

# Duke University

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## Minutes of the Regular Meeting of the Academic Council

Thursday, January 20, 2005, 3:30 - 5:10 PM

The minutes of the November 18 and December 2, 2004, Academic Council meetings were approved without dissent.

### *Announcements*

Nancy Allen (Medicine, Chair of the Council): I have just two announcements. The first announcement is that in accordance to the Faculty Handbook and other university procedures, the President has put together a review committee for Larry Moneta (Vice-President for Student Affairs). These reviews are generally done in the administrator's 4<sup>th</sup> year and Larry has reached that goal. Peter Burian (Classical Studies) is chairing that review committee and other members of the committee include: Linda Franzoni (Mechanical Engineering), Jackie Looney (Graduate School), Christoph Guttentag (Admissions), Pasha Majdi (President, DSG), Eric Meyers (Religion), Brian O'Dwyer (GPSC President), supported by Allison Haltom (Vice President and University Secretary) and Julie Clodfelter from the University Secretary's office.

Second, I'm happy to announce that Ben Reese was appointed by the President this month as Vice President for Institutional Equity, the acting position he has been serving in for the past couple of years. We congratulate Ben on that appointment.

### *Earned Degrees*

The following earned degrees were approved by voice vote.

## DIPLOMAS DATED DECEMBER 30, 2004

### *Summary by Schools and College*

Trinity College of Arts and Sciences  
Dean Robert J. Thompson, Jr.

Bachelor of Arts	42
Bachelor of Science	15

Pratt School of Engineering  
Dean Kristina M. Johnson

Bachelor of Science in Engineering	8
Master of Engineering Management	10

School of Nursing

Dean Mary T. Champagne

Bachelor of Science in Nursing	49
Master of Science in Nursing	22

Nicholas School of the Environment and Earth Sciences	
Dean William H. Schlesinger	
Master of Environmental Management	10
Master of Forestry	--
Fuqua School of Business	
Dean Douglas T. Breedon	
Master of Business Administration	66
Divinity School	
Dean L. Gregory Jones	
Master in Church Ministries	-
Master of Theological Studies	3
Master of Divinity	14
Master of Theology	5
School of Law	
Dean Katharine T. Bartlett	
Master of Legal Studies	-
Juris Doctor	8
Master of Laws	4
School of Medicine	
Dean R. Sanders Williams	
Master of Health Sciences in Clinical Research	5
Doctor of Physical Therapy	1
Doctor of Medicine	8
The Graduate School	
Dean Lewis M. Siegel	
Master of Public Policy	3
Master of Arts in Teaching	-
Master of Science	24
Master of Arts	43
Doctor of Philosophy	77
TOTAL	417

### *Question for the Provost*

The Provost addressed a follow-up to a question posed earlier:

Provost Lange: The question is as follows:

In his response to a previous question reported at the December 2, 2004 minutes, the Provost noted that "I have these target levels of reserves if you want to know what they are." Would the Provost kindly provide these levels for our information.

Provost Lange: I am happy to do so, but I want to express a mild concern. Pulling individual numbers such as these out of the budget process with which we work with deans can create confusion with regard to how the process works. It includes strains and opportunities faced by the deans in the individual schools and by the Provost's office in overseeing those budgets and can therefore lead to a cascade of additional, fully understandable but potentially again

piecemeal, questions. This is something I would like to avoid, while still being responsive to the concerns and questions of the Council.

I do not know the motivation of the questioner here, but if the motivation for the question is some policy or budgetary concern, or if the numbers themselves (once I show them) pique such concern, then I would suggest that the questioner bring these concerns to ECAC and that ECAC asks its representative body in this area, that is the University Priorities Committee, to take them up with us. We are also more than happy to have a thorough discussion with UPC about these matters. And we have done so in the past — including a specific discussion on the reserve levels. It seems to us that this is the best forum for a thorough examination. We would of course then expect UPC and ECAC to report back to the questioner and/or the Council.

Now the data. Let me just say again what these numbers represent. There are two types of reserves at the school level. The first, not reflected in this table, are the discretionary reserves that the deans can spend on discretionary purposes. Operating surpluses and deficits float to and from the dean's discretionary reserve fund. In this year, FY 00/01, we also accept target reserve levels for schools and specific operating units... These reserves, referred to in our office as rainy-day or designated reserves, were established to backstop the operating risks each program faces. I could explain to you why these kinds of reserves are necessary, but if you think about a decentralized budgeting system, and the fact that schools are basically supposed to be responsible to gather their own revenues, and are responsible for their own expenditures, you can understand that there is a danger sometimes that they miss the target. The idea is to incorporate the correction of errors into the budgets of the schools themselves, rather than allow them to foist the errors off on somebody else, which would be the Provost's office — which eventually amounts to the other schools.

The level of risk was determined by the structure of the budget and a review of performance over the last decade... If you look at how much they have been off-budget over several years, you see how many of their revenue sources might be ones where there is more danger of significant fluctuation. Tuition is *not* one where there is a danger of significant fluctuation from the target, for example. But research funding is subject to fluctuation. So, the level of risk was determined by the structure of the budget and the review of performance over the last decade... Designated operating reserves are accessed only with my permission. And if used, replenishing them has the first call on discretionary resources.

So if a dean runs over-budget, at the end of the year he (or she) has to go on to find ways to close the budget deficit. He can go to these discretionary reserves, but can only do it with permission of the Provost's office. Then, in the next year, we basically say: you must come back up to your reserve level. The reserves are particularly designed (as I've already indicated) to backstop revenue uncertainties, since in the main the expected expense is expected to be controlled. However, there might be cases where excess research and financial aid costs, or unexpectedly successful faculty recruiting (in terms of yield on offers made), or other unanticipated expenses, cause problems that require accessing reserves.

I'd be happy to answer any brief questions.

Gil Merkx (Vice Provost for International Affairs): What does TIP stand for on the bottom?

Provost Lange: Talent Identification Program. That's one of the special units that reports to the Provost's office.

Nancy Allen: Thank you Peter and I do see that we have our candidates here so I'll call on Peter Burian now who chaired the Academic Council Chair Nominating Committee.

