

Major decisions made at the school level may require additional steps before they can be enacted. For example, the creation of a new degree in the Fuqua School of Business is not only a local decision but ultimately requires approval from the entire faculty and the Board of Trustees. Often the steps are outlined but occasionally steps need to be established to guide similar changes in policy in the future. The primary body for managing this approval process and other duties of faculty governance at the University level is the **Academic Council**. According to the Academic Council bylaws “All powers and functions of the university faculty, insofar as their powers or functions are not exercised in the individual departments, schools, colleges, and divisions of the university, are hereby delegated to the Academic Council, to which is also delegated the power to resolve jurisdictional disputes among the various component faculties of the university.”

The Academic Council at Duke is what some universities call the Faculty Senate. When the idea of a faculty governance body was first brought to the faculty in 1946, it was to be called the Duke Faculty Senate. Upon hearing the plan, one faculty member remarked that the name senate was “too pretentious and even misleading in that it implied the setting up of an upper house of a legislative body.” He suggested that the name Executive Committee of the General Faculty be substituted for Faculty Senate but the suggestion was rejected. The original plan for a first academic senate, which was eerily similar in form to the current Academic Council, was ultimately not supported by the President and Board of Trustees. It was not until six years later, in 1952, after the arrival of Duke’s third president, Hollis Edens, that a University Council, with some members elected by the faculty, was

created to serve as an advisory board to the President. And it was not until ten years later, in the wake of the resignation of President Edens, that the Academic Council, largely in its current form, was created in 1962.

If you review the primary governance body at the top-ten universities, it is clear that each one has created a structure that appears to work for them and they vary widely in composition, leadership, organization and the role they play. Yet each practices a form of shared governance. At Duke, the Academic Council stands in for the entire faculty. The faculty-at-large consists of faculty members (tenure track and non-tenure regular rank) of all the schools including the Medical School. Duke's Academic Council is more inclusive than its equivalent body at other universities in that it tends to draw its members from a wider range of faculty ranks.

The total number of faculty members at Duke numbers approximately 3000. The eligible faculty members elect the Academic Council members. Once elected, however, these members are not required to poll their constituency formally or gain input from anyone, although they may do so if they choose. They simply are expected to express their opinions when asked (or even when not asked) and communicate back to the faculty in their respective divisions or departments.

The distribution of faculty on Academic Council is by division and school. For example, Arts and Sciences has three divisions (humanities, social sciences and natural sciences) and elections are within a division. The Divinity School or School of Nursing elects as a school. The number of representatives for a school or division depends on the number of faculty members for their respective areas. There are currently about 107 Academic Council members. The President, Provost and the Chair of the Academic Council are *ex-officio* – they attend the monthly meetings but have no vote – unless there is a tie, then the Chair can cast the deciding vote. Surprisingly, the Deans of the various schools are not *ex-officio* and often do not attend the meetings which may be an issue affecting the flow of information. Over the years, the Academic Council has considered a wide range of topics including integration, tenure policy and procedure, grievance policies, parking, changes to fringe benefits, the creation of new degrees or departments, and even faculty access to basketball tickets.

The Academic Council elects from its members an Executive Committee called ECAC and it has three very important roles. First, ECAC meets frequently with the senior leadership. As a result, ECAC helps to shape policy before it is vetted by the full Academic Council and brought to a vote. In many instances there is a long back-and-forth process before the Council sees the final form. The second very important role is the nomination of members to the fifty-five plus University and Trustee committees that help make policy, determine the priorities for resource allocation and advise the President and Provost on everything from what sculptures to place on campus to the handling of radioactive materials. In addition, ECAC contributes names for both the search and the review committees for the senior administrators, including the President. ECAC's final role is protecting academic freedom and creating and maintaining the committees that help adjudicate disputes.

