

Duke University

DURHAM
NORTH CAROLINA
27708-0928

ACADEMIC COUNCIL
304 UNION WEST
BOX 90928

phone (919)684-6447
fax / acouncil@acpub.duke.edu
fax (919) 681-8606

Minutes of the Regular Meeting of the Academic Council

November 21, 2002, 3:48-4:54 PM

The minutes of the October 24 Council meeting were approved by voice vote, *nem. con.* as written. Nancy Allen (Medicine), Chair of the Council, noted the presence of photographs, a first, commemorating the 40th anniversary of the Council.

Announcements

Nancy Allen commented on two handouts, available at the meeting: (a) A corrected page five for the Annual Progress Report on Duke's Strategic Plan for Black Faculty Development — the correction is highlighted, (b) An email memo from Steve Schwarcz (Law), a council member who could not be present, on the inter-collegiate athletics issue (see below).

Report of the Provost's Committee on Retirement Policy

Nancy Allen: "In 1998 Provost Strohbehn appointed a committee chaired by Professor Angela O'Rand to study and report on certain issues involving faculty retirement. The charge to this committee was revisited by our current provost, Peter Lange, and we are happy that Angela is here today to present her committee's report. At today's meeting we will receive her report and allow for discussion. Following the discussion, if the council wishes, a motion could be made to accept and endorse the recommendations in the report. Alternatively, a more formalized policy intended for the Faculty Handbook could come back to us for approval."

Professor Angela O'Rand (Sociology) summarized the report, previously distributed to council members. The committee first convened during the middle of the 1998-99 academic year. After various delays, and the advent of a new Provost, a report was finally completed by the end of 2001. The committee began by studying the various retirement policies being developed at other, comparable universities. A table in the report summarizes three representing the major options. The committee also interviewed a number of chairs, deans, and other administrators as well as emeritus faculty.

The committee came to two main conclusions. First, retirement policies cannot be made in a vacuum: Universities have multiple personnel policies, long-term priorities, etc, and all of these are expressed in hiring, retention, and retirement policies. It therefore made no sense to set up a universal retirement plan for the entire university. Second, the committee felt a strong need for subsidized retirement planning for faculty.

The committee worked hard to understand what was going on at Duke. Currently, and for the immediate future, retirements are handled on an individual basis. Given Duke's size and diversity, a rigid uniform policy is not called for at the moment. Hence, the committee opted for flexible retirement planning at Duke providing some options for the Provost. The committee did a detailed demographic analysis of the Duke faculty over the 90s — age structure, retirement pat-

terns. Duke is not hiring very many young people: the representation of faculty under the age of 30 has declined over the last decade.

On average, Duke faculty are retiring by the age of 70, but collectively the proportion of older faculty are increasing, partly because not enough young faculty are being hired. We have a big baby-boom cohort, and these people will be coming up for retirement in a few years. Over the next five to ten years, we need to monitor the tempo of retirement by this rather large group.

Angela O'Rand: "[Here are] our four proposals for the provost..."

1. That the present person-by-person, individualized retirement-incentive policy be maintained.
2. That the University invest in subsidized financial and retirement planning. The last couple of years have been a learning experience for anyone with a defined contribution plan invested in the stock market. Nevertheless, universities like Chicago and Cornell subsidize planning — and with an incentive structure that encourages early planning. (After the committee disbanded, Clint Davidson [Associate Vice President and Head of the Office of Human Resources] and O'Rand began meeting with TIAA-CREF to look into the possibility of a set of vendor-neutral retirement workshops. They delivered a set of recommendations to the Provost this Fall.)
3. That the University develop an explicit policy for emeritus faculty. Duke has no central place at Duke for emeriti to make contact with the University for everything. Many emeriti report that this is a major problem; most find themselves dealing exclusively with the human resources office about their pensions, health insurance coverage, etc. The committee also made a list of emeritus benefits at different universities. Cornell, an emeritus-friendly institution, is a model.
4. That the Provost develop and maintain forecasting models of faculty flow — age and rank distribution changes, etc. to allow him to anticipate changes that will have financial and other implications for faculty.

Questions

Thomas Crowley (Nicholas School): "What would be the benefit for the University [of a retirement-planning subsidy]?"

Angela O'Rand: "I think the benefit is that everyone has information and that when you come to.. .the point of planning a retirement, or [contemplating a decision to retire].. .that you've had enough lead time ... that there aren't a lot of details that a faculty member wouldn't have under control... this [should] be a natural evolving decision and not a sudden and uncomfortable one for everyone involved."