## *Election of Academic Council Chair: Nominees*

Peter Burian (Classical Studies): My report is going to be brief and I believe very gratifying. The task of finding two colleagues willing and able to make the commitment of time and energy of chairing the Council for two (not to say three!) years might appear quite daunting. But this time at least it was not. I want to thank the excellent committee that drew up the slate of nominees: Blanche Capel (Cell Biology), Fritz Mayer (Public Policy and ECAC vice chair), Craig Henriquez (Biomedical Engineering), Randy Kramer (Nicholas School).

The first gratifying thing about this assignment is the fact that working together we were able to put together a long list of people we all believed were well qualified to serve. The second gratifying thing is that we didn't need to go very far down that list. This is especially gratifying to the chair of the committee because he's the one who gets to make all those phone calls! And almost immediately two superb university citizens, either of whom will make an excellent chair of the council, declared themselves willing to consider letting their names go forward. Even more amazingly both of them, after thinking over what would be involved and how they would have to rearrange their lives to take on this new responsibility, said "yes." The candidates are **Paul Haagen** and **Roger Barr**. Most of you know these gentlemen. Could I ask Paul to stand; and Roger Barr. I'm going to read slightly abbreviated versions of biographies that are going to be circulated with the agenda of the next meeting — at which the members of the Council will vote on our new chair for the next two years.

**Roger Barr** was appointed to the faculty at Duke in 1969 and is currently Professor of Biomedical Engineering and Associate Professor of Pediatrics. His research involves bioelectricity, the flow of current in living tissue. Such currents occur naturally in muscles and nerves and are applied by devices such as cardiac pacemakers. His recent comments on the hazards of Taser weapons have been circulated nationally. He has been a part of the growth of biomedical engineering at Duke from a few small research groups around 1970 into a large Duke department in 2004. He has served on many departmental committees, as Director of Graduate Studies and as Chair (1995-2000). When the university discontinued sponsorship of the Duke pre-school and primary program, Professor Barr was one of the organizers of the Duke School for Children as an independent school and was President of its Board of Trustees from 1988 to 1991. Within Duke at various times he has been Chair of the Library Council, the Academic Priorities Committee, the University Accreditation Task Force on Interdisciplinary Programs, the Task force on Cognitive Neuroscience, and committees on Academic Computing and Telecommunications. He received the university scholar-teacher award in 1991. He has been a member or chair of a number of university search committees, including searches for the university Librarian, VP for Information Systems, Dean of Engineering, Chancellor for Health Affairs, and Provost, and in 2002 chaired the search for the Chair of the new Department of Biology. Within the Academic Council, he served several terms as a representative from Engineering and has served twice on its executive committee.

**Paul H. Haagen** is Professor of Law in the School of Law. He joined the faculty at Duke in 1985, after practicing law and clerking on the United States Court of Appeals in Philadelphia. He has a Ph.D. in history from Princeton and a JD from Yale. He currently teaches legal history, contracts and the law of sport in the Law School, and has taught an undergraduate freshman seminar in Constitutional history. From 1991 to 1993, he was Senior Associate Dean for Academic Affairs in the Law School. He has been faculty director of Duke in Cambridge (UK) (1989) and of the Asia America Institute for Transnational Law at the University of Hong Kong (2001). He has served on Academic Council and numerous University committees. Academic Council: Vice Chair, ECAC, 2003-04, Member, ECAC, 2002-4; Member, Academic Council, 1986-91; 1997-2004. University Committees: Chair, Fuqua School Dean Review Committee (2004); Student Athlete Advisory Committee (1989-present); Standing Committee on Misconduct in Research (1999-2002); Faculty Compensation Committee (1994-95); University Judicial Board (1989-91). Vice Chair, Task Force on Intellectual Climate at Duke (1993-94). Member, Board of Trustees Academic Affairs Committee (2002-2004); Academic Priorities Committee (2001-3); Rhodes Scholarship Committee (1985-91, 1998-2003); Provost's Advisory Committee on the Karl von der Heyden Fellowship Program (1995-2001); Faculty Compensation Committee (1993-94); Provost's Summer Priorities

Madam chair, your committee valiantly resisted the impulse simply to ask you to keep on serving for another two or even three years. And we're happy to present a slate that we believe will guarantee you a worthy successor.

And now with the leave of the chair I'm going to stand here for another minute with a resolution on a completely different subject which I hope members of the Council will be willing to move, second and pass. Many of you I think know that this week — appropriately during the celebration of the Martin Luther King festivities — we are also honoring our own John Hope Franklin. I would like to present a resolution for your consideration as follows:

WHEREAS the distinguished historian JOHN HOPE FRANKLIN has rendered enormous service over a long lifetime to this and other universities, to the development of the field of African-American history, and to the cause of racial understanding,

BE IT RESOLVED that on the occasion of his ninetieth birthday the members of Academic Council, on behalf of the entire faculty of Duke University, convey our gratitude, congratulations, and warmest wishes to this treasured colleague and friend.

The resolution was moved, seconded and approved by voice vote without dissent

Peter Burian: I believe we're going to circulate this resolution and wish everyone who wishes to sign it in John Hope's honor. He will receive it I believe on Saturday.

Nancy Allen: Thank you Peter on both counts. I am particularly gratified that there are two wonderful university faculty citizens who are willing to run for this position. It's certainly been an honor and a privilege and a pleasure for me. I can say that now that I have just a few months left and I will certainly offer my willing help to whomever is elected to carry on. And I will have a list to pass on about what will need to be done in the Fall.

Just a follow-up announcement to the John Hope Franklin birthday issue, there is a celebration — I think most of you got a postcard flyer in your mailbox and I've seen these in the newspapers, but in case you need somewhere to go this evening and you don't have plans, there is a reception in the East Duke Parlors at 5:00... There is talk by Dr. Franklin with questions and answers in the Nelson Music Room at 6:00 and dessert and coffee at 7:30, again in the East Duke Parlors. I'm sure all of you would be welcomed there and it should be a happy celebration.

### *Harassment Policy*

We will now move on to continue discussion, and vote on, the proposed revisions to the Harassment Policy and will call on (for the third meeting in a row!), Vice Provost for Academic and Administrative Services, Judith Ruderman.