Contrary to what many people think, the Academic Council does not make policy but rather influences it by determining the composition of committees that contribute to policy making and by giving feedback as the policy takes shape. The guiding principle is that any senior leader is free to form committees with faculty input, but unless those faculty members are formally approved by ECAC, they are not considered representative of the faculty. It is very rare that a University committee of importance is created without the involvement of ECAC.

While the Academic Council does not make policy, it does retain the right to make itself heard on all major decisions that go to the Board of Trustees for approval. This right is known at Duke as the *Christie Rule*, named after George Christie, an emeritus Duke Law professor. Professor Christie chaired a 1972 report reviewing the status of the Academic Council. The rule states that “except in emergencies, all major decisions and plans of the administration that significantly affect academic affairs should be submitted to the Academic Council for an expression of views prior to implementation or submission to the Board of Trustees. The views expressed by the Academic Council should be transmitted, along with the Administration’s proposals, to the Board of Trustees when these plans and decisions are considered by the Board of Trustees.”

This rule is so important and such a part of the culture at Duke that it is in the Faculty Handbook and codifies a trust between the faculty and the administration which ensures that there will be no major surprises. The Christie Rule does not give the faculty veto power nor does it give it a mandate to obstruct a plan of the administration. However, it establishes both a requirement that the faculty be consulted and given a chance to express its view in a formal fashion and an expectation that the Trustees will consider this view carefully when making their final decision. We recognize that shared governance requires constant attention and reevaluation and the Christie Rule helps to remind everyone that they need to find a way to work it out. When faculty governance is respected, as it is here at Duke, the institution can quickly respond to internal and external pressures and everyone benefits.

Craig Henriquez, Chair of Academic Council, 2009-2011 and Professor of Biomedical Engineering and Computer Science

Election and Duties of Council Leadership

The leadership of the Academic Council consists of the Chair and the Executive Committee of the Academic Council. The Academic Council elects seven of its members who, together with the chair, form the Executive Committee of the Academic Council (ECAC). The seven members serve two-year terms, three to four members being elected each year, except when more may be needed to fill vacancies. Current members of ECAC are not eligible for re-election. Because only members of the Academic Council may serve on the Executive Committee, membership will cease if one is not re-elected to the Council before expiration of a term on the Executive Committee.

Eligibility for Council Leadership

Any member of the university faculty who has given consent after the formal nomination process is eligible to serve as chair of the council. The chair does not need to be a current member of the council.

Any current member of the Academic Council is eligible to serve on the Executive Committee.

Election of Council Leadership

The Academic Council nominates and elects by secret ballot a chair who serves a term of two years. The Executive Committee of the Academic Council appoints a five-person committee from the university faculty to nominate two persons for chair of the Academic Council. Additional nominations may be made from the floor. The new chair's term begins on July 1, and is elected no later than the February meeting of the Council.

The annual election of members of the Executive Committee is held in the spring after the election of new members of the Academic Council. The election of new Executive Committee members is the privilege of recently-elected Council members and those Council members whose terms continue into the following academic year. A few weeks prior to the election of the Executive Committee members, the Academic Council Chair shall solicit nominations from the new and continuing members, any five of whom may nominate a candidate on the condition that the candidate has agreed to stand for election. After soliciting nominations and considering the need for representation across the University, the Executive Committee shall prepare an election ballot with twice the number of nominees as open seats. The list of nominees shall be circulated to the members of the council prior to the election. A valid ballot must contain selections equal to the number of open seats.

Vacancies

In the event of a vacancy in the office of the Chair, the Executive Committee of the Academic Council calls a special election to elect a new chair to serve the balance of the preceding chair's term. Such special election shall be conducted at the earliest regular

meeting of the council. Until such special election, the vice-chair of the Academic Council serves as acting chair.

In the event of a vacancy in the membership of the Executive Committee, a council member is chosen by the Executive Committee to serve until the next annual election. If at that time there remains an unexpired year in the term, the council elects, in the manner described above, a member to serve the remainder of the term. In this case, the member previously chosen by the Executive Committee shall be eligible for election to complete the term.