Thomas Crowley: "Are there cases... of people [who] would retire earlier if they had done more thoughtful financial planning when they were younger [thus freeing up money for the University]?"

Angela O'Rand: Yes, people will usually retire when they are financially able, but faculty at major research universities notoriously delay retirement, even though they have adequate financial assets. On the one hand, it's good for productive people to continue to work, on the other, this prevents the hiring of new, younger people. It's not a black or white issue. Some universities (e.g., U. C. Berkeley) created incentives for early retirement and lived to regret it —

they lost many of their best people. Concerning retirement planning, many people we spoke with understood little or nothing about their retirement plans, didn't even open their TIAA-CREF reports.

Wagner Kamakura (Fuqua): "Your proposal mentions an option presented just 18 months before retirement. Isn't that too late?"

Angela O'Rand: "... that was a committee decision. If you look at the University of Chicago, they give a rather ample amount of money early on, more towards the middle fifties, and some plans give you the biggest incentive when you are young and then decrease it, so by the time you reach the age of sixty-two the incentive is about a third of what it would have been seven or eight years earlier."

Provost Peter Lange then presented his reaction to the report. Given the delays, he was happy to get the report before the committee members retired. He found the report interesting and not as alarmist as he had feared — and generally supportive of what we do already. He responded to the recommendations as follows:

On emeritus status: We can do better. We can make it easier for retired faculty to maintain contact with the campus community. We can make it a little easier for them to continue their work at home if they want to do so. We can provide research space and or teaching opportunities where feasible — "I need to underline that." Different departments are subject to different space constraints at the moment, so space is a matter for individual negotiation. Faculty differ. Some retire but continue to contribute as before. They maintain their research programs, continue to bring in grants and to train graduate students. Other faculty retire and cease research but continue to teach on a regular basis. And then there is a third group who like to keep contact with their departments, want to be part of the intellectual community, but are not really active in research or teaching. Those three groups must be accommodated differently.

As the Report suggested, the Provost will designate an existing administrative staff member to be a contact person for emeritus faculty. We may do more if more is needed.

On nonrenewable, fixed-period research accounts: We probably should not implement these universally, given the different categories of faculty just described.

We certainly can provide retiring faculty with Duke identification cards, with library and some athletic facility access, parking access — the automated Duke card will afford more flexibility with respect to the allocation of parking slots for people at different times of the day on different days, etc. We can continue mailing the Duke Dialogue, Chronicle, and other University newsletters. We will maintain listing in and receipt of the (hard-copy) annual Duke Directory.

On computer accounts and high speed internet connection: We need to figure out the cost and ways this might be done for emeriti. "Many of you may be aware that it is very difficult, even now, for a Duke employee who has an account which is either partially or fully paid by the university to simply have that account paid directly by the university.. So we will have to work with vendors and figure out what an appropriate allocation of resources is to do that."

On help with preparation of estate planning and retirement: "I have approved the pilot TIAA-CREF consultation that Clint Davidson and Angela were developing... on a 1 -year trial basis. That is, in fact, a subsidy because it will cost us about \$10,000 to get TIAA-CREF to put on the program on a vendor-neutral basis..."

Beyond this, the Provost is not convinced that subsidized help with retirement planning is a good allocation of our resources. We can probably be more efficient by encouraging people to do it on their own.

On the transition to emeritus status: "Can we create conditions that encourage less research-productive faculty to contribute to the university through a balance of teaching and service?" And what about part-time faculty? At present, we do not allow tenured faculty to be part time, although this rule is not universally followed. Should we move towards a system that makes this an attractive option for some close-to-retiring faculty?

On near-retirement faculty holding chairs: "One of our most constrained resources is in fact distinguished chairs. Now one of our schools has begun to work with their most senior faculty who are beginning to move toward retirement to ask them to step down from chairs earlier — move toward emeritus chair status even while they continue their full time faculty status for a period of time — thereby freeing a chair up to be given to younger faculty in the school. And we will be continuing to work with the deans on this policy."

On offering retirement opportunities to interested faculty: "We have been fairly aggressive in this regard in the last few years. There are equity issues here which I think all faculty need to understand. One of the things that happens when you approach a faculty member asking them if they would like to retire is often that faculty member will respond (in a more graceful way than I'm about to): What will you give me for doing it? What encouragement can you provide?"