Judith Ruderman: Thank you Nancy. I considered making this presentation kneeling at your feet with my hands reaching out to you in supplication (laughing), but I actually was afraid I wouldn't be able to get up so easily. I didn't want to risk the embarrassment. (more laughing). I do hope anyway that such a supplicant posture would not be necessary at this stage of the game. By that I mean that a review committee (as I noted in my cover memo to you of January 6) has made further changes in the draft policy and we think that we have responded to the issues that have raised the greatest concerns. The six major changes are:

1. a revised introductory paragraph to make the meaning of *harassment* clear from the start;
2. additional points about retaliation against the complainant and the respondent;
3. plus the reinsertion of the treatment of malicious claims as a violation of the harassment policy;
4. guidance about handling of any breaches of the terms of an informal resolution;

5. according the complainant the right to opt for a formal hearing process; according the parties the right to appeal a hearing panel's decision not to continue with the formal hearing process; and
6. permitting the representative to speak at a hearing.

Now I have overheads on each of those major points if they would be useful to you, but I don't want to engage in overkill. I only want to do what's necessary and not push something that's more than necessary. So please let me know right now if there is any one of those points that I've just made for which you'd like to see the overhead or like to review that material.

Sensing no great desire to look at more overheads (laughing) I will move on to note that there were a few suggestions made by December 20<sup>th</sup> that, after deliberation, the review committee determined it could not accept. I promised you in my cover letter that I would share with you some of those as well.

So, very briefly, the suggestion was made to extend the statute of limitations beyond one year. The committee believes that this clause is necessary for the protection of both parties' rights and we remind us all that OIE is empowered to bring a later case forward if evidence exists for an effective investigation.

The suggestion was made to name a particular office or title to provide guidance and advocacy for faculty with claims. The committee responds that besides OIE and the ombudsman, the policy now refers people to senior administrators and others as general terms for people who can offer assistance. The review committee did not believe that more specificity was within its purview.

The suggestion was made to have a separate policy for sexual harassment. The committee responds that this did not seem warranted. The provisions of this policy apply to all kinds of harassment and I would note by-the-by that the vast majority of harassment cases handled at Duke University are *not* for sexual harassment.

And finally the suggestion was made to put a presidential statement as a prologue to this policy. The committee notes that such a statement from both the President and the Chancellor (for Health Affairs) will appear on the HR and OIE websites as prologue to all workplace policies. At our last meeting it was decided that any further issues were to be forwarded to me by December 20 for further consideration by the review committee. Then the policy would be presented to you at the January 20, 2005, meeting for an up or down vote. The process has proceeded apace and we are in what I trust will be its final moments. Is the policy perfect? I am sure that it is not in spite of the best efforts of the review committee and those who have read and commented on it all along, including the members of this Council. But I believe that this policy is up to the task. I am also sure that it is better than it would have been without your input and I thank you for your attention and suggestions.

In conclusion I would say that as I came into the room this afternoon one of your membership said to me very rudely I might note, "Are you here again." And would just say to you I know a good way for you to make sure you don't see me up here again (laughing). Now ladies and gentlemen it's time for a vote.

Nancy Allen: Thank you Judith. She is very direct. ECAC has drafted a resolution. There are copies in the front if anyone wishes to see it in writing you can pick it up on your way. But I will read it to you:

ACADEMIC COUNCIL RESOLUTION  
FOR ADOPTION OF REVISIONS TO THE  
HARASSMENT POLICY AND PROCEDURES

**Whereas**, the original Harassment Policy and Procedures were adopted by Academic Council on 4/7/1993, and the original policy effective 1/1/94 has been subsequently revised on 6/1/95, updated 2/27/97 and 5/9/2002, and

**Whereas**, the Provost charged a Harassment Policy Review Committee (HPRC) of faculty and administrators, chaired by Judith Ruderman (Vice Provost for Academic and Administrative Services) in 2003 to evaluate and make recommendations for revisions to the current policy, and that review committee has worked diligently for over one year, and

**Whereas**, the Academic Council has considered the draft revised policy and procedures during two meetings, 11/18/04 and 12/2/04, and additional comments and suggestions have been sought, received and examined by the HPRC and by the Executive Committee of the Academic Council, and appropriate revisions have been incorporated,

**Therefore, Be It Resolved**, that the Academic Council endorses the draft presented at the 1/20/05 Council meeting, and recommends that this replace all prior versions as Appendix W in the Faculty Handbook. We recognize that this policy and its procedures will always be a work in progress, but believe that this revised version is significantly improved and will serve our community well in the coming years.

**Further, Be It Resolved**, that the Academic Council thanks the HPRC members for their tireless and thorough work on this project.

A deafening silence greeted the request for further questions, after which the resolution was passed without dissent by voice vote.

Nancy Allen: I wanted to add a last "further be it resolved" that the committee would be sent on a nice long vacation by the Provost. But, I couldn't put that in writing: Peter. You may consider that.

Provost Lange: Perhaps I should say I have spent many hours over the last several weeks investigating the records of Duke University long into the past to discover whether there was any policy on which so many people devoted so much time for so long with such patience, directness and responsiveness as this one. And I just want to express my appreciation to Judith and the committee for your work, and to the Council for realizing the quality of that work.

Nancy Allen: And thank you all — congratulations Judith (clapping).

*Faculty Diversity Initiative*

We will now move on to the Faculty Diversity Initiative Report. And I will call on the Provost to start that off. That will be followed by April Brown, who is chair of the Faculty Diversity Standing committee; and she will be followed in a few minutes by Ann Brown from the School of Medicine, to update us on the diversity initiatives there.