Official Duties and Responsibilities of the Leadership

Duties of the Chair

- 1) The Chair shall serve as an *ex-officio* member of the Academic Council and shall not be counted as a representative of any division or school of the university.
- 2) The Chair shall serve as Chair of the Executive Committee of the Academic Council (ECAC). ECAC convenes once a week during the academic year to meet regularly with University administrators and various University and Academic Council committee chairs and plans the Academic Council agendas.
- 3) The chair shall be responsible for the appointment, direction, and supervision of the administrative personnel of the Academic Council.
- 4) The Chair shall serve as *ex-officio* member of the University Priorities Committee (UPC), the Academic Programs Committee (APC), and one or more Board of Trustee Committees.
- 5) The Chair shall apprise the faculty of the activities of the Academic Council during the previous year and on plans for the ensuing year at the Annual Faculty Meeting scheduled at a time by ECAC.
- 6) The Chair shall apprise the Board of Trustees of the activities of the Academic Council twice a year.
- 7) The Chair shall organize a dinner meeting with the BOT Executive Committee and ECAC twice per year.
- 8) The Chair shall serve as University Faculty Marshal and participate in undergraduate convocation, Baccalaureate and Commencement ceremonies.

Duties of the Chair-Elect

- 1) Upon election, the Chair-Elect shall serve as an *ex-officio* member of ECAC and attend ECAC and Academic Council meetings until the time of assuming the position of Chair on July 1.

Duties of the Vice Chair

- 1) The Vice Chair shall substitute for the Chair when the Chair is otherwise unavailable.
- 2) The Vice Chair shall serve as Chair if the Chair position is vacated before the term expires and until an election of a new Chair is completed.

Duties of the Executive Committee

- 1) The Executive Committee of the Academic Council (ECAC) meets once a week during the academic year with University administrators and various University and Academic Council committee chairs, plans the Academic Council agendas and nominates members to the various university committees. The Executive Committee meets with the President, Executive Vice President, Provost.
- 2) The members of the Executive Committee attend all Academic Council meetings.
- 3) ECAC serves as the committee on committees. University Committees are appointed by the President, Provost and other senior officers with faculty nominations provided by ECAC. The Board of Trustees Committees are elected by the Board with faculty nominations provided by ECAC to the University Secretary who then submits them to the Trustees for approval. Academic Council committees are appointed by ECAC. Faculty members not nominated by ECAC are assumed to represent themselves rather than the faculty as a whole.
- 4) ECAC consults with the Senior Leadership Group to provide names for search committees of University Administrators.
- 5) Members of the ECAC shall be appointed to serve on standing committees of the BOT and to the following University committees: APC and UPC.

Election and Duties of Academic Council Members

The Academic Council consists of the President, the Provost and the Chair of the Academic Council as members ex officio, and of elected members of the three divisions of the Faculty of Arts and Sciences (Humanities, Social Sciences, and Natural Sciences and Mathematics), of the two divisions of the School of Medicine (Clinical and Basic Sciences), and of the other professional schools. One member of the Academic Council is elected for each eight members of the faculty and for any remaining fraction of four or more members of the faculty of any such division or school. However, each division or school is entitled to at least one member but to no more than ten members.

Election Process

All nominations and elections are done by electronic ballot among all members of the university faculty defined as eligible to vote in the Bylaws of the University Faculty. The nominating ballot for each division or school shall list all faculty members who are eligible. The nominating ballot shall be presented to the faculty on a date early in the spring. For a ballot that includes all the faculty members that are eligible to serve, it shall indicate the faculty members who have already been elected for the coming academic year.