An administrator's approach to this question obviously depends on how anxious he (or she) is to have that particular faculty member retire. There are obviously tricky issues of both equity and incentives here. Retirement may seem more attractive to faculty whose salary has remained relatively static, for example.

On faculty flow and demographics: Over time it is going to be extremely important to monitor the demographics of the faculty. "I'm not so concerned about the under 30 issue because I think it's partly reflective of the change in career patterns of people going into graduate education when they finish and so forth. But I am concerned about the fact that while we have a pretty good balance now, in the longer term we may have need to become more aggressive with respect to retirement programs. Ongoing monitoring with an annual report to ECAC will be part of our approach.. We'll be bringing a formal response to ECAC later in the year or in the summer."

A motion was made and seconded to accept the O'Rand committee's report and recommendations. With no further discussion, the report was accepted nem. con. by voice vote.

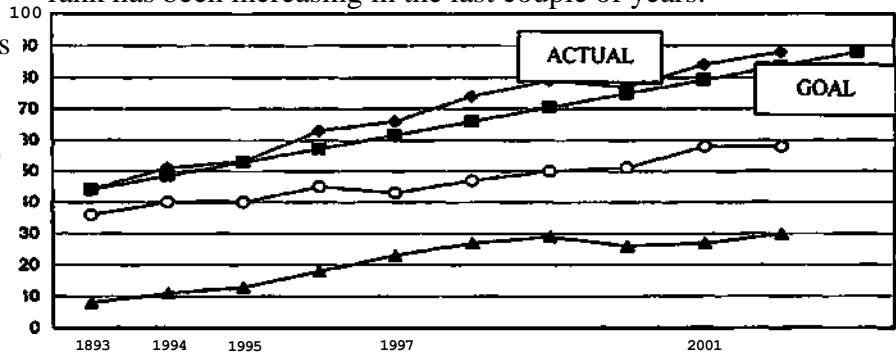
Strategic Plan for Black Faculty Development: Provost's Annual Report

Provost Lange: We have met our planned goal a year early (see figure). The line with filled squares is the slow planned growth in black faculty, year by year; the line with diamonds represents the actual numbers. The two lower lines are tenure track (open circles) and other regular rank (triangles). "One year early we have reached the original statistical target of the Black Faculty Strategic Initiative which was to double the number of faculty we started with (44) and we are at 88.. this is not a source of entire contentment and relaxation. It simply means that we were able to achieve what we set out to do. Of course we expect to be above this next year as well."

The gap between the tenure track and the regular rank has been increasing in the last couple of years. We would like to reduce this gap. In fact, "a larger percentage of the new black faculty coming to campus are tenured and tenure track rather than regular is rank non tenure track."

Progress on Black Faculty Development

rank has been increasing in the last couple of years.



The Provost then

discussed the individual schools: Arts & Sciences, Divinity, Engineering, Environment, Fuqua, Law, Medicine and Nursing. A chart showed that there are substantial differences among schools.

"I want to remind you how the BFSI [Black Faculty Strategic Initiative] works ... Basically what happens is that if a dean and his or her chair identifies a faculty member they would like to bring in under the Black Faculty Strategic Initiative they give us notice of that relatively early in the process. We give them a formal authorization that it's fine for them to proceed. They then bring forward the appointment and if the appointment gets through all of the various hurdles for any appointment we then offer the school 100% of the salary in the first year and then we walk down [our contribution to] the salary over 3 or 5 years into the school. So basically the appointment is subsidized in a progressively lower level over either a 3 or 5 year period. Most of the schools have moved from the original 3 in the BFSI to 5.

"I would also remind you that while we have medicine and nursing here, nursing has only been in the BFSI for the last year. They were not originally under the plan, but we agreed to include them and medicine is not included under the BFSI and that's primarily driven not by any philosophical differences, but by the budgetary differences and the budgetary system which means that nursing and medicine don't really come under the budget which is otherwise supporting the BFSI appointments in the Provost's Area Management Center."

Another chart showed changes over three years. "What you can see here is that Arts and Sciences has more than doubled over the period. It had a net gain of 18.. You can see again some schools have done better than others. The Nicholas School has not had not much success in this area. We've been working with the Dean there to see if we can do better."