Provost Lange: A few years ago, as the Black Faculty Strategic Initiative was coming to a successful end, we initiated a set of processes to examine how we could continue and expand our efforts to assure the increased diversity of our faculty. The processes included the reports of the Faculty Diversity Task Force and the Women's Faculty Development Task Force which were shared with the Council. The clear message of these combined efforts was that we should assure that we did not slack off in our efforts as the BFSI ran out, but should instead maintain and even increase the attention and efforts we give to the diversity of our faculty. In response to those reports and the recommendations, I gave the Council a 10-point plan for moving forward. Just to remind you, that plan included the following: The creation of a standing committee composed of faculty and administrators advise the Provost on issues of faculty diversity and to review unit efforts to recruit and retain women and minorities: April will be reporting to you on that commit-

tee. That the Office of Institutional Research would do regular data collection, that the deans of the schools would conduct exit interviews on all departing faculty with the exception of retirees. That the Provost's office and the standing committee would review the annual documentation provided by the deans on the number of women and minorities in the finalist pools for faculty searches. That each dean would establish a well-thought-out and clearly articulated mentoring process for faculty and for graduate, professional and post-doctoral students. That the deans will develop a mechanism to improve recognition of faculty women and minorities as distinguished chairs and as recipients of awards and honors from professional societies. That, through group meetings and one-on-one sessions, the Provost will provide ongoing leadership and encouragement to the deans and department chairs regarding diversity goals. That the Provost's office and the standing committee will collect and publicize examples of successful Duke programs for building pipelines for minorities. That through the provision of funds to support grassroots networking activity of women faculty, the Provost's office will facilitate the development of their personal and professional connections that cross departmental boundaries. And finally that the Provost's office would provide central financial support for the new faculty diversity initiative with up to \$1M in funds per year to enhance the strategic hiring of women and minority faculty.

The basic report I'd like to make is that we've made very good progress on almost all of these fronts, as I think is reflected in the lengthy report which we provided to you. Now for today I'm going to be relatively brief because I want to give April plenty of time to speak. And also because last year was a year of transition. Despite the length of the report, it actually was a year of transition from one initiative to the new one. We're gearing up the standing committee, we were putting in the new funds, we were undertaking new forms of data collection and the like, and so I just want to touch on a few of the key issues, recognizing that really we believe that measuring progress in a meaningful way is done by probably every other year looking at the data. That the year-to-year fluctuations in the data are such that's really over a two-year pattern that we can see whether we are living up to our goals and whether there are areas where we need to make changes or improvements.

So let me now talk to you a little about the data that we presented. You will recall that we insisted in the report that one thing we did not want to have happen was that our commitment to the broad diversity goals and to the absence of a specific targeted goal would in some way diminish the maintenance of our commitment to the goals of the Black Faculty Initiative and to building out of it African-American faculty on campus. We started the academic year this year with the same number of Black faculty as last year. That is not the best sign. That is I believe, in part, a function of the transition and I will explain to you why in a moment. We lost two Black faculty to death and the other losses were in the Medical School. New hires in Arts & Sciences, Pratt and Medicine kept the overall number even. Currently African-American candidates are in the search pools at both entry and lateral levels in a number of our other schools — to begin with in Law and Divinity. We also received data, after the report had been prepared, in Arts and Sciences, which of course, other than the Medical School, makes the largest contribution in this area. I thought I would just give you a little update on where we are in Arts and Sciences searches this year. So you want to have the sense that we are not losing momentum in this regard. In Arts and Sciences this year there have already been two African Americans hired and there are 4 additional ones in the latter stages of the searches. There are 6 other minorities in the latter stages of searches including one who has already been hired so there's 5 and 1. And we have 16 women in the latter stages of the searches. That's 12 women in the latter stages of searches and an additional 4 who have already been hired for the coming year.

So, we are continuing to push and to make progress in all of our diversity goals and also in the area of African Americans. But as you see, I hope next year that this will change as it should. Some of you who have been on the Council for a while will remember that this (referring to slide) is the initiative with the largest number of complications. This one refers to the re-



tention rates for African-American faculty. What you'll see here is that the retention rate for Black Faculty in Arts and Sciences now is greater than for non-Black faculty by 3 percentage points, which I do not believe is a significant difference, but means that basically the retention rates are more or less the same, and the same as last year... The retention rate for Black faculty across all our schools is higher than for others and higher than it was last year.

Turning now to retention for women faculty: What you'll see here is the retention rates for women are lower than those for men by about 2 percentage points. Again I believe that that's not a significant difference. Mentoring especially, but not exclusively, in the sciences may be more of an issue with women than with men. That's something that's come out very clearly.

Now one of the things that was mentioned in my 10-point plan and that you'll hear more about from April is the *climate survey*, faculty climate more generally. [The Provost was speaking here about psychology rather than geography.] The few exit interviews we've analyzed indicate a real level of appreciation for Duke itself even if certain problems were noted...this is precisely what we expected to come out of the exit interviews and why they are very useful because you can identify targeted things as well as broader generic issues.

Someone in particular expressed difficulties of balance in professional and family obligations. Spousal issues of different kinds played a role in the departure of a few faculty members of both sexes. And a desire for a bigger city has been mentioned. Why that's a peculiarly a female issue I'm uncertain, but I'm not going to go there this week... (As we all know, President Summers got himself in deep trouble discussing these issues...) We intend to amass more information as we gather more from these interviews. The interviews are being conducted in all the schools...As for the climate survey, April will discuss this with you.

Now overall percentages of faculty of color and women: Since 1994 Black Faculty numbers have gone up 94% and increased from 2.4% to 3.9% of Duke's faculty overall. Hispanic faculty has grown by 47%, but still constitutes less than 2% of the Duke faculty — up only slightly from 1994, and an area where we really need to pay some considerable attention. Asian faculty constitute a larger percentage of our faculty in 1994, almost 8%, and they do so today as well with about 11%. Their numbers have risen by 2/3 in the past decade. The higher percentages of Asians in medicine, sciences and engineering suggest three things to me: the large pools of Asian faculty in these areas greatly facilitate recruitment, that the hiring of Asian faculty in these areas contributes to the overall diversity of the Duke's faculty, but also that we might look to increase the number of Asian faculty in areas of the university in which they are extremely under represented, but with which we know we have opportunities. Finally, with regard to women faculty, numbers have risen 39% since 1994, but it's a very small increase in the percentage of the total faculty over a decade ago.

The Women's Initiative has revealed certain challenges to us and, as you'll recall when that report came forward, we were actually surprised by some of the data we found in some of the schools — which is one of the reasons we realized we needed to monitor, to be able to identify problems sooner and better. The climate survey will provide us with more information on what some of these dynamics may be. But recall that retention rates are not dramatically different, so this is happening not because people are leaving at higher rates, but it's happening somewhere on the front end.