The following Schools and Divisions are entitled to elect ten members

- Humanities
- Social Sciences
- Natural Sciences
- Pratt School of Engineering
- Clinical Sciences-Medicine
- Fuqua School of Business
- Basic Sciences-Medicine

For those schools or divisions entitled to elect ten members, annual elections shall be so conducted:

- 1) no more than one member shall be from the regular rank non-tenure track faculty, except that in the Division of Clinical Sciences up to four members may be from the regular rank non-tenure track faculty,
- 2) and at least one member shall be a tenure track assistant professor,
- 3) and at least two members shall be tenured or tenure track associate professors, if the numbers in those ranks permit.
- 4) The nominating ballot shall indicate the number of persons to be nominated in each such category in order to fulfill this requirement.

Each faculty member in the division or school may then vote, if entitled to do so, by a date specified.

Rank held at the time of nomination ballot listing shall apply throughout the election process for the purpose of achieving distribution by rank under this bylaw.

The following Schools and Divisions are entitled to elect fewer than 10 members

- Divinity School
- Nicholas School of the Environment
- School of Law
- School of Nursing
- Sanford School of Public Policy

For those schools or divisions entitled to elect fewer than ten members: they shall follow the mode of election prescribed above except that they shall not be bound to achieve distribution by rank, except that no more than one regular rank non-tenure track member may be elected from that division or school.

Eligibility to serve on the Academic Council

Those eligible to serve on the Academic Council are:

- 1) All tenured and tenure track faculty,
- 2) Those regular rank, non-tenure track faculty who are eligible to vote in Academic Council elections and who are in **at least their third continuous year of service as a faculty member at Duke.**

Eligibility to Vote in Elections

- 1) The individual has an appointment in at least one Duke University school, department, program, institute, or center that provides credit toward an academic degree.
- 2) Said individual's primary responsibilities are directed toward the university's goals and efforts with performance of his or her role principally at the university, and in accord with criteria for full-time status as defined by the unit in which the primary appointment is held.
- 3) The activity of his or her work has an obvious instructional component either in relation to the degree-granting mechanisms of the university or in relation to those individuals at the university who are undertaking further training/studies beyond graduate degree programs.
- 4) There is intent of ongoing contractual relationship to the university (e.g., tenure track; repetitive contract; participation in continuing research grants; etc.); and that such relationship is subject to either the appointment, promotion, and tenure process or to an alternative process approved by the provost for non-tenure track positions.

The Academic Council is empowered to determine which faculty titles are consistent with the above criteria and which faculties are therefore eligible to vote in meetings of the university faculty and in elections to the Academic Council.

Academic Titles and Eligibility to Vote and Serve

Regular Rank appointment Categories and Titles meeting the criteria for voting/serving privileges on the Academic Council

Tenure Track

- Professor, Associate Professor, Assistant Professor

Non-Tenure Track

(Primarily Instructional)

- Professor of Practice
- Associate Professor of the Practice
- Assistant Professor of the Practice
- Lecturer
- Senior Lecturer

(Research and Instructional)

- Research Professor
- Associate Research Professor
- Assistant Research Professor
- Professor (Track V)
- Associate Professor (Track V)
- Assistant Professor (Track V)

(Clinical Work and Instruction)

- Clinical Professor
- Associate Clinical Professor
- Assistant Clinical Professor
- Medical Instructor
- Professor (Track IV)
- Associate Professor (Track IV)
- Assistant Professor (Track IV)

(Clinical and/or Research and Instruction)

- Assistant Professor (Undifferentiated)
- Professor (Career Rack)
- Associate Professor (Career Track)

Non-Regular Rank Appointment Categories and Titles (persons not meeting the criteria for voting and eligibility to serve on Academic Council)

Adjunct Appointments

(Principally Instructional)

- Adjunct Professor
- Associate Adjunct Professor
- Assistant Adjunct Professor
- Senior Lecturing Fellow
- Lecturing Fellow

(Principally Clinical)

- Consulting Professor
- Associate Consulting Professor
- Assistant Consulting Professor
- Consulting Associate
- Clinical Associate

(Research Appointments)

- Senior Research Scientist
- Research Scientist
- Senior Research Scholar
- Research Scholar
- Research Associate