The pipeline — the supply of black graduate students — has always been an issue. It is clear that Duke should not only be promoting the hiring of black faculty, but should also contribute to the growth in the number of people who can be hired, not just at Duke, but elsewhere. Changes at Duke are mixed, with some improvement especially in the last couple of years. The Ph.D. percentage has been increasing. But the African-American Ph.D. matriculants Ph.D. total has been declining and that's a concern. The problem seems not to be one of effort, but of the job market. Black graduates can choose more lucrative options than graduate school, and many do. "That showed up very substantially in the late 90's.. particularly [during] the "hot" economy

when we saw an even faster fall-off in Black applications to Graduate School than we saw overall."

Much has been accomplished at Duke since Samuel DuBois Cook joined the Duke Faculty as the first African American 35 years ago. We must not let success induce complacency. "As you know, I have appointed a task force which is working on faculty diversity this year and will bring forward recommendations to me later this Spring. That task force is pursuing not only how to maintain and increase progress on the Black Faculty Strategic Initiative, but to look at the diversity of our faculty more generally across the campus and make recommendations on how we can continue to improve that diversity over time."

Questions

Richard Burton (Fuqua): "Peter, these reports talk about tenure track but they don't actually talk about tenured faculty, and last time you gave a report on that. Is there any discrepancy between the number of actual tenured faculty and tenured faculty rates among the black faculty vis a vis non-black?"

Provost Lange: "In other words, are we hiring more Black faculty at junior or senior positions, compared to the faculty in general.?"

Burton: "Yes..."

Provost Lange: "You can't make an overall statement because it varies school by school. In general, it's not substantially divergent, but there is some leaning toward younger faculty ... there's no discernable discrepancy."

Susan Denman (Nursing): "I think the School of Nursing has been in this program for several years?"

Lange: "No, for a couple, at most. It's either last year or the year before, at least with the Provost's support...this is not an issue of will, this is a straight, budgetary issue: the resources in the Provost's area do not support programs in the School of Medicine and School of Nursing... we did bring in the Nursing School because it has a relatively small faculty, and so its impact on the budget was not sufficient to warrant excluding it. But, to include the School of Medicine... would be a tremendous drain on the Provost Area Management Center Resources, so we haven't included the School of Medicine. But, the dean of the School of Medicine is definitely committed to the same.. .goals and is working very hard at it."

Thomas Crowley: "How much of that recent increase in black faculty is due to adding the Nursing School in at some point...were they in from the beginning?"

Lange: "It's minuscule. Two people."

Nancy Allen: "But, the School of Medicine was twenty."

Lange: "Right, we didn't count them in the 88."

Christopher O'Connor: (Medicine): "How do these data globally compare to other institutions in this geographic area or in our peer group?"

Lange: "I can't tell you in our geographic area, but we do look at our peers, and we do very well compared to our peers with respect to black faculty, as we do with respect to black undergraduates."

Wagner Kamakura (Fuqua): "On average black faculty tend to be younger. ...The incentive program that we have is a walk down program where you get 100% for the 1st year and it

goes down to 0 in the 5 year. Since that's an incentive for recruiting could it also be an incentive for turnover?...."

Lange: "I would hate to think that anyone would be that cynical!" There is no evidence that that's the case. For example, we would see it at reappointment, where black faculty would get disproportionately negative evaluations. There is no evidence of that. There is also no sense that the pool to support this initiative has been limited. So, it is not a case of if we have one we can't get another.

Brenda Armstrong (Medicine): "Do you have any information from exit interviews or exit data from people who leave as to why they do?"

Lange: "I don't have any systematic data, and that's actually something that we are instituting this year..." If we do such interviews, they will be for all departing faculty, not just departing black faculty, otherwise no comparisons will be possible.

Policy Statement on Intercollegiate Athletics at Duke

Nancy Allen introduced Kathleen Smith, Chair of the Athletic Council; Joe Alleva and Christopher Kennedy were also present. After today's discussion, the issue will be taken up again at the December 5th meeting¹ in the form of a resolution reflecting the recommendations of the Council, which can then be forwarded to the Board of Trustees for their consideration.

Kathleen Smith (Biology): "I think Nan [Keohane], in her memo [distributed to all Council members], gave you a pretty good idea of the genesis of this report and some of its history." The report was worked on quite extensively over the summer. It was largely drafted by Chris Kennedy, the Associate Athletic Director. Joe Alleva, Kathleen Smith, and most of the senior officers have also been involved in numerous drafts. ECAC have seen it and the Athletic Council have also discussed it: it's been discussed by a number of the bodies on campus that have oversight responsibility for athletics.