Now with respect to departments and individual schools I want to highlight two things. The Pratt School of Engineering, where the presence of women faculty in a field in which the women faculty have not been prominent in the past either at Duke or in the professional broad loop, has been really striking. And there I think we see a combination of the fact that we have a woman as leader of the School of Engineering, who has focused a great deal of attention on the recruitment of women and has brought new kinds of techniques to bear on trying to accomplish that goal. She has the ability to then bring other leaders just below her into the School — bringing in April as chair of Electrical and Computer Engineering, but others as well who then be-

come magnets for drafting even further women faculty. That is the strategy, which in a school of that size, is particularly effective. But we need to think about ways that that kind of strategy can be extended more broadly in the areas where we have targeted efforts.

The other school I might take note of is the Nicholas School. The Nicholas School has no African-American faculty. That has been a matter of concern to me. It has been a matter of concern to the standing committee. It has been a matter of concern to the Dean and to the faculty. Last year they recruited two African-American faculty members, neither of whom came for a complicated set of reasons for which the school was not responsible. This year we decided they had pushed really hard and we would just ask them to continue their efforts, but wouldn't push as hard this year — give them a little bit of a break. Well, in fact, they have now come forward with new candidates and more in fact than they had last year. So there is a kind of snowball process once people break through in this area.

Finally, let me say something about the graduate and professional schools and note the importance of the pipeline with satisfaction. We see substantial gains in this area. The Graduate School's minority enrollment has increased by 32% over the past 5 years. More than 50% of enrolled students are women. But continued challenges remain in the physical sciences, and April will mention some of the work that she is doing in the Graduate School on this matter. Some of the professional schools are doing particularly well through dedicated recruiting, strong pools and pipeline programs, all of which feed into the mix of success.

So that's basically my summary of the report. I am happy to take any brief questions. I want to give April time for her contribution.

April Brown (Electrical Engineering): I thank the Academic Council and the chairperson and the Executive Committee for giving me this opportunity to talk about the work of our committee. Peter gave an overview of the diversity initiative overall and where we stand. I'm going to talk about the Standing Committee on Faculty Diversity ... this (slide) shows the committee purpose. Again as Peter pointed out, this was one of the 10 action items taken and really our areas of focus derive from the Faculty Diversity Task Force and the Black Faculty Strategic Initiative and the Women Faculty Development Task Force.

Our goal overall, stated at the bottom of this slide, is to enhance the presence and success of women and male and female under-represented minorities in our regular-rank faculty overall. I'd like to acknowledge the committee members who have been a part of this committee in our first year (the 03-04 academic year) and as Peter pointed out, and as you can see here, we have a broad range of faculty representation as well as representation from the administration. And this is the committee membership for 04-05. I'd like to thank them for all the good work they've been doing with us.

Our committee charge is in the report that you have received. But I've highlighted a few items so that you can see what our action items have been. I should point out that at the request of the Executive Committee of the Academic Council I was asked to take a particular focus in the presentation and that's what I'm wending my way to here. If you look at our committee overall we really have two purposes:

We are an *oversight committee*. That is we evaluate and look at data, exit interviews data, search plans... But we also want to be, and are very much, an *action-oriented committee*. That is we want to derive from these data appropriate actions that can be taken to meet our goal, which is to enhance opportunities for success for the populations of interest, but at the same time enhance those opportunities for the faculty overall. So you can see that we evaluate unit efforts with a lot of central data that's being gathered. We are looking at mentoring processes for faculty as well as how that is communicated to both department chairs and faculty and so on. I'm not going to go through all of these points, but if you have questions feel free to ask.

I'd also like to point out that we have a particular perspective and focus in the actions that we're currently reviewing and will be recommending at the end of this spring semester. This

derives from the data about Duke, as well as institutional data for other universities who are interested in diversity. We would like to focus on changes in the climate and success at the department level. It's known that it's really the department which provides the climate, the resources and first level of opportunities for faculty. It's the home of the faculty and establishes where the work is being carried out and really the day-to-day opportunities and so on. So we're focusing on how to provide resources to departments overall. And in doing so we feel that it's very important that we have some assessment that tells us about the climate for departments and for faculty overall.

Going over this point there are a number of models, institutions who have done very well in providing resources. The University of Michigan is one. We're looking at their information for helping department chairs understand how to recruit and retain minority populations in their department and then providing those to our department chairs...I don't want to preempt the actions that we will be recommending at the end of this Spring semester, but I will point out that we are looking at these actions all the way from partnering with the Graduate School to improve the pipeline for under represented populations, to again providing resources and opportunities to departments.

These are very broad comments and now, at the request of the chairperson, I'd like to focus on the Executive Committee's particular area of interest, which is our recommendation and action toward carrying out a *faculty climate survey*. I picked this slide because it gives you a snapshot in time of the temporal evolution of this project. And therefore exposes the workings of our committee. You will see in your report a summary of a climate survey that was undertaken by Trower and Chait at Harvard University and Duke participated in this survey. This was a survey to understand the work environment and perceptions of junior faculty. I should point out that we gleaned some very useful data from that survey. Again the survey was only focused on junior faculty. At this time they are not going to broaden it to include the general population of faculty. Given that, and the data that was derived, and the importance of that data, we are also looking at other universities who have diversity initiatives that have made great strides with climate surveys. We are in the process of developing and recommending that Duke carry out a faculty climate survey.

Again this shows the temporal evolution of our thinking in doing that. First of all, we reviewed models of other climate surveys from other institutions: Rice, Stanford, and the University of Michigan were some of the first climate surveys that we looked at to understand the appropriateness of the survey toward our end. After that we also drafted and reviewed and discussed in great detail elements for the survey. If we stepped back and did not want to use those survey instruments that have already been developed, what are the elements we would like to use that have to do with the department climate, perception, why people came to Duke, why they may consider leaving Duke and so on? As we moved along we did find that a recent MIT survey, which had an incredibly good response rate of nearly 75%, used an instrument that contained many of those elements that we had in fact drafted. This was identified at the end of the Spring semester or during the Summer of last year.

A subset of the Faculty Diversity Committee has gone in great detail through this survey (which is contained in the report) changed questions to meet our needs and also to mirror our structure at Duke. We've also had Ann Brown and Laura Svetkey in the Medical Center go through and review this from the Medical Center perspective, so that we can obtain data from the Medical Center as well. At this point we have a survey that we feel is near a good point to be distributed to the campus and be carried out here.