(Short Term Appointments)

- Visiting (may modify with other title)
- Artist in Residence
- Instructor

(Courtesy Appointments)

- Scholar in Residence

Eligible Voters for Academic Council Election – 2023

Division	Tenured and Tenure Track	Non-Tenure Track	Total Regular Rank Faculty
Basic Sciences	129	112	247
Clinical Sciences	604	1537	2433
Divinity School	24	12	38
Fuqua School of Business	90	14	106
Humanities	124	70	211
Law	48	29	83
Natural Sciences	198	39	274
Nicholas School of the Environment	46	17	64
Pratt School of Engineering	127	38	170
Sanford School of Public Policy	32	25	63
School of Nursing	32	45	84
Social Sciences	178	64	254
Total Regular Rank Faculty	1632	2002	4027

Responsibilities of Academic Council Members

- a. Promote and support the mission of the Academic Council
- b. Abide by the policies and decisions of the Academic Council
- c. Advocate the policy positions of the Academic Council at all levels of University governance
- d. Communicate actions of the Academic Council to other faculty in her/his department
- e. Recommend and assist in recruiting prospective members of Academic Council
- f. Develop and maintain a working knowledge of the Academic Council and its role in governance at Duke University
- g. Serve on committees and/or task forces voluntarily or as requested
- h. Prepare for each Council meeting by reviewing meeting materials and formulating questions and responses to issues
- i. Attend meetings regularly (absence from three regularly-scheduled Council meetings during the academic year [Sept to May], without prior notice, may be grounds for dismissal from the Council.

C. Standing Committees of the Academic Council

- 1) The Standing Committees of the Academic Council are: Faculty Compensation Committee; Faculty Hearing Committee; and the Faculty Scholars Committee.
- 2) Committees meet as needed or as directed by the Chair or ECAC.
- 3) Committee Chairs report to ECAC as needed or as requested by ECAC.

D. Meetings

- 1) The Academic Council shall meet monthly during the regular academic year, September through May, at dates, times, and places specified by the Executive Committee of the Academic Council. It shall meet at other times at the call of its Chair or Executive Committee or upon the written request of ten of its members.
- 2) A simple majority of the elected members of the Council shall constitute a quorum, except for approval of degrees in course, when the members present shall constitute a quorum.
- 3) Members of the Council shall serve in person.
- 4) Only elected members shall vote on matters brought before the Council with the exception that, in the case of a tie, the chair may cast the deciding vote. Voting shall ordinarily proceed by voice, but upon petition of a member of the Council or on its own authority, the Executive Committee of the Council may provide for voting by secret ballot.
- 5) ECAC meets weekly during the academic year and as needed during the summer months.

Actions and changes in policy that have historically involved Academic Council input or formal approval

According to the Bylaws of Duke University, the University Faculty shall approve and recommend to the Board of Trustees the persons it deems fit to receive degrees or other marks of distinction, and the establishment of any new degree or diploma. Because the Academic Council represents the Faculty, it has the responsibility to approve formally all candidates for degrees, including honorary degrees, and any plans to establish a new master's degree not currently offered at the University. Academic Council can also advise on major decisions and plans being considered by the Board of Trustees.

As noted in the Faculty Handbook, "Except in emergencies, all major decisions and plans of the administration that significantly affect academic affairs are submitted to the Academic Council for an expression of its views at some time before implementation or submission to the Board of Trustees. The Council's views are transmitted, along with the administration's proposals, to the trustees when the board considers the plans and decisions." This is known within Duke as the Christie Rules and signifies the trust between the Administration and Faculty that decisions affecting the University will be brought to the faculty before they are enacted. The following is a list of some common action items and the usual number of meetings required for approval.

- 1) Changes to the name of a department or school
 - a. This process requires two meetings.
 - b. A majority of members is needed for vote.

- 2) Creation of a new Master's degree not currently offered
 - a. This process requires two meetings.
 - b. A majority of members is needed for vote.