Questions

Paul Haagen (Law): "I had a question about whether the [first two] goals, are ones that we want to state with such clarity and whether we might want to have a document that gives the University and the Athletic Department a little more flexibility when... pressures ... particularly in some of the non-revenue sports, appear to be driving up costs unacceptably." We want to be competitive in the ACC, but do we want to be nationally competitive in all fully or partially funded sports?

Kathleen Smith: Our goals are to some extent aspirational — we don't want to aspire to mediocrity in the ACC in a fully funded sport.

Paul Haagen: "I read them initially as aspirational, I totally agree not to aspire to mediocrity. But, if they are to be interpreted as binding..."

Kathleen Smith: "So where is it binding?"

Paul Haagen: "This is Keith Brodie's comment on pages 6 and 7."

Kathleen Smith: "Right — we didn't use that same language in our document now ... We're saying these are our goals.

Paul Haagen: "I'm happy about that."

¹ Subsequently cancelled because of weather. The issue will return at the January, 23,2003 meeting.

Charles Clotfelter (Social Sciences): "The question is about football...the 85 scholarships ...every once in a while you hear the discussion that this is a big number, and I would like to hear from you, or Joe, or Chris. A lay person that looks at that number and says, 'Wow! that's a big number' is there any prospect that football will develop and that that number will be smaller. And, wouldn't it be better for Duke if it were?"

Joe Alleva (Athletic Director): "I would love to see the number of football scholarships go down, but the NCAA maximum right now is 85. And, even though we're not very competitive, we're getting more competitive, and, for us to compete, we need to give 85. I would be very much in favor of seeing the number of scholarships to go down to 70, 75, something like that, a much more manageable number I think that would help Duke University in some ways. In some ways it would hurt, and I will tell you why, at a state school it is much easier to get walk-on football players, and, at Duke, we get a minimum number of walk-on players because a kids not going to pay \$38,000 to come here and walk on and play football. That's not going to happen. They tend to do that at N.C. State, Clemson, Maryland, places that we happen to compete against, so I think that would reduce the numbers that we have. But, overall, for our department, I would be in favor of cutting the number of football scholarships. But, we can't do it unilaterally, it has to be something that's generated through the NCAA.

Kathleen Smith: "That legislation comes around, is discussed for a while, and goes nowhere, on a cyclical basis."

Nancy Allen: President Keohane has sent us a memo to go with the statement. This topic will be discussed at the Board of Trustees in December.

President Keohane: "I want to step back and say a word about why we're doing this at this time. We are fortunate to have a Board of Trustees which is very interested in athletics and is very supportive of it, but which is not intrusive. That is a signal factor about this institution, it is one of the reasons why we have such a healthy athletic program and such a healthy Board of Trustees.

"But, every year, as a matter of policy, they receive our report about the state of athletics of Duke. We asked last December 2001 that the report be somewhat expanded and that we get into some issues about the challenges we now face, the kinds of things that you see here, the costs, the admissions standards, and the issues we face in trying to recruit and support more scholarship students who are women, etc. As a result of that discussion, Joe came and Kathleen came and gave a more lengthy report than usual, the Trustees got into a very interesting conversation about how they see the future of athletics at Duke. In the course of that conversation, I asked people in a secret straw ballot about how they felt about increasing Duke's involvement in certain ways, decreasing Duke's involvement in certain ways, or, basically, just staying where we are. Although there were some differences among trustees, the basic message is that they feel pretty comfortable with where we are, but they feel that it's important, if we're going to do athletics at Duke, to do it well in a number of ways."

We have come up with this statement because we don't have anything that says all these things. Our goal is to bring the statement back to the Board at its December meeting this year

The statement does not say simply that we're just maintaining course. Everything is not exactly as it was. We are trying to think very carefully about growing costs and pressures on admissions standards, to make sure we don't go willy-nilly go down a path we haven't thought about.

Joe Alleva: "This policy really did take a lot of work, and, even though we ended up, pretty much where we are, it was a tremendous process to go through. We looked at every one of our 26 sports, whether we should have it, whether we shouldn't have it, what were the consequences of not having it.. .it was an intricate process that Dr. Kennedy went through with all of our assistants. We came out feeling that we have a very broad program that offers opportunities for student-athletes.... At some levels to compete at a very high level and at some sports just to compete, to compete to see if they can do their best at sports like swimming, fencing, and track... Obviously, if resources weren't a question...I'd love to give more scholarships. I'd love to have scholarships for swimming and fencing and all our sports..." But that is not possible. . Resources are scarce.