I should also point out that David Jamieson-Drake, who is here and can answer some specific questions about it, has reviewed it and has taken a leadership position with COFHE institutions to see if other institutions would also like to carry out that survey and there seems to be interest from a number of institutions. So not only will we be able to gather the data that we

need to that's going to tell us about department climate and about faculty overall. We'll be able to benchmark those data against other institutions including MIT. And so this has been one of our primary activities ... We hope these data will come back and lead us to actions that will help remove any barriers to success for under-represented populations as well as the faculty overall. At this point I will ask for your input about that or questions.

Ann Marie Pendergast (Pharmacology & Cancer Biology/ECAC): My question is specifically regarding the very personal information, pages 15, 16 and 17. The faculty I talked to said that they would not take the survey if those questions are included. Really, to me, there is no rationale to include them for your purposes. Second, if you are using the survey as a research instrument and comparing to other institutions, this would be a very difficult protocol to get approved by the Human Subjects Institutional Review Board (IRB). All of this information would be very difficult to pass protocol.

April Brown: Let me answer both of those questions. First, the personal nature of many of the questions was a concern that we discussed on our committee. I should point out that we only added one question in what I would call the personal arena. That was the question that had to do with sexual orientation, and including it was at the request of the LGBT Task force. I should say that with the exception of that one question, MIT had the same questions — and they had a very high response rate. I think that Peter alluded to this when he talked about the exit-survey data indicating that for women faculty leaving the university and being retained that there weren't many personal issues that were contributing; overriding factors that led to that decision included the environment of Durham and including perhaps spousal issues. And it's well known in the literature, particularly with respect to women faculty, that the intersection, or I would say maybe the lack of intersection, between our public and our private lives becomes very important for how our career develops in a university. So given that I would say that we think these questions are critical, because they will be benchmarked against other institutions. I would simply say that if someone feels that they don't want to answer them, that they simply take that approach. Now about the protocol issues. I don't know maybe David can say something about that.

David Jamieson-Drake (Provost's Office): I don't know if you mean by protocol issues that the survey would need to be run by our IRB committee. I don't know whether MIT did that. I can ask my counterpart there and my contact person whether they did that and how they handled that and I would have to get back to you.

April Brown: We certainly can.

Elizabeth Kiss (Political Science): I was also struck by the private nature of some of the questions and I can see why the information would be quite valuable. But I think the issue that a lot of people would have is, how would this data be reported? Would it be in aggregate across the entire university or would it be by school or department? For example, if I have personal health issues that might affect my performance on the job, let's say, and that's something that somebody has not revealed to her department chair. There may not be that many women in that department (so she would be identifiable). So I think there would be real concerns about this information being used against people. We have to think very carefully about how this data will be reported.

April Brown: Right. And we understand that concern. In fact, there is tension in just what you are articulating. And the tension is that the data are useful and that the data are useful at the department level for many of the questions. There is the fear and the valid concern that I think you articulate; so this is one of the issues we're discussing right now, about the protection of individual identities and perhaps those data can be segregated in such a way that they can be used and some of the more personal questions can allow protection. But we are in fact right now still discussing that issue and David and I communicated about this within the last 24 hours. That's a very good point.

Ann Marie Pendergast: Just very quickly. I think that the assumption is that all that you want to gather is that there is a personal reason for departure or whatever. You can get that information in a very brief 3-4 questions rather than 13 extensive detailed personal questions. That you are going to know anyhow if you are doing an electronic survey...

April Brown: You know you could very well be right. Another issue that we've struggled with is: Is the questionnaire constructed the right way or the optimal way at every sublevel that it can be viewed...we'd like a survey that we can benchmark against other institutions and so we are constrained in what we can ask. We are not allowed to make significant changes to the survey given that constraint. And so I think that we all recognize — at least those of us that have worked on this in some depth on the committee — is that the survey isn't going to be optimal at every level. And so your point is taken.

Teresa Berger (Divinity): I would like to raise another issue. I'm struck by the fact that by the material you seem to want to do the survey in February is that correct?

April Brown: Well that is our plan.

Teresa Berger: I wonder if it would make sense to let the faculty know about this and have input into shaping the questions more than 3 weeks in advance of actually distributing it. To just go back to details — and I would differ completely from your side — and say we need to add detail to the personal questions. When you ask me about current marriage or relationship issues, and don't for example have children issues of single parenting in there. Those issues significantly affect many lives at Duke, especially women's lives...

April Brown: So let me answer that question because it's an important question and a good question.

Teresa Berger: Do you mean number 1 or number 2?

April Brown: Number 1 and then number 2. Number 1 is: Why give the faculty only three weeks? And my answer to that is the faculty has had nearly one year. And that is because we are a faculty committee and we've worked on this for a year. So I would say the faculty have been working on this for some time in our committee. So, I'm not asking for input over a three-week time period. And the second part I'm going to go back answer just the way I did the previous question. You're correct. This is not a perfect instrument. And I dare say there is no way we're going to have a perfect instrument. We made a decision after evaluating many different many instruments and options, as well as developing our own, as to an approach that we would take and you know it isn't perfect but it is going to give us good data.

Nancy Allen: I think in the interests of time I would like to ask Council members to e-mail April Brown and/or the Council office with any comments, questions, suggestions for this instrument so that her committee could look at those. I think it is important for us to have an opportunity for the broader faculty to comment on the instrument. I'm glad it didn't get sent out already without this opportunity for us to see it and comment and I think, Peter, it will be very important for you to have a cover letter, memo or whatever, outlining the importance of this and the background of this, to know what the purposes are and how the data will be used, so that faculty who haven't been part of our discussion today or know nothing about it ahead of time, will take it in that spirit and be willing to complete it.