- 3) Creation of a New School
 - a. This process requires two meetings
 - b. A majority of members is needed for vote.

- 4) Approval of Candidates for Earned Degrees
 - a. This process takes place at the September and May Academic Council meetings.
 - b. Members present constitute a quorum.

- 5) Election of Faculty Hearing Committee
 - a. This process takes place at the September Academic Council meeting.
 - b. A majority of members is needed for vote.

- 6) Creation of new joint degree programs with other universities
 - a. This process requires two meetings
 - b. A majority of members is needed for vote.

- 7) Approval of Honorary Degrees
 - a. The process is performed during the April and May Academic Council meetings for honorary degrees to be given the following spring. Out of cycle honorary degrees may also be requested for approval by Academic Council.
 - b. Members present constitute a quorum.

- 8) Substantial Change or Creation of New University Policy that will become part of the Faculty Handbook
 - a. The process requires two meetings.
 - b. A majority of members is needed for vote.

USUALLY REQUIRED PRESENTATIONS TO ACADEMIC COUNCIL

The chairs of the following committees shall make one presentation during the academic year to the Academic Council: University Priorities Committee (UPC), Academic Programs Committee (APC), Global Priorities Committee (GPC) and the Athletic Council.

Christie Rules

In 1972 a committee chaired by Prof. George Christie of the School of Law fine-tuned the Academic Council in a series of reforms aimed at strengthening the role of the Academic Council in the decision making process and the commitment of the University to ensuring the Council's success. The summary of the recommendations from the report to study the nature and role of the Academic Council is given below. The recommendations (submitted, April 14, 1972; Adopted, as revised, by the Academic Council on September 28, 1972) have never been made a formal part of the Academic Council bylaws, but continue to be followed and supported by the Administration.

REPORT OF THE ACADEMIC COUNCIL COMMITTEE TO STUDY THE NATURE AND ROLE OF THE ACADEMIC COUNCIL

Summary of Recommendations

1. The decision-making powers still retained by the University Faculty, insofar as these powers pertain to University governance, should be delegated to the Academic Council.
2. The Academic Council should maintain effective liaison with all other Faculty organizations exercising authority across departmental boundaries or acting for the entire Faculty of a school or college.
3. All persons designed as representatives of the University Faculty on Trustee Committees or other University Committees should be nominated by and be accountable to the Academic Council.
4. Whenever a new University Committee is created on which the University Faculty is to be represented, the Executive Committee of the Academic Council should be consulted with regard to the structure and function of any such Committee.
5. Except in emergencies, all major decisions and plans of the administration that significantly affect academic affairs should be submitted to the Academic Council for an expression of views at some time prior to implementation or submission to the Board of Trustees. The views expressed by the Academic Council should be transmitted along with the Administration's proposals when these plans and decisions are considered by the Board of Trustees.
6. The Academic Council, at its last meeting of the academic year, or the Executive Committee of the Council, should the Council delegate this power to the Executive Committee, should appoint a committee consisting of at least three Council members who will be available to serve in a consultative role to the Administration when the University is not in regular session. It is anticipated that, normally, members of the Executive Committee would serve in this capacity if available.
7. The Executive Committee's role as a standing advisory group to the senior administrative officers of the University should be formally recognized and the senior officers of the University should accept the obligation to meet with the Executive Committee of the Council during the regular academic sessions of the University.
8. The Chair of the Academic Council should be elected for a term of two years and should be given a reduced teaching load during the term(s) of office; the chair should be elected at least six months in advance of assuming office in order to permit the appropriate arrangements to be worked out and should be an ex officio member of the Academic Council during the term of office.

9. The Academic Council should be established as a continuing body with its members serving two-year terms. The terms of members should be staggered so that one-half of the members are elected annually.

10. Appropriate administrative support shall be available for the Academic Council. In addition, suitable office space should be assigned to the Academic Council.