Steven Schwarcz (Law) in a letter to the Council:

I regret that I will have to miss the November 21 meeting (I am testifying on policy issues before the SEC in Washington). I do, however, wish to briefly express some thoughts about the Statement on Intercollegiate Athletics at Duke (the "Statement").

Although it is admirable that we are revisiting the issue of our athletics program, I find that the Statement is more in the nature of a "brief," intended to persuade, than a neutral and balanced assessment. I would quarrel most fundamentally with the Statement's linchpin analysis, "Why Athletics?"

The supposed "universal identification of athletics as an integral component of the educational mission of the institution" is misleading. In many of the great foreign universities, I understand, there are no formalized athletic programs; in those that have such programs, such as the great English universities, the programs are less heavily subsidized and commercialized than in the U.S.; and even in the U.S., the Ivy-League schools - which are our main competition - have less subsidized and commercialized programs.

Furthermore, the assertion that our athletics program is justified because there is an "almost unanimous endorsement of the 'pursuit of excellence' in all tilings" is a non-sequitur. Universities have, and should have, carefully defined limits of the subjects in which they seek excellence. We do not, for example, see it as our mission to make our students great cooks or superb automobile mechanics, even though these skills are valued by society. We really need to ask ourselves, at a more fundamental level than the Statement addresses, why, if at all, it should be our university's role to pursue excellence in athletics.

I'm most persuaded by the third justification for athletics: "one of the best ways to develop and foster a sense of community." But there's no discussion why a downsized, less subsidized, and less commercial athletics program won't accomplish the same goal at far less cost. It seems to work, for example, for the Ivies, and for Cambridge and Oxford. Nor is there any discussion of what developing a community based on athletics means for those who are not involved, or interested, in athletics.

I could speak about certain other aspects of the Statement; but the rest of the Statement appears premature until we establish a valid analytical basis for why we believe our athletics program is, or is not, justified in the first place. I would urge that we devote more serious, and objective, attention to that analysis.

Richard Willis (Fuqua): "Any thoughts on Steve Schwarcz's assertion with regards to the English Universities and Ivy League Schools having more subsidized programs..."

Kathleen Smith: "I think that stepping back and leaving out competing as a Division I school in the ACC was not part of our charge.. .The European universities, and to some extent the Ivies, have a different tradition."

Joe Alleva: "And, basically, the Ivy League subsidize more..."

Roger Barr (Engineering): You mentioned that you had gone through sport by sport, having your reasons for continuation. And, since you raised that, I wanted to ask you, if you could summarize for us, what the reasons are why we continue to have football."

Joe Alleva: "Believe it or not, we do have a rich, historic tradition of football here at Duke University."

Roger Barr: "Indeed, we certainly do, but not too much....in the last 10 years."

Joe Alleva: "'To be a member of the Atlantic Coast Conference, you have to compete in the sport of football. And, for us to not be in the Atlantic Coast Conference would seriously change the landscape of athletics at Duke University... we can compete in football. And, we will.

Roger Barr: "So, the principal reason that we offer football at Duke is so that we are eligible for membership in the Atlantic Coast Conference?"

Joe Alleva: "That's one reason. I think that football is a sport that brings back alumni. It will provide entertainment for the community. It's a source of spirit and camaraderie amongst everyone. And, it is also a sport that teaches valuable lessons to the people that participate in it. Those 85 or 90 athletes that participate in that sport learn valuable lessons about life."

John Aldrich (Social Sciences): "How much flexibility is there in the mix of sports that are fully versus partially developed?"

Joe Alleva: "Well, [the mix] really has changed over time. Over the past five years, we've added 44 scholarships for women. That's where...all of the growth has taken place. We're providing opportunities for women that never existed before."

John Aldrich: "If funding opportunities arise for scholarships, is the plan to expand in any particular areas?"

Joe Alleva: "Should that happen, yes, there are some opportunities. I'd love to give scholarships to sports like wrestling, fencing, swimming, track, that have no scholarships now. Those are areas that we could expand, for both men and women."

Nancy Allen invited comments — through the Academic Council office, to her directly, or, perhaps, to Kathleen Smith. A brief concluding discussion of this issue is planned for the next meeting of the Council. Allen wished a Happy Thanksgiving to all, and the meeting adjourned at 4:54 PM.

Respectfully submitted,

John Staddon Faculty
Secretary