Provost Lange: I will absolutely do that. I would just point out that the Trower-Chait survey was distributed without any of these issues coming up. So, there is precedent for handling this the way we've been handling it. The construction of surveys is a highly technical matter and requires a great deal of technical expertise. There is a great deal in the questions that can influence the answers. And so the fact that the committee, for instance, chose not to try to do its own survey, but rather is working with an already utilized survey which has been tested in the field, so to speak, is I believe meritorious. I understand the faculty's concerns and I'm sure the committee does and April has noted they intend to look at the degree to which we need the per-

sonal questions, and to find the right balance between the advantages of bench marking and comparability with institutions like us vs. the need to construct questions that are particularly useful for us.

### *Report of the Library Council*

Nancy Allen: Thank you Peter. I had asked Ann Brown to give us an extremely brief update and I think in the interest of time since we have one more agenda item that we will carry that over to our February meeting and ECAC will be very pleased to hear from you about the School of Medicine challenges and issues. So I will now call on our last agenda-item speakers. It is my pleasure this afternoon to introduce to those of you who do not know her already our new vice provost for Library Affairs and the Rita DiGiallonardo Holloway University Librarian Deborah Jakubs. She has been here for quite a number of years, most recently as the director of Collection Services. She finished her BA at the University of Wisconsin at Madison in Spanish and Ibero-American Studies and holds a Master of Arts and Ph.D. from Stanford in Latin American History as well as an MLIS from the University of California at Berkeley. So we welcome and congratulate Deborah Jakubs and she will start, followed by Peter Feaver who is chair of the Library Council.

Deborah Jakubs (Vice Provost for Library Affairs): Thank you Nancy. It's a great pleasure to be here amongst so many Duke friends and colleagues and to be here in a different role. I don't want to take much time to make any introductory remarks because Peter needs all the time we have to present our power point. I just want to say that the Library doesn't exist and function in a vacuum and that's why I'm especially happy to be here because right now the pressures on us are increasing and it's more important than ever for us to be in touch with the faculty. All of our services and collections should reflect and respond to academic needs of a university and I hope that this will be the first of many more regular conversations that we have together. The topic of our presentation may seem kind of alarming. It's about challenges. It's about pressures. But in future months I hope to be able to bring more positive news to you are more upbeat presentations about the things that are going on in the Library. So thank you very much.

Peter Feaver (Political Science/Chair of the Library Council): Thank you...As chair of the faculty Library Council, which is one of your committees, I asked to report on things we've been hearing about for the last several years. Now I'm not talking about the noise of building the new Bostock addition, which I've been listening to right outside my window, but there have been other things. I have a good-news-bad-news report. The good news is that we have been able to cope with the challenges we face and we have been validated by a very strong external review. The Library was just reviewed. It was very positive. We've just come through a very successful search for a new Librarian. There is a lot of excitement in the Library. Things are happening that are very positive.

But the bad news is that the challenges we face we've adjusted to with short-term fixes that we believe we've exhausted. And we also believe that's the prevailing trend. If things just continue the way they are, they will affect services that you all will notice. I don't think anyone really has noticed the challenges, unless you sat through the meetings that we sat through. You haven't noticed them out there in the field. But I think you will in the coming years and that's why we want to start the conversation now before we got overwhelmed by complaints or responses.

Now the basic challenges: costs are rising very, very fast. This is an industry-wide problem. You can see it here. Particularly the cost of collections. That is both books, which are the monograph expenditures, and especially *serials* that is things you have to buy on an annual basis. And serials are not just paper book journals anymore as I'll explain in a moment. In the Duke context, this is translated into a \$3M debt between the cost of things that we have been seeking to buy — those things being books and serials — and the amount of money that we have been

able to get through the regular budgetary allocation process, and yield of course from endowment dedicated to the Library. If you go back over 10 years the purchasing-power loss is roughly \$3M which has to be made up in a variety of ways. Now the costs are skyrocketing, rising much faster than the pace of inflation. Almost keeping up with the rise in tuition, but not quite.

It's particularly the case that the data bases are proliferating. And that things that used to be monographs or one-time purchases have been morphed into annual purchases. And the whole digitization process, which is wonderful, has not cheapened anything. We are now demanding more for more. I was talking with one of my colleagues and he said well as long as I don't lose the ability to download instantaneously any journal from anywhere around the world then I'll be happy. So that's a wonderful feature, but when you and I arrived we didn't have that, but now we absolutely positively need it.

Also, general inflation, the decline of the dollar, has hit us because a lot of journals are produced in Europe. And then just the rising postage: as Duke globalizes, our collections globalize and so our collections come from more and varied parts of the world we're getting hit from a variety of sources. And of course it's difficult to just keep pace with where we've been. But we don't want just to keep pace with where we've been, we want to grow. And we want to grow in new and exciting areas and all of these new and exciting areas have new collection needs associated with them.

The deans of Arts and Science have identified an incredible range of new initiatives that just Arts and Sciences is pursuing, all of which come with new collection requirements. To keep pace with all that, Duke starts to lose its distinctiveness as collection strengths get challenged and we lose the flexibility to support new areas. We do have income from endowment funds but that's variable with the performance of the endowment and, at least so far, a lot of the endowment monies are dedicated to specific endowments. Our favorite one is the 19<sup>th</sup> Century American humor. We have an endowment to support that. So we can maintain a world class collection in that area. (laughing)

It's also the case that the Duke Library system is interconnected in an environmental sort of mother earth way, but it's not centralized. That is to say pressure on the Medical Center Library directly affects what Perkins Library system can provide. Just today or yesterday I got an e-mail with a report that the Medical Center is facing a very acute fiscal situation that will result in drastic cuts to the library collections at the Medical Center. They are talking about really radical steps that we haven't at all contemplated at Perkins Library. Some of those steps might involve cuts of journals that folks, in the sciences especially, expect. We've also have problems where we've had Medical Center cuts that have affected our consortium licenses and so on. So it affects us across the board.

How have we coped with this? Well the Provost in his infinite wisdom...through the strategic investment plan gave us \$1.2M over 3 years for collections which we used to make up some of the ground that we were losing. We also cut \$300,000 of serials and databases... We think we have done all the easy pruning, and I'll come back to that in a moment. We also revisited our consortium licenses. If you follow this nationwide, you know that Elsevier is the Darth Vader of the system and we went toe to toe with Elsevier and I won't say we have won yet. There may be a Death Star out there that we're not aware of, but in any case we have taken steps to deal with them. We have also narrowed our collections. The subject librarians have done all sorts of tough tradeoff decisions that so far have been at the onesies and twosies level, but going forward they are going to be much more dramatic.

We had a successful capital campaign and you can see the fruits of that before you. Now most of that capital campaign went to new Bostock addition, which is going to be coming on line next Fall. There will be a lot of exciting news coming from that which we'll give to you in future briefings. We also raised some money that was dedicated to collections, but once you get



from the gift down to the yield of the investment it turns into about \$40,000 which is not nothing but is just one initial payment for ArtStore which is just one of the many databases that are new and exciting that we all need. So there's obviously a need for more unrestricted endowment.

What are our peers doing? Well they have had a slightly easier time over the last decades not following as far behind inflation as we have. And it's also the case that many of them have much more extensive endowments dedicated to Library itself, Yale for example. What can we do at the Library? Well the Library is prioritizing. And they are in the middle of a collections budget audit. That is to say they are looking at how the collection is used, and in particular whether we have the right match between things that are demanded and things that are not demanded. What is the history of the departments and what is the history of library use? Not what books are you taking out and why are you taking them out. That's not what they are doing. Its rather what are the developments in the various fields? What are the new developments? How has the collection kept pace with that? And have any gaps emerged in a subject-by-subject area as opposed to sort of aggregate level that I mentioned earlier.

We are getting data on that even as we speak, and over the next couple of months we'll have a much better feel for that. We hope that will help us guide further cuts or prioritization as we go forward. What can you all do as the Academic Council? You can help us prioritize. You can respond to the questions audit. Because of course what we're talking about is ya'll's research. And the subject librarians are excellent, but they need reactions and responses from you. Are we in fact describing what you are doing and where you plan to go in the current way? So there needs to be far more discussion back and forth between the library and the faculty. We also hope that the Academic Council would send a message up out and around that this is an important priority. We're in the top secret cone-of-silence phase of the strategic plan and the new capital campaign, but eventually we'll come out of that cone of silence and we hope that the Library will be one of the priorities.

So, in summary, we believe that the Library is really central to the intellectual life of the university and we all want to have and stay a world class university. But that means that we need to keep and grow a world class library. We think we have been able to do that, but we think it's getting increasingly difficult and we think it's time for more faculty library discussion. Now why don't I close there and see if there are any questions?

### *Questions*

Earl Dowell (Mechanical Engineering): I'm trying to understand the chart that shows the gap between the revenue and expenditures. In the latest year you have a \$3M shortfall. Is that ...?

Peter Feaver: That's cumulative over time. The way the budget process works is we figure out how much serials are going to rise next year. How much books are rise, the cost of publishing, etc. etc. We ask for a number in the operating budget. We get back a different number. There's a gap that usually emerges and over 10 years that grew to a \$3M gap and that's why I asked Peter about where the reserves are and I now that I've got that information I can take that up.

Earl Dowell (referring to slide): The difference between the black and red is the difference between what you have and what you'd like to have or are you actually spending at the black rate...(laughing)

Feaver: No, No, No! We're not spending at the black rate. We're spending at the red rate. But the black rate is what the costs of actual collections has been over the last 10 years. And the red rate is how we have kept pace with inflation. So black is inflation and red is income.

Earl Dowell: So black is what you would have spent if you would have continued doing everything you have done in the past.



Feaver: Yes, that's another way to describe it yes.

Will Wilson (Biology): The previous graph the serials is what's driving everything you described?

Feaver: Yes, serials is a huge part of it. And serials is not just magazine subscriptions. It's also databases. Because most of the way the databases work now you, have a one-time buy-in phase and then an annual charge. So it shows up in the Library budget as a serial. And by the way, once you get hooked on it you cannot stop. And so once we become to depend on it they really have got us. And so this is a large part of the story. Now obviously these data-bases greatly facilitate our research. I don't mean to minimize that. But it comes at a very high cost.

Peter Burian (Classical Studies): Do you know if there is any way that we can link with UNC Chapel Hill in this sort of subscription business?

Feaver: Yes, we have done that and over the years in the past that helped us. But that is becoming less and less of a viable solution going forth. For one thing, they are facing even more severe constraints than we are. Secondly, sort of papal divisions of the world that made sense two decades ago don't make sense now. They were supposed to collect in China. We were going to collect in Japan. And the rationale for that disappeared over the intervening decades. And how we're losing access because they are no long collecting adequately. We have to collect in both. And then of course the other thing is that in equilibrium the vendors caught on to this collaboration strategy. Because of the technology, collaboration is much easier to do now, and for that precise reason it's illegal.

Helen Ladd (Public Policy Studies): Another question related to figure that's on the screen (rates of growth): Could you just give me a sense of relative magnitudes of the different components? How big are serial expenditures absolutely relative to total salaries?

Deborah Jakubs responded: I can't talk about salaries. I can talk about portion of the budget going to serials. Almost to the point of rough 70% of a roughly \$8M.

Ladd: So the projection is that the cost of serials next year or two years from now would be 70% of the total library budget.

Feaver: No, of the *collections* budget. So 70% of \$8M...

Earl Dowell: The \$3M a year that you'd like to have is ...

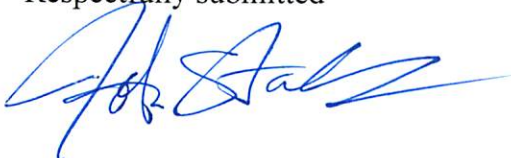
Feaver: It's not per year but it's what purchasing power has been lost.

Earl Dowell: Let's assume the difference between what we are spending versus what we would like to spend on library operations is \$3M per year. That is the income from an endowment of \$60M per year which is roughly the cost of new construction for the library. Was there ever a discussion about maintaining services on the one hand vs. the new building on the other hand?

Feaver: I wasn't involved in those discussions; it was before my time. But obviously we need to do all of this. The Bostock Library will facilitate a lot of new things that we want to be doing anyway. Do you want to speak to the priorities in the last capital campaign? (Somebody said probably not)

Nancy Allen: Well I think the Chapel bells are ringing 5:00 and I see people leaving so *de facto* we are adjourned. I thank everyone for your presentations, discussions and time this afternoon.

Respectfully submitted



John Staddon  
Faculty Secretary